

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Application Period for Agricultural and Rural Youth Organization Grant Program

The Department of Agriculture announces the opening of the application period for funding from the Agricultural and Rural Youth Organization Grant (ARYOG) Program for 1997. Grant applications will be accepted at Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, from October 21 to December 5, 1996. Applications must be postmarked by December 5, 1996, to be considered for funding. Telefax submissions are not acceptable.

The ARYOG Program was created by the General Assembly through the passage of Act 33, effective August 6, 1991. The program is funded through the Rural Rehabilitation Corporation assets. For program guidelines, see the Agricultural and Rural Youth Organization Grant Program policy statement published in the April 4, 1992, edition of the *Pennsylvania Bulletin* (7 Pa. Code Chapter 137f).

The objective of the ARYOG Program is to encourage projects which will increase knowledge and awareness of agricultural issues and other issues specific to rural areas within the Commonwealth. This educational effort is directed toward the youth of the Commonwealth.

For this application year, the Agricultural and Rural Youth Organization Grant Program will award direct grants of up to \$2,500. However, matching grants of up to \$15,000 will not be offered and applications for a matching grant will not be accepted.

#### Obtaining Applications

Applications are available upon request by contacting any PDA regional office or the Department of Agriculture, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-5086 or (717) 783-3181.

#### Regional offices:

Northwest—Region I  
Director George Gregg

R. D. 2, Box 825C  
Meadville, PA 16335-9561  
(814) 333-1431

Northcentral—Region II  
Director J. Wayne Yorks  
2130 County Farm Road, Suite # 2  
Montoursville, PA 17754-9621  
(717) 433-2640

Northeast—Region III  
Director Russell Gunton  
Route 92 South, P. O. Box C  
Tunkhannock, PA 18657-0318  
(717) 836-2182

Southwest—Region IV  
Director R. Edwin Nehrig  
5349 William Flynn Highway  
Gibsonia, PA 15044-9644  
(412) 443-1585

Southwest Central—Region V  
Director Kenneth R. Mowry  
615 Howard Avenue  
Executive Plaza  
Altoona, PA 16601-4863  
(814) 946-7315

Southcentral—Region VI  
Director Carolyn Rutter  
P. O. Box 419  
Summerdale, PA 17093-0419  
(717) 787-3400

Southeast—Region VII  
Director Frank Stearns  
P. O. Box 300  
Creamery, PA 19430-0300  
(610) 489-1003

For further assistance, contact Carl Muller, Assistant Director for Economic Development, Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, telephone (717) 783-3181.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-1573. Filed for public inspection September 20, 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 September 10, 1996.

#### BANKING INSTITUTIONS

##### Branch Applications

| <i>Date</i> | <i>Name of Bank</i>                                | <i>Location</i>                                 | <i>Action</i> |
|-------------|--|---|---------------|
| 8-19-96     | FirstService Bank<br>Lansdale<br>Montgomery County | 90 N. Main Street<br>Doylestown<br>Bucks County | Opened        |

## NOTICES

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 8-31-96     | Harris Savings Bank<br>Harrisburg<br>Dauphin County            | 1161 Mae Street<br>Hummelstown<br>Derry Township<br>Dauphin County         | Opened        |
| 9-3-96      | Pennsylvania State Bank<br>Camp Hill<br>Cumberland County      | Cumberland Parkway<br>Upper Allen Twp.<br>Cumberland County                | Filed         |
| 9-3-96      | Jefferson Bank<br>Haverford<br>Montgomery County               | 1845 Walnut Street<br>Philadelphia<br>Philadelphia County                  | Opened        |
| 9-3-96      | Jefferson Bank<br>Haverford<br>Montgomery County               | 580 W. Germantown Pike<br>Plymouth Meeting<br>Montgomery County            | Opened        |
| 9-4-96      | Berks County Bank<br>Reading<br>Berks County                   | K-Mart Shopping Plaza<br>Parkside Avenue<br>Cumru Township<br>Berks County | Filed         |
| 9-9-96      | Mid-State Bank and<br>Trust Company<br>Altoona<br>Blair County | 1930 Cliffside Drive<br>State College<br>Centre County                     | Filed         |
| 9-9-96      | United Savings Bank<br>Philadelphia<br>Philadelphia County     | 301 Baltimore Pike<br>Springfield<br>Delaware County                       | Filed         |

**Branch Relocations**

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 8-23-96     | First Republic Bank<br>Philadelphia<br>Philadelphia County | <i>To:</i> 1601 Walnut St.<br>Philadelphia<br>Philadelphia County<br><br><i>From:</i> 1513 Walnut St.<br>Philadelphia<br>Philadelphia County | Effective     |
| 9-3-96      | Northern Central Bank<br>Williamsport<br>Lycoming County   | <i>To:</i> Colonial Plaza<br>Towanda<br>Bradford County<br><br><i>From:</i> Colonial Plaza<br>Route 6<br>Towanda<br>Bradford County          | Effective     |

**Branch Discontinuances**

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 9-9-96      | Bank of Hanover and<br>Trust Company<br>Hanover<br>York County | North Hanover Mall<br>Carlisle Street<br>Hanover<br>York County | Filed         |

**SAVINGS ASSOCIATIONS****Voluntary Liquidations**

| <i>Date</i> | <i>Name of Association</i>   | <i>Action</i>   |
|-------------|--|---|
| 9-10-96     | Warren Building and Loan<br>Association<br>Philadelphia<br>Philadelphia County | Articles of Dissolution filed in the<br>Department of State.<br>Corporate existence terminated. |

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 1996

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of October is 9 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as a principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 6.94 to which was added 2.50 percentage points for a total of 9.44 that by law is rounded off to the nearest quarter at 9 1/2%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-1575. Filed for public inspection September 20, 1996, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Funding Available for Recreational Trail Grants

The Department of Conservation and Natural Resources (DCNR) will begin accepting applications for the next grant round for the Pennsylvania Recreational Trails Program on September 21, 1996. Funding for the program is available through the Symms National Recreational Trails Fund, created under the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

The Federal Highway Administration has allocated Pennsylvania \$395,827 for this round of funding. At least 30% of the funding will be utilized for motorized recreational trail uses and 30% for nonmotorized recreational trail uses. The remaining 40% will be used for both motorized and nonmotorized uses, but preference will be given to projects with the greatest number of compatible recreational trail uses and/or that provide for innovative recreational trail corridor sharing to accommodate motorized and nonmotorized recreational trails.

Applicants may submit projects for the redesign, reconstruction, nonroutine maintenance or relocation of trails in order to mitigate and minimize the impact to the natural environment; development of urban trail linkages; trail maintenance (including the grooming and maintenance of trails across snow); restoration of areas

damaged by usage; development of trail-side and trail-head facilities; improving access and use of trails by persons with disabilities, and acquisition and construction of new trails.

Those eligible for trail funding from this program are local governments, State and Federal agencies, organizations and individuals. Eligible grant amounts will range in size from a minimum of \$2,500 to a maximum of \$20,000 and will be administered using a 50/50 funding ratio. For example, in order to qualify for a \$20,000 grant, the total project cost must be at least \$40,000, with the applicant responsible for 50% or \$20,000 of the project cost.

The deadline for applications is December 20, 1996. Anyone interested in applying for trail funding should obtain an application manual by contacting: Department of Conservation and Natural Resources, Bureau of Recreation & Conservation, Pennsylvania Recreational Trails Program, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 787-2316, FAX: (717) 772-3325, e-mail: tierney.vanyla@a1.dcnr.state.pa.us.

Persons with a disability who wish to submit a Pennsylvania Recreational Trails Program grant application and require special assistance should contact Vanyla Tierney at (717) 787-2316 to discuss how the Department may best assist their needs. TTY or TDD users call 1 (800) 654-5984.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 96-1576. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Keystone Recreation, Park and Conservation Fund; Community Grant Program; Rails-to-Trails Grant Program; Rivers Conservation Grant Program

The Department of Conservation and Natural Resources (DCNR) is announcing an open application period for funding of acquisition, development, planning, implementation and technical assistance projects from the Keystone Recreation, Park and Conservation (Keystone) Fund. These Keystone grants will be administered by DCNR's Bureau of Recreation and Conservation under their Community Grant Program, Rails-to-Trails Grant Program and Rivers Conservation Grant Program.

The Keystone Fund was established by passage of the Keystone Recreation, Park and Conservation Fund Act (Act 1993-50) signed on July 2, 1993. On November 2, 1993, the voters of the Commonwealth overwhelmingly approved a public referendum incurring bond indebtedness by the Commonwealth in the amount of \$50 million to provide for the funding of nature preserves and wildlife habitats and for improvements to and expansion of State parks, community parks and recreation facilities, historic sites, zoos and public libraries. The Keystone Fund is currently supported by a 15% allocation from the State Realty Transfer Tax revenues. Approximately \$11 million will be available in this round of funding under the Community Grant Program and \$1 million each in the Rails-to-Trails and Rivers Conservation grant programs.

An announcement of this open application period, fact sheet and information on how to obtain the application forms are being sent to Commonwealth municipalities,

rails-to-trails organizations and rivers conservation organizations. Any municipality or organization that has not received the announcement package by September 30, 1996, may request the information from the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, 555 Forum Building, Harrisburg, PA 17120, (717) 783-2656. The deadline for submission of completed grant applications to DCNR is 5 p.m. on December 20, 1996. No submissions will be accepted by FAX.

Local government officials, organizations or individuals seeking additional information about these Keystone pro-

grams may contact the Bureau of Recreation and Conservation at the above address and telephone number.

Persons with a disability who wish to submit an application for Keystone funding and require assistance should contact Darrel Siesholtz at the above number to discuss how DCNR may best accommodate their needs. TTY or TDD users call 1 (800) 654-5984.

JOHN C. OLIVER,  
Secretary

[Pa.B. Doc. No. 96-1577. Filed for public inspection September 20, 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 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 accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**PA 0044067.** Industrial waste, **Union City Fish Culture Station**, Union Township, Erie County, Union City, PA 16438.

This application is for renewal of an NPDES permit to discharge treated industrial waste to Bentley Run, which discharges to the south branch of French Creek in Union Township, **Erie County**. This is an existing discharge.

The receiving water is classified for the following uses: cold 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/proposed downstream potable water supply considered during the evaluation is Cambridge Springs Borough on French Creek located in Cambridge Springs, approximately 30 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.826 mgd, are:

| Parameter              | Average<br>Monthly (mg/l) | Maximum<br>Daily (mg/l) | Instantaneous<br>Maximum (mg/l) |
|------------------------|---------------------------|-------------------------|---------------------------------|
| CBOD <sub>5</sub>      | 10                        |                         | 20                              |
| Total Suspended Solids | 30                        |                         | 60                              |
| Chloramide-T           | 0.20                      |                         | .4                              |
| Formaldehyde           | ND                        |                         |                                 |
| pH                     | 6.0—9.0 at all times      |                         |                                 |

The proposed discharge limits for Outfall Nos. 002—007, based on a design flow of 0.144 mgd for Outfalls 002—005, 0.101 mgd for Outfall 006, and 0.040 mgd for Outfall 007, are:

| <i>Parameter</i>       | <i>Average<br/>Monthly (mg/l)</i>   | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------|-------------------------------------|---------------------------------|---|
| CBOD <sub>5</sub>      | 10                                  |                                 | 20                                      |
| Total Suspended Solids | 30                                  |                                 | 60                                      |
| pH                     | 6.0—9.0 standard units at all times |                                 |   |

The proposed discharge limits for Outfall No. 008, based on a design flow of 0.001 mgd for Outfall 008, are:

| <i>Parameter</i>       | <i>Average<br/>Monthly (mg/l)</i>   | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------|-------------------------------------|---------------------------------|---|
| Total Suspended Solids | 30                                  |                                 | 60                                      |
| Iron-T                 | 2                                   |                                 | 4                                       |
| Aluminum-T             | 4                                   |                                 | 8                                       |
| Manganese              | 1                                   |                                 | 2                                       |
| pH                     | 6.0—9.0 standard units at all times |                                 |   |

The EPA waiver is in effect.

**PA 0006351.** Industrial waste, SIC: 3317. **Armco, Inc.**, Sawhill Tubular Division, Clinton Street, Wheatland, PA 16161.

This application is for renewal of an NPDES permit to discharge treated industrial waste, noncontact cooling water and stormwater to Shenango River in Wheatland Borough, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, 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 and Shenango River located at New Castle, approximately 19 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of .025 mgd, are:

| <i>Parameter</i>       | <i>Average<br/>Monthly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------|-----------------------------------|---------------------------------|---|
| Flow (mgd)             | monitor and report                |                                 |   |
| Total Suspended Solids | monitor and report                |                                 | 120                                     |
| Oil and Grease         | 15                                |                                 | 30                                      |
| Lead                   | monitor and report                |                                 | .6                                      |
| Zinc                   | monitor and report                |                                 | .8                                      |
| Iron (T)               | 1.5                               | 3.0                             | 3.8                                     |
| pH                     | 6.0—9.0 at all times              |                                 |   |

The proposed discharge limits for Outfall No. 001, based on a design flow of .004 mgd, are:

| <i>Parameter</i> | <i>Average<br/>Monthly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------|-----------------------------------|---------------------------------|---|
| Flow (mgd)       |                                   |                                 |   |
| Oil and Grease   | 15                                |                                 | 30                                      |
| pH               | 6.0—9.0 at all times              |                                 |   |

The EPA waiver is in effect.

**PA 0020541.** Amendment No. 1. Sewage. **Girard Borough**, 34 Main Street West, Girard, PA 16417.

This application is for an amendment to a Part I NPDES permit to discharge treated sewage to Elk Creek in Girard Borough, **Erie County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, migratory 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/Canada border in Lake Erie.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.44 mgd, are:

*Interim Limits*

| <i>Parameter</i>  | <i>Average<br/>Monthly (mg/l)</i> | <i>Weekly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------|-----------------------------------|----------------------------------|---|
| CBOD <sub>5</sub> | 25                                | 40                               | 50                                      |
| TSS               | 30                                | 45                               | 60                                      |
| Ammonia-Nitrogen  |                                   |                                  |   |
| (5-1 to 10-31)    | 3                                 |                                  | 6                                       |
| (11-1 to 4-30)    | 9                                 |                                  | 18                                      |

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| <i>Parameter</i>                 | <i>Average<br/>Monthly (mg/l)</i>   | <i>Weekly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|----------------------------------|-------------------------------------|----------------------------------|---|
| Fecal Coliforms<br>(5-1 to 9-30) | 200/100 ml as a geometric average   |                                  |   |
| (10-1 to 4-30)                   | 4,700/100 ml as a geometric average |                                  |   |
| Total Residual Chlorine          | monitor and report                  |                                  |   |
| Phosphorus as P                  | 1.0                                 |                                  |   |
| Dissolved Oxygen                 | minimum of 4 mg/l at all times      |                                  |   |
| pH                               | 6.0—9.0 at all times                |                                  |   |

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.997 mgd, are:

*Final Limits*

| <i>Parameter</i>                   | <i>Average<br/>Monthly (mg/l)</i>   | <i>Weekly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------------------|-------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>                  | 25                                  | 40                               | 50                                      |
| TSS                                | 30                                  | 45                               | 60                                      |
| Ammonia-Nitrogen<br>(5-1 to 10-31) | 3                                   |                                  | 6                                       |
| (11-1 to 4-30)                     | 9                                   |                                  | 18                                      |
| Fecal Coliforms<br>(5-1 to 9-30)   | 200/100 ml as a geometric average   |                                  |   |
| (10-1 to 4-30)                     | 5,700/100 ml as a geometric average |                                  |   |
| Total Residual Chlorine            | 0.14                                |                                  | 0.5                                     |
| Phosphorus as P                    | 1.0                                 |                                  |   |
| Dissolved Oxygen                   | minimum of 5 mg/l at all times      |                                  |   |
| pH                                 | 6.0—9.0 at all times                |                                  |   |

The EPA waiver is in effect.

**PA 0100056.** Sewere. **Rose Point Park**, R. D. 4, Box 410, New Castle, PA 16101.

This application is for renewal of an NPDES permit to discharge treated sewage to the unnamed tributary to Slippery Rock Creek in Slippery Rock Township, **Lawrence 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 Salvation Army Camp on Slippery Rock Creek located near Ellwood City, approximately 36 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of .0087 mgd, are:

| <i>Parameter</i>                   | <i>Average<br/>Monthly (mg/l)</i>   | <i>Weekly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------------------|-------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>                  | 20                                  |                                  | 40                                      |
| TSS                                | 30                                  |                                  | 60                                      |
| Ammonia-Nitrogen<br>(5-1 to 10-31) | 4                                   |                                  | 8                                       |
| (11-1 to 4-30)                     | 12                                  |                                  | 24                                      |
| Fecal Coliforms<br>(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            | 1.5                                 |                                  | 3.5                                     |
| Dissolved Oxygen                   | minimum of 3 mg/l at all times      |                                  |   |
| pH                                 | 6.0—9.0 at all times                |                                  |   |

The EPA waiver is in effect.

**PA 0209945.** Sewage. **Widad Bazzoui**, 565 Minard Run Road, Bradford, PA 16701.

This application is for a renewal of an NPDES permit to discharge treated sewage to the unnamed tributary to Minard Run in Bradford Township, **McKean 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 public water supply by the State of New York which is 9.55 miles below the discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.000400 mgd, are:

| <i>Parameter</i>  | <i>Average<br/>Monthly (mg/l)</i> | <i>Weekly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------|-----------------------------------|----------------------------------|---|
| CBOD <sub>5</sub> | 25                                |                                  | 50                                      |
| TSS               | 30                                |                                  | 60                                      |

| <i>Parameter</i>                                   | <i>Average<br/>Monthly (mg/l)</i>  | <i>Weekly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|--|--|----------------------------------|---|
| Fecal Coliforms<br>(5-1 to 9-30)<br>(10-1 to 4-30) | 200/100 ml as a geometric average<br>2,000/100 ml as a geometric average |                                  |   |
| Total Residual Chlorine                            | monitor and report   |                                  |   |
| pH   | 6.0—9.0 at all times   |                                  |   |

The EPA waiver is in effect.

**PA 0210005.** Sewage. **Daniel W. Daliman**, 3660 Clearview Drive, Hermitage, PA 16148.

This application is for a renewal of an NPDES permit to discharge treated sewage to the unnamed tributary to Little Deer Creek in Shenango Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is public water supply by the State of Ohio which is 0.26 mile below the discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.000400 mgd, are:

| <i>Parameter</i>                                   | <i>Average<br/>Monthly (mg/l)</i>  | <i>Weekly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|--|--|----------------------------------|---|
| CBOD <sub>5</sub>                                  | 25   |                                  | 50                                      |
| TSS  | 30   |                                  | 60                                      |
| Fecal Coliforms<br>(5-1 to 9-30)<br>(10-1 to 4-30) | 200/100 ml as a geometric average<br>2,000/100 ml as a geometric average |                                  |   |
| Total Residual Chlorine                            | monitor and report   |                                  |   |
| pH   | 6.0—9.0 at all times   |                                  |   |

The EPA waiver is in effect.

*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.*

**PA 0012751-A1.** Industrial waste, SIC: 3399, **Zinc Corporation of America**, A Division of Horsehead Industries, Inc., c/o Thomas E. Janeck, Vice President, Environmental Services, Fourth Street and Delaware Avenue, Palmerton, PA 18071.

This proposed action is for amendment of an NPDES permit to discharge stormwater into Aquashicola Creek in Palmerton Borough, **Carbon County**.

The receiving stream is classified for the following uses: trout stocking, 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 the Northampton Borough Water Authority located on the Lehigh River.

The proposed effluent limits for Outfall 001 are as follows: Outfall 024, 025, 026 and 027.

| <i>Parameter</i>       | <i>Monthly<br/>Average (mg/l)</i> | <i>Daily<br/>Maximum (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------|-----------------------------------|---------------------------------|---|
| Total Suspended Solids | 20.0                              | 30.0                            |   |
| Oil and Grease         | 15.0                              |                                 | 30.0                                    |
| Cadmium                | 0.10                              | 0.20                            |   |
| Lead                   | 0.35                              | 0.70                            |   |
| Zinc                   | 1.20                              | 2.40                            |   |
| pH                     | 6.0—9.0 at all times              |                                 |   |

The proposed amendment involves only the addition of stormwater Outfall 024, 025, 026 and 027 to the existing permit. All other permit limits, expiration date and conditions remain the same.

The EPA waiver is not in effect.

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

**PA 0090247.** Sewage, **North Union Township Municipal Services Authority**, P. O. Box 967, Uniontown, PA 15401.

This application is for renewal of an NPDES permit to discharge treated sewage from the Lemont Furnace Sewage Treatment Plant in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cove Run, 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 California Water Company.

Outfall 001: existing discharge, design flow of 0.06 mgd.

| Parameter               | Concentration (mg/l)             |                |               |                       |
|-------------------------|----------------------------------|----------------|---------------|-----------------------|
|                         | Average Monthly                  | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD <sub>5</sub>       | 25                               | 37.5           |               | 50                    |
| Suspended Solids        | 30                               | 45             |               | 60                    |
| Ammonia Nitrogen        |                                  |                |               |                       |
| (5-1 to 10-31)          | 3.0                              | 4.5            |               | 6.0                   |
| (11-1 to 4-30)          | 9.0                              | 13.5           |               | 18.0                  |
| Fecal Coliforms         |                                  |                |               |                       |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean   |                |               |                       |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean |                |               |                       |
| Total Residual Chlorine |                                  |                |               |                       |
| 1st month—36th month    | monitor and report               |                |               |                       |
| 37th month—expiration   | 0.5                              |                |               | 1.1                   |
| Dissolved Oxygen        | not less than 4.0 mg/l           |                |               |                       |
| pH                      | 6.0—9.0                          |                |               |                       |

The EPA waiver is in effect.

*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701, telephone (717) 327-3666.*

**PA 0114448. Agway Energy Products**, P. O. Box 4852, Syracuse, NY 13221-4852.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to an unnamed tributary to Warrior Run in Turbotville Borough, **Northumberland County**.

The receiving stream is classified for the following uses: warm 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 PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.002 mgd, are:

| Parameter      | Average Monthly (mg/l) | Maximum Daily (mg/l) | Instantaneous Maximum (mg/l) |
|----------------|------------------------|----------------------|------------------------------|
| Oil and Grease | 15                     |                      | 30                           |
| Benzene        | 0.005                  | 0.01                 | 0.015                        |
| Toluene        | 0.005                  | 0.01                 | 0.015                        |
| Ethylbenzene   | 0.0065                 | 0.013                | 0.019                        |
| Xylene         | 0.011                  | 0.022                | 0.033                        |

The EPA waiver is in effect.

**PA 0114740. Industrial waste, SIC: 4941, Consumers Pennsylvania Water Company—Roaring Creek Division**, 204 East Sunbury Street, Shamokin, PA 17872.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to South Branch Roaring Creek in Coal Township, **Northumberland County**.

The receiving stream is classified for the following uses: high quality waters cold water fishes, aquatic life, water supply and recreation. For the purposes 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 Water Authority located at Danville.

The proposed effluent limits for Outfall 001 (recycle to filter plant raw water intake) based on a design flow of 0.17 mgd, are:

| Parameter                      | Concentration (mg/l) |               |                       | Mass (lbs/day)  |               |
|--------------------------------|----------------------|---------------|-----------------------|-----------------|---------------|
|                                | Average Monthly      | Daily Maximum | Instantaneous Maximum | Average Monthly | Maximum Daily |
| TSS                            | report               |               |                       |                 |               |
| Total Iron                     | report               |               |                       |                 |               |
| Total Manganese                | report               |               |                       |                 |               |
| Total Aluminum                 | report               |               |                       |                 |               |
| Total Residual Cl <sub>2</sub> | report               |               |                       |                 |               |
| pH                             | 6.0—9.0 at all times |               |                       |                 |               |



The proposed effluent limits for Outfall 002 (emergency discharge to south branch Roaring Creek), based on a design flow of 0.17 mgd, are:

| Parameter                      | Concentration (mg/l) |               |                       | Mass (lbs/day)  |               |
|--------------------------------|----------------------|---------------|-----------------------|-----------------|---------------|
|                                | Average Monthly      | Daily Maximum | Instantaneous Maximum | Average Monthly | Maximum Daily |
| TSS                            | 30                   | 60            |                       |                 |               |
| Total Iron                     | 2.0                  | 4.0           |                       |                 |               |
| Total Manganese                | 1.0                  | 2.0           |                       |                 |               |
| Total Aluminum                 | 4.0                  | 8.0           |                       |                 |               |
| Total Residual Cl <sub>2</sub> | dechlorinate         |               |                       |                 |               |
| pH                             | 6.0—9.0 at all times |               |                       |                 |               |

The EPA waiver is in effect.

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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 0054275.** Industrial waste, **Mobil Oil Corporation**, 10617 Braddock Road, Room 1080, Fairfax, VA 22032.

This application is for renewal of an NPDES permit to discharge treated groundwater from a groundwater remediation system in Montgomery Township, **Montgomery County**. This is an existing discharge to Little Neshaminy Creek.

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 7,000 gpd, are as follows:

| Parameter     | Average Monthly (mg/l)                               | Maximum Daily (mg/l) | Instantaneous Maximum (mg/l) |
|---------------|--|----------------------|------------------------------|
| Benzene       | 0.001  | 0.002                |                              |
| Total BETX    | 0.1  | 0.2                  |                              |
| Ethylbenzene  | monitor only   | monitor only         |                              |
| Toluene       | monitor only   | monitor only         |                              |
| Total Xylenes | monitor only   | monitor only         |                              |
| pH            | within limits of 6.0—9.0 standard units at all times |                      |                              |

The EPA waiver is in effect.

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

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

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

Following the 30-day comment period, the Water Program Manager will make a final determination regarding

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the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

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

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

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

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

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

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

**NPDES Permit PAS10A092.** Stormwater. **Joseph DeNardo**, 262 Portman Lane, Bridgeville, PA 15017 has

applied to discharge stormwater from a construction activity located in North Fayette Township, **Allegheny County**, to Montour Run.

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

**NPDES Permit PAS100237.** Stormwater. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476 has applied to discharge stormwater from a construction activity located in South Beaver Township, Beaver County, to UNT to Brush Run and the North Fork of Little Beaver.

*Carbon County Conservation District, District Manager, 92 Blakeslee Blvd., E. Lehigh, PA 18235, telephone (610) 377-4894.*

**NPDES Permit PAS101310.** Stormwater. **Jan Jurisen**, 4 Captains Way, Kittery Point, ME 03905 has applied to discharge stormwater from a construction activity located in Penn Forest Township, **Carbon County**, to Drakes Creek.

*Lancaster County Conservation District, District Manager, 1383 Arcadia Rd., Rm. 6, Farm and Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.*

**NPDES Permit PAS10-O-040.** Stormwater. **Willis Kilheffer**, 1280 Stevens Street, Manheim, PA 17545 has applied to discharge stormwater from a construction activity located in East Hempfield Township, **Lancaster County**, to UNT to Little Conestoga Creek.

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

**NPDES Permit PAS10Q125.** Stormwater. **Fred Jandl, d/b/a/ Jandl Turkey**, 3150 Coffeetown Road, Orefield, PA 18069 has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

**NPDES Permit PAS10Q126.** Stormwater. **Clair Stahley, Inc.**, 3810 Huckleberry Road, Allentown, PA 18104 has applied to discharge stormwater from a construction activity located in Whitehall Township, **Lehigh County**, to the Lehigh River.

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

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

**WQM Permit No. 4396408.** Sewage, **The Municipal Authority of the Borough of Greenville**, 44 Clinton Street, P. O. Box 638, Greenville, PA 16125. This project is to modify existing facilities to treat and discharge sand filter backwash, filter press filtrate and washwater to the Shenango River in Greenville, **Mercer County**.

**WQM Permit No. 2596413.** Sewage, **Borough of North East**, 58 East Main Street, North East, PA 16428. This project is for the construction of sludge handling improvements at the Site I Wastewater Treatment Plant to include belt press, sludge thickener and sludge pumps in North East Borough, **Erie County**.

**WQM Permit No. 2096408.** Sewage, **Perseus House, Inc.**, Andromeda House II, 1946 West 26th Street, Erie, PA 16508. This project is for the installation of a residen-

tial sewage disposal system using septic tanks, sand filter and chlorination: to be discharged to road ditch in Bloomfield Township, **Crawford County**.

**WQM Permit No. 2596414.** Sewage, **Cynthia Kilmartin, SRSTP**, 3740 Stirrup Drive, Erie, PA 16505. This project is for the construction of a single residence sewage treatment plant in Millcreek Township, **Erie County**.

**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. 3696503.** Public water supply. **East Cocalico Township Authority**, East Cocalico Township, **Lancaster County**, (S. Eugene Heft, Chair, P. O. Box 402, Reamstown, PA 17567), development of well no. 14 and construction of wellhouse no. 14, which will provide treatment to consist of disinfection and aeration for radon removal, (Harry E. Bingaman, Glace Associates, Inc., 3705 Trindle Road, Camp Hill, PA 17011).

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

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

**The Williamsport Hospital & Medical Center**, 777 Rural Avenue, Williamsport, PA 17701; License No. **PA-HC 0186**; Kenneth Jessick, Administrator Director of E. S.; application received September 3, 1996.

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

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

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

Permit: **35-322-003A**

Source: Landfill Gas Flare

Company: **Empire Sanitary Landfill, Inc.**

Location: Taylor Borough

County: **Lackawanna**

Permit: **35-329-001A**

Source: Landfill Gas to Elec. Generation

Company: **Keystone Recovery Inc.**

Location: Dunmore Borough

County: **Lackawanna**

Permit: **39-309-050**

Source: #2 Packhouse With Baghouse

Company: **Lafarge Corporation**

Location: Whitehall Township

County: **Lehigh**

Permit: **39-309-051**

Source: #4 Packhouse With 2 Baghouses

Company: **Lafarge Corporation**

Location: Whitehall Township

County: **Lehigh**

Permit: **39-318-074C**  
 Source: Paint Spray Line W/Cat Oxidizer  
 Company: **Stanley Storage Systems Inc.**  
 Location: City of Allentown  
 County: **Lehigh**

Permit: **40-309-026A**  
 Source: Waste Material Recycling System  
 Company: **Celotex Corporation**  
 Location: Exeter Township  
 County: **Luzerne**

Permit: **48-309-092**  
 Source: (2) Glass Bead Ovens W/Baghouse  
 Company: **Todd Heller Inc.**  
 Location: Northampton Borough  
 County: **Northampton**

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

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

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

Permit: **13-399-005**  
 Source: Steel Descale/ Fabric Filter  
 Received: August 28, 1996  
 Company: **Horsehead Resource Development Co.**  
 Location: Palmerton Borough  
 County: **Carbon**

Permit: **35-305-019**  
 Source: Coal Drying and Packaging Plant  
 Received: August 19, 1996  
 Company: **Lang Filter Media**  
 Location: City of Hazleton  
 County: **Luzerne**

Permit: **39-309-046B**  
 Source: Kiln #3/Tire Fuel/Baghouse  
 Received: August 22, 1996  
 Company: **Lafarge Corporation**  
 Location: Whitehall Township  
 County: **Lehigh**

Permit: **40-399-039**  
 Source: Batch Plant Storage W/2 Baghouses  
 Received: August 27, 1996  
 Company: **Techneglas, Incorporated**  
 Location: Jenkins Township  
 County: **Luzerne**

Permit: **48-320-010**  
 Source: Flexographic Print W/70% H2O Inks  
 Received: August 16, 1996  
 Company: **Packaging Horizons Corporation**  
 Location: Palmer Township  
 County: **Northampton**

Permit: **64-310-004E**  
 Source: Stone Crushing Plant W/Waterspray  
 Received: August 19, 1996  
 Company: **Milestone Materials Incorporated**  
 Location: Lake Township  
 County: **Wayne**

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**Notice of Intent to Approve**

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Plan Approval Application #65-309-074A

Under 25 Pa. Code § 127.44, the Department of Environmental Protection (DEP) intends to issue a Plan Approval to the American Video Glass Company (AVCO) for the modification of their plan (Plan Approval #65-309-074, issued December 22, 1995) to construct a television glass manufacturing facility at 777 Technology Drive in Mt. Pleasant, PA 15666-2715. The modification will take place as described in AVCO's application judged complete on July 5, 1996.

Based on the information provided by the applicant and on DEP's analysis of that information, this operation will emit not more than 15.5 tons per year of particulate matter less than 10 micrometers (PM-10) and 916.0 tons per year of nitrogen oxides (NOx). As identified in the application, AVCO's facility in conjunction with other PSD increment-consuming sources require allocation of 4.7% of the annual and 25.9% of the 24-hour PM-10 increments; and, 52.8% of the annual NOx increment available in the area of the maximum impact of the source.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address below.

In order to assure compliance with all applicable standards, DEP proposes to place the following conditions on the Plan Approval:

3. *General Conditions*

A. This Plan Approval authorizes American Video Glass Company (AVCO) to modify their proposal to construct a television glass manufacturing facility in East Huntingdon Township, Westmoreland County. The facility shall be constructed in accordance with the plan submitted with the application for Plan Approval (as approved herein).

B. This Approval to construct shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; or, (2) if construction is discontinued for a period of 18 months or more; or, (3) construction is not completed within a reasonable period of time.

C. This facility is subject to the New Source Performance Standards (NSPS) for Glass Manufacturing Plants (40 CFR Part 60, Subpart CC) and the NSPS for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc).

In accordance with 40 CFR 60.4 copies of all requests, reports, applications, submittals and other communications shall be forwarded to both EPA and the Department at the addresses below unless otherwise noted:

Director  
 Air Toxics and Radiation  
 U. S. EPA, Region III  
 831 Chestnut Street  
 Philadelphia, PA 19107

DEP  
 Air Quality Program  
 400 Waterfront Drive  
 Pittsburgh, PA 15222-4745

D. AVCO will secure appropriate and adequate Emission Reduction Credits (ERCs) for NOx emissions which are suitable for use at the specific facility and identified in a Federally enforceable permit condition for the ERCs

generating source. The ERCs must be properly generated, certified and registered no later than the date approved by the Department for commencement of operation of the proposed new facility.

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|                     |                     |               |
|---------------------|---------------------|---------------|
| General Glass Corp. | Westmoreland County | 518.0 tons/yr |
| Sharon Steel Corp.  | Mercer County       | 373.3 tons/yr |
| Caparo Steel Corp.  | Mercer County       | 410.0 tons/yr |

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F. The ERCs must meet all requirements of 25 Pa. Code Subchapter E.

G. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

(a) The Department must receive written notice from the Owner/Operator of the completion of construction and the Operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when the Operator expects to commence operation.

(b) Operation is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an operating permit or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator under Subpart (a), above.

(d) The Owner/Operator may request an extension if compliance with all applicable regulations and plan approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

(e) The notice submitted by the Owner/Operator under Subpart (a), above, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the written notice.

#### 4. *Controlled Emissions Limitations*

##### A. Panel Furnace

i. PM-10 emissions from the panel furnace shall not exceed an outlet grain loading of 0.005 gr/dscf and a mass emission rate of 1.24 lbs/hr during routine operations, that is, at all times when maintenance is not being performed on the furnace's electrostatic precipitator (ESP).

ii. PM-10 emissions from the panel furnace shall not exceed an outlet grain loading of 0.02 gr/dscf and a mass emission rate of 4.96 lbs/hr during periods of ESP maintenance.

iii. Annual PM-10 emissions from the panel furnace may not exceed 8.36 tons/yr.

iv. Lead (and lead compound) emissions from the panel furnace shall not exceed mass emission rates of 0.82

E. NOx emission increases from the AVCO facility will be offset with certified ERCs from the following:

lbs/hr during routine operations and 3.28 lbs/hr during periods of ESP maintenance. Annual lead (and lead compound) emissions shall not exceed 5.14 tons/yr.

v. Fluoride emissions from the panel furnace shall not exceed mass emission rates of 6.9 lbs/hr during routine operations and 8.2 lbs/hr during periods of ESP maintenance. Annual fluoride emissions shall not exceed 31.0 tons/yr.

##### B. Funnel Furnace

i. PM-10 emissions from the funnel furnace shall not exceed an outlet grain loading of 0.005 gr/dscf and a mass emission rate of 0.64 lbs/hr during routine operations.

ii. PM-10 emissions from the funnel furnace shall not exceed an outlet grain loading of 0.02 gr/dscf and a mass emission rate of 2.56 lbs/hr during periods of ESP maintenance.

iii. Annual PM-10 emissions from the funnel furnace may not exceed 2.69 tons/yr.

iv. Lead (and lead compound) emissions from the funnel furnace shall not exceed mass emission rates of 0.54 lbs/hr during routine operations and 2.16 lbs/hr during periods of ESP maintenance. Annual lead (and lead compound) emissions shall not exceed 2.90 tons/yr.

##### C. Panel and Funnel Furnaces

i. NOx (as NO<sub>2</sub>) emissions from the furnaces shall not exceed mass emission rates of 418 lbs/hr, 5.02 tons/day and 916 tons/yr.

ii. Carbon monoxide emissions from the furnaces shall not exceed mass emission rates of 311 lbs/hr, 3.73 tons/day and 681 tons/yr.

iii. Periods of ESP maintenance shall not exceed 4 weeks per calendar year unless an extension of time is approved by the Department.

iv. The amount of batch nitrates fed to the furnaces shall be limited to the maximum possible extent. The Department reserves the right to establish limits on the ratio of batch nitrates to raw material fed to the furnaces upon optimizing the glass furnaces operations.

v. The furnaces shall have the capability of firing with only natural gas/oxygen combustion.

vi. Visible emissions from each furnace's flue (stack) shall not exceed 10% opacity except for 3 minutes in any 60-minute period, and shall never exceed 30% opacity. This limitation shall not apply during periods of ESP maintenance.

vii. At least one ESP chamber per furnace shall be in service at all times that the furnaces are operating.

##### D. Boilers, Annealing Lehrs and Dryers

i. The two 14 MMBTU/hr, natural gas-fired steam boilers shall be equipped with ultra low NOx burners and flue gas recirculation or equivalent technology in terms of the NOx emission rate.

ii. All annealing lehrs shall be equipped with low NOx burners.

iii. The boilers, annealing lehrs and funnel dryers shall be installed, maintained and operated in accordance with manufacturers specifications. These sources shall also be maintained and operated in accordance with good air pollution control practices.

iv. Periodic tune-ups/adjustments shall be performed as necessary on the boilers, annealing lehrs and funnel dryers to minimize total emissions of NOx, and to the extent practicable minimize emissions of CO. Records of each tune-up/adjustment shall be kept onsite and made available to the Department upon request.

#### E. Raw Material Handling/Mixing (Batch Plant)

i. At least 120 days prior to initiation of onsite construction of those air contamination sources associated with the raw materials unloading, storage and batching operations and those sources associated with the finished glass packaging, handling and shipping operations, applications for Plan Approval to construct shall be filed with the Department for each air pollution control device serving these operations. Any air contamination source which emits to the atmosphere must either obtain a Plan Approval to construct or be granted a Minor Significance Determination prior to initiation of construction of that source.

ii. The batch material unloading pit shall be enclosed in a building or equipped with a hooded structure and exhausted through a baghouse or other equivalent air pollution control device.

#### F. Chromium Electroplating/Stripping Tanks

i. Chromium emissions from the electroplating tanks shall be controlled by the installation, maintenance and operation of a three-stage, composite mesh pad scrubber system.

ii. Chromium emissions from the electroplating tanks shall not exceed an outlet concentration of 0.015 milligrams of total chromium per dry standard cubic meter of ventilation air (mass emission rate of 0.001 lbs/hr) in accordance with 40 CFR Part 63 Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

iii. Sodium hydroxide emissions from the stripping tanks shall be controlled by the installation of a single stage, packed bed scrubber system.

iv. Sodium hydroxide emissions from the stripping tanks shall not exceed a mass emission rate of 0.1 lbs/hr.

v. AVCO shall comply with all applicable requirements of 40 CFR Part 63 Subpart N.

#### G. Solvent Cleaning Tanks

i. All storage tanks with capacities greater than 40,000 gallons which contain VOCs with a vapor pressure greater than 1.5 psia under actual storage conditions shall comply with the requirements of 25 Pa. Code § 129.56.

ii. All storage tanks with capacities equal to or greater than 2,000 gallons but less than or equal to 40,000 gallons which contain VOCs with a vapor pressure greater than 1.5 psia under actual storage conditions shall comply with the requirements of 25 Pa. Code § 129.57.

#### 5. Testing Requirements

A. Compliance with the requirements in Special Conditions 4A, 4B and 4C (i. and ii.) above shall be established by stack testing performed in accordance with 25 Pa. Code Chapter 139, 40 CFR 60.8 and 40 CFR 60.296. All stack tests shall be performed while the furnaces are operating at the maximum rated capacity as stated in the application. If stack testing is performed while the furnace is operating at a lower production rate, then production shall be limited to the highest level at which compliance has been demonstrated through stack testing or certified continuous emission monitors.

B. Stack testing shall be performed in accordance with 25 Pa. Code Chapter 139 and the Department's Source Testing Manual to determine the NOx emission rate from at least one of the boilers.

C. Compliance with the requirements in Special Condition 4E above shall be established by stack testing performed in accordance with 25 Pa. Code Chapter 139, 40 CFR 63.7, 40 CFR 63.344 and Appendix A to Part 63—Test Methods.

D. At least 60 days prior to performance of these stack tests, pre-test protocols shall be submitted to the Department for review.

E. AVCO shall notify the Department at least 2 weeks prior to the stack tests so an observer may be present.

F. AVCO shall submit stack test reports to the Department within 60 days of the completion of the stack tests.

#### 6. Facility Requirements

A. The ESPs and baghouses shall be installed, maintained and operated in accordance with manufacturers specifications. The ESPs and baghouses shall be maintained and operated in accordance with good air pollution control practices. AVCO shall propose an inspection schedule which shall include but not be limited to maintenance and recordkeeping requirements for all baghouses. This inspection schedule shall be submitted to the Department for review along with the Plan Approval applications required by Special Condition 4.D.i. for Raw Material Handling/Mixing.

B. AVCO shall maintain a spare parts inventory in accordance with the manufacturer's recommendation to insure adequate maintenance of all air cleaning devices.

C. AVCO shall provide information to the Department regarding the quantity projected to be used and analysis (MSDS sheet, VOC content and the like) of the panel and funnel mold lubricant. There shall be no visible fugitive emissions or objectionable odors as determined by the Department from the molding operations.

D. AVCO shall prepare and submit to the Department for approval prior to start-up a plan of action for emergencies (for example, power outage, equipment failure) designed to limit emissions in accordance with 25 Pa. Code § 127.12(a)(7) and (9).

E. There shall be no fugitive emissions present from the facility in accordance with 25 Pa. Code §§ 123.1 and 123.2.

#### 7. Continuous Monitoring

A. Continuous monitors shall be installed, certified, operated and maintained on both furnaces in accordance with the requirements and procedures described in 25 Pa. Code Chapter 139 and the Department's Source Testing Manual for the following parameters:

i. Glass furnaces opacity;

- ii. Glass furnaces NOx emission rates;
- iii. Glass furnaces CO emission rates; and
- iv. Glass furnaces exhaust flow rates.

B. These monitors shall be certified within 180 days of furnace start-up. Once fully certified, the emission monitors shall be used to determine compliance with the NOx, CO and visible emission limits in effect at that time.

C. At least 180 days prior to initial operation of the glass melting furnaces, AVCO shall provide submittals for Phase I approvals of the monitors required in Special Condition 7A above to Joe Nazzaro at Rachel Carson State Office Building, 12th Floor, P. O. Box 8472, Harrisburg, PA 17105-1467.

#### 8. Reservations

A. The Department may require additional controls based on evaluation of the operation after start-up.

B. The Department may revise the emission limits established in section 4 above based on actual emission rates.

C. The Department may revise these conditions as appropriate during the public comment period.

D. The facility is also subject to the terms and conditions of the previous Plan Approval except as expressly revised herein.

Any person wishing to provide DEP with additional information which he/she believes should be considered prior to the issuance of the Plan Approval may submit the information to DEP at the address shown below. Each written comment shall include the following:

1. Name, address and telephone number of the person submitting the comments.

2. Identification of the proposed Plan Approval (specify Plan Approval #65-309-074A).

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval. A public hearing may be held if DEP in their discretion decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to:

Joseph P. Pezze, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information regarding the Department's analysis of the application, please contact the following at the same address:

Nicholas J. Waryanka, Air Pollution Control Engineer, Air Quality Program.

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#### Public Hearing Notice

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Wyoming and Stone Company  
Falls Township  
Wyoming County

The Department of Environmental Protection (DEP) will hold a public hearing on October 15, 1996, at 6 p.m. in the Falls Township Municipal Building, Falls Township, Wyoming County, PA.

The hearing is for DEP to accept testimony and comment on a pending Air Quality application for plan approval for the construction of a Hot Mix Asphalt Plant (Drum Mix) submitted by Wyoming Sand and Stone Company. The application is for the construction of this plant at Wyoming Sand and Stone's existing facility located along S. R. 307 in Falls Township, Wyoming County, PA.

The application for plan approval was submitted under 25 Pa. Code § 127.11 and has been reviewed in accordance with all applicable State and Federal air quality regulations. The Department regulations require the emissions from the new source will be the minimum attainable through the use of the best available technology (BAT). The source is also subject to the requirements of Subpart I of the Standards of Performance for New Stationary Sources listed in code of Federal Regulations Part 60.

The information provided by the applicant in the application for plan approval and DEP's own analysis indicates that the applicant will meet the requirements of Subpart I of the Standards of Performance for New Stationary Sources listed in code of Federal Regulations Part 60 by utilizing a baghouse to collect the particulate emissions from the drum dryer. The baghouse will meet the BAT requirements of the Department.

A stack test shall be performed in accordance with the provision of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection to show compliance with the applicable standards.

Persons wishing to present testimony at the hearing for the above listed facility should contact in writing: Hearing Examiner, DEP, 2 Public Square, Wilkes-Barre, PA 18711-0790, Attn: Thomas A. DiLazaro.

In order to provide an opportunity for all individuals who desire to present testimony, oral testimony will be limited to 10 minutes. The Department requests that individuals planning to testify provide written copy of their oral testimony. Each organization is requested to designate one witness to present testimony on its behalf. Individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact Richard Shudak of DEP (717) 826-2060, or the Pennsylvania AT&T Relay Service at 1(800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but who wish to comment, should provide written comments to the address listed above. Comments can be submitted until October 22, 1996.

All the pertinent documents are also available for review from 8 a.m. to 4 p.m. at the DEP Regional Office address noted above. Appointments for scheduling a review can be made by calling the Records Management Section of DEP at (717) 826-2511.

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#### Reasonably Available Control Technology; Public Hearings

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Approval of Reasonably Available Control Technology (RACT) Plans for:

Panther Creek Partners, Nesquehoning Borough, Carbon County, PA.

The Department of Environmental Protection has made a preliminary determination to approve RACT plans and amendments to the State Implementation Plan (SIP) for the above listed facility.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in the RACT approval for this facility to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into the operating permit for

this facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

*Panther Creek Partners:*

The following are the main sources at Panther Creek Partners subject to operating permit requirements. The following is the summary of the preliminary RACT determination for this facility:

| <i>Source</i>                      | <i>NOx RACT Limit</i>        |               | <i>Implementation Date</i> |
|------------------------------------|------------------------------|---------------|----------------------------|
| Two Fluidized Bed Boilers          | 0.150 lbs/MMBtu              | 72.5 lbs/hour | May 31, 1995               |
| One Propane fired auxiliary boiler | Presumptive RACT Limitations |               | May 31, 1995               |
| One Diesel fire pump motor         | Presumptive RACT Limitations |               | May 31, 1995               |
| Fourteen portable kerosene heaters | Presumptive RACT Limitations |               | May 31, 1995               |

For the above facility, the public hearing will be held for the purpose of receiving comments on the above proposed operating permit and the proposed SIP revisions. This public hearing is scheduled as follows:

| <i>Facility Name</i>   | <i>Location of Hearing</i>                           | <i>Date and Time</i>       |
|------------------------|--|----------------------------|
| Panther Creek Partners | DEP Regional Office<br>2 Public Square, Wilkes-Barre | October 30, 1996<br>1 p.m. |

Persons wishing to present testimony at the hearing listed above should contact: Mark Carmon, Community Relations Coordinator, (717) 826-2511 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony. Each organization is requested to designate one witness to present testimony on its behalf.

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

Persons wishing to present testimony at the hearing should contact: Richard Shudak at (717) 826-2060, or Pennsylvania AT&T Relay Service at 1(800) 654-5984 (TDD).

Those unable to attend the hearing, but wishing to comment, should provide written comments to Babu H. Patel, Engineering Services Chief, DEP, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents are also available for review from 8 a.m. to 4 p.m. at the DEP Regional Office address noted above. Appointments for scheduling a review must be made by calling the DEP contact person noted previously.

#### **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 appli-

cable 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*

**56960109. Croner, Inc.** (R. D. 4, Box 83-C, Berlin, PA 1553), commencement, operation and restoration of bituminous strip-auger mine in Brothersvalley Township, **Somerset County**, affecting 129.0 acres, receiving stream unnamed tributaries to Blue Lick Creek, application received August 29, 1996.

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

**03960101. T. C. Mining** (R. D. 2, Box 301B, Kittanning, PA 16201). Application received for commencement, operation and reclamation of a bituminous surface auger mine with a coal preparation plant/processing facility located in Valley Township, **Armstrong County**, proposed to affect 121.2 acres. Receiving streams unnamed tributaries to the South Fork of Pine Creek to South Fork of Pine Creek to Pine Creek to the Allegheny River. Application received September 4, 1996.

**03910104R. General Mining, Inc.** (R. D. 2, Box 194, Avonmore, PA 15618). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Plumcreek Township, **Armstrong County**. Receiving streams Cherry Run Watershed. Renewal application received September 5, 1996.

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

**33960107. MAF Coal & Excavation, Inc.** (R. D. 1, Box 261A, Sligo, PA 16255). Commencement, operation and restoration of a bituminous surface strip operation in Union Township, **Jefferson County** affecting 17.8 acres. Receiving streams an unnamed tributary to Welch Run, Welch Run and Coder Run. Application received July 30, 1996.

**10840111. Thomas E. Siegel** (208 Woodland Road, Shippenville, PA 16254). Renewal of an existing bituminous surface strip and auger operation in Parker Township and Bruin Borough, **Butler County** affecting 201.7 acres. Receiving streams two unnamed tributaries to Bear Creek and Bear Creek. Application received August 9, 1996.

**101186-16940105-E-3. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Application for a stream encroachment to construct a haul road across an unnamed tributary to the Allegheny River. This construction will consist of upgrading an existing stream crossing. This application is located in Perry Township, **Clarion County**. Application received August 16, 1996.

**10930105. Rosebud Mining Company** (R. D. 1, Box 379A, Kittanning, PA 16201). Renewal of an existing bituminous surface operation in Bruin Borough and Parker Township affecting 289.4 acres. Receiving streams Bear Creek. Application received August 26, 1996.

**16900109. MAF Coal & Excavation, Inc.** (R. D. 1, Box 261A, Sligo, PA 16255). Transfer of an existing surface strip and tippel refuse disposal operation in Clarion and Limestone Townships, **Clarion County** affecting 199.2 acres. Receiving streams an unnamed tributary to Little Piney Creek; an unnamed tributary to Brush Run and an unnamed tributary to Piney Creek. Transfer from TDK Coal Sales, Inc. Application received September 5, 1996.

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

**54850205T. Lehigh Coal and Navigation Company,** (P. O. Box 311, Tamaqua, PA 18252). Anthracite bank removal transferred from UGI Utilities, Inc. in Tamaqua Borough, **Schuylkill County**, affecting 65.2 acres, receiving stream Panther Creek. Application received August 30, 1996.

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

#### *Noncoal Applications Received*

**302869-42950301-E-1. Culver Construction** (R. D. 2, Box 215, Port Allegheny, PA 16743). Application for a stream encroachment to construct a haul road within 100 feet and across Horse Run and to allow stockpiling of sand and gravel within 100 feet of Raub Hollow in Ceres Township, **McKean County**. Application received August 5, 1996.

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

**22960301. Dauphin Meadows, Inc.,** (P. O. Box 68, Millersburg, PA 17061), commencement, operation and restoration of a Noncoal Surface Mining operation in Upper Paxton and Washington Townships, **Dauphin County**, affecting 527.0 acres, receiving stream Wiconisco Creek. Application received August 26, 1996. (Top soil removal)

**40860301T. Pioneer Aggregates, Inc.,** (202 Main Street, Laflin, PA 18702), transferred from John Popple Trucking in Newport Township, **Luzerne County** affecting 51.7 acres, receiving stream Newport Creek. Application received August 28, 1996.

**5476SM1T. Eastern Industries, Inc.,** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), transferred from Penn Jersey Materials, Inc. in Upper Mount Bethel Township, **Northampton County**, affecting 20.6 acres, receiving stream Jacoby Creek. Application received August 29, 1996.

**48940301T. Eastern Industries, Inc.,** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), transferred from Penn Jersey Materials, Inc. in Upper Mt. Bethel Township, **Northampton County**, affecting 16.0 acres, receiving stream Jacoby Creek. Application received August 29, 1996.

**5478SM2T. Eastern Industries, Inc.,** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), transferred from Penn Jersey Materials, Inc. in Upper



Mount Bethel Township, **Northampton County**, affecting 39.5 acres, receiving stream Jacoby Creek. Application received August 29, 1996.

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

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

**Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

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

**E07-265.** Encroachment. **Calvary Cemetery Association**, Attn: Linda, Blair County, 2417 Pleasant Valley Blvd., Altoona, PA 16602. To place fill in 0.20 acre of wetlands that is associated with the 4/-450 foot extension of an existing 24 inches diameter stormwater outfall pipe in an unnamed tributary to Brush Run for the purpose of creating additional burial sites located along Pleasant Valley Boulevard about 0.9 mile northeast of its intersection with Frankstown Road (Hollidaysburg, PA Quadrangle N: 9.0 inches; W: 2.4 inches) in Logan Township, **Blair County**.

**E28-237.** Encroachment. **Russell S. Funk**, Franklin County, 9829 Circle Drive, Chambersburg, PA 17201-4150. To remove the existing structure and to construct and maintain a new bridge with proper alignment across Wilson Run having a clear span of 17 feet with an underclearance of 4 feet to provide continued access to the Funk's home located in Franklin Furnace Village (St. Thomas, PA Quadrangle N: 15.5 inches; W: 11.1 inches) in St. Thomas Township, **Franklin County**.

**EA28-001.** Environmental assessment. **Jean C. Horst**, Franklin County Commissions Office, 157 Lincoln Way East, Chambersburg, PA 17201-2211. Remove county bridge 80 currently spanning the Conococheague Creek, its bank foundation and headwall and restore the area to its original contour located (Williamson, PA Quadrangle N: 16.1 inches; W: 6.1 inches) Boundary of Antrum and Peters Townships.

**E50-178.** Encroachment. **Emil Tasker**, Perry County, 405 Schoolhouse Road, Duncannon, PA 17020. To permit the fill placed in the floodway of an unnamed tributary to the Susquehanna River to widen the eastern side of a gravel access road in conjunction with the construction of a sanitary sewer line located at the northeast portion of the Susquenita Hills residential subdivision about 600 feet southwest of Schoolhouse Road (T-309) and about 1.0 mile southeast of the intersection of Schoolhouse Road and US Route 11 and 15 (Wertzville, PA Quadrangle N: 18.7 inches; W: 1.0 inch) in Penn Township, **Perry County**.

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

**E23-349.** Encroachment. **Carmen Zizza**, 1133 Muhlenberg Avenue, Swarthmore, PA 19081. To relocate approximately 140 linear feet of an unnamed tributary to Little Crum Creek which traverses the property of the proposed "Creek Crossing" residential subdivision. Work will include the removal of a 20-foot long, 42-inch diameter C.M.P. culvert structure associated with the existing creek and driveway. To install and maintain a 75-foot long, twin 42-inch diameter C.M.P. culvert structure which includes concrete headwall and endwall sections. The culvert will be installed in and along a newly constructed stream channel to convey the creek beneath the access road associated with the proposed subdivision. The project will also include the maintenance of an 8-inch diameter P.V.C. sanitary sewer line installed across the creek channel. The project site is situated along the township border between Springfield and Ridley Townships, on the north side of University Avenue, approximately 400 feet west of Swarthmore Avenue (Lansdowne, PA Quadrangle N: 4.6 inches; W: 12.2 inches) in Springfield Township, **Delaware County**.

**E15-522.** Encroachment. **Valley Forge Meadows Company, Inc.**, 950 West Valley Forge Road, King of Prussia, PA 19406. To place fill in 0.979 acre of wetlands to facilitate construction of eight residential units associated with The Meadows at Valley Forge Subdivision located approximately 3,000 feet northwest from the intersection of Route 23 and Pawling Road (Valley Forge, PA Quadrangle N: 22.2 inches; W: 14.7 inches) in Schuylkill Township, **Chester County**.

*Northcentral Regional Office, Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.*

**E08-293.** Water obstruction and encroachment. **Central Bradford County**, Economic Development Auth., R. R. 5, Box 5030G, Towanda, PA 18848. To construct and maintain a river front park including asphalt drives, athletic fields, picnic areas and a boat launching ramp in the floodway of the Susquehanna River. This project is located on the east bank of the Susquehanna River at the Route 6 bridge (Towanda, PA Quadrangle N: 2.30 inches; W: 8.60 inches) in Wysox Township, **Bradford County**. Estimated stream disturbance is about 100 feet and 0.1 acre of wetlands; stream classification is WWF.

**E18-221.** Water obstruction and encroachment. **Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a precast concrete box culvert with a normal clear span of 10.0 feet and minimum underclearance of 8 feet 3 inches over Johnson Run on Kingston Run Road approximately 1 mile from the intersection with Graham Road (Glen Union, PA

Quadrangle N: 2.2 inches; W: 11.0 inches) in Grugan Township, **Clinton County**. Estimated stream disturbance is less than 250 linear feet; stream classification HQ-CWF.

**E18-222.** Water obstruction and encroachment. **Department of Conservation and Natural Resources**, Bureau of Forestry, James Eppley, P. O. Box 8552, Harrisburg, PA 17105. To remove an existing structure and to construct and maintain a single cell precast reinforced box culvert to carry Sandy Run Road across Paddy Run. The proposed work shall consist of installing a precast box culvert that has a normal span of 14.0 feet, an underclearance of 4.25 feet and rail-to-rail width of 18.0 feet. The project is located along eastern right-of-way of SR 0144 approximately 1.5 miles north of the intersection of Hensel Fork Road and Sandy Run Road (Tamarack, PA Quadrangle N: 10.85 inches; W: 7.9 inches) in Leidy Township, **Clinton County**. Estimated stream disturbance is 50.0 linear feet with no wetland impact; stream classification Exceptional Value.

**E19-157.** Water obstruction and encroachment. **Donald and Barbara King**, R. R. 2, Box 60, Benton, PA 17814. To relocate a section of T-717 which will disturb .20 acre of exceptional value wetlands including two culverts under General Permit 7 on an unnamed tributary to West Creek on T-717 approximately 1 mile from SR 239 and mitigate the wetlands through a 1:1 replacement (Benton, PA Quadrangle N: 19.25 inches; W: 4.5 inches) in Sugarloaf Township, **Columbia County**. Estimated stream disturbance is less than 250 linear feet. Stream classification is CWF.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

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

**D67-517A.** Dam. **Modern Trash Removal of York, Inc.**, R. D. 9, Box 317, York, PA 17402. To remove the Modern Landfill Sedimentation Pond E Dam on a tribu-

tary to Kreutz Creek as part of the Northwest Expansion of Modern Landfill in Windsor Township, **York County**.

**D58-006A.** Dam. **Dr. Kamel Kazan**, 268 Derrom Avenue, Paterson, NJ 07504. To repair, operate and maintain the Hathaway Lake Dam across the west branch of the Lackawanna River at a point 4.2 miles south of the Village of Thompson in Ararat Township, **Susquehanna County**.

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

**WA 24-105E.** Water allocation. **St. Marys Area Water Authority**, 429 Ridgway Road, P. O. Box 33, St. Marys, PA 15857. The applicant is requesting the right to acquire water rights to an additional quantity of water from a currently permitted source of supply. The Authority is requesting 3,220,000 gallons per day (gpd) on an average day basis from the Laurel Run Reservoir. The Authority is also requesting a decrease in the conservation release imposed on their source. This conservation release amounts to 650,000 gpd. The Authority services the population of St. Marys Borough, portions of Jay Township, and portions of Fox Township, **Elk County**.

*Type of Facility:* Water Allocation-Borough Authority.

*Consulting Engineer:* Craig J. Bauer, P. E., KLH Engineers, Inc., 5173 Campbells Run Road, Pittsburgh, PA 15205.

## ACTIONS

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

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

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

*Permits Issued*

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

**NPDES Permit No. PA0216003.** Amendment No. 1. Industrial waste, **Precision Kidd Steel Company, Inc.**, One Quality Way, Aliquippa, PA 15001 is authorized to discharge from a facility located at Aliquippa Borough, **Beaver County**.

**NPDES Permit No. PA0026026.** Sewage, **New Brighton Borough Sanitary Authority**, 610 Third Avenue, New Brighton, PA 15066 is authorized to discharge from a facility located at New Brighton Borough Sewage Treatment Plant, New Brighton Borough, **Beaver County** to Beaver River.

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

**NPDES Permit No. PA0003247.** Industrial waste. **E.M.A.I. Corporation, ESSROC Materials, Inc.**, 6969 Center Road, Lowell, OH 44436 is authorized to discharge from a facility located in Bessemer Borough, **Lawrence County** to Hickory Run.

**NPDES Permit No. PA0006378.** Industrial waste. **Armco, Inc.**, Sawhill Tubular Division, Sharon Plant, 200 Clark Street, Sharon, PA 16146 is authorized to discharge from a facility located in Sharon, **Mercer County** to the Shenango River.

**NPDES Permit No. PA0102652.** Sewage. **Countryside Mobile Home Park**, 10215 Perry Lake Road, Clarkston, MI 48348 is authorized to discharge from a facility located in McKean Township, **Erie County** to Elk Creek.

**NPDES Permit No. PA0103829.** Industrial waste. **Precise Plastics, Inc.**, 7700 Middle Road, Fairview, PA 16415-1703 is authorized to discharge from a facility located in Fairview Township, **Erie County** to Trout Run.

**NPDES Permit No. PA0209996.** Sewage. **Salvation Army, Camp Allegheny**, 424 Third Avenue, Pittsburgh, PA 15219 is authorized to discharge from a facility located in Wayne Township, **Lawrence County** to Slippery Rock Creek.

**NPDES Permit No. PA0038814.** Sewage. **Ellport Borough Sewer Authority**, 313 Burns Avenue, Ellwood City, PA 16117 is authorized to discharge from a facility located in Ellport Borough, **Lawrence County** to Connoquenessing Creek.

**NPDES Permit No. PA0103471.** Sewage. **Shenango Township Municipal Authority**, P. O. Box 266, West Middlesex, PA 16159 is authorized to discharge from a facility located in Shenango Township, **Mercer County** to the Shenango River.

**NPDES Permit No. PA0033006.** Sewage. **Department of Conservation and Natural Resources**, Pymatuning State Park, P. O. Box 425, Jamestown, PA 16134-0425 is authorized to discharge from a facility located in West Shenango Township, **Crawford County** to the Pymatuning Reservoir (Shenango River).

**NPDES Permit No. PA0210196.** Amendment No. 1. Industrial waste. **Seneca Landfill, Inc.**, P. O. Box 648, Mars, PA 16046 is authorized to discharge from a facility located in Jackson Township, **Butler County** to Connoquenessing Creek.

**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 any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501-508 and 701-704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days from the date of this issuance of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of procedure before the Board may be obtained from the Board.

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

| <i>General Permit No.</i> | <i>Short Title of General Permit</i> | <i>Responsible Bureau</i> |
|---------------------------|--------------------------------------|---------------------------|
| 2                         | SW—Construction                      | BLWC                      |
| 3                         | SW—Industrial                        | BWQM                      |
| 4                         | SRSTP                                | BWQM                      |
| 6                         | 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.

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

| <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> |
|------------------|--------------------------|---|--------------------------------------|--------------------|------------|
| PAR900019        | 3                        | City of Philadelphia<br>Southwest Water Pollution Control Plant<br>8200 Enterprise Avenue<br>Philadelphia, PA 19153 | Philadelphia<br>City of Philadelphia | Eagle Creek        | 4952       |

| <i>NPDES No.</i> | <i>Applicable<br/>GP No.</i> | <i>Facility Name and Address</i>  | <i>Facility Location</i>                | <i>Stream Name</i>                              | <i>SIC</i> |
|------------------|------------------------------|---|---|---|------------|
| PAR120008        | 3                            | Sanofi Bio-Industries<br>1741 Tomlinson Road<br>Philadelphia, PA 19116  | Philadelphia<br>City of Philadelphia    | Byberry Creek                                   | 2033       |
| PAR120011        | 3                            | Hygrade Food Products<br>Corporation<br>8400 Executive Avenue<br>Philadelphia, PA 19153                             | Philadelphia<br>City of Philadelphia    | Delaware River                                  | 2013       |
| PAR110022        | 3                            | Leeds and Northrup<br>351 Sumneytown Pike<br>North Wales, PA 19454  | Montgomery<br>Upper Gwynedd<br>Township | Unnamed<br>tributary to<br>Wissahickon<br>Creek | 3823       |
| PAR800062        | 3                            | United States Postal Service<br>Philadelphia Bulk Mail Center<br>VMF<br>1900 Byberry Road<br>Philadelphia, PA 19116 | Philadelphia<br>City of Philadelphia    | Byberry Creek                                   | 4311       |
| PAR900004        | 3                            | Delaware County Resource<br>Recovery Facility<br>10 Highland Avenue<br>Chester, PA 19013                            | Delaware<br>City of Chester             | Delaware River                                  | 4931       |
| PAR600040        | 3                            | Browning Ferris Industries, Inc.<br>Bucks County Recycling Center<br>1510 Swamp Road<br>Fountainville, PA 18923     | Bucks<br>New Britain Township           | North Branch<br>Neshaminy Creek                 | 5093       |
| PAR140011        | 3                            | Mead Packaging Division<br>Penn-Warner Industrial Park<br>2 Canal Street<br>Fairless Hills, PA 19030                | Bucks<br>Falls Township                 | Curtis Lake                                     | 2657       |
| PAR200027        | 3                            | Robert Wooler Company<br>Limekiln Pike and Susquehanna<br>Rd.<br>Dresher, PA 19025                                  | Montgomery<br>Upper Dublin Township     | Sandy Run                                       | 3398       |
| PAR230021        | 3                            | ITW Philadelphia Resins<br>130 Commerce Drive<br>Montgomeryville, PA 18936  | Montgomery<br>Montgomery Township       | Park Creek                                      | 2821       |

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

| <i>NPDES No.</i> | <i>Applicable<br/>GP No.</i> | <i>Facility Name and Address</i>   | <i>Facility Location</i>           | <i>Stream Name</i> | <i>SIC</i> |
|------------------|------------------------------|--|------------------------------------|--------------------|------------|
| PAR702215        | 3                            | Eastern Ind., Inc.<br>4401 Camp Meeting Rd., Suite 200<br>Center Valley, PA 18034-9454 | Northampton<br>East Allen Township | Jacoby Creek       | 2951       |

*Northcentral Regional Office, Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701-0000, 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> |
|------------------|---|------------------------------|---|------------|
| PAR214821        | Keystone Filler & Manufacture Co.<br>214 Railroad Street<br>Muncy, PA 17756 | Lycoming<br>Muncy Creek Twp. | Unnamed tributary to<br>west branch of<br>Susquehanna River | 3295       |

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

| <i>NPDES No.</i> | <i>Applicable<br/>GP No.</i> | <i>Facility Name and Address</i>   | <i>Facility Location</i>           | <i>Stream Name</i>                                  | <i>SIC</i> |
|------------------|------------------------------|--|------------------------------------|---|------------|
| PAR228326        | PAG-3                        | Limpach Inc. dba Johnson<br>Ind.—Sharpsville PA Facility<br>R. D. 1<br>Sharpsville, PA 16150 | Mercer<br>South Pymatuning<br>Twp. | Unnamed<br>tributary<br>Shenango River<br>Reservoir | 2499       |

| <i>NPDES No.</i> | <i>Applicable<br/>GP No.</i> | <i>Facility Name and Address</i>                                  | <i>Facility Location</i>      | <i>Stream Name</i>                          | <i>SIC</i> |
|------------------|------------------------------|---|-------------------------------|---|------------|
| PAG048383        | PAG-4                        | Theodore Gates<br>923 Deer Creek Rd.<br>Cochranon, PA 16314       | Mercer<br>Deer Creek Township | Unnamed<br>tributary to<br>North Deer Creek |            |
| PAG048399        | PAG-4                        | Harold Lee McCrillis<br>566 Methodist Rd.<br>Greenville, PA 16125 | Mercer<br>Hempfield Township  | Saul Run                                    |            |

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

| <i>NPDES No.</i> | <i>Applicable<br/>GP No.</i> | <i>Facility Name and Address</i>   | <i>Facility Location</i>        | <i>Stream Name</i>  | <i>SIC</i> |
|------------------|------------------------------|--|---------------------------------|---|------------|
| PAG066119        | 6                            | Etna Borough<br>437 Butler Street<br>Etna, PA 15223                      | Allegheny<br>Etna Borough       | Pine Creek and<br>Little Pine Creek                       | 4952       |
| PAG066120        | 6                            | East Pittsburgh Borough<br>811 Mall Plaza<br>East Pittsburgh, PA 15112   | Allegheny<br>E. Pittsburgh Boro | Turtle Creek  | 4952       |
| PAG066118        | 6                            | Turtle Creek Borough<br>125 Monroeville Avenue<br>Turtle Creek, PA 15145 | Allegheny<br>Turtle Creek Boro  | Turtle Creek<br>Thompson Run<br>Turtle Creek<br>Tributary | 4952       |

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

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

**PAS-10-M095.** Individual NPDES. **Robert E. Eberly**, P. O. Box 323, Greencastle, PA 17225. To implement an Erosion and Sedimentation Control Plan for a single family housing development called Chadwick Estates on 13 acres in Greencastle Borough, **Franklin County**. The project is located about 0.6 mile northwest of Greencastle Borough square (Greencastle, PA Quadrangle N: 9.1 inches; W: 15.3 inches). Drainage will be to unnamed tributary to Muddy Run.

**PAS-10-P020.** Individual NPDES. **Gary Marks**, 1597 Sandhill Road, Lebanon, PA 17046. To implement an Erosion and Sedimentation Control Plan for the School House Meadows II, a 140 lot residential subdivision on 86.55 acres in North Lebanon Township, **Lebanon County**. The project is located along the southwest side of Grace Avenue, about 2,000 feet north of its intersection with Sandhill Road (Lebanon, PA Quadrangle N: 22.2 inches; W: 9.4 inches). Drainage will be to a tributary of the Swatara Creek.

**PAS-10-P023.** Individual NPDES. **Chester Scholl**, 25 Briarwood Drive, Elverson, PA 19520. To implement an Erosion and Sedimentation Control Plan for the Chesterfield Estates residential subdivision on 58 acres in North and West Cornwall Townships, **Lebanon County**. The project is located along the west side of S. R. 72, north of Zinns Mill Road (Lebanon, PA Quadrangle N: 8.5 inches; W: 7.5 inches). Drainage will be to Snitz Creek.

**PAS-10-Y046.** Individual NPDES. **Andrew W. Lentz**, R. R. 1, Box 1072, Spring Grove, PA 17362. To implement an Erosion and Sedimentation Control Plan for construction of "Morningstar Marketplace" on 28.5 acres in Jackson Township, **York County**. The project is located north of S. R. 0030, approximately 500 feet east of its intersection with Biesecker Road (West York, PA Quadrangle N: 9.7 inches; W: 14.6 inches). Drainage will be to Little Conewago Creek.

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

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name<br/>and Address</i>                                 | <i>County and<br/>Municipality</i>   | <i>Receiving<br/>Stream</i> |
|-----------------------------|---|--------------------------------------|-----------------------------|
| PAS10-G210                  | McGowen Lincoln Mercury<br>Routes 3 and 352<br>West Chester, PA 19382 | Upper Uwchlan Twp.<br>Chester County | Pickering Creek             |

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

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

**WQM Permit No. 1692201.** Industrial waste. **Hawthorn Area Water Authority**, P. O. Box 241, Hawthorn, PA 16240. This project is for plans to construct and operate treatment facilities to treat the discharge of filter backwash wastewater in Hawthorn Borough, **Clarion County**.

**WQM Permit No. 2596410.** Sewage. **City of Erie**, Room 400, 626 State Street, Erie, PA 16501-1128. This project is for plans to relocate the old canal sewer with new sanitary and new separate storm sewer from West Ninth and Walnut Streets to the foot of Sassafras Street in Erie, **Erie County**.

**WQM Permit No. 2596406.** Sewage. **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA 16505. This project is for plans to revise Glenwood sewage pump station and install 18-in. dip force main; and 12-in. and 15-in. gravity sewer along Liberty, Wood and Cherry Streets in Millcreek Township, **Erie County**.

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**Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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

*Location:* Girard Borough, **Erie County**, Borough of Girard, c/o Richard C. Higley, Manager, 34 Main Street, West, Girard, PA 16417.

*Project Description:* The approved plan provides for modifications to the Borough's sewage treatment facility, enabling the facility to be rated for an average daily flow of 0.99 mgd.

Modifications will include replacement of headworks, conversion of clarifiers and sludge digestion facilities, construction of additional chlorine contact facilities and construction of additional sludge drying beds.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

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

**Permit No. 6396501.** Public water supply. **Pennsylvania-American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033.

*Type of Facility:* Linden Road Booster Pump Station.

*Permit to Construct Issued:* September 5, 1996.

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**Submission of Final Reports on Attainment of Background and Statewide Health Standards (Sections 302(e)(2) and 303(h)(2)).**

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

**Country Manor Estates**, Alsace Township, **Berks County**. Country Manor Estates, 3118 Pricetown Road, Fleetwood, Berks County, PA 19522, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the background standard.

**Country Manor Estates**, Alsace Township, **Berks County**. Country Manor Estates, 3118 Pricetown Road, Fleetwood, Berks County, PA 19522, has submitted a Final Report concerning remediation of site soils contaminated with lead, BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide health standard.

**Former Gettysburg Railroad Yard**, Borough of Gettysburg, **Adams County**. Val Britton, SMC Environmental Services Group, P. O. Box 859, Valley Forge, PA 19482, on behalf of Gettysburg College, Gettysburg, PA, has submitted a Final Report concerning remediation of site soils contaminated with PHCs. The report is intended to document remediation of the site to meet the Statewide health standard.

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**Notice of Settlement**

In the matter of: PCA Property, Croydon, Bucks County, PA

Relating to: Croydon TCE Superfund Site, Croydon, Bucks County, PA

The Department of Environmental Protection, under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), hereby gives notice that it has entered into a Prospective Purchaser Agreement (PPA) with the Slogam Limited Partnership (Slogam) associated with the purchase of the PCA Property in Croydon, Bucks County, PA.

The PCA Property (approximately 29 acres, 2707 Street Road, Croydon, PA, Bucks County Parcel No. 05-0543-016) is located in the Croydon TCE Superfund Site, a National Priority List Superfund Site in Croydon, PA. Environmental investigations have revealed that ground-water contamination from the Croydon TCE Superfund Site has migrated beneath the PCA Property. Slogam, the prospective purchaser of the PCA Property, is not presently a responsible person with regard to contamination from the Croydon TCE Superfund Site. Slogam has resolved any potential liability to the United States which may be associated with the purchase of the PCA Property through a similar prospective purchaser agreement.

Through the PPA, Slogam would resolve any potential liability to the Department and become eligible for protection from contribution claims relating to the Croydon TCE Superfund Site that may stem from the purchase and ownership of the PCA Property. Under the terms of the PPA, Slogam will remit certain response costs to the Department, provide access to the Department, cooperate with any response actions, and agree not to exacerbate any contamination from the Croydon TCE Superfund Site.

This notice is being provided under section 1113 of HSCA (35 P. S. § 6020.1113). The Department will provide for a 60-day public comment period on the proposed PPA from the date of publication of this notice. Under section II 13 of HSCA, the PPA will become final when the Department files its response to any significant public comments received during the comment period. The PPA may be examined from 8 a.m. to 4 p.m. in the Department's Southeast Field Office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Interested persons may contact Robert Zang at (610) 832-6152 or Anderson Lee Hartzell at (610) 832-6300. Persons may submit written comments to Robert Zang at the above address.

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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.*

**Evans Worldwide, Inc.**, 3556 Kennedy Road, South Plainfield, NJ 07080; License No. **PA-AH 0538**; license issued September 5, 1996.

**Pollution Control Industries, Inc.**, 4343 Kennedy Avenue, East Chicago, IN 46312; License No. **PA-AH 0537**; license issued September 5, 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.*

**All Chemical Transport Corp.**, P. O. Box 206, Keasbey, NJ 08832; License No. **PA-AH 0381**; license terminated August 31, 1996.

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

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

**Permit ID No. 301238. ARC Transfer/Processing Facility**, Allegheny Recovery Corporation, One Library Place, Box No. 2, Duquesne, PA 15110. Operation of a residual waste processing facility in the City of Duquesne, **Allegheny County**. Permit renewal issued in the Regional Office on August 28, 1996.

*Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.*

**Permit No. 602349. M. Wayne Hensel, Newburg/Hopewell Joint Authority**, (P. O. Box 128, Newburg, PA 17240). Renewal application to continue agricultural utilization of sewage sludge on a site in Hopewell Township, **Cumberland County**. Permit issued in the Regional Office September 3, 1996.

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

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

**Permit ID No. 301238. ARC Class II Residual Waste Landfill**, Allegheny Recovery Corporation, One Library Place, Box No. 2, Duquesne, PA 15110. Operation of a residual waste landfill in the City of Duquesne, **Allegheny County**. Application withdrawn in the Regional Office on August 28, 1996, at the request of the applicant by their letter of July 8, 1996.

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

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

**General Permit No. WMGR035. Eldredge, Inc.**, 898 Fernhill Road, West Chester, PA 19380. A permit for the processing of tank clean-out sludges, separator clean-out sludges, oil spill clean-up residue, waste oil and waste oil/water emulsions. The permit was issued by Central Office on August 27, 1996. Persons interested in reviewing the permit may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

**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.**

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

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-302-094**  
Source: Hurst Boiler  
Company: **Community Central Energy Company**  
Location: City of Scranton  
County: **Lackawanna**

Permit: **35-310-032**  
Source: Stone Crush Plant W/Water Sprays  
Company: **Simpson Stone Quarry**  
Location: Fell Township  
County: **Lackawanna**

Permit: **39-301-072**  
Source: Crematory Incinerator  
Company: **Pet Memorial Services Corporation**  
Location: Weisenberg Township  
County: **Lehigh**

Permit: **48-306-008A**  
Source: Provapor/FBB/Lime/Ash/13Bag/Denox  
Company: **Northampton Generating Company**  
Location: Northampton Borough  
County: **Northampton**

Permit: **48-309-077**  
Source: Perlite Manufacturing W/Baghouses  
Company: **Pennsylvania Perlite Corporation**  
Location: City of Bethlehem  
County: **Northampton**

Permit: **48-323-003**  
Source: Machine Shop W/Torit Baghouse  
Company: **Speciality Minerals Incorporated**  
Location: City of Easton  
County: **Northampton**

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

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

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

Permit: **35-310-033**  
Source: Crusher/Conveyor/Stacker/Sprays  
Issued: August 27, 1996  
Company: **Empire Sanitary Landfill, Inc.**  
Location: Taylor Borough  
County: **Lackawanna**

Permit: **40-313-030A**  
Source: Polymer Plants 1 & 2 W/2 Oxidizers  
Issued: August 20, 1996  
Company: **Kama Corporation**  
Location: City of Hazleton  
County: **Luzerne**

Permit: **40-399-032**  
Source: Compost Process W/4 Scrubbers  
Issued: August 19, 1996

Company: **American Compost Technologies Inc.**  
Location: Hazle Township  
County: **Luzerne**

Permit: **45-302-058**  
Source: Coal Fired Boiler/Cyclone  
Issued: August 20, 1996  
Company: **Pleasant Valley School District**  
Location: Polk Township  
County: **Monroe**

Permit: **66-302-004B**  
Source: Boilers 2&4 W/ Pulpgas /Scrubber  
Issued: August 20, 1996  
Company: **Procter & Gamble Paper Products**  
Location: Washington Township  
County: **Wyoming**

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**Reasonably Available Control Technology; Public Hearings**

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Approval of Reasonably Available Control Technology (RACT) plan for Butter Krust Baking Company, Inc.

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a bread and roll baking facility owned and operated by Butter Krust Baking Company, Inc. in the City of Sunbury, Northumberland County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for this operation:

1. The volatile organic compound emissions from the Readco model #102210 bread oven shall not exceed a total of 119.03 tons in any 12 consecutive calendar month period occurring up to May 31, 2000. For any 12 consecutive calendar month period ending after May 31, 2001, the volatile organic compound emissions from this oven shall not exceed a total of 23.7 tons. For any 12 consecutive calendar month period ending after May 31, 2000 but prior to June 30, 2001, the volatile organic compound emission from this oven shall not exceed the following rates:

for 12 month period ending June 30, 2000 — 110.09 tons total

for 12 month period ending July 31, 2000 — 103.10 tons total

for 12 month period ending August 31, 2000 — 95.20 tons total

for 12 month period ending September 30, 2000 — 87.26 tons total

for 12 month period ending October 31, 2000 — 79.32 tons total

for 12 month period ending November 30, 2000 — 71.40 tons total

for 12 month period ending December 31, 2000 — 63.46 tons total



for 12 month period ending January 31, 2001 — 55.52 tons total

for 12 month period ending February 28, 2001 — 47.58 tons total

for 12 month period ending March 31, 2001 — 39.64 tons total

for 12 month period ending April 30, 2001 — 31.70 tons total

for 12 month period ending May 31, 2001 — 23.70 tons total

2. The volatile organic compound emissions from the Baker Perkins model #970A roll oven (roll oven 1) shall not exceed a total of 20.0 tons in any 12 consecutive calendar month period.

3. The volatile organic compound emissions from the Petersen model #LDASU 4138 roll oven (roll oven 2) shall not exceed a total of 20.88 tons in any 12 consecutive calendar month period.

4. The volatile organic compound emissions from all bread and roll prebaking processes shall not exceed a total value in any 12 consecutive calendar month period which is equivalent to 11.11% of the total combined volatile organic compound emissions allowed for the Readco bread oven, the Baker Perkins roll oven and the Petersen roll oven.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on October 9, 1996, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but who wish to comment, should provide written comments to Joseph Cooper, Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by October 24, 1996.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal

Refuse Disposal Control Act (52 P. S. 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air 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).

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

#### Coal Applications Issued

**11840111.** Permit renewal, **Gard Mining, Inc.** (c/o Dorothy Bush, P. O. Box 505, Spangler, PA 15775-0505), commencement, operation and restoration of a bituminous strip mine valid for reclamation, only in West Carroll Township, **Cambria County**, affecting 142.0 acres, receiving stream unnamed tributary to Fox Run, application received August 29, 1996, permit issued August 29, 1996.

**56960103.** **Marquise Mining Corporation** (206 Greene Street, Johnstown, PA 15905), commencement, operation and restoration of a bituminous strip-auger mine in Quemahoning Township, **Somerset County**, affecting 110.0 acres, receiving stream Beaverdam Creek to/and Stonycreek River, application received April 22, 1996, permit issued September 3, 1996.

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

**17910109.** **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 67.2 acres, receiving streams unnamed tributaries of Whiskey Run, application received June 5, 1996, permit issued August 22, 1996.

**17920122.** **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), revision to an existing bituminous surface mine permit for a stream crossing on Blain Run, Beccaria Township, **Clearfield County**, application received June 14, 1996, permit issued August 28, 1996.

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

**33950101.** **John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711). Commencement, operation and restoration of a bituminous strip operation in Winslow Township, **Jefferson County** affecting 57.0 acres. Receiving streams unnamed tributaries of Front Run. Application received January 3, 1995. Permit issued August 30, 1996.

**101529-33950101-E-1.** **John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711). Application for a stream encroachment to conduct mining activities no closer than 25 feet to the headwaters of unnamed tributary no. 4 to Front Run for the purposes of support facility construction and maintenance and mineral extraction in Winslow Township, **Jefferson County**. Receiving streams unnamed tributaries of Front Run. Application received January 3, 1995. Permit issued August 30, 1996.

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

**33841601.** **Doverspike Brothers Coal Company**, (R. D. 4, Box 271, Punxsutawney, PA 15767), to renew the

permit for the Dora Preparation Plant in Ringgold Township, **Jefferson County**, no additional discharge. Permit issued September 4, 1996.

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

**49951301. Steve Shingara Coal**, (R. R. 1, Box 369, Shamokin, PA 17872), commencement, operation and restoration of an anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 3.0 acres, receiving stream none. Permit issued September 5, 1996.

**40813212T. Scenic Development Corporation**, (559 East Northampton Street, Wilkes-Barre, PA 18702), transfer and renewal of an existing coal refuse reprocessing operation in Larksville Borough, **Luzerne County** affecting 12.5 acres, receiving stream none. Transfer and renewal issued August 28, 1996.

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

*Noncoal Permits Issued*

**5677SM1C2. Watsonstown Brick Company**, (Route 405, R. R. 5, Watsonstown, PA 17777), renewal of NPDES Permit #PA0223263 in Delaware Township, **Northumberland County**, receiving stream Susquehanna River. Renewal issued September 3, 1996.

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

*General Small Noncoal Authorizations Granted*

**25960801. William Coe, Jr.** (9889 Mitchell Road, Union City, PA 16438). Commencement, operation and restoration of a sand and gravel operation in Union Township, **Erie County** affecting 4.0 acres. Receiving streams N/A. Application received April 5, 1996. Authorization granted August 30, 1996.

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

**34960801. Zemco, Inc.**, (P. O. Box 208, Mifflintown, PA 17059), commencement, operation and restoration of a small quarry operation in Milford Township, **Juniata County** affecting 1.0 acre, receiving stream none. Authorization granted August 30, 1996.

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#### Variance of Section 268(b) Granted

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The Bureau of Deep Mine Safety has granted a variance of section 268(b) for **Maple Creek Mining Company**. The following notification contains a summary of both this request and the Department's decision regarding approval. Complete copies of the request and the decision may be obtained from Glen Ziegler by calling (717) 787-1376.

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

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

*Summary of the request:* Maple Creek Mining, Inc. is requesting permission to have areas of the mine devoid of shelter holes. The variance will apply to areas of the mine that were developed in excess of 70 years ago without shelter holes. Further, the use of crosscuts as shelter holes is not possible since the crosscuts are now inaccessible due to fatigue and collapse of roof and rib. Many of these areas are high with numerous locations having beams installed. Additionally, many areas are side bolted with plank. Due to the extensive amount of rehabilitation that would be required, Maple Creek Mining, Inc. feels that it would not be feasible to establish shelter holes in these areas.

*Summary of the decision:* The Department has approved the following procedures as part of Maple Creek's variance request:

1. All identified usable shelter holes along the River Headings shall be rehabilitated. The shelter holes which are no longer suitable for rehabilitation or use shall be identified as dangerous and unusable.
2. The area covered by the variance shall be limited to an absolute minimum of pedestrian traffic.
3. The approval is limited to a variance from the distance requirements for shelter holes contained in section 268(b) of the Bituminous Coal Mine Act. Continued authorization for the operation under the approval is contingent upon compliance with the measures described in the approved plan and the Bureau's conditions.
4. The areas covered by the variance are only those areas that were developed prior to the existence of the Bituminous Coal Mine Act.

The Bureau of Deep Mine Safety has approved a request for variance from the **Mon-View Mining Company**. The following notification contains a summary of both this request and the Department's decision regarding approval.

The Department is publishing a summary of the request and its decision in order to make them available to interested parties. Complete copies of the request and the decision may be obtained from Glen Ziegler by calling (717) 787-1376.

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

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

*Summary of the request:* Mon-View Mining Company's plan calls for a 165 foot maximum distance between shelter holes along track haulage roads in panel development sections of the Mathies Mine. The variance would apply only to panels developed for retreat mining utilizing Mobile Roof Support (MRS) methods. The cross-cuts, which are proposed to be used as shelter holes, are projected on 150 foot centers in these sections to maximize the safety and efficiency features of the MRS. All coal haulage from these sections will be done by conveyor belt. All track haulage covered by the variance will be battery powered. Track haulage will provide for the transportation of personnel, supplies and equipment.

*Summary of the decision:* The Department has approved the following as part of Mon-View Mining Company's variance request:

1. The variance request shall pertain only to the following parts of the Mathies Mine: 2 Right-1 North section and 2 North and 1 South panel development areas. Shelter hole spacing in these areas shall not be more than 136 feet apart.

2. Future panels developed from 2 North and 1 South submains may utilize extended shelter hole distances of 136 feet (not 165 feet as requested).

3. All future panels developed outside of the areas covered by this variance shall comply fully with section 268(a) and (b) of the Bituminous Coal Mining Laws of Pennsylvania. Specifically shelter hole distances shall not exceed 80 feet.

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, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**E01-165.** Encroachment. **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325-3307. To construct and maintain an 18-inch diameter relief sewer interceptor through three wetlands and across Culp Run. The interceptor will run east from Gettysburg High School to Gettysburg Waste Water Treatment Plant and through the National park. Project is located in Gettysburg Borough and Cumberland Township, **Adams County** (Gettysburg, PA Quadrangle N: 14.25 inches; W: 13.75 inches).

**E05-235.** Encroachment. **Bedford County**, P. O. Box 166, Bedford, PA 15522. To rehabilitate and maintain Bedford County covered bridge #15 across Shawnee Branch of the Raystown Branch Juniata River on T-443 having a new span of 65.5 feet with a minimum underclearance of 6.53 feet located about 0.9 mile southwest of Schellsburg Borough (Schellsburg, PA Quadrangle N: 6.95 inches; W: 4.15 inches) in Napier Township, **Bedford County**.

**E67-563.** Encroachment. **Jeffrey D. Cordes**, Vice President, Pillowtex, Inc., 401 Moulstown Road, Hanover, PA 17331. To place fill in 0.46 acre of wetlands for the purpose of expansion of a parking area located south of Moulstown Road 1,700 feet west of the intersection with Gitts Run Road (Hanover, PA Quadrangle N: 14.3 inches; W: 12.3 inches) in Penn Township, **York County**. Permittee will be responsible for constructing 0.51 acre of replacement wetlands.

**E07-263.** Encroachment. **David Todd Allison**, R. R. 2, Box 54A-1, Williamsburg, PA 16693. To remove an existing structure and to construct a single span bridge having a clear span of 31.0 feet and an underclearance of about 5.0 feet across Piney Creek located on a private driveway off of LR 07061 about 0.9 mile northeast of its intersection with SR 2020 (Frankstown, PA Quadrangle N: 10.5 inches; W: 2.3 inches) in Woodburg Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-618.** Encroachment. **Warwick Township**, P. O. Box 308, Lititz, PA 17543. To remove sediment deposits from approximately 780 L. F. of the Santo Domingo Creek, to re-establish and maintain the channel within an 8-foot bottom width, 1-foot depth within Warwick Linear Park, beginning at East Market Street (Lititz, PA Quadrangle N: 7.5 inches; W: 7.5 inches) in Lititz Borough and Warwick Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-569.** Encroachment. **Department of Transportation**, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure, construct and maintain a precast reinforced concrete culvert having a clear span of 16 feet on a 90 degree skew with a minimum underclearance of 7.5 feet across the Stoverstown Branch of the west branch Codorus Creek on Lehman Road, SR 3090, Section 001, Segment 0040, Offset 0000 (West York, PA Quadrangle N: 1.0 inch; W: 11.1 inches) in North Codorus Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E15-512.** Encroachment. **Jenner's Pond Associates, Inc.**, 1015 West Baltimore Pike, West Grove, PA 19340. To perform the following activities associated with the Jenner's Pond Retirement Community located at the southwest corner of the intersection of Old Baltimore Pike and Lewis Road (Oxford, PA Quadrangle N: 12.6 inches; W: 0.75 inch) in Penn Township, **Chester County**.

1. To construct and maintain 50 linear feet of triple 11.00-foot by 3.00-foot concrete box culvert in and along a tributary to the east branch of Elk Creek (WQ-TSF-MF) and impacting 0.05 acre of adjacent wetlands (PEM) for the proposed Jenner's Pond Roadway crossing, between station 7+00 to 8+00.

2. To construct and maintain 50 linear feet of quadruple 11.00-foot by 3.00-foot concrete box culvert in and along a tributary to east branch of Elk Creek and impacting 0.07 acre of adjacent wetlands (PEM) for the proposed Jenner's Pond Roadway crossing, between station 13+00 to 14+00.

3. To construct and maintain 50 linear feet of two 11.00-foot by 3.00-foot concrete box culvert in and along a tributary to east branch of Elk Creek and impacting 0.40 acre of associated adjacent wetlands (PEM) for the proposed Bayberry Lane roadway crossing, between station 5+50 to 6+50.

4. To place fill in 0.17 acre of wetland (POW) associated with the construction of a stormwater management facility.

This permit also authorizes the enhancement of 0.86 acre of wetland and requires the construction of 1.45 acres of wetland replacement and in accordance with the wetland mitigation plan made part of the application.

**E51-151.** Encroachment. **City of Philadelphia Water Department**, 1101 Market Street, ARAMARK Tower, 2nd Floor, Philadelphia, PA 19107. To remove a partially collapsed 48-inch outfall structure and to construct and maintain a 60-inch reinforced concrete outfall including adjacent cast-in-place headwall and bank stabilization at this location along the Tacony Creek (WWF) located 1,300 feet southwest of the intersection of Rising Sun Avenue and Adams Avenue (Frankford USGS Quadrangle N: 6.6 inches; W: 15.9 inches) in the City and **County of Philadelphia**. This permit will replace Emergency Permit No. EP5196305. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Permits Issued and Actions on 401 Certifications*

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

**E08-238.** Water obstruction and encroachment. **Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain an 18 foot RC box culvert on an 80 degree skew in the north branch of Sugar Creek. This project is located on SR 2010 about 300 feet west of its intersection with Paradise Road (Wyalusing, PA Quadrangle N: 2.45 inches; W: 6.15 inches) in Terry Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-285.** Water obstruction and encroachment. **Richard T. Miller, Jr.**, Box 44, Tylersville, PA 17773-0049. To remove an existing structure and to construct and maintain a minor road crossing an unnamed tributary to Fishing Creek for access to private property. The proposed road crossing shall be constructed by installing two culvert pipes that have diameters of 48 inches and a length of 24 feet. The project is located along the northern right-of-way of SR 0880 approximately 1.1 miles west of the intersection of S. R. 2002 and S. R. 0880 (Millheim, PA Quadrangle N: 18.2 inches; W: 7.5 inches) in Miles Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-369.** Water obstruction and encroachment. **Frederick Richter Sr.**, 50 Troy St., Canton, PA 17724. To construct and maintain a 24 foot by 24 foot treated lumber pavilion in the floodway of the west branch of

Susquehanna River located approximately 1 mile west on River Road from its intersection with Village Drive (Williamsport, PA Quadrangle N: 18.4 inches; W: 17.2 inches) in Susquehanna Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

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

**E35-263.** Encroachment. **Walter Woehrle**, R. R. 5, Box 5021, Moscow, PA 18444. To place fill in 0.09 acre of wetlands; to fill an unnamed body of water having a surface area of approximately 0.06 acre; and to construct and maintain approximately 171 linear feet of 48-inch diameter HDPE pipe stream enclosure in an unnamed tributary to Roaring Brook, for the construction of a multitenant commercial center. The project is located at the southwest corner of the intersection of S. R. 0502 and S. R. 0435 (Moscow, PA Quadrangle N: 10.5 inches; W: 2.0 inches) in Covington Township, **Lackawanna County**. The permittee is required to provide 0.16 acre of replacement wetlands.

**E35-266.** Encroachment. **William J. Towers**, 404 Storrs Street, Dickson City, PA 18519. To place fill in a de minimus area of wetlands less than or equal to 0.05 acre to regrade a residential parcel. The project is located immediately southeast of the intersection of Milnes Street and Middle Street approximately 0.3 mile west of the intersection of S. R. 0347 and S. R. 1037 (Scranton, PA Quadrangle N: 17.0 inches; W: 0.6 inch) in Dickson City, **Lackawanna County**.

**E39-310.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101. To construct and maintain a 24-inch diameter RCP stormwater outfall structure along the right bank of the Little Lehigh Creek. The project is located 0.2 mile north of the intersection of S. R. 2005 and Jefferson Street (Allentown East, PA Quadrangle N: 14.9 inches; W: 15.0 inches) in the City of Allentown, **Lehigh County**.

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

**D39-115.** Dam. **South Whitehall Township**, 4444 Walbert Avenue, Allentown, PA 18104. To construct, operate and maintain a dam across a tributary to Jordan Creek in South Whitehall Township, **Lehigh County**. This structure is designed to alleviate frequent flooding conditions upstream of Route 22 at the Cedar Crest Boulevard interchange.

**Final Actions under Section 401 of the Federal Water Pollution Control Act**

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

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 any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the 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 the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

*Certification Request Initiated By:* Manko Gold and Katcher, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004.

*Project Description:* The request is to modify an existing Section 401 Certification issued October 22, 1996. The existing 401 Certification was published in the *Pennsylvania Bulletin* on December 2, 1995, and was issued as part of Encroachment Permit E51-139. The modified Section 401 Certification will have the following conditions attached:

I. The return water discharged from the dredge material disposal area must comply with the following monitoring requirements:

| <i>Parameter</i>       | <i>Average Monthly Limit (mg/l)</i> | <i>Instantaneous Maximum Limit (mg/l)</i> |
|------------------------|-------------------------------------|---|
| Flow                   | monitor only                        |   |
| Total Suspended Solids |                                     | 8,000                                     |
| Total Cadmium          | monitor only                        |   |
| Total Copper           | monitor only                        |   |
| Total Iron             | monitor only                        |   |
| Total Lead             | monitor only                        |   |
| Total Zinc             | monitor only                        |   |

*Final Action on Request:* Certification granted.

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

*Northwest Regional Office, Regional Water Management Program Manager, Water Supply and Community Health, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

##### *Permits Issued*

**Permit No. WA 16-1000.** Subsidiary water allocation. **Strattanville Borough Municipal Authority**, P. O. Box 139, Strattanville, PA 16258. Grants the Authority the right to purchase a peak month of 2,625,000 gallons per month with an average of 70,000 gpd based on a 30 day average, from the Pennsylvania American Water Company—Clarion District. The water distribution system is owned by the Authority, and services the population of Strattanville Borough and a portion of Clarion Township, **Clarion County**.

*Type of Facility:* Subsidiary Water Allocation—Borough Authority.

*Consulting Engineer:* Frank A. Martin, P. E., Engineering Representative, Michael Baker Jr., Inc., Box 280, 4301 Dutch Ridge Road, Beaver, PA 15009-0280.

*Permit Issued:* August 30, 1996.

*Southcentral Regional Office, Water Supply and Community Health Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**WA 01-1003.** Water allocation. **Gettysburg Municipal Authority, Adams County**. The right to withdraw up to a maximum of 960,000 gallons per day based on a yearly average, and upon completion of the proposed new treatment plant, the right to withdraw 2.3 million gallons per day based on a yearly average, not to exceed 3.1 million gallons on any given day.

## **SPECIAL NOTICES**

### **Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of August 1996 the Department of Environmental Protection under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

| <i>Name</i>                                 | <i>Address</i>                            | <i>Type of Certification</i> |
|---|---|------------------------------|
| Matthew J. Aresery<br>Total Home Technology | 808 Sunnyside Avenue<br>Audubon, PA 19403 | Laboratory                   |
| Stephen Fiorelli                            | 506 Sylvan Avenue<br>Glenolden, PA 19036  | Testing                      |

| <i>Name</i>   | <i>Address</i>                                    | <i>Type of Certification</i> |
|---|---|------------------------------|
| John Gogal<br>Keystone Inspection Service             | P. O. Box 204<br>Sciota, PA 18354                 | Testing                      |
| Scott W. Jacobs                                       | 283 Taft Road<br>St. Mary's, PA 15847             | Testing                      |
| Catherine Hall Janes                                  | 2502 Elm Circle<br>Lansdale, PA 19446             | Testing                      |
| Patricia O'Neill Korobij                              | P. O. Box 731<br>Valley Forge, PA 19482-0731      | Testing                      |
| Kevin Radziul   | 15 Union Hill Road<br>West Conshohocken, PA 19428 | Testing<br>Mitigation        |
| Subash Rashat, Ph.D.<br>Hera Tech Environmental, Inc. | 838 Sussex Boulevard<br>Broomall, PA 19008        | Testing<br>Mitigation        |
| John M. Staz, III                                     | 321 South River Street<br>Harrisburg, PA 17104    | Testing                      |
| Glenn Vernon  | 200 Newburn Avenue<br>Pittsburgh, PA 15227        | Testing                      |
| Harry F. Wanner, Jr.<br>The Wanner Group              | 155 Reservoir Road<br>Strasburg, PA 17579         | Testing                      |

[Pa.B. Doc. No. 96-1578. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Availability of Technical Guidance

The Department of Environmental Protection (DEP) publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent Inventory was published June 1996. This Inventory is also posted on DEP's World Wide Web page. DEP's Web address is <http://www.dep.state.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the following path: 1) Public Participation Center, 2) Status of Legislation, Regulations and Policies, 3) Recently Finalized Regulations and Policies and 4) Technical Guidance Document Inventory. Persons can order a copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 (note this new number) if calling from outside Pennsylvania.

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

In the interim, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UP-DATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

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

#### *Draft Guidance*

DEP ID: 257-2212-501 Draft Title: County Option to Retain or Eliminate Municipal Waste Flow Control [Note: This draft guidance was previously listed in the August 17, 1996 *PA Bulletin*.] Background: This revision was recommended in the January 25, 1996, Municipal Waste Stakeholders Report to the Secretary. It also results from: 1) DEP's experiences since the Municipal Waste Planning Recycling and Waste Reduction Act (Act 101 of 1988) became effective, 2) a changing waste management industry and 3) judicial decisions. Review

Process: The internal DEP review has been completed. Now the revised draft is being made available for public comment and an additional review by the Solid Waste Advisory Committee. Deadline for Submittal of Comments: October 15, 1996 Contact: Keith Kerns at (717) 787-7382.

DEP ID: 361-0800-001 Draft Title: Principles for Ground Water Pollution Prevention and Remediation. Background: This guidance is a revision to the 1992 Ground Water Quality Protection Strategy. It sets forth the principles to guide the Statewide ground water quality protection and remediation program consistent with State statutes and program regulations and policies. Deadline for Submittal of Comments: October 15, 1996 Contact: James T. Ulanoski at (717) 787-9633.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1579. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Mining and Reclamation Advisory Board; Meeting Notice

The Mining and Reclamation Advisory Board will meet October 3, 1996, at 12:30 p.m. in the 6th floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg. This meeting had previously been scheduled for October 24, 1996.

Questions concerning the agenda can be directed to Rodney Kelley at (717) 783-5338 or e-mail to Kelley. [Rodney@a1.dep.state.pa.us](mailto:Rodney@a1.dep.state.pa.us). The agenda for this meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Rodney Kelley directly at (717) 783-5338 or

through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1580. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Plan Approval and Operating Permit Exemptions

The Department of Environmental Protection published draft revisions to a listing of sources and facilities exempted from plan approval and operating permit requirements at 27 Pa.B. 3160 (July 6, 1996). Comments were received during a 30-day public comment period and revisions have been made in consideration of the comments received. A comment and response document has been prepared which describes the changes made to the listings. Copies of this document can be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, telephone (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, 1 (800) 654-5984. Internet users can access a copy of the document and exemption listings at <http://www.dep.state.pa.us>. The revised final listings follow.

#### *Listing of Plan Approval Exemptions*

Section 127.14(a) of Chapter 127 of the Rules and Regulations of the Department of Environmental Protection (25 Pa. Code § 127.14(a)) provides that approval is not required for the construction, modification, reactivation or installation of the following:

1. Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.
2. Combustion units rated at 2.5 million or less Btus per hour of heat input.
3. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by a public utility or by commercial fuel oils which are No. 2 or lighter-viscosity less than or equal to 5.82 C St—and which meet the sulfur content requirements of § 123.22 (relating to combustion units). Combustion units converting to fuel oils which are No. 3 or heavier-viscosity greater than 5.82 C St or contain sulfur in excess of the requirements of § 123.22 require approval. For the purpose of this section, commercial fuel oil shall be virgin oil which contains no reprocessed, recycled or waste material added.
4. Sources used in residential premises designed to house four or less families.
5. Space heaters which heat by direct heat transfer.
6. Mobile sources.
7. Laboratory equipment used exclusively for chemical or physical analyses.
8. Other sources and classes of sources determined to be of minor significance by the Department.

The following is a list of those sources and classes of sources determined in accordance with section 127.14(a)(8) to be exempt from the Plan Approval requirements of 25 Pa. Code §§ 127.11 and 127.12. Unless

labeled otherwise, emission rates are to be considered actual ton per year. Note that certain exceptions and qualifications regarding this list are contained in the discussion that follows the list.

1. Incinerators with rated capacities less than 75 lb. per hour burning a municipal or residual waste as defined by the Bureau of Land Recycling and Waste Management.
2. Shot blast and sand blasting units with appropriately designed fabric collectors, cartridge collectors or scrubbers manufactured as an integral part of the design and which have exhaust volumes equal to or smaller than 5,000 scfm.
3. Coal handling facilities processing less than 200 tons per day. (Thermal coal dryers and pneumatic coal cleaners remain subject to the requirements of section 127.11).
4. Combustion turbines rated at less than 1,000 horsepower or 10.7 gigajoules per hour.
5. Natural gas-fired heat treating furnaces with less than  $10 \times 10^6$  Btus per hour heat input (fuel burning emissions only).
6. Steam aspirated vacuum degassing of molten steel.
7. Wet sand and gravel operations (screening only) and dry sand and gravel operations with a capacity of less than 150 tons per hour of unconsolidated materials.
8. Concrete batch plants and associated storage vessels which are equipped with appropriately designed fabric collectors.
9. Bulk material storage bins, except those associated with a production facility with total actual facility particulate emissions greater than 10 tons per year.
10. Storage vessels for volatile organic compounds [which do not contain hazardous air pollutants (HAPs)] which have capacities less than 40 m<sup>3</sup> (10,000 gallons) based on vessel dimensions, unless subject to § 129.59 (bulk gasoline terminals) or § 129.60(b) and (c) (bulk gasoline plants).
11. Storage vessels containing non-VOC or non-hazardous air pollutant materials and compounds.
12. Diesel fuel, Nos. 2, 4 and 6 fuel oils, or kerosene and jet fuel storage and dispensing facilities.
13. Covered wastewater transfer systems such as covered junction boxes, sumps, tanks at industrial sites.
14. Plastic bead or pellet milling, screening and storage operations (does not include handling and storage of resin powders).
15. Plastic parts casting ovens and injection molding processes.
16. Tire buffing.
17. Paper trimmers/binders.
18. Vocational education shops. Chemistry laboratories at schools and colleges.
19. Bench-scale laboratory equipment used for kinetic studies, mass/energy transport studies, chemical synthesis and physical or chemical analysis.
20. Research and development activities with annual emission rates:
  - i. less than 20 tons per year of CO;
  - ii. less than 0.12 ton per year of lead;
  - iii. less than 3 tons per year of PM<sub>10</sub>;

- iv. less than 8 tons per year of SO<sub>2</sub> or VOC;
- v. less than 10 tons per year of NO<sub>x</sub>;
- vi. less than 1 ton/year of a single HAP or 2.5 ton/year of a combination of HAPs.

21. Woodworking facilities such as sawmills and pallet mills which process green wood; or, small woodworking facilities processing kiln-dried wood or wood products (flakeboard, particleboard and the like) associated with pattern shops, retail lumber yards, shipping and packing departments and the like; or, woodworking facilities of any size processing kiln-dried wood or wood products which are equipped with appropriately designed fabric collectors.

This exemption does not apply to woodworking facilities processing wood which has been treated with a wood preservative of any kind. The term "woodworking facilities" refers only to operations in which wood or a wood product is sawed, sanded, planed or similarly shaped or reshaped. The term does not include such activities as painting, finishing, hardboard manufacturing, plywood manufacturing and the like.

- 22. Smokehouses.
- 23. Slaughterhouses (rendering cookers remain subject to the requirements of Chapter 127.11).
- 24. Restaurant operations.
- 25. Cold degreasers, except those emitting more than 1 ton per year of a HAP or 2.5 tons per year of a combination of HAPs. These units are still subject to section 129.63(a).
- 26. Vapor degreasers with cross sectional areas at the liquid-vapor interface, equal to or less than 10 square feet, except those emitting more than 1 ton per year of a HAP or 2.5 tons per year of a combination of HAPs.
- 27. Detergent washing of metal parts, except those using VOCs or HAPs.

28. Uncontrolled surface coating sources of the type addressed in Table I of § 129.52 which have not had actual emissions of VOCs (except those emitting more than 1 ton per year of a HAP or 2.5 tons per year of a combination of HAPs) in excess of 3 pounds per hour, 15 pounds per day, or 2.7 tons per year during any calendar year since January 1, 1987, provided total plant emissions are less than 25 tons per year. For plants emitting equal to or greater than 25 tons per year of VOCs, sources emitting equal to or less than 1 ton per year of VOC are exempt.

29. Sources of uncontrolled VOC emissions (except those emitting more than 1 ton per year of a HAP or 2.5 tons per year of a combination of HAPs, or those of the type subject to § 129.52, or addressed elsewhere in this listing), and:

- i. are located in Bucks, Chester, Delaware, Montgomery or Philadelphia Counties and have actual emissions less than 3 lb. per hour, 15 lb. per day, and 2.7 tons per year; or,
- ii. are located in counties other than those listed in (i) above and emit at the levels in the following table:

| <i>Facility (Plant) Size</i> | <i>New Source Exemption</i> |
|------------------------------|-----------------------------|
| ≤25 TPY                      | ≤8 TPY                      |
| >25 TPY                      | >1 TPY                      |

30. Dry-cleaning facilities which are not subject to § 129.70, NSPS, MACT (area MACT sources are cur-

rently deferred from plan approval and operating permit requirements), PSD or NSR requirements.

31. Retail gasoline stations and vehicle fueling operations at industrial plant sites.

32. Sources of particulate matter (not subject to NESHAPs, NSPS, PSD, or emission offset requirements, nor which emit lead or HAPs) which are controlled by a baghouse, have an emission rate which meets the limits of Chapter 123, and are exhausted indoors and cannot be bypassed to exhaust to the outdoor atmosphere.

33. Sources emitting inert gases only, such as argon, helium, krypton, neon and xenon; pure constituents of air such as nitrogen, oxygen or carbon dioxide; or, methane or ethane.

34. Any source qualifying under section 127.449 as a de minimis emission increase.

35. Sources that exhaust to a filter/baghouse and have particulate loading (before control) under limits specified in Chapter 123.

36. Petroleum liquid storage which are used to store produced crude oil and condensate prior to lease custody transfer.

37. Oil and gas exploration and production facilities and operations which include wells and associated equipment and processes used either to drill or alter oil and gas wells, to extract, process and deliver crude oil and natural gas to the point of lease custody transfer, to plug abandoned wells and restore well sites, or treat and dispose of associated wastes. This does not include gas compressor stations with a total capacity equal to or exceeding 500 HP or with individual engines equal to or smaller than 100 HP. Also this does not include gas extraction wells at landfills.

38. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by an independent gas producer. (Sources firing natural gas supplied by an independent producer shall be given the same consideration given sources which fire natural gas provided by a public utility.)

39. Any source granted an exemption by the Department through the execution of a Request for Determination of Requirement for Plan Approval Application form.

*Sources not Exempted:*

A. This notice shall not be construed to exempt facilities which include multiple sources of air contaminants, even if each source is within a class in the above list.

B. The addition of sources that would subject the facility to major source New Source Review or Prevention of Significant Deterioration requirements, Title V or Reasonably Available Control Technology are not to be exempted from plan approval requirements, even if such sources are within a class in the above list.

C. Sources exempt from plan approval may be required to be included in the operating permit if the source is not considered an insignificant activity as listed below.

These determinations do not exempt the above-listed sources from compliance with the emission limitations, work practice, and other applicable requirements contained in 25 Pa. Code Chapters 121—124, 127, 129 and 135. Although a source may be exempt from the plan approval and operating permit requirements of Chapter 127, the source is subject to all other applicable air quality regulations. For example, combustion units exempt from the requirements of Chapter 127 are not



exempt from the opacity limitations of § 123.41 or the emission limitations of § 123.22. Storage vessels for organic compounds with capacities between 2,000 gallons to 40,000 gallons, not subject to the requirements of Chapter 127, must install pressure relief valves in accordance with the requirements of § 129.57. (Note: Storage vessels in this size range would also not be subject to the requirements of §§ 129.59 and 129.60.)

If the Department determines that any source within the above list is causing air pollution in violation of § 8 of the Air Pollution Control Act (35 P. S. § 4008) or 25 Pa. Code § 121.7, the Department may order the installation of additional air cleaning devices. In such cases, plan approvals and operating permits may be required.

Requests for exemptions from the plan approval requirements of Chapter 127 for multiple source facilities must be considered on a case-by-case basis.

As noted in Number (39) of the list, additional exemptions, when appropriate, may be obtained through the submission of a completed Request for Determination of Requirement for Plan Approval Application form. These forms are available from any Air Quality office.

*Physical Changes Qualifying for Exemption Under Section 127.14(a)(9)*

In accordance with section 127.14(a)(9), the Department has determined that the following physical changes qualify for plan approval exemption if the change: a) would not violate the terms of an operating permit, the Air Pollution Control Act, the Clean Air Act or the regulations adopted under them; b) would not result in emission increases above the allowable in the operating permit; and, c) would not result in an increased ambient air quality impact for an air contaminant. These changes may be made without notification to the Department. Caution: Do not read the following list without consideration of the preceding qualifiers.

1. Changes in the supplier or formulation of similar raw materials, fuels, paints and other coatings which do not effect emissions or which meet all applicable standards and limitations.
2. Changes in product formulations that do not affect air emissions.
3. Changes that result in different speciation of pollutants but fall within permit limitations.
4. Changes in the method of raw material addition.
5. Changes in the method of product packaging.
6. Changes in temperature, pressure or other operating parameters which do not adversely affect air cleaning devices performance or air emissions.
7. Additions of or changes to sampling connections used exclusively to withdraw materials for testing and analysis including air contaminant detection and vent lines.
8. Changes to paint drying oven length designed to alter curing time, so long as capture efficiencies of control equipment are not altered.
9. Routine maintenance, inspection and cleaning of storage tanks and process vessels or the closure or dismantling of a storage tank or process.
10. Changing water sources to air cleaning devices when there is no affect on performance or air emissions.
11. Moving a source from one location to another at the same facility with no change in operation or controls.

12. Installation of an air cleaning device that is not installed to comply with regulatory requirements and will not be used to generate emission reduction credits.

13. Repairing, replacing, upgrading, maintaining or installing pollution control device instrumentation or component equipment including pumps, blowers, burners, filters, filter bags, devices for measuring pressure drop across an air cleaning device or a filter breakage detector for a baghouse, provided such changes would not violate an operating permit term or condition.

14. Installing a fume hood or vent system for industrial hygiene purposes or in a laboratory.

15. The temporary (no longer than 6 months) replacement in kind of a source that has experienced an emergency breakdown.

16. Repairing, replacing, upgrading, maintaining or installing equipment and processes at oil and gas extraction and production facilities and operations, including equipment or processes which are used either to drill or alter oil and natural gas to the point of lease custody transfer, to plug abandoned wells and restore well sites, or treat and dispose of associated wastes.

In accordance with section 127.14(c) additional physical changes may be determined to be of minor significance and not subject to plan approval requirements through the following procedure.

A. If the changes do not involve the installation of equipment, the changes may be made within 7 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 7-day period.

B. If the changes involve the installation of equipment, the changes may be made within 15 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 15-day period.

C. If the change would violate the terms of an operating permit, the plan approval exemption may be processed contemporaneously with the minor operating permit modification under the procedures described in section 127.462.

*Exemption Criteria for Operating Permits*

A Title V operating permit is needed by all facilities which have the potential to emit (PTE) exceeding the levels described in the definition of "Title V facility." A State-only operating permit is needed by any facility containing sources currently covered by a plan approval or operating permit. A State-only operating permit is also needed for existing non-permitted facilities (for example, grandfathered facilities) which do not have a potential to emit (PTE) which exceeds the Title V facility thresholds, but which has actual emissions equal to or exceeding the facility levels summarized below. An existing non-permitted facility which does not have a PTE exceeding the Title V facility thresholds and which does not have actual emissions exceeding the levels shown below, is exempt from the requirement to obtain an operating permit.

State-Only Operating Permit Facility Exemptions for Grandfathered Facilities

| <i>Pollutant</i> | <i>PTE &lt;</i> | <i>Actual Emission Rate &lt;</i> |
|------------------|-----------------|----------------------------------|
| CO               | 100 TPY         | 20 TPY                           |
| NO <sub>x</sub>  | 100 TPY*        | 10 TPY                           |
| SO <sub>x</sub>  | 100 TPY         | 8 TPY                            |
| PM <sub>10</sub> | 100 TPY         | 3 TPY                            |
| VOCs             | 50 TPY*         | 8 TPY                            |
| Single HAP       | 10 TPY          | 1 TPY                            |
| Multiple HAPs    | 25 TPY          | 2.5 TPY                          |

\*25 TPY for Severe NA area including Bucks, Chester, Delaware, Montgomery and Philadelphia counties.

Exceptions: Sources subject to MACT requirements are not exempted from operating permit requirements. However, the permitting of MACT area sources will be deferred at this time. MACT area sources include non-major facilities containing: perchloroethylene dry cleaning, halogenated solvent cleaning, ethylene oxide commercial sterilization and fumigation operations, hard and decorative chromium electroplating, lead smelters and chromium anodizing tanks.

Sources listed in the plan approval exemptions list should be included in an operating permit application unless it is also listed in the insignificant activities list.

*Source Category and Insignificant Activities Exemptions*

At present there are only two permanently exempted source categories. These categories include residential wood stoves and asbestos demolition/renovation sites. (Ref. Section 127.504(d))

Insignificant activities are those located within a facility which do not create air pollution in significant amounts. These insignificant activities need not be described in a Title V or State-only operating permit application. Also, these activities do not require a plan approval. Sources listed in the plan approval exemptions list should be included in an operating permit application unless it is also listed in the following list. Certain of these listed activities include qualifying statements intended to exclude many similar activities.

1. Combustion emissions from propulsion of mobile sources. The term "mobile" means it is capable of moving by its own power. The term does not include a source mounted on a vehicle, whether the mounting is permanent or temporary, which source is not used to supply power to the vehicle. Examples might include lawn mowers, tow and lift vehicles and the like.

2. Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the act.

3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process.

4. Portable space heaters.

5. Electrically heated furnaces, ovens and heaters, and other electrically operated equipment from which no emissions of air contaminants occur.

6. Noncommercial food preparation.

7. Use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.

8. Any equipment, machine or device from which emission of air contaminant does not occur.

9. Janitorial services and consumer use of janitorial products.

10. Internal combustion engines used for landscaping purposes.

11. Garbage compactors and waste barrels.

12. Laundry activities, except for dry-cleaning and steam boilers.

13. Bathroom/toilet vent emissions.

14. Emergency (backup) electrical generators at residential locations.

15. Tobacco smoking rooms and areas.

16. Blacksmith forges.

17. Plant maintenance and upkeep activities (for example, grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation and paving parking lots) provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification.<sup>1</sup>

18. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or de-greasing (solvent metal cleaning) activities, and not otherwise triggering a permit modification.

19. Portable electrical generators that can be moved by hand from one location to another.<sup>2</sup>

20. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning or machining wood, metal or plastic.

21. Brazing, soldering and welding equipment, and cutting torches related to maintenance and construction activities that do not result in emission of HAP metals.<sup>3</sup>

22. Air compressors and pneumatically operated equipment, including hand tools.

23. Batteries and battery charging stations, except at battery manufacturing plants.

24. Storage tanks, vessels and containers holding or storing liquid substances that will not emit any VOC or HAP.

25. Propane or natural gas tanks and containers.

26. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

27. Equipment used to mix and package, soaps, vegetable oil, grease, animal fat and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

28. Drop hammers or hydraulic presses for forging or metalworking.

29. Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses,

<sup>1</sup> Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit.  
<sup>2</sup> "Moved by hand" means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.

<sup>3</sup> Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production level thresholds. Brazing, soldering, welding and cutting torches directly related to plant maintenance and upkeep and repair of maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.

such as rendering cookers, boilers, heating plants, incinerators and electrical power generating equipment.

30. Vents from continuous emissions monitors and other analyzers.

31. Natural gas pressure regulator vents.

32. Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation.

33. Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit VOC or HAP.

34. CO<sub>2</sub> lasers, used only on metals and other materials which do not emit HAP in the process.

35. Consumer use of paper trimmers/binders.

36. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.

37. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

38. Laser trimmers using dust collection to prevent fugitive emissions.

39. Bench-scale laboratory equipment used for kinetic studies, mass/energy transport studies, chemical synthesis and physical or chemical analysis.

40. Sources emitting inert gases only, such as argon, helium, krypton, neon and xenon; pure constituents of air such as nitrogen, oxygen or carbon dioxide; or the organic aliphatic hydrocarbon gases methane and ethane.

41. Routine calibration and maintenance of laboratory equipment or other analytical instruments.

42. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

43. Hydraulic and hydrostatic testing equipment.

44. Environmental chambers not using hazardous air pollutant (HAP) gases.

45. Shock chambers.

46. Humidity chambers.

47. Solar simulators.

48. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

49. Process water filtration systems and demineralizers, but not including air stripper.

50. Demineralized water tanks and demineralizer vents.

51. Boiler water treatment operations, not including cooling towers.

52. Oxygen scavenging (de-aeration) of water.

53. Potable water treatment systems.

54. Ozone generators.

55. Fire suppression systems and activities involved in fire protection training, first aid or emergency medical training.

56. Emergency road flares.

57. Steam vents and safety relief valves.

58. Steam leaks.

59. Steam cleaning operations.

60. Steam sterilizers.

61. Retail gasoline stations and vehicle fueling operations at industrial plant sites.

62. Petroleum liquid storage which are used to store produced crude oil and condensate prior to lease custody transfer.

63. Oil and gas exploration and production facilities and operations which include wells and associated equipment and processes used either to drill or alter oil and gas wells, to extract, process and deliver crude oil and natural gas to the point of lease custody transfer, to plug abandoned wells and restore well sites, or treat and dispose of associated wastes. This does not include gas compressor stations with individual engines equal to or greater than 100 HP. Also this does not include gas extraction wells at landfills.

64. Typesetting, image setting and plate making equipment used in the preparatory phase of printing.

If an applicant conducts an activity that is believed insignificant but not covered by this listing, the applicant may list the activity in an operating permit application and provide a justification for listing the activity as insignificant. If the Department accepts the applicant's justification then no further information will be required on the activity. If the Department rejects the justification then operating permit information will have to be supplied for the activity.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1581. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Proposed General Plan Approval and General Operating Permit BAQ-GPA/GP-5: Natural Gas Production Facilities

The Department of Environmental Protection (Department) proposes to issue general plan approvals and operating permits for natural gas production and transport facilities (Natural Gas Production Facility General Permit). This general plan approval and operating permit, authorized under section 6.1(f) of the Air Pollution Control Act, will apply to a facility engaged in production and transport of natural gas which may include internal combustion (compressor) engines, gas dehydration units, crude oil and brine storage tanks, vents and other equipment associated with these activities.

The proposed general plan approval and operating permit contains conditions which prescribe applicable performance standards, emission limits, monitoring, recordkeeping and reporting requirements. Newly constructed natural gas production facilities must comply with the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12(a)(5). The Department has determined that, effective August 31, 1996, BAT is the installation of internal combustion engines with control devices such as lean burn technology, catalytic converters or equivalent technology capable of reducing NO<sub>x</sub>, VOC and CO emissions to the levels prescribed in the Natural Gas Production Facility General Permit.

Prior to operating under the Natural Gas Production Facility General Permit, the owner or operator of the

source must notify the Department and receive prior written approval from the Department before commencing to operate the affected facility. Notification of the facility's intent to use the general permit and plan approval must be submitted on a form provided by the Department. Natural gas production facilities operating under this general permit shall comply with the terms and conditions of the general plan approval and general operating permit.

The Natural Gas Production Facility General Permit may not be used by any source that is subject to the requirements of 25 Pa. Code Chapter 127, Subchapter D (relating to prevention of significant deterioration) and 25 Pa. Code Chapter 127, Subchapter E (relating to new source review).

The Natural Gas Production Facility General Permit will be issued for a term of 5 years. The Department proposes to establish application, permit renewal and annual general operating permit administrative fees as follows:

- (a) \$250 during the 1995-1999 calendar years.
- (b) \$300 during the 2000-2004 calendar years.
- (c) \$375 beginning in the calendar year 2005.

Within 30 days of the expiration date of the general plan approval and general operating permit, the permittee must renew the general permit if the facility intends to continue to operate under the Natural Gas Production Facility General Permit.

A complete copy of the Natural Gas Production Facility General Permit may be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, telephone (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, 1 (800) 654-5984. Internet users can access a copy of the general permit at <http://www.dep.state.pa.us>.

The Department requests written comments on the proposed general plan approval and operating permit. Notice and opportunity for comment will also be provided to the U. S. Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions, or objections to Douglas L. Leshner, Chief, Title V/NSR Section, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning this proposed general plan approval and operating permit. Public comments must be submitted to the Department within 45 days of the date of this notice in the *Pennsylvania Bulletin*. Comments received by facsimile will not be accepted.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1582. Filed for public inspection September 20, 1996, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

**Project No. DGS 376-1, PHASE 2.** Conversion of Somerset State Hospital to a State Correctional Institution, SCI—Laurel Highlands, Somerset County, PA. Construction cost: \$18,384,000. The program is to convert the existing facility to a Medium Security/Geriatric Correctional Institution. The scope of this project includes, but is not limited to, the renovation and adaptive reuse of the existing administration, housing, dietary and laundry facilities, as well as improvements to the electrical, heating, central energy and other infrastructure systems. New construction will include warehousing, restricted housing and recreational facilities.

The completed conversion is to provide accommodations for administrative services, public/visitor services, facility management services, warehousing, recreational services, health care services, food services, and housing that meets, so far as possible, the current functional standards and guidelines for correctional institutions and applicable codes and regulations. Phase I of the project, currently underway, will provide the institution compound perimeter fence/security system.

**Project No. DGS 1104-57.** Emergency Fire and Safety Renovations, Phase II, Main Campus, Temple University, Philadelphia, Philadelphia County, PA. Construction cost: \$3,320,000. The scope of work includes, but is not limited to, fire detection and suppression systems necessary to bring University buildings into compliance with City of Philadelphia high rise fire codes. Included are: Conwell Hall, Carnell Hall, Wachman Hall, Old Medical School, Medical Research Building, Beury Hall, Johnson Hall and Hardwick Hall.

### Requirements and Information

#### *Instructions for Filing Application*

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

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

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's

consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

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

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Friday, October 11, 1996, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

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

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

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

*Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

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

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

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

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

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-1583. Filed for public inspection September 20, 1996, 9:00 a.m.]

**State Surplus Property**

The Department of General Services, Surplus State Property is seeking vendors to remove wooden pallets from various Commonwealth Agencies in the Harrisburg area. Approximately 300 pallets will need to be collected on a biweekly basis between the hours of 6 a.m. and 4 p.m. For more information or to obtain a bid packet, write or call the Department of General Services, Surplus State Property, P. O. Box 1365, Harrisburg, PA 17105, (717) 787-4085 prior to the bid opening of October 15, 1996.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-1584. Filed for public inspection September 20, 1996, 9:00 a.m.]

**State Surplus Property Program Bid Items**

Under the provisions of section 510 of The Administrative Code of 1929 (P. S. 165, No. 67), the Department of General Services, State Surplus Property Program is offering for sale to counties, borough, incorporated towns, cities and townships the following items:

| <i>Item</i>  | <i>Make</i> | <i>Location</i>         | <i>Minimum Bid</i> |
|--------------|-------------|-------------------------|--------------------|
| Tractor      | John Deere  | Torrance State Hospital | \$500              |
| Art. Loader  | Caterpillar | PA Dot-Karthaus         | \$10,000           |
| Front Loader | John Deere  | PA Dot-Mifflintown      | \$5,000            |
| Front Loader | Caterpillar | PA Dot-Mifflintown      | \$3,500            |
| Front Loader | Caterpillar | PA Dot-Mifflintown      | \$3,500            |
| Wheel Loader | Caterpillar | PA Dot-Mifflintown      | \$8,000            |

| <i>Item</i>    | <i>Make</i> | <i>Location</i>      | <i>Minimum Bid</i> |
|----------------|-------------|----------------------|--------------------|
| Front Loader   | John Deere  | PA Dot-Mifflintown   | \$7,500            |
| Front Loader   | John Deere  | PA Dot-Mifflintown   | \$7,500            |
| Grader         | Galion      | PA Dot-Milford       | \$2,500            |
| Art. Loader    | Case        | PA Dot-Lehighton     | \$8,000            |
| Road Grader    | Champion    | PA Dot-West Chester  | \$10,000           |
| Front Loader   | John Deere  | PA Dot-Gettysburg    | \$5,000            |
| Front Loader   | Case        | PA Dot-York          | \$5,000            |
| Backhoe        | John Deere  | PA Dot-Harrisburg    | \$5,000            |
| Front Loader   | Case        | PA Dot-Harrisburg    | \$12,000           |
| Art. Loader    | John Deere  | PA Dot-Lancaster     | \$1,500            |
| Rigid Grader   | Galion      | PA Dot-Lebanon       | \$7,500            |
| Road Grader    | Galion      | PA Dot-Bedford       | \$6,000            |
| Art. Loader    | Michigan    | PA Dot-Hollidaysburg | \$5,000            |
| Front Loader   | John Deere  | PA Dot-Indiana       | \$7,500            |
| Backhoe Loader | Case        | PA Dot-Punxsutawney  | \$5,000            |
| Grader         | Champion    | PA Dot-Waynesburg    | \$10,000           |

The above will be sold to the highest responsible bidder by sealed bid sale. Those political subdivisions which are interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, Harrisburg, PA 17105 or call (717) 787-4085 prior to the bid opening on October 15, 1996, at 1 p.m. to receive a bid proposal.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-1585. Filed for public inspection September 20, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Final Maternal and Child Health Services Block Grant; Application for Federal Fiscal Year 1997 and Maternal and Child Health Services Annual Report for Federal Fiscal Year 1995

The Department of Health (Department) is making available copies of the Final Maternal and Child Health Services Block Grant Application for Federal Fiscal Year 1997 and the Maternal and Child Health Services Annual Report for Federal Fiscal Year 1995 in accordance with section 2129(a) of the Omnibus Budget Reconciliation Act of 1981 (OBRA) (42 U.S.C.A. §§ 701—709). Under 42 U.S.C.A. § 705(a)(5)(F) the Department must make public the above-mentioned application, which constitutes the Commonwealth of Pennsylvania's request to the United States Department of Health and Human Services for Federal block grant funding for maternal and child health services.

This block grant application, which describes proposed services, program goals and objectives and activities, as well as the annual report, can be obtained by contacting the Department of Health, Bureau of Maternal and Child Health, at the following address or telephone numbers: Department of Health, Bureau of Maternal and Child Health, Room 733, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, or by calling (717) 787-7192; TDD (717) 783-6514. Persons with a disability who require an alternative format of the above-mentioned application (for example, large print, audio tape, braille) should contact the Bureau of Maternal and Child Health at the foregoing address or telephone numbers.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1586. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Notice of Beginning of Review; Certificate of Need

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

*CON-96-H-2659-B:* Manor Healthcare Corporation, 10770 Columbia Pike, Silver Spring, MD 20901. Addition of 60 long-term care nursing beds to an existing nursing center in Allegheny County, MedBridge, Pittsburgh, at an estimated cost of \$3,235,316.

The project is scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning September 21, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. The public meeting will be held at 3 p.m., Monday, October 21, 1996. Persons who need an accommodation due to a disability and want to attend this 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. This meeting is 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. 96-1587. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Required Air Ambulance Equipment and Supplies

Title 28 of the Pennsylvania Code § 1007.7(b) (relating to minimum equipment and supplies for air ambulance services), provides that the Department of Health will publish on an annual basis a list of minimum equipment and supplies required for each air ambulance service. The Department hereby gives notice that the following shall constitute the revised required equipment and supply lists for all such services effective October 1, 1996, and shall remain in effect until modified by the Department by subsequent published notice. Questions or inquiries concerning the equipment and supply list must be directed to Robert H. Gaumer, Division of Emergency Medical Services Systems, Room 1033, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, braille) should contact Robert H. Gaumer at the above address or phone number or TDD (717) 783-6514, so that he may make the necessary arrangements.

#### *Air Ambulance Service—Rotorcraft*

The following equipment and supplies must be carried by an air ambulance service—rotorcraft.

1. Installed suction device in the patient compartment.
2. Rechargeable portable electric suction apparatus with wide-bore tubing (1).
3. Catheters, Pharyngeal Suctioning rigid (2)—Catheters must be individually wrapped and sterile.
4. Nasopharyngeal airways—Set of (5) different sizes (1). The airways must be clean and a water soluble lubricant available.
5. Oropharyngeal Airways—Set of (6) different sizes (1). Any of the catheter guide or channel type airways are acceptable. The airways must be clean. Esophageal Obturator, or Gastric Tube Airways, are not acceptable substitutes.
6. Airways: Endotracheal tubes—Cuffed sterile or uncuffed sterile—sizes and quantities.
  - a. 2.5 mm or 3.0 mm (2 each)
  - b. 3.5 mm or 4.0 mm (2 each)
  - c. 4.5 mm or 5.0 mm (2 each)
  - d. 5.5 mm or 6.0 mm (2 each)
  - e. 6.5 mm or 7.0 mm (2 each)
  - f. 7.5 mm or 8.0 mm (2 each)
  - g. 8.5 mm or 9.0 mm (2 each)

The cuff must be present on sizes 5.0 mm and larger. Tubes must be individually wrapped and sterile.

7. Suction Catheter, Flexible, Sizes 6 and 8 (1 each) and 10 or 12, 14 or 18 (2 of each)—Catheters must be individually wrapped and sterile. Total of 6.

8. Laryngoscope, Handle With Batteries (1) and Spare Batteries (1 set).

9. Laryngoscope, Blades

| Straight | Curved  |
|----------|---------|
| # 1 (1)  | # 3 (1) |
| # 2 (1)  | # 4 (1) |
| # 3 (1)  |         |

Sizes S, M or L can also be used for straight blades depending on manufacturer.

10. Lubricating jelly, surgical, sterile (2 cc) containers (2).

11. Magill Forceps, Adult and Pediatric (1 of each).

12. Stylette, Malleable—Pediatric (2) and Adult (1).

13. Cricothyrotomy set, one of two types must be present:

#### *Surgical*

1. Sterile Blade
2. Tracheotomy Tube (90 Degree Angle)
3. Securing Mechanism
4. Cleansing Materials

#### *Needle*

1. 14 Gauge or Larger Catheter
2. Transtracheal Jet Insufflation Equipment
3. Securing Mechanism
4. Cleansing Materials

14. Sphygmomanometer—Child, adult thigh or large adult cuffs (1 each). Note: Sphygmomanometer with interchangeable cuffs is acceptable.

15. Stethoscope (1).

16. Stethoscope, Doppler (1).

17. Penlight (1)—Mini-mags are not acceptable due to possible eye injuries from light.

18. Thermometer-oral (glass or electronic) or tympanic (1)

19. Oxygen, on board, installed, 1,200 liter capacity.

20. Portable Oxygen Unit: (1)—The unit must be equipped:

- a. With at least a 300 liter capacity cylinder.

- b. Equipped with a yoke.

Each cylinder must have a minimum total pressure of 500 pounds-per-square-inch (psi).

- c. Equipped with a nonsparking wrench to open and close valve on top of cylinder.

- d. Equipped with gauge/flowmeter that is not gravity dependent and can deliver oxygen at 0-25 liters per minute. Older flowmeters which deliver 0-15 liters are acceptable until replaced.

21. Transparent, disposable oxygen delivery devices with supply tubing:

- a. Nasal cannulas—Adult (1) and pediatric (1).

- b. High concentration mask, capable of providing 80% or greater concentration of oxygen—adult (1), infant (1) and pediatric (1).

Each device must be individually wrapped.

22. Sterile Universal Dressing, (10" x 30"), (4), compactly folded and packaged in a convenient size.

23. Occlusive Dressings—(3" x 4"), (4)—Used to seal a sucking chest wound. One dressing which can form an airtight seal, such as petroleum jelly impregnated gauze, plastic wrap or aluminum foil.

24. Sterile Gauze Pads—(3" x 3"), (25)—Must be individually wrapped or two to a pack and sterile.

25. Soft Self-Adhering Type Bandages, Assorted Sizes (6 rolls total).

26. Adhesive Tape—Assorted Widths—Any type of tape is acceptable so long as at least one roll is of the hypo-allergenic type (4 rolls).

27. Lateral Cervical Spine Immobilization Device (1); for example, manufactured CID, tightly rolled towels, blankets or foam bags. Sandbags are not acceptable. The device must have a means of attachment to the long spine board. This may be as simple as adhesive tape. If rolled towels are to be used, they must be pre-rolled and ready for use at all times.

28. Long Spinal Immobilization Device, Rigid or Folding (excluding slat-type or flexible stretcher) (1). May be constructed of wood, aluminum or fiberglass. The intent of this device is to immobilize an entire adult body.

29. Rigid or Semi-Rigid Neck Immobilizers—Small, medium, large and pediatric (1 each)—Traditional soft collars, rolled towels or the like are not acceptable. The immobilizers must be made of a combination of flexible foam and rigid plastic or completely rigid plastic.

30. Hand-operated adult and infant bag-valve devices with supply tubing (1 each), with clear masks. Unit must be capable of 100% oxygen delivery.

31. Hand operated pediatric bag-valve device (450-700 cc) without a pop-off valve, and with supply tubing and clear masks (1). Unit must be capable of 100% oxygen delivery.

32. Nine Foot Straps (3) or straps with "speed clips" can be substituted for the 9' straps.

33. Gloves. Non-porous disposable (one pair per crew member responding on aircraft). These need not be sterile. They may be packaged in individual pairs or in a dispensing box.

34. Clear Eye Protection—goggle type or wraparound type with side shields (one per crew member responding on aircraft).

35. Gloves with leather work surface (one per crew member).

36. Pneumatic counter pressure anti-shock device—compartmentalized by leg and abdomen—adult and child (1 each), or adult and child combination (1) will fulfill this requirement. Can be utilized for splinting lower extremity fractures.

37. Sterile water and/or normal saline solution for irrigation in nonbreakable containers (2 liters total volume). The containers must have a current expiration date and should be kept from exposure to extremes in temperature.

38. Cold Packs, Chemical (4).

39. Heat Packs, Chemical (4).

40. Sponges/Preps/Wipes, Alcohol (10)—These can be as simple as the 1" x 1" "prep" packets.

41. Sterile OB Kit (1)—Containing the following:

- a. 1 pair of sterile gloves.
- b. 2 umbilical cord clamps.
- c. tape or tie-offs.
- d. 2 towels.
- e. 2 plastic bags.
- f. 1 bulb aspirator.
- g. 2 sanitary pads.
- h. 1 scalpel.

42. Separate bulb syringe from OB Kit (1).

43. Thermal Blanket (Silver Swaddler) or roll of sterile aluminum foil (1).

43. Bandage Shears (1)—Must be capable of cutting clothing and bandages.

44. Blanket (2)—Must be single bed sizes and clean. Plastic blankets are not acceptable.

45. Sheets (4)—Must be clean and folded.

46. Emesis Container (1).

47. Handlight—(6 volt) (2)—Any of a variety of lights operating on 6 volts is acceptable, in addition to the penlight or flashlight.

48. Fire Extinguisher (1). Rated at least 2A:10B:C shall be carried on each aircraft. A tag or label with the name and address of the company that inspected the unit and the month and year the inspection occurred must be attached to each extinguisher.

49. Communication, on board, intracrew, for each crew member. A two-way communication system must be in place (at least three head sets) to allow voice communication when the aircraft is in flight when noise levels may prevent normal conversation.

50. Catheters, over the needle (intravenous).

- a. 14 gauge (4)
- b. 16 gauge (4)
- c. 18 gauge (4)
- d. 20 gauge (4)
- e. 22 gauge (4)
- f. 24 gauge (2)

Each must be individually wrapped and sterile. Total of 22 catheters.

51. Intravenous Administrative Supplies: Microdrip (50-60 drops/ml) and Macro drip (10-20 drops/ml) sets (2 of each).

52. Intravenous Fluids:

- a. D5 and W (250 ml)
- b. Sodium Chloride (1,000 ml)
- c. Lactated Ringers (1,000 ml)

Any combination of fluids is acceptable as long as it adds up to the recommended ml for each fluid.

53. Tourniquets—for IV use (2). These can be as simple as a strip of latex.

54. Flutter valve, one way, sterile

55. Emergency Drugs—as established by each Air Ambulance Service Medical Director, secured under lock and key.

56. Needles, Hypodermic:

- a. IV (16-20 gauge—4).
- b. Subcutaneous (23-25 gauge—4).
- c. Intramuscular (20-22 gauge—4).
- d. Intraosseous (14-18 gauge—2).

57. Syringes—as established by each Air Ambulance Service Medical Director.

58. Defibrillator/Monitor with synchronized cardioversion capabilities, DC electric power, portable, battery-operated with paper readout, with spare battery or



alternate power source, with ECG cables with three lead capability and pediatric paddles.

59. Defibrillator paddle pads (4) or electrode gel (2 tubes).

60. Electrodes, ECG, adult and pediatric sizes (6 each).

61. Radio equipment to enable two-way communications with at least the dispatch center and hospitals to which the air ambulance service most often transports patients.

62. Sharps receptacle (1).

63. Head Protection—helmets or hard hats (1 per crew member).

64. Survival Bag—container including appropriate survival and signaling equipment for the terrain and season.

65. Meconium Aspirator (1).

66. Pediatric equipment sizing tape or equipment age/weight chart (with normal vital signs).

66. Eye protection, clear, disposable (1 per responding crew member).

67. Face mask, disposable (1 per responding crew member).

68. Gown or coat (1 per responding crew member).

69. Surgical caps/foot coverings, disposable (1 set per responding crew member).

70. Double-barrier gloves (1 set per responding crew member)—can be double latex gloves.

71. Container (1 per vehicle or disposable bags) (3 per vehicle) for storage of contaminated clothing/equipment.

72. Copy of exposure control plan for handling of infectious disease patients.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1588. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Required Ambulance Equipment and Supplies

Title 28 of the Pennsylvania Code § 1005.10(c)(2) (relating to minimum equipment and supplies for BLS and ALS ambulances), provides that the Department of Health will publish on an annual basis a list of minimum equipment and supplies required for each respective service. The Department hereby gives notice that the following shall constitute the revised required equipment and supply lists for all such services effective as of October 1, 1996, and shall remain in effect until modified by the Department by subsequent published notice. Questions or inquiries concerning the equipment and supply lists must be directed to Robert H. Gaumer, Division of Emergency Medical Services Systems, Room 1033, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740.

#### *Basic Life Support Ambulance Service*

The following equipment and supplies must be carried by a Basic Life Support Ambulance Service:

1. Rechargeable portable electric suction apparatus with wide-bore tubing (1)—The unit must have a water supply to lubricate and clear the tubing.

2. Catheters, pharyngeal suctioning rigid (2)—Catheters must be individually wrapped and sterile.

3. Nasopharyngeal airways—One set of (5) different sizes. The airways must be clean and a water soluble lubricant available.

4. Oropharyngeal airways—One set of (6) different sizes (1). Any of the catheter guide or channel type airways are acceptable. The airways must be clean. Esophageal Obturator or Gastric Tube Airways are not acceptable substitutes.

5. Sphygmomanometer—Child, adult, thigh (or large adult) cuffs (1 each). Note: (1) manometer with interchangeable cuffs is acceptable.

6. Stethoscope (1).

7. Penlight (1)—Mini-mags are not acceptable.

8. Portable oxygen unit (1)—The unit must be equipped:

a. With at least a 300 liter capacity cylinder.

b. Equipped with a yoke. This is a device which commonly has a three pin connector which fits into the top of the cylinder.

The cylinder must have a minimum total pressure of 500 pounds per square inch (psi).

c. Equipped with a nonsparking wrench to open and close valve on top of cylinder or a tank opening device as part of the cylinder.

d. Equipped with gauge/flowmeter that is not gravity dependent and can deliver oxygen at 0-25 liters per minute. Older models with a range of 15 are acceptable until replaced.

e. A full space cylinder (300 liter capacity) must be available.

9. Transparent, disposable oxygen delivery devices with supply tubing:

—Nasal cannulas—Adult (1) and pediatric (1)

—High concentration mask, capable of providing 80% or greater concentration of oxygen—Adult (1), infant (1) and pediatric (1)

—Each device must be individually wrapped. Oxygen masks which can easily convert to two or more different types are acceptable as long as the minimum numbers are maintained.

10. Sterile universal dressings (10" x 30") (4)—Compactly folded and packaged in a convenient size.

11. Occlusive dressings (3" x 4") (4)—Used to seal a sucking chest wound. Any dressing which can form an airtight seal, such as petroleum jelly impregnated gauze, plastic wrap or aluminum foil.

12. Sterile gauze pads (minimum of 3" x 3") (25)—Must be individually wrapped or two to a pack and sterile.

13. Soft self-adhering type bandages, assorted sizes (6 rolls total). These are sometimes referred to as roller gauze or roller bandages. They need not be sterile but must be clean and wrapped.

14. Adhesive tape, assorted widths (4 rolls)—Any type of tape is acceptable so long as at least one roll is of the hypo-allergenic type.

15. Long spine board, rigid or folding (excluding slat type of flexible stretcher) (1)—May be constructed of wood, aluminum or fiberglass.

16. Lateral cervical spine immobilization device (1) for example, manufactured CID, tightly rolled towels, blankets or foam bags. Sandbags are not acceptable. The device must have a means of attachment to the long spine board. This may be as simple as adhesive tape. If rolled towels are to be used, they must be pre-rolled and ready for use at all times.

17. Short spine immobilization device (1)—This device must be constructed of wood, vinyl, fiberglass, metal, plastic, leather, cloth or any combination of these materials. Fully rigid or corset type immobilizers are acceptable. The device must be capable of easy application to a patient in a sitting or semi-sitting position and in conjunction with a rigid or semi-rigid neck immobilizer which fully immobilizes the cervical spine.

18. Rigid or semi-rigid neck immobilizers, small, medium, large and pediatric (1 each)—Traditional soft collars, rolled towels or the like are not acceptable. Each collar must be constructed of a solid, rigid material (plastic) or a combination of such plastic and a flexible form fitting material (foam).

19. Hand operated adult and infant bag-valve-mask devices with supply tubing and clear masks (1 each). Unit must be capable of 100% oxygen delivery. The unit must be equipped with a bag or tube reservoir or some other port of oxygen to enter and fill the bag.

20. Hand operated pediatric bag-valve-mask device (450-700 cc) with supply tubing and clear masks (1), and without a pop-off valve. Unit must be capable of 100% oxygen delivery. The unit must be equipped with a bag or tube reservoir or some other port of oxygen to enter and fill the bag.

21. Pocket mask with one-way valve (1), with an oxygen port.

22. 9 ft. straps (5)—Used with long and short boards as well as patient restraints in addition to those on the litter. Straps with "speed clips" or spider straps can substitute for three (3) of the 9 ft. straps, if the service carries backboards with pins for speed clips.

23. Folding litter and/or collapsible device for patient transport (for example, stairchair which can accommodate a prone, recumbent or supine patient) (1)—A wide variety of devices are acceptable ranging from army cots to slat-type flexible stretchers. This device is in addition to the litter and long spine board.

24. Lower extremity mechanical traction splint, adult and child (1 each) or adult and child capable (1) will fulfill this requirement. The unit must contain:

- a. a frame of some type
- b. limb support slings
- c. padded ankle hitch
- d. padded pelvic support
- e. traction strap

If appropriate padded and hitches are available, a half ring splint will be acceptable, assuming adult and child capabilities exist.

25. 3" wide padded board splints, 4.5 ft., 3 ft., 15 inches (2 each)—Splints of cardboard, plastic (including pneumatic), wire ladder, metal or canvas slotted lace-on may be carried in place of the 3 ft. and 15 inch boards.

26. Pneumatic counter pressure anti-shock device—compartmentalized by leg and abdomen, adult and child (1 each) or adult and child combination (1) will fulfill this

requirement. The device must be accompanied with an appropriate air pump, hoses and valves supplied by the manufacturer. Can be utilized to splint lower extremity fractures.

27. Sterile water and/or normal saline solution for irrigation in nonbreakable containers (2 liters total volume). The containers must be marked with expiration dates which have not expired. An assortment of containers is acceptable so long as there is a total of 2 liters (2,000 milliliters or cc's).

28. Sterile burn sheet (4 ft. x 4 ft.)—Most are commercially prepared but any sheet which is nonpilling and sterile is acceptable.

29. Cold packs, chemical (4).

30. Triangular bandages (8)—These must be triangular pieces of cloth approximately 40 inches across the base. Safety pins must be on hand for use with triangular bandages.

31. Sterile OB kits (2)—Each kit must contain the following contents:

- a. 1 pair of sterile gloves.
- b. 2 umbilical cord clamps.
- c. tape or tie-offs.
- d. 2 towels.
- e. 2 plastic bags.
- f. 1 bulb aspirator.
- g. 2 sanitary pads.
- h. 1 scalpel.

32. Bulb syringe separate form OB kits (1). Must be sterile.

33. Thermal blanket (Silver Swaddler) (1), or roll of sterile aluminum foil.

34. Pediatric equipment sizing tape or equipment age/weight chart (with normal vital signs).

35. Bandage shears (1)—Must be capable of cutting clothing and bandages.

36. Pillow (1).

37. Blankets (2)—Must be single bed sizes and clean. Plastic blankets are not acceptable.

38. Sheets (4)—Must be clean and folded.

39. Pillowcases (2)

40. Towels (4)—Any size.

41. Disposable tissues (1 box).

42. Emesis container (1)—In addition to bed pan.

43. Urinal (1).

44. Bed pan (1).

45. Disposable drinking cups (3 oz. or larger) (4)—Used for protecting eye injuries from further aggravation. They must be constructed of a material which is easily collapsed (paper).

46. State approved triage tags (25).

47. Handlight (6 or more volts) (2)—Any of a variety of lights operating on 6 or more volts is acceptable.

48. Hazard warning devices (3)—for example, reflectors, flares and fuses. Used for traffic detouring and safety perimeters. Must be capable of 30 minutes operation time.

49. Radio equipment which operates on public service frequencies assigned by the FCC and enables medical two-way communications with dispatch and hospitals to which the ambulance service most often transports patients during medical emergencies. A cellular telephone may only be used as a backup means of communications when the radio system fails.

50. Emergency jump kit. Virtually any container made of plastic, cloth, metal, fiberglass or wood is acceptable as long as it is large enough to hold basic patient care equipment and supplies.

51. U. S. Department of Transportation Guidebook for Initial Response to Hazardous Materials Incidents. (Current Copy)

52. Thermometers—oral (glass or electronic) or tympanic (1).

53. Hot packs, chemical (4).

54. Sharps receptacle (1).

55. Suction catheters, flexible 6 and 8 (1 each), and 10 or 12, 14 or 18 (2 each). Total of 6.

56. Instant glucose (40% dextrose-d-glucose gel)—minimum of either 3 single dose tube of 15 grams each, or 1 three-dose tube of 45 grams.

57. Activated charcoal—minimum of 50 grams, either in powdered form or premixed suspension.

58. Large screwdrivers, phillips and slotted (1 each). Each must be at least 8" in length.

59. Pliers (slipjoint, lineman's, needlenose, arc joint (water pump) and locking) (1 of each). The needlenose pliers must be at least 6" in length, the lineman's at least 7" and the remaining three, at least 8".

60. Hand-held sledge hammer (3 lbs.) (1)—Must have a 10" handle. If the handle is made of wood it should be unpainted.

61. Impact metal-cutting tool (1)—May be a commercial product or any device designed to cut automotive grade sheet metal.

62. Short pry bar (1)—Must be 12" in length.

63. Cold chisel (7" x 3/4") (1).

64. Hacksaw with 2 extra blades (1)—Must have a 12 inch blade and some type of lubricant such as a petroleum based oil or liquid soap.

65. Adjustable wrench (10") (1).

66. Center punch (1).

67. Hard hat (1 per responding crew member)—minimum of 2.

68. Clear eye protection. Goggle type or wraparound type with side shields (1 pair per crew member responding on vehicle, minimum of 2 pair).

69. Gloves (1 pair per crew member responding on vehicle, minimum of two pair). The anterior surface (palm and fingers) of the gloves must be covered with work grade leather.

70. Eye protection, clear, disposable (1 per responding crew member)—face shield type.

71. Face mask, disposable (1 per responding crew member).

72. Gown or coat (1 per responding crew member).

73. Surgical caps/foot coverings, disposable (1 set per responding crew member).

74. Double-barrier gloves (1 set per responding crew member)—can be double latex gloves and should be designed specifically as a barrier against infection.

75. Container (1 per vehicle or disposable bags) (3 per vehicle) for storage of contaminated clothing/equipment. If a bag, must be color-coded (red) and constructed of heavy-duty plastic.

76. Copy of exposure control plan for handling of infectious disease patients.

#### *Advanced Life Support Ambulance Services*

##### *A. Mobile Intensive Care Unit (MICU)*

The following equipment and supplies must be carried by a Mobile Intensive Care Unit (MICU):

1. All of the equipment and supplies required by a Basic Life Support Service as previously identified.

2. Sponges/preps/wipes, alcohol (10)—These can be as simple as the 1" x 1" packets.

3. Airways: Endotracheal tubes—Cuffed sterile or uncuffed sterile—sizes and quantities.

a. 2.5 mm or 3.0 mm (2 each)

b. 3.5 mm or 4.0 mm (2 each)

c. 4.5 mm or 5.0 mm (2 each)

d. 5.5 mm or 6.0 mm (2 each)

e. 6.5 mm or 7.0 mm (2 each)

f. 7.5 mm or 8.0 mm (2 each)

g. 8.5 mm or 9.0 mm (2 each)

The cuff must be present on sizes 5.0 mm and larger. Tubes must be individually wrapped and sterile.

4. Laryngoscope, handle with batteries (1) and spare batteries (1) set.

5. Laryngoscope, blades:

| Straight | Curved  |
|----------|---------|
| # 1 (1)  | # 3 (1) |
| # 2 (1)  | # 4 (1) |
| # 3 (1)  |         |

Sizes S, M and L can also be used depending on manufacturer of straight blades.

6. Lubricating jelly, surgical, sterile (2 cc) containers (2).

7. Magill forceps, adult and pediatric (1 of each).

8. Phlebotomy equipment. Blood collection vacuum tubes (per regional policies). Blood collection vacuum tube barrel (1) and vacuum phlebotomy needles (2). Tubes should have a current expiration date.

9. Catheters, over the needle (intravenous).

a. 14 gauge (4)

b. 16 gauge (4)

c. 18 gauge (4)

d. 20 gauge (4)

e. 22 gauge (4)

f. 24 gauge (2)

Each must be individually wrapped and sterile. Total of 22.

10. Intravenous administration supplies. Microdrip (50-60 drops/ml) and Macro drip (10-20 drops/ml) sets (2 of each).

## 11. Intravenous fluids.

- a. D5 and W (250 ml)
- b. Sodium Chloride (1,000 ml)
- c. Lactated Ringers (1,000 ml)

The number of bags for each fluid must add up to the total ml required for each fluid in any combination. If regional protocols do not require all three fluids, then total mls for the required fluids must add up to 2,250 mls.

12. Tourniquets for IV use (2). These can be as simple as a strip of latex.

13. Emergency drugs per regional protocols and within State guidelines, and secured under double lock and key.

## 14. Needles, hypodermic.

- a. IV (16-20 gauge) (4)
- b. Subcutaneous (23-25 gauge) (4)
- c. Intramuscular (20-22 gauge) (4)
- d. Intraosseous (14-18 gauge) (2)

These must be available in various sizes as indicated above. Each must be individually wrapped and sterile. Total of 14.

## 15. Syringes, per regional or local protocols.

16. Defibrillator/monitor with synchronized cardioversion capabilities, DC electric power, portable, battery-operated with paper readout, with spare battery or alternate power source, with ECG cables with three lead capability and pediatric paddles.

17. Defibrillator paddle pads (4) or electrode gel (2 tubes).

## 18. Electrodes, ECG, adult and pediatric sizes (6 each).

## 19. Stylette, malleable—pediatric (2) and adult (1).

20. ALS medications per guidelines published by the Department.

## 21. Meconium aspirator (1).

B. *ALS Squad Unit*

The following equipment and supplies must be carried by an Advanced Life Support Squad Unit:

1. Airways: endotracheal tubes—cuffed sterile or uncuffed sterile—sizes and quantities:

- a. 2.5 mm or 3.0 mm (2 each)
- b. 3.5 mm or 4.0 mm (2 each)
- c. 4.5 mm or 5.0 mm (2 each)
- d. 5.5 mm or 6.0 mm (2 each)
- e. 6.5 mm or 7.0 mm (2 each)
- f. 7.5 mm or 8.0 mm (2 each)
- g. 8.5 mm or 9.0 mm (2 each)

2. Catheters, pharyngeal suctioning, rigid (2)—Catheters must be individually wrapped and sterile.

3. Suction catheter, flexible, sizes 6 and 8 (1 each), 10 or 12, 14 or 18 (2 of each)—Catheters must be individually wrapped and sterile. Total of 6.

4. Laryngoscope, handle with batteries (1) and spare batteries.

## 5. Laryngoscope, blades.

| Straight | Curved  |
|----------|---------|
| # 1 (1)  | # 3 (1) |
| # 2 (1)  | # 4 (1) |
| # 3 (1)  |         |

Can use sizes S, M and L for straight blades depending on manufacturer.

6. Lubricating jelly, surgical, sterile (2 cc) containers (2).

7. Magill forceps, adult and pediatric (1 of each).

8. Nasopharyngeal airways, set of (5) different sizes (1)—The airways must be clean and a water soluble lubricant available.

9. Stylette, malleable, pediatric (2) and adult (1).

10. Rechargeable portable electric suction apparatus with wide-bore tubing (1)—The unit must have a water supply to lubricate and clear the tubing.

11. Oropharyngeal airways, set of (6) different sizes (1)—Any of the catheter guide or channel type airways are acceptable. The airways must be clean. Esophageal obturator or gastric tube airways are not acceptable substitutes.

12. Sphygmomanometer—Child, adult, thigh (or large adult) cuffs (1 each). Note: (1) manometer with interchangeable cuffs is acceptable.

13. Stethoscope (1).

14. Penlight (1)—Mini-mags are not acceptable.

15. Portable oxygen unit (1)—The unit must be:

a. With at least a 300 liter capacity cylinder.

b. Equipped with a yoke. This is a device which commonly has a three pin connector which fits into the top of the cylinder.

Each cylinder must have a minimum total pressure of 500 pounds per square inch (psi).

c. Equipped with a nonsparking wrench to open and close valve on top of cylinder or a tank opening device as part of the cylinder.

d. Equipped with gauge/flowmeter that is not gravity dependent and can deliver oxygen of 0-25 liters per minute. Older models with a range of 15 are acceptable until replaced.

e. A spare cylinder (300 liter capacity) must be available.

16. Transparent, disposable oxygen delivery devices with supply tubing:

—Nasal cannulas—Adult (1) and pediatric (1)

—High concentration mask, (partial or non-rebreather), capable of providing 80% or greater concentration of oxygen—Adult (1), infant (1) and pediatric (1)

—Each device must be individually wrapped.

17. Sterile universal dressings (10" x 30") (4)—Compactly folded and packaged in a convenient size (4).

18. Occlusive dressings (3" x 4") (4)—Used to seal a sucking chest wound. Any dressing which can form an airtight seal, such as petroleum jelly impregnated gauze, plastic wrap or aluminum foil.

19. Sterile gauze pads (minimum of 3" x 3") (25)—Must be individually wrapped or two to a pack and sterile.

20. Soft self-adhering type bandages, assorted sizes (6 rolls total). They need not be sterile but must be clean and wrapped.

21. Adhesive tape, assorted widths (4 rolls)—Any type of tape is acceptable so long as at least one roll is of the hypo-allergenic type.

22. Short spine immobilization device (1)—This device must be constructed of wood, vinyl, fiberglass, metal, plastic, leather, cloth or any combination of these materials. Fully rigid or corset type immobilizers are acceptable.

23. Rigid or semi-rigid neck immobilizers, small, medium, large and pediatric (1 each)—Traditional soft collars, rolled towels or the like are not acceptable. Each collar must be constructed of a solid, rigid material (plastic) or a combination of such plastic and a flexible form fitting material (foam).

24. Lateral cervical spine immobilization device (1) for example, manufactured CID, tightly rolled towels, blankets or foam bags. Sandbags are not acceptable. The device must have a means of attachment to the long spine board. This may be as simple as adhesive tape. If rolled towels are to be used, they must be pre-rolled and ready for use at all times.

25. Hand operated adult and infant bag-valve devices (1 each) with supply tubing and clear masks. Unit must be capable of 100% oxygen delivery (1)—The unit must be equipped with a bag or tube reservoir or some other port of oxygen to enter and fill the bag.

26. Hand operated pediatric bag-valve device (450-700 cc) (1) with supply tubing and clear masks, and without pop-off valve. The unit must be equipped with a bag or tube reservoir or some other port of oxygen to enter and fill the bag.

27. Pocket mask with one-way valve (1), and with an oxygen port.

28. Long spine board, rigid or folding (excluding slat type of flexible stretcher) (1)—May be constructed of wood, aluminum or fiberglass.

29. Pneumatic counter pressure anti-shock device compartmentalized by leg and abdomen, adult and child (1 each) or adult and child combination (1) will fulfill this requirement. The device must be accompanied with an appropriate air pump, hoses and valves supplied by the manufacturer. Can be utilized for lower extremity fractures.

30. Cold packs, chemical (4).

31. Heat packs, chemical (4)—One side of the pack must be insulated to protect a patient from a burn.

32. Sponges/preps/wipes—alcohol (10)—These can be as simple as the 1" x 1" "prep" packets.

33. Sterile water and/or normal saline solution for irrigation in nonbreakable containers (2 liters total volume). The containers must be marked with expiration dates which have not expired. Any assortment of containers is acceptable so long as there is a total of 2 liters (2,000 milliliters or cc's), in addition to IV solutions required.

34. Sterile burn sheets (4 ft. x 4 ft.) (2)—Most are commercially prepared, but any sheet which is non-pilling and sterile is acceptable.

35. Triangular bandages (8)—These must be triangular pieces of cloth approximately 40 inches across the base. Safety pins must be on hand for use with triangular bandages.

36. Sterile OB kits (2)—The contents must be listed on the outside of the container, and should contain the following:

- a. 1 pair of sterile gloves.
- b. 2 umbilical cord clamps.
- c. tape on tie-offs.
- d. 2 towels.
- e. 2 plastic bags.
- f. 1 bulb aspirator.
- g. 2 sanitary pads.
- h. 1 scalpel.

37. Separate bulb syringe (1). Must be sterile.

38. Thermal blanket (Silver Swaddler) (1), or roll of sterile aluminum foil.

39. Bandage shears (1)—Must be capable of cutting clothing and bandages.

40. Blankets (2)—Must be single bed size and clean. Plastic blankets are not acceptable.

41. State approved triage tags (25).

42. Handlight (6 or more volts) (2)—Any of a variety of lights operating on 6 or more volts is acceptable.

43. Hazard warning devices (3)—for example, reflectors, flares and fuses. Use for traffic detouring and safety perimeters. Must be capable of 30 minutes operation time.

44. Phlebotomy equipment: blood collection vacuum tubes (per regional policies), blood collection vacuum tube barrels (1), and vacuum phlebotomy needles (2). Tubes should have a current expiration date.

45. Catheters, over the needle (intravenous).

- a. 14 gauge (4)
- b. 16 gauge (4)
- c. 18 gauge (4)
- d. 20 gauge (4)
- e. 22 gauge (4)
- f. 24 gauge (2)

Each must be individually wrapped and sterile. Total of 22.

46. Intravenous administration supplies. Microdrip (50-60 drops/ml) and Macro drip (10-20 drops/ml) sets (2 of each).

47. Intravenous fluids.

- a. D5 and W (250 ml)
- b. Sodium Chloride (1,000 ml)
- c. Lactated Ringers (1,000 ml)

The number of bags for each fluid must add up to the total ml required for each fluid in any combination. If regional protocols do not require all three fluids, then total mls for the required fluids must add up to 2,250 mls. Fluids must be kept from extremes in temperatures.

48. Tourniquets for IV use (2). These can be as simple as a strip of latex.

49. Emergency drugs per regional protocols and within State guidelines—They must be secured under double lock and key.

50. Needles, hypodermic.

- a. IV (16-20 gauge) (4)
- b. Subcutaneous (23-25 gauge) (4)

- c. Intramuscular (20-22 gauge) (4)
- d. Intraosseous (14-18 gauge) (2)

These must be available in various sizes as indicated above. Each must be individually wrapped and sterile. Total 14.

- 51. Syringes, per regional or local protocols.
- 52. Defibrillator/monitor with synchronized cardioversion capabilities, DC electric power, portable, battery-operated with paper readout, with spare battery or alternate power source, with ECG cables with three lead capability and pediatric paddles.
- 53. Defibrillator paddle pads (4) or electrode gel (2 tubes).
- 54. Electrodes, ECG, adult and pediatric sizes (6 each).
- 55. Radio equipment which operates on public service frequencies assigned by the FCC and enables medical two-way communications with dispatch and hospitals to which the ambulance service most often transports patients during medical emergencies. Cellular phones can only be used as a back-up means of communications when radio system fails.
- 56. Sharps receptacle (1).
- 57. U. S. Department of Transportation Guidebook for Initial Response to Hazardous Materials Incidents. (Current copy)
- 58. Thermometer—oral (glass or electronic) or tympanic (1).
- 59. Instant glucose (40% dextrose-d-gel). Minimum of either 3 single dose tubes of 15 grams each, or 1 three-dose tube of 45 grams.
- 60. Activated charcoal—minimum of 50 grams, either in powdered form or premixed suspension.
- 61. Meconium aspirator (1).
- 62. Pediatric equipment sizing tape or equipment age/weight chart (with normal vital signs).
- 63. Large screwdrivers, phillips and slotted (1 each). Each must be at least 8" in length.
- 64. Pliers (slipjoint, lineman's, needlenose, arc joint (water pump and locking) (1 of each). The needlenose pliers must be at least 6" in length, the lineman's at least 7" and the remaining three, at least 8".
- 65. Hand-held sledge hammer (3 lbs.) (1)—Must have a 10" handle. If the handle is made of wood it must be unpainted.
- 66. Impact metal-cutting tool (1)—Must be a commercial product or any device designed to cut automotive grade sheet metal.
- 67. Short pry bar (1)—Must be 12" in length.
- 68. Cold chisel (7" x 3/4") (1).
- 69. Hacksaw with 2 extra blades (1)—Must have a 12 inch blade and some type of lubricant such as a petroleum based oil or liquid soap.
- 70. Adjustable wrench (10") (1).
- 71. Center punch (1).
- 72. Clear eye protection. Goggle type or wraparound type with side shields (1 per crew member responding on vehicle).

73. Gloves (1 pair per crew member responding on vehicle). The anterior surface (palm and fingers) of the gloves must be covered with work grade leather.

74. Hard hat (1 per crew member responding on vehicle).

75. Eye protection, clear, disposable (1 per responding crew member). (face shield)

76. Face mask, disposable (1 per responding crew member).

77. Gown or coat (1 per responding crew member).

78. Surgical caps/foot coverings, disposable (1 set per responding crew member).

79. Double-barrier gloves (1 set per responding crew member)—can be double latex gloves, specifically designed as a barrier against infection.

80. Container (1 per vehicle or disposable bags) (3 per vehicle) for storage of contaminated clothing/equipment. If bags, must be color-coded (red), and constructed of heavy-duty plastic.

81. Copy of exposure control plan for handling of infectious disease patients.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, braille) should contact Robert H. Gaumer, Division of Emergency Medical Services Systems at (717) 787-8740 or TDD (717) 783-6514, so that he may make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1589. Filed for public inspection September 20, 1996, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Supplemental Benefit Plan; Low-Income Home Energy Assistance Program

The Department of Public Welfare will implement the Supplemental Benefit Plan (SBP) to provide additional benefits to certain Low-Income Home Energy Assistance Program (LIHEAP) recipients in the 1995-96 program year. The SBP will be funded by the Federal LIHEAP contingency funds released by President Clinton in April 1996. The Commonwealth's share of the contingency funds is \$12.2 million. The SBP is governed by the same provisions by which LIHEAP is governed; that is, 42 U.S.C.A. §§ 8621—8629 and the Department's 1995-1996 LIHEAP State Plan.

Benefits will be available to those households with the greatest need; for example, households whose electric or natural gas utility service has been terminated or is in imminent danger of termination. A household that is in imminent danger of termination is one whose electric or natural gas utility service is pending termination, regardless of whether a specific date has been established, due to a past-due account. Utility vendors will provide data to the Department on households for whom they received 1995-96 LIHEAP payments, and who had their service terminated or are in imminent danger of service termination. The amount of benefits to be paid to the utility for

credit to the customer's account will be based on the termination status and the amount of the account arrearage as of May 31, 1996. Benefits will range from \$45 to \$500 per household. The vendor will send a notice of eligibility to the customer.

For eligible households whose electric or natural gas utility service was terminated, service will be reconnected and maintained for 60 days from the date the vendor sends a notice of eligibility to the customer. For those eligible households in which service was not terminated but is in imminent danger of termination, service will be maintained for 60 days from the date the vendor sends a notice of eligibility to the customer. Utility companies will establish a payment plan with eligible households in accordance with the vendor's current policies.

FEATHER O. HOUSTOUN,  
Secretary

**Fiscal Note:** 14-NOT-129. No fiscal impact; (8) recommends adoption. This Notice announces the availability of approximately \$12.3 million in additional Federal funds to provide supplemental assistance to recipients of the Low-Income Home Energy Assistance Program (LIHEAP) whose utility service has been terminated or is in jeopardy of being terminated.

[Pa.B. Doc. No. 96-1590. Filed for public inspection September 20, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Wizard of Odds '96 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761.1—3761.15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Wizard of Odds '96.

2. *Price:* The price of a Pennsylvania Wizard of Odds '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Wizard of Odds '96 instant lottery game ticket will contain one "Play Area." The "Play Area" will contain a "Your Numbers" area and a "Crystal Ball" area. The play symbols and their captions located beneath the "Your Numbers" area and the "Crystal Ball" area in the "Play Area" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Play Area" are: FREE (TICKET), \$1<sup>00</sup> (ONE), \$4<sup>00</sup> (FOUR), \$8<sup>00</sup> (EIGHT), \$25\$ (TWEN-FIV), \$100\$ (ONE HUN) and \$1000 (ONE THOU).

5. *Prizes:* The prizes that can be won in this game are one free ticket, \$1, \$4, \$8, \$25, \$100 and \$1,000. The player can win up to four times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,210,400 tickets will be printed for the Pennsylvania Wizard of Odds '96 instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets where the "Crystal Ball" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$1000 (ONE THOU) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets where the "Crystal Ball" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$100\$ (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets where the "Crystal Ball" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$25\$ (TWEN-FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(d) Holders of tickets where the "Crystal Ball" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EIGHT) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(e) Holders of tickets where the "Crystal Ball" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$4<sup>00</sup> (FOUR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(f) Holders of tickets where the "Crystal Ball" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of \$1<sup>00</sup> (ONE) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(g) Holders of tickets where the "Crystal Ball" play symbol matches any one of the "Your Numbers" play symbols and a prize play symbol of FREE (TICKET) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

#### 8. Grand Prize Drawing Procedure:

##### (a) Frequency.

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Wizard of Odds '96 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery as-

sumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

| <i>Grand Drawing Prizes</i> | <i>No. of Winners</i> | <i>Amount</i>   |
|-----------------------------|-----------------------|---|
| Grand Prize                 | 1                     | \$1 million-annuity, or \$100,000, or \$75,000, or \$50,000 |
| Consolation Prize           | 9                     | \$5,000   |

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>Get</i>    | <i>Win</i>                 | <i>Approximate Odds</i> | <i>Approximate No. of Winners Per 8,210,400 Tickets</i> |
|---------------|----------------------------|-------------------------|---|
| Free          | One Free Ticket Plus Entry | 1:20                    | 410,520   |
| \$1           | \$1                        | 1:8                     | 1,026,300   |
| \$1 × 2       | \$2                        | 1:20                    | 410,520   |
| \$1 × 4       | \$4                        | 1:48                    | 171,050   |
| \$4           | \$4                        | 1:200                   | 41,052  |
| \$4 × 2       | \$8                        | 1:400                   | 20,526  |
| \$8           | \$8                        | 1:800                   | 10,263  |
| \$4 × 3 + \$8 | \$20                       | 1:500                   | 16,421  |
| \$8 × 2 + \$4 | \$20                       | 1:500                   | 16,421  |
| \$25          | \$25                       | 1:1,200                 | 6,842   |
| \$25 × 4      | \$100                      | 1:10,263                | 800   |
| \$100         | \$100                      | 1:20,526                | 400   |
| \$100 × 4     | \$400                      | 1:41,052                | 200   |
| \$1,000       | \$1,000                    | 1:410,520               | 20  |
| \$1,000 × 4   | \$4,000                    | 1:513,150               | 16  |

9. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Wizard of Odds '96 instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wizard of Odds '96 instant lottery game tickets.



The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Wizard of Odds '96, prize money on winning Pennsylvania Wizard of Odds '96 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Wizard of Odds '96, the right of ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Wizard of Odds '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-1591. Filed for public inspection September 20, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Washington and Greene Counties Reference No. 08430AG2014

The Department of Transportation will retain an engineering firm to perform final design for S.R. 0079, Section Q10 located in Amwell Township, Washington County and Washington Township, Greene County. The project involves the restoration (I-4R) of 4.0 miles of I-79. Included is a half-diamond interchange at the Marianna Exit along with three sets of dual structures over Township Road 512, S.R. 2020 and Township Road 357. The project begins approximately 2.0 miles south of the Marianna Exit and ends approximately 2.0 miles north. The estimated construction cost is \$17.3 million.

The selected engineering firm will be required to provide: roadway design; field surveys; utility coordination; cross-sections; geotechnical investigations; structure plans; erosion and sedimentation control plan; traffic control plans; pavement marking plan; signing plan; public involvement; and plans, specifications and estimates. Preliminary design studies, including Step 9 and type, size and location, are being performed by others and will be made available by the Department.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Technical questions concerning the requirements for this project should be directed to P. Gregory 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.

#### Westmoreland County Reference No. 08430AG2015

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately six inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S.R. 1048, Section 009, Tinsmill Spur, Westmoreland County.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Number of NICET certified inspectors in each payroll classification.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.
- c. Understanding of Department's requirements, policies and specifications.
- d. Past performance.
- e. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

| <i>Classification</i>  | <i>No. of Inspectors</i> |
|--|--------------------------|
| Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent) | 1 (1)                    |
| Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)     | 5 (3)                    |
| Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)                        | 1 (0)                    |

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1996 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> |
|--|--------|----------------------------|
| Transportation Construction Inspector Supervisor | (TCIS) | \$17.95                    |
| Transportation Construction Inspector            | (TCI)  | \$15.71                    |
| Technical Assistant                              | (TA)   | \$10.80                    |

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Technical questions concerning the requirements for this project should be directed to Anthony M. Dzurko, P.E., District 12-0, at (412) 439-7137.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties**  
**Reference No. 08430AG2016**

The Department of Transportation will retain two engineering firms for two open-end contracts for various engineering services and environmental studies on vari-

ous projects located in Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties in Engineering District 8-0. The contracts will be for a minimum of 30 months with projects assigned on an as-needed basis. The required services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bring rehabilitations with minor approach work, roadway betterments (3R Type), ECONS studies, ECONS final design, Capital Improvement Projects (bridges or roadways), and minor location studies. The maximum amount of these open-end contracts will be a for a minimum of \$750,000.

The Department will establish an order of ranking of a minimum of five firms for the purpose of negotiating two open-end contracts based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Specialized experience and technical competence of firm with emphasis on the firm's ability to handle projects of a diverse and complex nature. The firm's experience in 3R and I-4R design, safety improvement projects and bridge design projects; the firm's ability to address critical environmental issues in a timely and cost effective manner; and the firm's ability to procure all necessary permits.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on open-end contracts. The specific experience of individuals who constitute the firms shall be considered.

c. Location of consultant in respect to the District.

d. Current workload.

e. Available staffing for this assignment. The selected firm could be assigned up to 20 concurrent work orders of a similar or diverse nature. Prompt turn-around time is expected.

f. Relative size of firm to size of projects that may be completed under this contract.

The firm may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography and cross sections; prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare type, size and location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings; provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contact

with railroad officials for any railroad-related costs estimates, permits, insurance, approvals and other required information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; and prepare construction plans, specifications and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The firm may be required to perform any or all of the following environmental studies: air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socio-economic; cultural; Section 4(f) and Section 106 documents; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firm may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluations; mitigation plans and reports; and wetland and floodplain findings.

The engineering services and environmental studies identified above are the general work activities that can be expected under these open-end contracts. A more specific and project-related scope of work will be outlined for each individual work order developed under these open-end contracts.

Technical questions concerning the requirements for this project should be directed to John Bachman, P.E., District 8-0, at (717) 783-4519.

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 autho-

rized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Expressions of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same project advertisement. Also a firm that responds to a project advertisement as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."
2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited

overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1592. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Retention of Engineering Firms

**Bradford, Columbia, Lycoming, Montour,  
Northumberland, Snyder, Sullivan, Tioga and Union  
Counties  
Reference No. 03096AG0001**

Various municipalities in cooperation with the Department of Transportation, Engineering District 3-0, will retain engineering firms to prepare studies and plans for the replacement of municipality owned bridges most of which are contained on the Billion Dollar Bridge Program. The proposed work is located throughout the nine counties of the Department of Transportation, Engineering District 3-0. These counties are Bradford, Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga and Union. The bridges to be replaced range in size from 15 foot spans to 150 foot spans, and the construction costs range from \$100 thousand to \$2.0 million.

The firms selected will be required to conduct preliminary and final design to include environmental studies; development of a preliminary alignment and accompanying data for Step 9; final alignment; type, size and location drawings; drainage design; hydrologic and hydraulic report; the Department of Environmental Protection waterway permits, bridge foundation report, and soil borings; right-of-way plans, erosion control plans with narrative; maintenance and protection of traffic plans; structure drawings; pavement design; and construction plans, specifications and estimates. A conventional field survey will be required.

Upon completion of final design phase, the firm may be required to perform shop drawing review, alternate design review, construction inspection and general engineering services during construction.

Technical questions concerning the requirements for this project should be directed to Leon J. Liggitt, District 3-0, at (717) 368-4390.

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 (two copies) of interest to: Paul E. Heise, P.E., District Engineer, Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754-0218.

Firms will be selected for an individual project or a group of projects. Interested firms should indicate the

counties, type of projects and size of projects in which they are interested. Letters of interest will be kept on record for use by municipalities selecting consultants for a period of 2 years from the date of this advertisement. There is no Disadvantaged Business Enterprise (DBE) requirement for this advertisement, but DBE participation may be required on the individual project.

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 (1996-98 Local Billion Dollar Bridge). A Standard Form, 254, "Architect-Engineering and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement must be submitted for the firm, each party to a joint venture and for performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," and two copies of Form D-427 "Current Workload" must also be included. D-427 forms are available upon request at the above address.

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.

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.

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 following factors, listed in their order of importance, will be considered by the municipalities 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. Location of consultant.
- d. Current workload and capacity of firm to perform the work within the time limitations.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The letters of interest and required forms should be received by 4:30 p.m. on October 18, 1996.

As of this date, the specific projects for which these letters of interest will be used have not been determined.

The assignment of the above services will be made to one of the firms responding to this notice, but the municipalities and the Department of Transportation reserves the right to reject all letters of interest submitted, to cancel the solicitations required under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1593. Filed for public inspection September 20, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Haddon Craftsman, Inc., v. DEP; EHB Doc. No. 96-047-MR**

The Department of Environmental Protection (Department) and Haddon Craftsmen, Inc., (Haddon Craftsmen), have agreed to a settlement of the above matter. On January 23, 1996, the Department issued Operating Permit No. 19-320-001C (Operating Permit) to Haddon Craftsmen, Inc. for the operation of seven heatset web offset printing presses at its Bloomsburg facility located in South Central Township, Columbia County. On or about February 26, 1996, Haddon Craftsmen filed a Notice of Appeal from the Operating Permit to the Environmental Hearing Board.

The Department and Haddon Craftsmen have agreed to a settlement, the major provisions of which include:

1. The Department shall issue a revised Operating Permit No. 19-320-001C which replaces the prior Operating Permit bearing the same number.
2. Haddon Craftsmen waives its right to appeal the revised Operating Permit No. 19-320-001C.

Copies of the full agreement are in the possession of:

Dawn M. Herb, Assistant Counsel, Department of Environmental Protection, Northcentral Region Office of Chief Counsel, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6568;

George C. Werner, Esquire, Barley, Snyder, Senft & Cohen, 126 East King Street, Lancaster, PA 17602-2893, (717) 299-5201;

and at the office of the Environmental Hearing Board, and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. If information concerning this Notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service at 1 (800) 654-5984.

Appeals must be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement which becomes final if no objection is timely made.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-1594. Filed for public inspection September 20, 1996, 9:00 a.m.]

### ISP Minerals Inc. v. DEP; EHB Doc. No. 96-179-MR

ISP Minerals, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to ISP Minerals, Inc. for a facility in Hamiltonban and Washington Townships, Adams and Franklin Counties.

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. 96-1595. Filed for public inspection September 20, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, September 5, 1996, and took the following actions:

#### *Regulations Approved:*

Department of Transportation #18-307—Vehicle Equipment and Inspection (amends 67 Pa. Code Chapter 175)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held  
September 5, 1996

*Department of Transportation—Vehicle Equipment and Inspection; Doc. No. 18-307*

### Order

On June 30, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking would amend 67 Pa. Code Chapter 175. This rulemaking is promulgated under the authority of sections 4103, 4521, 4524 and 6103 of the Motor Vehicle Code (Vehicle Code), act of June 17, 1996, P. L. 162, No. 81, as amended by the act of July 10, 1984, P. L. 679, No. 146 and the act of November 21, 1990, P. L. 556, No. 137 (75 Pa.C.S. §§ 4103, 4521, 4524 and 6103). The final-form regulation was submitted to the Commission on August 13, 1996.

This rulemaking implements, through the 1990 amendments to section 4524(e) of the Vehicle Code, the applicable light transmittance requirements for vehicle glass under the Federal Motor Vehicle Safety Standards #205 (FMVSS #205), on the use of window glazing materials, as published at 49 CFR Part 571 by the National Highway Traffic Safety Administration. It also establishes criteria for certificates of exemption for owners of vehicles equipped with non-conforming sun screening devices or other materials which may impair glass transparency beyond established limits. Such certificates are needed by individuals who have a photosensitive condition and require that the glass on their vehicles be treated to filter out ultraviolet light.

Section 4524(e) of the Vehicle Code prohibits, *inter alia*, the operation of a vehicle equipped with a sun screening device or other "material which does not permit a person to see or view the inside of the vehicle through the windshield, side wing or side window of the vehicle." This rulemaking has been developed to remedy previous problems associated with uniformly defining, interpreting and enforcing this statutory language.

FMVSS #205 requirements (at 49 CFR 571.205, S3.) apply to glazing materials used in passenger cars, multipurpose passenger vehicles, trucks, buses, motorcycles, slide-in campers and pick-up covers designed to carry persons while in motion. Passenger cars, for example, must have windows which allow at least 70% light transmittance. In contrast, trucks, buses and multipurpose passenger vehicles (for example, sport utility vehicles) do not have to observe the 70% transparency requirement on any windows behind the driver.

The following noteworthy changes have been made to the final-form version of this regulation, many of which are in response to the recommendations of commentators.

It further enforces the restrictions on the use of sun screening devices or light transparency reducing materials on the rear windows of passenger cars, starting with the 1998-model vehicles. No light transparency requirements have been established, however, for the rear windows of trucks, multipurpose vehicles, buses and other (non-passenger car) vehicles. The reason is that such vehicles are not subject to the 70% light transmittance requirements of FMVSS #205.

The Department deleted language that would have required inspection stations to purchase light transmittance meters and use them during the annual inspection procedure to establish light transmittance levels of vehicle windows. That test would have helped determine whether the vehicle would qualify for a certificate of compliance (and also pass State inspection). Enforcement of vehicle glass light transmittance requirements will be handled, instead, by the State Police and other police in connection with equipment checks of individual vehicles.

Section 175.67(d)(1), relating to window glazing and obstructions, has been amended to prohibit signs, posters or opaque materials being placed on a rear window as well as a windshield, side window or side wing of a passenger car. This will insure that the visibility through such windows on passenger cars is not obstructed in violation of the FMVSS #205 standard. This glazing obstruction requirement will not apply to the windows behind the driver on other types of vehicles (trucks, buses, multipurpose vehicles, and the like) because FMVSS #205 does not apply to them.

Mirror-related provisions of the final-form regulation were amended to exempt vehicles with medical certificates of exemption from having an outside mirror on both sides of the vehicle in cases where the vehicle was not originally so equipped.

The final-form regulation includes a new Table X, which will serve as a visual aid to enforcement personnel in determining acceptable levels of light transmittance as well as for those attempting to comply with this regulation.

The final-form regulation clarifies that limousines which carry less than 10 passengers are classified as "passenger cars" and are subject to the 70% light transmittance requirements of FMVSS #205. The basic classification of the vehicle determines whether the 70% light transmittance requirements must be met, not whether the vehicle is in public service and regulated by the Public Utility Commission, or privately owned.

Exemption procedures under section 175.265(a)(1) for vehicles registered as of September 8, 1984, have been revised to eliminate the need to supply photographs of the windows which have the sun screening or tinting material affixed.

Comments on the proposed version of this rulemaking were submitted by the Senate Transportation Committee, the Delaware Valley Limousine Operators Association, Inc. (DVLOA), the Monroeville Police Department, and the Commission. In February and June of this year, PennDOT representatives met with representatives of the State Police, the American Automobile Association, the Pennsylvania Automotive Association, and garage and public interest associations, to discuss issues related to the annual vehicle safety inspection program and this rulemaking. According to the Department, these groups had substantial input in the development of the final-form regulation.

The DVLOA submitted the only comment letter on the final-form regulation. It raised several technical matters in its comment letter, one of the primary ones of which was a renewal of its request that the Department establish a "limousine exception" to the glazing and tinting limitations applicable to passenger cars. The Department determined that it is unable to do so under current law; the Vehicle Code would have to be amended.

These amendments will affect about 18,000 official inspection stations, 80,000 official inspection mechanics; the owners/operators of vehicles with nonconforming sun screening devices or materials; persons with a photosensitive skin condition who seek a certificate of exemption for their vehicle; those who reside with and drive the exempted vehicle of persons with photosensitive skin conditions; vehicle sun screening manufacturers and installers; limousine service operators; the Pennsylvania State Police; and local law enforcement agencies.

Owners of vehicles who install window tinting material on the side windows behind the driver or the rear windows of 1998 and newer passenger cars will incur costs of approximately \$300 or more to remove the nonconforming material (and possibly repair/replace rear window defogging elements) if cited by the police for not complying with the 70% light transmittance requirement of FMVSS #205 and this regulation. Owners of pre-1998 model passenger cars with heavily tinted side windows will have the same problem. The impermissible screening material will have to be removed by vehicle owners if they wish to avoid receiving an initial or a follow-up citation by a law enforcement officer for a vehicle equipment violation.

Those who obtain a certificate of exemption will incur costs at the time they sell or otherwise divest themselves of the vehicle; the special screening or tinting material must be removed and a notarized statement to that effect must be provided to the buyer, including the name of the business entity that removed the sun screening material.

There will also be some cost savings realized as a result of amendments made in the final-form regulation. The Department's deletion of provisions requiring inspection station operators to test vehicle glass for light transparency means that the operators will not have to purchase light meters (at a cost of about \$170 to \$350 per unit).

There are several benefits of this regulation as well. Enforcement activities of the State Police and local law enforcement agencies will benefit from the clarifications on window tinting and glazing. The revisions made in this rulemaking will more clearly define the requirements and parameters for window glazing and tinting. As a result, accused violators, law enforcement officers and court officials will be in a position to better understand and interpret applicable requirements in every situation. Persons with photosensitive skin will be better protected from ultraviolet light by being able to drive or ride in a vehicle which has been granted a certificate of exemption for its special window treatment.

The requirement that 1998 and newer passenger cars will have to comply with the 70% of light transparency requirements of FMVSS #205 will make it easier for law enforcement officials to see inside such vehicles; the officers will have a greater margin of personal safety by better knowing what they are dealing with as they approach a stopped vehicle.

We have reviewed this regulation and find it to be in the public interest. The changes incorporated in the final-form regulation and the revisions to the preamble of the regulation demonstrate the Department's responsiveness to commentators' concerns and recommendations, including those resulting from the meetings with many affected parties held in February and June of 1996. The final-form regulation clarifies and updates the Department's current regulatory provisions and will lead to more consistent application of vehicle glazing requirements.

*Therefore, It Is Ordered That:*

1. Regulation No. 18-307 from the Department of Transportation, as submitted to the Commission on August 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1596. Filed for public inspection September 20, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request Approval of a Redomestication

CIGNA Insurance Company, a California domiciled stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of California to the Commonwealth of Pennsylvania. The initial filing was received on September 9, 1996, and was made under requirement set forth under the Business Corporation Law of 1988, 15 Pa.C.S. Section 1 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this redomestication are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1597. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Capital Blue Cross; Good Shepherd Rehabilitation Hospital; Member Rehabilitation Hospital Prospective Payment Provider Agreement; Form No. F-1675; Filing No. 96-K

By filing no. 96-K, Capital Blue Cross submits for the Insurance Department's review and approval a Member Rehabilitation Hospital Prospective Payment Provider Agreement, Form No. F-1675, with Good Shepherd Rehabilitation Hospital. The contract has a proposed effective date of July 1, 1995. This filing consists of 31 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Please refer to Insurance Department Filing No. 9609090003001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health

Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1598. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Delta Dental of Pennsylvania; Proposed Rider to Schedule II; Delta Dental Service Contract (MC-3, Rev. 9/94); Form No. R-47

Delta Dental of Pennsylvania has filed a proposed rider, Form No. R-47, to Schedule II of its Dental Service Contract MC-3, along with a modification defining the term "family." The proposed rider allows an annual maximum on a per family basis. Delta Dental has also submitted the rating information for the proposed rider. This filing consists of five pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Please refer to Insurance Department Filing No. 9609090007001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1599. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Larry Higley; file no. 96-308-71902; Continental Casualty Insurance Company; doc. no. PI96-08-068; October 8, 1996, at 2 p.m.;

Appeal of Laura E. D'Eletto; file no. 96-303-71616; Travelers Insurance Company; doc. no. PI96-08-069; October 8, 1996, at 3 p.m.;

Appeal of Joaquim Araujo; file no. 96-280-34870; Prudential Property & Casualty Insurance Company; doc. no. PH96-08-072; October 9, 1996, at 3 p.m.;

Appeal of Gerald Martis; file no. 96-308-71806; American Motorists Insurance Company; doc. no. PI96-08-070; October 10, 1996, at 11 a.m.;



Appeal of Robert E. Prescott, III; file no. 96-265-35044; Erie Insurance Exchange; doc. no. PH96-08-074; October 15, 1996, at 11 a.m.;

Appeal of Norman L. Tucker; file no. 96-308-71797; State Farm Insurance Company; doc. no. PI96-08-071; October 16, 1996, at 9 a.m.;

Appeal of Aaron L. Gray, Sr.; file no. 96-265-34380; Keystone Insurance Company; doc. no. PH96-08-073; October 17, 1996, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1600. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Company; file no. 96-303-71873; Antoinette M. Riga; doc. no. PI96-08-075; October 15, 1996, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1601. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insurers have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Nationwide Insurance Company; file no. 96-308-72084; David Hein; doc. no. PI96-08-066; October 8, 1996, at 1 p.m.;

Appeal of State Farm Insurance Company; file no. 96-308-72036; Thomas H. Shearer; doc. no. PI96-08-067; October 16, 1996, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in

the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1602. Filed for public inspection September 20, 1996, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insurers have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Soad Mohamed Mostafa; file no. 96-308-71241; Allstate Insurance Company; doc. no. P196-08-077; October 10, 1996, at 1 p.m.;

Appeal of Robert E. Platt, Jr.; file no. 96-121-04157; State Farm Fire and Casualty Insurance Company; doc. no. P96-08-053; October 16, 1996, at 11 a.m.;

Appeal of Richard Lyons; file no. 96-188-05047; Lititz Mutual Insurance Company; doc. no. P96-08-052; October 22, 1996, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1603. Filed for public inspection September 20, 1996, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Department of Community and Economic Development*

Home Rule Charter dated April 23, 1996 for the City of Allentown, Lehigh County.

#### *Executive Board*

Resolution # CB-96-200, Dated August 9, 1996. The Commonwealth of Pennsylvania entered into a Memorandum of Understanding with the Pennsylvania Liquor Control Board Enforcement Officers III Meet and Discuss Unit (K5); covering approximately 22 employees in the K5 Supervisory unit certified by the Pennsylvania Labor Relations Board, PERA No. R-2249-C.

Resolution # CB-96-227, Dated August 29, 1996. The Commonwealth of Pennsylvania entered into a Collective Bargaining Agreement and a Memorandum of Understanding with the Pennsylvania Social Services Union covering approximately 1,700 professional and nonprofessional employees in the first-level supervisory Social and Rehabilitative Services Unit, certified by the Pennsylvania Labor Relations Board in Case No. PERA-R- 2353-C.

#### *Governor's Office*

Manual M110.1 1997-98 Budget Instructions—Dated, August 1996.

Management Directive No. 505.7—Personnel Rules, Amended, Revision No. 1 dated August 2, 1996.

Management Directive No. 530.11—Benefit Rights of Permanent and Temporary Employees, Amended August 8, 1996.

Management Directive No. 540.7—Employee Performance Review, Amended August 13, 1996.

Administrative Circular No. 96-32—Moving Commonwealth Property, Dated August 2, 1996.

Administrative Circular No. 96-33—Revised Revenue Estimates, 1996-97 Fiscal Year, Dated August 2, 1996.

Administrative Circular No. 96-34—1997-98 Budget Instructions, Dated August 15, 1996.

Administrative Circular No. 96-35—Revenue Estimates, 1997-98 Fiscal Year, Dated August 16, 1996.

Administrative Circular No. 96-37—1997-98 Program Policy Guidelines, Dated August 27, 1996.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 96-1604. Filed for public inspection September 20, 1996, 9:00 a.m.]

# PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

## Publication of Financial Statement

Under the provisions of section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (Act of June 5, 1991, P. L. 9, No. 6) the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a "concise financial statement" annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 1996, which includes an audit for such period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority at 1429 Walnut Street—14th Floor, Philadelphia, PA 19102, (215) 561-9160.

JOSEPH C. VIGNOLA,  
*Executive Director*

### PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

#### **Condensed Balance Sheet June 30, 1996**

#### **ASSETS**

##### CURRENT ASSETS:

|                                 |                |
|---------------------------------|----------------|
| Cash and short-term investments | \$ 198,642,638 |
| Accrued interest receivable     | 686,773        |
| Accounts receivable—PICA taxes  | 3,846,103      |
| Interfund receivable            | 8,010,989      |

Total current assets 211,186,503

PROPERTY, PLANT AND EQUIPMENT—Office furniture and equipment 112,403

OTHER ASSETS—Prepaid rent and security deposit 11,940

AMOUNT AVAILABLE IN DEBT SERVICE FUND FOR RETIREMENT OF LONG-TERM DEBT 86,776,440

AMOUNT TO BE PROVIDED FOR RETIREMENT OF LONG-TERM DEBT 1,059,398,560

TOTAL ASSETS \$1,357,485,846

#### **LIABILITIES AND FUND EQUITY**

##### CURRENT LIABILITIES:

|                                 |            |
|---------------------------------|------------|
| Accounts payable                | \$ 110,605 |
| Accrued payroll and taxes       | 64,593     |
| Due to the City of Philadelphia | 11,867,402 |
| Bonds payable—current portion   | 43,795,000 |
| Interfund payable               | 8,010,989  |

Total current liabilities 63,848,589

BONDS PAYABLE—Long-term portion 1,102,380,000

##### FUND EQUITY:

|  |             |
|--|-------------|
| Fund balances:                                       |             |
| Unreserved   | 482,217     |
| Reserved for debt service                            | 86,776,440  |
| Reserved for the benefit of the City of Philadelphia | 102,957,197 |
| Reserved for subsequent PICA administration          | 929,000     |

Total 191,144,854

Investment in general fixed assets 112,403

Total fund equity 191,257,257

TOTAL LIABILITIES AND FUND EQUITY \$1,357,485,846

**CONDENSED STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES  
YEAR ENDED JUNE 30, 1996**

|   |               |
|---|---------------|
| REVENUES:   |               |
| PICA taxes  | \$218,811,445 |
| Interest earned on investments                                    | 21,699,090    |
| Total revenues  | 240,510,535   |
| EXPENDITURES:   |               |
| Grants to the City of Philadelphia                                | 180,295,771   |
| Debt service:   |               |
| Principal   | 10,030,000    |
| Interest  | 55,649,221    |
| Administration:   |               |
| Operations  | 725,856       |
| Capital outlay  | 20,243        |
| Debt issuance costs   | 2,510,861     |
| Payment to refunded debt escrow agent                             | 104,450,492   |
| Total expenditures  | 353,682,444   |
| EXCESS OF REVENUES UNDER EXPENDITURES                             | (113,171,909) |
| OTHER FINANCIAL SOURCES (USES):                                   |               |
| Proceeds from debt issuance for PICA debt refunding               | 348,708,121   |
| Payment to refunded debt escrow agent                             | (345,133,007) |
| Total other financial sources                                     | 3,575,114     |
| EXCESS OF REVENUES AND OTHER FINANCIAL SOURCES UNDER EXPENDITURES | (109,596,795) |
| FUND BALANCES, JULY 1, 1995                                       | 300,741,649   |
| FUND BALANCES, JUNE 30, 1996                                      | \$191,144,854 |

[Pa.B. Doc. No. 96-1605. Filed for public inspection September 20, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Implementation of the Telecommunications Act of 1996; Doc. No. M-00960799

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

Public meeting held  
September 5, 1996

#### Order on Reconsideration

*By the Commission:*

#### A. Introduction

In this Order, we address petitions for reconsideration and/or clarification of our June 3, 1996 Order implementing the Telecommunications Act of 1996 (1996 Act or act).<sup>1</sup> The 1996 Act, like Chapter 30 of Title 66 of the Pennsylvania Consolidated Statutes, establishes a procompetitive, deregulatory telecommunications framework with significant implementation and overnight responsibilities for this Commission. Our actions today are once again designed to ensure that we meet all of our responsibilities under the 1996 Act in a timely manner and that the companies which we regulate have the benefit of established policies before they must act to meet the act's requirements.

<sup>1</sup> In Re: Implementation of the Telecommunications Act of 1996, Order entered June 3, 1996 at M-00960799.

In our June 3, 1996 Order at this Docket, we established new policies and procedures to comply with the act's provisions. Through our June 3, 1996 Order we, inter alia: promulgated new entry procedures for rural and nonrural service areas to comply with § 253 of the act; established new procedures governing mediation, arbitration and adjudication proceedings to fulfill our responsibilities under § 252 of the act; and modified policies relating to imputation of access charges, a carrier's obligation to serve, and intrastate collocation so as to ensure consistency with the act's provisions.

As discussed in detail below, we affirm, with some modification: (1) the new entry procedures established to comply with §§ 253(a) and (b) of the act; (2) the procedures established for Commission mediation, arbitration and approval of interconnection agreements under § 252 of the 1996 Act; and, (3) service by carriers upon the Commission of all FCC filings. We suspend the imputation requirement as applied to all LECs other than Bell Atlantic, subject to further comment and investigation at this Docket. We affirm our decision to establish a Task Force to assist us in carrying out our important responsibilities related to customer education and protecting the public safety and welfare. Finally, upon careful consideration of the comments of parties and the recent FCC Order at Docket 96-98<sup>2</sup>, we interpret our obligations under § 252(a) of the 1996 Act dealing with pre-enactment interconnection agreements. We also interpret the definition of "rural telephone company" contained in

<sup>2</sup> In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 et. al., CC Docket N. 96-98, First Report and Order, released August 8, 1996.

section 3(a)(47) of the 1996 Act, and make designations, where appropriate.

### B. Background

President Clinton signed the Telecommunications Act of 1996 into law on February 8, 1996. The 1996 Act contains a legion of requirements which this Commission must implement at the State level to ensure that the act's objectives are met in a timely manner.

In recognition of its new responsibilities under the act, this Commission issued on March 14, 1996, a Tentative Decision at this Docket which identified the act's provisions requiring our immediate attention and made tentative findings on how the Commission could fulfill its responsibilities in implementing those provisions of the act. Interested parties were given the opportunity to participate through the filing of comments, and through a public forum sponsored by the Commission on April 3, 1996.

On June 3, 1996, the Commission entered a final Order at this Docket. On June 18, 1996, Petitions for Reconsideration were filed by ALLTEL of Pennsylvania (ALLTEL), United Telephone Company (United), the Pennsylvania Telephone Association (PTA), Bell Atlantic-Pennsylvania (Bell Atlantic), and North Pittsburgh Telephone Company (North Pittsburgh). By Order entered June 20, 1996, the Commission granted the Petitions for Reconsideration filed by the PTA, North Pittsburgh and ALLTEL, pending further review on the merits. By Secretarial Letter dated July 3, 1996, the Commission advised parties that it would consider the Petitions for Reconsideration and/or Clarification also filed by United, Bell Atlantic and the Petition for Reconsideration filed by MCI Telecommunications Corporation (MCI) on June 21, 1996.<sup>3</sup> Answers and/or Oppositions to the various petitions were filed on June 28, 1996, July 3, 1996, and July 11, 1996 by AT&T; on July 2, 1996 by the Pennsylvania Office of Consumer Advocate (OCA); on July 15, 1996 by the Office of Trial Staff (OTS); on July 15, 1996 by the Office of Small Business Advocate (OSBA); and on July 11, 1996 and August 18, 1996 by Bell Atlantic.

The issues raised in the Petitions can be broadly classified into six subject categories and we have structured our discussion of the issues accordingly: (1) new entry and application procedures applicable to non-rural telephone service areas, (2) designation of rural telephone company (RTC) status and entry procedures applicable to RTCs, (3) negotiation, mediation, arbitration and approval processes for interconnection agreements, (4) intraLATA toll imputation requirement, (5) the Commission's new consumer education Task Force, and (6) the requirement that jurisdictional carriers serve the Commission with copies of their FCC filings.

### C. Discussion

Section 703(g) of the Public Utility Code gives the Commission the authority to reconsider its orders under appropriate circumstances, 66 Pa.C.S. § 703(g). The standard for determining whether we should exercise that authority was articulated in *Duick v. Pennsylvania Gas and Water Company*, 56 Pa.P.U.C. 553 (1982) wherein the Commission stated:

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters

designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad Company case, where it was said that "[p]arties . . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them. . . ." What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue is either unwise or in error.

The recent Commonwealth Court decision in *AT&T v. Pennsylvania Public Utility Commission*<sup>4</sup>, clarified that while rehearing petitions must allege newly discovered evidence, this same requirement does not apply to petitions to amend or rescind.

As discussed in detail below, based upon the above standards, we grant in part and deny in part the Petitions for Reconsideration filed by Bell Atlantic, United, PTA, ALLTEL, MCI, GTE, North Pittsburgh and NEXTLINK.

#### 1. New Entry and Application Procedures Applicable to Non-Rural Telephone Service Areas.

a. *Background.* In our June 3, 1996 Order we determined that the section 253(a) prohibition against entry barriers required some modification to our traditional entry analysis conducted under §§ 1101 and 1103(a) of the Public Utility Code, 66 Pa.C.S. §§ 1101 and 1103(a). To ensure that our procedures would not violate the provisions of section 253(a) of the act, we adopted streamlined entry procedures for nonrural service areas. Our Order required applicants desiring to commence either competitive local or interexchange service in Pennsylvania to henceforth file with the Commission's Secretary, an application, an interim proposed tariff, and a \$250 filing fee. In streamlining our current entry procedures, we limited the scope of any protests to the application to the fitness of the applicant. Our Order established separate procedures for applications subject to legitimate protest and those that are not the subject of protest. Under our June 3 Order, a company's interim tariffs take effect immediately upon the company's filing of its application and tariffs with the Commission's Secretary.

b. *Position of the Parties.* Bell Atlantic seeks clarification that the "streamlined procedures for review of applications to provide intrastate telecommunications service do not apply to requests for waivers of Commission rules and similar ancillary relief which may be part of those applications."<sup>5</sup> Bell Atlantic requests that we clarify that requests for waivers or other forms of affirmative relief must be set forth in separate petitions, and that we "require applicants in pending dockets to refile their requests for ancillary relief in separate petitions."<sup>6</sup> Bell Atlantic and PTA both argue that because the June 3 Order establishes a shortened time-frame for protesting the fitness of new entrants, the Commission should require new entrants to serve copies of their applications upon the affected incumbent LEC (ILEC).<sup>7</sup> PTA urges the Commission to require applicants for both "local service

<sup>3</sup> On July 8, 1996, GTE North Incorporated (GTE) filed a Petition for Reconsideration. On August 6, 1996, NEXTLINK also filed a Petition for Reconsideration with the Commission. We will consider the issues raised by both GTE and NEXTLINK herein since for the most part they raise issues already contained in the Petitions filed by other parties.

<sup>4</sup> 130 Pa. Commonwealth Ct. 595, 568 A.2d 1362, 1364 (1990).

<sup>5</sup> Bell Atlantic Petition for Clarification at p. 1.

<sup>6</sup> Bell Atlantic Petition for Clarification at p. 2.

<sup>7</sup> Bell Atlantic Petition for Clarification at p. 3; PTA Petition at p. 4.

rights and interexchange authority" to serve the ILEC.<sup>8</sup> PTA states that without direct notice being provided via service of the application on the ILEC, the ILEC will be unable to exercise its rights meaningfully. Bell Atlantic adds that any petitions for ancillary relief should also be served on both the ILEC and governmental parties.

c. *Discussion.* We agree with Bell Atlantic that our June 3, 1996 Order, in limiting protests to the fitness of the applicant, does contemplate that requests for waivers and ancillary relief be filed separately. To the extent this is unclear in our Order, we hereby clarify that requests for waivers or any other form of relief ancillary to the fitness of the applicant should be contained in a separate petition and filed with the Commission as a separate matter within the application docket and served upon all parties of record. Within 10 days from the entry date of this Order, existing applicants which have included a request for waiver or ancillary relief in their pending applications must refile those requests in a separate petition within the relevant A-docket with service upon all parties of record. To the extent any applicant does not comply with the 10-day refiling period established herein, it shall be deemed to have withdrawn any request(s) for ancillary relief contained in existing entry applications.

We grant PTA's and Bell Atlantic's request that the ILEC be served by the competitive local exchange provider (CLEC) with a copy of the CLEC's application. We recognize that modifications to our current procedures designed to accommodate § 253(a) of the act, for example, elimination of the publication requirement for applications, may make it more difficult for all parties to become aware of applications which have been filed and to, therefore, meet the 15-day protest period. We also recognize that other providers, in addition to the ILEC, have a legitimate interest in keeping abreast of such applications for protest purposes. Nonetheless, we cannot possibly require new applicants to serve all existing providers with a copy of their application because such a requirement could constitute an entry barrier in and of itself. We believe limited notice to the ILEC is appropriate at least in the interim, however, for network planning purposes, and particularly in the case of an ILEC which qualifies as an RTC under the act given the special protections afforded small rural telephone companies and the stringent timeliness for Commission determinations regarding competitive carrier entry into small LEC service territories. Therefore, at least in the interim, we will require all CLECs to serve a copy of their application upon the ILEC at the time they file their application with the Commission. We also require, at least for an interim period, the CLEC to serve any request for ancillary relief upon the ILEC. We do not, however, extend this requirement to competitive toll carriers as requested by PTA.

Since our new entry procedures have been in effect for approximately 2 months now, we have identified a few problem areas in need of refinement. Most notably, we are finding that the applications submitted by new service providers contain technical defects which require at times that the application be returned to the provider for refile. For instance, some applicants are not aware of the Commission's new application form and the information required therein, while others forget to enclose the proper filing fee. For this reason, we find it necessary to modify paragraphs 4 and 6 of our June 3 Order so as to clarify that a new entrant may commence the provision of service specified in the application at the time its application has been accepted for filing by the Commission Prothonotary. Additionally, the 15-day protest period un-

der paragraph 6 will commence on the date the application is accepted for filing. We believe this clarification is necessary to eliminate any ambiguity with respect to when the 15-day protest period commences and when the applicant's authority to provide service begins.

We also clarify paragraph 7 of June 3 Order to be consistent with current and past Commission practice in processing applications to provide either local or interexchange service in the Commonwealth. The Secretary's Bureau will initially assign all applications to the Office of Special Assistants (OSA) which has traditionally handled these matters. Where a valid protest is received, OSA will return the application for assignment by the Office of Prothonotary to the Office of Administrative Law Judge (OALJ) as is the normal procedure for Chapter 11 applications. The Commission reserves the right to make changes at any time to these or other of its internal operating procedures as necessary to ensure timely handling and processing of all applications in the future.

Finally, consistent with past practice, the Commission has modified its application form (following as Appendix A hereto) to require applicants to file, along with their application, a copy of their Articles of Incorporation. The existence of and information contained in the Articles of Incorporation is an important consideration in determining the fitness of any applicant.

#### 2. *Eligibility for Rural Telephone Company Status and Entry Procedures Applicable to Rural Telephone Company Service Areas.*

a. *Background.* Under the discretion afforded to state commissions under § 252(g) of the act, and in keeping with the spirit of Chapter 30 and our prior decisions to streamline to the extent possible various regulatory proceedings involving small LECs, our June 3, 1996 Order established a consolidated procedure for applicants seeking to provide service in the service territory of a small LEC (one that is eligible for streamlined regulation under Chapter 30).<sup>9</sup> Under those procedures, an applicant must submit to the small LEC a bona fide request for interconnection under § 251(f)(1)(A) of the act, and a request for universal service designation under section 214(e)(2) committing to provide service throughout the small LEC's service territory. The Commission's grant or denial of such applications will be subject to normal procedures under 66 Pa.C.S. §§ 1101 and 1103 and the traditional public interest standard, which is consistent with the standards contained in § 254 of the 1996 Act.

Our Order further recognized that the 32 smallest Pennsylvania independent telephone companies qualified for "rural telephone company" status under the act. The 32 smallest LECs each serve fewer than 50,000 access lines, are eligible for streamlined regulation under 66 Pa.C.S. § 3006, and fit readily within the definitions of an RTC set out at § 3(a)(47)(B) of the act. While our June 3, 1996 Order also designated North Pittsburgh as an RTC, it deferred a decision on ALLTEL, United and Commonwealth pending the submission of further comment on this issue by the parties and further consideration on our part.

b. *Position of the Parties.* North Pittsburgh states that while the Commission designated it as a "rural telephone company" under the 1996 Act, no entry procedures were established for companies of its size with over 50,000 access lines. North Pittsburgh asks that our June 3, 1996

<sup>8</sup> PTA Petition for Reconsideration at p. 4.

<sup>9</sup> 66 Pa.C.S. § 3006, provides that "... local exchange telecommunications companies serving less than 50,000 access lines within this Commonwealth may petition the commission to establish a streamlined form of rate regulation to be applicable to their operations."

Order be reconsidered and that the Commission establish identical procedures for entry into all RTC service territories. North Pittsburgh argues that from the standpoint of entry procedures, an RTC with 57,759 access lines is no different than a company with 49,999 access lines. Further, North Pittsburgh states that the applicability of Chapter 30's streamlined regulation to carriers with fewer than 50,000 access lines provides no basis for different treatment in entry procedures.<sup>10</sup>

United argues that it meets the RTC eligibility criteria under § 3(a)(47)(D) of the act which permits designation for a carrier having less than 15% of its access lines in communities of more than 50,000. United further argues that the clear and unambiguous language of § 3(a)(47) of the 1996 Act requires that it be read in the disjunctive because Congress used the word "or" rather than "and" in its enumeration of the criteria.<sup>11</sup> United argues that to read the provision any other way would ignore the plain language of the act. Like North Pittsburgh, United states that if it is designated as an RTC, it should be subject to the same consolidated entry procedures as LEC's qualifying for streamlined regulation under Chapter 30, that two different procedures are arbitrary and such disparate treatment is not supported by the act. Finally, United argues that the § 1103 entry procedures should apply to LECs serving greater than 50,000 access lines since the same policy questions arise.<sup>12</sup>

ALLTEL argues that the criteria in § 3(a)(47) of the statute be read in the disjunctive.<sup>13</sup> ALLTEL argues that it also meets the criteria for RTC status contained in § 3(a)(47)(D). ALLTEL states that it does not serve any communities with over 50,000 access lines, and therefore, it must meet this definition. ALLTEL advocates that the Commission define the term "community" as "a group of people living in the same locality and having common interests."<sup>14</sup>

Commonwealth also claims RTC status through Subpart (D) of § 3(a)(47). It states that it "has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the legislation."<sup>15</sup> Commonwealth states that it serves no communities with a population exceeding 50,000, and therefore, must qualify. Commonwealth defines the term "communities" to include minor civil divisions or municipalities.

Arguing against reading the RTC provision in the disjunctive are the OCA, AT&T and MCI. OCA argues that the rules of statutory construction require that the statute must be interpreted to give rational meaning to all of its provisions. OCA further argues that allowing subsection 47(D) to stand alone as a criterion for RTC status would render subsection 47(A)(i) meaningless. OCA suggests that subsection 47(D) "may have been intended to serve as a limited exception for companies which generally serve only customers who live in communities of less than 10,000 inhabitants [subsection 47(A)(i)], but which also happen to serve a small portion of a large city."<sup>16</sup>

AT&T argues that while subsection 3(a)(47)(D) defines an RTC as one that "has less than 15% of its access lines in communities of more than 50,000," a company assert-

ing RTC status must necessarily have some of its access lines in communities where it serves more than 50,000 access lines. AT&T asserts that the "less than 15 percent" language must be read to require more than zero percent.

MCI cites to the House debate before passage of the act and argues that Congress did not intend to insulate RTCs from competition and, consequently, that the RTC criteria should be read narrowly. MCI suggests that the term "community" should be defined as synonymous to a LEC's local service area. Nonetheless, MCI stresses that the manner in which the Commission defines the various terms in § 3(a)(47) and an RTC is less important than how the Commission decides to administer the exemption, suspension or modification provisions of § 251.

Eastern TeleLogic Corporation supports the general position advanced by the ILECs, although it does not comment on whether any particular company actually qualifies for RTC status. Eastern TeleLogic urges the Commission to recognize that third parties have the right to seek termination of the RTC exemption on a going forward basis. Eastern TeleLogic argues that termination of the exemption should be considered if the technical and economic fortunes of the RTC have improved or otherwise changed, and that market position and market vulnerability of the RTC must be considered when contemplating termination of the exemption.

*c. Discussion. Carrier Eligibility for Rural Telephone Company Status.* We first address the issue of whether ALLTEL, Commonwealth and United meet the definition of a "rural telephone company" under § 3(a)(47)(D) of the 1996 Act. We note that since our June 3, 1996 Order was issued, GTE has also informed the Commission that it is entitled to "rural telephone company" status under the act for portions of its service territory under § 3(a)(47)(C)<sup>17</sup> which we also address herein.

The primary issue before us is whether Congress intended that a company meet all four or only one of the criteria of § 3(a)(47) in order to be designated as an RTC under the 1996 Act. We find that the clear and unambiguous language of the act cannot be ignored. The criteria for meeting the definition of an RTC must be read as disjunctive. The use of the word "or" between subsections (C) and (D) manifests the intention of Congress to permit eligibility for RTC status so long as a company meets any one, not all, of the enumerated criteria.

The argument that reading the criteria as disjunctive renders subsection 3(a)(47)(A)(i) meaningless is not persuasive. In support of its argument to ignore the use of the word "or" in separating the eligibility criteria, the OCA suggests an alternate interpretation which provides a limited exception for companies which generally serve small communities but which also serve a small portion of a large city. Not only does this argument impose additional conditions on RTC status which are not set forth in the language of the act, but the argument also creates the same type of conflict it sought to rectify. Reading subsection (D) to allow a company to serve a small portion of a large city renders meaningless the prohibition found in subsection (A)(ii).

AT&T's argument that subsection (D) requires at least some access lines in communities of more than 50,000 is equally unpersuasive. The language of the act does not require some, but less than 15%; the act requires less than 15%.

We do not deny that there are ambiguities in the language of this provision; indeed, we expressly acknowl-

<sup>10</sup> North Pittsburgh Petition for Reconsideration at p. 4.

<sup>11</sup> We incorporate herein the comments of parties filed on May 8, 1996 at this docket and responses thereto which addressed the proper interpretation of § 3(a)(47) of the act which sets forth the criteria for RTC status.

<sup>12</sup> United Petition for Clarification and Reconsideration at p. 3.

<sup>13</sup> ALLTEL Petition for Reconsideration at p. 7.

<sup>14</sup> Letter dated May 10, 1996 from Patricia Armstrong to Secretary Alford.

<sup>15</sup> See letter from Joseph J. Laffey of Commonwealth Telephone Company dated May 8, 1996 to Secretary Alford of the Commission.

<sup>16</sup> OCA letter to Secretary Alford dated May 17, 1996.

<sup>17</sup> See letter from Bruce Kazee of GTE to John G. Alford dated July 3, 1996.

edged these ambiguities in our June 3, 1996 Order. However, upon further examination of the statute, we are not persuaded by the arguments of OCA and AT&T that there is an actual conflict between the provisions of Subparts (A) and (D) of § 3(a)(47), such that a literal reading of Subpart (D) of the statute would render Subpart (A) meaningless. There are important distinctions in the terms used in Subparts (A) and (D) which lead us to now believe that the two subparts were meant to address different circumstances. For instance, subpart (A) applies to a company's "study area" while Subpart (D) presumably applies to a company's "service area." Qualification under Subpart (A) is dependent upon the number of "inhabitants," while qualification under Subpart (D) is based upon the percentage of total "access lines." Another point of departure, and the one which all commentators focused upon, was Subpart (A)'s use of the term "incorporated area" versus the term "communities" used in Subpart (D). When these various points of departure in the language of each subpart are carefully reviewed, we believe that the two provisions are reconcilable.

It is conceivable that some companies will serve incorporated areas of greater than 10,000 access lines resulting in their disqualification under Subpart (A), but still qualify under Subpart (D), if less than 15% of its total access lines served are in "communities" of more than 50,000. This does not render Subpart (A) superfluous, it merely means that Congress established several alternative tests for determining whether a territory served by a company was rural in nature, and that if a company did not qualify under one prong of the test, it would have another opportunity to qualify under another prong or subsection.

Without dispute, the definition of the term "community," which the 1996 Act does not expressly define, is of paramount importance in determining whether the three carriers qualify as RTCs under the 1996 Act. We find the argument of AT&T on this point to be the most persuasive. While AT&T notes that in most contexts under Pennsylvania law, the term "community" is defined broadly and should be for purposes of our determination here, we find the definitions proffered by some parties to be too broad. For instance, the definition suggested by ALLTEL that the term "community" be read to include "[a] group of people living in the same locality and having common interests" is so broad as to be unworkable and contains terms that would be subject to great dispute. Similarly, MCI argues that "community" be broadly defined to become synonymous with a company's local service area; however, if we were to accept this interpretation Subpart (B) of the act would be rendered superfluous.

AT&T points out that the term "community" is defined in the Community Economic Recovery Program Act as "a municipality, including counties, cities, boroughs, incorporated towns, townships, home rule municipalities and councils of local government."<sup>18</sup> Similarly, Commonealth advocates that the Commission define the term to include "minor civil divisions or municipalities." We agree that the term "community" as defined in the Community Economic Recovery Program Act is most appropriate for our use in determining whether companies qualify as "rural telephone companies." We shall, therefore, define the term community to include "a municipality including counties, cities, boroughs, incorporated towns, townships, home rule municipalities and councils of local government."

Based upon the data submitted to-date by the three companies claiming RTC status under § 3(a)(47)(D), we find that Commonwealth qualifies as an RTC under § 3(a)(47)(D) of the 1996 Act. The Company defined the term "community" in an almost identical manner as the definition ultimately adopted herein and the Company avers that it served no "communities" with a population exceeding 50,000 within its service territory on the date of enactment of the 1996 Act.

It is unclear, however, whether either ALLTEL or United qualify as RTCs based upon the information the companies have provided to the Commission to-date. While ALLTEL states that it serves no "communities" with greater than 50,000 access lines, it defined the term "community" much differently than the definition we adopt herein. Additionally, the act requires that one make the necessary determination as of the date of enactment of the 1996 Act, and it is unclear whether ALLTEL based its claim upon the number of access lines served as the date of the act's enactment as required. United submitted no verifying statements or information in its comments. Therefore, we will once again defer our determination with respect to both ALLTEL and United until the companies submit additional information to definitively establish their eligibility under subpart 3(a)(47)(D) as of the date of enactment of the 1996 Act. Both ALLTEL and United will be required to submit this information within 20 days of the entry date of this Order.

Finally, we also address GTE's claim that it is entitled to partial RTC designation under § 3(a)(47)(C) of the 1996 Act. Under subsection (C), a LEC may qualify as an RTC if it "provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines." GTE argues that it has approximately 60,000 access lines in the "Contel" study area and approximately 38,000 access lines in the "Quaker State" study area, and that therefore, it is entitled to partial RTC status for those portions of its service territory.<sup>19</sup> We disagree. We believe that it was Congress' clear intent that in determining RTC status, a company's operations in a state be viewed as a whole. The plain language of this provision of the act simply does not support the concept of "partial designations" for portions of a LEC's service territory. Such an interpretation would stretch the statute's meaning beyond any logical or reasonable reading.

For instance, such an interpretation would exempt GTE, one of the largest telephone operating companies in the United States, from the interconnection provisions of the act for a large portion of its service territory in Pennsylvania and permit it to be treated similar to some of the smallest LECs in the country. We cannot accept that Congress would go to the trouble of enacting a very comprehensive procompetitive regulatory scheme and then turn around and exempt large portions of the service territory of one of the nation's largest LECs from its application. Consequently, we find that in order for a company to meet the criteria for designation as an RTC under § 3(a)(47)(C), its operations within a state must be viewed as a whole. Section 3(a)(47) does not contemplate partial designations for portions of a company's service territory. Accordingly, GTE does not meet the criteria for eligibility as an RTC under § 3(a)(47)(C) of the 1996 Act.

MCI's admonition that Congress did not intend to insulate rural telephone companies from competition is noted. We also agree that the 1996 Act, like Chapter 30 of

<sup>18</sup> See 73 Pa.C.S. § 399.2.

<sup>19</sup> July 3, 1996 Letter from Bruce Kazee, Attorney for GTE, to Secretary John Alford of the Commission.



Title 66 of the Pennsylvania Consolidated Statutes, establishes a pro-competitive, deregulatory telecommunications policy framework in rural and nonrural areas alike. Nonetheless, we cannot ignore Congress' clear dictates contained in the act that before additional competitive providers may enter RTC service areas, some very specific determinations must be made which ensure that the act's requirements would not impose an undue burden upon smaller companies and that competitive entry is consistent with the act's universal service objectives.

*Application Procedures for RTCs Serving More Than 50,000 Access Lines.* We agree with North Pittsburgh that our June 3, 1996 Order is in need of some clarification with respect to the entry procedures for RTCs serving more than 50,000 access lines. However, we first respond to the arguments of North Pittsburgh, ALLTEL and United that the Commission erred in using Chapter 30's 50,000 access line demarcation cutoff for consolidated proceedings. This Commission has the discretion under § 252(g) to consolidate proceedings under several provisions of the 1996 Act where it would be practical to do so and would reduce the administrative burdens of the parties. 66 Pa.C.S. § 3006 specifically requires the Commission, through its streamlined regulation provisions, to reduce the administrative burdens on small LECs to the extent possible, recognizing that smaller LECs do not have the resources to participate in proceedings to the same extent as the larger LECs. Chapter 30 defines small LECs, or those entitled to streamlined regulation, as "local telecommunications companies serving less than 50,000 access lines within this Commonwealth."<sup>20</sup> There is nothing in § 252(g) of the 1996 Act, or any other provisions of the 1996 Act for that matter, which requires that if the Commission consolidates one proceeding or even a class proceedings under the act, that it must consolidate all others which come before it. We continue to believe that the 50,000 access line demarcation point established in Chapter 30 for purposes of defining those small LECs entitled to streamlined regulation in Pennsylvania, provides a sound basis for our initial determination regarding consolidated proceedings under § 252(g) of the 1996 Act. No party has convinced us otherwise in their Petitions for Reconsideration. Most of the issues raised by parties had already been considered and rejected by the Commission in its June 3, 1996 Order.

As we noted in our June 3, 1996 Order, this determination does not in any way prejudice the interests of RTCs serving greater than 50,000 access lines. At p. 16 of our Order, we noted that our decision not to immediately consolidate proceedings for a larger RTC:

does not mean that any other rural telephone companies do not receive the general benefits of rural telephone company status as expressly set forth in Sections 251, 253 and 254. It merely means that we will not exercise the option provided state commissions under Section 252(g) for these carriers at this time.<sup>21</sup>

Since § 252(g) gives us the right to exercise our discretion to consolidate at any time, there is nothing that would prevent any of the larger LECs that qualify as RTCs, once they receive a bona fide request for interconnection under § 251 of the act, from petitioning the Commission at that time for consolidation under Section 252(g). Accordingly, we decline to extend application of the consolidated entry procedures to RTCs serving over 50,000 access lines at this time.

Carriers seeking to provide service in RTC service areas that exceed the 50,000 access line demarcation point must, like all other applicants, file an application with the Commission. The applicant is also required to submit to the RTC a request for interconnection under § 251(f)(1)(A) of the act, with a copy to the Commission. The actual provision of service by the applicant cannot occur until the Commission makes the required finding that the request for interconnection would not be "unduly economically burdensome, is technically feasible, and is consistent with section 254 (other than subsections (b)(7) and (c)(1)(D) thereof)."<sup>22</sup> The Commission will refer any cases involving contested issues of material fact to the OALJ for resolution within the time-frames contemplated by the act. We believe that this should sufficiently clarify the entry procedures applicable to areas of RTCs serving greater than 50,000 access lines.

### 3. *Negotiation, Mediation, Arbitration and Adjudication Procedures for Interconnection Agreements.*

a. *Background.* One of the primary areas of increased responsibility for this Commission under the Federal Act involves the review and approval of interconnection agreements between carriers. Our June 3, 1996 Order restricted the negotiations phase of the proceeding to the contracting parties. We adopted mediation procedures based in large part upon the AAA Commercial Mediation Rules. Under the procedures established in our Order, the Commission limited participation in any mediation proceedings to the contracting parties, their representatives and members of the Commission's advisory staff. We also adopted procedures to govern arbitration proceedings conducted by the Commission under § 252(b) of the act and permitted the OCA, OTS and OSBA to participate in any arbitration proceedings which come before the Commission. Our June 3 Order also established a procedure for adjudication of approved agreements and statements of generally available terms and conditions filed under § 252(f) which provides for full participation by interested parties. Finally, we required ILECs to file a list of all of pre-enactment interconnection agreements with the Commission to give us a greater appreciation of the administrative burden associated with the filing of these agreements under § 252(a) of the act.

b. *Position of the Parties.* United, PTA and GTE object to Commission staff being present during mediation sessions. PTA argues that "this unorthodox procedure would violate the prohibition against ex parte communications."<sup>23</sup> United, on the other hand, argues that mediation sessions are deemed confidential under Paragraph 8, and that attendance of Commission advisory staff members at those confidential mediation sessions could "taint subsequent review of the interconnection agreement by the Commission due to staff's receipt of ideas or facts at confidential mediation sessions."<sup>24</sup> United also raises the possibility of *Lyness* problems if Commission advisory staff members attend mediation sessions. GTE argues that the "Commission advisory staff's presence at mediation may very well impair its ability to remain objective and impartial or at least create an undesired appearance of bias, thereby undermining its ability to properly arbitrate and/or adjudicate."<sup>25</sup>

ALLTEL and GTE argue that the Commission has no authority to direct or allow participation in the negotiations by the OCA and OSBA and that the act in fact

<sup>22</sup> See § 251(f)(1)(A).

<sup>23</sup> *Id.* at p. 11.

<sup>24</sup> Petition of United for Clarification and Reconsideration, p. 6.

<sup>25</sup> GTE Petition for Reconsideration at p. 1.

<sup>20</sup> 66 Pa.C.S. § 3006(a).

<sup>21</sup> *Implementation Order* at p. 16.

specifically preempts such participation.<sup>26</sup> GTE states that the involvement of OCA, OTS and OSBA, would undoubtedly encumber the process and could be viewed as a violation of § 252 of the Act.<sup>27</sup> PTA adds that "interconnection agreements are basically business decisions between contracting parties and that the OCA, the OTS and the OSBA have no statutory right to participate in that process."<sup>28</sup> PTA also states that the arbitration process would be slowed considerably if the OCA, the OTS and OSBA are permitted to participate. PTA argues that only after the issues have been resolved in the arbitration phase and the agreements are filed with the Commission for approval should other parties be involved, and that this would provide adequate time for the OCA, the OTS and the OSBA to review the substantive terms and develop their positions.

OCA responds that it has a legal right to participate in matters before the Commission and that by statute it is authorized to represent the interest of consumers as a party, or otherwise participate on their behalf in any matter properly before the Commission.<sup>29</sup> Moreover, OCA argues that there is nothing in the act to indicate that "Congress meant to preempt every states' standards on participation in proceedings before its commission in arbitration proceedings."<sup>30</sup>

MCI, on the other hand, urges us to implement a process in which all interested parties have the right to participate in any arbitration.<sup>31</sup> MCI further argues that the Commission "should strive, wherever possible, to consolidate arbitrations and other proceedings that raise common issues."<sup>32</sup> MCI further argues that with a consolidated procedure for handling arbitrations, the Commission would not have to engage in repetitive, time-consuming litigation over the same issues. MCI also argues that "more than a mere paper comment period should occur for the review of interconnection agreements if requested and for good cause shown."<sup>33</sup> Finally, MCI asks the Commission to require the filing of interconnection agreements as soon as they are executed by the parties.<sup>34</sup>

Bell Atlantic argues that there is no provision in the language of the act which would allow for participation by parties other than those negotiating the agreement at hand.<sup>35</sup> AT&T also opposes full participation by nongovernmental third parties which it states could result in the "same confusion and inefficiency that MCI hopes to avoid."<sup>36</sup> In support of its position, AT&T argues that mixing disparate objectives of individual applicants would permit the ILEC to pursue a "lowest common denominator" strategy which wouldn't serve anyone's interest.<sup>37</sup>

GTE objects to the process established by the Commission for approval of negotiated and/or arbitrated agreements. GTE argues that "the process envisioned by the Commission is unduly burdensome, of limited value and inconsistent with Section 252(h)."<sup>38</sup> GTE further argues that providing interested parties the opportunity to file comments is unwise and would only reflect parties' views

which would necessarily be limited if not uninformed because of their nonparticipation in negotiation or mediation.

Finally, GTE, PTA and ALLTEL all object to the June 3, 1996 Order's directive to ILECs to provide a list of all pre-enactment interconnection agreements. These parties argue that these "historical arrangements" were not voluntary/negotiated interconnection agreements among competitors and that they have no relevance or bearing on interconnection agreements as contemplated under the 1996 Act. In its Statement filed under our June 3 Order, Bell Atlantic cites to the administrative burden to the Commission of reviewing all of the potential agreements encompassed by a broad reading of the statute which would be enormous. Teleport, on the other hand, argues that "it is only proper that every local exchange telecommunications company have the opportunity to interconnect with other local exchange telecommunications companies on equal terms and conditions."<sup>39</sup> Teleport argues that pre-enactment arrangements are competitively neutral and would be less characterized by efforts to impede the operations of the interconnecting parties and are important in assessing the reasonableness of post-enactment agreements.

OCA states that the rates charged between LECs for EAS traffic are rates under the jurisdiction of the Commission and should be made publicly available as tariffed rates under 66 Pa.C.S. § 1302.<sup>40</sup> AT&T argues that the act's provisions require that the terms of any interconnection agreements must be made available without discrimination to any requesting carrier likewise seeking to exchange or terminate local and toll traffic with the ILEC.<sup>41</sup>

*c. Discussion. Participation Rights and Other Issues Involving the Mediation, Arbitration and Adjudication Processes.* With respect to the mediation phase of the proceeding, we grant reconsideration of that portion of our Order relating to Commission staff being present during the Commission mediation sessions. We find GTE's and United's arguments to be particularly persuasive on this point. Mediation sessions are deemed confidential, and as a result, Commission staff participating in the mediation phase of the proceeding could possibly be precluded from participating in the subsequent arbitration phase of the proceeding. Otherwise, as United points out, subsequent review of the interconnection agreement by the Commission could be tainted due to Commission staff's receipt of ideas or facts at the confidential mediation sessions. We, therefore, revise Paragraph 7 of our June 3, 1996 Order to eliminate the reference to participation by Commission staff.

We reject the arguments of ALLTEL and PTA that OCA and OSBA should be excluded from arbitration proceedings conducted by the Commission. OCA, OSBA and OTS have a statutory right to participate in any proceedings before this Commission. There is nothing in the 1996 Act which would preempt procedural requirements and/or participation rights created under State law with respect to arbitration proceedings conducted under § 252 of the act.

At the same time, however, we do not accept the argument of MCI that *all* interested parties have a right to participate in the arbitration process. MCI raises no arguments which were not already considered and rejected by the Commission in its June 3, 1996 Order.

<sup>26</sup> ALLTEL Petition for Reconsideration at p. 9.

<sup>27</sup> GTE Petition for Reconsideration at p. 4.

<sup>28</sup> Petition for Reconsideration of the Pennsylvania Telephone Association, at p. 12.

<sup>29</sup> Answer of the OCA at p. 10.

<sup>30</sup> *Id.* at p. 10.

<sup>31</sup> MCI Petition for Reconsideration at p. 6.

<sup>32</sup> MCI Telecommunications Corporation's Petition for Reconsideration at p. 4.

<sup>33</sup> MCI Petition for Reconsideration at p. 6.

<sup>34</sup> MCI Telecommunications Corporation Petition for Reconsideration at p. 10.

<sup>35</sup> Response of Bell Atlantic—Pennsylvania to MCI Telecommunications Corporation's Petition for Reconsideration, p. 2.

<sup>36</sup> AT&T's Opposition to MCI's Petition for Reconsideration at p. 1.

<sup>37</sup> *Id.* at p. 2.

<sup>38</sup> GTE Petition for Reconsideration at p. 2.

<sup>39</sup> Statement of Teleport Communications Group at p. 1.

<sup>40</sup> OCA Answer at p. 12.

<sup>41</sup> AT&T Opposition at p. 5.

Section 252 of the 1996 Act does not entitle private carriers to participate in arbitration proceedings involving an agreement to which they are not a party, unless the Commission decides to consolidate proceedings under § 252(g) of the act. Our June 3, 1996 Order established a process that we continue to believe accommodates the views and interests of all parties.

We also reject MCI's argument that the Commission establish one consolidated proceeding for all requests for arbitration. Individual applicants many times have very different objectives and strategies which would diffuse the focus otherwise present when only one agreement is at issue. Nonetheless, we do agree with MCI that § 252(g) gives this Commission the authority to consolidate arbitration proceedings under § 252 where appropriate. Section 252(g) provides:

(g) CONSOLIDATION OF STATE PROCEEDINGS.—Where not inconsistent with the requirements of this Act, a State commission may, to the extent practical, consolidate proceedings under sections 214(e), 251(f), 253, and this section in order to reduce administrative burdens on telecommunications carriers, other parties to the proceedings, and the State commission in carrying out its responsibilities under this Act. (Emphasis added).

To the extent that this was unclear in our June 3, 1996 Order, we clarify that where practical, we will consider consolidation of arbitration proceedings. Parties may request consolidation where common issues are being addressed and consolidation would be practical and desirable from an administrative viewpoint. We will allow full opportunity for comment by the affected parties before any consolidation is ordered. Consolidation will be at the discretion of the Commission.

Finally, with regard to the adjudication phase, we reject the arguments of GTE to restrict participation by outside parties during this phase of the proceeding. The act sets out specific findings that the Commission must make during this phase of the proceeding and the Commission's review must be completed within 90 days. Section 252(e) requires that we reject a negotiated agreement, *inter alia*, when we find that ". . . the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement" or that "the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity. . .". It would be almost impossible for the Commission to make the required discrimination and public interest findings required by the statute if, as GTE suggests, we do not permit participation by outside parties. It is our interpretation that section 252(e) specifically contemplates participation by outside parties, and we, therefore, reject GTE's request for reconsideration of this portion of our Order.

Furthermore, we reject the claims of both NEXTLINK and MCI that they should have unlimited access to proprietary documents and materials during the arbitration process even though they are not parties to the proceeding. We do, however, agree that parties should have access to proprietary material during the 90-day approval stage for a negotiated agreement. In all instances, however, parties will be required to sign protective agreements before they have access to any proprietary materials. We agree with both NEXTLINK and MCI that this information will be necessary for interested parties to determine whether the § 252 standards for approval have been met.

We also reject MCI's request that carriers be required to file copies of negotiated interconnection agreements immediately upon execution with the Commission. MCI was unable to offer any persuasive reasons why the timeframes established in our June 3, 1996 Order at pp. 33-34 are in need of modification. We believe the filing procedures established in our June 3, 1996 Order are reasonable and meet the interests of all parties. Accordingly, we decline to modify them at this time.

With regard to the procedures established in our June 3, 1996 Order for the arbitration and adjudication processes, we clarify, first that the Commission will publish notice of all negotiated interconnection agreements submitted to it for approval in the *Pennsylvania Bulletin*. In order to accommodate notice of all interested parties in this manner and still ensure that the Commission has sufficient time to review negotiated agreements before being required to approve them, the Commission will shorten the comment period from the current 20 days to 10 business days from the date of publication in the *Pennsylvania Bulletin*. We believe that this new process is necessary because the Commission contemplates that especially in light of the FCC's recent Order in Docket 96-98, it will begin to receive many more interconnection agreements in the future for approval which are not part of any cases currently pending before the Commission. We believe publication in the *Bulletin* is necessary to give interested parties notice of these various filings for the purpose of submitting comment. With arbitrated agreements, we require parties to serve their joint application for approval consistent with the directives contained in our June 3, 1996 Order.

Second, we establish a bifurcated process for the review of negotiated and arbitrated provisions of an interconnection agreement. The Commission will accept any agreed upon or negotiated provisions for approval, as long as they constitute a substantial portion of the entire interconnection agreement, prior to the completion of the 9-month arbitration process in which the Commission is considering only the disputed portions of the agreement. The Commission believes this action is appropriate for the following reasons. First, negotiated and arbitrated provisions are subject to different standards for approval. In addition, different time periods apply to the Commission's review of negotiated and arbitrated provisions; the Commission has 90 days to approve negotiated provisions, but only 30 days to approve arbitrated provisions. Further, should the Commission have to reject any negotiated provisions for not meeting the § 252 standards, parties would have an opportunity to include those provisions in the pending arbitration proceeding, if necessary. In the alternative, parties may wait until the conclusion of the arbitration proceeding to submit the entire agreement for approval. However, the Commission puts parties on notice that it will also utilize a bifurcated approval process at that time to accommodate the different review periods and standards applicable to negotiated versus arbitrated provisions of an interconnection agreement.

Third, we clarify that once a party to a given interconnection agreement files a request for arbitration, the other party to the agreement must respond to that request and shall not be permitted to instead submit another separate request for arbitration. Responses by the other party to the agreement may, however, include any new issues which the respondent believes are also in dispute and should be subject to arbitration. Any request for arbitration received by the Commission after it has

already received an initial request for arbitration in the case, shall be treated as a response to the initial request for arbitration.

*Pre-enactment Agreements.* We come now to the last, and perhaps most contentious issue in this section, the requirement that carriers file preenactment interconnection agreements with State commissions under § 252(a). Our actions here must necessarily conform to the FCC's recent Order at Docket 96-98, which established uniform requirements under this section of the act which all states must follow. In its Order, the FCC concluded that the 1996 Act requires all interconnection agreements, including any interconnection agreement negotiated before the date of enactment of 1996 Act and those between noncompeting carriers, to be submitted to the State commission for approval under § 252(e). The FCC stated in relevant part:

State commissions should have the opportunity to review all agreements, including those that were negotiated before the new law was enacted, to ensure that such agreements do not discriminate against third parties, and are not contrary to the public interest. In particular, preexisting agreement may include provisions that violate or are inconsistent with the procompetitive goals of the 1996 Act, and states may elect to reject such agreements under section 252(e)(2)(A). Requiring all contracts to be filed also limits an incumbent LEC's ability to discriminate among carriers, for at least two reasons. First, requiring public filing of agreements enables carriers to have information about rates, terms, and conditions that an incumbent LEC makes available to others. Second, any interconnection, service or network element provided under an agreement approved by the state commission under section 252 must be made available to any other requesting telecommunications carrier upon the same terms and conditions, in accordance with section 252(i). In addition, we believe that having the opportunity to review existing agreements may provide state commissions and potential competitors with a starting point for determining what is "technically feasible" for interconnection.

\* \* \* \*

... Conversely, excluding certain agreements from public disclosure could have anticompetitive consequences. For example, such contracts could include agreements not to compete. In addition, if we exempt agreements between neighboring noncompeting LECs, those parties might have a disincentive to compete with each other in the future, in order to preserve the terms of their preexisting agreements. Such a result runs counter to the goal of the 1996 Act to encourage local service competition.

FCC August 8, 1996 Order at pp. 87-88.

Given the FCC's ruling, we view the issue of whether we are required to review all preenactment interconnection agreements, including agreements between noncompeting carriers, as moot. As the above passage from the FCC August 8, 1996 Order makes clear, all preenactment agreements, including those between noncompeting carriers must be submitted to State commissions for review. While the FCC declined to establish a deadline for the submission of these pre-existing agreements to the State commission, it did require that

preexisting agreements between Class A carriers<sup>42</sup> be filed no later than June 30, 1997 with the appropriate State commissions. The FCC left the option open to states of imposing a shorter time period for the filing preexisting agreements between Class A carriers and also left to the State commission the ability to establish its own timetable for the submission of agreements between other carriers.

In our June 3, 1996 Order we required LECs to file with the Commission a statement of all of their preenactment interconnection agreements. We received statements from some of the larger ILECs and from at least one CLEC. We deny the request for reconsideration of the PTA on this issue and require all LECs which have not yet complied with our June 3, 1996 Order's directive to file with the Commission a statement of all of their preenactment interconnection agreements on or before October 10, 1996.

We interpret the term interconnection agreement broadly to include, *inter alia*, toll transport agreements, other toll agreements covering Feature Group arrangements and other services not covered in the toll transport or toll recording category, 911 agreements, directory assistance agreements, directory listing agreements, operator service agreements, toll recording agreements, SS7 agreements, switcher area agreements, private line agreements, intercept agreements, internet agreements, cellular agreements, Extended Area Service (EAS) agreements, administration of the ITORP and monthly processing of ITORP messages, shared network facilities arrangements (SNFA), common channel signaling access service agreements, and any other agreement which establishes an interconnection term and/or condition not already included in this list. Such agreements shall not be limited to agreements among wireline providers, but shall include agreements with wireless providers also.

We decline to establish a schedule for the submission of these agreements at this time, but will do so once we receive the statements of all LECs. In order to establish an orderly and manageable timetable for the submission of these agreements, we must first determine the number and type of agreements involved.

#### 4. LEC IntraLATA Toll Imputation.

a. *Background.* In our June 3, 1996 Order, we modified our December 14, 1995 Order at Docket I-00940034 so as to impose an imputation requirement on Bell Atlantic in conjunction with the implementation of intraLATA toll 1+presubscription, as required by § 272(e)(3) of the act, effective when Bell Atlantic's affiliate provides interLATA services. We went on to impose an imputation requirement on all noncompetitive intraLATA toll services provided by any local carrier, effective at the time intraLATA presubscription becomes available in its service territory.

b. *Position of the Parties.* Strenuous objections to the imputation provisions of our June 3, 1996 were raised by ALLTEL, United and PTA. PTA argues that the manner in which the Commission's Order was issued violates due process and is procedurally defective.<sup>43</sup> PTA claims that there is a lack of explanatory rationale to justify imposition of the imputation requirement on all ILECs. PTA also cites extensively to our *IntraLATA Investigation Order*<sup>44</sup> wherein we rejected imputation for a number of

<sup>42</sup> Class A companies are defined as companies "having annual revenues from regulated telecommunications operations of \$100,000,000 or more." 47 CFR 32.11(a)(1).

<sup>43</sup> PTA Petition for Reconsideration at p. 3.

<sup>44</sup> *Investigation into IntraLATA Interconnection Arrangements*, Docket No. I-940034 (July 26, 1994).

reasons. PTA further argues that there has been no change in circumstances to justify the modification to Commission policy.<sup>45</sup> Finally, PTA argues that institution of LEC-only imputation is one-sided and places the LEC at a serious competitive disadvantage.

United in its petition raises many of the same concerns as PTA relating to inadequate notice and opportunity to be heard. However, at the same time, United states that its "corporate position is that an imputation requirement is appropriate, but that it should be coupled with rate rebalancing and that its timing of implementation should be cognizant of the practical ramifications that will result."<sup>46</sup> United also argues that the transition from a residually-priced ratemaking environment to a market-driven environment "may call for a phase-in of imputation, or a delayed imputation time-frame to assess competitive market erosion, or some other mechanism designed to temper the impact of competition on incumbent LECs and their ratepayers."<sup>47</sup>

ALLTEL argues that there has been no subsequent proceeding or new evidence which justifies the change in policy relating to imputation. ALLTEL submits that "the imputation requirement imposed upon the LECs should be deleted and the market forces should be allowed to control."<sup>48</sup>

AT&T opposes the requests for reconsideration by PTA, United and ALLTEL, stating that the imputation safeguard is critical to the emergence of competition in the intraLATA toll market. AT&T argues that without imputation, an ILEC would be able to exclude existing and potential competitors by pricing its own toll services below what it charges its competitors for access. AT&T also argues that it makes no sense to limit the imputation requirement solely to Bell Atlantic and impose a safeguard on only one service territory within the State "when the conditions that give rise to that safeguard appear throughout the Commonwealth."<sup>49</sup> Finally, AT&T states that PTA and its other member companies had notice that the Commission was reconsidering its *IntraLATA Investigation* Order, that they were active participants to that proceeding and that there was no due process violation as alleged.<sup>50</sup>

c. *Discussion.* We grant in part the petitions for reconsideration filed by PTA, ALLTEL and United. We agree that our June 3, 1996 Order was ambiguous as to whether the Commission intended to extend the imputation requirements to other LECs. The relevant section of our June 3, 1996 Order provides as follows:

Furthermore, the Commission refrained from imposing on imputation requirement on, intraLATA services provided once presubscription is available, on either local exchange carriers, including Bell, or interexchange carriers. Instead, the Commission determined that, at least initially, the marketplace should be permitted to govern the pricing of intraLATA services and that the Commission would monitor the marketplace on an ongoing basis to assure that no carrier was engaging in anti-competitive behavior.

\* \* \* \*

It appears that the effect of Section 272(e)(3) is to require that Bell be made subject to an imputation

requirement upon the availability of intraLATA presubscription in its service territory. Accordingly, interested parties should comment on whether the Commission's December 14, 1995 Order at I-00940034 requires revision given the application of the Act.

Because of this ambiguity, we suspend the imputation requirement as to all LECs with the exception of Bell Atlantic, pending further comment at this Docket on whether all LECs should be subject to the imputation requirement. We agree with the parties that it would be appropriate to develop the record further on this issue. Parties desiring to submit further comment on this issue shall do so on or before October 15, 1996. Reply comments will be accepted for filing on or before October 31, 1996. In addition to addressing whether the imputation requirement is appropriate for all LECs, parties should address any timing considerations including the relationship with any other pending dockets at the Commission.

#### 5. Commission Consumer Protection Task Force.

a. *Background.* In our June 3, 1996 Order, we established a Task Force comprised of representatives of the Commission and industry to develop definitions and marketing terminology that will be universally understood by consumers when used in the actual marketing of telecommunications services. The Task Force was intended as a important consumer protection device given the significant entry preemption contained in § 253 of the act.

b. *Position of the Parties.* PTA objects to the formation of the Task Force, stating that the Commission is inappropriately "expanding the universal service proceeding into areas that are strictly at the discretion of company management..."<sup>51</sup> Furthermore, states PTA, the overwhelming types of products offered by telecommunications companies are deregulated or will soon be competitive divesting the Commission of any jurisdiction over the particular services or products.<sup>52</sup> PTA argues that smaller LECs are not currently required to comply with the Commission's plain language policy statement and that the Commission's establishment of the Task Force imposes new regulatory burdens inconsistent with the recent Governor's Executive Order 1996-1, entitled *Regulatory Review and Promulgation*.<sup>53</sup> Finally, PTA argues that "the objective of providing consumers with comparable product detail is based on illogical assumptions and will cause unwieldy delays in market entry."<sup>54</sup>

c. *Discussion.* We reject the PTA's request for reconsideration for the following reasons. First, PTA's position is based upon either a fundamental misunderstanding or unduly narrow reading of the Commission's authority under § 253(b) of the act as applying to universal service issues only. The Commission's broad authority under section 253(b) of the act authorizes it to address not only universal service issues but matters necessary to protect the public welfare as well. Section 253(b) provides in relevant part:

(b) STATE REGULATORY AUTHORITY.—Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254, requirements necessary to preserve and advance universal service, *protect the public safety and welfare*, ensure the continued qual-

<sup>45</sup> PTA Petition for Reconsideration at pp. 7-8.

<sup>46</sup> United Petition for Reconsideration at p. 7.

<sup>47</sup> United Petition for Reconsideration at p. 8.

<sup>48</sup> ALLTEL Petition for Reconsideration at p. 10.

<sup>49</sup> AT&T Opposition at p. 8.

<sup>50</sup> AT&T Opposition at p. 9.

<sup>51</sup> PTA Petition for Reconsideration at p. 15.

<sup>52</sup> PTA Petition for Reconsideration at p. 16.

<sup>53</sup> PTA Petition for Reconsideration at p. 16.

<sup>54</sup> PTA Petition for Reconsideration at p. 17.

ity of telecommunications services, and *safeguard the rights of consumers*. (Emphasis added).

Second, the argument that the Commission, through the establishment of the Task Force, intends to become involved in any day-to-day management decisions of carriers, belies a basic misunderstanding of the Task Force's purpose and mission. The Task Force's mission is to ensure that consumers have the information they will need in the future not only to make educated decisions as to their telecommunications needs, but to prevent them from falling prey to any less scrupulous providers in the open entry environment created by § 253(a) of the act. We view customer education as a critical part of our responsibilities as regulators. As such, we believe the Task Force's scope and purpose falls squarely within our authority under § 253(b). Accordingly, we deny PTA's Petition for Reconsideration of this portion of our June 3, 1996 Order.

6. *Notice of FCC Filings.*

a. *Background.* Our June 3, 1996 Order requires parties to file a copy of all FCC filings made under Title II of the Communications Act. As to other filings, our Order required that carriers file with the Commission a one-page notice of the filing which includes the docket number of the filing and a description of the document filed.

b. *Position of the Parties.* Both ALLTEL and GTE object to having to serve the Commission with their FCC filings stating that such a requirement is unduly burdensome. ALLTEL states that the very purpose of the act is to promote competition and reduce regulation and regulatory filings. GTE states that it has voluntarily provided the Commission with copies of comments and filings when officially requested or by informal inquiry from Commission staff.<sup>55</sup>

c. *Discussion.* We do not agree with either ALLTEL or GTE that the requirement that they provide the Commission with a copy of all filings made with the FCC under Title II of the Communications Act is burdensome or otherwise inappropriate. Accordingly, we decline to modify this portion of our June 3, 1996 Order. In addition, we supplement our Order to require that carriers serve the Law Bureau of the Commission, in addition to the Commission's Secretary, with a copy of any petition or request for relief filed with the FCC which affects the provision of service in Pennsylvania.

We will, however, eliminate the requirement that carriers file a one-page notice of non-Title II filings with the Commission. In lieu of this requirement, we will require parties to submit any non-Title II filing with this Commission which affects either the provision of telecommunications services in Pennsylvania, which has an impact upon a proceeding or issue otherwise before this Commission, which impinges upon a matter over which this Commission has jurisdiction, or which affects the Commission's responsibilities under the act; *Therefore,*

*It Is Ordered That:*

1. The Petitions for Reconsideration and/or Clarification filed by GTE, United, Bell Atlantic, PTA, NEXTLINK, North Pittsburgh, ALLTEL and MCI are hereby granted in part, and denied in part consistent with the discussion set forth in this Order.

2. The Commission's June 3, 1996 Order at this Docket is modified to the extent discussed herein.

<sup>55</sup> GTE Petition for Reconsideration at p. 6.

3. Applicants shall have 10 days from the entry date of this Order to refile in a separate pleading within the relevant A-docket all requests for ancillary relief currently contained in their pending applications with service upon all parties.

4. ALLTEL and United shall file information with the Commission which establishes their eligibility for RTC status under section 3(a)(47)(D) as of the date of enactment of the 1996 Act within 20 days from the entry date of this Order.

5. Any LEC which has not yet complied with the requirement contained in the Commission's June 3, 1996 Order to file a statement of all preenactment interconnection agreements with the Commission, shall do so on or before October 10, 1996.

6. Parties shall file initial comments on whether the Commission should extend the imputation requirement to all LECs, in addition to Bell Atlantic, on or before October 15, 1996, and reply comments on or before October 31, 1996.

7. The Secretary shall deposit this Order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* effective immediately.

8. The Secretary's Office is directed to serve this Order on all parties on the Executive Director's telecommunications mailing list which are not parties on the service list for this docket.

JOHN G. ALFORD,  
*Secretary*

**Statement of Commissioner John Hanger**

The Telecommunications Act of 1996 (Telco Act) presents many new opportunities for Pennsylvania's families and businesses. The Reconsideration Order now before the Commission presents staff's recommendations concerning the recently filed Petitions for Reconsideration from Alltel of Pennsylvania, United Telephone Company, the Pennsylvania Telephone Association, Bell Atlantic—Pennsylvania, MCI Corporation, and North Pittsburgh Telephone Company.

The principal issues for reconsideration by Petitioners are: new entry and application procedures applicable to non-rural telephone service territories; eligibility for rural telephone company status and entry procedures applicable to rural telephone company service areas; negotiation, mediation, arbitration, and adjudication procedures for interconnection agreements including preenactment agreements; LEC intralata toll imputation; and Commission consumer protection task force.

It should be noted that the Federal Communications Commission (FCC) issued Orders on August 1st and 8th, which give state commissions much guidance in interpreting the Telco Act.

I will vote for the entire staff recommendation. The issues below are those of special note.

*LEC Intralata Toll Imputation*

The Commission's June 3rd Order on implementation of the Telco Act imposed an imputation requirement on all noncompetitive intralata toll services provided by any local carrier when intralata presubscription becomes available in its service territory.

Staff has revisited this issue, because Petitioners have asserted that improper notice of such a proposed requirement was given in the March 14th Tentative Order. In fairness to all the parties involved, staff has proposed a

comment period in which affected parties may be heard concerning imputation. I agree with this recommendation.

*Pre-enactment Interconnection Agreements*

The FCC Order from August 8th requires that all pre-enactment agreements be submitted to state commissions for approval. I believe this is the Order's more important provision.

Commission approval of pre-enactment agreements will help ensure that the non-discrimination clauses of the Telco Act are enforced. The price paid for interconnection services by one telecommunications competitor will be the same price paid by all competitors. Competition will not happen in Pennsylvania if the rules are not fair to incumbents and new entrants.

**Appendix A**

**Sample Application Form for Parties Wishing to Offer, Render, Furnish or Supply Telecommunication Services to the Public in the Commonwealth of Pennsylvania**

You may use the following form to make your application. **(Remove this instruction sheet prior to filing.)** If you need more space than is provided on this form or if you are attaching exhibits, attach additional pages and exhibits immediately following the page containing the item(s) being addressed. If you retype the application, please repeat each item in conjunction with your answers.

To file an application with the Pennsylvania Public Utility Commission, **file a signed and verified original and three copies** of your application and attachments with the Commission's Secretary's Office in Harrisburg, Pennsylvania:

**B-20, North Office Building  
Harrisburg, PA 17120**

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of \_\_\_\_\_  
d/b/a \_\_\_\_\_, for approval  
to offer, render, furnish, or supply telecommunica-  
tion services as a(n) \_\_\_\_\_ [as specified in Item 10 below]  
to the public in the Commonwealth of Pennsylvania.

Application Docket No.  
F \_\_\_\_\_  
19 \_\_\_\_\_

To the Pennsylvania Public Utility Commission:

- 1. **IDENTITY OF THE APPLICANT:** The name, address, telephone number, and FAX number of the Applicant are:

Please identify any predecessor(s) of the Applicant and provide other names under which the Applicant has operated within the preceding five (5) years, including name, address, and telephone number.

- 2. **CONTACT PERSON:** The name, title, address, telephone number, and FAX number of the person to whom questions about this Application should be addressed are:

- 3. **ATTORNEY:** If applicable, the name, address, telephone number, and FAX number of the Applicant's attorney are:

4. **FICTITIOUS NAME:** (select and complete appropriate statement)

- The Applicant will be using a fictitious name or doing business as ("d/b/a"):

Attach to the Application a copy of the Applicant's filing with the Commonwealth's Department of State pursuant to 54 Pa.C.S. § 311, Form PA-953.

**or**

- The Applicant will not be using a fictitious name.

5. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:** (select and complete appropriate statement)

- The Applicant is a sole proprietor.

If the Applicant is located outside the Commonwealth, provide proof of compliance with 15 Pa.C.S. § 4124 relating to Department of State filing requirements.

**or**

- The Applicant is a:

- domestic general partnership (\*)
- domestic limited partnership (15 Pa.C.S. § 8511)
- foreign general or limited partnership (15 Pa.C.S. § 4124)
- domestic limited liability partnership (15 Pa.C.S. § 8201)
- foreign limited liability general partnership (15 Pa.C.S. § 8211)
- foreign limited liability limited partnership (15 Pa.C.S. § 8211)

Provide proof of compliance with appropriate Department of State filing requirements as indicated above.

Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

- \*If a corporate partner in the Applicant's domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant's Department of State filing pursuant to 15 Pa.C.S. § 4124.

**or**

- The Applicant is a:

- domestic corporation (none)
- foreign corporation (15 Pa.C.S. § 4124)
- domestic limited liability company (15 Pa.C.S. § 8913)
- foreign limited liability company (15 Pa.C.S. § 8981)

Provide proof of compliance with appropriate Department of State filing requirements as indicated above. Additionally, provide a copy of the Applicant's Articles of Incorporation.

Give name and address of officers.

The Applicant is incorporated in the state of \_\_\_\_\_ .



6. **AFFILIATES AND PREDECESSORS WITHIN PENNSYLVANIA:** (select and complete appropriate statement)

- Affiliate(s) of the Applicant doing business in Pennsylvania are:

Give name and address of the affiliate(s) and state whether the affiliate(s) are jurisdictional public utilities. Give the docket numbers for the authority of any jurisdictional affiliate(s).

- If the Applicant or an affiliate has a predecessor who has done business within Pennsylvania, give name and address of the predecessor(s) and state whether the predecessor(s) were jurisdictional public utilities. Give the docket numbers for the authority of any jurisdictional predecessor(s).

**or**

- The Applicant has no affiliates doing business in Pennsylvania or predecessors which have done business in Pennsylvania.

7. **AFFILIATES AND PREDECESSORS RENDERING PUBLIC UTILITY SERVICE OUTSIDE PENNSYLVANIA:** (select and complete the appropriate statement)

- Affiliate(s) of the Applicant rendering public utility service in any jurisdiction other than Pennsylvania are:

Give name and address of the affiliate(s).

- Predecessor(s) of the Applicant which rendered public utility service in any jurisdiction other than Pennsylvania are:

Give name and address of the predecessor(s).

**or**

- The Applicant has no affiliates rendering or predecessors which rendered public utility service outside Pennsylvania.

8. **TRANSACTIONS WITH AFFILIATES:** (select and complete the appropriate statement)

- Identify any affiliate(s) which provide services to or receive services from the Applicant. Describe the nature of the services and how the transaction between or among affiliates will be handled.

**or**

- The Applicant has no affiliate(s) providing service to or receiving services from the Applicant.

9. **APPLICANT'S PRESENT OPERATIONS:** (Select and complete the appropriate statement)

- The Applicant is presently doing business in Pennsylvania as a jurisdictional public utility pursuant to authority at Docket No. \_\_\_\_\_ as a:

- Reseller of Toll Services, e.g., MTS, 1+, 800 & 888, Out WATS, Travel Cards, Debit Cards, etc.
- Competitive Access Provider, e.g., dedicated point-to-point service or IXC transporter.
- Interexchange Carrier, e.g., providing toll services as a facilities-based carrier.
- Competitive Local Exchange Carrier, e.g., providing local exchange service as a facilities-based carrier or as a reseller in an area previously served by an incumbent local exchange carrier.
- Local Exchange Carrier, providing local exchange service as a facilities-based carrier within a defined service territory.
- Other. (Identify the nature of public utility service being rendered.)

**or**

- The Applicant is not presently doing business in Pennsylvania as a public utility.

10. **APPLICANT'S PROPOSED OPERATIONS:** The Applicant proposes to operate as a:
- Reseller of Toll Services, e.g., MTS, 1+, 800 & 888, Out WATS, Travel Cards, Debit Cards, etc.
  - Competitive Access Provider, e.g., dedicated point-to-point service or IXC transporter.
  - Interexchange Carrier, e.g., providing toll services as a facilities-based carrier.
  - Competitive Local Exchange Carrier, e.g., providing local exchange service as a facilities-based carrier or as a reseller.
  - Other. (Identify the nature of public utility service to be rendered.)

The Applicant should file a separate application for each category of operation. If the Applicant files multiple applications simultaneously, the applications should cross reference each other. At the time of filing, the Applicant may petition to the Commission, pursuant to Section 5.43 of the Commission's Regulations, 52 Pa. Code § 5.43, to waive the provisions of Sections 1.34 and 1.43, 52 Pa. Code §§ 1.34 and 1.43, which require a separate application fee for each application (i.e., multiple fee), and to seek authorization for the payment of one application fee.

11. **PROPOSED SERVICES:** Describe the services which the Applicant proposes to offer.
12. **SERVICE AREA:** Describe the geographic service area in which the Applicant proposes to offer services.

Additionally, the Applicant asserts that it [will or will not] be a rural telephone company. State which provision of the federal Telecommunications Act of 1996 is applicable to the Applicant's status if the Applicant is a rural telephone company.

13. **MARKET:** Describe the customer base to which the Applicant proposes to market its services.
14. **INITIAL TARIFF:** Attach to the Application a proposed Initial Tariff setting forth the rates, rules, and regulations of the Applicant. The tariff shall state on its cover sheet the nature of the Applicant's operations as identified in Item 10, above.
15. **FINANCIAL:** Provide a general description of the Applicant's capitalization and, if applicable, its corporate stock structure.

Attach to the Application a tentative operating balance sheet and a projected income statement for the first year of operation within the Commonwealth of Pennsylvania.

The name, title, address, telephone number, and FAX number of the Applicant's custodian for its accounting records and supporting documentation are:

The Applicant's accounting records and supporting documentation are, or will be, maintained at:

16. **START DATE:** The Applicant proposes to begin offering services on \_\_\_\_\_ (approximate date).
17. **FURTHER DEVELOPMENTS:** Attach to the Application a statement of further developments, planned or contemplated, to which the present Application is preliminary or with which it forms a part, together with a reference to any related proceeding before the Commission.

The Applicant is under a continuing obligation to amend this Application if any matter asserted herein changes during the pendency of the Application or while the Applicant is providing public utility service within the Commonwealth.

- 18. **NOTICE:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code § 5.14, serve a copy of the signed and verified Application with attachments on the following:

Irwin A. Popowsky  
 Consumer Advocate  
 1425 Strawberry Square  
 Harrisburg, PA 17120

Bernard A. Ryan, Jr.  
 Small Business Advocate  
 Commerce Building, Suite 1102  
 300 North Second Street  
 Harrisburg, PA 17101

Office of the Attorney General  
 Bureau of Consumer Protection  
 Strawberry Square, 14th Floor  
 Harrisburg, PA 17120

Office of Trial Staff—1 copy  
 Office of Special Assistants—1 copy  
 Bureau of Consumer Services—1 copy  
 Bureau of Fixed Utility Services—1 copy  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§ 1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code § 5.14.

- 19. **AFFIDAVIT:** Attach to the Application an affidavit as follows:

**AFFIDAVIT**

[Commonwealth/State] of \_\_\_\_\_ :

County of \_\_\_\_\_ :

ss.

\_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the \_\_\_\_\_ (Office of Affiant) of \_\_\_\_\_ (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said corporation;]

That \_\_\_\_\_, the Applicant herein, acknowledges that [he/she/it] may have an obligation to serve or to continue to serve the public by virtue of the Applicant commencing the rendering of service pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; with the federal Telecommunications Act of 1996, signed February 6, 1996; or with other applicable statutes or regulations;

That \_\_\_\_\_, the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render public utility service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

That the facts above set forth are [true and correct/true and correct to the best of his/her knowledge, information, and belief] and that he/she [expects/expects said corporation] to be able to prove the same at any hearing hereof.

\_\_\_\_\_  
 Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

\_\_\_\_\_  
 Signature of official administering oath

My commission expires \_\_\_\_\_ .

- 20. **FEDERAL TELECOMMUNICATIONS ACT OF 1996:** State whether the Applicant claims a particular status pursuant to the federal Telecommunications Act of 1996. Provides supporting facts.

NOTICES

- 21. **COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, limited to proceedings dealing with business operations, in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.
  
- 22. **CONTACT FOR RESOLVING COMPLAINTS:** Provide the name, address, telephone number, and FAX number for the person and an Alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints and queries filed with the Public Utility Commission or other agencies.
  
- 23. **FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa.C.S. §§ 4903 and 4904, relating to perjury and falsification in official matters.
  
- 24. **CESSATION:** The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing business.

Applicant: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Title: \_\_\_\_\_

**VERIFICATION**

[Commonwealth/State] of \_\_\_\_\_ :  
 \_\_\_\_\_ : ss.  
 County of \_\_\_\_\_ :

\_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the \_\_\_\_\_ (Office of Affiant) of \_\_\_\_\_ (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said corporation;]

That the facts above set forth are [true and correct/true and correct to the best of his/her knowledge, information, and belief] and that he/she [expects/excepts said corporation] to be able to prove the same at any hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Signature of official administering oath

My commission expires \_\_\_\_\_.

[Pa.B. Doc. No. 96-1606. Filed for public inspection September 20, 1996, 9:00 a.m.]

**Railroad  
With Hearing**

**A-0011325. 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 abandonment of seven crossings where Conrail's Weirton Secondary from MP 26.7 to MP 35.7 intersects various roadways with four at-grade crossings and three under-grade separated crossings, Sub. No. 1132X, LC 402206, Washington County.

An initial hearing upon this proceeding will be held Wednesday, December 4, 1996, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when persons may appear and be heard.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1607. Filed for public inspection September 20, 1996, 9:00 a.m.]

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**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 October 15, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00113345. Terry R. Martin, Stacey M. Martin, Bruce T. Rea, and Sharon M. Rea, Partners, t/d/b/a Eastwind Limousines** (236 Melmar Drive, Lewisburg, Union County, PA 17837)—persons in limousine service between points in the counties of Northumberland, Snyder, Union, Columbia, Centre, Montour, Lycoming, Clinton, Luzerne, Schuylkill, Sullivan and Tioga, and from points in the said counties to points in Pennsylvania and return.

**A-00113346. Three Rivers Limousine, Inc.,** (562 Brookfield Avenue, Masury, OH 44438), a corporation of the State of Ohio—persons in limousine service between points in the counties of Mercer, Washington, Lawrence and Beaver, and from points in the counties of Mercer, Washington, Lawrence, Beaver and Allegheny, to points in Pennsylvania and return. *Attorney:* Thomas T. Niesen, P. O. Box 9500, Harrisburg, PA 17108-9500.

**Applications for 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-0011288, F.1, Am-A, Christopher J. Cykosky, t/d/b/a Xpres Limousine Service** (R. R. 2, Box 50, Greentown, Pike County, PA 18426)—This application seeks the right to transport persons in limousine service between points in the counties of Pike and Wayne, and from points in the said counties to points in Pennsylvania and return: *which is to be in lieu of his common carrier authority at A-0011288 which reads as follows:* persons in limousine service between points in the county of Pike, and from points in the county of Pike, to points in the county of Lackawanna and return; subject to the following condition: that no right, power or privilege is granted to transport to or from points in Lackawaxen Township, Pike County.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-00113336. Brendan Kilroy and Serguei Tcheiguine, Copartners, t/d/b/a Tonka Moving** (928 North Fourth Street, Philadelphia, Philadelphia County, PA 19123)—household goods in use, between points in the city and county of Philadelphia.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-00113353. A & B Moving & Storage Co., Inc.** (1026 Oldham Place, Bensalem, Bucks County, PA 19020), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, between points in the city and county of Philadelphia; (2) household goods in use, from points in the city and county of Philadelphia to points within an airline distance of 20 statute miles of Philadelphia City Hall, and vice versa; and (3) property, except household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights issued to Sheldon Diamond, t/d/b/a Arrow Moving and Storage Company, under the certificate issued at A-00094251, subject to the same limitations and conditions. *Attorney:* David H. Leslie-Hughes, P. O. Box 371, Mechanicsville, PA 18934.

**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 October 7, 1996.

- |            |   |
|------------|---|
| A-00113347 | Express Courier Service, Inc.<br>1429 Valley View, Warrington, PA<br>18976  |
| A-00113348 | Hylan W. Bloom, t/d/b/a Bloom Heavy<br>Duty Towing Service<br>R. D. 2, Box 24, Rockton, PA 15856;<br>Dwight L. Koerber, Koerber, Koerber &<br>Kirk, P. C., 110 North Second Street,<br>P. O. Box 1320, Clearfield, PA 16830 |
| A-00113349 | Jerome L. Campbell<br>224 Wissigner Road, P. O. Box 177,<br>Bechtelsville, PA 19505   |

- A-00113355 American Procurement & Logistics Company, t/d/b/a A.P.L.C.  
155 North 400 West, Salt Lake City, UT 84103; Richard C. Hutchison, Esquire, Hutchison, Neider, Ward & King, 5242 South College Drive, Suite 330, Salt Lake City, UT 84157-2495
- A-00113357 Jevic Transportation, Inc.  
P. O. Box 5157, Delanco, NJ 08075
- A-00113358 Plant Service Corp.  
P. O. Box 306, Pitman, NJ 08071
- A-00113359 Warren Development Co., Inc.  
R. R. 2, Box 26, Ulster, PA 18850
- A-00113360 Lee E. Huntsman, t/d/b/a Huntsman Express  
3990 Mt. Pisgah Road, York, PA 17402
- A-00113361 Richard F. Michalik, t/d/b/a/ R & B Trucking  
728 24th Street, Ambridge, PA 15003; John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1608. Filed for public inspection September 20, 1996, 9:00 a.m.]

**Transfer by Sale  
Without Hearing**

**A-212285 F0034. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company and Greene Valley Water Company for approval of the transfer, by sale, of the waterworks property and rights of the Greene Valley Water Company to Pennsylvania-American Water 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 October 7, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Velma A. Redmond, Corporate Counsel and Secretary, Pennsylvania-American Water Company, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1609. Filed for public inspection September 20, 1996, 9:00 a.m.]

**Transfer by Sale  
Without Hearing**

**A-110400 F0034. Pennsylvania Electric Company.** Application of Pennsylvania Electric Company, d/b/a GPU Energy, for approval of the transfer by sale of certain personal property located in Meadville, Crawford County, Pennsylvania, to Allegheny College.

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 October 7, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Angelique G. Eupheme Weeks, Senior Attorney, GPU Service, Inc., P. O. Box 16001, 2800 Pottsville Pike, Reading, PA 19640-0001.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1610. Filed for public inspection September 20, 1996, 9:00 a.m.]

**Transmission Line  
With Hearing**

**A-110400F0033. Pennsylvania Electric Company.** Application of Pennsylvania Electric Company filed under 52 Pa. Code, Chapter 57 with respect to the construction of a 115 KV Transmission Line, to be located, constructed, operated and maintained in Lawrence Township and Jackson Township in Tioga County, PA.

A prehearing conference upon this application will be held Tuesday, November 5, 1996, at 10 a.m. in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA 17105-3265.

Under Commission Regulation (52 Pa. Code § 57.75(h) (relating to hearing and notice), if no protests or petitions to intervene are received by the Commission 7 days prior to the scheduled hearing date, the Applicant may move, and the Administrative Law Judge may order, that the application be decided without hearing.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1611. Filed for public inspection September 20, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-212285 F0035. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to begin to offer or furnish water service to the public in additional portions of South Abington Township, Lackawanna 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 October 7, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Velma A. Redmond, Corporate Counsel and Secretary, Pennsylvania-American Water Company, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1612. Filed for public inspection September 20, 1996, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, October 3, 1996, for Project # 96-253-001 (Purchase of One New 1997 or Leftover 1996 Two Wheel Drive Pick Up Truck). The Bid Document can be obtained from the Procurement Administrator, Philadelphia Regional Port Authority (PRPA), 210 W. Washington Square, 8th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available September 24, 1996. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 96-1613. Filed for public inspection September 20, 1996, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

|                  |   |           |
|------------------|---|-----------|
| October 2, 1996  | Mary Griesmer (decd)<br>(Reelection of Retirement Option)                               | 1 p.m.    |
|                  | Larry E. Brown<br>(Membership Eligibility)  | 2:30 p.m. |
| October 16, 1996 | Thomas L. Groff Sr.<br>Rose E. Tregl<br>(Change of Option-Accelerated)                  | 1 p.m.    |
| October 22, 1996 | Charlotte W. Casas (decd)<br>(Reelection of Retirement Option)                          | 9 a.m.    |
| October 24, 1996 | Joan L. Barker<br>Betty M. Forney<br>Phyllis Silldorff<br>(Purchase of Maternity Leave) | 10 a.m.   |
| October 30, 1996 | Lila McCleary<br>Barbara T. Swanson<br>Donald Wood<br>(Healthcare Premium Assistance)   | 1 p.m.    |

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JAMES A. PERRY,  
*Secretary*

[Pa.B. Doc. No. 96-1614. Filed for public inspection September 20, 1996, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

October 2, 1996      Ronald D. Stiff      1 p.m.  
(Service Credit)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-1615. Filed for public inspection September 20, 1996, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting Notice

The Public Official and Employee Ethics Law requires that the State Ethics Commission hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The State Ethics Commission will conduct a public meeting in the Best Western East Mountain Inn, 2400 East End Boulevard, Wilkes-Barre, Pennsylvania on November 5, 1996, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the Ethics Law, the Regulations of the State Ethics Commission or agency operations should contact Claire Hershberger at (717) 783-1610 or 800-932-0936. Written copies of any statement should be provided at the time of said meeting.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 96-1616. Filed for public inspection September 20, 1996, 9:00 a.m.]

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## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting sealed bids for: Hazardous Waste Removal Service, Open Date: October 3, 1996, at 11 a.m.

Bids will be received by the Director of Purchases not later than the time indicated above. Bid Proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1617. Filed for public inspection September 20, 1996, 9:00 a.m.]

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