

# PENNSYLVANIA BULLETIN

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(Master Transmittal Sheet):**

**No. 258, May 1996**

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**PENNSYLVANIA**

**BULLETIN**

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## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

**Printing Format**

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

**Fiscal Notes**

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

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

# 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.

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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

#### [234 PA. CODE CH. 50]

#### Proposed Amendment to Pa.R.Crim.P. 86

#### Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 86 (Appeals from Summary Judgments) to make it clear that under paragraph (f) the court may continue a trial *de novo* if there is good cause for the law enforcement officer's unavailability.

The following explanatory *Report* highlights the issues considered in formulating this proposal. Please note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the explanatory *Report*.

The text of the proposed rule amendment precedes the *Report*. Additions are shown in bold and underlined, and deletions appear in brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel Anne T. Panfil, Chief Staff Counsel, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, no later than June 21, 1996.

*By the Criminal Procedural Rules Committee*

FRANCIS BARRY MCCARTHY,  
*Chair*

#### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 50. PROCEDURE IN SUMMARY CASES

#### PART VI. GENERAL PROCEDURES IN SUMMARY CASES

#### Rule 86. Appeals from Summary Judgments.

\* \* \* \* \*

(f) When a defendant appeals after conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard *de novo* by the appropriate division of the court of common pleas as the president judge shall direct. In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. **[ Unless the presence of the law enforcement officer is waived in open court by the defendant, the failure of the officer to appear and testify shall result in a dismissal of the charges. ]** **Unless the defendant, in open court, waives the presence of the law enforcement officer, or the court determines that good cause exists for the law enforcement officer's unavailability, the failure of the officer to appear and testify shall result in a dismissal of the charges.**

\* \* \* \* \*

**Official Note:** Adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 25, 1995, effective July 1, 1995 **amended \_\_\_\_\_, effective \_\_\_\_\_.**

#### Comment

This rule replaces former Rule 67. It applies to appeals in all summary proceedings, including prosecutions for violations of municipal ordinances which provide for the possibility of imprisonment and default hearings.

The Rules of Criminal Procedure are applicable generally to these proceedings. See, e.g., Rule 3, Chapter 50 (Summary Cases), Rule 1117, and Chapter 6000. The narrow holding in *City of Easton v. Marra*, [ **230 Pa. Super. 352,** ] 326 A.2d 637 (**Pa. Super.** 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 85, the matter must be heard *de novo* by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

**The 1996 amendment of paragraph (f), made in response to Commonwealth v. Hightower, 652 A.2d 873 (Pa. Super. 1995), permits the court to continue the case if there is good cause for the officer's unavailability.**

Certiorari was abolished by former Rule 67 in 1973, pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code as Section 934. 42 Pa.C.S. § 934. The abolition of certiorari, of course, continues.

Bail, when set in a summary case, shall be in accordance with the bail rules, Chapter 4000.

#### *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 October 28, 1994 amendments published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

**Report explaining the \_\_\_\_\_, 1996 amendment to paragraph (f) published at 26 Pa.B. \_\_\_\_ (May 11, 1996).**

**REPORT**

*Amendment to Pa.R.Crim.P. 86  
(Appeals from Summary Judgments)*

*Presence of Law Enforcement Officer at Trial De Novo*

Rule 86 requires that in appeals from summary proceedings under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the offense must appear and testify. Paragraph (f) also provides that the failure of the officer to appear and testify must result in a dismissal of the charges unless the defendant waives, in open court, the law enforcement officer's presence. In *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995), appeal denied, 665 A.2d 467 (Pa. 1996), the Superior Court considered whether the "dismissal" requirement of Rule 86(f) was absolute.

In *Hightower*, the trial court granted two continuances of the trial de novo, one due to the officer's wife's sudden illness and hospitalization, and the other to accommodate the officer's scheduled vacation. The defendant contended that the trial court abused its discretion by granting a continuance when a dismissal was required. The Superior Court agreed, holding that under Pa.R.Crim.P. 86(f), when "an officer fails to appear to testify, the charges must be dismissed unless the defendant waives the officer's presence in open court. No other exception to this rule is provided." *Id.* at 873—874.

Although the Committee felt that the *Hightower* opinion was a fair reading of present Rule 86(f), we also agreed that the language of paragraph (f) was not intended to preclude a court from granting a continuance when a valid reason exists for the officer's unavailability. We are therefore proposing an amendment to paragraph (f) which adds a "good cause" exception to paragraph (f) and a Comment which explains that the new language was added in response to the *Hightower* opinion.

[Pa.B. Doc. No. 96-754. Filed for public inspection May 10, 1996, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Pretrial Services Program; No. 51MI96

*Administrative Order 6-1996*

And Now, this 24th day of April, 1996, the Court of Common Pleas of Carbon County hereby approves and adopts the Pretrial Services Program Standards and Guidelines, which are following and made a part hereof and the same are promulgated herewith to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee.

*By the Court*

JOHN P. LAVELLE,  
President Judge

**CARBON COUNTY COURT OF COMMON PLEAS****Adult Probation/Parole Department (Operations  
Manual: Policy & Procedure)**

*Topic:* Pretrial Services Program

"Goals and Objectives & Duties and Powers  
of the Bail Agency"

*Chapter:* 12

*Section:* 1

*Pages:* 3

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

**SECTION 12.1.1: Purpose:** To set goals and objectives of the pretrial services program and to establish the duties and powers of the bail agency.

**SECTION 12.1.2: Applicability:** To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the Chief Adult Probation/Parole Officer, the pretrial services officer and all offenders placed under pretrial supervision.

**SECTION 12.1.3: Definitions:** As utilized in this document, the following definitions shall apply:

1. **Bail:** The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. **Issuing Authority:** Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

**SECTION 12.1.4: Goals and Objectives:** The Carbon County Pretrial Services Program is designed to accomplish the following:

1. To maximize the release of defendants on non-financial conditions by identifying those defendants most likely to appear in court,

2. To help facilitate judicial release decisions by providing the courts with factual information about the defendants in the most timely manner possible,

3. To monitor released pretrial arrestees to ensure compliance with the conditions of release imposed by the court for the benefit of public safety,

4. To establish a process that would improve the release from detention appropriate pretrial detainees who may respond to an alternative form of supervision and treatment,

5. To identify, assess and refer drug/alcohol dependent offenders accused of non-violent offenses to appropriate community based treatment facilities.

6. To promote pretrial arrestee accountability through community supervision and treatment.

7. To provide non-adversarial information to the court for bail consideration and sentencing decisions.

**SECTION 12.1.5: Duties and Powers of the Carbon County Pretrial Services Program:** The Carbon County Court of Common Pleas, by local rule, shall establish and designate the Carbon County Adult Probation/Parole Department as the agency responsible for the administration

of the pretrial services project. The department shall be responsible for the following:

1. To evaluate and provide to the court reliable and accurate information concerning the offender in assisting the court to determine an appropriate bail amount.
2. To monitor and supervise defendants placed in the pretrial service program.
3. To make appropriate referrals to community based agencies for appropriate levels of treatment and counseling.
4. To establish reasonable rules and regulations to enable the agency to administer and operate a pretrial service program.

*SECTION 12.1.6: Principles and Approach to Pretrial Services:* Pretrial release programs do not release defendants, judges alone are responsible for setting bail and releasing individuals on bail. Pretrial programs are responsible for providing accurate information and assessments to the court or issuing authority that assist judges in an appropriate bail determination. Furthermore, defendants are presumed innocent and entitled to be treated as such at the point of pretrial intervention.

*Topic:* Pretrial Services Program "Target Population & Referral Process"

*Chapter:* 12

*Section:* 2

*Pages:* 3

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.2.1: Purpose:* To set forth policy governing the selection and referral of the target population for inclusion in the pretrial services program.

*SECTION 12.2.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the Chief Adult Probation/Parole Officer, the pretrial services officer and all offenders placed under pretrial supervision.

*SECTION 12.2.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.
2. *Issuing Authority:* Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

*SECTION 12.2.4: Target Population:* Under the local rules of criminal procedure adopted by the Carbon County Court of Common Pleas and in accordance with 42 Pa. Rules of Criminal Procedure, Rule 4006, the following offender population shall be referred to the Carbon County Pretrial Services program for supervision and monitoring:

1. When the judge, court or issuing authority so orders, a sum of money not to exceed ten percent (10%) of the amount of bail set and posted by the defendant or surety, then the defendant and surety shall be referred to the pretrial services division for processing.

*SECTION 12.2.5: Ineligible Offenders:* The following offenders shall be declared ineligible for participation in the pretrial services program:

1. Released on Own Recognizance (ROR) Bail.
2. Bail posted by licensed bondsman.
3. Bail afforded offenders for indirect criminal contempt.
4. Realty bond.
5. Fugitive from Justice.
6. Probation, parole and intermediate punishment violators afforded bail.

*SECTION 12.2.6: Referral Process:* When an offender is afforded cash percentage bail, the offender and/or surety shall be provided a copy of the Notice to Appear correspondence by the issuing authority or court (See attachment). The defendant and surety shall be instructed to report to the Carbon County Adult Probation/Parole Department on the next available working day.

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## **CARBON COUNTY COURT OF COMMON PLEAS**

**Carbon County Adult Probation/Parole Department**  
**P. O. Box 26**

**Jim Thorpe, Pennsylvania 18229**

**Business Hours: 8:30 A.M. to 4:30 P.M.**

**Telephone: (717) 325-4226 Fax: (717) 325-4250**

**Emergency: (717) 325-9123**

**John P. Lavelle, President Judge**

**Richard W. Webb, Judge**

**Ronald S. Kokinda, Chief Adult Probation Officer**

**Joseph Berke, Deputy Chief Adult Probation Officer**

### **SURETY AND DEFENDANT RESPONSIBILITIES: NOTICE TO APPEAR**

Under the local rules of criminal procedure adopted by the Carbon County Court of Common Pleas, pursuant to the requirements of 42 Pa. Rules of Criminal Procedure, Rule 4006, you have posted ten percent (10%) cash bail of the total amount of bail set by the issuing authority. As a specific requirement of this bail bond, the surety and the defendant are required to appear at the Carbon County Adult Probation/Parole Department, 1st Floor Courthouse Building, Jim Thorpe, Pennsylvania, on the next available working day. Business hours are 8:30 a.m. to 4:30 p.m., Monday through Friday.

As surety on this bail bond, you and the defendant have an absolute responsibility to report to the department for the proper completion of all essential documentation concerning the defendant's and surety's responsibilities for the bail bond. There are standard conditions of bail and other standard forms that must be completed by the defendant and surety. Failure to comply with these instructions may result in the forfeiture of the full sum of the bail bond and the issuance of a warrant for the defendant's arrest and commitment to the Carbon County Correctional Facility.

If there are any questions concerning these instructions, please contact the Carbon County Adult Probation/Parole Department at (717) 325-4226.

Sincerely,  
 Ronald S. Kokinda  
 Chief Adult Probation/Parole Officer

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**Adult Probation/Parole Officers**  
**Patrick Henry**  
**Michael Degilio**  
**E. Amy Ritz**  
**Tammy Nothstein**  
**Joanne Maurer, Adult Probation Aide**

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*Topic:* Pretrial Services Program "Method of Supervision"

*Chapter:* 12

*Section:* 3

*Pages:* 5

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

**SECTION 12.3.1: Purpose:** To set forth policy governing the method of supervision and frequency of contacts for all pretrial arrestees placed under the jurisdiction of the Carbon County Pretrial Services Program.

**SECTION 12.3.2: Applicability:** To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the Chief Adult Probation/Parole Officer, the pretrial services officer and all offenders placed under pretrial supervision.

**SECTION 12.3.3: Definitions:** As utilized in this document, the following definitions shall apply:

1. **Bail:** The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. **Classificational Levels:** The placement of offenders by a correctional system signifying differential care and handling of offenders by assigning a level of supervision according to the risk they may present to the community, the needs of the offender and the availability of resources in the community. This multi-dimensional process goes beyond management of the offenders for the convenience of the agency and involves determination of the degree of supervision necessary, as well as, the offenders resocialization requirements.

3. **Conditions of Bail Release:** A written listing of prescribed conditions which the offender agrees to follow while under pretrial supervision.

4. **Collateral Contact:** Communication by telephone with the offender or communication in a manner with another person having regular contact with the offender, such as local law enforcement official or treatment specialist.

5. **Issuing Authority:** Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

6. **Personal Contact:** Face-to-face contact with the offender, either in a formal office setting or in the community.

7. **Risk-Needs Assessment Instrument:** A predictive device intended to forecast offender propensity to commit

new offenses or recidivate and to determine specific characteristics of the offender that create a profile of the type and severity of specific offender needs.

**SECTION 12.3.4: Method of Supervision:** There shall be three (3) levels of classification established by the agency. Assignment criteria for each classification level shall be developed and documented in the offender case record to ensure conformity and equity to all offenders. The following classification levels shall be adopted by the department:

1. **Intensive Supervision Level and Contact Requirements:** The pretrial services officer shall maintain one (1) face-to-face contact and one (1) collateral contact weekly with the offender. Various reasons may exist for this classification level, which may include, but are not limited to the following:

a. The instant offense was a crime against a person of a violent or sexual nature.

b. The offender has a severe history of mental/emotional disorders or displays chronic alcohol or drug abuse.

c. The offender has an extensive history of delinquent and criminal behavior.

d. The offender is delinquent and not conforming to the prescribed conditions of bail release.

e. Officer impressions of the offender based on prior contacts, experience, training or professionalism.

2. **Close Supervision Level and Contact Requirements:** The pretrial services officer shall maintain one (1) face-to-face contact and one (1) collateral contact bi-weekly with the offender. Various reasons may exist for this classification level, which may include, but are not limited to the following:

a. The instant offense was against a person rather than property.

b. The offender has a moderate history of delinquent behavior.

c. The offender has a moderate history of mental/emotional disorders or alcohol/drug abuse.

d. The offender is delinquent and not conforming to the prescribed conditions of bail release.

e. Officer impressions of the offender based on prior contacts, experience, training or professionalism.

3. **Minimum Supervision Level and Contact Requirements:** The pretrial services officer shall maintain two (2) face-to-face contacts and two (2) collateral contacts

monthly with the offender. Various reasons may exist for this classification level, which may include, but are not limited to the following:

- a. The instant offense was against property rather than a person.
- b. The offender is a first-time adult offender with no prior history of delinquent or criminal behavior.
- c. The offender has no history of mental/emotional disorders or alcohol/drug abuse.
- d. The offender is conforming to the prescribed conditions of release.
- e. Officer impressions of the offender based on prior contacts, experience, training or professionalism.

*SECTION 12.3.5: Administrative Supervision Level—Contact and Minimum Requirements.* Generally, the assigned officer shall review the status of the offender monthly when classified as administrative. Various reasons may exist for this classification level, which may include, but are not limited to the following:

- a. The offender is incarcerated on other charges.
- b. Officer impressions of the offender based on prior contacts, experience, training or professionalism.
- c. When an offender resides outside the jurisdiction of the department and is not being supervised by another jurisdiction, then the following types of administrative reporting schedules shall be required:

1. *Mail-in Reporting:* An offender placed on this reporting schedule shall maintain weekly contact with the assigned officer using a mail-in form. The assigned officer shall provide the offender with a sufficient amount of forms upon placement on this type of reporting schedule (See Appendix F-1).

2. *Phone-in reporting:* An offender placed on this reporting schedule shall maintain weekly contact with the assigned officer.

*SECTION 12.3.6: Risk/Needs Assessment Instrument.* This instrument is easily administered by the officer and is utilized as a caseload management tool. This instrument allows the officer to identify the risk factor that the offender may pose in the community and the needs that the offender may require for a successful adjustment in the community. This procedure will allow the assigned officer to develop an effective supervision plan. Also, all offenders placed under the supervision of the department shall be administered a risk/needs assessment and the level of supervision will be determined by the scales adopted by the department (See Appendix F-2).

*SECTION 12.3.7: Classification Override.* Officers should be careful in completely relying on the predictive value of the risk/needs assessment instrument score. Officers should also consider their impressions of the client based on prior contacts, experience, training and professionalism before determining a final supervision level.

*SECTION 12.3.8: Authorization Signature.* Once the risk/needs assessment instrument is completed, the assigned officer shall submit all classification material to the Chief Adult Probation/Parole Officer for review and approval.

*SECTION 12.3.9: Documentation of Contacts.* All offender contacts and collateral contacts shall be recorded by the assigned officer in the officers field book utilizing the appropriate contact codes located at the top of the client contact sheet (See Appendix F-3).

*SECTION 12.3.10: Time Constraints.* All initial risk/needs assessments shall be completed at the time of initial intake.

*SECTION 12.3.11: Maintenance of Risk/Needs Assessment Forms.* All completed assessment forms shall be maintained in the offenders case folder.

*SECTION 12.3.12: Office Contacts.* It is recognized by the department that certain circumstances may exist that prevents an officer from maintaining face-to-face contacts with an offender in the field. Therefore, special provisions exist for officers to schedule offenders for office appointments on a random basis. However, the department discourages officers from frequently relying on this method of supervision to replace community based contacts.

*SECTION 12.3.13: Collateral Contacts—Law Enforcement Authorities.* The department mandates that officers maintain collateral contacts with local law enforcement authorities to enhance community supervision. This type of contact is an excellent source of information concerning the offender's adjustment in the community. The frequency of law enforcement collateral contacts shall be established based on the minimum requirements of the classification level assigned to the offender.

*SECTION 12.3.14: Initial Field Contact.* The initial contact with the offender shall take place at the offender's residence within ten (10) days of receipt of the case. The purpose of the initial field contact is to verify the residence, obtain a layout of the residence, verify all occupants of the residence, determine whether the possibility exists that weapons or illegal contraband could exist within the residence and determine whether the residence is a suitable environment for the offender's successful community adjustment.

*Topic:* Pretrial Services Program  
"Standard Conditions of Release"

*Chapter:* 12

*Section:* 4

*Pages:* 5

*Related Standards:* 2-3024; 2-3025, 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.4.1: Purpose.* To set forth policy governing the issuance of both general and specific conditions of bail release for offenders referred to Carbon County Pretrial Services Program.

*SECTION 12.4.2: Applicability.* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the District Attorney's Office, the Public Defender's Office, the Clerk of Courts Office, the Chief Adult Probation/Parole Officer, the pretrial services officer and all offenders placed under pretrial supervision.

*SECTION 12.4.3: Definitions.* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. *Conditions of Bail Release:* A written listing of prescribed conditions which the offender agrees to follow while under pretrial supervision.

3. *Issuing Authority:* Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

4. *Security*: Shall include cash, certified check, money order, personal check or guaranteed arrest bond or bail bond certificate.

*SECTION 12.4.4: Purpose of Imposing Conditions*: Conditions of bail shall serve three purposes:

1. To ensure the appearance of the offender as required by the bond.
2. To assist the offender during the pre-verdict phase.
3. To protect the safety and security of society.

*SECTION 12.4.5: Authority to Impose Conditions of Bail*: The issuing authority or court shall attach such reasonable conditions of bail, which are least restrictive in nature, in accordance with 42 Pa. Rules of Criminal Procedure, Rule 4013.

*SECTION 12.4.6: Conditions of Bail Release*: See Attachment.

*SECTION 12.4.7: Surety Responsibility Form*: The surety of the bail bond shall execute this form in the presence of the defendant and pretrial services officer (See attachment).

*SECTION 12.4.8: Initial Intake*: When an offender is referred to pretrial services, the following information and forms shall be obtained and completed:

1. Offender facesheet (See Appendix B-2).
2. Review conditions of bail.
3. Surety responsibilities form.
4. Risk/needs assessment.
5. Supervision plan.
6. Release of Information Form.
7. Take photograph of offender.
8. Provide all completed paperwork to adult probation aide.

CARBON COUNTY COURT OF COMMON PLEAS  
 ADULT PROBATION/PAROLE DEPARTMENT  
 PRETRIAL SERVICES PROGRAM  
 JIM THORPE, PENNSYLVANIA 18229  
 OFFICE: (717) 325-4226    EMERGENCY: (717) 325-9123  
 BUSINESS HOURS: 8:30 A.M. to 4:30 P.M.

*"CONDITIONS OF BAIL SUPERVISION"*

NAME: \_\_\_\_\_ CASE NUMBER(S): \_\_\_\_\_

In such judicial districts as may be provided by local rule of court, or in all judicial districts when the judge or issuing authority so orders, a sum of money not to exceed ten percent (10%) of the amount of bail set, has been posted on your behalf. Therefore, you have been referred to the Carbon County Pretrial Services Program effective \_\_\_\_\_. You will be under the supervision of the Carbon County Adult Probation/Parole Department, Pretrial Services Division, until such time as you are legally discharged by the court or until final disposition of your criminal proceedings. During this period of supervision, the department has the authority, in the event of any of the following violation(s) of the conditions of your bail release, to issue a warrant for your arrest and to return you to prison pending trial.

YOU SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. You shall appear before the issuing authority or court at all times required until full and final disposition of the criminal proceedings.
2. You shall submit to all orders and processes of the issuing authority or court.
3. Your address of \_\_\_\_\_ is your approved residence. You must give written notice to your assigned pretrial services officer of any change of address within forty-eight (48) hours of the date of such change.
4. You shall report in person or writing and permit your pretrial services officer to visit you at your residence, place of employment or any other specified location.
5. You will refrain from the violation of all Municipal, County, State and Federal criminal statutes, as well as provisions of the Vehicle Code and the Liquor Code. You must notify your pretrial services officer of any arrest or citation within seventy-two (72) hours of occurrence.
6. You will abstain from the unlawful possession, or sale of, narcotics, drug paraphernalia and dangerous drugs, and abstain from the use of controlled substances within the meaning of the Controlled Substance, Drug, Device and Cosmetic Act, without a valid prescription. Also, you will submit to random urinalysis screening as requested by your pretrial services officer.
7. You will remain in the Commonwealth of Pennsylvania unless permission has been granted by your pretrial services officer prior to such travel.
8. You will report to any treatment agency recommended by the court, issuing authority or your pretrial services officer and follow all directives and recommendations made by the treatment facility.
9. You shall neither do, nor cause to be done, nor permit to be done on his or her behalf, any act proscribed by 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims) or 18 Pa.C.S. § 4953 (relating to retaliation against witnesses or victims).
10. You shall comply with any specific requirement or special conditions of release which may be reasonably imposed by the issuing authority of court:

VIOLATION PROCESS

Upon a breach of a condition of bail, the issuing authority or court may declare the bond forfeited and make a record thereof. Upon such declaration, written notice of such forfeiture shall be given to the surety, or when there is no surety, such notice shall be provided to the defendant. Also, the issuing authority or court may issue an appropriate process or warrant for your arrest and remand you to prison pending final disposition of the criminal proceedings.

CLIENT GRIEVANCE PROCEDURE

A client grievance procedure has been developed to assist you if you believe you have a legitimate complaint concerning an administrative decision, action, policy or regulation of the department. If you believe that you have a valid complaint concerning your supervision while on bail, you must attempt to resolve the situation with your assigned officer. If your attempt to resolve the situation is unsuccessful, then you must submit a written request within ten (10) days to the Chief for review. Your complaint will be processed by the Chief Adult Probation/Parole Officer within ten (10) days of receipt. The Chief may rule on your complaint with or without the benefit of a formal hearing. If a hearing is held, it would be convenient to all parties involved. The decision of the Chief shall be final.

ACKNOWLEDGEMENT

I, hereby acknowledge that I have read, or have been read to me, the aforementioned conditions of my supervision. I fully understand all conditions of bail and agree to follow and comply with all directives of the department, the court, the issuing authority and my assigned officer. Finally, I fully understand the penalties and consequences involved should I, in any manner, violate the conditions of bail.

OFFENDER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_
WITNESS: \_\_\_\_\_ DATE: \_\_\_\_\_
SURETY: \_\_\_\_\_ DATE: \_\_\_\_\_

CARBON COUNTY COURT OF COMMON PLEAS

Carbon County Adult Probation/Parole Department
P. O. Box 26
Jim Thorpe, Pennsylvania 18229
Business Hours: 8:30 A.M. to 4:30 P.M.
Telephone: (717) 325-4226 Fax: (717) 325-4250
Emergency: (717) 325-9123

John P. Lavelle, President Judge
Richard W. Webb, Judge
Ronald S. Kokinda, Chief Adult Probation Officer
Joseph Berke, Deputy Chief Adult Probation Officer

SURETY RESPONSIBILITIES

As surety on this bail bond, I have read and fully understand the following:

- 1. If the defendant fails to appear at any court hearing, I as surety can be held responsible and forfeit the full amount of bail set.
2. Certain conditions are placed on the defendant at the time of bail release. These conditions are mandatory and any violation could result in bail revocation. If bail is revoked by the appropriate authority, the defendant could be returned to prison and all bail money posted will be retained by the county.
3. I will report any change in the defendant's status, address, telephone number, employment or court hearings to the Carbon County Adult Probation/Parole Department immediately.
4. In the event that a defendant is in non-compliance status with the conditions of bail release, I understand that I cannot withdraw the defendant's bail. It is the responsibility of the Carbon County Adult Probation/Parole Department to petition the court for bail revocation.

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_
Surety's Signature \_\_\_\_\_ Date \_\_\_\_\_
Witness's Signature \_\_\_\_\_ Date \_\_\_\_\_

Adult Probation/Parole Officers
Patrick Henry
Michael Degilio
E. Amy Ritz
Tammy Nothstein
Joanne Maurer, Adult Probation Aide



*Topic:* Pretrial Services Program "Violations, Initial Processing"

*Chapter:* 12

*Section:* 5

*Pages:* 5

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

**SECTION 12.5.1: Purpose:** To establish procedures for the initial processing for offender violations of the conditions of bail release.

**SECTION 12.5.2: Applicability:** To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Clerk of Courts Office, the Chief Adult Probation/Parole Officer, the District Attorney's Office, the Public Defender's Office, the pretrial services officer and all offenders placed under pretrial supervision.

**SECTION 12.5.3: Definitions:** As utilized in this document, the following definitions shall apply:

1. **Arrest:** The apprehension, legal custody, seizure or restraint of an offender by a law enforcement official.

2. **Detainer:** An internal administrative mechanism to assure that an inmate subject to an unexpired term of confinement will not be released from custody until the jurisdiction asserting violations of supervision has had an opportunity to act by taking the inmate into custody or by making a revocation determination.

3. **Major Violations:** Inappropriate behavior by the offender which does pose a serious threat to himself, others, property or the community.

4. **Minor Violations:** Inappropriate behavior by the offender which does not pose a serious threat to himself, others, property or the community.

5. **New Criminal Offense Violation:** A violation of the conditions of release, which violation is for a new criminal arrest or conviction.

6. **Technical Violation:** A violation of the conditions of release, which violation is other than a new criminal arrest or conviction.

**SECTION 12.5.4: Investigation of Technical Violations:** All technical violations of the prescribed conditions of supervision shall be immediately investigated by the assigned officer. All witnesses, victims, police officers or interested parties involved with the alleged violations shall be contacted and interviewed by the officer. All relevant documentation shall be obtained and recorded in the offender's case record.

**SECTION 12.5.5: Investigation of New Criminal Arrest:** See Section 12.5.4.

**SECTION 12.5.6: Levels of Review:** The department, the Court or issuing authority shall prescribe the levels of review and decision making process for violations of the conditions of release as follows:

1. **First Level:** At this level, when infrequent or isolated minor violations of supervision occur, then the following initial violation process shall be utilized:

a. **Verbal Reprimand:** The assigned field officer can resolve infrequent or isolated minor violations of supervision with direct consultation with the offender. All verbal

reprimands shall be documented in the offender case record.

2. **Second Level:** At this level, when continued minor violations of supervision occur or a major violation occurs, then the following violation process shall be utilized:

a. **Written Reprimand:** The assigned field officer can resolve repeated minor violations or a major violation of supervision with direct consultation with the offender through a written violation report (See Appendix G-2). All violation reports shall be placed in the offender case record with a copy provided to the offender.

3. **Third Level:** At this level, when frequent and repeated minor violations or major violations of supervision occur, then the following violation process shall be utilized:

a. **Administrative Conference:** Frequent and repeated minor or major violations of supervision shall result with direct consultation with the Chief Adult Probation/Parole Officer, the assigned officer and the offender (See Appendix G-1). The original administrative conference report shall be retained in the offender's case record with a copy furnished to the offender.

4. **Fourth Level:** At this level, when frequent and repeated minor or major violations of supervision occur, and the offender has not conformed to the conditions of release and has not made an adequate adjustment in the community, then the following violation process shall be utilized:

a. **Revocation Petition:** Repeated violations of supervision for minor or major violations will result in the filing of a revocation petition with the Clerk of Courts Office or appropriate Magisterial District (See Attachment).

**SECTION 12.5.7: Progression of Review:** Generally, progressive levels of review shall not be required in situations where the offender's actions or violations of supervision pose a serious threat to himself, property, others or the community.

**SECTION 12.5.8: Minor Violations of Supervision:** The following is a list of minor violations of supervision:

1. Failure to report to the assigned pretrial services officer as directed.

2. Change of residence without knowledge of the pretrial services officer.

3. New arrest for a summary offense.

4. Leaving the Commonwealth of Pennsylvania.

5. Failure to report to a treatment agency for counseling or urine testing.

6. Any other violation which does not pose a serious threat to the offender, property, others or the community.

**SECTION 12.5.9: Major Violations of Supervision:** The following is a list of major violations of supervision:

1. New arrest for Misdemeanor or Felony offenses.

2. Possession of controlled substances or drug paraphernalia.

3. Positive urine screen.

4. Failure to appear for court scheduled hearing.

5. Alcohol possession or consumption, when applicable.

6. Intimidation or retaliation against witnesses or victims.

- 7. Any other violation which poses a serious threat to the offender, property, others or the community.
- 8. Violation of any specific condition imposed on the offender by the court or issuing authority.
- 9. Relocating from the approved residence and the offender is considered an absconder.
- 10. Repeated minor and major violations.

*SECTION 12.5.10: Officer Recommendations:* Officers completing and presenting written violation reports to the Chief Adult Probation/Parole Officer, shall include appropriate recommendations for corrective action or case disposition.

*SECTION 12.5.11: Annual Review:* The Court and the department shall conduct an annual assessment of all categorized violations of supervision.

IN THE COURT OF COMMON PLEAS CARBON COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :  
 VS. : NO(S):  
 : CHARGES

PETITION FOR REVOCATION OF BAIL

TO THE HONORABLE: \_\_\_\_\_

The petition of \_\_\_\_\_, of the CARBON COUNTY ADULT PROBATION/PAROLE DEPARTMENT respectfully represents as follows:

1. That said defendant was afforded bail by Judge \_\_\_\_\_ as follows:  
 Date: \_\_\_\_\_ Offense: \_\_\_\_\_ Bail Amount: \_\_\_\_\_
2. That said defendant was placed on pretrial service supervision on:
3. That said defendant has violated the conditions of supervision in the following respects:

*WHEREFORE*, the Carbon County Adult Probation/Parole Department respectfully requests your Honorable Court to direct the issuance of a Bench Warrant for the apprehension of said defendant and set a hearing on this petition and that the accused be required to answer to the above mentioned violations.

The averments of this Petition are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsifications to authorities).

\_\_\_\_\_  
 Adult Probation Officer                      Date                      Supervisor

ORDER OF COURT

*NOW*, this \_\_\_\_\_, 19 \_\_\_\_\_, upon consideration of the foregoing petition, *IT IS HEREBY ORDERED AND DECREED* as follows:

1. The CLERK OF COURTS is directed to issue a Bench Warrant for the defendant named in the foregoing petition.
2. The Probation Office, Sheriff, and/or proper legal authority is directed to apprehend the said defendant and commit him/her to the Carbon County Prison pending a revocation hearing.
3. A copy of the attached petition and Order of Court shall be served upon the defendant and copies shall be provided to the defendant's attorney of record, the District Attorney of Carbon County and the adult probation/parole department.
4. A revocation hearing shall be held in Courtroom # \_\_\_\_\_, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ @ \_\_\_\_\_ a.m./p.m. Failure to attend said hearing may result in the issuance of bench warrant for your apprehension.

BY THE COURT:  
 \_\_\_\_\_

*Topic:* Pretrial Services Program "Purpose & Submission of Bail Reports"

*Chapter:* 12

*Section:* 6

*Pages:* 2

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.6.1: Purpose:* To set forth policy and procedure governing the purpose and requirements for the completion, dissemination and submission of the bail report to the appropriate issuing authority or court of jurisdiction.

*SECTION 12.6.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer and all arrestees considered for the Carbon County Pretrial Services Program.

*SECTION 12.6.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. *Bail Report:* A concise document provided to the issuing authority that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

3. *Issuing Authority:* Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

*SECTION 12.6.4: Primary Purpose:* The primary purpose of the bail report is:

1. To provide the issuing authority or court with timely relevant and accurate information concerning the offender.

2. To collect information necessary for making a bail determination.

*SECTION 12.6.5: Time-Tables for Completion:* The pretrial services officer shall conduct a timely interview with the defendant at the earliest time possible after the arrest and commitment to prison. Ideally, the officer should conduct the initial interview within twenty-four (24) hours of detention on weekdays and seventy-two (72) hours of detention on weekends.

*SECTION 12.6.6: Universal Screening:* Except in those cases where the court has no jurisdiction to effect release, all defendants in custody shall be interviewed, regardless of the nature of the instant offense.

*SECTION 12.6.7: Agency Resources and Assignment of Reports:* The agency has created a specialized unit that processes and completes all bail reports through the pretrial services division. The Chief shall assign all bail reports to the pretrial services officer. However, whenever time constraints prohibit, or resources are limited, the Chief or other staff personnel may assist in the preparation of these reports. Also, universal screening practices may be adjusted to maximize the impact of pretrial intervention when workloads may prohibit such screening procedures.

*SECTION 12.6.8: Review of the Report:* Prior to submission of the report to the appropriate issuing authority, the Chief shall review all bail reports for investigative conduct, report preparation, content and accuracy.

*Topic:* Pretrial Services Program "Collection of Information"

*Chapter:* 12

*Section:* 7

*Pages:* 2

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.7.1: Purpose:* To set forth policy and procedure governing the content and preparation of the bail report.

*SECTION 12.7.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer and all arrestees considered for the Carbon County Pretrial Services Program.

*SECTION 12.7.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. *Bail Report:* A concise document provided to the issuing authority that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

3. *Issuing Authority:* Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

*SECTION 12.7.4: Initial Interview:* The pretrial services officer shall conduct a structured, face-to-face interview with each defendant and shall include the following topics:

1. Criminal history information
2. Employment information
3. Marital information
4. Financial information
5. Medical/Health information
6. Military information
7. Educational information
8. Identifying information

*SECTION 12.7.5: Questions Concerning the Alleged Incident:* Under no circumstances shall any questions be directed concerning the alleged instant offense.

*Topic:* Pretrial Services Program "Bail Report: Format, Conduct & Content"

*Chapter:* 12

*Section:* 8

*Pages:* 10

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*SECTION 12.8.1: Purpose:* To set forth policy and procedure governing the content and conduct of the bail report.

*SECTION 12.8.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer and all arrestees considered for the Carbon County Pretrial Services Program.

*SECTION 12.8.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all things stipulated therein.

2. *Bail Report:* A concise document provided to the issuing authority that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

3. *Issuing Authority:* Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

4. *Training:* Which includes such activities as management seminars, meetings with probation and parole field staff regarding departmental services, workshops on the use of management information and instruction in the use of research and evaluation data.

*SECTION 12.8.4: Training:* The Chief shall determine appropriate levels of training in the preparation of investigative reports, which shall include specialized training involving interviewing skills and techniques or report writing.

*SECTION 12.8.5: Interview of the Defendant:* The pre-trial services officer shall interview the defendant in accordance with Section 12.7.5. The writer of the report must plan the interview before it actually begins. This approach will make the interview more effective, efficient and structured, which should reduce the risk of requiring an additional interview. Before the interview begins, the investigator should inform the defendant of the nature and purpose of the interview and the report. During the interview, the investigator should develop an interview sequence, which would make the offender more willing to communicate. The sequence should be a statement that introduces the topic, questions that elicit the information and probes that clarify or elaborate on the information obtained from the question. All information obtained from the defendant shall be recorded by the investigator.

*SECTION 12.8.6: Content of the Bail Report:* The following information shall be gathered and included in the body of the bail report:

1. *Identifying Information:*

- a. Date of report
- b. Name, Aliases and address of defendant
- c. Age and date of birth
- d. Sex
- e. Race and Citizenship
- f. Education
- g. Marital status
- h. Social Security Number
- i. FBI and SID Numbers
- j. Docket Number
- k. Criminal Offenses, Gradation, Statutory Citation

- l. Custody Status
- m. Name of issuing authority
- o. Offense, Arrest and Commitment Dates
- p. Bail Information
- q. Detainers or other pending charges
- r. Co-defendants
- s. Height, Weight, Eye Color, Hair Color, Marks, Scars or Tattoos
- t. Prior record history

2. *Criminal History:*

a. All prior juvenile arrests or adult arrests shall be verified in writing. Exceptions shall be permitted for telephonic verification when time constraints prohibit the acquisition of written documentation.

b. Obtain criminal records from rap sheets from state and federal repositories, District Attorney's File, Clerk of Courts Office, other probation offices, local police departments, local magistrates, previous presentence reports, internal management information systems.

c. Juvenile court history (including offense date, place, offense, disposition date, sentence date and disposition).

d. List of previous adult convictions (including offense date, place, offense, disposition date, sentence date and disposition).

e. List of arrests subsequent to instant offense (including offense date, place, offense, disposition date, sentence date and disposition).

f. Military arrests (including offense date, place, offense, disposition date, sentence date and disposition).

g. Previous probation and parole history.

h. Detainers presently lodged against the defendant.

3. *Family History:*

a. Name, address, age and telephone number of biological parents or step-parents.

b. Name, address, age and telephone number of all siblings or step-siblings.

c. Early developmental influences, such as physical, mental or sexual abuse which may have a significant impact on the defendant's present behavior or personality.

d. Attitudes of the defendant towards his relationship with his family, including discipline, affection or rejection.

e. Whom defendant was reared, if other than parents.

f. Age left home, reasons for leaving, history of trancies, involvement by Children and Youth Services, placement to foster care.

g. Alcohol, drug or mental health issues with the family.

h. Criminal activity by family members.

i. Relationships with all family members.

j. Extent of family solidarity.

k. Interview with key family members concerning the defendant's formative years.

l. Other significant information provided by the defendant.

#### 4. *Marital Status:*

- a. Present marital status, including common law (include date, place, name, address, age, and telephone number of spouse or paramour).
- b. List name, age, address, occupation of all children with the name of the biological parent.
- c. Home atmosphere.
- d. Previous marriages (including date, place, name of previous spouse). If divorced, cite reasons for the separation.
- e. Domestic violence history, including the filing of a protection from abuse order.
- f. Alcohol or drug issues with spouse or children.
- g. Mental health issues with spouse or children.
- h. Criminal activity with spouse or children.
- i. Interview with spouse or adult children.
- j. Other significant information provided by the defendant.

#### 5. *Home and Neighborhood:*

- a. Description of home or residence.
- b. List all prior residences, length of residency and with whom the defendant resides.
- c. Other significant information provided by the defendant.

#### 6. *Health:*

- a. Defendant's general medical condition or health problems, current or previous.
- b. If the defendant acknowledges that he is HIV positive, the investigator shall execute a release of information form to obtain medical records in order to disclose such information in the bail report. Including information on an offender's HIV status in the report does not offend any of an offender's constitutional rights, for the Federal Court has held that the sentencing judge has a compelling need for such information and that the court's need outweighs the offender's privacy concerns (See *Faison v. Parker*, 823 F.Supp. 1202—1203).
- c. Drug and alcohol related history (including frequency of use; age when first started experimentation; prior treatment; under the influence during the commission of the offense; prior criminal activity related to drug/alcohol problems). The investigator shall execute a release of information form to obtain all treatment records on the defendant and attach all relevant information in the bail report.
- d. Mental Health related history (including social adjustment; prior mental health treatment). The investigator shall execute a release of information form to obtain all treatment records on the defendant and attach all relevant information to the bail report.
- e. Assaultive Conduct (including any prior convictions or arrests for assaultive behavior, impressions of the investigator as to the risk the offender poses to the community).
- f. Sexual Conduct (including any prior convictions or arrests for sexual assaultive behavior, impressions of the investigator as to the risk the offender poses to the community).
- g. Other significant information provided by the defendant.

#### 7. *Employment:*

- a. List current and prior employers (including name, address, wages, date, reason for leaving).
- b. Interview current or previous employers for attendance, reliability, attitude (optional).
- c. List all skills, interests and abilities.
- d. List attendance at vocational or technical schools, certificates.
- e. List other sources of income (including disability, retirement, public assistance).
- f. Investigator's assessment of the defendant's work ethic.
- g. Other significant information provided by the defendant.

#### 8. *Education:*

- a. Highest grade achieved.
- b. Post high school education.
- c. Age left school and reason.
- d. Results of psychological tests (IQ, aptitude, achievement), if available.
- e. Other significant information provided by the defendant.

#### 9. *Military Record:*

- a. Branch of military service, serial number and dates of enlistment and discharge.
- b. Highest grade or rank achieved.
- c. Type of discharge.
- d. Other significant information provided by the defendant.

#### 10. *Financial Status:*

- a. Assets: Statement of financial assets and general standard of living (Houses, vehicles, property, accounts, investments, etc.).
- b. Financial obligations (Including mortgage, household expenses, child support, court costs).
- c. Execution of Authorization to Disclose Confidential Tax Information Form (See Appendix E-1).
- d. Other significant information provided by the defendant.

#### 11. *Sources of Information:*

- a. Cite all sources of information.

#### 12. *Signature Page:*

- a. Signature of investigator and date.
- b. Signature of approval by Chief Adult Probation/Parole Officer and date.

**SECTION 12.8.7. Report Formats:** All information shall be prepared using report formats adopted by the court and the agency.

**1. Bail Report Format:** This format focuses on a topic outline and prepared in a narrative form outlining key factors (See attachment).

**SECTION 12.8.8. Report Writing:** The report shall be prepared in a clear, thorough and concise manner, writing in the active voice. The investigator shall distinctly label

what are opinions, conclusions and facts and cite and identify the source, with all information being verified. The investigator shall use wording that everyone understands and describe people, things and events in operational terms.

SECTION 12.8.9: Uncooperative Defendant: During the interview phase, if a defendant fails to cooperate with the investigator, then the investigator shall notify the issuing authority that the defendant has failed to cooperate during the interview process.

SECTION 12.8.10: Verification of Information: The defendant shall be informed that the interview is designed to obtain information concerning bail consideration and that all information gathered will be verified. At a minimum, the investigator shall verify:

1. Criminal History
2. Address
3. Length of time in the community
4. Family ties to the area
5. Employment or schooling

SECTION 12.8.11: Third Party Verification: Information verification may be achieved through the interview of third party contacts, such as, relatives or friends, but may also require direct contact with employers, schools or other primary sources.

SECTION 12.8.12: Unverified Information: The interviewer shall respect the wishes of a defendant not to contact certain potential verification sources, such as employers or schools, for this may jeopardize the defendant's employment status.

SECTION 12.8.13: Purpose of Verification: The rationale for verification is based on the following:

1. It allows the interviewer an opportunity to confirm the accuracy of the information gathered.
2. It may serve as a notification to family or friends of the arrest.
3. It may provide useful information to the court concerning serious health problems or drug/alcohol dependency problems that may require immediate attention by the court of prison personnel.
4. It adds credibility to the interview information.

SECTION 12.8.14: Objectivity: The investigator shall remain objective when preparing the report. The writer shall avoid and eliminate previous experiences, stereotypes, prejudices and biases when completing the report.

SECTION 12.8.15: Documentation: During the investigative phase, the investigator shall document all work and maintain accurate records.

SECTION 12.8.16: Inappropriate Information: The interview process shall not include any questions or discussions concerning the alleged incident. Such questions may impede the program's ability to conduct impartial inquiry. All incriminating statements made by the defendant shall be removed from the body of the bail report.

SECTION 12.8.17: Magistrate's Information Sheet: When an offender is arraigned, general information is obtained by the issuing authority using an informational form. This form shall be obtained by the pretrial services officer, which can be used during the preparation of the bail report (See attachment).

Bail Information Sheet

Name: \_\_\_\_\_ Aliases: \_\_\_\_\_ Date: \_\_\_\_\_

Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ SS#: \_\_\_\_\_ OTN #(S): \_\_\_\_\_

1. Current Physical and Mailing Address: \_\_\_\_\_
2. Do you own your home?    Yes    No    If yes, list monthly mortgage: \_\_\_\_\_
3. Do you rent your home?    Yes    No    If yes, list monthly rent: \_\_\_\_\_
4. Do you have any other significant monthly expenses, please list? \_\_\_\_\_
5. Telephone Number: \_\_\_\_\_    6. How long have you resided at this residence? \_\_\_\_\_
7. Do you have any other family members who reside in the area and who do not live at your address?    Yes    No  
If yes, please list name, address and telephone number? \_\_\_\_\_
8. List all previous addresses with length resided at: \_\_\_\_\_
9. List current employer, phone number and supervisor: \_\_\_\_\_
10. Marital Status: \_\_\_\_\_    11. If married, list name, age & address: \_\_\_\_\_
12. List names of all children, age and address: \_\_\_\_\_
13. List any medical conditions: \_\_\_\_\_
14. List any prescribed medication: \_\_\_\_\_
15. Are you currently under the influence of alcohol or illegal substances?    Yes    No
16. Are you currently receiving treatment for alcohol or drug abuse problems?    Yes    No
17. Have you recently used any illegal substances? Your honesty is important, for if you are referred to the pretrial services program for supervision, you will be required to submit to periodic urine testing?    Yes    No

If answered yes, please list the substances recently used: \_\_\_\_\_

Prior Criminal History: Juvenile Record and Adult Record

List of Charges

Location: List County/City/State

List Year and Disposition

- 18. Are you currently on probation, parole, ARD or intermediate punishment supervision?      Yes    No
- 19. If you answered yes, indicate in what county or jurisdiction? \_\_\_\_\_
- 20. Are you currently on bail for pending criminal charges in this county or any other jurisdiction?      Yes    No  
If you answered yes, indicate in what county or jurisdiction? \_\_\_\_\_
- 21. Were you ever placed on bail status before this current offense?      Yes    No  
If yes, when and where? \_\_\_\_\_
- 22. Have you ever had a warrant issued for your arrest for failure to appear for a court appearance?      Yes    No  
If yes, when and where? \_\_\_\_\_
- 23. Have you ever been charged with escape?      Yes    No      If yes, when and where? \_\_\_\_\_
- 24. Have you ever been a fugitive from justice?      Yes    No      If yes, when and where? \_\_\_\_\_

*Topic:* Pretrial Services Program  
"Submission, Confidentiality & Disclosure of the Bail Report"

*Chapter:* 12

*Section:* 9

*Pages:* 2

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.9.1: Purpose:* To set forth policy and procedure governing the submission, confidentiality and disclosure of the bail report.

*SECTION 12.9.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer and all arrestees considered for the Carbon County Pretrial Services Program.

*SECTION 12.9.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. *Bail Report:* A concise document provided to the issuing authority that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

3. *Issuing Authority:* Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

4. *Training:* Which includes such activities as management seminars, meetings with probation and parole field staff regarding departmental services, workshops on the use of management information and instruction in the use of research and evaluation data.

*SECTION 12.9.4: Submission of the Report:* The completed bail report shall be submitted to the following parties in advance of the scheduled hearing:

1. The issuing authority
2. The District Attorney's Office.
3. Defense Counsel or defendant, if unrepresented.

*SECTION 12.9.5: Disclosure of the Report:* All bail reports and related psychiatric and psychological reports shall be declared confidential and not of public record.

*SECTION 12.9.6: Confidentiality During the Investigative Process:* The issue of confidentiality shall extend beyond the courtroom and shall permeate the entire investigative process. From initial receipt, to final disposition, the investigator shall take the necessary safeguards to ensure that the process shall remain confidential and that no information shall be disclosed, unless in accordance with this policy section.

*SECTION 12.9.7: Disclosure to Other Interested Parties:* The bail report may be disclosed to the following parties:

1. Other service programs, provided the defendant has signed a release of information form indicating such disclosure.
2. Law enforcement officials attempting to serve process for failure to appear.
3. The sentencing court, when used in replace of the presentence report.

*Topic:* Pretrial Services Program  
"Criminal History Record Information Compilation & Verification"

*Chapter:* 12

*Section:* 10

*Pages:* 5

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.10.1: Purpose:* To set forth policy and procedure governing the compilation, collection, verification and dissemination of criminal history record information.

**SECTION 12.10.2: Applicability:** To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer and all arrestees considered for the Carbon County Pretrial Services Program.

**SECTION 12.10.3: Definitions:** As utilized in this document, the following definitions shall apply:

1. **Bail:** The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. **Bail Report:** A concise document provided to the issuing authority that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

3. **Central Repository:** The central location for the collection, compilation, maintenance and dissemination of criminal history record information.

4. **Commonwealth Law Enforcement Assistance Network (CLEAN):** A computer system maintained by the Pennsylvania State Police to store information on offenses throughout the Commonwealth.

5. **Criminal History Record Information:** Information collected by criminal justice agencies concerning individuals, and arising from the initiation of a criminal proceeding.

6. **Criminal Justice Agency:** Any court, including the minor judiciary, with criminal jurisdiction or any other governmental agency, or subunit thereof, created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to such function.

7. **Disposition:** Information indicating that criminal proceedings have been concluded.

8. **Dissemination:** The oral or written transmission or disclosure of criminal history record information to individuals or agencies other than the criminal justice agency which maintains the information.

9. **Issuing Authority:** Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

10. **National Crime Information Center (NCIC):** A computerized system run by the Federal Bureau of Investigation in order to track offenses throughout the United States.

11. **Originating Agency Identifier (ORI):** A number given to each agency by the Pennsylvania State Police in order to track those agencies submitting information to the central repository.

12. **Offense Tracing Number (OTN):** A number given by a court to each specific case.

13. **Training:** Which includes such activities as management seminars, meetings with probation and parole field staff regarding departmental services, workshops on the use of management information and instruction in the use of research and evaluation data.

**SECTION 12.10.4: Criminal Justice Agencies:** The Carbon County Adult Probation/Parole Department is recognized as a criminal justice agency in the Commonwealth of Pennsylvania (See 18 Pa.C.S. § 9102).

**SECTION 12.10.5: Criminal History Records Information Security, Access and Training:** All criminal history record information compiled on a criminal defendant shall be stored in the appropriate offender case folder. All offender case folders shall be stored in a secure area within the department, such as, locked lateral filed cabinets. All agency personnel shall have access to this information and shall receive appropriate levels of training concerning this policy statement.

**SECTION 12.10.6: Right of Access and Review:** Any individual or his legal representative has the right to review, challenge, correct and appeal the accuracy and completeness of his criminal history record information. Any individual or legal representative requesting to review his or her criminal history record information shall submit proper identification to the department for the review. Any individual or legal representative that challenges the accuracy of the criminal history record information must specify which portion of the record is incorrect and specify what the corrected version should be. The burden is on the defendant to prove any inaccuracies. The appellate courts have rules "... information concerning prior convictions in the report is presumed to be valid, which presumption can only be rebutted by the defense, and need not be supported by evidence from the Commonwealth unless and until a challenge is voiced" [See 18 Pa.C.S. § 9151 and *Commonwealth v. Charles*, 339 Pa. Super. 284, 296, 488 A.2d 1126, 1132 (1985)]. The agency shall provide any individual or his legal representative with any documentation supporting the offender's criminal history record information.

**SECTION 12.10.7: Compiling Criminal History Record Information:** Whenever the pretrial services officer initiates an investigation into the offender's criminal background, the investigator shall:

1. Obtain a FBI and Pennsylvania criminal rap sheet (through NCIC and CLEAN) from the Carbon County Communications Center by providing the agency with the department's ORI number, which can be obtained from the Chief Adult Probation/Parole Officer. The investigator shall provide the communications center with the following information on the defendant:

- a. Offender's last, first and middle name, if available.
- b. Date of Birth.
- c. Social Security Number.

2. Review the District Attorney's Office file on the offender for possible criminal history record information.

3. Review the department's management information systems for possible criminal history record information contained in an offender's case folder.

4. Review juvenile court records.

5. Interview the defendant concerning any prior juvenile or adult arrests, convictions or adjudications.

**SECTION 12.10.8: Juvenile Record:** Whenever the investigator initiates an investigation into the calculation of the offender's criminal background, the investigator shall:

1. Review local juvenile court records.

2. If the offender discloses a juvenile record in another jurisdiction, then the investigator shall execute a Release of Information Form and submit the form to the appropriate jurisdiction for juvenile arrest records.

3. Interview the defendant concerning any prior juvenile or adult arrests, convictions or adjudications.



*SECTION 12.10.9: Verification of Criminal History Record Information:* The investigator shall obtain and verify all prior adult criminal convictions and juvenile arrests/adjudications, when time constraints permit, as follows:

1. Obtain written documentation from the jurisdiction requesting the following information:

- a. Arresting agency and location
- b. Date of the offense
- c. Criminal charges with gradation and OTN number
- d. Date of disposition (e.g. guilty plea, found guilty)
- e. Date of sentence and disposition type (probation, incarceration)
- f. Order of Court (guilty plea, sentencing)
- g. Previous presentence investigations

2. The department recognizes, that in some instances, time constraints will prohibit the acquisition of written documentation, therefore, the presentence investigator can verify the above mentioned information using telephonic measures.

3. Facsimile transmissions of documentation are acceptable.

*SECTION 12.10.10: Incomplete Prior Records:* The investigator shall not record and utilize any criminal history record information that cannot be verified through written or oral methods, unless the defendant discloses such information and does not contest the accuracy of the record.

*SECTION 12.10.11: Dissemination of Criminal History Record Information to Non-Criminal Justice Agencies:* All inquiries from non-criminal justice agencies shall be referred to the Carbon County Clerk of Courts Office.

*SECTION 12.10.12: Training:* The Chief Adult Probation/Parole Officer shall provide appropriate levels of training concerning this policy section.

*Topic:* Pretrial Services Program  
"Notice to Appear and Monitoring"

*Chapter:* 12

*Section:* 11

*Pages:* 2

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.11.1: Purpose:* To establish a procedure whereby defendants released to the program will be provided notification to appear for scheduled hearings.

*SECTION 12.11.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer and all arrestees considered for the Carbon County Pretrial Services Program.

*SECTION 12.11.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. *Issuing Authority:* Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

*SECTION 12.11.4: Notice to Appear and Monitoring:* Defendants shall be provided written notification by the issuing authority for all scheduled hearings. The pretrial services officer shall inform all program participants of all scheduled hearings at the time of initial intake interview. During the course of pretrial supervision, the assigned officer shall continue to monitor court scheduled hearings and provide appropriate levels of notification to the defendant for appearance.

*SECTION 12.11.5: Monitoring Court Appearance Rates:* In order to determine the effectiveness of the pretrial service program, the Chief Adult Probation/Parole Officer shall monitor and gather information concerning court appearance rates for all program participants.

*Topic:* Pretrial Services Program  
"Nominal Bail and Minimum Requirements"

*Chapter:* 12

*Section:* 12

*Pages:* 1

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.12.1: Purpose:* To establish minimum standards for pretrial arrestees afforded nominal bail for inclusion in the program.

*SECTION 12.12.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer and all arrestees considered for the Carbon County Pretrial Services Program.

*SECTION 12.12.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. *Issuing Authority:* Any public official having the power and authority of an alderman, justice of the peace, magistrate or district justice.

*SECTION 12.12.4: Minimum Bail Amount Requirements:* Whenever the issuing authority establishes nominal bail, the following minimum bail amount shall be used to determine participation in the Carbon County Pretrial Services Program.

1. *Minimum Bail Amount Requirement:* Whenever an offender is afforded bail in the sum of \$2,500.00 or less (\$250.00/cash percentage or less), then the offender will not be considered for pretrial service intervention.

*Topic:* Pretrial Services Program  
"Offender Case Records"

*Chapter:* 12

*Section:* 13

*Pages:* 3

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.13.1: Purpose:* To establish a procedure for the development and maintenance of offender case records.

*SECTION 12.13.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer, the adult probation aide and all arrestees considered for the Carbon County Pretrial Services Program.

*SECTION 12.13.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. *Issuing Authority:* Any public official having the power and authority of an alderman, justice

*SECTION 12.13.4: Offender Case Record Information:* Once the paperwork is received by the adult probation aide, the following case record information shall be prepared and completed for filing and distribution.

1. *Offender Face Sheet:* All sections of the offender face sheet shall be completed and distributed to the pretrial services officer, with the photograph attached to the bottom of the face sheet.

2. *Case Record Folders:* All case record folders opened by the department shall be assigned an identification file number. This number shall be created based on a numerical catalog system. The adult probation aide shall maintain a record of the assigned case record folder numbers for easy identification and retention. All active folders shall be placed in the active file cabinets in alphabetical order.

3. *Case Record Folder Labels:* Colored coded labels will be attached to every folder. The label information shall include the offender's name and the assigned identification file number. The offender's name shall be typed on the label, last name first, followed by the identification file number. Colors assigned to the case record folders are as follows:

- |                             |              |
|-----------------------------|--------------|
| a. ARD Offenders:           | Pink label   |
| b. Parole Offenders:        | Yellow label |
| c. Probation Offenders:     | Blue label   |
| d. Intermediate Punishment: | Green label  |
| e. Pretrial Services:       | Salmon label |

*SECTION 12.13.5: Distribution of Case Folder Documents:* The adult probation aide will be responsible for all copies and the distribution of case folder documentation to the pretrial services officer and other court related agencies.

*SECTION 12.13.6: Conditions of Release:* A copy of the conditions of bail and surety responsibility form shall be filed to the Clerk of Courts Office on each criminal defendant placed under the program.

*SECTION 12.13.7: Security of Case Records:* All case records not being utilized by agency personnel shall be maintained in a secure location. Active case records shall be directly supervised and controlled by the assigned officer.

*SECTION 12.13.8: Privacy of Case Folders:* Information contained in the offender case folder is strictly prohibited from disclosure to third parties, unless the offender signs a "Consent to Obtain and Release Information Form" stating what specific information is to be disclosed. Agency personnel are exempt from this policy, however,

any employee witnessed removing or disclosing case record information without proper authorization shall be subject to disciplinary action (*See Chapter 2, Section 14*).

1. *Exceptions to this Section:* The following entity will have unlimited access to the offender case folder:

- a. Carbon County Court of Common Pleas

*SECTION 12.13.9: Limited Access:* The following agencies shall have limited access to the offender case folder:

1. The Carbon County District Attorney's Office
2. Other probation/parole agencies
3. Military personnel conducting background investigations.
4. Law Enforcement Agencies
5. Defense counsel

*SECTION 12.13.10: Record Review:* The Chief Adult Probation/Parole Officer shall review the case record maintenance procedure on an annual basis.

*SECTION 12.13.11: Discharged Offenders:* When a case record has been terminated, the adult probation aide shall inspect and purge the offender case folder from all duplicated documentation. Records of discharged offenders shall be maintained in accordance with procedures adopted by the Court, the agency and the Archives Department. All inactive case folders shall be removed from the office and relocated to the Archives Department for microfilming. Destruction of all inactive case folders shall be in accordance with policy and procedure adopted by the Courts, the Archives Department or statute.

*Topic:* Pretrial Services Program  
"Termination Criteria"

*Chapter:* 12

*Section:* 14

*Pages:* 1

*Related Standards:* 2-3024; 2-3025; 2-3026 & 2-3027

*Effective Date:* 05-20-96

*SECTION 12.14.1: Purpose:* To establish criteria for the termination of offenders placed in the pretrial services program:

*SECTION 12.14.2: Applicability:* To the President Judge, Court Administration, the issuing authority, Magisterial Districts, the Chief Adult Probation/Parole Officer, the Clerk of Courts Office, the District Attorney's Office, the Public Defender's Office, the pretrial services officer, the adult probation aide and all arrestees considered for the Carbon County Pretrial Services Program.

*SECTION 12.14.3: Definitions:* As utilized in this document, the following definitions shall apply:

1. *Bail:* The security required and given for the release of a person in the custody of the law, conditioned upon a written undertaking that the person will appear when required to do all other things stipulated therein.

2. *Issuing Authority:* Any public official having the power and authority of an alderman, justice.

*SECTION 12.14.4: Termination Criteria:* The following criteria shall be utilized to determine when an offender shall be terminated from the program:

1. Final disposition of the criminal charges (when the offender was sentenced to probation, parole, intermediate punishment, fine, probation without verdict or partial or total confinement).

2. Charges were dismissed or Nol Prossed.
3. Bail was revoked and the offender was remanded to prison.

[Pa.B. Doc. No. 96-755. Filed for public inspection May 10, 1996, 9:00 a.m.]

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### MONTGOMERY COUNTY

#### Rescission of Local Rule of Criminal Procedure Rule 101A; Adoption of Local Rule of Criminal Procedure Rule 107\*

##### Order

And Now, this 11th day of April, 1996, the Court rescinds Montgomery County Local Rule of Criminal Procedure 101A, and approves and adopts the following Montgomery County Local Rule of Criminal Procedure 107\*—*Approval of Police Complaints and Arrest Warrant Affidavits By Attorney for The Commonwealth*, effective May 1, 1996.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

WILLIAM T. NICHOLAS,  
*President Judge*

#### Rule 101A. [ Rescinded ]

#### Rule 107\*. Approval of Police Complaints and Arrest Warrant Affidavits By Attorney for the Commonwealth.

The District Attorney of Montgomery County, having filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 107(b), Criminal Complaints and Arrest Warrant Affidavits by police officers, as defined in the Rules of Criminal Procedure, charging criminal homicide offenses (including homicide by vehicle) shall not hereafter be accepted by any judicial officer unless the Complaint and Affidavit have the approval of an attorney for the Commonwealth prior to filing.

[Pa.B. Doc. No. 96-756. Filed for public inspection May 10, 1996, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that David Lynn Lowans having been suspended from the practice of law in the District of Columbia for a period of thirty days, the Supreme Court of Pennsylvania issued an Order dated April 24, 1996, suspended David Lynn Lowans from the Bar of this Commonwealth for a period of thirty days, to be effective May 24, 1996.

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

[Pa.B. Doc. No. 96-757. Filed for public inspection May 10, 1996, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

#### [7 PA. CODE CH. 10]

#### Pseudorabies Disease

The Department of Agriculture (Department) amends Chapter 10 (relating to pseudorabies disease). These amendments are adopted under the authority of section 1702 of The Administrative Code of 1929 (71 P. S. § 442), sections 3 and 9 of the act of April 17, 1929 (P. L. 533, No. 236) (3 P. S. §§ 343 and 349) and sections 4 and 6 of the act of March 28, 1929 (P. L. 110, No. 117) (3 P. S. §§ 374 and 376), which authorize the Department to take measures to detect, prevent, contain and eradicate dangerous transmissible diseases of animals within this Commonwealth, to establish quarantines necessary to pursue these objectives and to regulate in these areas.

Pseudorabies is a contagious infectious viral disease of animals. Although it poses no threat to human health, it threatens the economic well-being of the swine industry in this Commonwealth. Pseudorabies disease reduces swine production profit as a result of reproductive failures, diminished feed conversion efficiency and interstate restrictions on the movement of infected or exposed swine.

Pennsylvania swine producers, represented by the Pennsylvania Pork Producers Council and the Pennsylvania Purebred Swine Breeders Association, have petitioned the Department to provide resources and regulatory support to eliminate pseudorabies virus from this Commonwealth. These producers have established an Advisory Committee to coordinate their pseudorabies eradication efforts with the Department, other state departments of agriculture, the National Pork Producers Council and the United States Department of Agriculture.

The primary purpose of these amendments is to coordinate the Department's pseudorabies containment and eradication efforts with the industry-driven Pseudorabies Eradication State-Federal-Industry Program (Eradication Program) developed by the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) and set forth in USDA-APHIS publication no. 91-55-018, *Pseudorabies Eradication State-Federal-Industry Program Standards*.

These amendments amend existing authorities by adding provisions that require elimination of pseudorabies virus from infected premises, establish time frames for elimination of pseudorabies virus, provide for industry consultation and advice and in certain limited cases, provide for Department condemnation with indemnification of pseudorabies infected or exposed swine.

These amendments will allow Pennsylvania swine producers to systematically work through a five-stage State-Federal-industry prescribed process to achieve pseudorabies-free status. This will result in a more productive and profitable swine industry in this Commonwealth, and will facilitate the introduction of Commonwealth-produced swine into interstate and international commerce.

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

The Department reviewed this rulemaking and considered its purpose and likely impact in accordance with

Executive Order 1996-1, Regulatory Review and Promulgation. This rulemaking addresses a compelling public interest, as described in this Preamble, and is otherwise in compliance with Executive Order 1996-1.

#### *Comments*

Notice of proposed rulemaking was published at 25 Pa.B. 4001 (September 23, 1995), and provided for a 30-day public comment period.

Comments were received from individual pork producers, the Pennsylvania State University College of Agricultural Sciences, a large-scale pork production operation, the House Agriculture and Rural Affairs Committee (House Committee) and the Independent Regulatory Review Commission (IRRC). Comments included concern for inadequate indemnity provisions, criticism of cost estimates of industry fiscal impact, recommendation for Department subsidy of vaccination costs, recommendations regarding appointment and consultation with an Advisory Committee and recommendations to clarify the regulations by altering the organization of the material and improving syntax. Response to these comments is organized by subject as follows.

#### *Indemnity*

The House Committee and IRRC requested an explanation of the Department's statutory authority to pay, or refrain from paying, indemnity with respect to swine depopulated from quarantined pseudorabies-exposed herds.

Pseudorabies is a dangerous transmissible disease of animals. The Department's authority to impose quarantines upon animals infected with pseudorabies, suspected of having pseudorabies, exposed to pseudorabies or susceptible to pseudorabies is set forth at sections 3 and 5 of the act of April 17, 1929.

Section 1702 of The Administrative Code of 1929 authorizes the Department to "... take such measures as may seem advisable concerning methods of preventing, controlling and eradicating disease of animals, to cause the disinfection of any premises, and, when deemed necessary to prevent the spread of disease, to cause the destruction of animals..." This provision gives the Department broad discretion to act with respect to pseudorabies in swine. The Department believes it a reasonable and necessary exercise of its statutory authority to quarantine pseudorabies-exposed swine herds, to require the development and implementation of herd-cleanup plans and, under certain circumstances in Stage 3 or higher, to condemn infected or exposed animals, or both.

The Department is not statutorily required to pay indemnity to the owners of swine who voluntarily depopulate their herds under herd-cleanup plans. The Department has, historically, exercised its authority under section 1702 of The Administrative Code of 1929 and paid indemnity only when animals have been condemned. Exercise of this authority has been limited to dangerous transmissible disease agents that threaten public health and which cannot reasonably be tolerated by the public or the industry. For example, in a recent outbreak of bovine tuberculosis the Department elected to pay the owner of a quarantined herd indemnity in exchange for the herd owner's agreement to destroy its tuberculosis-exposed animals. In this instance, the tuberculosis-exposed herd was the only known reservoir of bovine tuberculosis in

this Commonwealth and the herd's destruction would be a major step forward in the Department's effort at protecting human health and regaining "tuberculosis-free" status for this Commonwealth.

The only situation where the payment of indemnity for swine is statutorily required, though, occurs when the Department condemns swine, as that term is defined in section 1 of the act of June 22, 1931 (P. L. 682), as amended (3 P. S. § 398).

In light of the foregoing, the Department concludes that although it may compensate the owner of quarantined pseudorabies test positive swine that are destroyed in accordance with a herd-cleanup plan, it is not obligated to pay indemnity since it has not condemned the animals in question.

Six commentators—the House Committee among them—offered comments to the effect that depopulation of pseudorabies test positive swine should be required in the absence of the payment of indemnity by the Department. Two of these commentators suggested the final amendments be revised to require the Department to pay indemnity whenever funds are available—regardless of the status of the particular herd-cleanup effort. One commentator suggested the General Assembly fund the Commonwealth's pseudorabies eradication effort as it funded the Avian Influenza eradication effort with respect to the Commonwealth's poultry industry several years ago. The commentator expressed an interest in eradicating pseudorabies in his infected swine herd, but reluctance to destroy his breeding stock which was "... too expensive to sell to the butcher," unless he was adequately compensated.

The Department gave careful consideration to the propriety of condemning pseudorabies infected or exposed swine and concluded that, in the context of an industry-conceived and driven program, and in the absence of human health risk, it was inappropriate to adopt condemnation as a routine pseudorabies eradication program measure. The Department, however, recognized that special circumstances could occur which might necessitate or make highly desirable condemnation action. Provision in these amendments for indemnity refers only to the latter circumstances. In any case, ability to pay indemnity will depend on the availability of enabling funding.

IRRC suggested the definition of "indemnity" at § 10.1 (relating to definitions) be rephrased to state that indemnity may be equal to "all or" a portion of the appraised value of condemned swine. The Department declines to implement this suggestion. The Department believes it might be misleading to suggest that indemnity is intended to cover "all" of a recipient's losses. The Department believes that section 2 of the act of June 22, 1931 sets forth the indemnity rates that the Department should offer: no more than \$300-per-swine; and the Department's contribution, together with salvage value and compensation received from other sources, may not exceed 90% of the appraised value of the animal.

IRRC recommended the initial paragraph of § 10.26 (relating to indemnity) be rephrased for greater clarity.

The Department accepts this suggestion, and has amended that paragraph accordingly.

A commentator recommended that § 10.26(a)(1) be revised to clarify that indemnity may be paid by the Department if, despite a herd owner's concerted effort to implement an official pseudorabies herd-cleanup plan, pseudorabies virus is not eliminated from the herd within a reasonable period of time.

The Department accepts this suggestion, and has revised § 10.26(a)(1) accordingly.

#### *Fiscal Impact*

Six commentators, the House Committee among others disagreed with statements in the Preamble and regulatory analysis form with respect to the proposed amendments indicating that the proposed amendments were not expected to impose additional costs on the private sector. The House Committee summarized the commentators' points of disagreement as follows:

The direct cost to individual producers subject to a herd-cleanup program will be substantial in the short term. The actual cost of a cleanup program, loss of income in the case of depopulation (both with or without indemnity), "down time" of a facility and other such actions all impose a cost on the individual producer. Likewise, additional recordkeeping and regulatory requirements impose an indirect cost on the entire industry.

In order to avoid confusion on the question of whether these regulatory revisions will impose additional costs upon producers, the Department has set forth a more detailed explanation in this Preamble under the heading addressing "Fiscal Impact—Private Sector," and has revised Answer No. 22 on the Regulatory Analysis Form. The Department does not believe that these final-regulations will significantly increase the costs which a herd owner must bear. A number of considerations went into this conclusion, among them: the costs imposed on a herd owner by the mere presence of the pseudorabies virus in a swine herd, the costs that are imposed or could be imposed on a herd owner under the Department's current statutory and regulatory authority, the average turnover time of a swine herd and the additional costs that these final-regulations might impose.

The presence of pseudorabies virus in a swine herd imposes costs on the herd owner, regardless of whether the virus has been detected or not. Swine afflicted with the virus suffer higher reproductive failures and diminished feed conversion efficiency.

Under current statutory and regulatory authority, the Department places a special quarantine upon any swine herd within which pseudorabies exposure has been detected. This requirement is set forth at § 10.6 (relating to quarantine required). The circumstances under which a pseudorabies-related quarantine may be released are detailed at § 10.8 (relating to quarantine release) and include depopulation/disinfection requirements and specific testing regimens. These quarantine restrictions result in diminished product value and increased production costs.

Under the current regulation an owner of a quarantined pseudorabies-exposed swine herd faces the following options, and the costs associated with each: (1) allow the herd to remain under quarantine, obtaining permits as needed to move swine directly to slaughter; (2) depopulate the entire herd and disinfect the premises in accordance with § 10.8(c)(1); (3) depopulate only those animals that are positive to an official test for pseudorabies, and test the remaining exposed animals in accordance with § 10.8(c)(2); or (4) take other measures to demonstrate to a pseudorabies epidemiologist that the swine herd meets Federal quarantine release requirements. In short, these final regulations would remove only the first of the foregoing four options and compel the development and implementation of herd-cleanup plans in infected herds. It does not compel a particular method of herd-cleanup.

but presents the herd owner with a number of options. These options are in accordance with guidelines established in the Eradication Program standards.

The Department agrees that there would be significant costs incurred by a herd owner who elects to completely depopulate his pseudorabies-exposed swine herd, disinfect the premises and allow a lapse of at least 30 days prior to herd repopulation, as described at § 10.8(c)(1). However, the amendments afford herd owners both the methodology and time (3 years) within which to accomplish herd-cleanup, with or without complete herd depopulation, with minimal resultant costs.

In many pseudorabies-exposed swine herds to date, the herd owner has opted for a method of herd-cleanup that involves the marketing of test positive animals and the systematic testing of the remaining animals, as described at § 10.8(c)(2) and (3). This allows the herd owner to make optimal use of the cycle of herd turnover. Swine herd populations are not static. The average life span of individual breeding animals in a swine herd is approximately 2.5 years; the average life span of swine fed for market is 5 to 6 months. Breeding replacement stock is obtained from herd progeny or by purchasing from outside sources.

Section 10.22(b)(2) (relating to objectives of plan) of the final regulations affords a herd owner 36 months, during Stage 3 of the Eradication Program, from the Department's approval of a herd-cleanup plan within which to eliminate pseudorabies virus from the herd. This 3-year period allows the herd-owner to utilize the 2.5 year herd turnover period, plus an additional 6 months, within which to systematically purge the herd of pseudorabies.

Under this herd cleanup plan, the herd owner would not be deprived of the value of his pseudorabies-infected swine. These animals are not marketable for purposes other than slaughter and the herd owner may market them for this purpose. If a particular test-positive swine had exceptional value as a breeding animal, and the herd owner is not immediately inclined to have this swine shipped to slaughter, he can segregate it from the herd and obtain the benefit of the swine's breeding value within the 36-month period for herd-cleanup plan completion. With respect to the swine that have been exposed to pseudorabies but are not pseudorabies test positive, the herd owner may continue to raise them within the herd. If these animals are ready for market while the herd quarantine remains in place, the herd owner may ship them to slaughter. Once the quarantine is lifted, the herd owner may dispose of swine as the owner deems appropriate. The only costs imposed by these final-regulations (as opposed to costs resulting from the presence of the pseudorabies virus within the herd or costs imposed under the current regulations) are the costs of testing, and these costs will be largely borne by the Department.

Several commentators offered general comments in support of these amendments.

A commentator from the Pennsylvania State University College of Agricultural Sciences states "The general intent of the proposed rulemaking is worthwhile and timely. New regulations should be implemented . . ."

The same commentator opined that costs imposed by this regulation ". . . should be far less than the cost to all Pennsylvania pork producers if the disease is not controlled or if interstate trade is adversely impacted because of the presence of . . . (pseudorabies virus) . . . in Pennsylvania."

Another commentator from the Pennsylvania State University College of Agricultural Sciences stated that ". . . there will be many circumstances in which the cost of eradicating the disease will outweigh the improvements in (swine) health and production." The commentator, while questioning the economic validity of embarking on a National pseudorabies eradication effort, supported the Eradication Program in light of its support among the industry and among owners of quarantined pseudorabies-exposed swine herds, the fact that neighboring states are further along in the five-stage cleanup process than the Commonwealth and the fact that Pennsylvania-produced feeder pigs are facing interstate marketing difficulties as a result. The commentator also observed that: ". . . many producers in Pennsylvania have already eradicated the virus from their herds with the understanding that other quarantined herd owners would make similar efforts. In fairness to those cooperating producers and to those who have made significant investments to minimize the threat of pseudorabies, acceptance of these regulations is needed."

In summary, the Department accepts the comments of the House Committee to the extent that a herd owner might incur some costs as a result of these final amendments if the owner opts for the total herd depopulation and disinfection procedures set forth at § 10.8(c)(1). These final regulations do not compel these procedures, though. A herd-cleanup plan may combine selective depopulation with selective herd repopulation, testing and monitoring procedures to allow the herd owner to systematically purge the owner's herd of pseudorabies during the natural herd turnover cycle. The final-regulations do not subject herd owners to any costs the owners were not already subject to under current regulatory authority.

#### *Vaccine*

One commentator suggested the Department distribute pseudorabies vaccine and initiate a thorough swine vaccination program in lieu of the procedures set forth in these final regulations.

The Department considered this proposal as it developed these amendments. Pseudorabies vaccine does not eliminate the pseudorabies virus within a swine herd nor does it prevent infection. Vaccine is useful in reducing virus shedding by infected animals and reduces the likelihood of spread within a herd or to other neighboring herds. The Department is aware of herd owners who used vaccination as the method of pseudorabies control within their swine herds and the Department has promoted the judicious use of vaccine. In most cases, vaccination alone was not enough to remove pseudorabies from the swine herd.

In addition, one of the goals of these final regulations is to bring the Commonwealth's pseudorabies eradication strategy in line with the Pseudorabies Eradication Program. That Program does not prescribe vaccination, by itself, to ensure pseudorabies eradication within a swine herd.

Although the Department believes that vaccination is a helpful tool in pseudorabies eradication, it must be used in combination with depopulation, sanitation measures and testing in order to achieve pseudorabies eradication within a swine herd. For the foregoing reasons, the Department declines to implement the suggestion that it use vaccination as the sole means by which to combat pseudorabies in swine.

*Clarification*

IRRC suggested the second sentence of the definition of "indemnity" at § 10.1 be relocated to § 10.26.

The Department accepts this suggestion, and has amended these sections accordingly.

IRRC also suggested the second sentence of the definition of "official pseudorabies epidemiologist" be relocated. The sentence at issue states that an official pseudorabies epidemiologist shall have special training in the diagnosis and epidemiology of pseudorabies, and otherwise meet the responsibilities of an "official pseudorabies epidemiologist," as that term is defined in the Eradication Program standards.

The Department is not inclined to implement IRRC's suggestion. The reference to "special training in the diagnosis and epidemiology of pseudorabies" comes verbatim from the definition of "official pseudorabies epidemiologist" in the Eradication Program standards. The reference to meeting the responsibilities assigned an official pseudorabies epidemiologist under those Eradication Program standards helps to demonstrate to other jurisdictions that the Commonwealth's pseudorabies eradication efforts are in accordance with the Eradication Program standards, and apprises persons seeking or holding that designation of the necessity of being knowledgeable with respect to the Eradication Program standards.

IRRC further suggested the definition of "official pseudorabies herd-cleanup plan" be revised by deleting all but the first sentence and relocating the deleted material elsewhere in the final regulation. For the same basic reasons set forth in the preceding paragraph, the Department declines to implement this suggestion.

The definition at issue restates the definition of "official pseudorabies herd-cleanup plan" set forth in the Eradication Program standards, and emphasizes that the link between these definitions is intentional on the Department's part.

IRRC and another commentator expressed concern with the requirement that a herd owner develop and implement a pseudorabies herd-cleanup plan within 60 days (or some shorter specified time period) of receiving written notice from the Department directing this action. This requirement is set forth at § 10.21(a) (relating to plan requirements-development and implementation). IRRC stated it was not clear that a herd owner had to develop and implement a herd-cleanup plan within the 60-day period.

For greater clarity, the Department has replaced "implement" with "put into effect" in both §§ 10.21 and 10.25.

IRRC also recommended proposed § 10.21 be reworked to clarify the steps which the Department takes in reviewing proposed herd-cleanup plans and communicating its approval, disapproval or requests for additional information to the herd owner.

The Department accepts this recommendation, and has revised § 10.21(a) and (c) accordingly. A 15-day review period is established, and any time beyond this will not be credited against the 60 days within which a herd owner shall develop and put into effect an official pseudorabies herd-cleanup plan.

Two commentators recommended the Department require owners of quarantined pseudorabies-exposed swine herds within a particular region to develop and implement herd-cleanup plans at the same time. Presumably,

this would decrease the risk that pseudorabies would spread from an infected herd with respect to which a herd-cleanup plan had not been implemented to a herd with respect to which a herd-cleanup plan had been implemented.

The Department accepts this recommendation. The Department will impose herd-cleanup requirements upon known pseudorabies-exposed swine herds at the same time.

IRRC noted the use of the term "official pseudorabies herd-cleanup plan" in § 10.22 (relating to objectives of plan) and suggested replacing that term with "Department approved pseudorabies herd-cleanup plan."

The Department is reluctant to deviate from the terminology set forth in the Eradication Program standards. These standards use the term "official pseudorabies herd-cleanup plan." The overall purpose of the Eradication Program—to identify, contain and eliminate pseudorabies in swine Nationwide—is served by developing a common vocabulary among Federal and State animal health authorities. For these reasons, the Department elects to retain the term "official pseudorabies herd-cleanup plan" in the final amendments.

IRRC and several other commentators suggested that § 10.22(b)(2) (relating to objectives of plan) be revised by inserting the term "cleanup plan" in place of "cleanup program." This revision would make subsection (b)(2) consistent with subsection (b)(1) and (3), both of which use the term "cleanup plan," and with the definition of "official pseudorabies herd cleanup plan" at § 10.1.

The Department accepts this suggestion, and has amended § 10.22(b)(2) accordingly.

*Advisory Committee*

Several comments were received with respect to the composition and function of the Advisory Committee.

IRRC noted that proposed § 10.27(a) (relating to Advisory Committee) provided that the Secretary may appoint an Advisory Committee, and recommended that the final amendments use the word will instead.

The Department accepts this recommendation, and has amended § 10.27(a) accordingly.

Section 10.27(c), which describes Advisory Committee membership, does not specifically require that small-scale independent swine production operations be represented on that body. IRRC and three other commentators expressed concern over this fact. One commentator recommended the Advisory Committee contain producers who have successfully completed herd-cleanup plans. Another expressed skepticism that any nominee submitted by the Pennsylvania Pork Producers Council would adequately represent independent family producers who own pseudorabies-exposed swine herds. IRRC recommends the final amendments require independent family producer representation on the Advisory Committee.

The Department objects to the mandatory inclusion of a representative of small-scale independent family swine producers on the Advisory Committee, and notes that approximately 75% of the directors of the Pennsylvania Pork Producers Council are small or medium-sized independent producers. The Department has revised § 10.27(c)(2), though, to allow the Secretary of Agriculture greater discretion in selecting Advisory Committee members representing a fair cross-section of the Commonwealth's swine production industry. Nominees may be

submitted by any person involved in the Commonwealth's swine production industry, or by any group representing that industry.

The House Committee, IRRC and another commentator took issue with the role assigned the Advisory Committee under the proposed amendments. The House Committee asked whether the Department should have the sole power to require herd-cleanup plans, impose sanctions and decide whether to pay indemnity for swine depopulated from pseudorabies-exposed herds in accordance with herd-cleanup plans. The House Committee suggested the consent and agreement of the Advisory Committee be obtained in these matters. In related comments, two other commentators recommended that the Advisory Committee, rather than the Department, have authority to deal with pseudorabies-exposed swine herds.

One of the purposes of the final-regulations is to bring the Department's pseudorabies control efforts into conformity with the Pseudorabies Eradication Program developed by USDA-APHIS. That Eradication Program prescribes the responsibilities of a state pseudorabies committee. These responsibilities are repeated almost verbatim in § 10.27(b). The Department prefers to rely entirely on the Eradication Program standards for guidance in establishing and relating to program measures.

Furthermore, in the absence of specific statutory authority, the Department has no authority to abdicate its responsibility for the identification, containment and eradication of pseudorabies, or its duty with respect to the expenditure of the funds appropriated it by the General Assembly for indemnity payments, in favor of the Advisory Committee.

Both IRRC and the House Committee requested clarification of the manner in which the Department will consult with the Advisory Committee.

The Department agrees that the proposed amendments were ambiguous in this regard. The Department has added a new § 10.27(f) to the final regulations, and has redesignated proposed subsection (f) as subsection (g) in the final amendments. When practicable, the Department will convene a meeting of the Advisory Committee to consult with respect to issues arising under §§ 10.25 and 10.27(b). If, in the Department's discretion, there is insufficient time within which to convene a meeting of the Advisory Committee, the Department will take necessary action and subsequently call a meeting or individually poll the members of the Advisory Committee regarding the question at issue. The presence or participation of more than half of the Advisory Committee members is necessary to constitute a quorum of that body. The majority vote of a quorum constitutes the position of the Advisory Committee on a given issue.

#### *Fiscal Impact*

##### *Commonwealth*

These amendments are expected to impose costs of approximately \$15,000 on the Department in FY-1996, progressively decreasing to less than \$4,000 in FY-1999.

##### *Political Subdivisions*

These amendments will impose no costs and have no fiscal impact upon political subdivisions.

##### *Private Sector*

These amendments will not increase the costs of compliance which were imposed upon the private sector under pre-existing regulatory authority. The sole exception might occur with respect to the owner of a quaran-

ted pseudorabies-exposed swine herd who implements a herd-cleanup plan under which the entire herd is depopulated, the premises disinfected and left unoccupied by swine for at least 30 days prior to the reintroduction of swine. These costs are not readily measurable. The quarantined pseudorabies-exposed swine herds in this Commonwealth (approximately 50) may implement herd-cleanup plans that may not result in additional costs to the herd owner.

#### *General Public*

These amendments will impose no costs and have no fiscal impact upon the general public.

#### *Paperwork Requirements*

These amendments are not expected to result in an appreciable increase in paperwork.

#### *Contact Person*

Further information is available by contacting the Department of Agriculture, Attention: Max A. Van Buskirk, Jr., Director, Bureau of Animal Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)) the Department submitted a copy of the notice of proposed rulemaking published at 25 Pa.B. 4001 (September 23, 1995) on September 12, 1995, to IRRC and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on March 14, 1996, were deemed approved by the Senate Committee on March 14, 1996, and were approved by IRRC on March 21, 1996, in accordance with section 5(c) of the Regulatory Review Act.

#### *Findings*

The Department finds that:

- (1) Public notice of intention to amend the regulations encompassed by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and that the comments received were considered.
- (3) The modifications that were made to these regulations in response to comments received do not enlarge the purpose of the proposed amendments published at 25 Pa.B. 4001.
- (4) The adoption of the amendments in the manner provided by this order is necessary and appropriate for the administration of the authorizing statute.

#### *Order*

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

- (1) The regulations of the Department, 7 Pa. Code Chapter 10, are amended by amending §§ 10.1 and 10.8; and by adding §§ 10.21—10.27 to read as set forth in Annex A.



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

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

(4) This Order shall take effect upon publication in the *Pennsylvania Bulletin*.

CHARLES C. BROSIUS,  
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 1603 (April 6, 1996).)

**Fiscal Note:** 2-91. (1) General Fund; (2) Implementing Year 1995-96 is \$15,000; (3) 1st Succeeding Year 1996-97 is \$15,000; 2nd Succeeding Year 1997-98 is \$11,250; 3rd Succeeding Year 1998-99 is \$7,500; 4th Succeeding Year 1999-00 is \$3,750; 5th Succeeding Year 2000-01 is \$3,750; (4) FY 1994-95 \$514,282; FY 1993-94 \$520,891; FY 1992-93 \$811,425; (7) General Government Operations; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART I. BUREAU OF ANIMAL INDUSTRY**

**CHAPTER 10. PSEUDORABIES DISEASE**

**GENERAL**

**§ 10.1. Definitions.**

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

*Advisory Committee*—The State Pseudorabies Advisory Committee.

*Animal*—An equine or bovine animal, sheep, goat, pig, dog or cat and any wild animal under domestication and embryo, ova and semen.

*Animal market*—A place approved by the Department other than the farm of origin where animals are offered for sale, barter or trade, on a public, private or commercial basis.

*Breeding swine*—Sexually intact domestic swine 6 months of age or older, sexually intact feral swine of all ages, and sexually intact swine 5 months of age or younger selected for producing offspring.

*Common ground*—The ground, areas, building or equipment communally shared by any specific group of livestock.

*Condemned*—The status of a quarantined swine, swine product, conveyance or other quarantined article that has been determined by the Department as having been exposed to pseudorabies virus so that destruction of the swine, swine product, conveyance or other article is necessary to prevent the spread of pseudorabies.

*Cooperative agreement*—A document signed by the animal owner, attending veterinarian and Department regarding participation in a specific disease control program.

*Department*—The Department of Agriculture of the Commonwealth.

*Eradication Program*—The Pseudorabies Eradication State-Federal-Industry Program developed by USDA-APHIS and set forth in the Eradication Program standards.

*Eradication Program standards*—Those standards set forth in the USDA-APHIS publication bearing No. 91-55-018 and entitled "Pseudorabies Eradication State-Federal-Industry Program Standards, effective January 1, 1994," or any applicable subsequent revision or codification thereof.

*Farm of origin*—A farm where the swine were born or the farm of most recent residence for at least 90 consecutive days immediately before movement.

*Feeder swine*—Domestic swine other than breeding swine.

*Garbage*—Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods, including animal carcasses and parts thereof.

*Herd*—A group of livestock maintained on common ground for a purpose, or two or more groups of livestock between which members are interchanged regardless of separation.

*Indemnity*—Payment to the owner for a portion of the appraised value of condemned swine, swine products and other condemned articles that are slaughtered or destroyed by order of the Department to eradicate or prevent the spread of pseudorabies virus.

*Licensed pseudorabies vaccine*—A pseudorabies virus vaccine produced under license from the USDA-APHIS under the Virus, Serum and Toxin Act (21 U.S.C.A. §§ 151—159).

*Official pseudorabies epidemiologist*—A veterinarian employed by the Department or USDA-APHIS and designated by the Department and USDA-APHIS to investigate and diagnose suspected pseudorabies in animals. An official pseudorabies epidemiologist shall have special training in the diagnosis and epidemiology of pseudorabies, and shall otherwise meet the responsibilities of an "official pseudorabies epidemiologist," as that term is defined in the Eradication Program standards.

*Official pseudorabies herd-cleanup plan*—A written plan to eliminate pseudorabies from a swine herd. The plan shall:

- (i) Be developed by an official pseudorabies epidemiologist in consultation with the herd owner and his veterinary practitioner, if applicable.
- (ii) Be mutually acceptable to those parties.
- (iii) Be approved by the Department.
- (iv) Otherwise be in conformance with the definition of "official pseudorabies herd-cleanup plan," as that term is defined in the Eradication Program standards.

*Owner-shipper statement*—A statement signed by the owner or shipper of swine which states the following:

- (i) The number of swine to be moved.
- (ii) Official identification (complete eartag, tattoo or backtag number) of each swine.
- (iii) The points of origin and destination.
- (iv) The consignor and consignee.
- (v) Additional information required by 9 CFR Part 85 (relating to pseudorabies).

*Permit*—A document issued by the Department or USDA-APHIS authorizing and establishing conditions under which a quarantined animal may be moved interstate or intrastate.

*Pseudorabies*—A contagious, infectious and communicable disease of animals caused by herpesvirus suis, also known as Aujeszky's disease, mad itch or infectious bulbar paralysis, that has been declared by the Department to be a dangerous transmissible disease.

*Pseudorabies exposed animal*—An animal that has been in contact with a pseudorabies infected animal. The term does not include an animal, other than swine, that has not been in contact for 10-consecutive days with an animal with symptoms of pseudorabies.

*Pseudorabies restricted animal market*—A quarantined animal market designated by the Department to conduct sales of swine originating from premises under Pennsylvania pseudorabies quarantine.

*Pseudorabies test*—A test for the diagnosis of pseudorabies approved by the Department that is conducted in a laboratory approved by the Department or USDA-APHIS to perform pseudorabies tests.

*Pseudorabies vaccine*—A product containing pseudorabies virus antigens.

*Qualified pseudorabies negative herd*—A swine herd enrolled in and in compliance with the qualified pseudorabies negative swine herd plan as defined in 9 CFR Part 85.

*Quarantined feedlot*—Premises where pseudorabies infected or exposed swine are fed and from which swine are moved by permit or owner shipper statement directly to a recognized slaughter establishment or directly through no more than one pseudorabies restricted animal market and then directly to a recognized slaughter establishment.

*Quarantined herd*—A herd in which pseudorabies infected or exposed swine are bred, reared or fed, and from which swine are moved only by permit directly to a recognized slaughter establishment or directly through no more than one pseudorabies restricted animal market and then directly to a recognized slaughter establishment.

*Recognized slaughter establishment*—A slaughter establishment operated under the Federal Meat Inspection Act (21 U.S.C.A. §§ 601–623, 641–645, 661, 671–680 and 691).

*Secretary*—The Secretary of the Department.

*Stage I*—The initial preparation stage of the Eradication Program, during which the basic procedures to control and eradicate pseudorabies are developed. This designation means that the Commonwealth has met the Stage I qualification standard set forth in the Eradication Program standards.

*Stage II*—The control stage of the Eradication Program, during which the Department participates on a cooperative basis with the Veterinary Services branch of USDA-APHIS to determine which herds are infected with pseudorabies and to begin herd-cleanup. This designation means that the Commonwealth, or a particular county thereof if so designated, has met the Stage II qualification standard set forth in the Eradication Program standards.

*Stage III*—The mandatory herd-cleanup stage of the Eradication Program, during which the cleanup of infected herds becomes mandatory and the Department, in consultation with the Advisory Committee, establishes time limits for developing and completing official pseudorabies herd-cleanup plans. This designation means that the Commonwealth, or a particular county thereof if so designated, has met the Stage III qualification standard set forth in the Eradication Program standards.

*Stage IV*—The surveillance stage of the Eradication Program, during which the Department monitors the Commonwealth, or any county thereof bearing this designation, to determine that cleanup programs have been effective, that any pseudorabies cases are attributable to importation of swine from out-of-State and that these outbreaks are contained. This designation means that the Commonwealth, or a particular county thereof if so designated, has met the Stage IV qualification standard set forth in the Eradication Program standards.

*Stage V*—The pseudorabies-free stage of the Eradication Program, during which the Commonwealth, or any county thereof bearing this designation, has been free of pseudorabies for at least 12 months and continues surveillance for cases of that disease. This designation means that the Commonwealth, or a particular county thereof if so designated, has met the Stage V qualification standard set forth in the Eradication Program standards.

*USDA-APHIS*—The United States Department of Agriculture, Animal and Plant Health Inspection Services.

#### § 10.8. Quarantine release.

(a) Swine quarantined for noncompliance with importation health requirements shall be released from quarantine only when all importation requirements are met.

(b) Swine quarantined in accordance with § 10.6(c) (relating to quarantine required) may be released from quarantine when the swine are determined by the Department to be pseudorabies test negative.

(c) A quarantine imposed upon a pseudorabies infected swine herd may be released when one of the following conditions is met:

(1) The swine have been removed from the premises, the premises is thoroughly cleaned and disinfected with USDA-APHIS approved disinfection procedures in accordance with 9 CFR 85.12 and 85.13 (relating to cleaning and disinfecting means of conveyance; and cleaning and disinfecting livestock markets and other facilities) and swine have not been on the premises for 30 days or more.

(2) Swine positive to an official test for pseudorabies have been removed from the premises and exposed swine which remain in the herd are negative to two official pseudorabies tests. The first test may not be less than 30 days after the last positive swine has been removed from the premises and the second test not less than 60 days after the first test.

(3) Swine positive to an official test for pseudorabies have been removed from the premises and three successive random sample tests of the breeding herd and three successive random sample tests of other swine on the premises that are at least 4 months of age are negative for pseudorabies. The first test shall be done at least 30 days after removal of all positive swine; the second test shall be done at least 90 days after the first test and the third test shall be done at least 90 days after the second test. The number of swine composing a random sample for quarantine removal under this section is:

<i>No. of swine in herd</i>	<i>No. of swine to be tested</i>
1–10	All
11–35	10
36 or more	30% or 30, whichever is less

A random sample shall include all age groups including boars.

(4) An official pseudorabies epidemiologist has reviewed the herd history and determined the herd is free

of pseudorabies and the swine herd meets quarantine release requirements in 9 CFR Part 85 (relating to pseudorabies).

(d) Animals, other than swine not exposed to an animal with symptoms of pseudorabies or a test positive animal for 10 days may be released from quarantine.

**ERADICATION PROGRAM**

**§ 10.21. Plan requirements.**

(a) *Development and implementation.* The Department will provide the owner of a pseudorabies swine herd with written notice of the time period within which an official pseudorabies herd-cleanup shall be developed and put into effect. This notice shall set forth the identity, address and telephone number of the official pseudorabies epidemiologist who shall consult with the herd owner in the development of the official herd-cleanup plan. The period within which the official pseudorabies herd-cleanup plan shall be developed and put into effect may be no longer than 60 days from the date upon which the owner receives the written notice. The herd owner shall promptly submit a proposed herd-cleanup plan to the Department.

(b) *Subject matter.* The Department may require that an official pseudorabies herd-cleanup plan address any activity relevant to the detection, containment or eradication of pseudorabies within the infected swine herd, as well as the surveillance and testing of the herd once it appears to be pseudorabies-free, regardless of whether the area of the Commonwealth within which the herd is located has been designated Stage I, Stage II, Stage III, Stage IV or Stage V.

(c) *Review, approval and modification.*

(1) An official pseudorabies herd-cleanup plan shall be approved by the Department prior to being put into effect.

(2) The Department will conduct its review of a proposed herd-cleanup plan within 15 days of receiving it, and will mail the Department's written approval, disapproval or request for additional information to the herd owner within that 15-day period.

(3) A written request by the Department for additional information shall toll the running of the 15-day period described in paragraph (2).

(4) Subsection (a) notwithstanding, if the Department fails to meet the 15-day deadline described in paragraphs (2) and (3), the development and implementation period described in subsection (a) will be extended by the number of days by which the Department exceeded its 15-day deadline.

(5) The Department may require that an official pseudorabies herd-cleanup plan be modified, and will provide the affected herd owner with advance notice of any required modifications in the manner set forth in this section.

**§ 10.22. Objectives of plan.**

(a) *General objective.* The general objective of an official pseudorabies herd-cleanup plan shall be to qualify all quarantined animals, premises and articles for release from quarantine.

(b) *Specific objectives.*

(1) The objective of an official pseudorabies herd-cleanup plan for a herd that is in an area of the Commonwealth designated Stage II shall be to prevent the further spread of pseudorabies within the herd and to

take surveillance, sanitation and other measures toward eliminating pseudorabies from the herd.

(2) The objective of an official pseudorabies herd-cleanup plan for a herd that is in an area of this Commonwealth designated Stage III shall be to eliminate pseudorabies virus within the herd no later than 36 months after the Department approves the plan.

(3) The objective of an official pseudorabies herd-cleanup plan for a herd that is in an area of the Commonwealth designated Stage IV or Stage V shall be to eliminate pseudorabies virus in the herd no later than 6 months after the Department approves the plan.

**§ 10.23. Monitoring the plan.**

The Department will monitor the progress of an official pseudorabies herd-cleanup plan. This monitoring will be conducted at the Department's expense.

**§ 10.24. Progress report.**

The owner of a pseudorabies infected swine herd that is subject to an official pseudorabies herd-cleanup plan shall cooperate with the Department in the preparation by the Department of periodic progress reports. This cooperation includes making herd records available for inspection and presenting herd animals for physical inspection and testing by the Department or its authorized representatives during daylight hours or at some mutually-agreeable time.

**§ 10.25. Consequences of noncompliance by herd owner.**

If an owner of a pseudorabies infected swine herd has received the written notice described in § 10.21 (relating to plan requirements), yet fails to develop and put into effect an official pseudorabies herd-cleanup plan within the time period in that written notice, the Department may order mandatory depopulation of the herd, and may revoke or deny permits to move quarantined animals. The determination that an owner has failed to develop and put into effect an official pseudorabies herd-cleanup plan shall be made by the Department, which will consult with the Advisory Committee in accordance with § 10.27(f) (relating to Advisory Committee), in making this determination.

**§ 10.26. Indemnity.**

(a) The Department may offer indemnity if funds for indemnity are available, and may require the depopulation of a herd if it determines that one or more of the following apply:

(1) The herd owner has made a concerted effort to implement an official pseudorabies herd-cleanup plan, but has been unable to eliminate the pseudorabies virus from the herd within the applicable objective time in § 10.22(b) (relating to objectives of plan).

(2) Failure to depopulate the herd would unreasonably impede the progress or jeopardize the pseudorabies status of the Commonwealth under the Eradication Program.

(b) An indemnity payment need not equal and may not exceed the appraised value of the animal or article condemned by the Department.

**§ 10.27. Advisory Committee.**

(a) *Establishment.* The Secretary will appoint an Advisory Committee.

(b) *Duties.* It is the responsibility of the Advisory Committee to do the following:

(1) Inform and educate all segments of the Commonwealth's swine industry regarding pseudorabies eradication activities.

(2) Review the Eradication Program and make recommendations to the Department and to USDA-APHIS officials.

(3) Consult with the Department, as appropriate, on the subjects of Eradication Program budgeting, regulations, the use of vaccine and the Commonwealth's progress through the various stages of the Eradication Program.

(4) Maintain a liaison with other states and the National Pseudorabies Eradication Program through the National Pork Producers Council, the United States Animal Health Association, the Livestock Conservation Institute and USDA-APHIS.

(5) Perform the duties of a "State pseudorabies committee," as that term is defined in the Eradication Program standards.

(c) *Membership.* The Secretary or a designee will be a member of the Advisory Committee. The Secretary will consider nominations for the Advisory Committee and will appoint the following:

(1) At least two but no more than four USDA-APHIS personnel from among nominees submitted by USDA-APHIS.

(2) At least six but no more than eight representatives of the Commonwealth's swine industry from among nominees submitted by persons engaged in the Commonwealth's swine industry or groups representing that industry.

(3) Two representatives of the Pennsylvania State University Extension Service.

(4) At least one but not more than two veterinary practitioners from among nominees submitted by the Pennsylvania Veterinary Medical Association.

(d) *Terms.* Appointed members of the Advisory Committee shall serve 2-year terms, and may be appointed to successive terms.

(e) *Chairperson; meetings.* At its first meeting of each calendar year, the Advisory Committee shall elect a chairperson, who shall serve in that capacity until the first meeting of the following calendar year or until his membership on the Advisory Committee ends, whichever occurs first. The Secretary or the chairperson may call meetings of the Advisory Committee, when appropriate.

(f) *Consultation.*

(1) If practicable, the Secretary will call and conduct a meeting of the Advisory Committee to consult that body on matters relating to the discharge of the Advisory Committee's duties under § 10.25 (relating to consequences of noncompliance by herd owner) and subsection (b).

(2) The presence of a majority of the Advisory Committee members shall constitute a quorum of the Advisory Committee. The majority vote of a quorum shall be considered the advice of the Advisory Committee.

(3) If the Department, in its discretion, determines a need for immediate action without first consulting the Advisory Committee, it will take action and, within 30 days thereof, the Secretary will call a meeting of the Advisory Committee or inform and poll that body regarding the action taken.

(g) *Disbanding the Advisory Committee.* The Secretary may disband the Advisory Committee if the Eradication

Program standards no longer require such a body as a condition of participation in the Eradication Program.

[Pa.B. Doc. No. 96-758. Filed for public inspection May 10, 1996, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

#### Stream Redesignations; Pine and Elk Creeks

The Environmental Quality Board (Board) by this order adopts amendments to § 93.9m (relating to Drainage List M) as set forth in Annex A.

This order was adopted by the Board at its meeting of January 16, 1996.

##### A. *Effective Date*

This amendment is effective upon publication in the *Pennsylvania Bulletin*.

##### B. *Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Assessment and Standards, Bureau of Water Quality Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8465, 400 Market Street, Harrisburg, PA 17105-8465, (717) 787-9637 or William J. Gerlach, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

##### C. *Statutory Authority*

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

##### D. *Background of the Amendment*

The Commonwealth's Water Quality Standards, which are set forth in part in Chapter 93 (relating to water quality standards), implement the provisions of sections 5 and 402 of the act and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards are in-stream water quality goals which are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The Department of Environmental Protection (Department) considers waterbodies for special protection status and redesignation in its ongoing review of water quality standards. In general, special protection waters shall be maintained at their existing quality, and wastewater treatment requirements shall comply with § 95.1. Candidates may be identified by the Department based on routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission, and the general public through a rulemaking petition to the Board.

The Pine and Elk Creek basins were evaluated in response to a petition submitted to the Board by the Penns Valley Conservation Association. A copy of the Department's evaluation report was forwarded to the petitioner on April 8, 1994, in accordance with § 23.7 (relating to response to report). In response to comments received from the petitioner on May 8, 1994, the Department conducted additional review and evaluation of data. Based upon the data collected in these surveys and information gathered from Department records and other sources, the Board has made the designations described in Section F of this Preamble.

Copies of the Department's aquatic survey evaluation report referred to in this Preamble are available from Edward Brezina whose address and telephone number are listed in Section B of this Preamble.

In reviewing whether waterbodies are subject to the Special Protection Waters Program, and meet the definitions of "High Quality Waters" or "Exceptional Value Waters" in § 93.3 (relating to protected water uses), the Department is utilizing guidance titled "Special Protection Waters Selection Criteria." This guidance appears in the Department's "Special Protection Waters Implementation Handbook."

#### *E. Summary of Comments and Responses on the Proposed Rulemaking*

Notice of the proposed rulemaking was published at 24 Pa.B. 5981 (December 3, 1994) and included provisions for a public hearing, which was held on January 25, 1995, at the Penns Valley High School, and a 65-day public comment period which concluded on February 6, 1995.

The Board received comments from 4,763 commentators during the public comment period on the proposed redesignations, which included 75 witnesses presenting testimony at the public hearing. Individually composed written comments were received from 688 commentators, while another 4,075 written comments were received as one of 21 different form letters which supported the proposed redesignations of Pine and Elk Creek basins.

The comments and testimony and the Department's responses are summarized as follows:

A majority of the written comments and oral testimony received by the Board expressed support for an Exceptional Value (EV) waters designation for Pine and Elk Creek basins. A smaller portion of the commentators submitted comments and testimony in opposition to redesignating the basins as EV Waters. Eight of the witnesses presented opposing testimony during the public hearing, while 68 of the witnesses presented testimony which supports the EV Waters designation. Some of the witnesses also submitted written comments during the public comment period.

Witnesses at the public hearing who presented testimony to support the proposed redesignation of Pine and Elk Creeks to EV described various recreational and ecological features and the regional economic importance of the Pine and Elk Creek basins. Most of the witnesses providing supportive testimony also suggested that the entire Pine Creek and Elk Creek basins, not just portions of the basins, should be redesignated as EV Waters.

The Department recommendations are based on the results of the stream evaluations and comparison to the Special Protection Selection Criteria and applicable regulatory definitions. The segmentation of the basins' proposed designations as High-Quality-Cold Water Fishes (HQ-CWF) and EV Waters is the result of differences

observed in the geomorphic characteristics and biotic communities throughout their course and the presence of the backward sedge, which is a rare and endangered semi-aquatic plant.

Some commentators suggested that the Department recommended the current stream redesignation proposal to support designating the ConStone reserves as unsuitable for mining.

The Department did not recommend the stream redesignation to support designating portions of the limestone resources as unsuitable for mining. The Areas Unsuitable For Surface Mining decisions are separate and distinct from the Special Protection Waters redesignation proceedings considered by the Board.

Some of those opposing the redesignations were concerned about an alleged economic impact on communities which they claim result in decreased land values, increased taxes and additional planning and engineering fees associated with revisions to existing sewage and land use planning modules or increased costs associated with construction of new water and wastewater facilities or upgrading existing facilities. Others were concerned that the EV waters designation would restrict the use of their land and constitute a taking of property.

The Department is not aware of any municipalities having raised taxes or of land values decreasing as a result of a stream being designated as EV waters. There have been indications that EV waters designations may, in fact, actually increase property values. It is possible that municipalities could experience increased costs due to additional planning and engineering fees associated with revisions to existing sewage and land use planning modules. The Department cannot accurately predict or anticipate all costs or expenditures directly associated with the redesignations since such decisions are very case-specific. The EV Waters designation does not prohibit property owners from conducting existing activities or other new activities that do not result in any measurable change in existing water quality in stream segments designated EV. Moreover, it is clear that the redesignations do not constitute a compensable taking of property.

The farming community expressed concerns about what regulatory requirements would need to be met to satisfy the EV water designations. They and others felt that they should be better informed and that any proposal should be better circulated among the various groups it may affect. Education (on the issues) is necessary to better understand each other's problems.

The Department does not propose any new restrictions on the existing farming operations within the basin because of the EV Waters designation. Farmers are already required to use best management practices and comply with the policies and regulations contained in Chapters 101, 102 and 105 (relating to special water pollution regulations; erosion control; and dam safety and waterway management). There should be no additional cost to the local farming community as a result of this redesignation.

In addition, the Department participated in a public meeting on June 10, 1993, at the Penns Valley High School to specifically address the public's concerns and questions on the Pine and Elk Creeks redesignation. The Department has also conducted informational meetings and training in general about the Special Protection Waters Program and the Department's Implementation Handbook for various municipal planning organizations, conservation districts and other interested groups. The

meetings were attended by many local government officials, developers, landowners, farmers, farming leaders and citizens with a general interest in the program or its implementation, or both.

Several commentators suggested that the petitioner's and the Department's data did not fully support the proposed redesignations.

The petitioner provided additional information and the Department collected additional water quality data to better document water quality conditions. The Department has incorporated discussion of the information and data, which further supports the proposed redesignations, into revisions of the evaluation report that is available for review.

Some commentators believe that an EV designation is not necessary to protect the backward sedge, the Green Drake hatch and other sensitive species indigenous to the habitat because they are thriving under the current CWF designation.

The Department agrees that the existing water quality appears to be protecting sensitive species. However, since CWF or even HQ-CWF, with social or economic justification (SEJ), allows for a lowering of existing quality, an EV designation (which does not allow SEJ) is necessary to maintain the existing water quality which is supporting the current ecosystem in the watershed.

Some commentators were concerned about how the EV designation will affect the property owners that currently have onsite septic systems when public sewer is made available.

The Department's evaluation of the Pine and Elk Creek watershed EV designation takes into consideration all existing activities as contributing to the overall, existing water quality, which includes the presence of onlot sewage systems. The proposed upgrade to EV Waters does not impact upon the use of these onlot systems as long as these systems are not malfunctioning or degrading existing water quality.

Some commentators believed the proposed rule to redesignate these streams to EV waters was a misuse of the rulemaking process and was not in the public interest.

The Department and Board have followed all established procedures and policies for processing petitions and rulemakings. This proposed rulemaking and public notice also included provisions for an extended public comment period, 65 days, and a public hearing. The final rule reflects the appropriate designation for each segment of the basin and is, therefore, in the public interest.

The Independent Regulatory Review Commission (IRRC) expressed concern that the criteria outlined in the "Special Protection Waters Implementation Handbook" are being applied as regulations. IRRC requested that the Department explain exactly how it applies the standards in determining whether to make the recommendation advocated in a petition. In IRRC's view, if the criteria are generic standards which form the basis of a uniform, Statewide policy that is ministerially applied in all cases, rather than on a case-by-case basis, they should be promulgated as regulations.

In addition, the Department must assess the impact and provide supporting justification if a change in designation will result in new regulatory requirements.

The Department is not applying the Special Protection Selection Criteria as a regulation. The Selection Criteria policy constitutes the Department's interpretation of the

regulatory definitions of "High Quality Waters" and "Exceptional Value Waters" in § 93.3. The selection criteria are part of an implementation guidance used by the Department to evaluate candidate streams for inclusion into the Special Protection program. There are portions of this guidance that are very case or site-specific and require analysis that is believed to be germane to only the candidate stream and should not be applied on a Statewide basis. The most notable feature of the evaluation is the comparison of the candidate stream selection criteria results to a reference stream's results. In order to have an appropriate comparison, selection of the reference stream is very important, and case-specific.

In order to assess the impact of the proposed designation, the Department has provided a brief financial impact statement as part of this Preamble, and developed a regulatory analysis form as required by the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

#### F. Summary of Changes to the Proposed Rulemaking

There are no changes made to the rulemaking proposal which was originally accepted by the Board and published in the *Pennsylvania Bulletin*.

#### G. Benefits, Costs and Paperwork

Executive Order 1982-2 requires a statement of the benefits of a recommended regulation, as well as the costs which may be imposed. It also requires a statement of the need for, and a description of, any forms, reports or other paperwork required as a result of the recommended amendments. These will be described in separate paragraphs for the Commonwealth, its political subdivisions and the private sector.

1. *Commonwealth*—The amendment should have no fiscal or paperwork impact on the Commonwealth.

2. *Political Subdivisions*—Generally, the amendment should have no fiscal or paperwork impact on political subdivisions. Except as noted in paragraph 3 of this Preamble, no costs will be imposed directly upon local government by these changes. However, indirect costs may result from revisions to Act 537 Sewage Facilities Plans due to consultant and other administrative fees. Political subdivisions which have current or proposed sewage treatment plants in the basin may experience changes in cost as noted this Preamble in discussion of impacts on the private sector.

3. *Private Sector*—Persons proposing activities or projects which result in discharges to streams must comply with the regulatory requirements relating to current stream designations. These persons could be adversely affected by the recommended changes that increase the level of protection provided to a stream, if they expand their discharge, or add a new discharge point, since they may need to provide a higher level of treatment for their new or expanded discharge. These increased costs take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and may depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. In addition, nonpoint source controls necessary to protect HQ and EV waters generally add to the cost of planning and development for new or expanded nonpoint source discharges.

Overall, the citizens of this Commonwealth will benefit from these recommended designations because they will provide, in some cases, an added degree of protection for

important public natural resources and, in all cases, the most appropriate degree of protection for each stream in question.

H. *Sunset Date*

Water Quality Standards regulations are reviewed every 3 years as part of the Department's Triennial Water Quality Standards Review mandated by section 303 of the Federal Clean Water Act; therefore, no sunset date has been set.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of this proposed amendment on November 14, 1994, to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. These comments are addressed in the comment and response document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

This final-form regulation was deemed approved by the Committees on March 25, 1996, and was approved by IRRC on April 3, 1996, in accordance with section 5(c) of the Regulatory Review Act.

J. *Findings*

The Board finds that:

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

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

(3) This amendment does not enlarge the purpose of the proposal published at 24 Pa.B. 5981.

(4) This amendment is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

K. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending § 93.9m to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson shall submit this order and Annex A to IRRC and the House and Senate Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately.

JAMES M. SEIF,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 1885 (April 20, 1996).)

**Fiscal Note:** Fiscal Note 7-284 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS**

**§ 93.9m. Drainage List M**

**Susquehanna River Basin in Pennsylvania  
Susquehanna River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * *	* *		
2—Penns Creek	Basin, Source to Pine Creek	Centre	CWF	None
3—Pine Creek	Basin, Source to Downstream Boundary of Hook Natural Area	Centre	EV	None
3—Pine Creek	Basin, Downstream Boundary of Hook Natural Area to Stony Run	Centre	HQ-CWF	None
4—Stony Run	Basin	Centre	EV	None
3—Pine Creek	Basin, Stony Run to PA Route 45 Bridge	Centre	HQ-CWF	None
3—Pine Creek	Basin, PA Route 45 to Elk Creek	Centre	EV	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Elk Creek	Basin, Source to Railroad Creek	Centre	HQ-CWF	None
5—Railroad Creek	Basin	Centre	EV	None
4—Elk Creek	Basin, Railroad Creek to SR 1012 at RM 5.9	Centre	HQ-CWF	None
4—Elk Creek	Basin, SR 1012 Bridge to Mouth	Centre	EV	None
3—Pine Creek	Basin, Elk Creek to Mouth	Centre	EV	None
2—Penns Creek	Basin, Pine Creek to Cherry Run	Union	HQ-CWF	None
	* * * * *			

[Pa.B. Doc. No. 96-759. Filed for public inspection May 10, 1996, 9:00 a.m.]

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

#### [31 PA. CODE CH. 89]

#### Approval of Life, Accident and Health Insurance Medicare Supplement Insurance Minimum Standards

The Insurance Department (Department), Accident and Health Bureau, by this order, adopts amendments to Chapter 89, Subchapter K (relating to Medicare Supplement Insurance Minimum Standards) in particular, §§ 89.771, 89.772, 89.775, 89.776, 89.778, 89.780, 89.783 and 89.784 and Appendices E and I as set forth in Annex A. The amendments establish and detail the minimum requirements for the approval of Medicare supplemental policies for issuance and sale in this Commonwealth. The amendments bring the Department's regulations for the approval of Medicare supplemental policies into compliance with the minimum Federal statutory requirements of the Social Security Act (act) (42 U.S.C.A. § 1395ss). Sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) provides the Insurance Commissioner with the authority and duty to promulgate regulations governing the enforcement of the laws relating to insurance. This is a final rulemaking with proposed rulemaking omitted in accordance with sections 204(2) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(2) and (3)), known as the Commonwealth Documents Law (CDL) and the regulation thereunder, 1 Pa. Code § 7.4.

Section 204(2) of the CDL provides that notice of proposed rulemaking may be omitted when all persons subject to the administrative regulation are named therein and have been given actual notice. Section 204(3) of the CDL provides that notice of proposed rulemaking may be omitted when the agency for good cause finds that public notice of its intention to amend an administrative regulation is, in the circumstances, impracticable or unnecessary. In order to comply with the Federal statutory minimum requirements for Medicare supplemental policies, and because of both the time constraints associated with the adoption of the Federal minimum standards and the notice given to insurers advising them of the upcoming changes, proposed rulemaking is properly omitted under section 204(2) and (3) of the CDL.

The Social Security Act Amendments of 1994, Pub. L. No. 103-432, Oct. 31, 1994, 108 Stat. 4398 (42 U.S.C.A. § 1395ss(a-t)) (SSAA-94) revised the Federal minimum standards for Medicare supplemental policies. The De-

partment's amendment of its regulations to adopt the changes is mandated by SSAA-94 (42 U.S.C.A. § 1395ss(p)(1)). More specifically, section 171(m) of SSAA-94, sets out as a note titled State Regulatory Programs under the Historical and Statutory Notes (Statutory Notes) following 42 U.S.C.A. § 1395ss(t), which establishes a timetable which requires the Department to adopt the standards by April 28, 1996.

With certain limited exceptions, interested parties have been required to comply with the revised Federal law since its enactment on October 31, 1994. On September 29, 1995, the Department's revised regulations were transmitted to the Insurance Federation of Pennsylvania, Life/Health Steering Committee. Comments were received, considered and responded to by the Department. Insurers providing Medicare supplemental insurance in this Commonwealth also received notice from the Insurance Commissioner of the upcoming changes to the Department's regulations by letter dated March 6, 1996. Public comment will not change the Federal statutory minimum requirements. Accordingly, the Department finds that notice of proposed rulemaking is, under the circumstances, unnecessary and impracticable and may therefore be omitted for this additional reason.

#### *Purpose*

In 1980, Congress enacted the first Federal legislation dealing with Medicare supplemental insurance. In that legislation, as well as in each subsequent amendment, Congress gave the National Association of Insurance Commissioners (NAIC) the opportunity to establish standards to be incorporated by statutory reference as Federal requirements. In the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990) in particular section 4351, Simplification of Medigap Policies, and section 4353, Enforcement of Standards, 42 U.S.C.A. § 1395ss(p), the previously voluntary Federal certification program was replaced by a mandatory program, and the NAIC model act and regulation became the minimum Federal standards for state laws and regulations related to the issuance and sale of Medicare supplemental insurance policies.

In similar fashion, the present amendments to Subchapter K are required by SSAA-94, which made changes in the Federal minimum statutory requirements regulating Medicare supplemental policies. Further, SSAA-94, 42 U.S.C.A. § 1395ss(p)(1)(A), (C), and section 171(m) of the act required the NAIC to modify its Medicare Supplement Insurance Minimum Standards Model Act and/or Model Regulation (model regulation) within 6 months and required the Department within 1 year to modify its regulations to incorporate the NAIC's



revisions. The NAIC membership adopted revisions to its model regulation effective April 28, 1995. Therefore, the Department was required to modify its regulations by April 28, 1996. By this rulemaking, the Department adopts the NAIC's revisions to its model regulations in order to comply with the current minimum requirements of the act.

The fundamental purpose of these amendments is to provide for the reasonable standardization of coverage; to simplify terms and benefits of Medicare supplemental policies; to facilitate public understanding and comparison of such policies; to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase of such policies or with the settlement of claims; and to provide for full disclosure in the sale of accident and sickness insurance coverages to persons eligible for Medicare.

*Explanation of Regulatory Requirements*

Several revisions of the Department's regulations are worthy of special note. Briefly, these are:

1. Section 89.772 (relating to definitions)—After December 31, 1995, new enrollments in Health Care Prepayment Plans (HCPPs) under section 1833 of the act (42 U.S.C.A. § 1395l), will no longer be exempt from the definition of a "Medicare Supplement Policy" unless these plans are employer or union based. Thereafter, nonexempt HCPPs are to be held to all Medicare supplement requirements, including standardization and loss ratios.

2. Section 89.776 (relating to benefit standards for policies or certificates issued or delivered on or after July 30, 1992)—The language in paragraph (1)(vii)(A) requiring refund of premiums for retroactively-determined periods of Medicaid eligibility has been stricken. This change ensures that refunds of premiums will not adversely affect beneficiaries' retroactive Medicaid eligibility.

3. Section 89.778 (relating to open enrollment)—Effective January 1, 1995, a 6-month open enrollment period is extended to age 65 to all those individuals who are both 65 and enrolled in Medicare Part B, regardless of previous enrollment.

4. Section 89.780 (relating to loss ratio standards and refund or credit of premium)—The amendment clarifies that insurers will not be required to meet the lifetime loss ratios set forth in § 89.780(a) of 65% for individual business and 75% for group business for policies issued prior to December 1, 1990; instead, the insurers must meet the originally-filed anticipated lifetime loss ratio. Insurers are required to meet the ratio in § 89.780(a) for experience accumulating after December 1, 1990. Insurers whose business does not meet the applicable loss ratio may be required to refund a portion of the premium paid or give a credit toward premium due.

In addition, for any policies issued prior to November 5, 1991, insurers were not previously required to make refund calculations and submit them to the Department. Under the amendment to the regulation, insurers will be required to calculate and submit refund calculations to the Department for policies issued before November 5, 1991.

5. Section 89.783 (relating to required disclosure provisions)—General Rules, subsection (a)(6) removes the "other than incidentally" qualifier to hospital or medical expense indemnity products.

In addition, SSAA-94 now permits, with proper disclosure, the sale of health insurance policies that duplicate

Medicare benefits. Thus, the notice requirement for non-Medicare supplement products, subsection (d) removes exceptions for basic, catastrophic, major medical and single premium nonrenewable policies. Now, the products must disclose the extent to which they duplicate Medicare through the use of the appropriate disclosure statement. The form disclosure statements in Appendix I disclose the extent to which a policy duplicates any of the beneficiary's Medicare benefits.

6. Section 89.784 (relating to requirements for application forms and replacement coverage)—With respect to applications, both the "Statements" and "Questions" sections in subsection (a) have been changed to provide sufficient information to companies to assist them in following the SSAA-94 revisions to the anti-duplication provisions.

The statement required on the application form advises consumers to consider whether it would be beneficial to have additional health insurance.

The revised Federal law continues the prohibition of sales of Medicare supplemental policies to Medicaid beneficiaries; however, the revised statute allows the sale of certain policies to persons who meet certain resource criteria. The revised "Questions" provide necessary information to insurers regarding an applicant's qualification for Medicaid.

With respect to replacement coverage, the amendment recognizes the continuing prohibition against insurers selling duplicate Medicare supplement policies and the required replacement notice in subsection (e) advises consumers purchasing a replacement policy to terminate present Medicare supplement coverage.

*Affected Parties*

These amendments apply to insurers who market Medicare supplemental insurance policies.

*Fiscal Impact*

The Department has determined that the amendments will have no significant adverse fiscal impact on the Commonwealth or the insurers that offer Medicare supplemental policies.

*Paperwork*

Insurers may experience an increase in paperwork due to the amendment of existing policy forms. The Department is not expected to experience any significant increase in paperwork.

*Effective/Sunset Date*

These amendments will become effective upon publication in the *Pennsylvania Bulletin*. Under SSAA-94, the Department was required to incorporate the amendments into its regulations by April 28, 1996. (42 U.S.C.A. § 1395(p)(1)(A), (C) and section 171(m) of the act set forth in the Statutory Notes.)

A sunset date is inapplicable because the requirements of the regulations are mandated by Federal law.

*Contact Person*

Questions or comments regarding the amendments may be addressed in writing to LeMar Myers, Supervisor, Accident and Health Bureau, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2107.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the amendments with proposed rulemaking omitted on March

6, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. On the same date, the amendments were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-1—732-101). In accordance with section 5(c) of the Regulatory Review Act, the amendments were deemed approved by the House Insurance Committee on March 26, 1996, and deemed approved by the Senate Banking and Insurance Committee on March 26, 1996. IRRC met on April 3, 1996, and approved the amendments.

#### Findings

The Insurance Commissioner finds that:

(1) There is good cause to forego public notice of the intention to amend Chapter 89, Subchapter K because all persons subject to the administrative regulations are named therein and have been given actual notice and notice is impracticable and unnecessary under section 204(2) and (3) of the CDL.

(2) The amendments to Chapter 89 are required by the SSAA of 1994 to bring the Department's regulations into compliance with Federal minimum requirements for Medicare supplemental policies; interested parties have received notice of the changes to the minimum requirements through the revised Federal law and notice from the Insurance Commissioner and, with certain exceptions, have been required to comply with the revised law since its enactment on October 31, 1994. Public comment cannot change the minimum Federal requirements. Under the timetable established by the SSAA, the Department was required to amend its regulations by April 28, 1996; consequently, it is necessary to amend these regulations as expeditiously as possible.

#### Order

The Insurance Commissioner, acting under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 hereby orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 89, are amended by amending §§ 89.771, 89.772, 89.775, 89.776, 89.778, 89.780, 89.783 and 89.784, and Appendices E and I to read as set forth in Annex A with ellipses referring to the existing text of the regulations.

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

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

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

LINDA S. KAISER,  
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 1885 (April 20, 1996).)

**Fiscal Note:** 11-133. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 31. INSURANCE

#### PART IV. LIFE INSURANCE

#### CHAPTER 89. APPROVAL OF LIFE, ACCIDENT AND HEALTH INSURANCE

#### Subchapter K. MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

##### § 89.771. Applicability and scope.

(a) Except as otherwise specifically provided in §§ 89.775, 89.779, 89.780, 89.783 and 89.788, this subchapter applies to:

(1) Medicare supplement policies delivered or issued for delivery in this Commonwealth on or after July 30, 1992.

(2) Certificates issued under group Medicare supplement policies which certificates have been delivered or issued for delivery in this Commonwealth.

(b) This subchapter does not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or a combination thereof, for employes or former employes, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

##### § 89.772. Definitions.

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

##### *Applicant*—

(i) In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits.

(ii) In the case of a group Medicare supplement policy, the proposed certificateholder.

*Certificate*—A certificate delivered or issued for delivery in this Commonwealth under a group Medicare supplement policy.

*Certificate form*—The form on which the certificate is delivered or issued for delivery by the issuer.

*Commissioner*—The Insurance Commissioner of the Commonwealth.

*Issuer*—The term includes insurance companies, fraternal benefit societies and nonprofit corporations subject to 40 Pa.C.S. Chapters 61 and 63 (relating to hospital plan corporations; and professional health services plan corporations) and other entities delivering or issuing for delivery in this Commonwealth Medicare supplement policies or certificates.

*Medicare*—The program established by The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 (42 U.S.C.A. §§ 1395—1395b-4) as then constituted or later amended.

*Medicare supplement policy*—A group or individual policy of accident and sickness insurance or a subscriber contract of hospital and medical service associations or health maintenance organizations, other than a policy issued under a contract under section 1876 of the Social Security Act (42 U.S.C.A. § 1395mm) or an issued policy under a demonstration project specified in 42 U.S.C.A. § 1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare.

*Policy form*—The form on which the policy is delivered or issued for delivery by the issuer.

**§ 89.775. Minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992.**

A policy or certificate may not be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are consistent with this subchapter.

(1) *General standards.* The following standards apply to Medicare supplement policies and certificates and are in addition to the other requirements of this subchapter:

\* \* \* \* \*

(v) *Restrictions on termination of policies and certificates.*

\* \* \* \* \*

(D) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy will not result in an exclusion for preexisting conditions that would have been covered under the group policy being replaced.

\* \* \* \* \*

**§ 89.776. Benefits standards for policies or certificates issued or delivered on or after July 30, 1992.**

The following standards are applicable to Medicare supplement policies or certificates delivered or issued for delivery in this Commonwealth on or after July 30, 1992. A policy or certificate may not be advertised, solicited, delivered or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) *General standards.* The following standards apply to Medicare supplement policies and certificates and are in addition to other requirements of this subchapter:

\* \* \* \* \*

(v) *Cancellation or nonrenewal of policy.* Each Medicare supplement policy shall be guaranteed renewable.

\* \* \* \* \*

(E) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to persons covered under the old group policy on its date of termination. Coverage under the new policy may not result in an exclusion for preexisting conditions that would have been covered under the group policy being replaced.

\* \* \* \* \*

(vii) *Suspension by policyholder.*

(A) A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed 24 months) in which the policyholder or certificateholder has applied for and is determined to be entitled to Medical Assistance under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396u), but

only if the policyholder or certificateholder notifies the issuer of the policy or certificate within 90 days after the date the individual becomes entitled to this assistance.

\* \* \* \* \*

(3) *Standards for additional benefits.* The following additional benefits shall be included in Medicare Supplement Benefit Plans B, C, D, E, F, G, H, I and J only as provided by § 89.777.

\* \* \* \* \*

(x) *At-home recovery benefit.* Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

(A) For purposes of this benefit, the following definitions apply:

\* \* \* \* \*

(II) *Care provider.* A qualified or licensed home health aid or homemaker, personal care aid or nurse provided through a licensed home health care agency or referred by a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

\* \* \* \* \*

**§ 89.778. Open enrollment.**

(a) An issuer may not deny or condition the issuance or effectiveness of a Medicare supplement policy or certificate available for sale in this Commonwealth, nor discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the 6-month period beginning with the first day of the first month in which an individual is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this subsection without regard to age.

(b) Except as provided in § 89.789, subsection (a) will not be construed as preventing the exclusion of benefits under a policy, during the first 6 months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the 6 months before the coverage became effective.

**§ 89.780. Loss ratio standards and refund or credit of premium.**

(a) *Loss ratio standards.*

\* \* \* \* \*

(3) For policies issued prior to July 30, 1992, expected claims in relation to premiums shall meet the following:

(i) The originally filed anticipated loss ratio when combined with the actual experience since inception.

(ii) The appropriate loss ratio requirement from paragraph (1) when combined with actual experience beginning with May 11, 1996, to date.

(iii) The appropriate loss ratio requirement from paragraph (1) over the entire future period for which the rates are computed to provide coverage.

(b) *Refund or credit calculation.*

(1) An issuer shall collect and file with the Commissioner on May 31 of each year the data contained in the

applicable reporting form contained in Appendix E for each type in a standard Medicare supplement benefit plan.

(2) If on the basis of the experience as reported the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a Statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

(3) For the purposes of this section, for policies or certificates issued prior to July 30, 1992, the issuer shall make the refund or credit calculation separately for all individual policies combined and all other group policies combined for experience after May 11, 1996. The first report is due by May 31, 1998.

(4) A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. This refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but it may not be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

\* \* \* \* \*

**§ 89.783. Required disclosure provisions.**

(a) *General rules.*

\* \* \* \* \*

(6) Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to a person eligible for Medicare, shall provide to these applicants a *Guide to Health Insurance for People with Medicare* in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration and in a type size no smaller than 12 point type. Delivery of the *Guide* shall be made whether or not these policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this subchapter. Except in the case of direct response issuers, delivery of the *Guide* shall be made to the applicant at the time application and acknowledgment of receipt of the *Guide* shall be obtained by the issuers. Direct response issuers shall deliver the *Guide* to the applicant upon request but not later than at the time the policy is delivered.

(7) For the purposes of this section, "form" means the language, format, type size, type proportional spacing, bold character and line spacing.

(8) Medicare supplement policies or certificates shall be issued to insureds by direct mailing from the insurer and not issued through an agent or broker to these insureds. Except in the case of a direct response insurer, a copy of the completed application shall be a part of or affixed to the policy or certificate issued to the insured.

\* \* \* \* \*

(d) *Notice regarding policies or certificates which are not Medicare supplement policies.*

(1) An accident and sickness insurance policy or certificate, other than a Medicare supplement policy; a policy

issued under a contract under section 1876 of the Social Security Act (42 U.S.C.A. § 1395mm), disability income policy; or other policy identified in § 89.771(b) (relating to applicability and scope) issued for delivery in this Commonwealth to persons eligible for Medicare, shall notify insured under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds.

The notice shall be at least 12 point type and shall contain the following language:

"THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CONTRACT). If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company."

(2) Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subsection (d)(1) shall disclose, using the applicable statement in Appendix I (relating to Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare), the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

**§ 89.784. Requirements for application forms and replacement coverage.**

(a) Application forms shall include the following questions designed to elicit information as to whether, as of the date of application, the applicant has another Medicare supplement or other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent containing these questions and statements may be used.

(Statements)

(1) You do not need more than one Medicare supplement policy.

(2) If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.

(3) You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

(4) The benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your policy will be reinstated if requested within 90 days of losing Medicaid eligibility.

(5) Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

(Questions)

“To the best of your knowledge:

- (1) Do you have another Medicare supplement policy or certificate in force?
  - (a) If so, with which company?
  - (b) If so, do you intend to replace your current Medicare supplement policy with this policy (certificate)?
- (2) Do you have any other health insurance coverage that provides benefits similar to this Medicare supplement policy?
  - (a) If so, with which company?
  - (b) What kind of policy?
- (3) Are you covered for Medical Assistance through the state Medicaid program?
  - (a) As a Specified Low Income Medicare Beneficiary (SLMB)?
  - (b) As a Qualified Medicare Beneficiary (QMB)?
  - (c) For other Medicaid medical benefits?
  - (d) Agents shall list other health insurance policies they have sold to the applicant.

(e) The notice required by subsection (d) for an issuer shall be provided in substantially the following form in no less than twelve (12) point type:

\* \* \* \* \*

You should review this coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

\* \* \* \* \*

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement coverage because you intend to terminate your existing Medicare supplement coverage. The replacement policy is being purchased for the following reason(s) (check one):

APPENDIX E

MEDICARE SUPPLEMENT REFUND CALCULATION FORM FOR CALENDAR YEAR \_\_\_\_\_

TYPE<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_

For the State of \_\_\_\_\_

Company Name \_\_\_\_\_

NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_

Person Completing This Exhibit \_\_\_\_\_

Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

(a) Earned Premium<sup>3</sup>

(b) Incurred Claims<sup>4</sup>

line

- 1 Current Year's Experience
    - a. Total (all policy years)
    - b. Current year's issues<sup>5</sup>
    - c. Net (for reporting purposes = 1a - 1b)
  - 2 Past Years' Experience (All Policy Years)
  - 3 Total Experience (Net Current Year + Past Years' Experience)
  - 4 Refunds last year (Excluding Interest)
  - 5 Previous Since Inception (Excluding Interest)
  - 6 Refunds Since Inception (Excluding Interest)
  - 7 Benchmark Ratio Since Inception (SEE WORKSHEET FOR RATIO 1)
  - 8 Experienced Ratio Since Inception
- Total Actual Incurred Claims (line 3, col b = Ratio 2)
- Tot. Earned Prem. (line 3, col a) - Refunds Since Inception (line 6)
- 9 Life Years Exposed Since Inception \_\_\_\_\_

If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.

- 10 Tolerance Permitted (obtained from credibility table)

MEDICARE SUPPLEMENT REFUND CALCULATION FORM FOR CALENDAR YEAR \_\_\_\_\_

TYPE<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_

For the State of \_\_\_\_\_

Company Name \_\_\_\_\_

NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_

11 Adjustment to Incurred Claims for Credibility  
Ratio 3 = Ratio 2 + Tolerance

If Ratio<sup>3</sup> is more than benchmark ratio (ratio 1), a refund or credit to premium is not required.

If Ratio 3 is less than the benchmark ratio, then proceed.

12 Adjusted Incurred Claims =  
(Tot. Earned Premiums (line 3, col a) – Refunds Since Inception (line 6)) × Ratio 3 (line 11)

13 Refund = Total Earned Premiums (line 3, col a) – Refunds Since Inception (line 6)

$$\frac{\text{Adjusted Incurred Claims (line 12)}}{\text{Benchmark Ratio (Ratio 1)}}$$

If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, and a description of the refund and/or credit against premium to be used must be attached to this form.

Medicare Supplement Credibility Table

<i>Life Years Exposed Since Inception</i>	<i>Tolerance</i>
10,000 +	0.0%
5,000—9,999	5.0%
2,500—4,999	7.5%
1,000—2,499	10.0%
500—999	15.0%

If less than 500, no credibility.

MEDICARE SUPPLEMENT REFUND CALCULATION FORM FOR CALENDAR YEAR \_\_\_\_\_

TYPE<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_

For the State of \_\_\_\_\_

Company Name \_\_\_\_\_

NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_

- 1 Individual and Group only.
- 2 "SMSBP" = Standardized Medicare Supplement Benefit Plan—Use "P" for prestandardized plans.
- 3 Includes model loadings and fees charged.
- 4 Excludes Active Life Reserves.
- 5 This is to be used as "Issue Year Earned Premium" for Year 1 of next year's "Worksheet for Calculation of Benchmark Ratios"

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name—Please Type

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES FOR CALENDAR YEAR \_\_\_\_\_

TYPE<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_  
 For the State of \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_  
 Address \_\_\_\_\_  
 Person Completing This Exhibit \_\_\_\_\_  
 Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

(a) <sup>3</sup> Year	(b) <sup>4</sup> Earned Premium	(c) Factor	(d) (b) × (c)	(e) Cumulative Loss Ratio	(f) (d) × (e)	(g) Factor	(h) (b) × (g)	(i) Cumulative Loss Ratio	(j) (h) × (i)	(o) <sup>5</sup> Policy Year Loss Ratio
1		2.770		0.442		0.000		0.000		0.4
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		1.175		0.493		3.998		0.686		0.71
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15		4.175		0.493		8.684		0.725		0.77

Total: (k): \_\_\_\_\_ (l): \_\_\_\_\_ (m): \_\_\_\_\_ (n): \_\_\_\_\_

Benchmark Ratio Since Inception: (l + n)/(k + m):

- 1: Individual and group only
- 2: "SMSBP" = Standardized Medicare Supplement Benefit Plan.—Use "P" for prestandardized plans.
- 3: Year 1 is the current calendar year - 1  
 Year 2 is the current calendar year - 2 (etc.)  
 (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)
- 4: For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.
- 5: These loss ratios are not explicitly used in computing the benchmark loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown for informational purposes only.

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR GROUP POLICIES FOR CALENDAR YEAR \_\_\_\_\_

TYPE<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_  
 For the State of \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_  
 Address \_\_\_\_\_  
 Person Completing This Exhibit \_\_\_\_\_  
 Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

(a) <sup>3</sup> Year	(b) <sup>4</sup> Earned Premium	(c) Factor	(d) (b) × (c)	(e) Cumulative Loss Ratio	(f) (d) × (e)	(g) Factor	(h) (b) × (g)	(i) Cumulative Loss Ratio	(j) (h) × (i)	(o) <sup>5</sup> Policy Year Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.77
5		4.175		0.567		3.170		0.782		0.8
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84

(a) <sup>3</sup> Year	(b) <sup>4</sup> Earned Premium	(c) Factor	(d) (b) × (c)	(e) Cumulative Loss Ratio	(f) (d) × (e)	(g) Factor	(h) (b) × (g)	(i) Cumulative Loss Ratio	(j) (h) × (i)	(o) <sup>5</sup> Policy Year Loss Ratio
8		4.175		0.567		5.445		0.811		0.87
9		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15		4.175		0.567		8.684		0.838		0.89
Total:		(k):	_____	(l):	_____	(m):	_____	(n):	_____	

Benchmark Ratio Since Inception:  $(l + n)/(k + m)$ :

- 1: Individual and group only
- 2: "SMSBP" = Standardized Medicare Supplement Benefit Plan.—Use "P" for prestandardized plans.
- 3: Year 1 is the current calendar year – 1  
Year 2 is the current calendar year – 2 (etc.)  
(Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)
- 4: For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.
- 5: These loss ratios are not explicitly used in computing the benchmark loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown for informational purposes only.

**APPENDIX I**

Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

1. Federal law, P. L. 103-432, prohibits the sale of health insurance policies (the term policy or policies includes certificates) that duplicate Medicare benefits unless it will pay benefits without regard to other health coverage and it includes the prescribed disclosure statement on or together with the application.
2. All types of health insurance policies that duplicate Medicare shall include one of the attached disclosure statements, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary from the attachment statements in terms of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text).
3. State and Federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement.
4. Property/Casualty and Life insurance policies are not considered health insurance.
5. Disability income policies are not considered to provide benefits that duplicate Medicare.
6. The Federal law does not pre-empt state laws that are more stringent than the Federal requirements.
7. The Federal law does not pre-empt existing state form filing requirements.

[For policies that provide benefits for expenses incurred for an accidental injury only]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

**This is not Medicare Supplement Insurance**

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- other approved items and services



Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies that provide benefits for specified limited services]

IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any of the services covered by the policy are also covered by Medicare

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies that reimburse expenses incurred for specified disease(s) or other specified impairment(s). This includes expense incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

**This is not Medicare Supplement Insurance**

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnoses named in the policy.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

**Before You Buy This Insurance**

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

**This is not Medicare Supplement Insurance**

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

**Before You Buy This Insurance**

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies that provide benefits for both expenses incurred and fixed indemnity basis]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

**This is not Medicare Supplement Insurance**

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medical Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare; or
- it pays the fixed dollar amount stated in the policy and Medicare covers the same event

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice care
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For long-term care policies providing both nursing home and noninstitutional coverage]

IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This is long term care insurance that provides benefits for covered nursing home and home care services.
- In some situations Medicare pays for short periods of skilled nursing home care, limited home health services and hospice care.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most long term care expenses.

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about long term care insurance, review the *Shopper's Guide to Long Term Care Insurance*, available from the insurance company.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies providing nursing home benefits only]

IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This insurance provides benefits primarily for covered nursing home services.
- In some situations Medicare pays for short periods of skilled nursing home care and hospice care.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most nursing home expenses.

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about long term care insurance, review the *Shopper's Guide to Long Term Care Insurance*, available from the insurance company.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For policies providing home care benefits only]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This insurance provides benefits primarily for covered home care services.
- In some situations, Medicare will cover some health related services in your home and hospice care which may also be covered by this insurance.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most services in your home.

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about long term care insurance, review the *Shopper's Guide to Long Term Care Insurance*, available from the insurance company.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[For other health insurance policies not specifically identified in the previous statements]

**IMPORTANT NOTICE TO PERSONS ON MEDICARE  
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

This is not Medicare Supplement Insurance

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- the benefits stated in the policy and coverage for the same event is provided by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- other approved items and services

Before You Buy This Insurance

- ✓ Check the coverage in all health insurance policies you already have.
- ✓ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
- ✓ For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

[Pa.B. Doc. No. 96-760. Filed for public inspection May 10, 1996, 9:00 a.m.]

# Title 40—LIQUOR

## LIQUOR CONTROL BOARD

### [40 PA. CODE CH. 5]

#### Events, Tournaments and Contests

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

The 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, bowling and pocket billiards will also be permitted to hold events, tournaments and contests on licensed premises.

#### Comments

Notice of proposed rulemaking was published at 26 Pa.B. 31 (January 6, 1996), with a 30-day public written comment period. During the public comment period a letter of support for the amendment was received from Attorney Joseph D. Halston, Jr. on behalf of his client, the Miller Brewing Company.

The Independent Regulatory Review Commission (IRRC) at the meeting of March 6, 1996, recommended amending § 5.32(f)(7) to include the specific monetary amount for prize limitations in order to improve clarity. The proposed amendment provided that the total value of all prizes for a given event, tournament or contest may not exceed the limits as established by section 17 of the Local Option Small Games of Chance Act (10 P. S. § 311.327). The Board agrees with the recommendation of IRRC and further amends § 5.32(f)(7) to restrict the total value of all prizes for any event, tournament or contest to \$500. The total value of all prizes awarded in any 7-day period may not exceed \$5,000.

#### Fiscal Impact

This amendment will impose no additional costs on the Board nor will it have any adverse impact on State or local government costs. The legalization of events, tournaments and contests within the constraints of this amendment will increase business opportunities for licensees.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking on December 21, 1995, to IRRC and the Chairperson of the House Committee on Liquor Control and the Senate Committee on Law and Justice for review and comment. The final-form rulemaking was transmitted to the Chairpersons of the Committees and IRRC on March 20, 1996.

This final-form regulation was deemed approved by the Senate Committee on Law and Justice on April 9, 1996, and was deemed approved by the House Committee on Liquor Control on April 9, 1996, and was approved by IRRC on April 18, 1996, in accordance with section 5(c) of the Regulatory Review Act.

#### Contact Person

Anyone requiring an explanation of the amendment or information related thereto should contact Jerry Danyluk,

Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

#### Findings

The Board finds that:

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

(2) The adoption of the amendment is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### Order

The Board, acting under the enabling statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 5, are amended by amending § 5.32 to read as set forth in Annex A.

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

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

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

JOHN E. JONES, III,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 2134 (May 4, 1996).)*

**Fiscal Note:** Fiscal Note 54-47 remains valid for the final adoption of the subject regulation.

#### Annex A

### TITLE 40. LIQUOR

#### PART I. LIQUOR CONTROL BOARD

#### CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

#### Subchapter C. AMUSEMENT AND ENTERTAINMENT

#### § 5.32. Restrictions/exceptions.

(a) A licensee may not use or permit to be used inside or outside of the licensed premises a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard on the outside of the licensed premises.

(b) A licensee may not maintain on the licensed premises a platform or stage level with or elevated above the floor and used by musicians or entertainers, if the platform or stage or the entertainment produced thereon can be seen from outside the licensed premises.

(c) A licensee may not permit an employe, servant, agent, event/tournament/contest participant or a person engaged directly or indirectly as an entertainer in the licensed establishment or a room or place connected therewith, to be in contact or associate with the patrons in the establishment, room or place for a lewd, immoral, improper or unlawful purpose. A copy of this restriction shall be constantly and conspicuously displayed on the wall of the dressing room used by the entertainers, as

well as in a conspicuous location visible to employes, servants, agents and event/tournament/contest participants.

(d) A licensee may not directly or indirectly employ a minor person under 18 years of age as an entertainer in the licensed establishment, or in a room or place connected therewith, nor may a licensee permit in the establishment, room or place, a minor person under 18 years of age to act as an entertainer.

(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:

(1) A hotel, restaurant, club or malt beverage eating place licensee may permit to be held within the licensed premises an event sanctioned by the State Athletic Commission under 5 Pa.C.S. Part I, Subparts A and B (relating to general provisions; and boxing) or under 5 Pa.C.S. Part I, Subpart C (relating to the Wrestling Act). Only malt or brewed beverages, as generally permitted by the class of license involved, may be sold, served or delivered on that portion of the licensed premises where the event is held, and not sooner than 1 hour before, and not later than 1 hour after the event. Service of malt or brewed beverages at these events will be conducted only with the prior written approval of the State Athletic Commission filed with the Board. Drinks shall be dispensed in that portion of the licensed premises where the event is conducted only in paper or plastic cups.

(2) A hotel, restaurant, club or malt beverage eating place licensee may hold or permit to be held within the licensed premises or in a bowling alley immediately adjacent thereto as provided in sections 406(a)(1) and 442(b) of the Liquor Code (47 P. S. §§ 4-406(a)(1) and 4-442(b)), a bowling tournament or bowling contest. Liquor and malt or brewed beverages, as generally permitted by the class of license involved, may be served, sold or delivered at the bowling tournament or bowling contest by the licensee.

(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.

(i) A charitable organization for the purposes of this section is defined as one qualified, approved by and registered with the Department of State and operated under 49 Pa. Code Part I, Subpart B (relating to charitable organizations).

(ii) Charitable organization functions shall be operated in accordance with the Solicitation of Funds For Charitable Purposes Act (10 P. S. §§ 162.1—162.24) and, if applicable, the Local Option Small Games of Chance Act (10 P. S. §§ 311—327), and the Bingo Law (10 P. S. §§ 301—308.1).

(5) 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 so long as the activities are in conformance with the applicable provisions of this subchapter.

(f) For an activity conducted under this subchapter, the following apply:

(1) There may not be lewd, immoral or improper conduct by the licensee, its servants, agents, employes, patrons or event, contest or tournament participants.

(2) There may not be unlawful gambling directly or indirectly associated with an activity on the licensed premises. A licensee will be held strictly liable for unlawful gambling on the licensed premises.

(3) There may not be an event, contest or tournament which involves the consumption of alcoholic beverages by an event, tournament or contest participant.

(4) The price of a ticket or evidence of admission to an event, tournament or contest may not include a charge or assessment for alcoholic beverages or entitle the holder thereof to receive an alcoholic beverage anywhere on the licensed premises except for alcoholic beverages included in a meal package offering as provided for in Chapter 13 (relating to promotion).

(5) A licensee or sponsoring charity may advertise an event, tournament or contest.

(6) 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 and nonlicensee sponsors as provided in subsection (e) may award prizes to contestants or participants of events, tournaments or contests.

(7) The total value of all prizes for any given event, tournament or contest may not exceed \$500. The total value of all prizes awarded in any 7-day period may not exceed \$5,000.

(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 in this section.

(9) Licensees shall maintain on the licensed premises for 2 years, from the date of the event, an itemized list of all 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 apply not only to the licensee, but to partners, officers, directors, servants, agents and employes of a licensee.

[Pa.B. Doc. No. 96-761. Filed for public inspection May 10, 1996, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 65]

[L-950110]

### Water Service

The Pennsylvania Public Utility Commission (Commission) on December 14, 1995, adopted an order to promulgate a proposed regulation to amend obsolete and excessive water service regulations codified at 52 Pa. Code §§ 65.8 and 65.16 (relating to meter accuracy; and the Uniform Systems of Accounts). These sections will be modified to promote ease of application, as well as fairness. The contact persons for this rulemaking are Judith Koch Carlson, Office of Special Assistants (717) 783-5392 and Stephen Gorka, Assistant Counsel, Law Bureau (717) 787-3490.

#### *Executive Summary*

On March 28, 1996, the Commission adopted a proposed rulemaking to amend relevant sections of Title 52 pertaining to water utilities. The rulemaking will eliminate required water meter testing under certain circumstances and require the substitution of the current Systems of Accounts for the present, obsolete accounting method.

Public Meeting held  
December 14, 1995

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

### Proposed Rulemaking Order

#### *By the Commission:*

By Order entered May 23, 1995, we issued an Advance Notice of Proposed Rulemaking To Review And Rescind All Obsolete And Excessive Rules And Regulations at Docket No. L-950103. The advance notice was published in the *Pennsylvania Bulletin* on June 3, 1995, 25 Pa.B. 2188, and 60-day comment period set.

We received comments from the Office of Consumer Advocate and our own Bureaus of Audits and Law which reflect the need to update two sections contained in Chapter 65. We are setting forth proposed changes for both sections, and we believe these changes will clarify, simplify and remove excessive and burdensome requirements from our water service regulations.

Our review of the comments received was careful and meticulous. We are well aware of our duty to ensure the safety of utility service, and our proposed changes will not result in any lapse in our mandate.

What follows is a summary of the proposed changes.

§ 65.8. Meters. Section (d)(2) is eliminated as excessive and obsolete, removing the necessity to test meters which have been removed from service when replaced by new meters utilizing remote reading devices.

§ 65.16. System of accounts. Proposed language changes the Uniform System of Accounts for Water Utilities to the NARUC system for greater consistency.

In proposing these changes, we believe that our efficiency as a regulatory agency will be enhanced. We are eliminating a section which no longer serves a useful purpose and we are modifying another to promote the ease of application as well as fairness. We encourage those affected by these changes to file comments.

Accordingly, pursuant to sections 501, 504, 505, 506, 1301 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 505, 506, 1301 and 1501, and the Commonwealth Documents Law, 45 P.S. § 1201 *et seq.*, and the regulations promulgated thereunder, we shall institute a rulemaking proceeding to accomplish the objectives described in the body of this order. *Therefore,*

#### *It Is Ordered that:*

1. A rulemaking proceeding is hereby instituted at this docket.

2. The Commission's regulations are hereby proposed to be amended by deletion of § 65.8(d)(2) and amendment to § 65.16.

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

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

5. The Secretary shall submit this order and Annex A for informal review by the designated standing committees of both houses of the General Assembly, and for informal review and approval by the Independent Regulatory Review Commission.

6. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Interested persons may submit written comments, an original and 10 copies, to John G. Alford, Secretary, Pennsylvania Public Utility Commission, and shall have 30 days from the date this order is published to submit comments. The contact persons are Judith Koch Carlson, Office of Special Assistants (717) 783-5392, and Donna S. Zehner, Law Bureau (717) 783-2812.

7. A copy of this order shall be served upon all persons who submitted comments in this rulemaking proceeding.

JOHN G. ALFORD,  
*Secretary*

**Fiscal Note:** 57-169. No fiscal impact; (8) recommends adoption.

#### *Statement of Chairperson John M. Quain*

Before us today are two significant rulemakings that when combined, will delete or rescind 62 obsolete and redundant sections of our regulations and revise another 43 sections. Furthermore, when this Commission again meets on January 11, 1996, we will consider another 58 sections pertaining to Chapters 63, 64 and 56 for possible rescission or revision.

I wish to express my appreciation to all of the staff of the various bureaus, and those public commentators who contributed to this massive undertaking.

Annex A  
**TITLE 52. PUBLIC UTILITIES**  
**PART I. PUBLIC UTILITY COMMISSION**  
**Subpart C. FIXED UTILITY SERVICES**  
**CHAPTER 65. WATER SERVICE**

**§ 65.8. Meters.**

\* \* \* \* \*

(d) *Installation and removal of meters.*

\* \* \* \* \*

(2) *Removal of meters.* A water meter which is removed from service shall be tested within 30 days for accuracy to complete that meter's test history. When a meter is removed from service, it shall be properly sealed to secure registers and measuring devices until it can be properly tested for accuracy. **Meters permanently removed from service and replaced by new meters utilizing remote reading devices are exempt from the requirements of this paragraph.**

\* \* \* \* \*

**§ 65.16. System of Accounts.**

(a) [ A public utility having annual operating revenues for the preceding 3 years which average more than \$100,000 shall keep its accounts in conformity with the *Uniform System of Accounts for Water Utilities* prescribed by the Commission effective January 1, 1948, as amended, effective January 1, 1959, as amended, effective November 1, 1984. Each such public utility shall reclassify its water plan accounts, establish and maintain continuing

property records for water plant, and account for retirements of water plant in conformity with the provisions contained in the *Uniform System of Accounts*.

(b) A public utility having annual operating revenues for the preceding three years which average \$100,000 or less shall keep its accounts in conformity with the *Uniform Classification of Accounts for Water Companies* prescribed by the Commission effective January 1, 1918. ]

A public utility having annual operating revenue of \$750,000 or more (average of the last 3 consecutive years) shall keep its accounts in conformity with the *Uniform System of Accounts for Class A Water Utilities 1984* (or later) prescribed by the National Association of Regulatory Utility Commissioners (N.A.R.U.C.).

(b) A public utility having annual operating revenues of \$150,000 or more but less than \$750,000 (average of the last 3 consecutive years) shall keep its accounts in conformity with the *Uniform System of Accounts for Class B Water Utilities 1984* (or later) prescribed by N.A.R.U.C.

(c) A public utility having annual operating revenues of less than \$150,000 (average of the last 3 consecutive years) shall keep its accounts in conformity with the *Uniform System of Accounts for Class C Water Companies 1984* (or later) prescribed by N.A.R.U.C.

[Pa.B. Doc. No. 96-762. Filed for public inspection May 10, 1996, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 140]

### Federal Poverty Income Guidelines for 1996

The Department of Public Welfare announces the implementation in this Commonwealth of the 1996 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and published at 61 FR 8286 on March 4, 1996.

The FPIGs are the basis for the income eligibility limits for several programs whose regulations are published in 55 Pa. Code and administered by the Department of Public Welfare. These programs include the Healthy Beginnings Program for Pregnant Women and Qualified Children, Chapter 140, Subchapter A; the Healthy Horizons Program for the Elderly and Disabled, Chapter 140, Subchapter B; Extended Medical Coverage under the Categorically Needy Program for AFDC/AFDC-U Related Categories, Chapter 140, Subchapter C; and Transitional Child Care Programs, Chapter 168.

The percentages for the Healthy Beginnings, Healthy Horizons and Transitional Child Care Programs are set forth as follows:

Persons	100% of FPIG		120% of FPIG		133% of FPIG		185% of FPIG	
	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual
1	\$ 645	\$ 7,740	\$ 774	\$ 9,288	\$ 857	\$10,294	\$1,193	\$14,319
2	\$ 863	\$10,360	\$1,036	\$12,432	\$1,148	\$13,779	\$1,597	\$19,166
3	\$1,081	\$12,980	\$1,298	\$15,576	\$1,438	\$17,263	\$2,001	\$24,013
4	\$1,300	\$15,600	\$1,560	\$18,720	\$1,729	\$20,748	\$2,405	\$28,860
5	\$1,518	\$18,220	\$1,822	\$21,864	\$2,019	\$24,233	\$2,808	\$33,707
6	\$1,736	\$20,840	\$2,084	\$25,008	\$2,309	\$27,717	\$3,212	\$38,554
7	\$1,955	\$23,460	\$2,346	\$28,152	\$2,600	\$31,202	\$3,616	\$43,401
8	\$2,173	\$26,080	\$2,608	\$31,296	\$2,890	\$34,686	\$4,020	\$48,248
Each Additional Person	\$ 218	\$ 2,620	\$ 262	\$ 3,144	\$ 290	\$ 3,485	\$ 403	\$ 4,847

These percentages apply as follows:

Healthy Beginnings—

- a. 185% for pregnant women and infants up to 1 year of age.
- b. 133% for children age 1 through 5 years of age; and
- c. 100% for children age 6 and older who were born after September 30, 1983.

Healthy Horizons—

- a. 100% for those persons eligible for the categorically needy and Medicare cost-sharing programs.
- b. 120% for those persons eligible for the Specified Low-Income Medicare Beneficiaries and Medically Needy Only Programs.

(There are different resource limits for each of these programs.)

Transitional Child Care—185%

Additional information on the specific programs is available at the county assistance offices.

*Effective Date*

This statement of policy shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to March 4, 1996.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-118. No fiscal impact; (8) recommends adoption. Increased costs have been included in estimated caseload projections.

**Annex A**

**TITLE 55. PUBLIC WELFARE**  
**PART II. PUBLIC ASSISTANCE MANUAL**  
**Subpart C. ELIGIBILITY REQUIREMENTS**  
**CHAPTER 140. SPECIAL MA ELIGIBILITY REQUIREMENTS**  
**APPENDIX A**  
**EXTENDING MEDICAL COVERAGE (EMC)**  
**MONTHLY INCOME LIMITS**  
**185% OF THE 1996 FEDERAL POVERTY INCOME GUIDELINES**

Family Size	185% of the Federal Poverty Income Guidelines
1	\$1,193
2	\$1,597
3	\$2,001
4	\$2,405
5	\$2,808
6	\$3,212
7	\$3,616
8	\$4,020
Each Additional Person	\$ 403

[Pa.B. Doc. No. 96-763. Filed for public inspection May 10, 1996, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Apple Marketing Program; Increased Rate of Assessment

Under the applicable provisions of the Pennsylvania Agricultural Commodities Marketing Act of 1968, a referendum was held from March 25 to April 8, 1996, to determine if the producers affected by the Pennsylvania Apple Marketing Program desired to amend the Program. The amendment increases the rate of assessment as follows:

The rate of assessment beginning with the 1996—97 marketing season shall be 12¢ per bushel of apples sold for fresh market use and 6¢ per 100 pounds of apples sold or accepted for processing. Beginning with the year 2000—01 marketing season and thereafter, the rate of assessment shall be 15¢ per bushel of apples sold for fresh market use and 8¢ per 100 pounds of apples sold or accepted for processing.

In order to pass, a majority by number and by volume of eligible producers voting had to vote in favor of the amendment. An impartial Teller Committee met on April 12, 1996, to count the ballots. The following results were submitted to me by the Teller Committee: a total of 140 eligible votes were cast, representing a total volume of 6,019,796 bushels, with 84 or 60% voting in favor and 56 or 40% voting against the amendment. The producers voting in favor of the amendment represented 4,194,203 bushels or 69.7% of the total volume of the producers voting, and the producers voting against the amendment represented 1,825,593 bushels or 30.3% of the total volume of producers voting. There were seven spoiled or ineligible ballots.

Because a majority of the votes by number and by volume were cast in favor of the amendment of the Program, the Pennsylvania Apple Marketing Program shall be amended as described above.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-764. Filed for public inspection May 10, 1996, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

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

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-24-96	Johnstown Bank and Trust Company, Johnstown, and The Armstrong County Trust Company, Kittanning surviving institution— Johnstown Bank and Trust Company, Johnstown	Johnstown	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-24-96	Wayne Bank Honesdale Wayne County	WalMart SuperCenter Brown and Lincoln Sts. East Stroudsburg Monroe County	Approved
4-24-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Giant Store 255 S. Spring Garden St. Carlisle Cumberland County	Opened
4-26-96	Mid-State Bank and Trust Company Altoona Blair County	West College Avenue and Whitehall Road State College Ferguson Township Centre County	Filed

**NOTICES**

**2215**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-29-96	Iron and Glass Bank Pittsburgh Allegheny County	1100 Washington Ave. Scott Township Allegheny County	Filed
4-29-96	Mifflin County Savings Bank Lewistown Mifflin County	Corner of Specht and Brown Streets McClure Snyder County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-26-96	Mifflin County Savings Bank Lewistown Mifflin County	<i>To:</i> 23—27 E. Shirley St. Mount Union Huntingdon County  <i>From:</i> 23 W. Shirley St. Mount Union Huntingdon County	Filed
4-26-96	Franklin First Savings Bank Wilkes-Barre Luzerne County	<i>To:</i> Pocono Summit Plaza Route 940 Pocono Summit Monroe County  <i>From:</i> Route 940 Pocono Summit Monroe County	Filed
4-29-96	Mifflinburg Bank and Trust Company Mifflinburg Union County	<i>To:</i> Meadow Green Drive Mifflinburg Union County  <i>From:</i> 50 E. Chestnut St. Mifflinburg Union County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-19-96	Meridian Bank Reading Berks County	Main Street Gillett Bradford County	Effective
4-19-96	Meridian Bank Reading Berks County	29 W. Main St. Canton Bradford County	Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-2-96	Philadelphia Telco Credit Union, Trevose, and FMC Philadelphia Employees Credit Union, Philadelphia surviving institution— Philadelphia Telco Credit Union, Trevose	Trevose	Effective

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-765. Filed for public inspection May 10, 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 office noted above the application 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 Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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

**PA 0055476.** Sewage, **Township of Birmingham Sewer Authority**, P. O. Box 816, Chadds Ford, PA 19317.

This application is for renewal/renate of an NPDES permit to discharge treated sewage from Ridings of Chaddsford STP in Birmingham Township, **Delaware County**. This is an existing discharge to unnamed tributary to Harvey Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of .08 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	10	15	20
Suspended Solids	10	15	20
Ammonia (as N)			
(5-1 to 10-31)	3.0	4.5	6.0
(11-1 to 4-30)	9.0	13.5	18.0
Total Residual Chlorine	0.5		1.2
	0.12*		0.28*
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

\*Limits effective at the beginning of third year of permit.

The EPA waiver is in effect.

**PA 0056863.** Industrial waste, **Mobil Oil Corporation**, 40 Liberty Boulevard, Malvern, PA 19355.

This application is for issuance of an NPDES permit to discharge treated groundwater from groundwater remediation system in Newtown Square Borough, **Delaware County**. This is a new discharge to unnamed tributary of Hunter Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.015 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001	0.002	
Total BETX	0.1	0.2	
Ethylbenzene	monitor/report	monitor/report	
Toluene	monitor/report	monitor/report	
Total Xylenes	monitor/report	monitor/report	
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0056812.** Industrial waste, **YMCA of Pottstown and Upper Perkiomen Valley**, Adams and Jackson Streets, Pottstown, PA 19464.

This application is for issuance of an NPDES permit to discharge filter backwash water from a swimming pool in Upper Hanover Township, **Montgomery County**. This is a new discharge to Macoby Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 9,975 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	1,000	2,000	2,500
Suspended Solids	30	60	75
Oil and Grease	15		30
pH	within limits of 6.0—9.0 standard units at all times		
TRC	0.5		1.3
Copper	monitor/report		

The EPA waiver is in effect.

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

**PA 0027243.** Sewage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642.

This application is for renewal of an NPDES permit to discharge treated sewage from the Youghiogheny Sewage Treatment Plant, in North Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, 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 McKeesport Municipal Waterworks on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 2.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 7,000/100 ml as a geometric mean			
pH	6.0—9.0			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.0			3.3

The EPA waiver is not in effect.

**PA 0040177.** Industrial waste, SIC: 4941, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033.

This application is for renewal of an NPDES permit to discharge treated filter backwash and filter to waste from the Brownsville Water Treatment Plant, in Brownsville Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of

evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Newell Municipal Authority, located at Box 92, Brownsville, PA 15417, 6.0 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.1156 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Suspended Solids			30		60
Aluminum			4.0		8.0
Iron			2.0		4.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	6.0—9.0				

The EPA waiver is in effect.

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

**PA 0087335.** Sewage, SIC: 4952, **Broad Top Township (Kearney Study Area)**, Box 57, Municipal Building, Defiance, PA 16633.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Longs Run, in Broad Top Township, **Bedford County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.00374 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
Total Residual Chlorine	0.5			1.64
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	68,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0084077.** SIC: 4952, **Snake Spring Township Municipal Authority**, R. D. 1, Box 453, Everett, PA 15537.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Raystown Branch, in Snake Spring Township, **Bedford County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.3 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
Total Phosphorus	2			4
Total Residual Chlorine	0.5			1.64
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	43,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0087327.** Sewage, SIC: 4952, **Broad Top Township (Six Mile Run Study Area)**, Box 57, Municipal Building, Defiance, PA 16633.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Six Mile Run, in Broad Top Township, **Bedford County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.0629 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
Total Residual Chlorine	0.5			1.64
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	24,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0022179.** Sewage, SIC: 4952, **Borough of Mercersburg**, 113 South Main Street, Mercersburg, PA 17236.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Johnston Run, in Mercersburg Borough, **Franklin County**.

The receiving stream is classified for recreation, water supply and aquatic life. The discharge is not expected to impact any potable water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.22 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	30	45		60
Suspended Solids	30	45		60
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	4,000/100 ml as a geometric average			

The proposed Final effluent limits for Outfall 001 for a design flow of 0.30 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Suspended Solids	30	45		60
NH <sub>3</sub> -N (5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Total Residual Chlorine	0.20			0.70
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	4,100/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0025399.** Sewage, SIC: 4952, **Christiana Borough**, 14 Maple Avenue, Christiana, PA 17509.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Buck Run, in West Sadsbury Township, **Chester County**.

The receiving stream is classified for trout stocking and migratory fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Chester Water Authority located in Little Britain Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.25 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
NH <sub>3</sub> -N (5-1 to 10-31)	17			34
Total Phosphorus	2			4
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,400/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0013862.** Amendment No. 1. Industrial waste, SIC: 2834, 2831, and 8731, **Wyeth/Ayerst Labs, Inc.**, P. O. Box 304, Marietta, PA 17547.

This application is for amendment of an NPDES permit for an existing discharge of treated industrial waste to the Susquehanna River and Evans Run, in East Donegal Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 004 for a design flow of 0.2 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature	monitor		
pH	6—9		

The proposed effluent limits for Outfalls 006 to 008 for stormwater are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		shall be monitored	
COD		shall be monitored	
Total Suspended Solids		shall be monitored	
Total Phosphorus		shall be monitored	
Total Kjeldahl Nitrogen		shall be monitored	
Dissolved Iron		shall be monitored	
Oil and Grease		shall be monitored	
pH		shall be monitored	
Total Mercury		shall be monitored	
Total Copper		shall be monitored	
Total Zinc		shall be monitored	

The EPA waiver is not in effect.

**PA 0082392.** SIC: 4952, **Derry Township Municipal Authority**, P. O. Box 447, Hershey, PA 17033-0447.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Swatara Creek, in Londonderry Township, **Dauphin County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.60 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		60
Suspended Solids	30	45		60
Total Phosphorus	2.0			4.0
Total Residual Chlorine	0.50			1.63
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 86,000/100 ml as a geometric average			

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.*

**PA 0114570.** Industrial waste, SIC: 7997, **Science Park Recreation Association**, P. O. Box 121, State College, PA 16804.

This proposed action is for renewal of an NPDES permit for an existing discharge of untreated industrial wastewater, (semi-annual disposal of swimming pool water) to an unnamed tributary of Big Hollow in Ferguson Township, **Centre County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton approximately 90 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.08 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine		0.3	0.5
Total Suspended Solids		monitor and report	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0112704.** SIC: 4952, **Clyde E. Yohey**, 560 Montour Boulevard, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to Montour Run in Montour Township, **Columbia County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Danville Borough located approximately 10 miles below the discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00816 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
NH <sub>3</sub> -N (5-1 to 10-31)	6.0	9.0
(11-1 to 4-30)	18.0	36.0
Total Chlorine Residual	1.0	2.3
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 s.u. at all times	

The EPA waiver is in effect.

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

**PA 0103641.** Sewage. **Wilmington Township Sewer Authority**, R. D. 5, Box 469, New Castle, PA 16105.

This application is a renewal of a Part I NPDES permit to discharge treated sewage to an unnamed tributary of Little Neshannock Creek in Wilmington Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stock fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of the Township of North Sewickley on the Beaver River located in North Sewickley Township, approximately 27 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank) based on a design flow of 0.042 mgd are:

*Interim Limits*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	1.5	2.0	3.0
(11-1 to 4-30)	4.5	6.5	9.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,600/100 ml as a geometric average		
Total Residual Chlorine	XX		XX
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	6.0—9.0 at all times		

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank) based on a design flow of 0.042 mgd, are:

*Final Limits*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	1.5	2.0	3.0
(11-1 to 4-30)	4.5	6.5	9.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,600/100 ml as a geometric average		
Total Residual Chlorine	0.052		0.078
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0026387.** Sewage. **Municipal Authority of the Borough of St. Marys**, P. O. Box 1994, 808 South Michael Road, St. Marys, PA 15857.

This application is for renewal of an NPDES permit to discharge treated sewage to Elk Creek in St. Marys, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA American Water Company on the Clarion River located at Clarion, approximately 70 miles below point of discharge.

This permit provides notice of site-specific criteria modification; the Department proposes the recalculations of the aquatic life criteria for total copper at a hardness of 96 mg/l: Criteria Maximum Concentration of 98 ppb; and Criteria Continuous Concentration of 66.2 ppb.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.287 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	2.7		5.4
(11-1 to 4-30)	8.1		16.2
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	3,400/100 ml as a geometric average		
Total Residual Chlorine (Part A)	monitor and report		
(Part C)	0.006		0.2
Copper	0.05		0.1
Silver	0.0033		0.0066
Cadmium*	monitor and report		
Lead*	monitor and report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chlordane*	monitor and report		
PCB 1242*	monitor and report		
PCB 1254*	monitor and report		
PCB 1221*	monitor and report		
PCB 1232*	monitor and report		
PCB 1248*	monitor and report		
PCB 1260*	monitor and report		
PCB 1016*	monitor and report		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

**PA 0103811.** Industrial waste, SIC: 4953 and 4959. **Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061.

This application is for a renewal of an NPDES permit to discharge industrial waste and stormwater to Findlay Run in Cherry Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Slippery Rock Creek and the Salvation Army Camp located at Wayne Township, Lawrence County, approximately 30 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of .0415 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD <sub>5</sub>	90	180	225
TSS	100	200	250
NH <sub>3</sub> -N			
(5-1 to 10-31)	9.5		23.5
(11-1 to 4-30)	20		50
Fecal Coliforms	200/100 ml as a geometric mean		
(5-1 to 9-30)	10,700/100 ml as a geometric mean		
(10-1 to 4-30)			
Oil and Grease	15		30
Aluminum	0.3	0.6	0.75
Boron	1.6	3.2	4
Cobalt	0.019	0.038	0.0475
Cadmium	0.0015	0.003	0.00375
Copper	0.017	0.034	0.0425
Vanadium	0.009	0.034	0.0225
Butylbenzyl phthalate	0.01	0.02	0.025
4,4'- DDT	0.000001	0.000002	0.0000025
Tetrahydrofuran	0.025	.05	0.0625
Acetone	0.109	.22	0.2725
2-Hexanone	0.015	.03	0.0375
4-Methyl 2-Pentanone	0.015	.03	0.0375
Bis chloromethyl ether	0.015	.03	0.0375
pH	6.0		9.0

XX—Monitor and Report on monthly DMR.

The proposed discharge limits for Outfall Nos. 002 and 003 based on a design flow of N/A mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chemical Oxygen Demand			XX
Oil and Grease			XX
Total Dissolved Solids			XX
Total Organic Carbon			XX
Barium (Total)			XX
Cadmium (Total)			XX
Chromium (Total)			XX
Lead (Total)			XX
Mercury (Total)			XX
Magnesium (Total)			XX

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Magnesium (Dissolved)			XX
Selenium (Total)			XX
Silver (Total)			XX
Ammonia			XX
Arsenic (Total)			XX
Cyanide (Total)			XX
Nitrate plus Nitrite Nitrogen			XX
Iron (Dissolved)			XX

XX—Monitor and Report on monthly DMR.

The EPA waiver is in effect.

**PA 0002020.** Industrial waste, SIC: 3499. **Motion Control Industries, Inc.**, Carlisle Corporation, Gillis Avenue, Ridgway, PA 15853.

This application is for renewal of an NPDES permit to discharge noncontact cooling water stormwater to Clarion River in Ridgway Borough, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is West Penn Water Company Clarion District located at Clarion Borough, 58.5 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.098 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
Temperature (F°)			
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 based on a design flow of 0.072 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
Temperature (F°)			
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 003 based on a design flow of 0.057 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
Temperature (F°)			
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 004 based on a design flow of 0.028 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
Temperature (F°)			
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 005 based on a design flow of 0.029 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
Temperature (F°)			
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0029114.** Amendment No. 1. Sewage. **Clintonville Water and Sewer Authority**, Box 292, Porter Road, Clintonville, PA 16372.

This application is for an amendment of a Part I NPDES permit to discharge treated sewage to an unnamed tributary to Scrubgrass Creek in Clintonville Borough, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, Venango County, approximately 21.0 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank) based on a design flow of 0.065 mgd are:

*Interim Limits*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	2	3	4
(11-1 to 4-30)	6	9	12
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	minimum of 6.0 mg/l at all times		
Dissolved Oxygen	6.0—9.0 at all times		
pH	6.0—9.0 at all times		

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank) based on a design flow of 0.065 mgd are:

*Final Limits*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	12	16	24
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

**PA 0026361. Thomas A. McDermott**, Executive Director, Lower Lackawanna Valley Sanitary Authority, P. O. Box 67, Coxton Road, Duryea Borough, Luzerne County.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Lackawanna River in Duryea Borough, **Luzerne County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 6.0 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Dissolved Oxygen	a minimum of 5.0 mg/l at all times		
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		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	monitor and report		
First Month through 24th Month	1.0		
25th Month through Expir. Date	2.34		

Point Sources 002 through 025 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department's EPA

approved CSO strategy, a special permit requirement is included in Part C of this permit. The permittee shall develop and submit a plan of action and implementation schedule as provided for in the permit.

*Other conditions:* Sludge disposal, combined sewer overflows, total residual chlorine requirements and pretreatment condition.

The EPA waiver is not in effect.

**PA 0012823.** Industrial waste, SIC: 4911, **Pennsylvania Power and Light Co.**, Two North Ninth Street, Allentown, PA 18101-1179.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater, cooling water, sewage and stormwater into Delaware River and Oughoughton Creek in Lower Mt. Bethel Twp., **Northampton County**.

The receiving stream is classified for the following uses: cold water (Oughoughton Creek); warm water (Delaware River), aquatic life, water supply and recreation.

Effluent requirements were evaluated at the point of discharge, that is, state line.

The proposed effluent limits for Outfall 010 (Sewage) based on a design flow of .024 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N	20		40
Dissolved Oxygen	minimum of 5 at all times		
Fecal Coliforms	200/100 ml geometric average		
Total Residual Chlorine	1.2		2.8

The proposed effluent limits for Outfall 011 based on a design flow of 0.44 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	monitor and report		
Oil and Grease	monitor and report		
Temperature	monitor and report		
pH	monitor and report		

The proposed effluent limits for Outfall 012 based on a design flow of 93.7 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine		0.2	
Temperature	monitor and report		
pH	6—9 s.u. at all times		

The proposed effluent limits for Outfall 013 based on a design flow of 10.6 mgd are:

<i>Parameter</i>	<i>Monthly Average (ug/l)</i>	<i>7-Day Average (ug/l)</i>	<i>Instantaneous Maximum (ug/l)</i>
Temperature (F°)	monitor and report		
pH	6—9 s.u. at all times		

The proposed effluent limits for Monitoring Point 113 based on a design flow of 0.44 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	30	100	
Oil and Grease	15	30	

The proposed effluent limits for Monitoring Point 213 based on a design flow of 6.34 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Free Available Chlorine	0.2	0.5	

The proposed effluent limits for Monitoring Point 413 based on a design flow of 2.86 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	
Oil and Grease	15	20	
Free Available Chlorine	0.2	0.5	

The proposed effluent limits for Outfall 014 based on a design flow of 1.05 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15	20	30
pH	6—9 s.u. at all times		

Outfall 015—Stormwater.

The EPA waiver is not in effect.

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### Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0083135	East Derry Elem. School 103 Green Avenue Lewistown, PA 17044	Mifflin Derry Twp.	Jacks Creek	TRC

The following parties have applied for an NPDES permit to discharge stormwater 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 Resources proposes to issue a permit to discharge, subject to certain effluent limitations set forth in Appendix A—J of the general permit and special conditions. These proposed determinations are tentative.

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### NOIS and Applications Received

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Applications for National Pollutant Discharge Elimination System (NPDES) Permit to discharge stormwater runoff to State waters.

*Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17001-0000, telephone (717) 327-3664.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR 804837	Milesburg Truck Plaza Nevin Pighetti, Jr. P. O. Box 256 Milesburg, PA 16853	Centre Boggs Twp.	Unnamed tributary to Bald Eagle	5171

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### Notices of Intent for Coverage Under General Permits Received

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The following parties have submitted Notices of Intent for Coverage under General NPDES Permits to discharge treated wastewater into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review, or application of lawful standards and regulations, the Department of Environmental Protection proposes to issue coverage under the General Permit subject to effluent limitations, monitoring and reporting requirements and other conditions set forth in the General Permits.

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.

The Notice of Intent, related documents, proposed effluent limitations, special conditions, comments received and other information are on file and may be inspected and copied at the Regional Office indicated as receiving the Notice of Intent.

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

<i>NPDES General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-2	Stormwater—Construction Activities	BLWC
PAG-3	Stormwater—Industrial Activities	BWQM
PAG-4	Single Residence Sewage Treatment Plant	BWQM
PAG-6	Combined Sewer Overflows	BWQM

#### NOI Received and Final Actions Under NPDES General Permits

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>
PAG 043537	4	DCNR—Bureau Forestry Juniata House P. O. Box 8552 Harrisburg, PA 17105-8552	Huntingdon Shirley Township	Juniata 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 the Department Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

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

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

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

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

*Lackawanna County Conservation District, District Manager, 395 Bedford PST, Bedford Station, Clarks Summit, PA 18411, telephone (717) 587-2607.*

**NPDES Permit PAS10N018. Grant H. Williams,** R. D. 1, Box 1410 Route 435, Gouldsboro, PA 18444 has applied to discharge stormwater from a construction activity located in Covington Township, **Lackawanna County**, to the Lehigh River and Roaring Brook.

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

**NPDES Permit PAS106106. Texas Eastern Transmission Corporation,** 5444 Westheimer, Houston, Texas 77056 has applied to discharge stormwater from a construction activity located in Middlecreek, Milford and Upper Turkeyfoot Townships, **Somerset County**, to UNT to Laurel Hill Creek and Middlecreek.

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

**NPDES Permit PAS10Y409. Hangover Country Club,** Water Street, P. O. Box 185, Abbottstown, PA 17301 has applied to discharge stormwater from a construction activity located in Paradise and Hamilton Townships, **York County**, to Beaver 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 protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

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

**A. 0292201.** Amendment No. 1. Industrial waste. **U. S. Steel Group**, 600 Grant Street, Pittsburgh, PA 15219-2749. Application for the construction and operation of pressure sand filters at the South Taylor Environmental Park located in the Borough of West Mifflin, **Allegheny County**.

**A. 6396201.** Industrial waste. **Mon River Towing, Inc.**, 200 Speers Street, Belle Vernon, PA 15012. Application for the construction and operation of a towboat bilge water treatment system located in the Borough of Speers, **Washington County**.

**A. 1196401.** Sewerage. **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904. Application for the construction and operation of sewers and appurtenances to serve the Carwyn Drive and Sweeney Interceptor located in the Township of Richland, **Cambria County**.

**A. 569401.** Sewerage. **Jenner Area Joint Sewer Authority**, P. O. Box 202, Jennerstown, PA 15547. Application for construction and operation of sewers and appurtenances, pump stations, and stream crossing to serve the Gray/Acosta Sewers located in the Township of Jenner, **Somerset County**.

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

**A. 2196403.** Sewerage, **Silver Spring Township Authority**, 6475 Carlisle Pike, Mechanicsburg, PA 17055 in Silver Spring Township, **Cumberland County** to construct the New Kingstown Terminal Pump Station and Sewer Extension was received in the Southcentral Region on April 22, 1996.

**A. 3696405.** Sewerage, **Terre Hill Borough**, P. O. Box 250, Terre Hill, PA 17581 in Terre Hill Borough, **Lancaster County** to replace Pump Station No. 4 was received in the Southcentral Region on April 19, 1996.

**A. 3196401.** Sewerage, **DCNR—Bureau of Forestry**, P. O. Box 8552, Harrisburg, PA 17105-8552 in Shirley Township, **Huntingdon County** to construct a single family sewage treatment system to serve the Juniata House located in Tuscarora Forest District No. 3 was received in the Southcentral Region on April 19, 1996.

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

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

**A. 3496502.** Public water supply. **Juniata Haven Mobile Home Park**, Milford Township, **Juniata County**, (Mrs. Corby Horning, Owner, HC63, Box 48A, Mifflintown, PA 17059), existing water system consisting of well 1, hypochlorination, two pressure tanks, two detention tanks and distribution system. Proposed is manganese sequestering, (Stephen F. Talian, P.E., Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100).

**A. 0696502.** Public water supply. **Borough of Topton**, Topton Borough and portions of Longswamp Township, **Berks County**, (K. Ray Stauffer, 44 West Keller Street, Topton, PA 19562), the addition on the spring supply of a raw storage tank, two submersible pumps, two trains of two high rate pressure filters and a polymer feed system, (David M. Bright, P.E., Spotts, Stevens and McCoy, Inc., P. O. Box 6307, Reading, PA 19610-0307).

*Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

**A. 1096501.** **Borough of Zelienople**, 11 West New Castle Street, Zelienople, PA 16063. This proposal involves the expansion of the existing clear well, replacement of the existing finished water pumps, installation of a backwash pump, and construction of new chemical handling and feed facilities in the Borough of Zelienople, **Butler County**.

**A. 2096501.** **KRS Realty Company (Doral Estates Mobile Home Park)**, 1380 Doral Estates, Conneaut Lake, PA 16316. This proposal involves an extension of water lines at this MHP to serve an additional 72 lots; and the addition of finished water storage in Summit Township, **Crawford County**.

**A. 6296501.** **Wilderness Mobile Home Park**, P. O. Box 924, Locust Street, Warren, PA 16365. This proposal involves the drilling of a new second well (well no. 2) and a 10,000 gallon concrete storage tank in Pleasant Township, **Warren County**.

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

**A. 9996286.** **Mountainwood Natural Spring Water Company**, 18 Bank Street, Summit, NJ 07901; William R. Egan, President. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand names: CJ's Mountain Spring Water, Pocono Mountain Bottled Water and Mountainwood Natural Spring Water.

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

**A. 0996507.** Public water supply. **Schoolhouse Apartments**, Richard Reshetar, P. O. Box 514, Point Pleasant, PA 18950. This proposal involves permitting an unpermitted existing water system. Also, the installation of a disinfection system and additional storage tanks in Nockamixon Township, **Bucks County**.

**A. 1596501.** Public water supply. **Kennett Square Borough**, Douglas P. Marguriet, 130 North Broad Street, Kennett Square, PA 19348. This proposal involves the construction of a 750,000 gallon elevated storage tank in Kennett Square Borough, **Chester County**.

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#### Acknowledgment of Notices of Intent to Remediate

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Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act, act of May 19, 1995 (P. L. 4, No. 1995-2).

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

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

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

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

**Stetler Auto**, Manheim Township, **Lancaster County**. Stetler Auto, c/o Michele Garman, CoreStates Bank, P. O. Box 3959, Lancaster, PA 17604 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was

reported to have been published in the *Lancaster New Era* and the *Lancaster Intelligencer Journal* on April 20, 1996.

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#### Notice of Extension of Comment Period For Proposed Remedial Response

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Quakertown Foundry Site  
Quakertown Borough, Bucks County

In response to a request from an interested party, the Department is extending until June 30, 1996, the Administrative Record public comment period for the Department's proposed response action at the Quakertown Foundry PAPL site. Any person may submit written comments to the Department on the proposed response action for inclusion in the Administrative Record by that date. Comments should be addressed to M. Thomas Mellott, Project Officer, ECP, Department of Environmental Protection, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Individuals with questions concerning this notice should contact M. Thomas Mellott, (610) 832-5934.

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#### Opening of the Administrative Record and Prompt Interim Response Under the Hazardous Sites Cleanup Act

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Leighton Industries Site  
Borough of Phoenixville, Chester County

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act, (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the Leighton Industries Site. The site is located at 40 South Second Avenue, Phoenixville Borough, Chester County.

The site consists of a 7.5 acre property which was abandoned in 1993. The site has been under investigation by the Department since that time. Based upon the findings of the investigation the Department determined that a large number of drums containing hazardous materials had been abandoned on the site. The Department has also determined that soil on the site is contaminated by lead and a number of pits and piles were used by site occupants for waste disposal activities.

As part of the investigation activities at the site drums containing waste materials were secured in a larger container where necessary, and were moved to a lined staging area and sampled for field characterization. The field analysis revealed that drums contained acids, bases, reactive and flammable materials. A number of smaller containers were also lab packaged during the investigation. The drum handling portion of investigation activities ended in November 1995.

On March 19, 1996, a fire broke out in the main building at the site. The fire was deemed suspicious in nature. The fire destroyed a section of the building west of the drum storage area. Vandalism had been a continuing problem at the site. A number of smaller oil pails were tampered with. The Department contracted a security firm to provide 24-hour site surveillance.

The Prompt Interim Response Action consists of further stabilization and sampling followed by offsite transportation and disposal of hazardous materials in drums and labpack containers at the site as well as proper reuse, recycling or disposal of empty drums and containers offsite. The DEP chose to conduct a prompt interim response at the site because of the recent incidents involving vandalism and possible arson and the nature of

materials stored there. Conditions at the site created a reasonable basis to believe that prompt action was required to protect public health and safety under 25 Pa. Code § 3.21(b).

The DEP determined that a prompt interim response under the authority of sections 501(a) and 505(b) of HSCA was the most environmentally sound and protective alternative for the site. The Department considered taking no action at the site, and determined that taking no action would not have addressed or resolved the threat to public health and the environment associated with the site.

The administrative record (AR), which contains the information that forms the basis for and documents the selection of this response action, is available for public review and comment Monday through Friday from 8 a.m. to 5 p.m. at the DEP offices located at 555 North Lane, Conshohocken, PA 19428. A second copy of this AR will also be made available for public inspection at the Chester County Free Library of Phoenixville located at the corner of Second Avenue and Main Street from 9 a.m. to 9 p.m. Monday through Thursday and from 9 a.m. to 5 p.m. Friday and Saturday.

Written comments concerning the Department's response and the information contained in the AR will be accepted in person, if delivered, or by mail, if postmarked on or before August 12, 1996. Written comments should be directed to the attention of Dustin Armstrong, DEP Project Officer, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6206.

In addition, the public will have the opportunity to present oral comments at a public hearing. The public hearing has been scheduled for July 10, 1996, at 7:30 p.m. at the Phoenixville Borough Hall, 140 Church Street, Phoenixville, PA.

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 Rob Goldberg, the DEP Community Relations Coordinator at (610) 832-6010 or the Pennsylvania AT&T Relay Service at 1-(800) 654-5984 to discuss how the Department may accommodate their needs.

The Department is providing this notice under sections 505(b) and 506(b) of the HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period on the administrative record, as provided under the Act.

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### Notice of Proposed Interim Response

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#### Beaulieu, Inc. Site Pottstown, Montgomery County

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), has proposed an interim response on private property, known as the Beaulieu, Inc. Site.

Beaulieu owns two properties in the Borough of Pottstown, PA known as Pottstown Nipple Works, Inc. (PN) and Lincoln Underwear Mills, Inc. (LU). Beaulieu, Inc. declared bankruptcy in 1991 and the properties were abandoned.

The PN facility is a 1 acre parcel that contains an approximate 40,000 square foot building with an adjacent fenced yard approximately 100 square feet in area. Piping was manufactured at this facility from approximately 1946 until Beaulieu declared bankruptcy. The process involved the machine cutting of steel piping using cutting

oils to reduce wear on machinery. Solvents were used to clean equipment and finished parts. There is also a good possibility that cooling oils were used inside equipment and these oils may also be present onsite.

The LU facility is located on an approximate 1 acre parcel and the building is approximately 35,000 square feet in area. The property appears to have been used only as a warehouse/distribution center. The building is empty except for forty 55-gallon drums believed to contain acetate emulsions.

The threat of release concerns approximately 400 drums at PN and 40 drums at LU. Drums have been found to contain ignitable (D001 listed) and corrosive (D002 listed) hazardous materials as well as numerous hazardous substances, as defined in the Federal Superfund Act, including acetone and toluene. The Department has determined that conditions at both properties present a threat to both the public health and the environment and has decided to conduct a response action at the sites.

Under section 501(a) of the HSCA, DEP is authorized to investigate a release or threat of release of a contaminant or hazardous substance. If the Department deems it appropriate, the Hazardous Sites Cleanup Program (HSCP), may undertake further investigation or response actions to protect the public health, safety, welfare or the environment.

The conditions at both sites pose a very real threat to both public health and the environment if a release occurs. Both buildings are in poor condition and further deterioration of the properties could result in human and environmental exposures. The drums at both properties are rusting and materials have already released onto the floors. These conditions are unsafe and the possibility of future release into the environment is high unless the situation is remediated. Because the sites are located in an industrial/residential area, receptors would include children, families and workers. Pathways of concern include inhalation, ingestion and direct contact. Based on the above findings, the Department has determined that further investigation and response actions are appropriate under section 501(a) of HSCA.

The Department considered the following two alternative actions for the Beaulieu Site.

#### *Alternative 1.—No Action*

This alternative is proposed as a baseline by which to measure other alternatives. In this case the Department would take no action at the site. The wastes would remain as they are which would allow for further deterioration of drums and possible human exposure and/or environmental impact scenarios.

A "no action" response is not protective of the public health or the environment because hazardous substances would be left onsite.

#### *Alternative 2.—Offsite Disposal of All Hazardous Substances*

This alternative would involve sampling and consolidating similar materials so that waste groups can be arranged for offsite disposal at appropriate permitted facilities. Drums will be bulked together and drums made empty will be disposed of appropriately. At the PN facility the floor in the manufacturing room will be scraped of the sludge-like material which now covers the area. This material will be sampled for waste characteristics and will be delivered offsite for disposal at a permitted

disposal facility. After this interim response action is complete the properties will be available for resale and reuse.

All of the hazardous substances will be removed from the site, thereby eliminating any threat to human health or the environment.

In evaluating these alternatives the Department considered the criteria of permanent protection of human health and the environment, feasibility, effectiveness, implementability, permanence, cost effectiveness and the alternatives' ability to meet applicable, relevant and appropriate State and Federal requirements (ARARs).

Alternative 1 fails to meet the criteria of human health and environmental protection. This alternative was not considered. Alternative 2 would require the Department to remove all hazardous wastes and substances from the Beaulieu Site so the properties would be remediated of any possible human or environmental threats. Alternative 2 is feasible, implementable and cost effective. Offsite disposal is one of the most common remediation technologies.

After examining the alternatives outlined above the Department proposes Alternative 2—Offsite disposal of hazardous substances. This alternative will require a State contractor to containerize, consolidate and deliver offsite all hazardous substances associated with the Beaulieu Site.

Alternative 2 will be protective of both the public health and the environment. The alternative will be executed in adherence to all ARARs. This is a cost effective alternative that is feasible, implementable, permanent and effective to the maximum extent practicable. After this interim response action the properties will be available for reuse.

This notice is being provided under sections 505(b) and 506(b) of HSCA. The administrative record which contains the information used to support DEP's decision to perform an interim response action at the Beaulieu Site is available for public inspection from 8 a.m. to 4 p.m. at the Southeast DEP office at Suite 6010 Lee Park, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6000. Individuals interested in examining the Administrative Record should contact Chet Zazo at (610) 832-6193 to arrange for an appointment.

An additional copy of the Administrative Record is available for review at the Pottstown Public Library which is located at High and Washington Streets, Pottstown. Library business hours are Monday, Tuesday and Wednesday from 9 a.m. to 9 p.m.; Thursday and Friday from 9 a.m. to 6 p.m.; and Saturday from 10 a.m. to 4 p.m.

DEP has scheduled a public hearing to be held at 7:30 p.m. on June 18, 1996, at the Tri-County Chamber of Commerce located at 238 High Street, Pottstown, PA. Persons who want to present formal oral comments regarding this interim response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Rob Goldberg, at (610) 832-6010.

Persons with a disability who wish to attend the June 18, 1996, meeting and require auxiliary aid, service or other accommodations to participate in the proceedings should contact Rob Goldberg at the telephone number

listed above to discuss how the Department of Environmental Protection may accommodate their needs.

The public may also submit written comments regarding the Department's interim action during the period of public comment. Under section 506(c) of HSCA, the Department has established a period for public comment which shall run from the date of this notice through August 10, 1996. Written comments should be addressed to Chet Zazo, Project Officer, at the Department's address listed above.

Individuals with questions concerning this notice should contact Chet Zazo at (610) 832-6193.

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**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.**

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

**A-1 Medical Waste Removal Inc.**, 209 Latimer Avenue, Staten Island, NY 10314; License No. **PA-HC 0173**; application received April 19, 1996.

**Longview of Ocean County, Inc.**, 1301 Route 37 West, Toms River, NJ 08754; License No. **PA-HC 0145**; application received March 25, 1996.

**Waste Management of Erie**, A Division of Pennsylvania Inc., 975 Robinson Road, Erie, PA 16514; License No. **PA-HC-0103**; application received April 1, 1996.

**Waste Management of Northeast PA of Waste Management of Pennsylvania Inc.**, 13 Peggy Parkway, Dunmore, PA 18509; License No. **PA-HC 099**; application received April 3, 1996.

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**Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act**

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The Department of Environmental Protection hereby announces the following grants to municipalities for recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (35 P. S. §§ 4000.101—4000.1904)

Grant funds can be used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community Affairs under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501) are eligible to receive funding for an additional 10 of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Carl Hursh, Chief of Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472

## Act 101

902 Recycling Development and Implementation Grants  
Department of Environmental Protection  
Bureau of Land Recycling  
and Waste Management

1	County of Lehigh	Mixed Paper Recycling	\$99,000
2	Warren County	Drop-off Recycling	\$108,000
GRAND TOTAL (2)			\$207,000

### Receipt and Approval of an Application to Conduct a Household Hazardous Waste Collection and Management Program

Palmer Township, Northampton County

Under section 1512(h) of the Municipal Waste Planning, Recycling and Waste Minimization Act (Act 101) (35 P. S. §§ 4000.101—4000.1904), the Department of Environmental Protection announces its receipt and approval of an application for the registration and conduct of a program designed for the collection and management of household type hazardous wastes. The program will be sponsored by Palmer Township and will entail a collection event at the Township's Maintenance Building on May 4, 1996.

Act 101 authorizes municipalities/persons to conduct such programs, provided they have registration approval from the Department. Additional information on this application may be obtained by contacting Chris Fritz of the Department's Northeast Regional Office at (717) 826-2516.

### Notice of Appeal

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.

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

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

**A. 400690. Bio-Oxidation, Inc.**, (P. O. Box 8A, 120 Grant Street, Greencastle, PA 17225). Application to process medical waste at a site in Borough of Greencastle, **Franklin County**. Application determined to be administratively complete in the Regional Office April 15, 1996.

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

**A. 100329. Lake View Landfill**, 851 Robison Road East, Erie, PA 16509. Major permit modification for the construction of a Valley Fill Vertical Expansion of the landfill. The landfill is located in Clay Township, **Erie County**. Permit modification application reserved in the Regional Office on April 18, 1996.

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

**A. 100281. Waste Management Disposal Services of Pennsylvania, Inc.**, R. D. 1, Box 716, Landfill Road, Scottdale, PA 15683. Greenridge Reclamation, R. D. 1, Landfill Road, SR-3083, Scottdale, PA 15683. A major permit modification to decommission four groundwater monitoring wells in East Huntingdon Township, **Westmoreland County** was received in the Regional Office on April 23, 1996.

*Regional Office: Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**A. 400689. Cherokee Plant, Merck & Company, Inc.**, (100 Avenue C, Riverside, PA 17868). Repermitting of a captive residual waste incinerator, former permit number 300439, under July 4, 1992 Residual Waste Regulations. Facility is located in the Borough of Riverside, **Northumberland County**. Application received in Regional Office April 1, 1996.

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

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

**06-312-009.** The Department intends to issue an air quality operating permit to **Bayway Refining Company** (1400 Park Avenue, Linden, NJ 07036) for a bulk gasoline loading rack controlled by an adsorption/adsorption unit in Spring Township, **Berks County**.

**06-312-010.** The Department intends to issue an air quality operating permit to **Bayway Refining Company** (1400 Park Avenue, Linden, NJ 07036) for four gasoline storage tanks controlled by floating roofs in Spring Township, **Berks County**.

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

**65-304-038.** The Department intends to issue an air quality control operating permit to **National Roll Company**, (Railroad Avenue, Avonmore, PA 15618) for an alloying ladle process at its steel foundry in Avonmore Borough, **Westmoreland County**.

**32-305-054.** The Department intends to issue an air quality control operating permit to **Pennsylvania Electric Company**, (1001 Broad Street, Johnstown, PA 15907) for the unit no. 3 coal processing at its Homer City Station Plant located in Center Township, **Indiana County**.

**63-307-028.** The Department intends to issue an air quality control operating permit to **Regal Industrial Corporation**, (P. O. Box 291, Donora, PA 15033) for a baghouse for the abrasive blasting operator at its plant in Donora Borough, **Washington County**.

**63-000-014.** The Department intends to issue an air quality control operating permit to **Duquesne Light**

**Company** (P. O. Box 1930, Pittsburgh, PA 15230) for low NOx burners on the boilers at its Elrama facility located in Union Township, **Washington County**.

**65-329-005.** The Department intends to issue an air quality control operating permit to **CNG Producing Company** (303 Airport Professional Center, Indiana, PA 15701) for a catalytic converter on the natural gas engine at its Jacob's Creek Compressor facility located in South Huntingdon Township, **Westmoreland County**.

**04-313-065A.** The Department intends to issue an air quality control operating permit to **ARCO Chemical Company**, (400 Frankfort Road, Monaca, PA 15061) for a pentane emission reduction system and baghouse on the Dyllite unit at its Beaver Valley Plant located in Potter Township, **Beaver County**.

**OP-56-261.** The Department intends to issue an air quality control operating permit to **Gilmour Manufacturing Company**, (P. O. Box 838, Somerset, PA 15501) for lawn and garden product manufacturing at its facility located in Somerset Borough, **Somerset County**.

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

**18-313-003D.** The Department intends to issue an operating permit to **Henkel Corporation** (P. O. Box 8, Castanea, PA 17726) for the operation of chemical processing equipment (R-205 and R-206 reactor systems) in Castanea Township, **Clinton County**.

**53-327-001.** The Department intends to issue an operating permit to **Emporium Specialties Company, Inc.** (P. O. Box 65, Austin, PA 16720) for the operation of two vapor degreasers in Austin Borough, **Potter County**.

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

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335.*

**24-313-137.** The Department intends to issue an air quality operating permit to **Carbone of America** (215 Stackpole St., St. Marys, PA 15857) for the operation of a carbon baking kiln in St. Marys, **Elk County**.

**43-311-002.** The Department intends to issue an air quality operating permit to **R. W. Sidley, Inc.** (P. O. Box 150, Painesville, OH 44077) for the operation of a portable concrete batch plant in Shenango Township, **Mercer County**.

**61-313-008.** The Department intends to issue an air quality operating permit to **OMG/Mooney Chemicals** (P. O. Box 111, Franklin, PA 16323) for the operation of a two batch chemical reactors in Franklin, **Venango County**.

**43-307-050.** The Department intends to issue an air quality operating permit to **Winner Steel Services, Inc.** (P. O. Box 1628, Sharon, PA 16146) for the operation of a new galvanizing line furnace at 277 Sharpsville Avenue, Sharon, **Mercer County**.

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

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

Permit: **09-399-027**

Source: Cosmetic Powder Compounding  
Company: **Northtec LLC, Formerly, Northtec, Inc.**  
Location: Bristol  
County: **Bucks**.

Permit: **09-399-028A & 09-399-030A**

Source: Cosmetic Compression Process  
Company: **Northtec L.L.C. Formerly, Northtec, Inc.**  
Location: Bristol  
County: **Bucks**.

The Department intends to reissue 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: **23-310-009**

Source: Portable Crushing Plant  
Company: **C. Abbonizio Contractors**  
Location: City of Chester  
County: **Delaware**

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

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

**06-304-025C.** Construction of a sand silo controlled by a fabric collector by **EAFCO, Inc.** (Spring & Schaeffer Streets, Boyertown, PA 19512) in Boyertown, **Berks County**.

**07-313-012H.** Construction of three additional "tail gas" scrubbers by **Quality Chemicals, Inc.** (P. O. Box 216, Tyrone, PA 16686) in Tyrone, **Blair County**.

**21-303-001A.** Construction of a mobile hot mix asphalt plant by **Hempt Bros., Inc.** (Camp Hill Quarry, 205 Creek Road, Camp Hill, PA 17011) in Lower Allen Township, **Cumberland County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**22-312-024A.** Installation of a vapor recovery unit by **Eldorado Properties Corporation** (P. O. Box 2621, Harrisburg, PA 17105) at their Lucknow Pipeline Terminal in the City of Harrisburg, **Dauphin County**.

**38-307-031G.** Construction of two wax burn-out furnaces by **CMI-Tech Cast, Inc.** (640 South Cherry Street, Myerstown, PA 17067) in Myerstown Borough, **Lebanon County**.

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

**65-329-006. Apollo Gas Company** (800 Regis Avenue, Pittsburgh, PA 15236) for an Ajax one cylinder engine at its Hill Compressor Station located in Washington Township, **Westmoreland County**.

**65-313-009A. Raven Industries, Inc.** (Center Drive, R. D. 6, Box 180, Latrobe, PA 15650) for dust collectors for the toner manufacturing process at its facility located in Unity Township, **Westmoreland County**.

**56-305-050. Dunamis Resources, Inc.** (R. R. 4, Box 1542, Homer City, PA 15748) for coal processing at its facility located in Jenner Township, **Somerset County**.

**65-307-065A. Latrobe Steel Company** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for a batch heating furnace at its facility located in Latrobe Borough, **Westmoreland County**.

**30-305-013A. Cyprus Emerald Resources** (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370) for a coal handling system at its facility located in Franklin Township, **Greene County**.

**323-399-022. CNG Producing Company** (303 Airport Professional Center, Indiana, PA 15701) for a natural gas engine and boiler at its facility located in North Mahoning Township, **Indiana County**.

**65-322-003A. Waste Management Disposal Services of PA, Inc.** (R. D. 1, Box 716, Landfill Road, Scottsdale, PA 15683) for a municipal waste landfill at its facility located in East Huntingdon Township, **Westmoreland County**.

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

**15-399-035.** On April 8, 1996, an application was received from **Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19013) for the modification of a dust collector no. 2 to be located in Tredyffrin Township, **Chester County**.

**23-315-007.** On April 19, 1996, an application was received from **Kimberly-Clark Tissue Company** (Front Street and Avenue of the States, Chester, PA 19312) for the modification of a No. 18 Paper Machine to be located in the City of Chester, **Delaware County**.

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

**19-317-023A.** Installation of an air cleaning device (a scrubber) on a wastewater pump building and treatment tanks by **Heinz Pet Products** (6670 Low Street, Bloomsburg, PA 17815) in South Centre Township, **Columbia County**.

**OP-55-0001B.** Construction of a dry fly ash handling system and associated air cleaning devices (fabric collectors) by **Pennsylvania Power and Light Company** (Two North Ninth Street, Allentown, PA 18101-1179) at the Sunbury Steam Electric Station in Shamokin Dam Borough, **Snyder County**.

**18-313-018B.** Construction of a chemical reactor system (R-700) and five chemical process vessels (T-201, T-202, T-301, T-302 and T-601) to be controlled by an existing air cleaning device (a thermal fume oxidizer) by **Avery Dennison, Chemical Division** (R. D. 2, Box 70, Mill Hall, PA 17751) in Bald Eagle Township, **Clinton County**.

**60-318-007A.** Modification of a wood furniture finishing operation (increase in allowable volatile organic compound emission rate) by the **Federal Bureau of Prisons** (P. O. Box 1500, White Deer, PA 17887) at FCI Allenwood in Gregg Township, **Union County**.

**Applications 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 Control, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**OP-09-0040.** On April 19, 1996, an application was received from **Paramount Packaging Corp.** (721 Dresher Road, Suite 1200, Horsham, PA 18914) for the construction of Facility VOC/NOx RACT to be located in Chalfont Borough, **Bucks County**.

#### Request for Variance

The Bureau of Deep Mine Safety has received a request for variance from the **Tanoma Mining Company**. 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. All 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 316(h) of the Bituminous Coal Mine Act, entitled Detection of Gas, requires that in working places where explosive or noxious gas is likely to be encountered, an approved safety lamp for the detection of such gas shall be provided for use with each machine when working, and should any indication of gas appear on the flame of the safety lamp, the person in charge shall immediately stop the machine, cut off the current at the nearest switch, and report the matter to a mine official.

Summary of the request: Tanoma Mining Company's plan calls for the use of electronic detectors to detect for oxygen deficiency in lieu of the permissible flame safety lamp for machine runners. Tanoma mining believes that an oxygen detector with alarm capabilities provides at least the same level of protection as the flame safety lamp for the machine operator. Additionally, the Tanoma Mining Company would provide its machine operators with separate electronic detectors that test the mine atmosphere for methane concentrations.

#### 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.

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

*Coal Applications Received*

**56960103. Marquise Mining Corporation** (206 Greene Street, Johnstown, PA 15905), commencement, operation and restoration of bituminous strip-auger mine in Quemahoning Township, **Somerset County**, affecting 110.0 acres, receiving stream Beaverdam Creek to Stony Creek River and Stony Creek River, application received April 22, 1996.

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

**63860110R. Raccoon Coal Company** (P. O. Box 9327, Neville Island, PA 15225). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**. Receiving streams unnamed tributary to Little Raccoon Run. Renewal application received March 25, 1996.

**26743202R. Carbon Fuel Resources, Inc.** (Three Penn Center West, Suite 401, Pittsburgh, PA 15276). Renewal application received for continued operation and

reclamation of a bituminous surface mine located in Dunbar and North Union Townships, **Fayette County**. Receiving streams Rankin Run Watershed. Renewal application received March 26, 1996.

**65860109R. M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Ligonier Township, **Westmoreland County**. Receiving streams unnamed tributaries to Hannas Run to Mill Creek to Loyalhanna Creek. Renewal application received March 28, 1996.

**02860201R. Minerals Technology, Inc.** (Three Penn Center West, Suite 401, Pittsburgh, PA 15276). Renewal application received for continued operation and reclamation of a coal refuse reprocessing site located in Harmar Township, **Allegheny County**. Receiving streams Guys Run to the Allegheny River. Renewal application received March 28, 1996.

**03910106R. State Industries, Inc.,** (P. O. Box 1022, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in East Franklin Township, **Armstrong County**. Receiving streams unnamed tributaries to Limestone Run to the Allegheny River. Renewal application received March 29, 1996.

**26850117R. Harry Lee and Rolland Herring** (204 Columbus Avenue, Masontown, PA 15461). Renewal application received for continued operation and reclamation of a bituminous surface mine located in German Township, **Fayette County**. Receiving streams Cats Run watershed. Renewal application received April 3, 1996.

**03960103. TDK Coal Sales, Inc.** (P. O. Box 637, Clarion, PA 16214). Application received for commencement, operation and reclamation of a bituminous surface mine located in East Franklin Township, **Armstrong County**, proposed to affect 155.0 acres. Receiving streams unnamed tributaries to Glade Run to the Allegheny River and unnamed tributaries to Limestone Run to the Allegheny River. Application received April 12, 1996.

**65840121R. V. P. Smith Company, Inc.** (P. O. Box 242, Ligonier, PA 15658). Renewal application received for continued reclamation of a bituminous surface mine located in Ligonier Township, **Westmoreland County**. Receiving streams unnamed tributary to Mill Creek to Loyalhanna Creek to the Conemaugh River. Application received April 18, 1996.

**26960101. Patterson Coal Company** (R. D. 2, Box 355, Smithfield, PA 15478). Application received for commencement, operation and reclamation of a bituminous surface mine located in Georges Township, **Fayette County**, proposed to affect 48.0 acres. Receiving streams unnamed tributary to York Run, York Run to Monongahela River. Application received April 15, 1996.

**03910102R. T. C. Mining** (R. D. 2, Box 301B, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface mine located in Valley Township, **Armstrong County**. Receiving streams Long Run Watershed. Renewal application received April 22, 1996.

**65960107. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine located in Mount Pleasant Township, **Westmoreland County**, proposed to affect 460.0 acres. Receiving streams unnamed tributaries to Laurel Run to Jacobs



Creek to the Youghiogheny River and Jacobs Creek to the Youghiogheny River. Application received April 18, 1996.

**30960101. C J & L Coal** (R. D 1, Box 125, Jefferson, PA 15344). Application received for commencement, operation and reclamation of a bituminous surface mine located in Morgan Township, **Green County**, proposed to affect 136.0 acres. Receiving streams unnamed tributary "a" to South Fork Tenmile Creek, South Fork Tenmile Creek to Tenmile Creek, Tenmile Creek to the Monongahela River. Application received April 23, 1996.

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

**03901302. TJS Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to renew and revise the permit for the TJS No. 1 bituminous deep mine in South Bend Township, **Armstrong County** per Act 54, no additional discharge. Application received April 18, 1996.

**32841322. Rayne Energy, Inc.** (56 Franklin St., Clymer, PA 15728), to renew the permit for the Rayne No. 1 bituminous deep mine in Pine Township, **Indiana County**, no additional discharge. Application received March 21, 1996.

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (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 process 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 provision of 33 U.S.C.A. §§ 1301-1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

**Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

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

**E05-233.** Encroachment. **Wal-Mart Stores, Inc.**, 701 South Walton Boulevard, Bentonville, AR 72716-8702. To place fill material in 1.2 acres of wetland in order to construct a food distribution center and associated improvements located just east of Cessna Village (Bedford, PA Quadrangle N: 17.1 inches; W: 2.6 inches) in Bedford

Township, **Bedford County**. The applicant is required to provide 1.2 acres of replacement wetlands.

**E29-069.** Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To extend and maintain an existing 36-inch diameter R. C. pipe by 25 LF at the upstream end and to place R-4 rock riprap with a length of 20 LF across an unnamed tributary to the south branch of the Little Aughwick Creek in order to upgrade the roadway condition located at Station 996+50 and about 3,200 feet southwest of Burnt Cabins Village (Burnt Cabins, PA Quadrangle N: 13.48 inches; W: 4.75 inches) in Dublin Township, **Fulton County**.

**E36-610.** Encroachment. **Gary L. Grossman**, 20 Charles Road, Lancaster, PA 17603. To construct and maintain a boulder retaining wall (total length is 220 feet) and place earth backfill within the floodway of a tributary to the Conestoga River, to provide vehicular access from Blanche Place to rear of six proposed townhouses at Emerald Valley (Lancaster, PA Quadrangle N: 3.7 inches; W: 9 inches) in the City of Lancaster, **Lancaster County**.

**E67-561.** Encroachment. **Modern Trash Removal of York, Inc.**, R. R. 9, Box 317, York, PA 17402. To relocate 2,300 lf of trib. no. 5 to Kreutz Creek and encroach on a de minimus area of wetlands and to construct 3,200 lf of replacement channel and associated habitat areas. To line trib. no. 5 with riprap for 275 lf just upstream of this relocation. To construct a 5 × 5 box culvert across Riddle Rd. Project is located SW of the intersection of Riddle and E. Prospect Rds. (Red Lion, PA Quadrangle N: 15.5 inches; W: 14 inches) in Windsor and L. Windsor Twps.

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

**E61-202.** Encroachment. **Cornplanter Township Supervisors**, R. D. 1, Box 98A, Oil City, PA 16301. To remove existing pony truss bridge and to install and maintain a 64-foot single span steel beam bridge on the existing alignment, using existing approaches across Pithole Creek (CWF, Trout Stocked and Wild Trout). Project is Township Bridge No. 0303 located on T-614 across Pithole Creek approximately 400 feet west of the intersection of Plank Road and Pithole Road (S. R. 1006) (Pleasantville, PA Quadrangle N: 3.5 inches; W: 11.7 inches) located in Cornplanter Township, **Venango County**.

**E62-323.** Encroachment. **Conewango Township Supervisors**, 4 Firemans Road, Warren, PA 16365-3702. To install and maintain two dry hydrants on Jackson Run (HQ-CWF) as part of a Rural Fire Protection Improvement Project. One dry hydrant is located along S. R. 0069 approximately 4 miles northwest of the intersection of S. R. 0069 and S. R. 0062 (Russell, PA-NY Quadrangle N: 4.2 inches; W 12.95 inches). The second dry hydrant is located in North Warren adjacent to Quality Markets approximately 1,600 feet northwest of the intersection of Follett Run Road (S. R. 1002) and S. R. 0062 in the village of Venturatown (Warren, PA Quadrangle N: 21.25 inches; W: 4.25 inches) located in Conewango Township, **Warren County**.

*Southwest Regional Office: Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**E04-236.** Encroachment. **Bridgewater Borough**, 735 Market Street, Bridgewater, PA 15009. To construct and maintain a 6-foot by 80-foot floating dock with attached 6-foot by 40-foot walkway in the Beaver River located at

the Bridgewater Riverfront Park (Beaver, PA Quadrangle N: 13.7 inches; W: 5.9 inches) in Borough of Bridgewater, **Beaver County**.

**E26-218.** Encroachment. **Pechin Leasing, Inc.**, P. O. Box 340, Dunbar, PA 15431. To construct and maintain a 91-foot by 475-foot boat docking facility in the Monongahela River at Mile Marker 77.2 (Masontown, PA Quadrangle N: 22.2 inches; W: 7.2 inches) in German Township, **Fayette County**.

**E65-630.** Encroachment. **Scott A. Lander and Lynn A. Holliday**, 101 Edwin Street, Jeannette, PA 15644. To construct and maintain a 12-foot wide by 20-foot long bridge over an unnamed tributary to Little Sewickley Creek to provide access to a residential dwelling located on TR 550 (Irwin, PA Quadrangle N: 8.0 inches; W: 1.9 inches) in Hempfield Township, **Westmoreland County**.

**E65-631.** Encroachment. **Robert G. and Judith G. Schlemmer**, 74 Tanner St., Export, PA 15632. To construct and maintain a single span bridge over an unnamed tributary to Whitethorne Creek to access a proposed residential dwelling located 1,600 feet upstream from stream crossing under SR 1055 (Saltsburg, PA Quadrangle N: 6.35 inches; W: 13.85 inches) in Salem Township, **Westmoreland County**.

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

**E51-148.** Encroachment. **National Publishing Company**, 11311 Roosevelt Blvd., Philadelphia, PA 19154. To place fill material in 0.14 acre of wetlands associated with the proposed National Publishing Company building addition and parking lot expansion. The site is located along the eastern bank of an unnamed tributary to Walton Run and on the northern side of Roosevelt Boulevard (U. S. Route 1) near the intersection of Red Lion Road at 1131 Roosevelt Boulevard (Frankford, PA-NJ Quadrangle N: 17.4 inches; W: 1.7 inches) in the City of Philadelphia, **Philadelphia County**.

**E15-511.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove an existing one span encased steel I-beam bridge having span length of 18-foot x 20-foot width, and to construct and maintain approximately 40-foot span x 32-foot width bridge with riprap at abutments for scour protection across Goose Creek (WWF) impacting 0.05 acre of adjacent wetlands. The site is located on Westbourne Road (S. R. 2006) approximately 500 feet east of the junction of Wood Lane (West Chester USGS Quadrangle N: 10.8 inches; W: 8.2 inches) in Westtown Township, **Chester County**.

*Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.*

**E08-233.** Water obstruction and encroachment. **Frank R. Hauss**, 1330 Buck Road, Feasterville, PA 19053. To construct and maintain a single span bridge across the south branch of Towanda Creek for private access to a single residence. The bridge shall have a total span of 100 feet, an underclearance of 12.0 feet and width of 13.0 feet. The project is located along the western right-of-way of SR 0220 approximately 2,000.0 feet north of the intersection of SR 2015 and SR 0220 (Monroeton, PA Quadrangle N: 1.9 inches; W: 8.7 inches) in Albany Township, **Bradford County**. The stream is designated a cold water fishery and the project will impact 13.0 linear feet.

**E08-234.** Water obstruction and encroachment. **Towanda Municipal Authority**, Thomas J. Fairchild,

Manager, 724 Main St., Towanda, PA 18848. To construct and maintain a precast concrete box culvert to carry a road across the south bridge of Towanda Creek. The proposed road crossing shall be constructed with a box culvert that has a span of 20.0 feet, a rise of 11.0 feet and a width of 12.0 feet. The project is located along the northern right-of-way of SR 2008 approximately 1.3 miles east of the intersection of SR 0220 and SR 2008 (Dushore, PA Quadrangle N: 12.4 inches; W: 3.8 inches) in Albany Township, **Bradford County**. Estimated stream disturbance is 16.0 feet with no wetland impact; stream classification is cold water fishery.

**E14-283.** Water obstruction and encroachment. **Centre Lime and Stone Co.**, 325 West Aaron Drive, State College, PA 16801. To construct and maintain single span concrete box beam bridge with a clear span of 40 feet and an underclearance of 5 feet across Gap Run Channel located in the northeast corner of the intersection of SR 0026 and Harrison Road (Centre Hall, PA Quadrangle N: 22.3 inches; W: 15.5 inches) in Spring Township, **Centre County**. This project as proposed, will not impact Gap Run Channel which is classified as a CWF. This was published in error under E14-383 on April 20, 1996.

**E19-153.** Water obstruction and encroachment. **Roaring Creek Valley Camp Inc.**, R. R. 1, Box 71, Catawissa, PA 17820. Remove the existing structure and to construct and maintain a private road bridge crossing with a span of 36 feet just under the beams, and 19 feet at streambed elevation with maximum underclearance of 5.8 feet with 24 inch beams constructed on concrete supports set back in the existing stream banks with 4 inch decking over an unnamed tributary to Roaring Creek approximately 100 yards upstream from the junction of Roaring Creek on SR 2001 (Catawissa, PA Quadrangle N: 6.0 inches; W: 3.5 inches) in Locust Township, **Columbia County**. Estimated stream disturbance is approximately 50 feet; stream classified as CWF.

**E41-366.** Water obstruction and encroachment. **Diana Van Fleet**, R. R. 1, Box 298, Linden, PA 17744. To modify and maintain an existing bridge across Pine Run. The project is located off Pine Road about 0.4 mile north of Route 220 (Linden, PA Quadrangle N: 17.5 inches; W: 8.25 inches) in Woodward Township, **Lycoming County**. This project impacts about 20 feet of stream with no wetland impacts. Stream is designated a WWF.

## 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, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audio tape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Permits Issued*

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

**NPDES Permit No. PA 0035807.** Industrial waste. **Refiners Transport and Terminal Corporation**, 1300 East 9th Street, Suite 1100, Cleveland, OH 44114 is authorized to discharge from a facility located in Cornplanter Township, **Venango County** to Oil Creek.

**NPDES Permit No. PA 0005762.** Industrial waste. **Electralloy, a G. O. Carlson, Inc. Company**, 21 Seneca Street, Oil City, PA 16301 is authorized to discharge from a facility located in Oil City, **Venango County** to the Allegheny River.

**NPDES Permit No. PA 0103659.** Industrial waste. **Pennzoil Products Company, Wolf's Head Packaging Plant**, P. O. Box 393, Allegheny Avenue, Reno, PA 16343 is authorized to discharge from a facility located in Sugar creek Borough, **Venango County** to the Allegheny River.

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

**NPDES Permit No. PA0031313.** Sewage, **Brownsville Area School District**, R. D. 1, Route 40 East, Grindstone, PA 15442 is authorized to discharge from a facility located at Colonial Elementary School Sewage Treatment Plant, Redstone Township, **Fayette County** to unnamed tributary of Colvin Run.

**NPDES Permit No. PA0097179.** Sewage, **Township of Findlay**, Drawer W, Clinton, PA 15026 is authorized to discharge from a facility located at Clinton Mobile Home Park STP, Findlay Township, **Allegheny County** to unnamed tributary of Potato Garden Run.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, telephone (717) 327-3664.*

**Permit No. NPDES PAG044853.** Sewerage. **Conrad E. Campbell**, R. D. 5, Box 245, Wellsboro, PA 16901. Has

been approved to construct a single family sewerage system. Discharge from facility located at Delmar Township, **Tioga County** to receiving waters named unnamed tributary of east branch Stony Fork Creek.

**Permit No. NPDES PA0032492.** **Anthony L. Miele**, Park Manager, Bald Eagle State Park, 149 Main Park Road, Howard, PA 16841. Application for discharge from facility located in Liberty Township, **Centre County** has been renewed.

**Notices of Intent for Coverage Under NPDES General Permits and Department Final Actions**

The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the following final actions by approving the requested general permit coverages.

These actions of the Department may be appealed 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, by an 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 Environmental Hearing 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 procedures before the Board may be obtained from the Board.

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

General Permit No.	Short Title of General Permit	Respons. Bureau
1	SW-Construction	BLWM
2	SW-Industrial	BWQM
3	SRSPT	BWQM
4	CSO	BWQM

**NOIS Received and Final Actions Under NPDES General Permits**

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

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

NPDES No.	Applicable GP No.	Facility Name and Address	Facility Location	Stream Name	SIC
PAR800027	2	CSX Transportation 38th and Jackson Streets Philadelphia, PA 19145	Philadelphia City of Philadelphia	Schuylkill River	4011
PAR230006	2	Custom Compounding, Inc. 50 Milton Drive Aston, PA 19014	Delaware City of Chester	Baldwin's Run	2821
PAR800006	2	D. Sabatelli, Inc. 630 S. Ridley Creek Road Media, PA 19063	Delaware Upper Providence Township	Ridley Creek	4200

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR230041	2	Elf Atochem 900 First Avenue King of Prussia, PA 19406	Montgomery Upper Merion Township	Abrams Creek	2821
PAR220003	2	Heacock Lumber, Inc. P. O. Box 148 Plumsteadville, PA 18949	Bucks Bedminster Township	Cabin Run	2411
PAR600033	2	Mayer Pollock Steel Corporation P. O. Box 759 Pottstown, PA 19464-4422	Montgomery Pottstown Borough	Schuylkill River	5093
PAR230003	2	Bostik, Inc. 1740 County Line Road Huntingdon Valley, PA 19006	Montgomery Upper Moreland Township	Southampton Creek	2891
PAR120018	2	The Philadelphia Baking Co. Grant Ave. & Roosevelt Blvd. Philadelphia, PA 19115	Philadelphia City of Philadelphia	Pennypack Creek	2051

**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) 422-4000.*

<i>Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A083	BTS West Mifflin, L. P. One Gorham Island Westpoint, CT 06880-3212	West Mifflin Boro Allegheny County	Lewis Run, UNT
PAS10A057-1	Abele Assoc. IV Hickory Hill Assoc. 2559 Washington Rd. Pittsburgh, PA 15241	South Fayette Twp. Allegheny County	Millers Run, UNT Coal Run, UNT
PAS10W042	JCP Assoc. 4839 Campbells Run Road Pittsburgh, PA 15205-1386	South Strabane Twp. Washington County	Chartiers Creek
PAS10X051	Allegheny Township Municipal Authority 136 Community Bldg. Rd. Leechburg, PA 15656	Allegheny Township Westmoreland County	Pine Run and Kiskiminetas River, UNT

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

**PAS-10-0019.** Individual NPDES. **Andrew Prokopovitch, c/o Ronald Petralito**, 30 South Queen Street, Littletown, PA 17340. To implement an erosion and sedimentation control plan for a residential subdivision to be known as Scarlet Oaks on 24 acres in Menallen Township, **Adams County**. The project is located east of Loop Road approximately 0.7 mile east of S. R. 0233 (Caledonia Park, PA Quadrangle N: 16.4 inches; W: 0.3 inch). Drainage will be tributary to Conewago Creek.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS103910	Dept. of Transportation 715 Jordan Ave. Montoursville, PA 17754	Jackson Township, Lycoming County Liberty Township, Tioga County	Steam Valley Run, Blockhouse Creek, Schoolhouse Run, Beck Run

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

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

**Permit No. 0389504-A1.** Public water supply. **Cowanshannock Township Municipal Authority**, 74 Second Street, P. O. Box 127, NuMine, PA 16244.

*Type of Facility:* Sagamore no. 1 reservoir cover.

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

*Permit to Construct Issued:* April 22, 1996.

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

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

**WQM Permit No. 2596403.** Sewage. **Glenwood Park Avenue Relief Sewer**, P. O. Box 8158, Erie, PA 16505-0158. This project is for the construction of the Glenwood Park Avenue Relief Sewer in the City of Erie, **Erie County**.

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

**Permit No. 0295402.** Sewerage. **Allegheny County Sanitary Authority**, 3300 Preble Avenue, Pittsburgh, PA 15233. Construction of parallel interceptor sewer, located in the City of Pittsburgh, **Allegheny County** to serve the Saw Mill Run, McNeilly Road to Cross Connection Chamber 1A at Woodruff Street.

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

**Permit No. WQM 5996401.** Sewerage. **Conrad E. Campbell**, R. D. 5, Box 254, Wellsboro, PA 16901. Has been authorized to construct a single residence facility located in Delmar Township, **Tioga County**. It will discharge treated effluent to unnamed tributary of east branch Stony Fork Creek.

**Permit No. WQM 1991201.** Industrial waste. **Corning Asahi Video Products Company**, P. O. Box P9, State College, PA 16801-0009. Has amended its permit located in College Township, **Centre County**.

**Permit No. WQM 1496401.** Sewerage. **Spring Benner Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823. Has been approved to construct and maintain gravity sanitary sewer line with ductile iron force main and pump stations. The installations will be done in Spring Township and Walker Township.

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

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*Regional Office: Water Management Program Manager, Southcentral Region, One Ararat Blvd., Harrisburg, PA 17110.*

*Location:* Mercersburg Borough, **Franklin County**, 113 South Main St., Mercersburg, PA 17236. The approved plan provided for purchase of a sequencing batch reactor wastewater treatment plant from a defunct tan-

ery operation. A pump station and force main will be constructed to connect the existing collection system to the new treatment facility. The municipality's existing, overloaded treatment facility will be abandoned. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority.

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**License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**Environmental Waste Resources, Incorporated**, 130 Freight Street, Waterbury, CT 06702; License No. **PA-AH 0522**; license issued April 19, 1996.

**Karlan Service, Inc.**, 187-201 East 7th Street, Paterson, NJ 07524; License No. **PA-AH 0519**; license issued April 19, 1996.

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**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**C. R. Warner, Inc.**, 61st & W. Passyunk Avenue, Philadelphia, PA 19153; License No. **PA-AH 0460**; license issued April 24, 1996.

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**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.**

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

**C. I. Whitten Transfer Company, c/o Tri-State Motor Transit Co.**, P. O. Box 113, Joplin, MO 64802; License No. **PA-AH 0466**; license terminated April 24, 1996.

**Recovery and Reclamation Trucking, Inc.**, c/o Battery Conservation Technologies, Inc. 3000 Western Avenue, Pecos, TX 79772; License No. **PA-AH S228**; license terminated April 24, 1996.

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**License expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**Chem-Sol Co., Inc.**, P. O. Box 1368, Bryn Mawr, PA; License No. **PA-AH S145**; license expired April 30, 1996.

**Direct Environmental, Inc.**, 175 Quincy Court, Hopelawn, NJ 08861; License No. **PA-AH 0396**; license expired April 30, 1996.

**Industrial Vacuum Services, Inc.** 4735 West Lake Road, Dunkirk, NY 14048; License No. **PA-AH 0348**; license expired April 30, 1996.

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

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

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

Permit: **23-315-006**  
Source: No. 16 Paper Machine-Dryer  
Issued: April 22, 1996.  
Company: **Kimberly-Clark Tissue**  
Location: City of Chester  
County: **Chester**

**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 § 127.450 for Reasonable 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-15-0038**  
Source: Minor Facility VOC Sources  
Issued: April 22, 1996  
Company: **CZ Inks, Div. of James Rivers**  
Location: Lionville  
County: Bucks County.

Permit: **OP-23-0024**  
Source: Two Batch Asphalt Plants  
Issued: April 18, 1996  
Company: **General Crushed Stone**  
Location: Middletown  
County: **Delaware**

Permit: **OP-09-0009**  
Source: Synthetic Minor NOx  
Issued: April 18, 1996.  
Company: **Webcraft Technologies, Inc.**  
Location: Chalfont  
County: **Bucks County.**

The Department has amended 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-23-0023**  
Source: Facility NOx & VOC Sources  
Administrative Amendment: April 18, 1996  
Company: **United Parcel Service, Inc.**  
Location: Tincum  
County: **Delaware**

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

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

**49-399-015.** The Department intends to issue an operating permit to **Bigger Custom Grinding, Inc.** (P. O. Box 97, Watsontown, PA 17777-0097) for the operation of a roller mill and classifier (No. 2 Raymond mill), associated bagging station and associated air cleaning device (a fabric collector) previously owned and operated by Specialty Materials Processing, Inc. in Delaware Township, **Northumberland County.**

**49-309-005A.** The Department intends to issue an operating permit to **Bigger Grinding, Inc.** (P. O. Box 97, Watsontown, PA 17777-0097) for the operation of a roller mill, pneumatic conveying system, packer, bulk loading station, bag dump station and associated air cleaning devices (three fabric collectors) previously owned and operated by Specialty Materials Processing, Inc. in Delaware Township, **Northumberland County.**

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

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

**06-304-045A.** On April 26, 1996, the Department issued a plan approval to **Unicast Foundry** (P. O. Box 248, Boyertown, PA 19512) for the modification of a sand system and fabric collector at their Boyertown Foundry in Boyertown, **Berks County.**

**07-310-020C.** On April 26, 1996, the Department issued a plan approval to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for the modification of Limestone Crushing Plant No. 1, by addition of a 250 TPH tertiary crusher and conveyors controlled by water sprays and two fabric filters at their Roaring Spring Plant in Taylor Township, **Blair County.**

**22-301-056A.** On April 26, 1996, the Department issued a plan approval to **Cremation Society of Pennsylvania**, (4100 Jonestown Road, Harrisburg, PA 17109) for the installation of two human crematory incinerators with integral afterburners in Lower Paxton Township, **Dauphin County.**

**34-310-001D.** On April 26, 1996, the Department issued a plan approval to **Jay Fulkroad & Sons, Inc.** (R. D. 2, Box 125, McAlisterville, PA 17049) for the modification of a limestone crushing plant in Fayette Township, **Juniata County.** The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**67-323-029B.** On April 19, 1996, the Department issued a plan approval to **Berg Electronics, Inc.** (P. O. Box 248, Emigsville, PA 17318-0248) for the modification of an electroplating operation in Manchester Township, **York County.**

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

**26-000-413.** On April 23, 1996, a plan approval expiration date was extended to July 31, 1996 for **Texas Eastern Transmission Corporation** (P. O. Box 1642, Houston, TX 77251) for internal combustion engines at its Uniontown Station, located in North Union Township, **Fayette County**.

**30-000-077.** On April 23, 1996, a plan approval expiration date was extended to July 31, 1996 for **Texas Eastern Transmission Corporation** (P. O. Box 1642, Houston, TX 77251) for internal combustion engines at its Holbrook Compressor Station facility located in Richhill Township, **Greene County**.

**65-000-839.** On April 24, 1996, a plan approval expiration date was extended to July 31, 1996 for **Texas Eastern Transmission Corporation** (P. O. Box 1642, Houston, TX 77251) for internal combustion engines at its Delmont Station facility located in Salem Township, **Westmoreland County**.

**11-000-258.** On April 24, 1996, a plan approval expiration date was extended to July 31, 1996 for **Texas Eastern Transmission Corporation** (P. O. Box 1642, Houston, TX 77251) for an internal combustion engine at its Lilly Station facility located in Cresson Township, **Cambria County**.

**32-000-230.** On April 24, 1996, a plan approval expiration date was extended to July 31, 1996 for **Texas Eastern Transmission Corporation** (P. O. Box 1642, Houston, TX 77251) for an internal combustion engine at its Armagh Station facility located in West Wheatfield Township, **Indiana County**.

**04-313-053B.** On April 24, 1996, a plan approval expiration date was extended to August 31, 1996 for **Envirotrol, Inc.** (P. O. Box 61, Sewickley, PA 15143) for an afterburner scrubber on the rotary kiln carbon regenerator at its facility located in Darlington Township, **Beaver County**.

**63-307-027.** On April 24, 1996, a plan approval expiration date was extended to July 31, 1996 for **American Iron Oxide** (Foster Plaza 7, 661 Anderson Drive, Pittsburgh, PA 15220) for baghouse scrubbers in their iron oxide production process at its Wheeling Pittsburgh facility located in Allenport Borough, **Washington County**.

**26-308-014.** On April 3, 1996, a plan approval was issued to **Sensus Technologies, Inc.** (450 North Gallatin Avenue) for a foundry grinding room at its Uniontown Plant located in Uniontown, **Fayette County**.

**26-305-032.** On April 1, 1996, a plan approval was issued to **Mon River Energy Corporation** (P. O. Box 466, Brier Hill, PA 15415) for a coal refuse reprocessing plant at its Brier Hill Site located in Redstone Township, **Fayette County**.

**65-309-033A.** On April 12, 1996, a plan approval was issued to **St. George Crystal Ltd.** (P. O. Box 709, Jeannette, Pa 15644) for a glass melting furnace at its Jeannette Plant located in Jeannette, **Westmoreland County**.

**04-307-073C.** On April 8, 1996, a plan approval was issued to **Koppel Steel Corporation** (P. O. Box 750, Beaver Falls, PA 15010) for a multi-lance manipulator at its Koppel Plant located in Koppel Borough, **Beaver County**.

**65-307-062A.** On April 2, 1996, a plan approval expiration date was extended to July 3, 1996 for **Allegheny Ludlum Steel Corporation** (100 River Road,

Brackenridge, PA 15014) for a Zendimir Cold Rolling Mill at its facility located in Vandergrift Borough, **Westmoreland County**.

**65-329-005.** On April 1, 1996, a plan approval expiration date was extended to October 4, 1996 for **CNG Producing Company** (303 Airport Professional Center) for a natural gas engine at its facility located in South Huntingdon Township, **Westmoreland County**.

**65-329-004.** On April 1, 1996, a plan approval expiration date was extended to June 30, 1996 for **CNG Producing Company** (303 Airport Road, Indiana, PA 15701) for a natural gas engine at its facility located in South Huntingdon Township, **Westmoreland County**.

**63-307-028.** On April 23, 1996, a plan approval was issued to **Regal Industrial Corporation** (P. O. Box 291, Donora, PA 15033) for a baghouse for the abrasive blasting process at its plant located in Donora Borough, **Washington County**.

**65-305-049.** On April 23, 1996, a plan approval expiration date was extended to August 14, 1996 for **Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15229) for a benzene emissions control system and an ammonia still for its coke by-products recovery plant at its Monessen Coke Plant facility located in Monessen, **Westmoreland County**.

**65-305-048.** On April 23, 1996, a plan approval expiration date was extended to August 14, 1996 for **Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15229) for a pushing baghouse, a desulfurization unit, and an excess coke oven gas flare, for their coke oven battery operations at its facility located in Monessen, **Westmoreland County**.

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

**43-307-050.** On April 23, 1996, a plan approval was issued to **Winner Steel Services, Inc.** (P. O. Box 1628, Sharon, PA 16146) for the installation of a galvanizing line furnace at Sharon, **Mercer County**.

**33-309-016.** On April 23, 1996, a plan approval was issued to Glen-Gery Corporation (P. O. Box 68, Summerville, PA 15864) for the construction of a brick shuttle kiln at Summerville, **Jefferson County**.

**37-309-049.** On April 16, 1996, a plan approval was issued to **Universal Refractories, Inc.** (P. O. Box 97, 915 Clyde Street, Wampum, PA 16157) for the operation of four existing refractory drying ovens and the installation of an internal dust collection system at Wampum, **Lawrence County**.

**61-312-025.** On April 23, 1996, a plan approval was issued to **Pennzoil Products Company** (2 Main Street, Rouseville, PA 16344) for the construction of four new storage tanks at the Rouseville Plant, Cornplanter Township, **Venango County**.

**10-313-049.** On April 19, 1996, a plan approval was issued to **Callery Chemical Company, Mine Safety Appliances Company** (P. O. Box 429, Pittsburgh, PA 15230) for Building 44, Pilot Plant in Forward Township, **Butler County**.

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**General Plan Approval and 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.**

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

General Plan Approval and Permit No. BAQ-GPA/GP-1 for small combustion units was issued to the following: **Lord Corporation**, 124 Grant Street, Cambridge Springs, PA 16403-1014.

*Date Issued: April 22, 1996.*

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

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*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: **09-301-123**  
Source: Incinerator  
Issued: April 22, 1996  
Company: **Columbia Lighting, Inc.**  
Location: Bristol  
County: **Bucks**

Permit: **09-326-004A**  
Source: 3 Pail Line Paint Booths  
Issued: April 22, 1996  
Company: **Cleveland Steel Container Corp.**  
Location: Quakertown  
County: **Bucks**

Permit: **46-302-206**  
Source: 2 Boilers  
Issued: April 23, 1996  
Company: **Procter & Gamble**  
Location: Hatboro  
County: **Montgomery**

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

Permit: **15-317-019**  
Source: Line 6 Oven Alteration  
Issued: April 15, 1996  
Extended: August 15, 1996  
Company: **Pepperidge Farm, Inc.**  
Location: East Caln  
County: **Chester**

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

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*Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, Pa 17701-6448, telephone (717) 327-0530.*

*Location: Middleburg Borough, Franklin Township, Snyder County.*

*Project Description:* The Middleburg Municipal Authority will construct a new 450,000 gallon per day replacement sewage treatment plant adjacent to the existing plant. Discharge of the treated effluent from the new facility will be to Middle Creek.

The Middleburg Municipal Authority will also construct sewer extensions to serve various areas of Franklin Township near the Borough. The township areas to be served include the villages of Paxtonville and Coon

Hunter, as well as areas of the township immediately north and east of the Borough.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

*Location:* Areas of Valley Township, **Montour County** including: Meadowbrook Lane, Fairlane Road, Furnace Road, Eister Loop, Quarry Road, Mats-Meadow Drive, and parts of Columbia Hill, Jerseytown, Valley West and McCracken Roads.

*Project Description:* Approval of a revision to the Official Sewage Facilities Plan of Valley Township, Montour County. Project involves the construction of a pump station, sanitary sewers, force mains as well as an upgrade of the existing sewage treatment plant. The treated effluent will be diverted to Mahoning Creek.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

### **MINING ACTIVITY ACTIONS**

Actions on applications under the Surface Mining Conservator 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, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Issued.*

**32850112.** Permit renewal, **B&W Coal, Inc.** (R. D. 1, Box 1275, Homer City, PA 15748), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Young Township, **Indiana County**, affecting 59.5 acres, receiving stream Nesbit Run and Harpers Run, tributaries to Blacklegs Creek, application received December 19, 1995, permit issued April 22, 1996.

**32880109.** Permit renewal, **FNR Mining Company** (950 Stonebraker Road, Indiana, PA 15701-9297), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Green Township, **Indiana County**, affecting 80.2 acres, receiving stream unnamed tributaries to/and the north branch to Two Lick Creek, application received April 22, 1996, permit issued April 23, 1996.

**56950110.** **Hardrock Coal Company** (R. D. 4, Box 155A, Berlin, PA 15530), commencement, operation and restoration of a bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 163.6 acres, receiving stream unnamed tributary to/and Flag Run, unnamed tributary to/and Casselman River, Crab Run, application received September 21, 1995, permit issued April 25, 1996.



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

**65840117T. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Permit transfer issued for continued operation and reclamation of a bituminous surface mine located in Salem Township, **Westmoreland County**, affecting 134.45 acres, and previously operated by Latimer Construction Company, Inc. Receiving streams unnamed tributary to Beaver Run. Transfer application received December 14, 1995. Permit transfer issued March 28, 1996.

**65950107. Ralph Smith & Son, Inc.** (200 Second Street, Derry, PA 15627). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Bell and Loyalhanna Townships, **Westmoreland County**, affecting 97.7 acres. Receiving streams two unnamed tributaries to Wolford Run. Application received June 29, 1995. Permit issued April 5, 1996.

**65910105R. Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15610). Renewal issued for reclamation only of a bituminous surface mine located in Rostraver Township, **Westmoreland County**, affecting 35.5 acres. Receiving streams two unnamed tributaries to the Monongahela River. Application received March 21, 1996. Renewal issued April 11, 1996.

**26910104R. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal issued for reclamation only of a bituminous surface mine located in Springfield Township, **Fayette County**, affecting 106 acres. Receiving streams two unnamed tributaries to Indian Creek. Application received January 18, 1996. Renewal issued April 19, 1996.

**02803001R. Aloe Coal Company** (P. O. Box 9327, Neville Island, PA 15225). Renewal issued for reclamation only of a bituminous surface mine located in Springfield Township, **Fayette County**, affecting 625 acres. Receiving streams Chamberlin Run, St. Patrick Run, and Potato Garden Run. Application received January 25, 1996. Renewal issued April 19, 1996.

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

**32841312. Keystone Coal Mining Corporation** (P. O. Box 729, Indiana, PA 15701) to revise the permit for the Urling No. 1 and 3 bituminous deep mine in Armstrong Township, **Indiana County** to add (2) 16" discharge boreholes, (1) 4 inch monitoring borehole and 16 inch discharge pipeline right-of-way, no additional discharge. Permit issued April 25, 1996.

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

#### *Noncoal Permits Issued*

**26940301. Carbon Fuel Resources, Inc.** (Penn Center West, Building Three, Suite 401, Pittsburgh, PA 15276). Permit issued for commencement and operation of a large noncoal surface mine located in German Township, **Fayette County**, affecting 21.3 acres. Receiving streams unnamed tributary to Browns Run, Browns Run, unnamed tributaries to the Monongahela River and the Monongahela River. Application received September 12, 1994. Permit issued April 5, 1996.

**26920401. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). Name change/transfer issued for an existing large noncoal surface mining site located in North Union Township, **Fayette County**, affecting 60.6

acres, and formerly permitted by Marsolino Coolspring Quarry, Inc. Receiving streams unnamed tributaries to Coolspring Run to Shutes Run to Cove Run to Redstone Creek to the Monongahela River. Application received October 30, 1995. Transfer issued April 11, 1996.

**3374SM58T. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). Name change/transfer issued for an existing large noncoal surface mining site located in North Union Township, **Fayette County**, affecting 146.6 acres, and formerly permitted by Marsolino Coolspring Quarry, Inc. Receiving streams unnamed tributary of Coolspring Run and Coolspring Run to Shutes Run to Shutes Run to Cove Run to Redstone Creek to the Monongahela River. Application received October 30, 1995. Transfer issued April 11, 1996.

The Department of Environmental Protection (Department) 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, telephone (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, telephone (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, telephone (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), section 302 of the Flood Plain Management Act (32 P. S. § 679.302), 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).

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

**E07-252. Encroachment. Woodbury Township Supervisor, R. R. 2, Box 234, Williamsburg, PA 16693.** To remove an existing bridge and to construct and maintain a single span concrete box beam bridge having a span of 35 feet and a minimum underclearance of about 2 feet across Piney Creek for maintenance purposes located on Township Road, T-431 at the Village of Wertz (Williamsburg, PA Quadrangle N: 14.7 inches; W: 17.7 inches) in Woodbury Township, **Blair County**.

**E67-556. Encroachment. Joseph A. Myers** 160 Ram Drive, Hanover, PA 17331. To maintain fill in a de

minimus area of wetlands less than or equal to 0.05 acre located east of Piston Court in the rear of lot no. 24 in the Stewartstown Station subdivision (Stewartstown, PA Quadrangle N: 1 inch; W: 12.3 inches) in Hopewell Township, **York County**.

*Permits Issued and Actions on 401 Certification*

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

**E42-240.** Encroachment. **Department of Transportation.** District 2-0, 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 single clear span of 80 feet and a minimum underclearance of 4 feet on a 60-degree skew across Potato Creek on SR 0046, Segment 0090, Offset 0040 approximately 2,000 feet south of the Village of Norwich (Norwich, PA Quadrangle N: 5.4 inches; W: 16.4 inches) located in Norwich Township, **McKean County**.

**E43-248.** Encroachment. **Mercer County Commissioners.** 530 Mercer County Courthouse, Mercer, PA 16137. To remove the existing bridge and to construct and maintain a concrete adjacent box beam bridge having a single clear, normal span of 24 feet and an average underclearance of 4 feet, 9 inches across a tributary to east branch Wolf Creek on Brinkley Road (T-459) approximately 1,600 feet east of Patterson School Road (T-912) (Grove City, PA Quadrangle N: 15.7 inches; W: 1.8 inches) in Wolf Creek Township, **Mercer County**.

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

**E02-1130.** Encroachment. **ALCOA,** 425 6th Avenue, Pittsburgh, PA 15219. To place and maintain fill on the right bank and in the floodway of the Allegheny River, to construct and maintain a building in the floodway of said stream and to regrade the right bank of said stream for the purpose of constructing the ALCOA Corporate Center Riverfront Park. The project is located between the Seventh Street and Ninth Street bridges, just south of Isabella Street and west of the intersection of Anderson Street and River Avenue (Pittsburgh West, PA Quadrangle N: 13.1 inches; W: 0.1 inch) in the City of Pittsburgh, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E02-1132.** Encroachment. **Turnpike Commission,** P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain approximately 4.5 acres of replacement wetlands in the floodway of Peters Creek for the purpose of replacing 3.59 acres of wetlands impacted due to the construction of the Mon/Fayette Expressway from I-70 to Route 51. The project is located on the left bank of Peters Creek and on the north side of Snowden Road, approximately 600 feet north of the intersection of Snowden Road and Piney Fork Road (SR 3014) (Glassport, PA Quadrangle N: 4.4 inches; W: 12.4 inches) in South Park Township, **Allegheny County**.

**E03-353.** Encroachment. **Department of Transportation,** P. O. Box 429, Indiana, PA 15701. To remove the existing structure and to construct and maintain a bridge having two spans, each measuring a normal length of 40.50 feet and a minimum underclearance of 9.97 feet across Cowanshannock Creek on the realigned SR 0085,

Section 150. This permit also authorizes the installation of temporary causeways for the purpose of removing the existing bridge pier and constructing the new proposed pier. The project is located approximately 1.1 miles east of SR 0028 and 1.4 miles north of SR 0422 (Mosgrove, PA Quadrangle N: 11.9 inches; W: 13.1 inches) in Rayburn Township, **Armstrong County**.

**E11-244.** Encroachment. **City of Johnstown,** 401 Washington Street, Johnstown, PA 15901. To remove the existing Horner Street Bridge and to construct and maintain a bridge having three normal clear spans of 72.8 feet each and an underclearance of 31.3 feet across Stony Creek and to construct and maintain a temporary causeway consisting of five 60-inch C.M.P. in said stream (Johnstown, PA Quadrangle N: 10.1 inches; W: 5.1 inches). This project is located on Horner Street approximately 800 feet south of McMillen Street in the City of Johnstown, **Cambria County**.

**E63-392-R2.** Encroachment. **Washington Mall-JCP Associates, Ltd.,** 4839 Campbells Run Road, Pittsburgh, PA 15205. To place and maintain fill in an unnamed tributary to Chartiers Creek and in approximately 0.64 acre of wetlands associated with said stream for the purpose of constructing the proposed Regency Plaza Shopping Center located just north of the intersection of S. R. 136 and Interstate Routes 79 and 70 (Washington East, PA Quadrangle N: 10.5 inches; W: 13.6 inches) in South Strabane Township, **Washington County**. This permit also authorizes the construction of 1.45 acres of replacement wetlands.

**E65-622.** Encroachment. **Tasman Resources Ltd.,** P. O. Box 81620, Pittsburgh, PA 15217-0420. To construct and maintain a 16-foot x 6-foot R. C. box culvert in Trout Run for the purpose of constructing a roadway. The project is located approximately 100 feet downstream from the T-891 pipe culvert (Derry, PA Quadrangle N: 22.0 inches; W: 1.4 inches) in Derry Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Project". 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.*

**E41-350.** Water obstruction and encroachment. **Penn Advertising,** P. O. Box 1775, Williamsport, PA 17701. To construct and maintain two outdoor advertising signs on unipole structures in the floodway of the west branch Susquehanna River located next to Greevy Road about 1 mile west of Canfields Lane (Montoursville South, PA Quadrangle N: 21.9 inches; W: 11.8 inches) in Loyalsock Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects".

**E41-352.** Water obstruction and encroachment. **Dept. of Transportation,** P. O. Box 218, Montoursville, PA 17754. To encroach upon 1.7 hectares (4.3 acres) of 31 wetlands and to construct and maintain 17 stream encroachments located in a 12.4 kilometer (7.7 miles) corridor (between the Village of Jackson Corners and the Village of Sebring. The stream encroachments will consist of 1) 4,266.7 meters (1,400 feet) of channel relocation of Steam Valley Run, 2) the removal of two bridge associated with the stream relocation of Stream Valley Run, 3) 72.0 linear feet of 10 foot by 6 foot precast concrete box culvert extension plus an associated temporary haul road

across School House Run 4) a new single span prestressed concrete adjacent box beam bridge with a clear span of 79.5 feet and an average underclearance of 15.4 feet plus an associated temporary haul road across Blockhouse Creek, 5) a new single span prestressed concrete I-beam bridge with a clear span of 133.5 feet and an average underclearance of 15.0 feet plus an associated temporary haul road across Beck Run, 6) plus seven RCCP extensions to various existing culverts. The project will impact 1.7 hectares (4.3 acres) of regulated wetlands and must create a minimum of 1.9 hectares (4.8 acres) of replacement wetlands.

**E41-364.** Water obstruction and encroachment. **Albert and Mary Thorne**, R. R. 5, Box 209, Williamsport, PA 17701. Raise the existing house by adding foundation blocks to repair and replace damage on house, to construct a sidewalk, and to place a soil berm next to the new foundation. This project is located in the floodway of Lycoming Creek next to West Cottage Avenue about 1,000 feet west of Lycoming Creek Road (Cogan Station, PA Quadrangle N: 6.5 inches; W: 8.0 inches) in Old Lycoming Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects".

**E41-365.** Water obstruction and encroachment. **Franklin C. Leisey, Jr.**, 100 Cottage Ave., Williamsport, PA 17701. Remove the existing structure and to construct and maintain a new house with a total footage of 1,200 ft. in the floodway of Lycoming Creek. This project is located on Cottage Avenue at the confluence of Bottle Run with Lycoming Creek (Cogan Station, PA Quadrangle N: 2.0 inches; W: 5.6 inches) in Old Lycoming Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects".

**E53-284.** Water obstruction and encroachment. **Dept. of Transportation**, Engineering Dist. 2-0, 1924-30 Daisy St., Clearfield, PA 16830. Remove an existing structure and construct and maintain a two span prestressed concrete adjacent box beam bridge to carry SR 3004, Section A02 across the Allegheny River. The proposed bridge shall be constructed with two clear spans of 54.0 feet each, an average underclearance of 11.6 feet and a 75 degree right skew. The project is located approximately 500 feet south of the intersection of T-317 and SR 3004 (Roulette, PA Quadrangle N: 5.0 inches; W: 4.00 inches) in Roulette Township, **Potter County**.

**E53-285.** Water obstruction and encroachment. **Robert and Helen Rhines** P. O. Box 88, St. Marys, PA 15857. To construct and maintain a private road crossing the right branch of Bark Shanty Hollow Run. The work shall consist of placing three 48 inch CMP culvert pipes in 16 linear feet of stream channel. The project is located along the southern right-of-way of T-309 approximately 3,700 feet west of the intersection of T-307 and T-309 (Keating Summit, PA Quadrangle N: 11.9 inches; W: 0.0 inches) in Keating Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E12-095.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry P. O. Box 327, Emporium, PA 15834. To construct and maintain a 24 foot wooden footbridge across Sanders Draft. This project is located on Sanders Draft about 1 mile upstream of its confluence with Red Run (Driftwood, PA Quadrangle N: 4.6 inches; W: 15.25 inches) in Gibson Township, **Cameron County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E12-096.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 327, Emporium, PA 15834. To construct and maintain a 22 foot wooden footbridge across Hunts Run. The project is located on Hunts Run about 4 miles upstream of its confluence with the Driftwood Branch of the Sinnemahoning Creek (Wharton, PA Quadrangle N: 0.75 inch; W: 17.25 inches) in Lumber Township, **Cameron County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E18-209.** Water obstruction and encroachment. **DCNR**, Bureau of State Parks, P. O. Box 8451, Harrisburg, PA 17105. Construct and maintain a water supply intake on Kettle Creek Reservoir in Kettle Creek State Park and a distribution system that would include a utility line crossing through Bearfield Creek, a tributary to Kettle Creek, within the park for public recreation purposes (Hamersley Fork, PA Quadrangle N: 0.4 inch; W: 7.4 inches) in Liedy Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

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

**E35-213A.** Encroachment. **Department of General Services**, Bureau of Engineering and Architecture, Tent Building, 18th and Herr Streets, Harrisburg, PA 17120. To amend Permit No. E35-213 to include various structural and grade changes to the Lindy/Keyser Creek and Meadow Brook Flood Protection Projects (DGS Project No. 184-22). The Lindy/Keyser Creek project is located northeast of S. R. 3011 and S. R. 3014 (Scranton, PA Quadrangle N: 7.8 inches; W: 9.8 inches) and the Meadow Brook project is located at the beginning point north of the intersection of S. R. 0011 and S. R. 3025 (Scranton, PA Quadrangle N: 9.5 inches; W: 3.25 inches) extending to the Lackawanna River in the City of Scranton, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

**E39-298.** Encroachment. **Glimcher Properties Ltd. Partnership**, 20 South Third Street, Columbus, OH 43215. To fill in 0.46 acre of wetlands for the construction of a 108,000 square foot retail facility. The project is located on the south side of S. R. 1002 (Tilghman Street) approximately 0.7 mile east of the intersection of S. R. 0309 and S. R. 1002 (Allentown West, PA Quadrangle N: 16.9 inches; W: 5.9 inches) in the City of Allentown, **Lehigh County**. The permittee is required to provide 0.46 acre of replacement wetlands.

**E39-304.** Encroachment. **Pitcairn Properties Health Care Group, Inc.**, One Pitcairn Place, 165 Township Line Road, Jenkintown, PA 19046. To construct and maintain a 30-inch C.P.P.P. stormwater outfall structure along the left bank of the Little Lehigh Creek for the construction of a Healthcare Facility. The project is located approximately 0.5 mile southeast of the intersection of S. R. 0309 and S. R. 0029 (Allentown West, PA Quadrangle N: 11.8 inches; W: 1.3 inches) in Salisbury Township, **Lehigh County**.

**E40-432.** Encroachment. **Donald A. Wesley**, Box 100, Sweet Valley, PA 18656. To excavate in approximately 0.08 acre of wetlands for the purpose of providing boat access to Grassy Pond. The project is located on Lots 8 and 9 of the Grassy Pond Subdivision, along the western side of Grassy Pond, approximately 1,200 feet southeast of the intersection of S. R. 4024 and T-571 (Sweet Valley, PA Quadrangle N: 5.5 inches; W: 4.5 inches) in Ross

Township, **Luzerne County**. The permittee is required to provide 0.12 acre of replacement wetlands.

**E45-286. Encroachment. Department of Transportation**, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103-4727. To (1) remove the existing structure, (2) to construct and maintain a single-span prestressed concrete, spread box beam bridge having a normal span of 68.0 feet with an average underclearance of 5.9 feet on a 73 degree skew across Tunkhannock Creek, (3) to construct and maintain a dry hydrant intake structure for fire protection along the left bank of Tunkhannock Creek, and (4) to place fill in approximately 0.07 acre of wetlands for the proposed roadway alignment. The project is located along S. R. 4001, Section 01B, Segment 0060, Offset 0885, approximately 60 feet upstream from the existing structures and 0.1 mile south of the intersection of S. R. 4001 and T633 (Pocono Pines, PA Quadrangle N: 6.3 inches; W: 11.8 inches) in Tunkhannock Township, **Monroe County**. The permittee is required to provide 0.15 acre of replacement wetlands.

**E64-164. Encroachment. Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing superstructure and to

construct and maintain a two-span curved multigirder bridge, 100 feet downstream of the existing bridge, across west branch Lackawaxen River. The proposed structure has normal spans of 31 feet and 39.5 feet and an underclearance of 15.5 feet. This project is located along S. R. 0170, Section 611, Segment 0110, 0.1 mile south of S. R. 4004 (Aldenville, PA Quadrangle N: 3.8 inches; W: 15.3 inches) in Clinton Township, **Wayne County**.

**SPECIAL NOTICES**

**Correction to the Registered Professional Geologist Seal Notice**

An error occurred in the announcement which appeared at 26 Pa.B. 1751—1761 (April 13, 1996). The Department submitted two tables for the Oil and Gas Management Program and omitted a table for the Bureau of Radiation Protection Low-Level Radioactive Waste Disposal Facility. In addition, the term “subsistence” should be “subsidence” in the table for the Bureau of Land Recycling and Waste Management, page 1754, line 3. The correct version of the Oil and Gas Management table and the table for the Bureau of Radiation Protection Low Level Radioactive Waste Program follow:

Program Area: Bureau of Oil and Gas Management

Topic	A	B	C	D
Groundwater clean-up reports	X			
Enforcement water supply/Pre-Drilling survey (water supply and sampling)		X		
Seasonal high groundwater level determinations (soil mottling)		X		
Surveyor—permit plat and well locations for abandoned well locations for abandoned enforcement cases and distance restrictions			X	
Section 7 waiver requests involving geological determinations	X			
Submission of permit objections under Section 202			X	
Submission of notice of intent to plug		X		
Submission of maps for underground gas storage reservoirs	X			
Waivers of distance of oil or gas wells from wetlands, streams, bodies of water (E&S plans)		X		
Request for alternate casing methods (equivalent or superior protection)			X	
Request for alternate plugging methods (equivalent or superior protection)			X	
Drilling permit applications (locational information by surveyor)			X	
Applications for land farming of drill cuttings applications			X	
Applications for disposal of fluids by land applications			X	
Submission of E&S Plans			X	
Submission of Control and Disposal plans for brine and cuttings		X		
Studies to delineate areal extent of groundwater contamination	X			
Portion of Part II CSL permit application dealing with groundwater flow direction and monitoring proposal	X			
Groundwater monitoring well data reports with interpretation	X			
Preliminary hydrogeologic information required for NPDES permit application for discharges to dry stream channels	X			

Program Area: Bureau of Radiation Protection Low-Level Radioactive Waste (LLRW) Disposal Facility

Topic	A	B	C	D
25 Pa. Code § 236.107 Screening Report, § 236.108, Site Justification Report, § 236.109 Environmental Impact Report portions of each report pertaining to geology.	X			
25 Pa. Code § 236.141(a) Site Characterization Plan portions of plan pertaining to geology	X			

Topic	A	B	C	D
25 Pa. Code; Chap. 236 Subchapter C relating to LLRW disposal facility license portions of license pertaining to geology	X			
Act of 1988, P. L. 31, No. 12, Section 320 geologic portions of reports and remediation plans pertaining to water supplies and contamination.	X			
Act of 1988, P. L. 31, No. 12, Section 321 geologic portions of reports and licenses/permits pertaining to siting commercial LLRW compactors.	X			
25 Pa. Code § 236.245, Disposal Site Closure and Decommissioning Plan portions of plan pertaining to geology.	X			
Soil/groundwater/surface water monitoring programs and construction inspection programs undertaken in and around the LLRW disposal facility by DEP portions of reports/plans pertaining to geology.	X			

[Pa.B. Doc. No. 96-766. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Governor's Awards for Environmental Excellence for 1996**

The Department of Environmental Protection (DEP) is announcing the application period for the 1996 Governor's Awards for Environmental Excellence. This program is an annual event which honors and promotes efforts which benefit the State's environment, economy and sustainable development. The 1996 awards will be presented in five areas: Education and Outreach, Energy Efficiency, Pollution Prevention, Technology Innovation and Recycling & Market Development. Pennsylvania businesses, public agencies, organizations, educational institutions and individuals are invited to apply for the awards.

If your environmental management activities have included implementation of pollution prevention strategies and innovative technologies to use existing resources more effectively, recycling and the development of recycled materials, improvement in energy efficiency, or education and outreach activities related to pollution prevention and compliance assistance, DEP invites you to participate in this year's awards program. These awards are an important way for DEP to share information and publicize strategies that reduce waste and pollution efficiently with often a significant cost savings. This program is an example of the DEP advocating technology sharing, as well as providing recognition to the State's leaders in innovative environmental management techniques.

Applications for the 1996 awards must be submitted by June 17, 1996. To obtain an application, contact Georgia Kagle at DEP's Office of Pollution Prevention and Compliance Assistance, P. O. Box 8472, Harrisburg, PA 17105-8472; phone (717) 787-7382; or e-mail at Kagle.Georgia@a1.dep.state.pa.us. TDD users may use AT&T's Relay Service at (800) 654-5984.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-767. Filed for public inspection May 10, 1996, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Notice of Beginning of Review; Certificates of Need**

The Department has completed its preliminary assessment of the following applications for the offering, devel-

opment, 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-96-H-2247-C:* Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401. The project involves an addition of 19 hospital-based skilled nursing beds to previously approved 19-bed unit, at an estimated cost of \$125,000

*CON-96-B-2613-B:* Manor Healthcare Corp., 10770 Columbia Pike, Silver Spring, MD 20901. The project involves construction of a new 60-bed long-term care facility in Bethlehem Township, Northampton County, PA, at an estimated cost of \$3,150,527.

*CON-96-B-2647-B:* Country Meadows Associates, 830 Cherry Drive, Hershey, PA 17033. The project involves construction of a new 70-bed long-term care facility in Northampton County, PA, at an estimated cost of \$1,940,700.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning May 11, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. All 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, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Uniontown Hospital public meeting will begin at 3 p.m., Monday, June 10, 1996. Manor Healthcare public meeting will begin at 9 a.m., and Country Meadows public meeting will begin at 11 a.m., Thursday, June 27, 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.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-768. Filed for public inspection May 10, 1996, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Sub-State Resource Distribution

Under 20 CFR 652.4 the Department of Labor and Industry is making public the following sub-state resource distributions. These distributions are for activities under the Wagner-Peyser Act as amended by the Job Training Partnership Act (JTPA) and are for the Program Year 1996 (July 1, 1996 through June 30, 1997). Under section 4 of the Wagner-Peyser Act, the Governor has designated the Department of Labor and Industry as the State agency vested with all powers necessary to cooperate with the United States Employment Service in the operation of the public Employment Service System.

The basic purpose of the Employment Service System is to improve the functioning of the nation's labor markets by bringing together individuals who are seeking employment and employers who are seeking workers. The Bureau of Employment Services and Training and the Office of Job Center Field Operations in the Department of Labor and Industry administer a labor exchange system which has the capacity:

1. to assist job seekers in finding employment;
2. to assist employers in filling jobs;
3. to facilitate the match between job seekers and employers;

4. to participate in a system for clearing labor between the states, including the use of standardized classification systems issued by the Secretary under JTPA section 462(c)(3); and

5. to meet the work test requirements of the State Unemployment Compensation system.

The sub-state resource distributions are for activities funded under section 7(a) of the Wagner-Peyser Act. Section 7(a) authorizes 90% of the sums allocated to each state to be used to support the basic labor exchange service.

The distributions are listed by the 28 Pennsylvania Service Delivery Areas. The monetary figures represent planned cost for personal salaries and personal benefits of Job Service/Job Center personnel delivering Wagner-Peyser Section 7(a) direct services within each Service Delivery Area (SDA).

The following formula was utilized in producing the sub-state resource distribution: 60% based on the civilian labor force within the SDA; 30% based on the number of unemployed within the SDA; 5% based on the number of non-college bound public and private high school graduates; and 5% based on the number of public and non-public high school dropouts (ages 21 and under).

The funding formula reflects Pennsylvania's Employment and Training Plan, the joint goals of the Job Training Partnership and Wagner-Peyser Acts Programs and the funding methodology from the Federal Government.

Interested parties wishing to comment on the sub-state resource distribution must do so in writing by the close of business on June 24, 1996. Comments should be forwarded to John C. Vogel, Director, Bureau of Employment Services and Training, Room 1115, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121.

<i>SDA NO.</i>	<i>Name</i>	<i>Counties Served</i>	<i>Sub-State Resource Distribution</i>
1	Erie Area Job Training Partnership	Erie (including city of Erie)	\$451,798
2	Northwest PA Training Partnership Consortium, Inc.	Clarion, Crawford, Forest, Venango, Warren	\$379,640
3	City of Pittsburgh	Pittsburgh	\$537,312
4	Allegheny County Department of Federal Programs	Allegheny	\$1,436,166
5	Job Training for Beaver County, Inc.	Beaver	\$271,030
6	Tri-County Private Industry Council, Inc.	Armstrong, Butler, Indiana	\$515,666
7	PIC of Westmoreland, Fayette, Inc.	Fayette, Westmoreland	\$796,302
8	Washington/Greene County Job Training Agency	Greene, Washington	\$371,142
9	North Central PA Regional Planning & Development Commission	Cameron, Clearfield, Elk, Jefferson, McKean, Potter	\$380,441
10	Southern Alleghenies Planning & Development Commission	Bedford, Blair, Cambria, Fulton, Huntingdon, Somerset	\$794,287
11	Mid-State Employment and Training Consortium	Centre, Clinton, Columbia, Lycoming, Mifflin, Snyder, Union	\$727,167
13	Northern Tier Regional Planning & Development Commission	Bradford, Sullivan, Susquehanna, Tioga, Wyoming	\$287,766

<i>SDA NO.</i>	<i>Name</i>	<i>Counties Served</i>	<i>Sub-State Resource Distribution</i>
14	Scranton-Lackawanna Human Development Agency, Inc.	Lackawanna	\$372,838
15	Pocono Counties Service Delivery Area	Carbon, Monroe, Pike, Wayne	\$427,085
16	Luzerne County Human Resources Development Department	Luzerne, Schuylkill	\$822,059
17	Philadelphia Private Industry Council	Philadelphia	\$2,478,748
18	Bucks County Office of Employment and Training	Bucks	\$883,862
19	Montgomery County Training and Employment Program	Montgomery	\$1,061,058
20	Delaware County Office of Employment and Training	Delaware	\$799,944
21	Chester County Office of Employment and Training	Chester	\$567,936
22	Private Industry Council of Lehigh Valley, Inc.	Lehigh, Northampton	\$786,872
23	Berks County Employment and Training Office	Berks	\$528,168
24	Susquehanna Employment and Training Corporation	Cumberland, Dauphin, Juniata, Lebanon, Perry	\$996,052
25	Lancaster Employment and Training Agency	Lancaster	\$671,174
26	York County Office of Employment and Training	York	\$565,718
27	Franklin/Adams Employment & Training Consortium	Adams, Franklin	\$318,120
28	West Central Job Partnership Private Industry Council of Mercer and Lawrence Counties	Lawrence, Mercer	\$322,692
29	Northumberland/Montour Training Services, Inc.	Montour, Northumberland	\$187,476

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 96-769. Filed for public inspection May 10, 1996, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Adjusted Fees for Medical Assistance Laboratory Services

By this notice, the Department of Public Welfare announces effective June 3, 1996, that adjustments have been made to Medical Assistance fees for laboratory services to be consistent with the Medicare upper limit requirement.

The laboratory fees being adjusted are:

<i>Procedure Code</i>	<i>Current Fee</i>	<i>Adjusted Fee June 3, 1996</i>	<i>Procedure Code</i>	<i>Current Fee</i>	<i>Adjusted Fee June 3, 1996</i>
80092	\$ 42.67	\$ 41.67	80422	65.22	63.72
80164	18.99	18.72	80424	71.48	69.80
80172	23.06	22.52	80426	210.04	205.16
80202	18.99	18.72	80428	94.32	92.16
80400	46.18	45.10	80430	111.00	108.45
80402	120.88	120.18	80432	191.18	186.71
80406	110.76	108.18	80434	143.25	139.90
80408	177.62	173.46	80435	145.70	142.35
80412	466.50	455.58	80439	95.12	92.88
80414	73.06	71.34	80440	82.26	80.31
80415	79.10	77.24	81000	4.47	4.37
80418	820.16	801.00	81003	3.18	3.10
80420	102.66	100.26	81005	3.06	2.99
			82003	28.64	27.97
			82043	8.60	8.00
			82108	36.06	35.22
			82131	26.35	23.19
			82154	40.80	39.85
			82160	35.39	34.56
			82164	20.66	20.17
			82205	16.18	15.80
			82270	3.50	3.47
			82306	41.89	40.91
			82307	45.60	44.54
			82330	20.26	18.89
			82374	6.72	6.57
			82387	29.44	28.75

<i>Procedure Code</i>	<i>Current Fee</i>	<i>Adjusted Fee June 3, 1996</i>	<i>Procedure Code</i>	<i>Current Fee</i>	<i>Adjusted Fee June 3, 1996</i>
82436	7.36	6.95	85175	6.43	6.29
82441	8.50	8.30	85244	28.90	28.22
82570	7.68	7.15	85245	32.47	31.71
82633	43.50	42.81	85246	32.47	31.71
82666	30.41	29.69	85247	33.23	31.71
82696	33.38	32.60	85292	26.80	26.17
82705	7.21	7.04	85293	26.80	26.17
82757	24.54	23.97	85301	15.30	14.95
82759	30.41	29.69	85302	17.01	16.61
82784	13.16	12.85	85303	19.59	19.14
82800	11.98	11.70	85305	16.41	16.02
82803	27.00	26.74	85306	21.69	21.18
82805	39.79	38.86	85348	5.27	5.15
82810	12.11	12.06	85362	9.74	9.52
82926	8.31	7.52	85378	10.54	10.29
82938	25.00	24.46	85400	12.52	12.23
82943	20.00	19.75	85410	10.91	10.66
82946	21.33	20.83	85421	14.42	14.08
82963	30.41	29.69	85460	10.95	10.69
82965	10.94	10.68	85461	11.46	9.38
82979	9.74	9.52	85475	12.42	12.26
83018	31.07	30.35	85525	16.80	16.41
83527	18.48	18.05	85576	30.41	29.69
83528	22.50	21.98	85597	25.00	24.84
83586	18.00	17.69	85611	5.57	5.43
83727	24.34	23.77	85670	8.30	7.99
83866	14.63	13.62	85675	10.19	9.47
83890	5.67	5.54	86003	13.64	7.21
83896	5.86	5.54	86147	36.80	35.94
83912	5.86	5.54	86157	11.35	11.14
83915	15.78	15.41	86160	16.99	16.59
83918	23.29	22.75	86161	16.99	16.59
83937	42.24	41.25	86226	17.14	16.74
84035	5.18	5.05	86287	14.62	14.27
84087	14.95	14.27	86290	16.66	16.26
84105	7.42	7.15	86303	25.31	21.40
84106	6.06	5.92	86306	23.23	22.69
84133	6.40	5.94	86308	7.32	7.15
84134	21.74	20.22	86309	9.16	8.95
84140	70.00	28.58	86316	29.45	28.76
84143	80.00	31.54	86317	21.22	20.72
84160	7.68	7.15	86318	18.32	17.89
84165	15.93	14.87	86327	32.00	31.36
84181	24.10	23.54	86340	21.00	20.83
84182	25.47	24.87	86341	28.00	27.34
84202	20.31	19.84	86353	69.37	67.75
84203	12.18	11.89	86360	65.78	64.24
84207	39.75	38.82	86403	14.42	14.08
84235	74.05	72.31	86406	15.79	14.58
84300	7.24	6.72	86431	7.91	7.73
84432	23.18	21.76	86588	13.88	13.06
84436	10.23	9.50	86593	6.23	6.09
84443	24.97	23.22	86603	18.22	17.79
84449	25.60	25.00	86606	21.30	20.80
84479	9.63	8.95	86612	18.66	18.22
84481	23.98	23.42	86617	25.31	21.40
84482	23.50	22.95	86618	24.10	23.54
84488	10.33	10.09	86625	18.61	18.17
84490	10.77	10.52	86628	17.53	17.12
84586	62.50	48.83	86632	18.26	17.80
84681	29.44	28.75	86635	16.46	16.07
84703	10.63	10.38	86638	17.86	17.43
85013	3.34	3.27	86641	20.80	20.31
85014	3.34	3.27	86644	20.30	19.83
85018	3.34	3.27	86645	24.80	24.22
85041	4.26	4.16	86648	21.97	21.45
85048	3.62	3.53	86651	18.66	18.22



<i>Procedure Code</i>	<i>Current Fee</i>	<i>Adjusted Fee June 3, 1996</i>
86652	18.66	18.22
86653	18.66	18.22
86654	18.66	18.22
86663	18.66	18.22
86664	21.97	21.45
86665	25.67	25.07
86668	14.72	14.38
86677	21.07	20.58
86684	21.97	21.45
86687	11.87	11.60
86689	27.77	26.75
86692	24.29	23.72
86694	20.30	19.83
86695	18.66	18.22
86698	17.86	17.43
86701	12.57	12.27
86703	20.00	19.53
86713	21.34	20.85
86720	18.66	18.22
86727	18.22	17.79
86738	18.66	18.22
86744	18.66	18.22
86747	21.30	20.80
86756	18.22	17.79
86759	18.66	18.22
86762	20.30	19.83
86777	20.30	19.83
86778	21.07	20.58
86781	18.74	18.30
86784	17.86	17.43
86787	18.24	17.81
86807	56.00	54.69
86808	42.00	41.02
86817	91.11	88.98
86821	79.90	78.03
86822	51.58	50.52
86880	7.98	7.43
86885	8.50	7.90
86886	7.69	7.15
86900	4.50	4.12
86903	14.04	13.05
86904	14.12	13.13
87103	12.76	12.46
87117	16.00	15.99
87118	15.49	15.12
87175	15.22	14.86
87178	23.53	22.97
87179	23.74	23.19
87187	14.67	14.33
87192	12.84	12.54
87210	6.00	5.90
87252	36.89	36.02
88230	164.86	161.01
88237	178.74	174.56
88245	210.66	205.72
88248	245.06	239.33
88260	157.99	154.30
88261	250.10	244.25
88262	176.38	172.25
88263	212.66	207.68
88267	254.40	248.44
88269	235.36	229.85
88280	35.52	34.69
88283	97.06	94.79
88285	26.89	26.26
89125	6.11	5.97

The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

Price changes made to the Medical Assistance Fee Schedule are routinely included in carryforward budget estimates.

*Contact Person*

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (Voice users), or may use the Department of Public Welfare TDD by calling 1 (717) 787-3616. Persons who require another alternative format should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-121. No fiscal impact; (8) recommends adoption. Price changes made to the Medical Assistance Fee Schedule are included in the Medical Assistance-Outpatient appropriations in the General Appropriations Act and the Governor's Budget.

[Pa.B. Doc. No. 96-770. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Medical Assistance Program Fee Schedule Revisions; 1996 HCPCS Updates**

By this notice, the Department of Public Welfare announces effective January 1, 1996, that changes have been made to the Medical Assistance Program Fee Schedule as a result of implementing the 1996 updates to the Health Care Financing Administration Common Procedure Coding System (HCPCS). The Federally required updates add new procedure codes which are compensable beginning January 1, 1996. The procedure codes being deleted from the fee schedule as a result of those updates will not be compensable for services provided after April 30, 1996.

The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

Price changes made to the Medical Assistance Fee Schedule are routinely included in carryforward budget estimates.

*Contact Person*

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (Voice users), or may use the Department of Public Welfare TDD by calling 1 (717) 787-3616. Persons

who require another alternative format should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-120. No fiscal impact; (8) recommends adoption. Price changes made to the Medical Assistance Fee Schedule are included in the Medical Assistance-Outpatient appropriations in the General Appropriations Act and the Governor's Budget.

[Pa.B. Doc. No. 96-771. Filed for public inspection May 10, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

**Fayette, Greene, Washington and  
Westmoreland Counties  
Reference No. 08430AG1991**

The Department of Transportation will retain an engineering firm having the necessary engineering and environmental expertise to fulfill the requirements of an open-end contract to perform environmental studies on various projects throughout District 12-0 associated with the planning, design, construction, maintenance and operation of transportation and transportation-related facilities. The contract period will be 30 months from the date of execution with projects to be assigned on an as-needed basis. The maximum dollar amount to be expended under the terms of the open-end contract will be \$750,000.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Specialized environmental experience and technical competence of firm.
- b. Past record of performance and previous experience on open-end contracts.
- c. Qualifications and experience of individuals who constitute the firm.
- d. Location of consultant in respect to the District.
- e. Current workload and available staffing.

The selected engineering firm will be required to provide all necessary professional engineering and environmental services, material and equipment necessary to collect, analyze, map and organize data; conduct agency and public involvement activities; prepare reports; and design mitigation plans; prepare policies, procedures and guidelines; and review environmental and engineering analyses and documents.

The areas of environmental study and review required under the contract may include, but are not limited to, air quality; noise; energy; vibration; hazardous waste; surface water and groundwater quality; surface water and

groundwater quality; surface water and groundwater hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; and section 4(f) Determinations and Evaluations. The environmental studies and reviews will be conducted in accordance with currently accepted analysis techniques and methodologies.

The preliminary engineering alternative analyses required under the contract may include, but are not limited to, engineering required to assess impacts and mitigation; void and/or minimize impacts; assess the condition of historic structures; and avoid impacts to section 4(f) properties and waters of the United States; and to review engineering analysis and documents.

The report and other written and graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; Plans of Study; meeting minutes; public meeting and hearing presentations, visualization materials, handouts and displays; technical basis reports (TBRs); NEPA environmental documents; section 106 documents section 4(f) Evaluations, mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, remote sensing/mapping innovations, policies procedures and guidelines and training materials. The format and content of all documents will be consistent with applicable State and Federal regulations, policies, and guidelines.

Technical questions concerning the requirements for this project should be directed to Greg Bednar, P.E., District 12-0, at (412) 439-7243.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

### Statewide Reference No. 08430AG1992

The Department of Transportation will retain an engineering firm for an Engineering Agreement to provide fabrication inspection of prestressed/precast concrete products; prepare a familiarization module for construction specification writing for Department staff; and participate in the forensic analysis of concrete items under the supervision of the Chief Structural Materials Engineer. This fabrication inspection will include reinforced concrete pipe and other items incidental to highway construction designated by the Department. The contract will be for a period of 24 months.

The selected firm may or will be required to furnish approximately 15 to 30 qualified inspectors at various Statewide and out-of-State fabrication shops as the workload dictates. Occasional field inspection at projects sites is required. Attendance may be required at pre-fabrication meetings with Department engineers and fabrication personnel. The selected firm will be required to furnish two inspection supervisors (one in the eastern region, one in the western region) to provide direct daily supervision of the inspection activities.

Under the direction of the Department, the selected firm will be required to keep records and document the fabrication process; provide quality assurance inspection and perform acceptance tests; submit weekly progress reports; exercise control over materials and workmanship to ensure conformance to specifications; and provide a detailed final report and a tabulated list of prestressed/precast concrete quantities shipped to Department projects.

The selected firm must provide test equipment including a slump cone and air meter, and all specification references at each assigned plant.

The qualifications and experience required for 90% of the inspectors are as follows:

a) Be certified by the National Institute for Certification in Engineering Technologies (NICET) as a technician, Level II or higher in Construction Materials Testing/Concrete, Transportation/Highway Construction, or Transportation/Highway Materials, OR

b) Be certified by the American Concrete Institute (ACI) as Concrete Field Testing Technician-Grade 1, OR

c) Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required concrete fabrication experience for the specified Inspection Classification acceptable to the Department, OR

d) Be certified as an Engineer-In-Training by the Commonwealth of Pennsylvania with the required concrete fabrication experience for the specified Inspection Classification acceptable to the Department, OR

e) Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science in Civil Engineering Technology with the required concrete fabrication experience for the specified Inspection Classification acceptable to the Department, OR

f) Hold an Associates degree in Civil Engineering Technology with the required concrete fabrication experience for the specified Inspection Classification acceptable to the Department.

The staff assigned to prestressed concrete fabrication inspection must be high school graduates with no less than 3 years in concrete construction of which 1 year is in the prestressed concrete fabrication field.

The staff assigned to precast box culvert fabrication inspection must be high school graduates with no less than 3 years in concrete construction of which 1 year is in the prestressed concrete fabrication field or the precast concrete box culvert fabrication field.

The staff assigned to precast concrete inspection must be high school graduates with no less than 3 years in construction of which 1 year is in the concrete fabrication field.

The job descriptions for these classifications may be obtained from the Structural Materials Engineer, who is identified at the end of this solicitation.

The manager of the inspection personnel must be a Professional Engineer registered in Pennsylvania with a minimum of 3 years of prestressed/precast fabrication related experience. One year must be directly related to prestressed concrete plant fabrication.

An inspection supervisor is required to be a Professional Engineer registered in the Commonwealth of Pennsylvania or meet the requirements of a prestressed concrete inspector. The Inspection Supervisor is required to provide direct supervision of the inspection staff by making routine visits to assigned plants.

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

proposal will not be requested prior to the establishment of the ranking.

The following factors will be considered by the Department during the evaluation of the firms submitting letters of interest:

- Review of the inspector's qualifications with emphasis on prestressed/precast concrete fabrication inspection experience and the number of available qualified inspectors
- Understanding of Department requirements, policies and specifications, including the AASHTO references
- Review of the firm's "supervision plan" for the plant inspection staff
- Number of qualified prestressed/precast concrete fabrication inspectors available for this agreement
- Key personnel experience with prestressed concrete plant fabrication inspection and practices
- Firm's past performance of prestressed/precast inspection in fabrication plants
- Firm's in-house training program
- Branch office in Pennsylvania

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar years 1997 and 1998 will be limited to the actual direct salary of the individual employee, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Direct Payroll Rate</i>	
	1997	1998
Prestressed Concrete-Box Culvert Inspector	\$17.95	\$18.58
Precast Concrete-Reinforced Concrete Pipe Inspector	\$16.21	\$16.76
Inspection Supervisor	\$20.48	\$21.20

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

Also, the following minimum qualifications will be taken into consideration:

- Ability to speak, write, read and understand the English language
- Have basic knowledge of prestressed/precast concrete fabrication
- Prior experience in prestressed/precast concrete plant fabrication
- Capable of acting as a direct representative of the engineer

The selected firm will be required to provide one engineer to work in conjunction with Department staff to evaluate the methodology of construction specification writing, prepare a familiarization module for Department staff and provide familiarization sessions, as directed. The maximum direct payroll rate for the specification engineer shall be \$35 per hour.

The project assignment may be expanded to provide assistance with the coordination and review of current Department specifications from the clearance transmittal process through to the final implementation phase.

The engineer must have prior experience in specification writing as documented in a resume. Prior to the assignment, the proposed engineer must be approved by the Department.

The selected firm may be asked to participate in the forensic analysis of concrete items by providing the services of a specialized concrete engineer, well versed in the concrete technology field, as directed by the Department. The maximum direct payroll rate shall be \$35 per hour.

Technical questions concerning the requirements for this project should be directed to Robert D. Horwhat, P.E., or Thomas H. Green, P.E., of the Bureau of Construction and Materials at (717) 787-1950.

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. 96-772. Filed for public inspection May 10, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Penns Valley Conservation Association, Trout Unlimited and Pennsylvania Council of Trout Unlimited v. DEP and Con-Stone, Inc. Permittee; EHB Doc. No. 96-094-MR**

Penns Valley Conservation Assoc., et al. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Con-Stone, Inc. for a facility in Haines Township, Centre County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-773. Filed for public inspection May 10, 1996, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Rulemaking Petition for Study

At the April 16, 1996, meeting of the Environmental Quality Board (EQB), the EQB accepted a rulemaking petition for further study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions).

The petition was submitted by Waste Management Inc., East and requests an amendment or repeal of a section of the municipal waste regulations (25 Pa. Code § 279.202(a)(5)). The second requires a 50-foot property line setback, and the petitioner is seeking more flexibility in selecting sites for transfer facilities.

The Department is currently reviewing the petition and will forward its report evaluating it to the EQB. If the Department proposes changes to the existing regulation and the EQB concurs, the proposed changes will be processed as a proposed rulemaking with an opportunity for public comment.

Copies of the petition are available from the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, phone (717) 787-4526.

JAMES M. SEIF,  
*Chairperson*

[Pa.B. Doc. No. 96-774. Filed for public inspection May 10, 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>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-572	State Board of Veterinary Medicine General Information	04/29/96

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
	Pennsylvania Public Utility Commission	04/30/96
57-157	Electric Energy Emergency Notification Procedure	
	JOHN R. MCGINLEY, Jr., <i>Chairperson</i>	

[Pa.B. Doc. No. 96-775. Filed for public inspection May 10, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws: Kenneth K. Kelley; Doc. No. P95-11-015

Notice is hereby given of the Order to Show Cause issued on April 25, 1996, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: section 604 of the Insurance Department Act (40 P.S. §§ 234 and 279) and 31 Pa. Code §§ 37.46 and 37.47.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-776. Filed for public inspection May 10, 1996, 9:00 a.m.]

### Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield; Amendatory Riders and Endorsements to Add Orthodontic Treatment for Cleft Palates Benefit; Filing No. 1-1-OTCP-96-WP

By filing no. OTCP-96-WP, Blue Cross of Western Pennsylvania proposes to amend its group contracts and direct pay subscription agreements and Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield propose to amend all jointly underwritten group contracts and direct pay subscription agreements to add a benefit for orthodontic treatment of congenital cleft palates.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday during normal work

hours at the Insurance Department's Office in Harrisburg. This filing consists of 16 pages.

Interested parties are invited to submit written comments, suggestions or objections to Rick Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-777. Filed for public inspection May 10, 1996, 9:00 a.m.]

### Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield; Amendment to Clarify Benefits for Subscribers/Members Residing in Other States; Filing No. 1-OAB-96-WP

By filing no. 1-OAB-96-WP, Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield propose to amend its Primary Care Gatekeeper and Non-Gatekeeper PPO contracts to clarify benefits provided by Participating Blue Cross Blue Shield Plans to subscribers residing outside of Pennsylvania.

Copies of the filing are available for public inspection, by appointment, on Monday, Wednesday and Friday during normal work hours at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie. This filing consists of nine pages.

Interested parties are invited to submit written comments, suggestions or objections to Rick Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-778. Filed for public inspection May 10, 1996, 9:00 a.m.]

### Alexandru Boscu; Hearing

*Alexandru Boscu; Doc. No. SC96-02-006*

The hearing is scheduled for July 23, 1996, at 9 a.m. in the Administrative Hearing Office Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before June 25, 1996.

A prehearing teleconference initiated by the Administrative Hearing Office is scheduled for July 2, 1996, at 10

a.m. All parties shall provide the Docket Clerk at (717) 783-2126 a telephone number where they can be contacted.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-779. Filed for public inspection May 10, 1996, 9:00 a.m.]

### Yuhui C. Hogg; Hearing

*Yuhui C. Hogg; Pennsylvania Assigned Risk Plan; Doc. No. PH96-04-069*

Under section 19 of the Pennsylvania Assigned Risk Plan, that was adopted by the Insurance Commissioner under 75 Pa.C.S. § 1741, notice is hereby given that Yuhui C. Hogg has requested a hearing on the determination by the Pennsylvania Assigned Risk Plan Governing Committee on the termination of the above-captioned automobile insurance policy.

The hearing will be held on June 13, 1996, at 2 p.m. in Hearing Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is given.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-780. Filed for public inspection May 10, 1996, 9:00 a.m.]

### Independence Blue Cross; Prescription Drug Merit Rating Factors; Filing No. 3-P-96

By filing no. 3-P-96, Independence Blue Cross requests Insurance Department approval of a reduction in its trend factor and in its dispensing fee factor, and an increase in its ingredient cost discount factor, for its experience-rated prescription drug rating formula.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-781. Filed for public inspection May 10, 1996, 9:00 a.m.]

### Donald K. Sarp; Hearing

*Donald K. Sarp; Doc. No. A93-08-09*

Under 40 P.S. § 279(b), the hearing is scheduled for June 26, 1996, at 9 a.m. in the Administrative Hearing Office Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

Pending hearing, parties shall exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation.

Should the above procedure prove inadequate, either party may request a prehearing conference under 1 Pa. Code § 35.113(a) (relating to initiation of conferences).

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-782. Filed for public inspection May 10, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0203, Braddock Hills Shopping Center, 230 Yost Boulevard, Pittsburgh, PA 15221-4818

*Lease Expiration Date:* June 7, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment. Storeroom should be located within 0.6 mile of the intersection of Route 30 and Yost Boulevard in Braddock Hills or Forest Hills Borough.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0208, 5948 Baum Boulevard, Pittsburgh, PA 15206-3815

*Lease Expiration Date:* March 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within two blocks of the intersection of Baum Boulevard and Friendship Avenue, East Liberty, City of Pittsburgh. Free off-street parking and rear loading are desirable.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0217, 1100 Fourth Avenue, Coraopolis, PA 15108-1616

*Lease Expiration Date:* June 7, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 to 3,000 net useable square feet of new or existing retail commercial space in the Central Business District of Coraopolis. Rear loading is desirable.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Beaver County, Wine & Spirits Shoppe #0403, 999 Merchant Street, Ambridge, PA 15003-2327

*Lease Expiration Date:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space on Merchant Street in Ambridge.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Butler County, Wine & Spirits Shoppe #1007, Cranberry Mall Suite 20, 20111 Route 19, Cranberry Township, PA 16066

*Lease Expiration Date:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in a shopping center environment. Storeroom should be located within 0.5 mile of the intersection of Route 19 and Route 28 in Cranberry Township.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Cambria County, Wine & Spirits Shoppe #1118, Geistown Shopping Center, 2451 Bedford Street, Johnstown, PA 15904

*Lease Expiration Date:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 to 4,000 net useable square feet of new or existing retail commercial space with free parking and loading facilities. Storeroom should be located within 0.25 mile of the Route 756 Cloverleaf at Geistown.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2502, 105 W. 18th Street, Erie, PA 16501

*Lease Expiration Date:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space with free parking and rear loading in an area South of downtown Erie between 16th and 20th Streets.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2513, East Erie Plaza Shopping Center, 828 E. Sixth Street, Erie, PA 16507

*Lease Expiration Date:* June 7, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space with free parking and rear loading in the Northeast corner of the City of Erie, North of 12th Street.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Fayette County, Wine & Spirits Shoppe 2611, Uniontown Shopping Center, 946 Morgantown Road, Uniontown, PA 15401

*Lease Expiration Date:* June 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment. Storeroom should be located in an intersection of Route 119, South of Route 40, near Uniontown.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Washington County, Wine & Spirits Shoppe #6314, 980 Jefferson Avenue, Washington, PA 15301

*Lease Expiration Date:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500



to 3,000 net useable square feet of new or existing retail commercial space with free parking and rear loading facilities. Storeroom should be located within 0.25 mile of the intersection of Jefferson and Wylie Avenues in Washington.

*Proposals due:* June 7, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 96-783. Filed for public inspection May 10, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad  
 With Hearing

**A-00112630. Consolidated Rail Corporation.** An application has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The application requests the approval of the installation of shove lights in both the eastbound and westbound departure yards at Conway Yard, Valuation Section 0137 (7337), RDBR: 40-2202, Pittsburgh Division.

An initial hearing upon this proceeding will be held Tuesday, June 25, 1996, at 10 a.m., in the 11st Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-784. Filed for public inspection May 10, 1996, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before June 3, 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 amendment to the certificate of public convenience approving the operating of motor vehicle as common carriers for transportation of persons by transfer of rights as described under each application.**

**A-00105811, Folder 1, Am-D. Francis E. Criner, t/d/b/a Mt. Pleasant Yellow Cab** (2 South Church

Street, Mt. Pleasant, Westmoreland County, PA 15666), a corporation of the Commonwealth of Pennsylvania, inter alia, to transport, by motor vehicle, persons upon call or demand in the borough of Mt. Pleasant and the townships of East Huntingdon and Mt. Pleasant, all in Westmoreland County: *so as to permit* the transportation of persons and their baggage, such as can be transported in a taxicab, upon call or demand in the city of Jeannette, Westmoreland County, and within an airline distance of 2 statute miles of the limits of said city; and in the villages of Edna Mine No. 1, Edna Mine No. 2 and Herminie No. 2, all in the township of Hempfield, the boroughs of Delmont, Adamsburg and Manor, the townships of Penn, Salem and that portion of Sewickley located on and north of State Route 31, all in Westmoreland County; which is to be a transfer of the call or demand rights held by Jeannette Taxi Company, Inc., a Pennsylvania corporation, at A-00100927, F. 1, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**A-00105811, Folder 2, Am-C. Francis E. Criner, t/d/b/a Mt. Pleasant Yellow Cab** (2 South Church Street, Mt. Pleasant, Westmoreland County, PA 15666), a corporation of the Commonwealth of Pennsylvania, inter alia—persons, in paratransit service, between points in the borough of Mt. Pleasant and Donegal, and the townships of East Huntingdon, Mt. Pleasant and Donegal, Westmoreland County, and from points in said boroughs and townships to points within an airline distance of 20 miles of the limits of the borough of Mt. Pleasant, and return: *so as to permit* the transportation of persons, in paratransit service, (1) between points in the city of Jeannette, Westmoreland County, and within an airline distance of 3 statute miles of the limits of said city; subject to the following conditions: (a) that the service herein authorized is limited to the transportation in vehicles having a seating capacity of not more than 15 persons, including the driver, without the use of taximeters or dome lights, (b) that the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advanced reservations are made at least 4 hours before the movement, (c) that no right, power or privilege is granted to provide scheduled route service as defined in 52 Pa. Code § 29.14, (d) that no right, power or privilege is granted to transport persons in group and party service as defined in 52 Pa. Code § 29.16, (e) that the applicant shall post in all vehicles which it operates under the call or demand service authorized notice of the availability of service herein authorized and the tariff for said service, notice shall be posted in a conspicuous place in the interior of the vehicle; (2) between points in the borough of Delmont, that part of the township of Salem within an airline distance of 1 statute mile of the limits of the borough of Delmont, and that part of the township of Salem lying on and west of Pennsylvania Highway Route 66, and from points in said territory to points in the city of Jeannette, the borough of Penn, points within an airline distance of 5 statute miles of the limits of the city of Jeannette, the borough of Adamsburg, the borough of Sutersville and the township of Sewickley, all in Westmoreland County, and return; (3) between points in the city of Jeannette, the borough of Penn, that part of the townships of Penn and Hempfield within an airline distance of 1 statute mile of the limits of the city of Jeannette, and the borough of Adamsburg, and from points in said territory to points in the borough of Delmont, that part of the township of Salem within an airline distance of 1 statute mile of the limits of the borough of Delmont, that part of the township of Salem lying on and west of Pennsylvania

Highway Route 66, the borough of Sutersville, the township of Sewickley, and points within an airline distance of 5 statute miles of the limits of the city of Jeannette, all in Westmoreland County, and return; (4) between points in the borough of Sutersville and the township of Sewickley, Westmoreland County, and from points in the said territory to points in the borough of Delmont, that portion of the township of Salem within an airline distance of 1 statute mile of the limits of the borough of Delmont, that part of the township of Salem lying on and west of Pennsylvania Highway Route 66, the city of Jeannette, the borough of Penn, points within an airline distance of 5 statute miles of the limits of the city of Jeannette, and the borough of Adamsburg, and return; Rights 2, 3 and 4 subject to the following condition: that no right, power or privilege is granted to provide service from the boroughs of Manor and Arona, Westmoreland County, except for the transportation on return of passengers transported to the boroughs of Manor and Arona by the applicant; (5) from points in the borough of Sutersville, Westmoreland County, to points in the borough of West Newton, Westmoreland County, and return; (6) between points in the township of Salem and the borough of New Alexandria, Westmoreland County, and from points in said territory to points in the city of Greensburg, Westmoreland County, the city of Jeannette, Westmoreland County and within an airline distance of 3 statute miles of the limits of the said city, the Westmoreland Mall, in the township of Hempfield, Westmoreland County, and the Green Gate Mall, in the township of Hempfield, Westmoreland County, and return; (7) between points in the boroughs of Murraysville, Export and Delmont, Westmoreland County, and from points in the said boroughs to points within an airline distance of 5 statute miles of the limits of said boroughs, and return; which is to be a transfer of the paratransit rights authorized to Jeannette Taxi Company, Inc., under the certificate issued at A-00100927, F. 2, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00106442, Folder 2, Am-A. M.L.L. Tours, Inc., t/d/b/a "Mary's Little Lamb's" Tours** (R. D. 1, Box 34, Clarion, Clarion County, PA 16214), a corporation of the Commonwealth of Pennsylvania—inter alia—persons in group and party service, between points in the county of Clarion, and from points in said county, to points in Pennsylvania, and return.

**A-00111625, F. 1, Am-A. Schuylkill Marketing Associates, Inc., t/d/b/a SMA Limousine Service** (212 South Centre Street, Pottsville, Schuylkill County, PA 17901), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the county of Schuylkill, and from points in the said county, to points in Pennsylvania, and return: *so as to permit* the transportation of persons in limousine service between points in the counties of Carbon, Columbia and Northumberland, and from points in the said counties, to points in Pennsylvania, and return. *Attorney:* Ron Derenzo, 111 East Market Street, Pottsville, PA 17901.

**A-00111094, F. 1, Am-A. Charles Barclay t/d/b/a Charles Barclay Airport Transfer Service** (306 Hawarden Road, Springfield, Delaware County, PA 19064) *so as to permit* the transportation of persons and their baggage, in airport transfer service, in vehicles with a

seating capacity of not more than ten passengers, excluding the driver, from points in the county of Delaware, the townships of Willistown and Easttown and the borough of Malvern, Chester County, and the township of Lower Merion and the borough of Narbeth, Montgomery County, to the Philadelphia International Airport in the city and county of Philadelphia and the township of Tinicum, Delaware County; the Amtrak Train Station at 30th and Market Streets and the Trailways Bus Terminal at 11th and Filbert Streets, both in the city and county of Philadelphia; subject to the following condition: that no right, power or privilege is granted to perform transportation to or from the boroughs of Yeadon, East Lansdowne, Lansdowne, Darby, Aldan, Collingdale, Sharon Hill, Glenolden, Norwood, Folcroft, Morton, the township of Darby and those portions of the townships of Upper Darby, Springfield, Tinicum and Ridley, and that portion of the boroughs of Norwood and Clifton Heights, all in Delaware County, bounded as follows: all that territory east of the following boundaries: beginning from the intersection of Township Line Road and Lansdowne Avenue, Upper Darby, extending south along the center line of Lansdowne Avenue to its intersection with Garrett Road, also in Upper Darby, thence extending west along the center line of Garrett Road to its intersection with Burmont Road, also in Upper Darby, thence extending south along the center line of Burmont Road to its intersection with Baltimore Pike, Clifton Heights, thence extending west along the center line of Baltimore Pike to its intersection with Kedron Avenue, Springfield, thence extending south along the center line of Kedron Avenue to its intersection with MacDade Boulevard, Ridley Township, thence extending east along the center line of MacDade Boulevard to its intersection with Winona Avenue, Ridley Township, thence extending south along the center line of Winona Avenue in a straight line to the Delaware River; thence extending south along the Delaware River to the western boundaries of Delaware County; *which is to be in lieu of* the authority currently held by the applicant which reads as follows: to transport as a common carrier, persons in airport transfer service from points in Delaware County to the Philadelphia International Airport in the city and county of Philadelphia and the township of Tinicum, Delaware County; subject to the following conditions: (a) that no right, power, or privilege is granted to perform transportation to or from the townships of Radnor, Marple and Haverford, Delaware County; (b) that no right, power or privilege is granted to perform transportation to or from the boroughs of Yeadon, East Lansdowne, Lansdowne, Darby, Aldan, Collingdale, Sharon Hill, Glenolden, Norwood, Folcroft, Morton, the township of Darby and those portions of the townships of Upper Darby, Springfield, Tinicum and Ridley, and that portion of the boroughs of Norwood and Clifton Heights, all in Delaware County, bounded as follows: all that territory east of the following boundaries: beginning from the intersection of Township Line Road and Lansdowne Avenue, Upper Darby, extending south along the center line of Lansdowne Avenue to its intersection with Garrett Road, also in Upper Darby, thence extending west along the center line of Garrett Road to its intersection with Burmont Road, also in Upper Darby, thence extending south along the center line of Burmont Road to its intersection with Baltimore Pike, Clifton Heights, thence extending west along the center line of Baltimore Pike to its intersection with Kedron Avenue, Springfield, thence extending south along the center line of Kedron Avenue to its intersection with MacDade Boulevard, Ridley Township, thence extending east along the center line of MacDade Boulevard to its intersection

with Winona Avenue, Ridley Township, thence extending south along the center line of Winona Avenue in a straight line to the Delaware River; thence extending south along the Delaware River to the western boundaries of Delaware County.

**A-00105701, Folder 2, Am-B. Northeastern Transit, Inc.** (214 Rinaldi Drive, Taylor, Lackawanna County, PA 18517), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the borough of Taylor, and the city of Scranton, Lackawanna County, and within an airline distance of 10 statute miles of the said borough and city; and from said territory, to points within an airline distance of 120 statute miles of the limits of said territory, and vice versa: *which is to be in lieu of* the transportation of persons in limousine service, between points in the counties of Lackawanna, Luzerne and Monroe, and from said territory to points in Pennsylvania, and vice versa. *Attorney:* W. Boyd Hughes, 1421 East Drinker Street, Dunmore, PA 18512-2614.

**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 May 28, 1996.

- A-00113007 Arlene M. Craig, t/d/b/a A. Craig Trucking  
12426 Sulphur Springs Road, Box 362, North East, PA 16428
- A-00113014 Robert K. Troy  
R. R. 2, Box 722, Friedens, PA 15541
- A-00113015 Louis A. Jacoby, Jr.  
57 Fernwood Road, Ginter, PA 16651: Dwight L. Koerber, Jr., 110 North Second Street, Clearfield, PA 16830
- A-00113008 H & K Enterprises, Inc.  
P. O. Box 507, 165 Rolling Meadows Road, Waynesburg, PA 15370: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383
- A-00113009 Red Line Towing, Inc.  
347 Main Street, Dickson City, PA 18519: Gregory J. Pascale, 240 Penn Avenue, Scranton, PA 18503
- A-00113010 Duane M. Campbell  
270 Election House Road, Butler, PA 16001
- A-00113011 Stephen J. Kolbeck, t/d/b/a Kolbeck Trucking  
65A Dallas Mobile Home Park, Dallas, PA 18612
- A-00096937, F. 2 Office Movers, Inc.  
6810 Deerpath Road, #100, Baltimore, MD 21227
- A-00113012 Gary R. Bailey & Terry L. Ridenour, t/d/b/a G T O Express  
115 Ridenour Lane, Evans City, PA 16033

- A-00113013 Genco Company  
100 Papercraft Park, Pittsburgh, PA 15238: John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219
- A-00113016 Unique Hauling & Delivery, Inc.  
P. O. Box 558, Royersford, PA 19468
- A-00113017 J. A. Pinczok Excavating, Inc.  
2690 Woodland Road, Hellertown, PA 18055

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-785. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Sewage Service  
Without Hearing**

**A-230063. Penn Estates Utilities, Inc.** Application for approval of the right of Penn Estates Utilities, Inc., to begin to furnish sewage services in the Penn Estates territory formerly served by Stroud Water Company and Penn Utility Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before May 28, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* David M. Kleppinger, James P. Dougherty, McNees, Wallace and Nurick, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-786. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Sewage Service  
Without Hearing**

**A-230332 F2000. Penn Utility Company.** Application for approval of the right of Penn Utility Company to abandon all sewage service in the Penn Estates territory, in portions of Stroud and Pocono Townships, Monroe County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before May 28, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* David M. Kleppinger, James P. Dougherty, McNees, Wallace and Nurick, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-787. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Stock Transfer  
Without Hearing**

**A-310124F5000. Winstar Gateway Network, Inc.** Application of Winstar Gateway Network, Inc. (formerly Communications Gateway Network, Inc.) for approval of 1) the transfer of all stock to Winstar Communications, Inc. and 2) approval of name change from Communications Gateway Network, Inc. to Winstar Communications, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before May 27, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Dana Frix, Esquire, Wendy E. Sheldon, Esquire, Swidler & Berlin, Chtd., 3000 K Street, NW, Suite 300, Washington, DC 20007-5116.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-788. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Stock Transfer  
Without Hearing**

**A-211430F5000. Ken-Man Water Company.** Application of Ken-Man Water Company for approval of the transfer of all its common stock from Terry D. Eckert to Edward Christman.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before May 27, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicants:* James R. Nanovic, Esquire, Nanovic Law Offices, 57 Broadway, P. O. Box 359, Jim Thorpe, PA 18229-0359.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-789. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Telecommunications Service  
Without Hearing**

**A-310259. LCI International Telecom, Corp.** Application of LCI International Telecom, Corp. to amend its Certificate of Public Convenience to include authority to provide local exchange telecommunications services.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before May 27, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Susan M. Shanaman, Attorney, 21 North 4th Street, Harrisburg, PA 17101.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-790. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210072. Penn Estates Utilities, Inc.** Application for approval of the right of Penn Estates Utilities, Inc., to begin to furnish water services in the Penn Estates territory formerly served by Stroud Water Company and Penn Utility Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before May 28, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* David M. Kleppinger, James P. Dougherty, McNees, Wallace and Nurick, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-791. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-212915 F2000. Stroud Water Company.** Application for approval of the right of Stroud Water Company to abandon all water service in the Penn Estates territory, in portions of Stroud and Pocono Townships, Monroe County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before May 28, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* David M. Kleppinger, James P. Dougherty, McNees, Wallace and Nurick, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-792. Filed for public inspection May 10, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676)

and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 85-011-RS24.** Rehabilitation of bridge no. B-550 at M. P. 90.14 and access ramp upgrade at M. P. 96.05 westbound on the Pennsylvania Turnpike System in Westmoreland County, PA.

*Bid Opening:* June 6, 1996, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$30 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-

7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-793. Filed for public inspection May 10, 1996, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET 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**

**Commodities**

**1034206** Aircraft and airframe structural components—1 each; engine, aircraft, new or rebuilt, to include all manufacturers' warranties, to be supplied in strict accordance with the specifications.

**Department:** State Police  
**Location:** Middletown, Dauphin County, PA 17057  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1039206** Clothing and individual equipment—1,236 pairs; gloves, leather, lined.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA 17103  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**2377135** Data processing and computer equipment and supplies—various amounts; 1 each: FBAS092 Intergraph TD 10 desktop, 75 mhz, a la carte base to include Windows for Workgroup 3.11 w/accompanying accessories, components and printers.

**Department:** Military Affairs  
**Location:** Annville, Lebanon County, PA 17003-5002  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**2605355** Data processing and computer equipment and supplies—various amounts; time-of-use plug logger (tou-p) time of use appliance data logger w/appropriate accessories (no substitute).

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-8772  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**2366215** Electric wire and power and distribution equipment—10 spools; wire, high voltage.

**Department:** Public Welfare  
**Location:** Warren State Hospital, North Warren, Bradford County, PA 16365-5099  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503130** Engines, turbines and components—600 each; motor, hydraulic spinner—150 each; spreader motor, hydraulic for stainless and rubber trough spreaders.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503150** Highway maintenance equipment—250 each; Ram, sno-pow.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503140** Highway maintenance equipment—350 each; auger, screw.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**2519155** Laboratory equipment and supplies—1 lot; analyzer and rotors.

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503110** Landscaping, garden equipment and supplies—200 each; spray tanks: high pressure, 4 gallon knapsack—800 each; spray tanks: high pressure, 3 gallon.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**2586155** Prefab structures and scaffolding—1 set; furnish and install side stage riggings.

**Department:** PA State University  
**Location:** University Park, Centre County, PA 16802  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

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# SERVICES

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## Advertising—01

**R.F.P. CAL95-12** California University of Pennsylvania, State System of Higher Education (CUP) is seeking proposals from vendors to design and implement a marketing campaign for California University. Proposals will be received at the CUP Purchasing Office no later than Tuesday, June 11, 1996 at 2:00 p.m. Preproposal conference will be held at 1:00 p.m. on Tuesday, May 21, 1996 at the Azorsky Administration Building, Room 236. Attendance is not mandatory but highly recommended. For further information and a copy of the Request for Proposal, contact Ms. Joyce Sheppick, Purchasing Agent, at (412) 938-4592. The University encourages responses from small firms, minority firms, women owned firms and those firms which have not previously performed work for the system.

**Department:** State System of Higher Education  
**Location:** California University of PA, California, PA 15419-1394  
**Duration:** Indeterminate 1995-96  
**Contact:** Joyce Sheppick, (412) 938-4592

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## Agricultural Services—02

**1200 sm (4)** Contract will include seeding and mulching at various locations as needed throughout Fayette, Greene, Washington and Westmoreland Counties. Work will be governed as indicated in the latest edition of the PA Department of Transportation Specifications, Pub. 408 or as directed by the District Roadside Specialists. Bidders must be prequalified.

**Department:** Transportation  
**Location:** Fayette, Greene, Washington and Westmoreland Counties  
**Duration:** 7-1-96 to 6-30-97  
**Contact:** Brian S. Hart, (412) 439-7156

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## Computer Related Services—08

**SP315459** Provide maintenance for approximately 104 Sharp facsimile machines located at various Income Maintenance Offices throughout the Commonwealth of PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Room 422 Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675  
**Duration:** 07-01-96—06-30-98  
**Contact:** Lori Vessella, (717) 783-9281

**A-3** The Pennsylvania Higher Education Assistance Agency is seeking to acquire an Optical Archiving and Report Management System that employs both WORM and Rewriteable Technology. Interested vendors should contact the Purchasing Office at (717) 720-2702 for a copy of the Request for Proposal no later than 12:00 noon, Tuesday, May 14, 1996.

**Department:** PA Higher Education Assistance Agency  
**Location:** 1200 North Seventh Street, Harrisburg, PA 17102-1444  
**Duration:** Indeterminate 1995-96  
**Contact:** Donna Orris, (717) 720-2702

**Project No. 95-23** "Safety Management System Data Extraction". The objective of this project is to derive crash and traffic records information from various department mainframe computer systems and non-departmental data sources for use in implementing initiatives in Safety Management System document and other programs. Detailed requirements and an RFP are available upon request. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA 17101  
**Duration:** 15 months  
**Contact:** Dorothy Irvin, (717) 787-7997

**PSERS-9601** The Public School Employees' Retirement System (PSERS) is issuing an RFP to acquire the services of a contractor to provide the hardware, software, and services required to implement a Document Imaging System and Backfile Conversion Services that are compatible with PSERS hardware, software, and communications environment. The proposed Microsoft NT-based imaging system will include all hardware, software, and custom programming services required to interface with application programs on a Unisys A-Series mainframe and with workstations existing on a TCP/IP, ethernet LAN.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North Fifth Street, Harrisburg, PA 17101  
**Duration:** Indeterminate 1995-96  
**Contact:** Terri Mirarchi, (717) 720-4604

**JC-15-96** Maintenance: furnish all labor, material and parts to maintain ninety-nine (99) Murata facsimile machines on a Statewide basis. Contractor must be an authorized Murata dealer or carry Murata parts—no substitutes; on-site response time must be within four (4) hours from the time the call for repair is made and travel time will not be paid.

**Department:** Labor and Industry  
**Location:** Job Center Field Operations, Statewide  
**Duration:** October 1, 1996 through September 30, 1997  
**Contact:** Donna A. Sodrosky, Contract Officer, (717) 787-2560

**96-002** The contractor shall provide consultation services to the Department of Corrections on food service management and dietetics and provide a computerized food service management information system.

**Department:** Corrections  
**Location:** Statewide  
**Duration:** 1—2 years  
**Contact:** Suzanne Malhenzie, (717) 975-4973

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## Construction Maintenance—09

**SP-230536** Provide and place approximately 250 tons of bituminous concrete base course (STD) and 110 tons of bituminous wearing course ID-2 (STD) to Moraine State Park, Butler County, PA, Davis Hollow Marina, North Shore.

**Department:** Conservation and Natural Resources  
**Location:** Moraine State Park, Davis Hollow Marina, North Shore, Lake Arthur, Portersville, PA 16061  
**Duration:** July 31, 1996  
**Contact:** Joan M. Gordon, (412) 865-2131



**Court Reporting—10**

**SPC No. 117434** This is a two year contract for a maximum of \$20,000 (\$10,000—per year). The service required is for court reporting services on an "as needed" basis for depositions and public hearings scheduled by the Pennsylvania Human Relations Commission's Philadelphia Regional Office. Stenotype machine preferred. Steno mask is not acceptable. Hearings/depositions may be scheduled anywhere within the jurisdiction of the Philadelphia Regional Office. Call Iris Pritchett, (215) 560-2496 for detailed specifications before submitting bid. Final Bid Acceptance date for bids is close of business, 5:00 p.m. on June 3, 1996.

**Department:** Executive Office  
**Location:** PA Human Relations Commission, Phila. Reg., Room 711 State Office Building, Broad and Spring Garden Streets, Philadelphia, PA 19130  
**Duration:** July 1, 1996 to June 30, 1998  
**Contact:** Iris Pritchett, (215) 560-2496

**Demolition—11**

**IN-715.1** Demolition, McMillan House and Balloons of Indiana, consisting of removing existing houses, slabs, trees, etc., to furnish and install new concrete, backfill material, topsoil, grass seed, etc. Notice to contractors may be requested from IUP. 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

**Elevator Maintenance—13**

**FM-161** Furnish all labor and materials and equipment to provide a complete service and preventive maintenance program for one (1) Schindler passenger elevator. Service shall include monthly scheduled preventive maintenance and servicing including all necessary additional service calls that are required.

**Department:** State Police  
**Location:** Facility Management Division, Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18201  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**Engineering Services and Consultation—14**

**08430AG1992** To provide inspection of prestress/precast concrete products; prepare a familiarization module for specification writing for the Department staff; and participate in the forensic analysis of concrete items, on a Statewide/nationwide basis.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**MU-113** Mansfield University is seeking interested contractors for campus sewer TV study—the work required by this project shall consist of furnishing all labor, materials, equipment and supervision; and performing all work necessary to televise, inspect, and provide recommendations relating to the designated sanitary and/or storm sewer lines, manholes, laterals, etc. The work shall consist of, but not necessarily be limited to, sewer line cleaning, sewer flow control, and television inspection of main lines and laterals. Cleaning lines, as needed to allow televising, shall be included in the price for television. A bid package deposit of \$25.00 is required, nonrefundable. Checks should be made out to Mansfield University and should be mailed to the attention of Ms. Peg Chapel, Purchasing Department, Mansfield University, Brooks Maintenance Building, Mansfield, PA 16933. Bonding is required for this project. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, PA 16933  
**Duration:** July 96—December 96  
**Contact:** Peg Chapel, (717) 662-4148

**08430AG1991** Open-end contract to provide for various engineering and environmental services in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Thirty (30) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**OSM 54(RCTP-95)101.1** Notice is given that the Department will issue a Request for Proposals to retain a firm to study and assess the impact of additional Acid Mine Drainage (AMD) flow to the Rausch Creek Acid Mine Treatment Plant and to provide recommendations and alternatives for the upgrade of the Rausch Creek Treatment Plant to accommodate these increased flows. The firm will also be required to evaluate the Rausch Creek AMD Treatment Plant and present recommendations to upgrade the facility based on the age of the treatment facility. Letters requesting the Request for Proposals shall be sent to Michael R. Ferko, District Engineer, Wilkes-Barre District Office, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 93 North State Street, Wilkes-Barre, Pennsylvania 18701-3195 and must be received by 4:00 p.m., June 7, 1996. Call John Davis at (717) 826-2371 during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, if you have any questions.

**Department:** Environmental Protection  
**Location:** Bureau of Abandoned Mine Reclamation, Schuylkill County, PA  
**Duration:** 210 days from notice to proceed  
**Contact:** John Davis, (717) 826-2371

**010298** Provide on-call drilling equipment, personnel, and traffic controls for geotechnical investigations for PennDOT, District 1-0, in Crawford, Erie, Forest, Mercer, Venango and Warren Counties, with an option for renewal.

**Department:** Transportation  
**Location:** Crawford, Erie, Forest, Mercer, Venango and Warren Counties  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Eric J. Shimko, (814) 437-4330

### Financial and Insurance Consulting—17

**POS-001** Request for Information: The Office of the Chancellor, State System of Higher Education, wishes to secure the services of an insurance carrier to establish point-of-service (POS) health care coverage for certain employees covered Statewide under the existing health care programs. This POS plan would be offered as an option to the existing health plan choices. The POS option is expected to become effective July 1, 1997. At this time, the System is interested in identifying eligible bidders for the POS offering by having interested vendors prepare a geographic access study. If interested, please contact Ms. Darla Huber, Employee Benefits Specialist, State System of Higher Education, 2986 North Second Street, Harrisburg, Pennsylvania 17110, (717) 720-4160, FAX (717) 720-4162. The geographic access study data must be completed and received by the close of business on May 31, 1996.

**Department:** State System of Higher Education  
**Location:** 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Darla M. Huber, (717) 720-4160

### Food—19

**0882-2668** Miscellaneous foods: frozen entrees (various amounts to be delivered bi-weekly) No. 1—bacon strada—18 cs.; No. 2—Swiss cheese strada—12 cs.; No. 3—broccoli and cheese souffle—21 cs.; No. 4—macaroni and beef, with tomatoes—36 cs.; No. 5—macaroni and cheese, reduced fat and sodium—58 cs.; No. 6—mostaccioli with meat sauce—36 cs.; No. 7—scalloped potatoes—25 cs.; No. 8—potatoes au gratin—10 cs.; No. 9—green bean mushroom casserole—12 cs.; No. 10—creamed spinach—30 cs.; No. 11—tuna noodle casserole—27 cs.; No. 12—sweet and sour chicken, reduced fat and sodium—16 cs.; No. 13—chili con carne with beans—12 cs.; No. 14—meat lasagna with sauce, reduced fat and sodium—18 cs.; No. 15—hearty beef stew, reduced fat and sodium—27 cs.; No. 16—beef barbeque, fresh—400 lbs.; No. 17—chicken croquettes—10 cs.; No. 18—escaloped chicken and noodles—no order; No. 19—Mexi-mac—10 cs.; No. 20—chicken and dumplings in broth—8 cs.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 1, 1996 through September 30, 1996  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**0882-2669** Frozen purees: desserts, vegetables, and meats (3 separate awards) Desserts, 3 oz. serving, 4/4 lb. pans/case, Ref: Cliffdale Farms: No. 1—apple cinnamon—18 cs.; No. 2—vanilla custard—8 cs.; No. 3—banana custard—12 cs.; No. 4—orange custard—6 cs.; No. 5—peach custard—24 cs. Vegetables, ?? lb. cartons/case, Ref: National Frozen Foods: No. 1—green beans—48 cs.; No. 2—carrots—52 cs.; No. 3—peas—25 cs.; No. 4—broccoli—31 cs.; No. 5—corn—12 cs. Meats, meat patty, 3 oz. portion, 48/case, 9 lb./case, Ref: Thick & Easy, American Institutional Products: No. 1—chicken—30 cs.; No. 2—ham—9 cs.; No. 3—roast pork—16 cs.; No. 4—turkey—16 cs. Various amounts to be delivered bi-weekly for months of July, August, and September, 1996.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 1, 1996 through September 30, 1996  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**0882-2670** Ice cream, yogurt: 1. Ice cream, style: insulated cups with lids, 4 oz., flavors: vanilla, chocolate and strawberry. (1,350 dozen or 50 dozen per delivery with 27 deliveries). 2. Yogurt, frozen, low fat, 97% fat free, styrofoam containers with lids, 4 oz., flavors: vanilla and chocolate (810 dozen or 30 dozen per delivery with 27 deliveries).

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 1, 1996 through December 31, 1996  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**0882-2667** Poultry and poultry products: No. 3—frying chicken, legs—680 lbs.; No. 8—ground turkey—1,060 lbs.; No. 10—turkey breasts, boneless, fully cooked—240 lbs.; No. 12—chicken, drumsticks and thigh parts, breaded and browned, fully cooked—90 lbs.; No. 13—chicken nuggets, fully cooked—80 lbs.; No. 16—poultry patties, chicken, fully cooked and browned—80 lbs.; No. 17—poultry frankfurters, turkey—1,240 lbs.; No. 20—turkey picnic, diced—20 lbs.; No. 21—turkey picnic, ground—60 lbs.; No. 22—turkey sausage, seasoned, uncooked, patties—100 lbs.; No. 22—turkey sausage, seasoned, uncooked, course ground—210 lbs.; No. 23—chicken cordon bleu, frozen, fully cooked—10 cs. Different amounts of each item to be delivered bi-weekly during months of July, August, and September 1996.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 1, 1996 through September 30, 1996  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**8790** Juice, portion-packed, frozen, 4 ounce squat, plastic disposable cups, assorted flavors.

**Department:** Public Welfare  
**Location:** Laurelton Center, Central Storeroom, Route 45, Laurelton, Union County, PA 17835  
**Duration:** July 3—December 26, 1996  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**0882-2666** Meat and meat products: beef cubes, flaked and formed, frozen—80 lbs.; No. 136—ground beef—1,760 lbs.; No. 169—beef round, top (inside), boneless—240 lbs.; No. 1136—ground beef patties—90 lbs. (3 oz.); 210 lbs. (4 oz.); No. 1396—veal, ground—960 lbs.; No. 402D—pork ham, outside, tied—420 lbs.; No. 496—ground pork—660 lbs.; No. 1496—ground pork patties, unbreaded—80 lbs. (3 oz.); 120 lbs. (4 oz.); No. 541—bacon, cured and smoked, skinless, sliced, ends and pieces—10 lbs.; No. 801—bologna, chilled—40 lbs.; No. 803—liver sausage, liverwurst—225 lbs.; No. 806—Lebanon bologna, chilled—30 lbs.; pickle and pimento loaf, chilled—36 lbs. Miscellaneous foods: No. 3E—beef patties, Salisbury—50 lbs. (3 oz.); 60 lbs. (4 oz.); No. 15E—pizza patties with cheese slice—70 lbs.; No. 22E—veal and beef patties, unbreaded—110 lbs. (3 oz.); 250 lbs. (4 oz.). Different amounts of each item to be delivered bi-weekly during months of July through September 1996.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 1, 1996 through September 30, 1996  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**5872** Dairy products and drinks for July through December 1996. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July through December, 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

### Fuel Related Services—20

**016020** Contractor must make three (3) scheduled seasonal visits to conduct routine cleaning and maintenance on the boilers and related systems. Repairs, both scheduled and emergency, must be performed as outlined in specifications. System consists of two low pressure gas fired boiler and related steam distribution system, and a rooftop gas fired heating-air conditioning system for the office area.

**Department:** Transportation  
**Location:** Maintenance 0160, 2579 Pennsylvania Avenue West Extension, Warren, PA 16365-0985  
**Duration:** 07/01/96 to 06/30/97  
**Contact:** Darrel E. Peterson, (814) 723-3500

**Project No. DGS A 960-74** Project title: Replacement of Underground Fuel Storage Tanks. Brief description: remove and replace a 3000 gallon and a 1000 gallon underground storage tank along with fuel pumps and concrete island. UST/AST 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: Commonwealth of Pennsylvania, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** Southeastern Pennsylvania Veterans Center, Spring City, Chester County, PA  
**Duration:** 100 calendar days from date of initial job conference  
**Contact:** Bidding Unit, (717) 787-6556

**Project No. DGS A 553-75** Project title: Replace Underground Fuel Tanks with Two (2) Aboveground 2,000 Gallon Gasoline Vaulted Tanks and Dispensing Systems. Brief description: existing UST's will remain in use. Install two (2) new 2,000 gallon aboveground vaulted gasoline storage tanks and dispensing systems including remote compact dispensers, leak detection system, concrete pad foundation, bollards, step stairs with handrails, light standard, underground electrical service and connections. Electrical and AST construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** Selinsgrove Center, Selinsgrove, Snyder County, PA  
**Duration:** 100 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

## Heating, Ventilation, Air Conditioning—22

**FM-160** Provide emergency and routine repair work for the heating, plumbing, electrical and air-conditioning systems. Bid awarded on low mechanic, helper and travel rates. Materials to be billed at vendor net cost. Work performed on an as-needed basis.

**Department:** State Police  
**Location:** Facility Management Division, Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18201  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**Project No. AST-141** Project Title: Install 3 AST's. Project description: construct concrete base slabs; install electrical conduit, junction boxes, conductors, light fixtures and switches; install three each 1000 gallon gas/1000 gallon diesel dual ASTs. ASTs and their accessories provided by the Pennsylvania Game Commission; contractor to coordinate tank delivery and provide crane to lift tank.

**Department:** Game Commission  
**Location:** SGL 039, Venango County; SGL 095, Butler County and Southwest Game Farm, Armstrong County  
**Duration:** 60 calendar days from issuance of contract  
**Contact:** Engineering and Contract Management Division, (717) 787-9620

**Project No. AST-142** Project title: Install 3 AST's. Project description: construct concrete base slabs; install electrical conduit, junction boxes, conductors, light fixtures and switches; install three each 1000 gallon gas/1000 gallon diesel dual ASTs. ASTs and their accessories provided by the Pennsylvania Game Commission; contractor to coordinate tank delivery and provide crane to lift tank.

**Department:** Game Commission  
**Location:** SGL 048, Bedford County; SGL 050, Somerset County and SGL 223, Greene County  
**Duration:** 60 calendar days from issuance of contract  
**Contact:** Engineering and Contract Management Division, (717) 787-9620

**IFM-96** Vendor to supply, install, wire, start-up, calibrate and demonstrate a flowmeter, transducers and a chart recorder with a totalizer on the intake line of both lift pumps with alternate switching to establish flow through the station. The meter and recorder shall be mounted one above the other.

**Department:** Military Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** September 1, 1996—June 30, 1997  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**MU-112** Mansfield University is seeking interested contractors to provide new 15KV electrical service consisting of manholes, duct system, conductors, pad mounted switches and removal of existing conductors. A bid package deposit of \$25.00 is required, nonrefundable. Checks should be made out to Mansfield University and should be mailed to the attention of Ms. Peg Chapel, Purchasing Department, Mansfield University, Brooks Maintenance Building, Mansfield, PA 16933. Bonding is required for this project. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, PA 16933  
**Duration:** July 1996—December 1996  
**Contact:** Peg Chapel, (717) 662-4148

**Project No. AST-143** Project title: Install 3 AST's. Project description: construct concrete base slabs; install electrical conduit, junction boxes, conductors, light fixtures and switches; install three each 1000 gallon gas/1000 gallon diesel dual ASTs. ASTs and their accessories provided by the Pennsylvania Game Commission; contractor to coordinate tank delivery and provide crane to lift tank.

**Department:** Game Commission  
**Location:** SGL 075, Lycoming County; SGL 204, Potter County and SGL 208, Tioga County  
**Duration:** 60 calendar days from issuance of contract  
**Contact:** Engineering and Contract Management Division, (717) 787-9620

**Project No. AST-145** Project title: Install 3 AST's. Project description: construct concrete base slabs; install electrical conduit, junction boxes, conductors, light fixtures and switches; install three each 1000 gallon gas/1000 gallon diesel dual ASTs. ASTs and their accessories provided by the Pennsylvania Game Commission; contractor to coordinate tank delivery and provide crane to lift tank.

**Department:** Game Commission  
**Location:** SGL 035, Susquehanna County; SGL 172, Bradford County and SGL 289, Bradford County  
**Duration:** 60 calendar days from issuance of contract  
**Contact:** Engineering and Contract Management Division, (717) 787-9620

**Project No. AST-146** Project title: Install 3 AST's. Project description: construct concrete base slabs; install electrical conduit, junction boxes, conductors, light fixtures and switches; install three each 1000 gallon gas/1000 gallon diesel dual ASTs. ASTs and their accessories provided by the Pennsylvania Game Commission; contractor to coordinate tank delivery and provide crane to lift tank.

**Department:** Game Commission  
**Location:** SGL 046, Lebanon County; SGL 205, Lehigh County and SGL 280, Berks County  
**Duration:** 60 calendar days from issuance of contract  
**Contact:** Engineering and Contract Management Division, (717) 787-9620

**IN-708** Steam boiler replacement and installation of high bay lighting Robertshaw Building. Work included under this project consists of steam boiler replacement and installation of high bay lighting. Robertshaw Building consisting of removing existing boiler, wall sections, door, door frames, electric boiler feed, lighting, etc., to furnish and install new doors, door frames, boilers, steel studs, ductwork, gypsum board, piping, concrete, paint, circuit breakers, panelboards, lighting, wiring, conduit, etc. Notice to Contractors may be requested from IUP. 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

## Janitorial Services—23

**JC-12-96** Janitorial services. Services include: daily sweeping and dry mopping or scrubbing of all tile surface floors, baseboards to be wiped clean after mopping. Daily vacuuming of all carpeted floors. Mopping, cleaning and sanitizing restrooms completely including sinks, bowls and urinals, mirrors and floors. Furnish paper towels and toilet paper. Weekly dusting all desk tops, metal cabinets and chairs; buffing of tile floors, etc. Monthly replacement of fluorescent light bulbs in high ceiling work area, wiping clean and treating all wood doors, bookcases and wall paneling, washing metal partitions in all restrooms, etc. Services provided above are not inclusive and do not include quarterly and biannually required services. 18,205 square feet.

**Department:** Labor and Industry  
**Location:** ES, 1316 State Street, Erie, Erie County, PA 16501  
**Duration:** October 1, 1996 through September 30, 1997  
**Contact:** Debra J. Thomas, Acting Manager, (814) 871-4229

**SPC-313751** Contractual janitorial services to be performed in the following buildings which are located on the grounds of the Bensalem Youth Development Center. Administration Building—12,375 square feet; Education Building—71,570 square feet; Residence "A"—10,986 square feet; Residence "B"—10,986 square feet; Residence "C"—3,596 square feet; Residence "D"—10,986 square feet; Security Unit—19,041 square feet; Guardhouse—50 square feet; Maintenance Building—872 square feet. Square footage is approximate and may vary within each building.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** Sharon Maxwell, Purchasing Agent, (215) 953-6406

### Mailing Services—28

**SP315464** Provide overnight messenger service for the Division of Office Services to five (5) County Assistance Offices and three hundred (300) banks. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Room 233 Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675  
**Duration:** 07-01-96—06-30-98  
**Contact:** Lori Vessella, (717) 783-9281

### Medical Services—29

**LH-SER007** Medical services: vendor to provide laboratory testing services as required by Institution. Courier service to provide daily pickup of specimens and daily return of test results. No service is required on legal State holidays or Saturday/Sunday. Specimens picked up in Building No. 1, No. 3 with possible expansion to another location within a year, and test results returned to Medical Administrator, Building No. 1 (first floor). Vendor to provide and cost to be included in total bid for pick-up and delivery of test results, transport and mailed containers, needles, tubes, etc. Approximately 6,000 tests to be performed each fiscal year of contract period.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/96 through 6/30/98  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**Inquiry No. 30036A** Occupational Therapy Services to be conducted at Facility by registered Occupational Therapist covering period 9/1/96—8/31/99. Interested vendors to contact Facility for details.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** 9/1/96—8/31/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

### Property Maintenance—33

**523** Kitchen Appliance Installation. Vendor to furnish all labor and materials required for installing kitchen equipment, e.g., kitchen hoods, floor trough, range with broiler, convection oven, in the Ada S. Georges Dining Hall and Marcus Foster Student Alumni Center. All interested bidders to submit a request for bid packets to Contracts Office. Bids due Wednesday, May 22, 1996 at 10:00 a.m.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319  
**Duration:** 120 days  
**Contact:** Antonia Williams, (610) 399-2360

**Project No. A 999-81** Project title: Repairs and Repainting of Barn, Mansion and Summer Kitchen. Brief description: wood repairs, stucco repairs, glazing and painting work. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 11:00 a.m. Pre-bid conference has been scheduled for Tuesday, May 14, 1996 at 10:30 a.m. in the Visitors Reception Room (Summer Kitchen) Hope Lodge, Fort Washington, Pennsylvania. Contact person: Doug Miller, telephone (215) 646-1595. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Hope Lodge, Fort Washington, Montgomery County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Project No. DGS A 999-83** Project title: Historic Site Improvement. Brief description: demolition of existing damaged storage building, repair and paint exterior wood trim, install new red cedar shingles, construct new handicapped walkway, renovation of restrooms. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 11:00 a.m. A pre-bid conference has been scheduled for Wednesday, May 15, 1996 at 10:30 a.m. at the Sheets House, Wiser Homestead, Womelsdorf, PA. Contact person: Kent Steinbrener, telephone (717) 783-9931. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Conrad Weiser Homestead, Womelsdorf, Berks County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**UP-139** Slippery Rock University is accepting sealed bids for the construction of an Apartment Style Residence Complex on campus. The project entails the construction of eight separate three-story units, each containing six apartments per unit. The construction allocation for the project is \$7.2 million. Eight prime contracts will be awarded, with site preparation scheduled to begin July 1, 1996. The bid package can be obtained by submitting a \$100 non-refundable check to WTW Architects, Timber Court, Pittsburgh, PA 15212. Telephone (412) 721-0550. Plans will be made available at the University for viewing by contacting Mr. Bruce MacDonald, Project Manager, Facilities and Planning, (412) 738-2912. A pre-bid conference will be held at 9:00 a.m. on May 14, 1996 at the Ski Lodge. The bid opening date is set for 2:00 p.m. on May 29, 1996. Please mark UP-139 on the outside of the envelope.

**Department:** State System of Higher Education  
**Location:** Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057  
**Duration:** 11 months  
**Contact:** J. F. Revesz, Contracts Manager, (412) 738-2255

**Project No. DGS A 992-11** Project title: Repairs to Various Building Foundations. Brief description: make repairs to various building foundations by removing stone, rebuilding with C.M.U. and stone, by repointing joints and replacing some edge joists. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Monday, May 13, 1996 at 10:30 a.m. Meet at Visitors' Center, Eckley Miner's Village, Eckley, Pennsylvania. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Eckley Miner's Village, Eckley, Luzerne County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Project No. DGS A 999-84** Project title: Repairs and Improvements -Phase I. Brief description: removal of existing wood and composition roofs from five (5) buildings; installation of new fiberglass shingle roofs with new aluminum gutters/downspouts; repainting of the metal roofs on two (2) buildings with new aluminum gutters/downspouts. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** Old Mill Village, New Milford, Susquehanna County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**SMW-96-1** Vendor to stucco the outside walls of (2) modular homes (approximately 11,000 square feet).

**Department:** Military Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** September 1, 1996—June 30, 1997  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**SPC-96-006** Inspection and complete maintenance of automatic sliding and swing doors as needed on an "on call" basis. Complete details and specifications may be obtained by sending a written request to: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213 Attn: Joseph Libus, Purchasing Agent II.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** Joseph Libus, Purchasing Agent II, (717) 961-4354

**JC-13-96** Snow/ice removal services—to be provided for parking lot (approximately 60' x 150'), driveway (approximately 270') and sidewalks (approximately 740') on an as-needed basis (at 1316 State Street, Erie, PA) at the discretion of the Office Manager or when snow accumulation reaches 3" or more in the parking lot and driveway and 1" or more for sidewalks. Service to include spreading of anti-skid materials, which is to be included in price quote. Damage to parking lot surface, sidewalks, lawns to be repaired or replaced by contractor.

**Department:** Labor and Industry  
**Location:** ES, 1316 State Street, Erie, Erie County, PA 16501  
**Duration:** October 1, 1996 through April 30, 1998  
**Contact:** Debra J. Thomas, Acting Manager, (814) 871-4229

**JC-14-96** Maintenance and repair services. Touch-up interior wall paint; general building maintenance; all caulking; clean out roof drains; trouble-shoot, repair or replace minor miscellaneous defects, broken, inoperative or impaired components of the physical plant relative to the Erie Job Center on an as-needed basis.

**Department:** Labor and Industry  
**Location:** ES, 1316 State Street, Erie, Erie County, PA 16501  
**Duration:** October 1, 1996 through September 30, 1998  
**Contact:** Debra J. Thomas, Acting Manager, (814) 871-4229

## Real Estate Services—35

**0800 R/W 0022-002** Real Estate Appraiser to complete appraisals on various types of properties as identified on plans related to the construction or improvement of SR 0022-002 in Dauphin County. The appraisals will be subject to an extensive review process. Persons submitting bids must be on the department's prequalified list of fee appraisers and have the proper certification (Residential/General) for the various appraisals to be completed. Properties to be appraised are located in Middle Paxton Township.

**Department:** Transportation  
**Location:** R/W District 8-0, Appraisals to be delivered to District 8-0 R/W Unit, 2140 Herr Street, Harrisburg, PA 17103-1699  
**Duration:** Most appraisals to be completed and submitted within 30—60 days of written notice to proceed.  
**Contact:** Jerry Williams, Universal Field Services, (717) 921-1550

**895A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 6,266 useable square feet of new or existing office/barracks space in Wayne County, PA, beginning at a point one (1) mile south of Honesdale Borough and extending for a distance of three (3) miles south along PA Route 191, with minimum parking for fifty-four (54) vehicles. Proposals due: July 8, 1996. Solicitation No.: 092253.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or John Hocker, (717) 787-4394

**896A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Corrections with 13,000 useable square feet of new or existing office/residential space within the corporate limits of Philadelphia, Philadelphia County, with minimum parking for twelve (12) vehicles. Proposals due: June 17, 1996. Solicitation No.: 092254.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or John Hocker, (717) 787-4394

**897A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the State Employees' Retirement System with 2,016 useable square feet of new or existing office space, with minimum parking for nine (9) vehicles in State College, Centre County, PA, within the following boundaries: within a ten (10) mile radius of the intersection of Atherton Street and College Avenue. In areas where street parking or public parking is not available, an additional fifteen (15) spaces are required. Proposals due: May 31, 1996. Solicitation No.: 092255.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or John Hocker, (717) 787-4394

**120-000207** Provide professional appraisal services for various property acquisitions identified on official plans related to the construction or improvement of S. R. 0281 Section J10, located in Henry Clay Township, Fayette County, Addison Township, Somerset County and Confluence Borough, Somerset County, PA. The appraiser must be generally State Certified and currently on the Department's Pre-Qualified Fee Appraiser and Consultant List.

**Department:** Transportation  
**Location:** R/W Unit, District 12-0, Uniontown, PA 15401. Properties to be appraised are located at intersections of S. R. 0281, S. R. 3005 and S. R. 6281, in Henry Clay Township, Addison Township and Confluence Borough, PA  
**Duration:** (90) days from the publication date  
**Contact:** Samuel Gallaheer, District 12-0, Chief Appraiser, (412) 439-7283

## Sanitation—36

**SP 289232** Road Killed Deer Disposal Service. Disposal of Road Killed Deer within an area of Westmoreland County, Pennsylvania, bound on the south and west by the county line, on the north by and including Route 380 and the county line and on the east by and including Route 217 north of Route 30 and Route 982. Bidders must attend the pre-bid conference to assure their full understanding of all conditions and specifications that may affect their bidding decisions.

**Department:** Game Commission  
**Location:** Southwest Region, 339 West Main Street, Ligonier, PA 15658  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Pennsylvania Game Commission, (412) 238-9523

**Project No. DGS A 985-4** Project title: Composting Toilets System and Water Distribution -Phase II. Brief description: modify existing pit toilets for new composting installation and ADA access. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** Bushy Run Battlefield, Harrison City, Westmoreland County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**304-07360** Contractor to furnish labor and materials for an effective maintenance program of pigeon and bird control from the grounds and structure of the following buildings: Main Capitol, Annex North Office, South Office, Finance and Forum Buildings located in the Capitol Complex, also the Executive Mansion, Second and Maclay Streets, Harrisburg, PA.

**Department:** General Services  
**Location:** Buildings and Grounds, Buildings Listed Above  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** Fritz Smith, (717) 787-2155

## Security Services—37

**SP 312740** Security Services: 1. Security guard in Agency lobby each business day from 7:00 a.m. to 8:30 a.m. One security patrol check is to be made prior to 7:00 a.m. 2. Two security patrol checks to be made each business day. (Times will be specified.) 3. Three security patrol checks each Saturday, Sunday and Holiday. During all security patrol checks guard is to inspect all three floors of the building and the parking lot for unusual situations, including: any unauthorized individuals on the premises, machines left running, appliances left running, lights left on, windows left open. Guard must make sure all exit doors are locked.

**Department:** Board of Probation and Parole  
**Location:** 3101 North Front Street, Harrisburg, PA 17110  
**Duration:** 07/01/96—06/30/98 (24 months)  
**Contact:** Michelle Carl, Office Services Division, (717) 787-8879

### Vehicle, Heavy Equipment and Powered Machinery Services—38

**Project No. DGS A 992-9** Project title: ADA Improvements. Brief description: alter existing area to comply with ADA requirements. Alterations to include toilet rooms, reception counter, doors and drinking fountain. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 2:00 p.m.

**Department:** General Services

**Location:** Museum of Anthracite Mining, Ashland, Schuylkill County, PA

**Duration:** 90 calendar days from date of initial job conference

**Contact:** Contract Bidding Unit, (717) 787-6556

[Pa.B. Doc. No. 96-794. Filed for public inspection May 10, 1996, 9:00 a.m.]

**Project No. DGS 403-53 Phase 3** Project title: Replacement Chiller. Brief description: purchase and install in place a 150 ton natural gas fired, engine driven R-22 chiller. Mechanical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 29, 1996 at 11:00 a.m.

General Services

**Location:** George Washington Carver Science Building, Cheyney University of Pennsylvania, Cheyney, Delaware County, PA

**Duration:** 120 calendar days from date of initial job conference

**Contact:** Contract and Bidding Unit, (717) 787-6556

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
1731155-01	04/29/96	Power Pro Equipment	29,422.00	2513215-01	04/29/96	Powerhouse Technology, Inc.	18,975.00
1768165-01	04/29/96	Neo-Mar Corp.	7,485.00	2521155-01	04/29/96	Chuck Boland Medical Sales	9,600.00
2055385-01	04/29/96	Winner Group, Inc.	215,970.00	2525155-01	04/29/96	B&B Micro- scopes, Ltd.	10,500.00
2056385-01	04/29/96	Griffin Motors Co.	93,390.00	2549185-01	04/29/96	Smartplay In- ternational, Inc.	32,490.00
2079155-01	04/29/96	Phillips Ford Sales	37,798.00	2585155-01	04/29/96	Quail Video	11,327.00
2097385-01	04/29/96	Phillips Ford Sales	19,239.00	6830-02	05/01/96	Refron, Inc.	147,374.00
2208355-01	04/29/96	Griffin Motors Co.	19,145.00	6830-02	05/01/96	BOC Gases/ Div. of the BOC Group	2,000.00
2214385-01	04/29/96	Wayne Dodge/ Ozzie's Ford	216,720.50	6830-02	05/01/96	George S. Coyne Chemical, Inc.	10,980.00
2231215-01	04/29/96	Aladdin Synergetics, Inc.	31,798.80	6830-02	05/01/96	Findley Weld- ing Supply, Inc.	309.45
2247125-01	04/29/96	Sencore	14,085.00	6830-02	05/01/96	Chemply Div. of EE (US, Inc.)	44,352.00
2259155-01	04/29/96	Febertek, Inc.	4,213.00	6830-02	05/01/96	Manley-Regan Chemical	38,742.00
2279115-01	04/29/96	Dietary Sys- tems, Inc.	13,200.00	7110-07	04/29/96	OEI/Krueger Interna- tional	183,000.00
2286115-01	04/29/96	Smith Restau- rant Supply Co., Inc.	10,080.00	7110-07	04/29/96	Indiana Chair and Frame Co.	200,000.00
2300355-01	04/29/96	Greseby	17,083.00	7110-07	04/29/96	York Furniture Industries of Florida	160,000.00
2300355-02	04/29/96	Apex Instru- ments	21,025.00	7110-07	04/29/96	CPSI	100,000.00
2302385-01	04/29/96	Anderson In- strument and Supply Co.	10,355.00	8231240-01	04/29/96	Stewart Amos Equip. Co.	19,750.00
2314255-01	04/29/96	Protective Ma- terials Com- pany	18,700.00	8231260-01	04/29/96	Bobcat of Pittsburgh	13,744.58
2356215-01	04/29/96	Enabling Tech- nologies	12,850.00	8915-02	04/30/96	Feeser's, Inc.	162,105.50
2413225-01	04/29/96	Endurance Net	12,420.00	8915-05	04/26/96	Feeser's, Inc.	32,465.00
2464075-01	04/29/96	Dixon-Shane	14,929.00	8915-05	04/26/96	Supreme Manufac- turing Co., Inc.	172,614.25
2464075-02	04/29/96	PD-RX Phar- maceuticals	8,710.00	8915-05	04/26/96	H. R. Nichol- son Co.	83,258.00
2484215-01	04/29/96	Verna Dental Services	8,155.23	8915-05	04/26/96	Allen Foods, Inc.	15,847.00
2506215-01	04/29/96	Sani-Med Dis- tributors, Inc.	16,000.00	8915-05	04/26/96	Edu-Care Ser- vices, Inc.	276,144.60
2512155-01	04/29/96	LGL Animal Care Prod- ucts	18,544.00	8915-05	04/26/96	I. Rice and Co., Inc.	32,750.00



STATE CONTRACTS INFORMATION

2277

Requisition or Contract #	Awarded On	To	In the Amount Of
8915-05	04/26/96	MCI Entrprises, Inc.	22,600.00
9135-05	05/01/96	Harrisburg Jet Center	128,320.00

Requisition or Contract #	Awarded On	To	In the Amount Of
9905-02	05/01/96	Stimsonite Products  GARY E. CROWELL, <i>Secretary</i>	67,850.00

[Pa.B. Doc. No. 96-795. Filed for public inspection May 10, 1996, 9:00 a.m.]