

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 15, 1996.

BANKING INSTITUTIONS

Mergers, Consolidations and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-11-96	Northwest Savings Bank, Warren, and Bridgeville Savings Bank, F.S.B., Bridgeville surviving institution— Northwest Savings Bank, Warren	Warren	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-7-96	Twin Rivers Community Bank Easton Northampton County	2850 Easton Avenue Bethlehem Northampton County	Opened
10-10-96	Mid-State Bank and Trust Company Altoona Blair County	Brookline Village 1930 Cliffside Drive State College Centre County (Limited Service Facility)	Approved
10-11-96	The Peoples State Bank East Berlin Adams County	N. W. Corner of Baltimore Street and Grandview Road Hanover York County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-11-96	The York Bank and Trust Company York York County	<i>To:</i> 4202 Valley Green Etters York County	Filed
		<i>From:</i> 36 Robin Hood Drive Etters York County	

SAVINGS ASSOCIATION

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-1796. Filed for public inspection October 25, 1996. 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 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 November is 9 3/4%.

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 7.13 to which was added 2.50 percentage points for a total of 9.63 that by law is rounded off to the nearest quarter at 9 3/4%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-1797. Filed for public inspection October 25, 1996, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Tulpehocken and Cacoosing Creek Segments Approved as Components of the Pennsylvania Rivers Conservation Registry

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation is entering segments of Tulpehocken Creek and Cacoosing Creek on the Pennsylvania Rivers Conservation Registry.

The Pennsylvania Rivers Conservation Registry was established as a component of the Pennsylvania Rivers Conservation Program. The program was developed to conserve river resources through the development and implementation of locally initiated river conservation plans. The purposes of the registry are twofold: to recognize and list rivers or river segments, defined within a Rivers Conservation Plan, which have been studied, evaluated and through a public participation process, have had recommended courses of action and site specific projects detailed to conserve the river and river values. To provide a mechanism by which recommended actions or projects within a River Conservation Plan would be eligible for technical assistance and Implementation, Acquisition and Development Grants.

On June 19, 1995, the Berks County Conservancy submitted the Tulpehocken Creek Strategic River Management Plan, Public Participation documentation, peti-

tion and municipal resolution to the DCNR, requesting that segments of Tulpehocken Creek and Cacoosing Creek be included on the Pennsylvania Rivers Conservation Registry.

On September 12, 1995, the Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation, having reviewed the submission of the Tulpehocken Creek Strategic Management Plan and documentation submitted by the Berks County Conservancy found it satisfied requirements for listing on the Pennsylvania Rivers Conservation Registry. Therefore, the 28.8 miles of the Tulpehocken Creek and Cacoosing Creek that are designated as components of the Pennsylvania Scenic Rivers System are included on the Pennsylvania Rivers Conservation Registry. This entry becomes effective upon publication in the *Pennsylvania Bulletin*. Recommended actions and projects located within river segments listed on the Rivers Conservation Registry and identified in the Tulpehocken Creek Strategic River Management Plan are eligible for Pennsylvania Rivers Conservation Program technical assistance and Implementation, Acquisition and Development Grants.

These river segments are identical to those defined on December 4, 1992, by Act No. 1992-118 designating certain segments of the Tulpehocken Creek in Lebanon and Berks Counties, and a small segment of Cacoosing Creek as components of the Pennsylvania Scenic Rivers System under the Pennsylvania Scenic Rivers Act (P. L. 1277, No. 283) and are as follows:

- Headwaters of the Tulpehocken Creek near Kimmerlings Church in North Lebanon Township to Ramona Road (Township Route 560) in Jackson Township, Lebanon County, 3.4 miles.
- Tulpehocken Creek: Western boundary of the Carl Sensenig property, now or formerly owned by Carl Sensenig and wife, in Jackson Township, Lebanon County, to the bridge carrying S. R. 4010 over the Tulpehocken Creek near the entrance to Heidelberg Country Club between Jefferson and North Heidelberg Townships in Berks County, 16.8 miles.
- Tulpehocken Creek: Base of the Blue Marsh Dam between Bern and Lower Heidelberg Townships to the Creek's confluence with the Schuylkill River at Reading in Berks County, 6.6 miles.
- Cacoosing Creek: From State Hill Road bridge S. R. 2023 to its confluence with the Tulpehocken Creek between Lower Heidelberg and Spring Townships in Berks County, 2.0 miles.

A copy of the *Tulpehocken Creek Strategic River Management Plan* is available for review at the Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation, Division of Conservation Partnerships, 400 Market Street, Third Floor, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 787-2316. Those interested in reviewing the Tulpehocken Creek Strategic River Management Plan should contact this office to schedule a review.

A copy of a Strategic River Management Plan for the Tulpehocken Creek and the maps associated with the plan are on file and can be reviewed at the Berks County Conservancy, 960 Old Mill Road, Wyomissing, PA 19610, (610) 372-4992.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 96-1798. Filed for public inspection October 25, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

PA 0057002. Industrial waste, **Township of Haverford**, 2325 Darby Road, Havertown, PA 19083.

This application is for issuance of an NPDES permit to discharge treated landfill leachate wastewater from Haverford Township Landfill in Haverford Township, **Delaware County**. This is a new discharge to Darby Creek.

The receiving stream is classified for cold 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 0.0043 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Iron			7.0
Total Iron	monitor/report		
Manganese	monitor/report		
Magnesium	monitor/report		
Barium	monitor/report		
Color			100
Total Dissolved Solids	monitor/report		
Total Suspended Solids	30	60	75
Specific Conductance	monitor/report		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

Northeast Region: Environmental Protection Manager, Water Management, 90 East Union Street, 2nd Floor, Wilkes-Barre, PA 18701, telephone (717) 826-2553.

PA 0045985. Sewerage, **Mountaintop Area Joint Sanitary Authority**, R. R. 4, Morio Drive, Mountaintop, PA 18707.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Big Wapwallopen Creek in Dorrance Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Danville Borough Water Company located on the north branch of the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 2.85 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N			
(5-1 to 10-31)	2.8	4.2	5.6
(11-1 to 4-30)	8.4	12.6	16.8
Dissolved Oxygen	a minimum of 6.0 mg/l at all times		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Fluoride	2.0		4.0
Total Chlorine Residual	maximum of .05 mg/l at all times		

The EPA waiver is not in effect.

PA 0044920. Industrial waste, SIC: 3643, **Lehighon Electronics, Inc.**, c/o Austin R. Blew, President, P. O. Box 328, Lehighon, PA 18235-0328.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into Mahoning Creek in Mahoning Township, **Carbon County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Northampton Borough Municipal Authority intake located on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0185 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0		30.0
Total Suspended Solids	20.0	40.0	
Total Cadmium	0.021	0.042	0.053
Total Chromium	1.71	2.77	
Total Copper	0.125	0.25	0.313
Total Lead	0.03	0.06	0.075
Total Nickel	2.38	3.98	
Total Silver	0.009	0.018	0.023
Total Zinc	0.944	1.888	2.360
Total Cyanide	0.65	1.20	
Total Toxic Organic		2.13	
pH	6.0—9.0 at all times		

Outfall 002 is permitted to discharge uncontaminated stormwater only.

Other Conditions Chemical additives requirements, special test method for certain pollutant and annual inspection requirements.

The EPA waiver is in effect.

PA 0061336. Industrial waste, SIC: 4941, **John J. Yamona**, Pennsylvania-American Water Company (Nesbitt Water Treatment Plant), 20 East Union Street, Wilkes-Barre, PA 18701-1397.

This proposed action is for renewal of an NPDES permit to discharge treated wastewater into Trout Creek in Pittston Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Danville Water Supply, located on the north branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.830 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	60.0	
Total Iron	1.5	3.0	3.75
Total Aluminum	0.8	1.6	2.0

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Manganese	1.0	2.0	
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

PA 0222089. Sewage. **Troy Ellsworth**, Box 247, Route 346, Duke Center, PA 16729.

This application is for a new NPDES permit to discharge treated sewage to Tram Hollow Run located in Otto Township, **McKean 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, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and is used by the State of New York which is 13.1 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.000800 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
TSS	20	40
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0038351. Sewage and Industrial waste, **PHB, Incorporated**, 7900 West Ridge Road, Fairview, PA 16415.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage and industrial waste to Trout Run in Fairview Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no potable water supply to consider during the evaluation.

The proposed effluent limits for Outfall 101 based on an average design flow of 0.021 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine (interim)	monitor and report	
(final)	0.33	0.49
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	4,200/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The proposed effluent limits for Outfall 201 based on average design flow of 0.024 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	16	32	32
Oil and Grease	15	30	30
Copper (T)	0.084	0.017	0.21
Lead (T)	0.026	0.052	0.065
Zinc (T)	0.534	1.07	1.34
Silver (T)	0.026	0.052	0.065
Nickel	1.12	2.24	2.80
Cyanide (T)	0.025	0.05	0.0625

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Cadmium (T)	0.008	0.016	0.02
Chromium (T)	ND	ND	ND
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0002151. Industrial waste, SIC: 3229. **Pittsburgh Corning Corporation**, P. O. Box 39, Port Allegheny, PA 16743.

This application is for renewal of an NPDES permit to discharge treated sewage, contact and noncontact cooling water to the Allegheny River in Liberty 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, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA/NY state line on Allegheny River located approximately 18 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of .252 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs		
Oil and Grease	15		30
Temperature		Average Discharge Temperature Daily Average °F	
Sept. 1-15		80	
Sept. 16-30		74	
Oct. 1-15		71	
Oct. 16-31		67	
Nov. 1-15		67	
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 based on a design flow of .414 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs		
Oil and Grease	15		30
Temperature		Average Discharge Temperature Daily Average °F	
Sept. 1-15		80	
Sept. 16-30		74	
Oct. 1-15		71	
Oct. 16-31		67	
Nov. 1-15		67	
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 003 based on a design flow of .009 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs when discharging		
Oil and Grease	15		30
Temperature		Average Discharge Temperature Daily Average °F	
Sept. 1-15		80	
Sept. 16-30		74	
Oct. 1-15		71	
Oct. 16-31		67	
Nov. 1-15		67	
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 004 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	Refer to Special Condition C in Part C of the permit.		

The EPA waiver is in effect.

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

PA 0056936. Industrial waste, **Presidential Associates, L. P.**, 3900 City Line Avenue, Madison House No. 1206, Philadelphia, PA 19131.

This application is for issuance of an NPDES permit to discharge cooling water from heat exchanger in City of Philadelphia, **Philadelphia County**. This is a new discharge to an unnamed tributary to Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.28 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	1,000	(2,000 Max. Daily)	2,500
Temperature Jan. 1-31		44°F	110°F
Temperature Feb. 1-29		45°F	110°F
Temperature Mar. 1-31		58°F	110°F
Temperature Apr. 1-15		65°F	110°F
Temperature Apr. 16-30		71°F	110°F
Temperature May 1-15		73°F	110°F
Temperature May 16-31		86°F	110°F
Temperature Jun. 1-15		91°F	110°F
Temperature Jun. 16-30		95°F	110°F
Temperature Jul. 1-31		93°F	110°F
Temperature Aug. 1-31		92°F	110°F
Temperature Sep. 1-15		88°F	110°F
Temperature Sep. 16-30		82°F	110°F
Temperature Oct. 1-15		76°F	110°F
Temperature Oct. 16-31		70°F	110°F
Temperature Nov. 1-15		62°F	110°F
Temperature Nov. 16-30		54°F	110°F
Temperature Dec. 1-31		45°F	110°F
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

PA 0052515. Industrial waste, **Ambler Borough Water Department**, 122 E. Butler Avenue, Ambler, PA 19002-4476.

This application is for renewal of an NPDES permit to discharge treated groundwater from a water supply well in Whitmarsh Township, **Montgomery County**. This is an existing discharge to Wissahickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 16,800 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Iron	2.0	4.0	5.0
Suspended Solids	30	60	75
Total Aluminum	4.0	8.0	10.0
Total Manganese	1.0	2.0	2.5
pH	within limits of 6.0—9.0 standard units at all times		
Gasoline Range Organics	monitor/report		
Diesel Range Organics	monitor/report		

The proposed effluent limits for Outfall 002, based on an average flow of 7,200 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>
Suspended Solids	monitor/report
Gasoline Range Organics	monitor/report
Diesel Range Organics	monitor/report
pH	monitor/report

The proposed effluent limits for Outfall 004, based on an average flow of 17,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>
Suspended Solids	monitor/report
Gasoline Range Organics	monitor/report
Diesel Range Organics	monitor/report
pH	monitor/report

The EPA waiver is in effect.

PA 0056979. Sewage, **Jonathan Kimmel**, 46 Tanguy Road, Glen Mills, PA 19342.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant serving the Kimmel residence in Thornbury Township, **Delaware County**. This is a new discharge to UNT of Chester Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

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

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

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on DEP's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0020834	Greencastle/Franklin County Authority 10339 Grant Shook Road Greencastle, PA 17225	Franklin Antrim	McCauley Run	TRC
PA0080519	Antrim Township Municipal Authority Box 130 10655 Antrim Church Rd. Greencastle, PA 17225	Franklin Antrim	Conococheague Creek	TRC
PA0031861	Zerbe Sisters Nursing Home 2499 Zerbe Road Narvon, PA 17555	Lebanon Caernarvon	UNT to Conestoga River	TRC

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0084751	Doubling Gap Center, Inc. 1550 Doubling Gap Rd. Newville, PA 17241	Cumberland Lower Mifflin	Doubling Gap Creek	TRC
PA0021245	Duncannon Borough Municipal Authority 428 N. High Street Duncannon, PA 17020	Perry Duncannon	Susquehanna River	TRC

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

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

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

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

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

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

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

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

Chester County Conservation District, District Manager, Gov. Serv. Ctr., Ste. 395, 601 Westtown Rd., West Chester, PA 19382, telephone (610) 696-5126.

NPDES Permit PAS10G229. Stormwater. **Kinney Associates**, John Panizza, 921 Briarwood Cr., West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in West Goshen Township, **Chester County**, to UNT to Valley Creek and E. Brandywine.

NPDES Permit PAS10G230. Stormwater. **Wooldridge Construction of Pa., Inc.**, 1500 Green Hill Road, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in East Goshen Township, **Chester County**, to the west branch of Ridley Creek.

NPDES Permit PAS10G231. Stormwater. **Valley Forge Specialized Educational Services Corporation**, 1777 N. Valley Road, Paoli, PA 19307 has applied to discharge stormwater from a construction activity located in Tredyffrin Township, **Chester County**, to Valley Creek.

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

NPDES Permit PAS106107. Stormwater. **DEP**, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476 has applied to discharge stormwater from a construction activity located in Shade Township, **Somerset County**, to Oven Run.

Applications for coverage under the General NPDES Permit for Discharges from Stripper Oil Well Facilities—Permit PAG310001

Northwest Regional Office, Regional Oil and Gas Manager, 1012 Water Street, Meadville, PA 16335, telephone (814) 332-6860.

6194001. James L. Beck, 15852 Pleasant Valley Drive, Pleasantville, PA 16341. Application received for renewal of approval to discharge from the following outfalls in **Venango County**:

<i>Outfall No.</i>	<i>Flow (gpd)</i>	<i>Receiving Stream</i>	<i>Municipality (Twp.)</i>
002	547	Allegheny River	President
003	691	Allegheny River	President
004	130	Allegheny River	President
005	418	Muskrat Run	President
006	200	Pine Run	President
008	220	Pithole Creek	Allegheny

6295001. Gas & Oil Management, Inc., P. O. Box 194, Youngsville, PA 16371. Application received for renewal of approval to discharge 1,000 gpd to Brokenstraw Creek in Brokenstraw Township, **Warren County**.

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

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

A.0696412. Sewage, **Maidencreek Associates, Inc.**, 194 Genesis Drive, Blandon, PA 19510, Centre Township, **Berks County** to construct a sewage treatment plant, outfall and headwall to service a 55 lot subdivision was received in the Southcentral Regional Office on October 8, 1996.

A.2294401. Sewage, **West Hanover Township Water and Sewer Authority**, 7171 Allentown Boulevard, Harrisburg, PA 17112, West Hanover township, **Dauphin County** to construct a sludge storage pad was received in the Southcentral Regional Office on September 27, 1996.

A.3196402. Sewage, **Youth Forestry Camp No. 3**, R. D. 1, Box 175, James Creek, PA 16657, Todd Township, **Huntingdon County** to replace existing sanitary sewage facilities was received in the Southcentral Regional Office on October 7, 1996.

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

WQM Permit No. 1096201. Sewage. **Armco Inc.**, Butler Operations, P. O. Box 832, Route 8 South, Butler, PA 16003-0832. This project is for the construction of two cooling ponds for the purpose of providing surface cooling of treated process water effluent in order to meet discharge temperature limitations in Butler Township, **Butler County**.

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

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

A.0996514. Public water supply. **Springfield Township Authority**, 2320 Township Road, Quakertown, PA 18951. This proposal involves the installation of a corrosion treatment system in Springfield Township, **Bucks County**.

A.2396501. Public water supply. **Chester Water Authority**, Fifth and Welsh Streets, P. O. Box 467, Chester, PA 19016. This proposal involves the construction of a 10 MG tank for finished water storage, known as Village Green Tank No. 9 in Aston Township, **Delaware County**.

Acknowledgment of Notices of Intent to Remediate

Acknowledgment of notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) requires the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site

must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

Southwest Field Office, John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

First Pennsylvania Funding Company, Inc., O'Hara Township, **Allegheny County**. First Pennsylvania Funding Company, Inc. has submitted a Notice of Intent to Remediate Papercraft Park (former Papercraft Corporation facility), Pittsburgh PA 15238, soil and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard.

Northeast Regional Field Office, Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.

Van Fleet Property, Benton Township, **Lackawanna County**. Environmental Science & Engineering, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA has submitted a Notice of Intent to Remediate (on behalf of its client, Ronald Van Fleet, P. O. Box 1, Fleetville, PA) site soils and groundwater which had been contaminated with BTEX (benzene, toluene, ethylbenzene and xylenes) and petroleum hydrocarbon compounds. The applicant proposes to remediate the site to meet the background standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Poly Hi Solidur/Menasha Corporation, City of Scranton, **Lackawanna County**. Charles E. Henry, Operations Manager, 900 North South Road, Scranton, PA has submitted a Notice of Intent to Remediate site soils identified as being contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release

of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1-800-654-5984.

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

Southwest Field Office, John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-5217.

RIDC Center of Duquesne/formerly USX Duquesne Works, City of Duquesne, **Allegheny County**. RIDC Keystone Commons, 600 Braddock Avenue, Turtle Creek, PA 15146 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PAHs and organics. The applicant proposes to remediate the site to meet a Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *McKeesport Daily News* on September 26, 1996.

Application for determination of Applicability for General Permit received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.

Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, telephone (717) 327-3653.

General Permit No. WMGR038. Grace's Future Block, Inc. (R. R. 1, Box 325, Millville, PA 17846). Application for Determination of Applicability for General

Permit for processing and beneficial use of waste tires on a Statewide basis, received in the regional office on September 30, 1996. Facility is located in Madison Township, **Columbia County**.

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

Regional Office, Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

A.101651. W. P. McGovern, Inc., 848 West Baltimore Pike, Kennett Square, PA 19348. This permit application was denied because of major technical deficiencies. Permit application denied in the Southeast Regional Office October 9, 1996.

A.101224. Waste Management of Delaware Valley (South), 408 South Oak Avenue, Primos, PA 19018-2736. This application was denied due to administrative deficiencies. Application was improperly submitted as a minor modification request. Applicant can submit at a later time as a major application. Application was denied in the Southeast Regional Office October 9, 1996.

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

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

A.300809. Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601. Hatfield Power Station, Ash Disposal Site, Route 21, Masontown, PA 15461. Application for a major permit modification to re-permit a Class II residual waste landfill in Monongahela Township, **Greene County**. Received in the Regional Office on October 4, 1996.

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

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

22-305-001A. Modification of a coal handling operation at **Kimmel Coal and Packaging** (P. O. Box 1, Wiconisco, PA 17097) in Wiconisco Township, **Dauphin County**.

22-318-022. Construction of a paint spray booth by **J & D Associates** (600 Hunter Lane, Middletown, PA 17057) in Middletown Borough, **Dauphin County**.

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

12-399-014. Construction of four powdered metal parts sintering furnaces by **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834) at Plant 3 (Airport Road) in Emporium Borough, **Cameron County**.

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

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

65-313-009A. The Department intends to issue an Air Quality Operating Permit to **Raven Industries, Inc.**, (Center Drive, R. R. 6, Box 18A, Latrobe, PA 15650) for dust collectors on the toner manufacturing operation at its facility located in Unity Township, **Westmoreland County**.

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

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335.

10-309-059. The Department intends to issue an Air Quality operating permit to **Armstrong Cement Company** (100 Clearfield Rd., Cabot, PA 16023) for the operation of a clinker silo in **Butler County**

33-318-005. The Department intends to issue an Air Quality operate permit to **Oak Heritage Furniture** (11 Industrial Park Dr., Brockway, PA 15824) for the operation of a wood furniture finishing line in **Jefferson County**.

37-304-008. The Department intends to issue an Air Quality operating permit to **Castle Iron and Metal Inc.**, (215 Gardner Ave., New Castle, PA 16103) for the operation of an aluminum sweating furnace in **Lawrence County**.

37-308-005. The Department intends to issue an Air Quality operating permit to **Reactive Metals & Alloys Corp.** (P. O. Box 366, W. Pittsburgh, PA 16160) for the operation of electric dryers in **Lawrence County**.

37-308-006. The Department intends to issue an Air Quality operation permit to **Reactive Metals & Alloys Corp.** (P. O. Box 366, W. Pittsburgh, PA 16160) for the operation of electrolytic cells in **Lawrence County**.

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

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

OP-65-595. The Department received an application for an Air Quality Operating Permit from **Westmoreland Regional Hospital** (532 West Pittsburgh Street, Greensburg, PA 15601) for a general hospital at its facility located in Greensburg, **Westmoreland County**.

OP-56-153. The Department received an application for an Air Quality Operating Permit from **Somerset Community Hospital** (225 South Center Avenue, Somerset, PA 15501) for three boilers/two emergency generators at its facility located in Somerset Borough, **Somerset County**.

OP-63-513. The Department received an application for an Air Quality Operating Permit from **Washington & Jefferson College** (60 South Lincoln Street, Washington, PA 15301) for a Joseph Coder incinerator at its Commons Building located in Washington City, **Washington County**.

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

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

PA-63-015A. Flexsys America, L. P. (829 Route 481, Monongahela, PA 15063) for a crystex plant at its Monongahela Plant located in Carroll Township, **Washington County**.

PA-30-072A. Consol Pennsylvania Coal Company (1800 Washington Road, Pittsburgh, PA 15241) for a coal preparation plant at its Bailey Prep Plant located in Richhill Township, **Greene County**.

PA-32-266A. Sanifill of Pennsylvania, Inc. (525 Glenruadh Avenue, Erie, PA 16505) for a municipal waste landfill at its Pellegrine Municipal Landfill located in Center Township, **Indiana County**.

PA-63-014A. Duquesne Light Company, (411 Seventh Avenue, Mail Drop 14-705, Pittsburgh, PA 15230) for a fossil fuel fired power plant at its Elrama Station facility located in Union Township, **Washington County**.

PA-65-016A. Latrobe Steel Company (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for a 30" vacuum arc remelting furnace at its Latrobe Plant located in Latrobe Borough, **Westmoreland County**.

Notice of Plan Approval Application Minor Source

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

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

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

Northwest Regional Office, Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.

10-308-015. The Department received a plan approval application for reactivation of a rotary aluminum drying oven (3,000 lbs/hr) by **Keystone Aluminum, Inc.** (P. O. Box 807, Mars, PA 16046) in Mars, **Butler County**.

10-313-050. The Department received a plan approval application for construction of a chemical vapor deposition furnace (90KW) by **II-VI, Inc.** (375 Saxonburg, Saxonburg, PA 16056) in Saxonburg, **Butler County**.

20-399-026. The Department received a plan approval application for construction of a semi-automated spray line by **Lord Corporation** (124 Grant St., Cambridge Springs, PA 16403) in Cambridge Springs, **Crawford County**.

37-399-011. The Department received a plan approval application for installation of a fabric collector on the secondary magnesium turnings system and the expansion of the magnesium grinding and hammermilling operations to produce magnesium chips and powder by **Reactive Metals & Alloys Corporation** (P. O. Box 366, West Pittsburg, PA 16160) in Taylor Township, **Lawrence County**.

37-345-010. The Department received a plan approval application for the construction of a sludge/cake dryer (15,000 wet tpy) by **The International Metals Reclamation Company**, INMETCO (P. O. Box 720, 245 Portersville Rd., Ellwood City, PA 16117) in Ellwood City, **Lawrence County**.

42-313-006C. The Department received a plan approval application for the installation of a baghouse onto four calcining furnaces (143.33 TPY per furnace) by **Stackpole Magnetic Systems, Inc.** (700 Elk Ave., Kane, PA 16735) in Kane, **McKean County**.

42-307-005. The Department received a plan approval application for the construction of a rotary calciner (990 lb Ferrite/HR) with wet scrubber control by **Stackpole Magnetic Systems, Inc.** (700 Elk Ave., Kane, PA 16735) in Kane, **McKean County**.

NSR Plan Approval

In accordance with 25 Pa. Code § 127.44, The Department of Environmental Protection (DEP) hereby gives notice of the intent to issue Plan Approval 06-1007D to Carpenter Technology Corporation (P. O. Box 14662, Reading, PA 19612-4662) for the construction and modification of various heating and heat treating furnaces involving New Source Review (NSR) for NO_x emissions in a moderate nonattainment area at their Reading Plant located in Reading/Muhlenberg Township, Berks County.

Based on the information provided by the company and DEP's own analysis, this facility has had a net NO_x allowable emission increase of 55.7 TPY from proposed de minimis increases since January 1, 1991.

In order to show compliance with the applicable standards (Chapter 127), DEP will place the following conditions on the Plan Approval:

1. The sources are to be constructed or modified in accordance with the plans submitted with the application.

2. This Plan Approval is issued for the construction of the following sources:

- Rectangular Bell Furnace (F-796) in Building 48.
- Roller Rail Furnace (F-799) in Building 120.
- Treat and Quench Furnace (F-800) in Building 120.
- Car Bottom Furnace (F-801) in Building 120.
- Car Bottom Furnace (F-802) in Building 120.

3. This Plan Approval is issued for the modification of the following sources:

- No. 1 Walking Beam Furnace (20 T) (F-643) in Building 112.
- No. 2 Walking Beam Furnace (20 T) (F-681) in Building 112.
- No. 3 Walking Beam Furnace (8 T) (F-644) in Building 112.

The modification involves the increase of the fuel usage by the furnaces and the NO_x emission limits by the furnaces.

4. This Plan Approval involves the emission offsetting of the facilities net de minimis increases in NO_x emissions (55.7 tons per year), since January 1, 1991, as required by section 127.205(3).

5. The owner/operator shall purchase Emission Reduction Credits (ERCs) in the amount specified by section 127.210 ($55.7 \times 1.15 = 64.06$) to offset the net increase.

6. Operation of the furnaces in condition No. 1 and the modification of the furnaces in condition No. 3 shall not occur before these ERCs have been purchased and have received approval from the Department.

7. The new furnaces shall be limited to the following:

a) Rectangular Bell Furnace (F-796)

1) Natural Gas usage: 22.1 million cubic feet per year

2) NO_x emissions: 1.11 TPY

3) NO_x emissions: 100# per million cubic feet of natural gas over a 3 hour averaging period

b) Roller Rail Furnace (F-799)

1) Natural Gas usage: 55.8 million cubic feet per year

2) NO_x emissions: 3.91 TPY

3) NO_x emissions: 140# per million cubic feet of natural gas over a 3 hour averaging period

c) Treat and Quench Furnace (F-800)

1) Natural Gas usage: 40.8 million cubic feet per year

2) NO_x emissions: 2.86 TPY

3) NO_x emissions: 140# per million cubic feet of natural gas over a 3 hour averaging period

d) Car Bottom Furnace (F-801)

1) Natural Gas usage: 29.3 million cubic feet per year

2) NO_x emissions: 1.46 TPY

3) NO_x emissions: 100# per million cubic feet of natural gas over a 3 hour averaging period

e) Car Bottom Furnace (F-802)

1) Natural Gas usage: 29.3 million cubic feet per year

2) NO_x emissions: 1.46 TPY

3) NO_x emissions: 100# per million cubic feet of natural gas over a 3 hour averaging period

8. The modified furnaces shall be limited to the following:

a) No. 1 Walking Beam Furnace (20 T) (F-643)

1) Natural Gas usage: 160 million cubic feet per year

2) NO_x emissions: 153# per million cubic feet of natural gas over a 3 hour averaging period

3) Annual Emissions:

Nitrogen Oxides	11.29 TPY
Particulate	1.10 TPY
Sulfur Dioxide	0.05 TPY
Carbon Monoxide	2.80 TPY
VOC	0.22 TPY

b) No. 2 Walking Beam Furnace (20 T) (F-681)

1) Natural Gas usage: 100 million cubic feet per year

2) NO_x emissions: 1,020# per million cubic feet of natural gas over a 3 hour averaging period

3) Annual Emissions:

Nitrogen Oxides	29.34 TPY
Particulate	0.60 TPY
Sulfur Dioxide	0.03 TPY
Carbon Dioxide	1.75 TPY
VOC	0.14 TPY

c) No 3. Walking Beam Furnace (8 T) (F-644)

1) Natural Gas usage: 95 million cubic feet per year

2) NO_x emissions: 140# per million cubic feet of natural gas over a 3 hour averaging period

3) Annual Emissions:

Nitrogen Oxides	6.65 TPY
Particulate	0.65 TPY
Sulfur Dioxide	0.03 TPY
Carbon Monoxide	1.66 TPY
VOC	0.13 TPY

9. The following sources have been deactivated at the facility and shall not be reactivated without prior approval of the Department:

a) No. 83 Annealing Furnace (F-332) formerly located in Building 48.

b) 20 inch Mill formerly located in Building 14.

c) Sludge Dryer (F-667) formerly located in Building 126.

d) The three batch furnaces (F-485, 486 and 487) formerly located in Building 78.

10. The following is a listing of sources affected by the New Source Review (NSR) and the existing annual NO_x limits:

a) Building 48 Boiler House (F-572, 573 and 645) -19.47 TPY

b) Powder Torch -0.03 TPY

c) Thermal Sludge Dryer (F-751) -2.55 TPY

d) Melt Shop -100 TPY

e) Annealing Furnace (F-229) -0.9 TPY

f) AOD Preheater (F-531) -0.6 TPY

g) Building 122 Boiler House (F-657 and 658) -1.4 TPY

h) Rotary Hearth Furnace (F-641) and Preheat Furnace (F-642) -12.83 TPY

i) Ball Track Furnace (F-332) -1.4 TPY

j) Reheat Furnace (F-783) -2.8 TPY

k) Ball Track Furnace (F-557) -1.5 TPY

l) Batch Furnace (F-784) -2.1 TPY

m) Batch Furnace (F-785) -2.1 TPY

n) VIM Furnace (F-797) 0.85 TPY

o) VIM Furnace (F-798) -0.85 TPY

p) Strip Process Boiler -1.06 TPY

q) Strip Process Burner Station -0.68 TPY

r) Strip Process No. 1 Quench Furnace -0.68 TPY

s) Strip Process No. 2 Quench Furnace -0.68 TPY

t) Strip Process Vertical Furnace 0 1.02 TPY

u) Strip Process Horizontal Furnace -1.07 TPY

v) Strip Process Bell Furnace -0.6 TPY

w) Strip Process Acid Cleaning -1.04 TPY

x) Strip Process Make-up Air -0.97 TPY

y) Strip Process Emergency Generator -0.39 TPY

z) Strand Furnace (F-774) -1.41 TPY

11. The term "TPY" stands for "tons per year," with 1 year being any 12-month period.

12. The sulfur content of the No. 2 fuel oil fired in the sources shall not, at any time, exceed 0.3% (by weight).

13. The operation of the sources in condition No. 2 shall not result in visible emissions as per EPA Method 9.

14. Records required under this Plan Approval shall be kept for a period of 5 years and shall be made available to the Department upon its request.

15. The owner/operator shall maintain fuel consumption and emission records for all of the sources covered by this Plan Approval.

16. This Plan Approval authorizes 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 and the operator's intent to commence operation at least 5 working days prior to the completion of the construction. The notice shall state when construction will be completed and when the operator expects to commence operation.

b) Operation is authorized only to facilitate the start-up and shakedown of the sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources 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 reason 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 commencement of operation.

17. The owner/operator shall notify the person noted on the Plan Approval when the source is operating as designed, so that the source can be inspected while in operation for the issuance of an Operating Permit.

18. Prior to issuance of an Operating Permit, and no longer than 180 days after the start-up, the company must perform a stack test on the Roller Rail Furnace (F-799) and Treat and Quench Furnace (F-800) covered by this Plan Approval, in accordance with the provisions of Chapter 139, to show compliance. The stack test shall be performed while the aforementioned source is operating at the maximum rated capacity, as stated on the application. The stack test shall be for emissions of NO_x.

19. At least 30 days prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

20. At least 60 days prior to the test, the owner/operator shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of the sampling ports and other data to ensure the collection of representative samples.

21. Within 30 days after the source tests, three copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

22. The owner/operator shall perform an annual adjustment and/or on all furnaces listed in condition No. 2, which shall include the following:

a) Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

b) Inspection of the flame pattern or characteristics and adjustments necessary to minimize emissions of NO_x and to the extent practicable minimize emissions of CO .

c) Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation, as specified by the manufacturer.

22. The owner/operator shall maintain a permanently bound log book or other method approved by the Department. This log shall contain, at a minimum, the following information:

- a) the date of the tuning procedure
- b) the name of the service company and technicians
- c) any other information required by this approval

All the pertinent documents concerning this application are available at the Reading District Office. Reviews may be scheduled by contacting Roger Fitterling at (610) 916-0100 between 8:30 a.m. and 3:30 p.m. Monday through Friday, except holidays.

DEP will accept written protests for 30 days following the publication of this notice. Protests shall conform with 25 Pa. Code § 127.46 and/or include a request for a public hearing. All protests shall be made to the Department of Environmental Protection, Air Quality Program, 1005 Cross Roads Boulevard, Reading, PA 19605.

Reasonably Available Control Technology; Public Hearing

Approval of Reasonable Available Control Technology (RACT) Plans for: U.G.I. Utilities, Inc., Hunlock Township, Luzerne 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 U.G.I. Utilities, Inc.

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

The preliminary RACT determinations, if finally approved, will be incorporated into Operating Permits for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The main source in U.G.I. facility are three boilers: No. 6, No. 7 and No. 8. The following is the summary of preliminary RACT determination for this facility:

<i>Source</i>	<i>NO_x RACT Limit</i>	<i>Control Device</i>
Boiler No. 6 Coal fired	0.69 lb/MMBtu (30 day rolling average)	—
Package Boiler No. 7 and No. 8	Meets 129.93 Presumptive	25 Pa. Code § 129.93 (b)(2)

A public hearing will be held for the purpose of receiving comments on the above proposed Operating Permit and the proposed SIP revisions. The hearing will be held on December 4, 1996, at 1 p.m. in the conference room at Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

Persons wishing to present testimony at the hearing should contact Thomas A. DiLazaro, Hearing Examiner at (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 Richard Shudak at (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 Thomas A. DiLazaro, Program Manager, 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 Records Management Section of DEP at (717) 826-2511.

Approval of Reasonable Available Control Technology (RACT) Plans for: Procter & Gamble Paper Products Co., Washington Township, Wyoming County, PA.

The Department of Environmental Protection has made a preliminary determination to approve an amended RACT plan and proposes amendments to the State Implementation Plan (SIP) for the Procter & Gamble Paper Products Company.

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

The preliminary RACT determination, if finally approved, will be incorporated into a RACT 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.

A re-evaluation of emissions has determined that VOC emissions from the wastewater treatment plant should be amended to 348 tons per year from the previous estimate of 276 tons per year. Although control costs will decrease, controls remain economically infeasible. RACT for the wastewater treatment has been determined to be operational as presently designed.

Technical problems encountered in the routing of the pulp plant vents to the No. 4 boiler have made this control option economically infeasible. RACT for the pulp plant vents has been determined to be operational as presently designed.

Installation and testing of the auxiliary boiler, steam injection to the turbine, and low NO_x burners in the 4M paper machine have been completed and determined to be in compliance with the terms and conditions of Plan Approval 66-0001A and Compliance Permit CP-66-0001A. These sources will be incorporated into the RACT Operating Permit.

A public hearing will be held for the purpose of receiving comments on the above proposed Operating Permit and the proposed SIP revisions. The hearing will be held on December 4, 1996, at 1 p.m. in the conference room at Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

Persons wishing to present testimony at the hearing should contact Thomas A. DiLazaro, Hearing Examiner at (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 Richard Shudak (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 wishing to comment, should provide written comments to Thomas A. DiLazaro, Program Manager, 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 Records Management Section of DEP at (717) 826-2511.

Approval of Reasonable Available Control Technology (RACT) Plan for: Stanley Storage Systems, Inc. 11 Grammes Road, Allentown, Lehigh 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 RACT approvals for this facility to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Operating Permits for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for the main source at the facility which is subject to operating permit:

<i>Facility</i>	<i>Source</i>	<i>VOC/NO_x RACT Limit</i>	<i>Control Device</i>	<i>Implemen- tation Date</i>
Stanley Storage Systems, Inc.	Metal Parts Paint Lines	Meets 129.52	N/A	May 31, 1997

For the above facility, a 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>
Stanley Storage Systems, Inc.	Department of Environmental Protection Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711 Luzerne County	December 4, 1996 1 p.m.

Persons wishing to present testimony at the hearing for the above listed facilities 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 Richard Shudak (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 wishing to comment, should provide written comments to Babu H. Patel, Engineering Services Chief, DEP, Air Quality Control Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is avail-

able 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 §§ 77.121-23 and 86.31-34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department 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

56930109. Transfer from **Mountaineer Mining to Mountainer Mining Corporation** (R. D. 4, Box 110A, Berlin, PA 15553), commencement, operation and restoration of bituminous strip-coal preparation plant/processing, limestone removal mine in Jenner Township, **Somerset County**, affecting 57.0 acres, receiving stream Flat Run and Roaring Run to Quemahoning Creek to Stonycreek, application received October 10, 1996.

32910103. Permit Renewal, **Big Mack Leasing Company, Inc.** (R. D. 6, Box 231, Kittanning, PA 16201), commencement, operation and restoration of bituminous strip mine in Armstrong and Young Townships, **Indiana County**, affecting 132.0 acres, receiving stream Neal Run, unnamed tributary to Neal Run, unnamed tributary to Reeds Run, application received October 11, 1996.

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

17900142. **Maud Mining Company** (P. O. Box 729, Indiana, PA 15701), renewal of an existing bituminous surface mine permit in Brady Township, **Clearfield County** affecting 140.2 acres, receiving streams: east branch of Mahoning Creek and Beech Creek, application received September 30, 1996.

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

33950105. **Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830) Revision to an existing bituminous surface strip operation in Snyder Township, **Jefferson County** affecting 105.0 acres. Receiving streams: three unnamed tributaries to Walburn Run and Walburn Run. Revision to include auger mining within the confines of the previously approved surface mine permit area. Application received September 12, 1996.

10920112. **State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous surface strip and auger operation in Concord Township, **Butler County** affecting 230.1 acres. Receiving streams: four unnamed tributaries to Bear Creek and Bear Creek. Application received September 20, 1996.

16960106. **M.S.M. Coal Company, Inc.** (Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous surface strip and auger operation in Redbank Township, **Clarion County** affecting 26.8 acres. Receiving streams: two unnamed tributaries to Pine Creek. Application received September 24, 1996.

33910101. **Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface strip and auger operation in Oliver Township, **Jefferson County** affecting 149.7 acres. Receiving stream: an unnamed tributary to Big Run. Application for reclamation only. Application received October 1, 1996.

16960107. **Doverspike Bros. Coal Co.** (R. D. 4, Box 271, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous surface strip operation in Porter Township, **Clarion County** affecting 230.0 acres. Receiving streams: Rock Run. Application received October 3, 1996.

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

Small Noncoal Applications Received

29960801. **P & W Excavating, Inc.** (P. O. Box 712, McConnellsburg, PA 17233), shale pit in Todd Township, **Fulton County**, affecting 11.43 acres, receiving stream unnamed stream to Cove Creek, application received September 13, 1996.

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

Large Industrial Mineral Applications Received

08960302. **Tom Simonds & Son Excavating, Inc.** (R. R. 1, Box 50B, Sayre, PA 18840), commencement, operation and restoration of a Large Industrial Mineral permit in Athens Township, **Bradford County** affecting 14.2 acres, receiving streams: Susquehanna River, application received October 7, 1996.

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

Noncoal Applications Received

37920303. **S & S Processing, Inc.** (P. O. Box 32, Ellwood City, PA 16117-0032) Transfer of an existing sand and gravel operation in Taylor Township, **Lawrence County** affecting 56.3 acres. Receiving streams: Edwards

Run and the Beaver River. Transfer from S & S Processing. Application received September 16, 1996.

20960303. W. L. Dunn Construction Co. (P. O. Box 8, 180 Franklin Street, Cochran, PA 16314) Commencement, operation and restoration of a sand and gravel operation in East Fairfield Township, **Crawford County** affecting 40.0 acres. Receiving streams: an unnamed tributary to French Creek. Application received September 30, 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. 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.

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

EA39-005CO. Environmental assessment. **T.C.A.S., Inc.**, 1209 Hausman Road, Allentown, PA 18104. To construct and maintain a nonjurisdictional dam in the watershed of a tributary to Little Cedar Creek (HQ-CWF) for the purpose of stormwater management at the proposed T.C.A.S., Inc. commercial center located approximately 1,200 feet southwest of the intersection of S. R. 309 and Ridgeview Drive (T-600) (Allentown West, PA Quadrangle N: 18.9 inches; W: 9.4 inches) in South Whitehall Township, **Lehigh County**.

The following Environmental Assessment and request for Water Quality Certification are being processed under section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

EA46-024CO. Environmental assessment. **Spring Mill Holding Company**, 110 Gallagher Road, Wayne, PA 19087. To remove a breached dam for the purpose of restoring a tributary to Mill Creek (WWF) to a free flowing condition. The dam is located approximately 1,300

feet east of the intersection of Spring Mill Road (S. R. 3032) and Montgomery Avenue (Norristown, PA Quadrangle N: 7.4 inches; W: 11.0 inches) in Lower Merion Township, **Montgomery County**.

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

E084305. Water obstruction and encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a 11.0 foot by 5.5 foot precast reinforced concrete box culvert skewed 67 degrees left ahead having a clear span of 11.95 feet and a minimum underclearance of 4.5 feet in Mill Creek located on SR 1003 approximately 30 feet from its intersection with T-508 (Laceyville, PA Quadrangle N: 17.4 inches; W: 5.7 inches) in Tuscarora Township, **Bradford County**. Estimated stream disturbance 85 linear feet; stream classification CWF.

E14-296. Water obstruction and encroachment. **Gregg Township**, P. O. Box 158, Spring Mills, PA 16875-0158. To remove the existing structure and to construct and maintain a 48 inch diameter 40 foot long corrugated metal pipe culvert with associated metal end sections in Roaring Run located on T-470 approximately 2 miles north of SR 0192 (Madisonburg, PA Quadrangle N: 5.75 inches; W: 16.75 inches) in Gregg Township, **Centre County**. Estimated stream disturbance 75 linear feet; stream classification is EV-Wild Trout.

E41-390. Water obstruction and encroachment. **PA Power and Light Co.**, 2 North 9th St., Allentown, PA 18101-1179. To remove an existing structure and to construct and maintain a CMP arch culvert with a span of 87 inches and a height of 66 inches in Stewards Run in a private driveway off T-336 (Cement Hollow Road) about 0.4 mile north of SR 220 (Linden, PA Quadrangle N: 17.2 inches; W: 15.4 inches) in Piatt Township, **Lycoming County**. Estimated stream disturbance is 21 feet; stream classification is a Warm Water Fishery.

E41-391. Water obstruction and encroachment. **Creekside Homes Development, Inc.**, One Executive Plaza, Suite 205, 330 Pine St., Williamsport, PA 17701. To construct and maintain a 12' 7" wide by 5' 2" high stream enclosure aluminum box culvert about 110' long in an unnamed tributary to Miller's Run and to place 0.5 acre of fill in 0.84 acre of wetland to construct a site access road. The project is located about 1,400' north of Four Mile Drive on the site access road off Fairview Road (SR 2031) (Montoursville North, PA Quadrangle N: 6.0 inches; W: 12.5 inches) in Loyalsock Township, **Lycoming County**. Estimated stream disturbance is 165 feet of waterway and 0.5 acre of wetland. Stream classification Warm Water Fishery.

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

E13-099. Encroachment. **John J. Kovatch, Jr.**, One Industrial Complex, Nesquehoning, PA 18240. To construct and maintain two 18 inch diameter stormwater outfall structures adjacent to First Hollow Run (EV). The project is part of the Little Flower Estates Residential Subdivision and is located approximately 0.38 acre north of the intersection of S. R. 0209 and S. R. 0054 (Nesquehoning, PA Quadrangle N: 21.4 inches; W: 9.9 inches) in Nesquehoning Borough, **Carbon County** (Philadelphia District, Army Corps of Engineers).

E35-271. Encroachment. **Toronto Corporation**, 301 Benet Street, Scranton, PA 18505. To place fill in 0.57 acre of PEM, PSS, PFO wetlands for the construction of 20 residential units and a 6,800 square foot commercial building and associated parking lot. The project, known as the Winola Road Land Development, is located immediately south of the intersection of T499 (Old Winola Road) and S. R. 4024 (Winola Road) (Scranton, PA Quadrangle N: 21.0 inches; W: 12.5 inches) in South Abington Township, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E39-319. Encroachment. **Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To repair and maintain two golf cart bridges with work consisting of the repair of scour damaged abutments and the placement of R6 riprap for scour protection as follows: (1) Bridge No. 10, located at Grace Course Hole No. 4, having a span of 15.5 feet with an approximate underclearance of 2.0 feet across an unnamed tributary to Saucon Creek (CWF) (Allentown East, PA Quadrangle N: 9.1 inches; W: 2.0 inches), (2) Bridge No. 31, located at Grace Course Hole No. 14, having a span of 21.9 feet with an approximate underclearance of 3 feet across Saucon Creek (CWF) (Allentown East, PA Quadrangle N: 10.2 inches; W: 0.1 inch). The project is located within the Saucon Valley Country Club immediately east of the intersection of S. R. 0378 and S. R. 2036 in Upper Saucon Township, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

E48-240. Encroachment. **Borough of Walnutport**, 417 Lincoln Avenue, Walnutport, PA 18088-1498. To restore Lock Nos. 23 and 24 of the Lehigh Canal with work consisting of the following: (1) repointing the stone walls; (2) replacing wooden stringers used to support wooden planking along the inside face of the lock walls; and (3) reconstructing missing miter gates. Lock No. 23 is located approximately 2,000 feet south of the intersection of Canal Street and Main Street and Lock No. 24 is approximately 750 feet south of the intersection of Canal Street and Washington Street (Cementon, PA Quadrangle N: 22.6 inches; W: 13.6 inches) in the Borough of Walnutport, **Northampton County** (Philadelphia District, Army Corps of Engineers).

E52-144. Encroachment. **The Forest Lake Club**, R. R. 1, Box 333, Hawley, PA 18428-9718. To remove the existing boathouse and to construct and maintain a 6-slip boathouse in Wolf Lake. The structure will project approximately 20 feet lakeward from the shoreline and will have an overall width of approximately 42 feet. The structure will be supported by pressure-treated wooden piles in the lake and a concrete pad poured on the shore. The project is located along the southeastern shoreline of Wolf Lake (Narrowsburg, NY-PA Quadrangle N: 5.7 inches; W: 13.7 inches) in Lackawaxen Township, **Pike County** (Philadelphia District, Army Corps of Engineers).

E64-176. Encroachment. **William Britton**, 22 Merrywood Lane, Short Hills, NJ 07078. To repair and maintain an existing 20 foot x 30 foot boathouse on Lake Ariel. Repairs consist of replacing a 10 foot section of concrete footing and two structural I-beams. This project is located along East Shore Drive approximately 0.5 mile east of S. R. 0191/S. R. 0296 (Lake Ariel, PA Quadrangle N: 13.6 inches; W: 0.3 inch) in Lake Township, **Wayne County** (Philadelphia District, Army Corps of Engineers).

E64-177. Encroachment. **Wayne County**, Wayne County Court House Annex, Honesdale, PA 18431. To remove the existing superstructure and to construct and maintain a steel I-beam bridge with steel grating having

a span of 38 feet and an underclearance of approximately eight feet across Big Brook (HQ-CWF). This project is located on County Bridge No. 15 along Township Road T-550 approximately 0.2 mile west of S. R. 0191 (Aldenville, PA Quadrangle N: 2.1 inches; W: 1.4 inches) in Dyberry Township, **Wayne County** (Philadelphia District, Army Corps of Engineers).

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

E07-268. Encroachment. **Barbara Joan Allison**, R. D. 2, Box 85, Blair County, Williamsburg, PA 16698. To remove an existing bridge and to construct and maintain a single span bridge having a clear span of 16.0 feet and an underclearance of about 5.0 feet across Piney Creek to provide access to private property located about 1,500 feet west of SR 0866 on approximately 0.6 mile north of the village of Clappertown (Frankstown, PA Quadrangle N: 7.0 inches; W: 4.1 inches) in Houston Township, **Blair County**.

E44-072. Encroachment. **Department of Transportation**, Engineering District 2-0, Kim Bartoo, 1924 Daisy Street, Clearfield, PA 16830. To construct and maintain 11 bridges, 3 culverted stream enclosures and to relocate about 24.5 feet of stream channel and place fill in about 6.4 acres of associated wetlands in Tea Creek, Lingle Creek, Laurel Creek and three unnamed tributaries to these creeks for the purpose of constructing about 5.5 miles of limited access highway from station 14+60, on SR 0322 at Reedsville through Station 311+0, SR 0322 northwest of Milroy (Burnham, PA Quadrangle N: 6.7 inches; W: 13.0 inches) in Brown and Armagh Township, **Mifflin County**.

E44-079. Encroachment. **Brown Rook**, Mifflin County, P. O. Box 552, Milroy, PA 17063. To maintain a bridge constructed under Emergency Permit EP44-96-02 having a clear span of 30 feet and an underclearance of about 6 feet across Laurel Creek for the purpose of providing access to private property located along SR 1001 about 600 feet east of its intersection of Church Lane (T-464) (Burnham, PA Quadrangle N: 15.65 inches, W: 9.57 inches) in Armagh Township, **Mifflin County**.

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

Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

E10-249. Encroachment. **Mark Cozad**, 407 Woodcock Drive, Cranberry Township, PA 16066. To remove five existing 18-inch culverts and to install and maintain a 25-foot wide by 10-foot high by 100-foot long multiplate arch culvert bridge to allow for a permanent road crossing to provide access to a single family residential community across a tributary to Brush Creek (WWF). The project is located approximately 3,300 feet east of the intersection of Glen Eden Road and Powell Road (Baden, PA Quadrangle N: 17.8 inches; W: 1.1 inches) located in Cranberry Township, **Butler County**.

E25-542. Encroachment. **Norman G. Porter**, 14505 Porter Road, Waterford, PA 16441. To install and maintain a 4-foot wide by 20-foot long corrugated metal culvert

across an unnamed tributary of French Creek for agricultural purposes. The project is located south-southwest of the intersection of Porter and Woods Roads, directly across from the Porter Farm House (Millers Station, PA Quadrangle N: 21.50 inches; W: 15.80 inches) located in Le Boeuf Township, **Erie County**.

E62-326. Encroachment. **Game Commission**, R. D. 2, Box 140, Corry, PA 16407-9119. To install and maintain three evenly-spaced steel supports located along the centerline line of West Branch Tionesta Creek (CWF-HQ, stocked and wild trout) for increased support of a single span bridge. The project is located approximately 4,300 feet upstream of the Chapman Dam State Park Dam (Cherry Grove, PA Quadrangle N: 21.00 inches; W: 9.00 inches) located in Watson Township, **Warren County**.

E62-327. Encroachment. **Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing 2-span concrete slab bridge and to install and maintain a single 35-foot span prestressed concrete spread box beam bridge prestressed with a 5.60 foot underclearance across Storehouse Run (CWF). Project is located on S. R. 1015 approximately 3,600 feet north from the intersection of S. R. 1016 and S. R. 1015 in the town of Akeley (Russell, PA Quadrangle N: 18.00 inches; W: 0.60 inch) located in Pine Grove Township, **Warren County**.

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

E51-158. Encroachment. **Liberty Property Philadelphia**, L. P., 65 Valley Stream Parkway, G. V. Corporation Center, Malvern, PA 19355. To place and maintain fill in 0.43 acre of isolated wetland (PEM) to facilitate the construction of a PNC Bank Operation Center located on a 30+/- acre parcel of land between I-95 and Bartram Avenue in the Eastwick section of Philadelphia (Philadelphia, PA-NJ Quadrangle N: 1.9 inches; W: 17.0 inches) in the City of Philadelphia, **Philadelphia County**.

ACTIONS

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

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

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

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

NPDES Permit No. PA0026131. Sewage. **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**.

The following notice reflects changes to the notice published in the December 2, 1995, *Pennsylvania Bulletin*: As a result of elimination of the Trout Creek discharge by April 1, 2000, the PWQBELs have been removed from the permit.

NPDES Permit No. PA0056898. Industrial waste. **TO-JO Mushrooms, Inc.**, 974 Penn Green Road, Avondale, PA 19311 is authorized to discharge from a facility located in New Garden Township, **Chester County** into an unnamed tributary to Trout Run.

NPDES Permit No. PA0056901. Industrial waste. **Jiffy Lube International, Inc.**, P. O. Box 2967, Houston, TX 77252-2967 is authorized to discharge from a facility located in Abington Township, **Montgomery County** into an unnamed tributary to Sandy Run.

NPDES Permit No. PA0012629. Amendment No. 5. Industrial waste. **Sun Company, Inc. (R&M)**, Point Breeze Processing Area, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299 is authorized to discharge from a facility located in City of Philadelphia, **Philadelphia County** into the Schuylkill River Zone 4 of Delaware River Estuary.

NPDES Permit No. PA0056413. Amendment. Sewerage. **Lower Salford Township Authority**, 57 Main Street, Mainland, PA 19451 is authorized to discharge from a facility located in Lower Salford Township, **Montgomery County** into Skippack Creek.

Northcentral Regional Office, Regional Water Management Program Manager; 208 West Third Street, Suite 101, Williamsport, PA 17701.

NPDES PAG044906. Sewerage. **Stanley W. Bardo**, R. D. 2, Box 36-1A, Millville, PA 17846. Has renewed their NPDES permit to discharge from a single family residence sewage treatment system to Little Fishing Creek located in Pine Township, **Columbia County**.

NPDES PA0028631-A1. Sewerage. **Mid-Cameron Authority**, 421 North Broad Street, Emporium, PA 15834. Has amended their permit in accordance with effluent limitations, monitoring requirements and other conditions set forth in Part A, B and C to discharge from facility located in Emporium Borough, **Cameron County**, to receiving waters named Driftwood Branch of Sinnemahoning Creek.

NPDES PA0113514. Sewerage. **Madison Township Supervisors**, P. O. Box 620, Millville, PA 17846. Is authorized to discharge from facility located at Hilner Small Flow Treatment Facility, Madison Township, **Columbia County** to receiving waters named unnamed tributary of Mud Run.

NPDES PA0043419. Sewerage. **Coudersport Borough Authority**, 201 South West Street, Coudersport, PA 16915. Permit has been amended in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C to receiving waters named Allegheny River, located in Eulalia Township, **Potter County**.

NPDES PAG044908. Sewerage. **David and Karen Ellis**, R. R. 9, Box 216, Bloomsburg, PA 17815. Permit renewal and transfer of the NPDES permit has been granted to single residence. Facility located in Madison Township, **Columbia County**.

NPDES PAG044904. Sewerage. **Thomas Fahs-bender**, R. D. 1, Box 513, Mansfield, PA 16933. Has renewed their single residence sewage treatment system located in Richmond Township, **Tioga County**.

NPDES PA0113069. Sewerage. **Greenwood Town-ship Municipal Authority**, P. O. Box 450, Millville, PA 17846. Has renewed NPDES permit to accept treated sewage discharge to Rickard Hollow, location is Green-wood Township, **Columbia County**.

NPDES PA0114685. Sewerage. **Barry Heller**, Harvest Moon Plaza, Inc., R. R. 1, Box 305H, Linden, PA 17744. Has renewed their NPDES permit to discharge treated sewage from facility located in Woodward Township, **Lycoming County**.

NPDES PA0029386. Sewerage. **Moshannon Valley School District**, R. R. 1, Box 314, Houtzdale, PA 16651. Has renewed their NPDES permit to discharge treated sewage from their treatment plant, located in Bigler Township, **Clearfield County**.

Northcentral Regional Office, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES PA0008451. Industrial waste. **Pennsylvania Power & Light Company**, Two North Ninth Street, Allentown, PA 18101-1179. Has renewed their NPDES Industrial Waste permit to facility located in Shamokin Dam Borough, **Snyder County**, to receiving waters named Susquehanna River, Rolling Green Run and un-named tributary to Susquehanna River.

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

NPDES Permit No. PA-0028568. Sewerage. **Bangor Borough Authority**, P. O. Box 51, Bangor, PA 18013 is authorized to discharge from a facility located in Wash-ington Township, **Northampton County** to Martin's Creek.

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

NPDES Permit No. PA0020141. Sewerage. **Brookville Municipal Authority**, Three Jefferson Court, Brookville, PA 15825 is authorized to discharge from a facility located in Brookville, **Jefferson County** to Redbank Creek.

NPDES Permit No. PA0104221. Industrial waste. **B. P. Exploration and Oil, Inc.**, 200 Public Square, Cleveland, OH 44114-2375 is authorized to discharge from a facility located in Rose Township, **Jefferson County**, to Clement's Run.

NPDES Permit No. PA0104396. Amendment No. 1 **Cogentrix of Pennsylvania, Inc.**, 9405 Arrowpoint Boulevard, Charlotte, NC 28273-8110 is authorized to discharge from a facility located in Ringgold Township, **Jefferson County** to Caylor Run.

NPDES Permit No. PA0112623. Industrial waste. **J. J. Bucher Producing Corporation**, 108 Pleasant Street, Bolivar, NY 14715 is authorized to discharge from an existing treatment facility located in Shinglehouse Borough, **Potter County** to Oswayo Creek.

Notices of Intent for Coverage Under NPDES Gen-eral Permits and Department Final Actions

The Department of Environmental Protection has re-ceived Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the follow-ing final actions by approving the requested general permit coverages.

These actions of the Department may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by an aggrieved person under the Environmental Hearing Board Act (35 P. S. 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days from the date of this issuance of the *Pennsylvania Bulletin* unless the appropriate statute pro-vides 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.

Southeast Regional Office, Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (618) 832-6130.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR150003	3	Penn Color, Inc. 2755 Bergey Road Hatfield, PA 19440	Montgomery County Hatfield Township	Unnamed Tributary to West Branch of Neshaminy Creek	2851

NOTICES

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<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR700009	3	Highway Materials, Inc. Quarry Road Downingtown, PA 19335	Chester County East Caln Township	Valley Creek	2951
PAR140014	3	Kimberly-Clark Corporation 50 West Powhattan Avenue Essington, PA 19029	Delaware County Tinicum Township	Darby Creek	2621
PAR200026	3	Rex Heat Treat of PA, Inc. Eighth Street and Valley Forge Roads Lansdale, PA 19446	Montgomery County Borough of Lansdale	Unnamed Tributary to West Branch Neshaminy Creek	3398
PAR800043	3	Republic Environmental Systems, Inc. 21 Church Road Hatfield, PA 19440	Bucks County Hilltown Township	Unnamed Tributary to West Branch Neshaminy Creek	4213
PAR600042	3	Police Auto Impoundment Lot 7992 Penrose Ferry Road Philadelphia, PA 19153	Philadelphia County City of Philadelphia	Delaware River	5015
PAR110040	3	Lavelle Aircraft Company 275 Geiger Road Philadelphia, PA 19115	Philadelphia County City of Philadelphia	Pennypack Creek	3724
PAR130010	3	Paramount Packaging Corporation Container Corporation of America 1035 Longford Road Phoenixville, PA 19460	Bucks County New Britain Township	West Branch Neshaminy Creek	2751
PAR200033	3	U. S. Can Company 431 Privet Road Horsham, PA 19044	Montgomery County Horsham Township	Unnamed Tributary to Neshaminy Creek	3411
PAR230060	3	Apex Alkali Products Company 4212-24 Main Street Philadelphia, PA 19127	Philadelphia County City of Philadelphia	Schuylkill River	2899
PAR230059	3	W. R. Grace & Company—Conn. 9 Headley Place Fallsington, PA 19054	Bucks County Falls Township	Unnamed Tributary to Martins Creek	3086
PAR140016	3	Kimberly-Clark Corporation 225 Welsh Street Chester, PA 19014	Delaware County City of Chester	Chester Creek and Delaware River	2621
PAR200032	3	Lane Enterprises, Inc. 377 Crooked Lane King of Prussia, PA 19406	Montgomery County Upper Merion Town- ship	Schuylkill River	3444
PAR230017	3	Hammond Lead Products, Inc. 10 Grosstown Road Pottstown, PA 19464	Montgomery County West Pottsgrove Town- ship	Schuylkill River	2819
PAR200008	3	Heraus, Inc. 24 Union Hill Road West Conshohocken, PA 19428	Montgomery County West Conshohocken Borough	Schuylkill River	3399
PAR230058	3	National Vulcanized Fiber Company Lafayette and Mulberry Streets Kennett Square, PA 19348	Chester County Kennett Square Bor- ough	West Branch Red Clay Creek	3079
PAR800013	3	Waste Management of Delaware Valley-South 408 South Oak Avenue Primos, PA 19010	Delaware County Upper Darby Township	Muckinpattis Creek	4212
PAR110029	3	Mars Electronics International 1301 Wilson Drive West Chester, PA 19380	Chester County East Goshen Township	East Branch Chester Creek	3622

<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>
PAR150002	3	Orb Industries 2 Race Street Upland, PA 19015	Delaware County Upland Borough	Chester Creek	2851
PAR210020	3	West Point Plant Cottage Avenue West Point, PA 19486	Montgomery County Upper Gwynedd Town- ship	Unnamed Tributary to Wissahickon Creek	3272
PAR600024	3	S. D. Richman Sons, Inc. 2435 Wheatsheaf Lane Philadelphia, PA 19137	Philadelphia County City of Philadelphia	Frankford Creek	5093

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 GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>
PAG048398	PAG-4	Julie A. Martin R. D. 1, Box 1384 Egypt Hollow Rd. Russell, PA 16345	Warren County Pinegrove Twp.	Widdlefield Run
PAG048403	PAG-4	Timothy J. Rossman and Amy L. Wright R. D. 1, Box 1612-B Russell, PA 16345	Warren County Pine Grove Twp.	Priest Hollow Branch of Akeley Run

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

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

Clinton County Conservation District, District Manager, 2 State Route 150, Mill Hall, PA 17751, telephone (717) 726-3798.

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

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

Erie County Conservation District, District Manager, 12723 Rte. 19, P. O. Box 801, Waterford, PA 16441, telephone (814) 796-4203.

Lackawanna County Conservation District, District Manager, 395 Bedford St., Bedford Station, Clarks Summit, PA 18411, telephone (717) 587-2607.

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

Lebanon County Conservation District, District Manager, 2120 Cornwall Rd., Ste. 5, Lebanon, PA 17042, telephone (717) 272-3377.

Lycoming County Conservation District, District Manager, 240 W. 3rd Street, P. O. Box 68, Williamsport, PA 17703, telephone (717) 326-5858.

Monroe County Conservation District, District Manager, 8050 Running Valley Rd., Stroudsburg, PA 18360, telephone (717) 629-3060.

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

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

York County Conservation District, District Manager, 118 Pleasant Acres Rd., York, PA 17402, telephone (717) 840-7430.

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A186	Beechmont Develop. 100 Lightholder Dr. McMurray, PA 15317	Allegheny Co. Collier Twp.	Thoms Run
PAR10A185	Casa Properties Partners Four Gateway Center, Ste. 212 Pittsburgh, PA 15222	Allegheny Co. Hampton Twp.	Crouse Run and Pine Crk.
PAR10A183	Jewish Assoc. on Aging 6301 Forbes Ave. Pittsburgh, PA 15217	Allegheny Co. City of Pittsburgh	Monongahela Rvr.
PAR101911	North-Lands Inc. 416 River Ave. Williamsport, PA 17701	Clinton Co. Bald Eagle Twp.	S. Fork Tangasootac
PAR10H110	Group, Kronenburg & Assocs., P. O. Box D, Mt. Holly Springs, PA	Cumberland Co. Monroe Twp.	UNT to Hogestown Rn.
PAR10I103	Harrisburg Area School District 1201 N. 6th St. Harrisburg, PA	Dauphin Co. Susquehanna Twp.	Paxton Crk.
PAR10K070	Walter Bender Jr. 3952 W. 12th St. Erie, PA 16505	Erie Co. Millcreek Twp.	UNT to Walnut Crk.
PAR10N043	Robert Stair, Kane Prop P. O. Box 931 Scranton, PA 18501	Lackawanna Co. Taylor Twp.	Keyser Crk.
PAR10N045	Glenn Gress 141 S. Dewey Ave. Scranton, PA 18505	Lackawanna Co. City of Scranton	Leggetts Crk.
PAR10-O-225	Obetz Enterprises 585 Whiteoak Rd. Manheim, PA 17545	Lancaster Co. Penn Twp.	Chickies Crk.
PAR10-O-230	Frank Shrom 146 E. Walnut St. Lancaster, PA	Lancaster Co. Rapho Twp.	Rife Run
PAR10P042	Hess Home Builders 15 Meadow Ln. Lancaster, PA 17601	Lebanon Co. W. Cornwall Twp.	Snitz Crk.
PAR103918	Tiger Development Inc. 3701 Perkiomen Ave. Reading, PA 19606	Lycoming Co. City of Williamsport	Daugherty's Run
PAR10S016	Deek Creations, Inc. P. O. Box 341 Effort, PA 18330	Monroe Co. Ross Twp.	Princess Run
PAR106118	Penultimate Properties 1510 Darkshade Dr. Windber, PA 15963	Somerset Co. Boswell Boro.	UNT to Quemahoning Crk.
PAR10X101	Graziano Conts & Devel. 559 Rodi Rd. Pittsburgh, PA 15235	Westmoreland Co. Hempfield Twp.	Jacks Run
PAR10X102	Burrell School Dist. Puckety Church Rd. L Burrell, PA	Westmoreland Co. City of L. Burrell	Ltl. Pucketa Crk.
PAR10X103	Kennametal Inc. P. O. Box 231 Latrobe, PA	Westmoreland Co. Unity Twp.	Loyalhanna Crk.
PAR10Y218	Neil O'Donnell 18 Ridgway Dr. Carlisle, PA 17013	York Co. Carroll Twp.	Bermudian Crk.

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

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

NPDES Permit No.	Applicant Name and Address	County and Municipality	Receiving Stream
PAS10R022	Earth Conservancy 101 South Main Street Ashley, PA 18706	Luzerne County Newport Township	Espy Run

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

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

NPDES Permit No.	Applicant Name and Address	County and Municipality	Receiving Stream
PAS10E048	Land Company of Slippery Rock One PPG Place 23rd Floor Pittsburgh, PA 15222-5401	Butler Slippery Rock Boro.	Wolf Creek
PAS102509	National Fuel Gas Supply Co. 1100 State St., P. O. Box 2081 Erie, PA 16512-2081	Elk Highland Twp.	Three Mile Run Twin Lick Run and Pigeon Run

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

Northcentral Regional Office, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

WQM 6096404. Sewerage. **Camp Mount Luther Corporation**, R. D. 1, Box 347, Mifflinburg, PA 17844. Has been approved to serve residential, seasonal camping facility on 385 acre tract to treat, disinfect and land applied spray field via slow rate sprinkle irrigation system. Location is in Lewis Township, **Union County**.

WQM 1986402-T2. Sewerage. **David and Karen Ellis**, R. R. 9, Box 216, Bloomsburg, PA 17815. Has renewed and transferred NPDES and WQM permits to discharge treated sewage to unnamed tributary of East Branch Chillisquaque Creek, located in Madison Township, **Columbia County**.

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

WQM Permit No. 6296409. Sewerage. **Timothy J. Rossman and Amy L. Wright**, SRSTP, R. D. 1, Box 1612-B, Russell, PA 16345. Construction of Timothy J. Rossman and Amy L. Wright SRSTP located in Pine Grove Township, **Warren County**.

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

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

Permit No. 4395501. Public water supply. **Countryside Convalescent Home**, 8221 Lamor Road, Mercer, PA 16137. This permit approves an additional source to the previously permitted water supply system. Well no. 2 was drilled as a back up source to well no. 1 and to replace the spring. Water from well no. 2 will be sequestered and disinfected prior to distribution in East Lackawannock Township, **Mercer County**.

Type of Facility: Community water supply.

Consulting Engineer: Walter J. Tack, P. E., 3030 Third Street, Harrisburg, PA 17110.

Permit to Construct Issued: October 10, 1996.

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

Permit No. 6796503. Public water supply. **Glen Rock Water Authority**, Shrewsbury Township, **York County**, (W. Roy Klauber, Glen Rock Water Authority, P. O. Box 116, Glen Rock, PA 17327), seeks a permit to construct an interconnection with the York Water Company and a Chlorine Booster Station.

Permit No. 0196501. Public water supply. **Gettysburg Municipal Authority**, Gettysburg Borough, **Adams County**, (James Watson, 601 E. Middle Street, Gettysburg, PA 17325), installation of a shallow tray aerator for PCE removal and hypochlorite disinfection facilities at well no. 2.

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

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

scription 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.

Northeast Regional Field Office, Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.

Poly Hi Solidur/Menasha Corporation, City of Scranton, **Lackawanna County**. Charles E. Henry, Operations Manager, 900 North South Road, Scranton, PA has submitted a Final Report concerning the remediation of site soils identified as being contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Van Fleet Property, Benton Township, **Lackawanna County**. Environmental Science & Engineering, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA has submitted a Final Report (on behalf of its client, Ronald Van Fleet, P. O. Box 1, Fleetville, PA) concerning the remediation of site soils and groundwater which had been contaminated with BTEX (benzene, toluene, ethylbenzene and xylenes) and petroleum hydrocarbon compounds. The report is intended to document remediation of the site to meet the background standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Paris Accessories Facility, City of Allentown, **Lehigh County**. Darryl Borrelli, Consulting Engineering with Manko, Gold and Katcher (401 City Avenue, Suite 500, Bala Cynwyd, PA) has submitted a Final Report (on behalf of his client, Paris Accessories (350 Fifth Avenue, New York, NY) concerning the remediation of site soils and groundwater which had been contaminated with solvents, BTEX compounds (benzene, toluene, ethylbenzene and xylenes), polyaromatic hydrocarbons and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

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

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

Permit ID No. 301291. Ashland Chemical Company, Neville Island Facility, Polyester Resins Thermal Oxidizer, 2650 Neville Rd., Pittsburgh, PA 15225. Operation of a residual waste incinerator in Neville Township,

Allegheny County. Permit issued in the Regional Office on October 4, 1996.

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

Permit No. 603446. Richard Covert Farm, Charels Lake, (GCR 62, Box 444, Shade Gap, PA 17255). Application for agricultural utilization of sewage sludge to a site in Shirley Township, **Huntingdon County**. Permit issued in the Regional Office October 9, 1996.

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

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

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

Permit: **09-322-002**
Source: Two Gas Turbines
Issued: September 13, 1996
Company: **PECO Energy**
Location: Falls
County: **Bucks**

Permit: **09-320-003A**
Source: Graphic Arts Facility
Company: **Gilbreth International Corp.**
Location: Bristol
County: **Bucks**

Permit: **15-317-019**
Source: Line 6 Bread Oven
Issued: October 2, 1996
Company: **Pepperidge Farms**
Location: East Caln
County: **Chester**

Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology and when required 25 Pa. Code § 127.445.

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

The Department has issued the following air quality compliance permit for the operation of the Major NO_x and Major VOC emitting facilities described below:

Permit: **CP-46-0018**
Source: NO_x and VOC Facility
Issued: September 26, 1996
Company: **Brown Printing**
Location: Upper Hanover
County: **Montgomery**

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

Permit: **OP-09-0026**
 Source: Surface Coating Process Facility
 Issued: September 13, 1996
 Company: **Browning-Ferris, Inc.**
 Location: Hilltown
 County: **Bucks**

Permit: **OP-23-0013**
 Source: Facility VOC Sources
 Issued: September 3, 1996
 Company: **J. B. Slevin, Inc.**
 Location: Upper Darby
 County: **Delaware**

Permit: **OP-46-0071**
 Source: Facility VOC & NO_x sources
 Issued: September 26, 1996
 Company: **Quaker Chemical Corp.**
 Location: Whitmarsh
 County: **Montgomery**

Permit: **OP-23-0006A**
 Source: Facility VOC and NO_x
 Issued: September 30, 1996
 Company: **Foamex International, Inc.**
 Location: Eddystone
 County: **Delaware**

Permit: **OP-09-0022**
 Source: VOC sources
 Issued: September 30, 1996
 Company: **Cleveland Steel Container Corp.**
 Location: Quakertown
 County: **Bucks**

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

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

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

Permit: **46-399-109**
 Source: Wastewater Treatment Plant
 Issued: September 17, 1996
 Company: **Lonza, Inc.**
 Location: Upper Merion
 County: **Montgomery**

Permit: **46-308-018**
 Source: Non-Ferrous Induction Furnace
 Issued: September 18, 1996
 Company: **Hale Products, Inc.**
 Location: Conshohocken
 County: **Montgomery**

Permit: **09-303-028**
 Source: Batch Asphalt Plant
 Issued: September 27, 1996
 Company: **Bucks County Crushed Stone**
 Location: Nockamixon
 County: **Bucks**

Permit: **15-310-016A**
 Source: Sand Stone Crushing Plant
 Issued: September 26, 1996
 Company: **Valley Forge Stone**
 Location: Honey Brook
 County: **Chester**

Permit: **46-323-018**
 Source: Radiac Cut Off Saw
 Issued: October 8, 1996
 Company: **Superior Tube**
 Location: Lower Providence
 County: **Montgomery**

Permit: **23-301-117**
 Source: Human Crematory Incinerator
 Issued: September 6, 1996
 Company: **Haven Memorial Park**
 Location: Chester
 County: **Delaware**

Permit: **46-313-143A**
 Source: Granular Litharge System
 Issued: September 13, 1996
 Company: **Hammond Lead Products**
 Location: West Pottsgrove
 County: **Montgomery**

Permit: **46-399-108**
 Source: Septage Treatment Facility
 Issued: September 13, 1996
 Company: **Nutrecon, Inc.**
 Location: Ambler
 County: **Montgomery**

Permit: **15-399-046**
 Source: Coil Cleaning and Plating Line
 Issued: September 13, 1996
 Company: **The Worthington Steel**
 Location: East Whiteland
 County: **Chester**

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

Permit: **46-399-082 & 46-399-083**
 Source: Belt Filter Press
 Issued: September 10, 1996
 Company: **Upper Merion Municipal Utility Authority**
 Location: Upper Merion
 County: **Montgomery**

Permit: **09-301-123**
 Source: Incinerator
 Issued: September 13, 1996
 Company: **Columbia Lighting, Inc.**
 Location: Bristol
 County: **Bucks**

Permit: **23-399-023B**
 Source: Four Holding Tanks
 Issued: September 30, 1996
 Company: **DELCORA**
 Location: City of Chester
 County: **Delaware**

Permit: **09-314-001A**
 Source: Existing Process Detackifier System
 Issued: September 13, 1996
 Company: **3M**
 Location: Bristol
 County: **Bucks**

Permit: **09-314-002**
 Source: New Bulk Rubber Conveying System
 Issued: September 30, 1996
 Company: **3M**
 Location: Bristol
 County: **Bucks**

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

Permit: **15-313-025B**
 Source: Hazardous Waste Treatment Facility
 Issued: September 30, 1996
 Extended: January 30, 1997
 Company: **Advanced Environmental Technical Services, L.L.C.**

Location: Valley
 County: **Chester**

Permit: **46-313-142**
 Source: 2 PVC Resin Packaging Systems
 Issued: September 30, 1996
 Extended: January 30, 1997
 Company: **Occidental Chemical Corp.**
 Location: Lower Pottsgrove
 County: **Montgomery**

Permit: **PA-46-0016**
 Source: Pump Degreaser
 Issued: September 25, 1996
 Extended: January 25, 1997
 Company: **Handy & Harman Tube**
 Location: East Norriton
 County: **Montgomery**

Permit: **23-329-003**
 Source: Two Emergency Generators
 Issued: September 30, 1996
 Extended: January 15, 1997
 Company: **Haverford College**
 Location: Haverford
 County: **Delaware**

Permit: **09-313-084**
 Source: Acrylic Molding Resins (Line 15)
 Issued: September 24, 1996
 Extended: January 24, 1997
 Company: **Ato Haas North America, Inc.**
 Location: Bristol
 County: **Bucks**

Permit: **46-399-098**
 Source: Two Boilers and One Electric Generator
 Issued: September 25, 1996
 Extended: January 25, 1997
 Company: **SmithKline Beecham Pharmaceutical**
 Location: Upper Merion
 County: **Montgomery**

Permit: **23-313-044**
 Source: Surfactants Manufacturing Facility
 Issued: September 30, 1996
 Extended: January 31, 1997
 Company: **Rhone-Poulenc Surfactants & Specialties**
 Location: Marcus Hook
 County: **Delaware**

Permit: **46-301-268**
 Source: Hospital Waste Incinerator
 Issued: September 30, 1996
 Extended: January 31, 1997
 Company: **North Penn Hospital**
 Location: Hatfield
 County: **Montgomery**

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for a plan approval permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

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

The Department has extended the following air quality plan approval permit for the installation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **PA-46-0016**
 Source: Pump Degreaser
 Issued: September 25, 1996
 Extended: January 25, 1997
 Company: **Handy & Harman Tube**
 Location: East Norriton
 County: **Montgomery**

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

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

38-309-026E. On September 30, 1996, the Department issued a Plan Approval to **North American Refractories Company** (P. O. Box 38, Route 419 South, Womelsdorf, PA 19567) at their Womelsdorf Plant in Millcreek Township, **Lebanon County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

10-309-052A. On September 24, 1996, a Plan Approval was issued to **Minteq International, Inc.** (395 Grove City Rd., Slippery Rock, PA 16057) for material mixers at Slippery Rock, **Butler County**.

24-313-116A. On October 1, 1996, a Plan Approval was issued to **Carbone of America, Corporation** (215 Stackpole St., St. Marys, PA 15857) for a carbon baking kiln at your facility in St. Marys, **Elk County**.

25-316-003. On October 1, 1996, a Plan Approval was issued to **Bush Industries of PA, Inc.** (2455 Robinson Rd. W., Erie, PA 16509) for a wood processing line at Summit Township, **Erie County**.

43-308-009. On September 24, 1996, a Plan Approval was issued to **Cobra Metals, Inc.** (4100 Congress Parkway W., Richfield, OH 44286) for a rotary smelting furnace at Pymatuning Township, **Mercer County**.

61-399-007C. On September 23, 1996, a Plan Approval was issued to **A. G. Industries, Inc.** (P. O. Box 1107, Oil City, PA 16301) for ductwork modification at Oil City, **Venango County**.

37-309-049A. On October 7, 1996, a Plan Approval was issued to **Universal Refractories, Inc.** (915 Clyde St., Wampum, PA 16157-0097) for a drying oven at Wampum, **Lawrence County**.

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law, (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—

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

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

Coal Applications Issued

11960104. L & J Energy Company, Inc. (P. O. Box 247 Barnesboro, PA 15714), commencement, operation and restoration of a bituminous strip-auger mine in Susquehanna Township, **Cambria County**, affecting 108.2 acres, receiving stream west branch Susquehanna River; unnamed tributaries to west branch Susquehanna River, application received March 8, 1996, permit issued October 7, 1996.

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

17960103. BBC Coal Company (P. O. Box 249, Clearfield, PA 16830) commencement, operation and restoration of a bituminous surface mine permit in Bloom Township, **Clearfield County** affecting 79.5 acres, receiving streams: unnamed tributary no. 1 to Bilgers Run, to Bilgers Run, application received February 12, 1996, permit issued September 19, 1996.

14880102. Lobb Mining (Box 271, Boalsburg, PA 16827), major permit modification to an existing bituminous surface mine permit to apply biosolids to enhance vegetation, Curtin Township, **Centre County** affecting 31.2 acres, application received June 26, 1996, permit issued September 27, 1996.

41940101. Fisher Mining Company (460 Market Street, Room 150, Williamsport, PA 17701-6321), commencement, operation and restoration of a bituminous surface mine permit in Pine and McHenry Townships, **Lycoming County**, affecting 616 acres, receiving streams: Buckeye Run to Otter Run, and Right Fork of Otter Run to Otter Run, Otter Run to Little Pine Creek, Little Pine Creek to Pine Creek, Pine Creek to west branch Susquehanna River, application received February 3, 1994, permit issued September 26, 1996.

17950111. Sky Haven Coal, Inc. (R. D. 1, Box 180, Philipsburg, PA 15849), commencement, operation and restoration of a bituminous surface mine/auger permit in Bigler Township, **Clearfield County** affecting 188 acres, receiving streams: Maplepole Run to the west branch of the Susquehanna River, application received June 9, 1996, permit issued October 3, 1996.

17960104. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 79 acres, receiving streams: Cofinan Run to Clearfield Creek to the West Branch of the Susquehanna River, application received February 12, 1996, permit issued October 3, 1996.

17960102. M. R. Hainsey Contracting Company, (R. D. 2, Box 57, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 70.1 acres, receiving streams: unnamed tributary to Trout Run, unnamed tributary to Pine Run, Pine Run, to west branch Susquehanna River, application received February 12, 1996, permit issued October 3, 1996.

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

33910106. Terry Coal Sales, Inc. (Box 58, Distant, PA 16223) Renewal of an existing bituminous strip and auger

operation in Perry Township, **Jefferson County** affecting 195.0 acres. This renewal is issued for reclamation only. Receiving streams: two unnamed tributaries to Foundry Run and Foundry Run. Application received June 21, 1996. Permit issued September 24, 1996.

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

Small Industrial Mineral Authorizations Granted

53960803, Gaberseck Brothers (14 Avenue B, Coudersport, PA 16915), commencement, operation and restoration of a Small Industrial Mineral (rock, shale and topsoil) permit in Eulalia Township, **Potter County** affecting 1 acre, application received May 16, 1995, permit issued October 3, 1996.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

Permits Issued and Actions on 401 Certifications

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

E41-383. Water obstruction and encroachment. **Clinton Township Supervisors**, R. R. 1, Box 33, Montgomery, PA. To place and maintain fill in 0.04 acre of palustrine emergent wetlands for the purpose of enlarging an existing stone parking lot and to redefine a stormwater drainage way. The proposed work will result in impact to a diminimus area of wetlands less than 0.05 acre and therefore, replacement will not be required. The project site is located approximately 1.9 mile east southeast of the SR 15 and SR 54 intersection (Montoursville South, PA Quadrangle N: 10.0 inches; W: 0.3 inch) in Clinton Township, **Lycoming County**.

E53-290. Water obstruction and encroachment. **CNG Transmission Corp.**, 445 W. Main St., Clarksburg, WV 26302-2450. To construct and maintain a 60 foot by 200 foot stormwater detention pond with a 7 foot storage capacity depth in the floodway of Rose Lake Run, the associated 12 inch discharge pipe and rippapped outfall to Rose Lake Run located immediately to the west of the CNG Ellisburg Station (Ellisburg, PA-NY Quadrangle: 9.3 inches; W: 2.5 inches) in Genesee Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects."

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

E05-237. Encroachment. **Mr. and Mrs. James Young**, R. R. 1, Schellsburg, PA 15559. To place fill material at least 30 feet from the top of the right bank of Dunning Creek in order to construct a storage building located immediately upstream of the old US 220 bridge (Bedford, PA Quadrangle N: 18.3 inches; W: 3.55 inches) in Bedford Township, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E05-238. Encroachment. **Raymond and Diann Cosgrove**, Bedford County, 513 B Maryland Avenue, Westernport, MD 21562. To rehabilitate and maintain an existing bridge having a new two span of 34 feet and 22 feet o.c. with an underclearance of 7 feet 8 inches across Little Wills Creek to provide continued access to area residents located about 1 mile south of Madley Village (Buffalo Mills, PA Quadrangle N: 1.6 inches; W: 7.85 inches) in Londonderry Township, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E21-254. Encroachment. **Department of Transportation**, Cumberland County, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a 14 feet x 5 feet precast box culvert in Burd Run on SR 3003—001 Segment 0020, Offset 0000 located about 0.5 mile north of Cleversburg Village (Walnut Bottom, PA Quadrangle N: 8.0 inches; W: 13.75 inches) in Southampton Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E02-1064R. Encroachment. **Moon Transportation Authority**, 1000 Beaver Grade Road, Coraopolis, PA 15108. To remove the existing retaining wall and to construct and maintain a new retaining wall along the right bank from Sta. 152+41 to Sta. 162+02; remove the existing structure and to construct and maintain a box culvert having a span of 12 feet with an underclearance of 8 feet from Sta. 36+25 to Sta. 39+55 for a total length of 330 feet located at the intersection of SR 60 (Parkway West) and Ramp A; construct and maintain a bridge having two spans, one span of 218 feet and one span of 193 feet with an underclearance of 36.5 feet located at the intersection of Ewing Road and SR 60 (Parkway West); relocate and maintain approximately 190 feet of the channel located just east of the intersection of SR 60 (Parkway West) and Ewing Road; extend and maintain the existing 10-foot x 10-foot box culvert with a 10-foot x 10-foot box culvert approximately 18 feet in length lo-

cated on the west side of SR 60 (Parkway West) approximately 100 feet north from the intersection of SR 60 (Parkway West) and Ewing Road. All work will be in an unnamed tributary to McClarens Run and is proposed for the purpose of improving the Ewing Interchange located at the intersection of SR 60 and Hookstown Grade Road (Oakdale, PA Quadrangle N: 18.5 inches; W: 10.5 inches) in Moon Township, **Allegheny County**.

E02-1149. Encroachment. **River Road Boat Club**, 1661 Fifth Avenue, McKeesport, PA 15132-1010. To construct and maintain a marina along the left bank of the Youghiogheny River. Located approximately 2,000 feet from the confluence of the Monongahela River and the Youghiogheny River (McKeesport, PA Quadrangle N: 17.9 inches W: 16.8 inches) in the City of McKeesport, **Allegheny County**. This permit was issued under section 105.13 (e) "Small Projects." This permit also includes 401 Water Quality Certification.

E02-1154. Encroachment. **Donald and Ellen Partridge**, 3347 Babcock Blvd., Pittsburgh, PA 15237-2421. To place and maintain fill in the floodway of and along the left bank of Girty's Run for a distance of 60 feet for the purpose of flood protection of the applicant's home. The project is located on the west side of Babcock Boulevard approximately 0.5 mile north of the intersection of Babcock Boulevard and Siebert Road (Emsworth, PA Quadrangle N: 6.3 inches; W: 2.8 inches) in Ross Township, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E56-264. Encroachment. **Department of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a single span bridge having a normal clear span of 48 feet and underclearance of 6.78 feet across West Branch Coxes Creek on SR 3015, Section 001, Segment 0100, Offset 0683; to place and maintain an elevated floodplain in and along 100 l.f. of said stream; to place and maintain fill in a de minimus area of wetlands less than or equal to 0.05; and to construct and maintain a temporary road crossing consisting of three 4-foot C. M. pipes (Murdock, PA Quadrangle N: 17.05 inches; W: 14.6 inches) in Milford Township, **Somerset County**.

E65-630. Encroachment. **Scott A. Lander and Lynn A. Holliday**, 101 Edwin Street, Jeannette, PA 15644. To construct and maintain a bridge having a normal span of 16 feet and an underclearance of 4 feet across a tributary to Little Sewickley Creek for the purpose of providing access to a residential dwelling. The bridge is located along Possum Hollow Road (TR 550) approximately 1.3 miles south of its intersection with SR 30 (Irwin, PA Quadrangle N: 8.0 inches; W: 1.9 inches) in Hempfield Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E65-635. Encroachment. **Ross Mountain Club**, Manor Oak Bldg., 1910 Cochran Road, Pittsburgh, PA 15220. To repair, operate and maintain a single span stone arch bridge used as a private access drive across Tubmill Creek, to place and maintain riprap slope protection on a 65-foot portion of Tubmill Creek's right bank upstream from said bridge and to remove gravel bar material measuring approximately 55 feet x 13 feet from the stream channel upstream from the bridge. The project is located approximately 2.5 miles south of S. R. 711 and 0.4 mile southwest of Tubmill Reservoir Dam (Rachelwood, PA Quadrangle N: 13.5 inches; W: 12.7 inches) in Fairfield Township, **Westmoreland County**. This permit

was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

DEP Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

E10-242. Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To replace the superstructure and to rehabilitate and maintain the Heck Bridge (County No. 68) having a span of 38 feet and an underclearance of 9 feet across Bonnie Brook in Fallecker Road (T-620) approximately 500 feet north of Welter Road (T-601) (East Butler, PA Quadrangle N: 3.9 inches; W: 6.3 inches) located in Oakland Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E10-244. Encroachment. **Slippery Rock Municipal Authority**, 633 Kelly Boulevard, Slippery Rock, 16057. To construct and maintain an 18-inch diameter outfall pipe with a concrete headwall and rock riprap energy dissipater along the right (east) bank of Slippery Rock Creek approximately 1,600 feet south of the intersection of Hines Road (T-372) and Crestview Road (Slippery Rock, PA Quadrangle N: 5.5 inches; W: 9.2 inches) located in Slippery Rock Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E20-435. Encroachment. **Sparta Township Supervisors**, R. D. 3, Box 345, Spartansburg, PA 16346. To repair and maintain the Fish Flats Bridge having two 51-foot spans and a maximum underclearance of approximately 12 feet across East Branch Oil Creek on Fish Flats Road (T-795) approximately 4,400 feet west of S. R. 89 (Spartansburg, PA Quadrangle N: 6.5 inches; W: 10.9 inches) located in Sparta Township, **Crawford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E62-324. Encroachment. **Brokenstraw Township Supervisors**, 770 Rouse Avenue, Box 156, Youngsville, PA 16371. To remove the existing 24-inch diameter culverts and to construct and maintain a 64-inch wide by 43-inch C. M. pipe arch culvert in Anders Run on Allegheny Springs Road (T-435) in the Village of Allegheny Springs (Youngsville, PA Quadrangle N: 13.5 inches; W: 7.25 inches) located in Brokenstraw Township, **Warren County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E62-325. Encroachment. **Brokenstraw Township Supervisors**, 770 Rouse Avenue, Box 156, Youngsville, PA 16371. To remove the existing 36-inch diameter culverts and to construct and maintain a 64-inch wide by 43-inch C. M. pipe arch culvert in Browns Run on Lauger Road (T-469) approximately 200 feet south of Murray Hill Road (T-430) (Youngsville, PA Quadrangle N: 22.0 inches; W: 12.5 inches), located in Brokenstraw Township, **Warren County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

[Pa.B. Doc. No. 96-1799. Filed for public inspection October 25, 1996, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

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

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent 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.pa.us>. (Please note that this is a correction. DEP's Web address was incorrectly given in the October 12th *Pennsylvania Bulletin*. DEP regrets any inconvenience this may have caused.) To go to the location of the Inventory once on the DEP home page, persons should choose Public Participation Center/Recently Finalized Regulations and Legislation/Technical Guidance Document Inventory (6/12/96).

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. (Please note that this is a correction. DEP's Web address was incorrectly given in the October 12th *Pennsylvania Bulletin*. DEP regrets any inconvenience this may have caused.) To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center has several menus; the Technical Guidance menu has links to the Inventory, Draft Technical Guidance Documents, Recently Finalized Technical Guidance Documents and Final Documents on the Web.

Ordering Paper Copies of DEP Technical Guidance

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 if calling from outside Pennsylvania.

Changes to Technical Guidance Documents

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

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

Final Technical Guidance Document

DEP ID: 383-3301-102 Title: Laboratory Reporting Instructions for Total and Fecal Coliform Bacteria Description: DEP provides certified laboratory directors and public water suppliers with the information necessary to properly report coliform bacteria analytical compliance monitoring data under the Safe Drinking Water Program. This is the final copy of a revision to an existing document. Contact: Barry Greenawald at (717) 787-0122.

DEP ID: 291-0400-001 Title: Policy and Procedure Summary, Radiation Control Division Description: This assembly of policies is what remains after an original group of policies was reviewed and outdated policies were deleted to more accurately reflect the current regulations.

There are no new additions to the group. Contact: Ed Burtsavage at (717) 787-3720.

DEP ID: 293-0400-001 Title: Policy and Procedures, Nuclear Safety Division, Nuclear Safety Section Description: This document provides guidance to DEP staff for the implementation of the Nuclear Safety Program. This minor revision to an existing document makes formatting changes and minor updates. Contact: Rick Janati at (717) 787-2163.

DEP ID: 293-0400-002 Title: Low-level Radioactive Waste Section Policy and Procedures Description: This document provides guidance to DEP staff for the implementation of the LLRW program. This minor revision to an existing document makes formatting changes and minor updates. Contact: Rick Janati at (717) 787-2163.

DEP ID: 294-2309-001 Title: Radon Certification Policy Description: The Radon Division of the Bureau of Radiation Protection follows the guidelines contained in this document for the purpose of administering the radon certification and inspection program under applicable statutes and regulations. Contact: Michael Pyles at (717) 783-3594.

Draft Technical Guidance

DEP ID: 361-0800-001 Title: Principles for Ground Water Pollution Prevention and Remediation Background: This guidance is a revision of 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. Review Process: An earlier announcement about this draft guidance appeared in the September 21, 1996 *Pennsylvania Bulletin*. Since then, DEP has completed its internal review. DEP made no changes to the draft except to add the standard elements that appear on the first page of every DEP technical guidance document. DEP now asks for public review of this draft document. Deadline for Submittal of Comments: November 25, 1996. Contact: James T. Ulanoski at (717) 787-9633.

DEP ID: 363-0900-017 Title: Requirements for Registration of ASTs and USTs Background: The Registration of Storage Tanks Form was revised to include portions of the Task Handling Activities Report. The new version of this Form, introduced in November 1995, allowed the Department to oversee the installation and removal of underground storage tanks (USTs) and aboveground storage tanks (ASTs) by certified individuals. This guidance establishes requirements for owners of tanks that were not installed by certified individuals or tanks that previously stored unregulated substances. Review Process: This is new guidance. This document has received an internal DEP review. DEP now asks for a public review of this document. Deadline for Submittal of Comments: November 12, 1996 Contact: Glenn H. Rider at (717) 772-5599.

DEP ID: 363-2300-001 Title: Final Rulemaking: Chapter 245, Subchapters A and B (Storage Tanks Certification Program) Background: Amendments to Subchapter A added, modified and deleted certain definitions, adopted Federal underground storage tank regulations, and added tank tightness testing requirements. Amendments to Subchapter B consolidate several certification categories, eliminated categories which were not needed and changed the requirements for certification approval. This guidance establishes an implementation plan to handle these regulatory changes. Review process: This new guidance contains only internal DEP procedures with no impact on the

public. The draft is being reviewed by DEP staff. Deadline for Submittal of Comments: October 30, 1996. Contact: Ray Powers at (717) 772-5599.

Notice of Intent to Revise Technical Guidance—Revisions to Existing Guidance

DEP ID: 562-3000-102 BMR PGM: I:01:02 Title: Inspections Background: Revision of this guidance has already begun as part of the Bureau of District Mining Operations (BDMO) Compliance Assistance Initiative. Anticipated Effective Date: November 1, 1996 Contact: Evan Shuster at (717) 787-7846.

DEP ID: 562-3000-105 BMR PGM: I:01:05 Title: Field Evaluation of Pit Variance Requests Background: The existing guidance is out-of-date and lacks clarity. Proposed Development and Review Process: Field staff in District Mining Operations will be asked to suggest improvements in the existing guidance. A revised guidance will be drafted and distributed to Bureau of Mining and Reclamation (BMR), the BDMO and Regulatory Counsel for comment. Anticipated Effective Date: January 1, 1997 Anticipated Draft Development Date: November 1, 1996 Contact: John Meehan at (717) 787-7846.

DEP ID: 562-4100-301 BMR PGM: I:03:01 Title: Compliance/Enforcement Procedures Background: Revision of this guidance has already begun as part of the BDMO Compliance Assistance Initiative. Anticipated Effective Date: November 1, 1996 Contact: Evan Shuster at (717) 787-7846.

DEP ID: 562-4180-311 BMR PGM: I:03:11 Title: Civil Penalty Collections Background: The existing guidance is out-of-date and lacks clarity. Proposed Development and Review Process: Compliance staff in the BDMO and Regional Litigation attorneys will be asked to suggest improvements. A revised guidance will be drafted and distributed to BMR, BDMO and the Office of Chief Counsel (OCC) comment. Anticipated Effective Date: January 1, 1997 Anticipated Draft Development Date: November 1, 1996. Contact: Michael Terretti at (717) 787-7846.

DEP ID: 563-2504-411 BMR PGM: II:04:11 Title: Processing Completion Reports for Bond Release Background: The existing guidance is inconsistent with the regulations, and it lacks clarity. Revision is also dependent on the Regulatory Basics Initiative changes to the regulations, which should take effect December 31, 1997. Proposed Development and Review Process: The existing guidance will be redrafted in accordance with the language of the draft final regulations. The redrafted guidance will be distributed to BMR, BDMO and OCC for comment. Anticipated Effective Date: January 1, 1998 Anticipated Draft Development Date: November 1, 1997 Contact: John Meehan at (717) 787-7846.

DEP ID: 562-2504-451 BMR PGM: II:4:51 Title: Bonding, Anthracite Underground Mines Background: The subject guidance was originally put in place in 1985 as an interim provision with an expiration date of August 31, 1996. The guidance should be revised to remove "interim" from the title and eliminate the expiration date. Proposed Development and Review Process: The draft will be developed internally with input from the district staff involved in permitting underground anthracite coal mines. The draft will be circulated among district staff, program counsel, and the Policy Office Anticipated Effective Date: December 31, 1996 Anticipated Draft Development Date: October 15, 1996 Contact: Harold Miller at (717) 783-8845.

DEP ID: 563-2500-801 BMR PGM: I:08:01 Title: Verification of Licenses Background: The current guidance is out-of-date as a result of Acts 173 and 43. Proposed Development and Review Process: BDMO District staff will be asked to suggest improvements. The redrafted guidance will be distributed to BMR, BDMO and program counsel for comment. Anticipated Effective Date: January 1, 1997 Anticipated Draft Development Date: November 1, 1996 Contact: Michael Terretti at (717) 787-7846.

DEP ID: 563-3900-404 BMR PGM: I:4:4 Title: Act 54 Implementation Procedures Background: The subject guidance will require revision upon completion of regulation changes which will incorporate the provisions of both Act 54 and national Energy Policy Act. These regulation changes are planned to be finalized by September 1997. Proposed Development and Review Process: Present plans are to draft the guidance internally with assistance from district mining staff and program counsel. The draft will be circulated among district offices, program counsel, Policy Office, Pa. Coal Association and citizens groups. Anticipated Effective Date: December 1, 1997 Anticipated Draft Development Date: October 1, 1997 Contact: Harold Miller at (717) 783-8845.

DEP ID: 562-2402-501 Title: Blasters Licenses Background: The proposed changes to this guidance will clarify the procedure for suspending and revoking Blasters Licenses. Proposed Development and Review Process: We expect to involve the International Society of Explosive Engineers. We do not expect controversy over these changes. Anticipated Effective Date: January 1, 1997 Anticipated Draft Development Date: October 30, 1996 Contact: Michael J. Getto at (717) 787-7846.

Notice of Intent to Rescind Technical Guidance

1. Persons having questions about any of the guidance listed in this section should contact Evan Shuster at (717) 787-7846.

DEP ID: 561-2000-713 BMR PGM: V:700:713 Title: Name Change—Licenses/Bonding/Permits Background: This guidance is no longer needed. It is a duplicate of 562-2000-703.

DEP ID: 561-3900-704 BMR PGM: V:704:01 Title: Complaint Tracking on LUMIS Background: The existing guidance is out-dated and no longer in use. There is now a Department-wide compliant tracking system in use.

DEP ID: 562-3300-804 BMR PGM: I:08:04 Title: Annual Production Reports Background: This guidance is no longer in use. Collection of annual production data is now the responsibility of the Bureau of Deep Mine Safety. Rescission will have no effect on the operation of the program.

DEP ID: 562-3600-103 BMR PGM: I:01:03 Title: Aerial Surveillance Background: This guidance is out-dated and no longer used. This rescission will have no effect on the operation of the program.

DEP ID: 562-3900-401 BMR PGM: I:04:01 Title: Citizen Complaints and Requests Background: The existing guidance is obsolete. It has been replaced with a Department-wide system for handling complaints.

DEP ID: 562-4000-302 BMR PGM: I:03:02 Title: Pattern of Violation Background: This guidance is no longer needed. Provisions of this guidance which are critical to the operation of the program have been incorporated into 562-4100-302.

DEP ID: 562-4000-304 BMR PGM: I:03:04 Title: Extension of Compliance Dates Background: This guidance is no longer needed. Provisions of this guidance which are critical to the operation of the program have been incorporated into 562-4100-302.

DEP ID: 562-4000-305 BMR PGM I:03:05 Title: Satisfactory Progress Background: This guidance is no longer needed. Provisions of this guidance which are critical to the operation of the program have been incorporated into 562-4100-302.

DEP ID: 562-4100-303 BMR PGM: I:03:03 Title: Compliance Orders Background: This guidance is no longer necessary. Key provisions have been incorporated into 562-4100-302.

DEP ID: 562-4100-313 BMR PGM: I:03:13 Title: Failure to Provide Treatment/Effluent Violations Background: This guidance is no longer necessary. Key provisions have been incorporated into 562-4100-302.

DEP ID: 562-3200-206 BMR PGM: I:02:06 Title: Hydrologic Balance Effluent Standards Sampling Background: This existing guidance is no longer needed. Rescission will have no effect on the operation of the program.

DEP ID: 563-4180-306 BMR PGM: VIII:03:06 Title: Noncoal Civil Penalty Assessments Background: This guidance is no longer needed. Key provisions have been incorporated into 562-4180-306.

2. Persons having any questions about this guidance document, should contact Harold Miller at (717) 783-8845.

DEP ID: 563-4000-201 BMR PGM: II:2:1 Title: Application Review, Primacy Repermitting Background: The subject guidance describes actions to be taken when operators fail to submit complete applications for mining activities which were in place prior to primacy and which will continue to operate after primacy. Since all applications potentially subject to these guidelines have been disposed, there is no longer any need for this guidance.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-1800. Filed for public inspection October 25, 1996, 9:00 a.m.]

Proposed Amendments to General Permit BDWW-GP-15: Private Residential Construction in Wetlands and 401 Water Quality Certification

The Department of Environmental Protection, under the authority of section 7 of the Dam Safety and Encroachments Act (32 P. S. § 693.7) and 25 Pa. Code Chapter 105 Subchapter L (relating to general permits), proposes to amend General Permit BDWW-GP-15 which allows the placement and maintenance of fill in, or the excavation of, wetlands for the construction of a private residence, driveway, storage shed, and utilities, on residential lots within established subdivisions where such activities do not impact greater than 0.50 acre of wetland. The Department originally issued BDWW-GP-15 on February 3, 1996. The Notice of Issuance was published in the *Pennsylvania Bulletin* at 26 Pa.B. 526.

The following is a summary of the proposed amendments to the General Permit BDWW-GP-15:

Issue	Present GP-15	Proposed GP-15
Qualifying Date	Date of subdivision approval prior to November 22, 1991	Individual must have purchased the lot prior to November 22, 1991
Yards	May be included with new construction	Yards are not authorized
Wetland delineation	Only required for lots greater than 0.50 acre	Required for all lots. USCOE and DEP will provide the service upon request
Sketch plan	Required baseline information	Require more specific information for registration review
Federal authorization under PASPGP-1	Cites PASPGP-1 approval process	Eliminates reference to PASPGP-1
Sewerage facilities	Does not define central sewerage	Clarifies by definition the term central sewerage
Activities in floodplains	Does not allow activities in floodways	Does not allow activities in floodplains

401 Water Quality Certification

The projects covered by the proposed amended General Permit BDWW-GP-15 may also require a Federal license or permit. Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) requires that any applicant for a Federal license or permit to conduct any activity which may result in any discharge into the waters of the United States provide the Federal licensing or result in any discharge into the waters of the United States provide the Federal licensing or permitting agency a certificate from the state in which the discharge will originate that the discharge will comply with applicable provisions of The Clean Water Act as well as applicable state law related to water quality protection.

The Department, by this notice, proposes to certify that the construction, operation and maintenance of any encroachment or water obstruction as proposed in the amended BDWW-GP-15 complies with the applicable provisions of sections 301, 303, 306 and 307 of The Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further proposes to certify that the construction, operation and maintenance of such projects comply with applicable State laws related to water quality protection and standards provided that the construction, operation and maintenance complies with the criteria and conditions of the permit.

This certification is further subject to the following conditions:

1. Prior to commencing any activity covered by the General Permit, the applicant must obtain all other necessary permits or approvals from the Department of Environmental Protection, including, but not limited to, those required by The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 6018.101—6018.1003), and the regulation promulgated thereunder including 25 Pa. Code Chapters 75, 91, 92, 93, 95, 101, 102, and 105.

2. Fill material cannot contain wastes as defined in the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Comments concerning the proposed amendments to the General Permit and 401 Water Quality Certification should be directed to Kenneth R. Reisinger, Chief, Division of Wetlands Protection, Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-6827, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Copies of BDWW-GP-15 are available by contacting the Division of Wetlands Protection or visit DEP's web site at <http://www.dep.state.pa.us> (choose Water management/Bureau of Dams, Waterways and Wetlands). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted within 30 days of this publication.

Comments may be submitted electronically to the Department at RegComments @ A1.dep.state.pa.us. A subject heading of the proposal must be included in each transaction. Comments submitted electronically must also be received by the Department within 30 days of the publication of this proposed statement of policy.

General Permit BDWW-GP-15 (Amended): Private Residential Construction in Wetlands

A. General Description—The Department of Environmental Protection hereby authorizes, by general permit, the placement and maintenance of fill in, or the excavation of, non-tidal wetlands for the construction or expansion of a single family home for the personal residence of the permittee, including reasonable and necessary features such as a driveway, storage shed and utilities on a residential lot purchased by the permittee prior to November 22, 1991, within established subdivisions approved by the local governing authority where such activities do not impart greater than .50 acre of non-tidal wetlands. The issuance of this General Permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341). The contribution associated with this General Permit is for participation in the Pennsylvania Wetland Replacement Project.

Neither the Department of Environmental Protection nor any County Conservation District which is delegated Chapter 105 permitting authority shall be liable for incidents resulting from subsidence, structure failure, water damage, vector problems, or any other hardships that may occur as a result of building in wetlands.

B. Registration Procedure:

1. Complete the registration Form (Exhibit A).

The information requested in Item 2 on the registration form will be used to determine potential impacts to threatened and endangered species. If a potential impact is indicated, the Department will provide assistance to you to address threatened and endangered species concerns. The use of this general permit is not authorized until the potential impact is resolved.

If you desire, to avoid possible project delays, a search for potential impacts can be conducted prior to registration by completing the attached Supplement No. 1, Pennsylvania Natural Diversity Inventory Form (PNDI) and submitting it to the appropriate DEP Regional Office or designated County Conservation District. The completed search information should be submitted when you register the permit.

2. Prepare a project location map utilizing a photocopy of a 7-1/2 minute U.S.G.S. Quadrangle Map showing the project site.

3. Delineate the wetlands in accordance with established Department procedures. Delineation services for the purpose of registering this general permit will be provided by the U. S. Army Corps of Engineers or the Department of Environmental Protection or its designee, upon request. If you choose to have delineation services provided by the Army Corps of Engineers or the Department, please request this service early in the project planning stage to allow sufficient response and scheduling time to avoid project delays.

4. Prepare an Erosion and Sedimentation control plan. Permit users are encouraged to contact County Conservation Districts for erosion and sedimentation control planning assistance.

5. Prepare a sketch plan (Exhibit B) or attach a copy of a plot plan of the project showing the:

- a. dimension of the property,
- b. location of wetland,
- c. location of erosion and sedimentation control measures,
- d. dimension of the proposed wetland impact area,
- e. location of house/driveways etc.,
- f. location of waterways, drainage ditches etc.,
- g. existing utilities,
- h. proposed utilities, water, sewer, telephone etc.
- i. building setbacks,
- j. previously filled wetlands,
- k. floodways/floodplains,
- l. location of replacement wetlands.

6. To register use of the general permit send one copy of the:

- a. Location Map,
- b. Registration Form (Exhibit A),
- c. Sketch Plan (Exhibit B),
- d. Wetland delineation,
- e. Erosion and Sedimentation Control Plan approval letter, for lots greater than 0.5 acre (see D.8, below),
- f. A Wetland Replacement Plan or, a contribution to the Pennsylvania Wetland Replacement Project, as described in Part D.9 of this general permit, and
- g. Supplement Number 1, PNDI (see B.1);

to the DEP Regional Soils and Waterways Section or the delegated County Conservation District. A list of delegated Conservation Districts and addresses is attached (see Supplement No. 1, Pennsylvania Natural Diversity Inventory Form (PNDI), attached). You may not start your project until you have received confirmation of registration.

7. You may not begin construction until you receive Federal authorization under Section 404 of the Clean Water Act.

C. Definitions Applicable to this General Permit:

Central Sewage—A sewerage system consisting of pipes, lateral lines, trunk lines, or mains, which convey waste to a facility that provides treatment for final disposal. The term Central Sewage does not include on-lot disposal,

community on-lot disposal, or any other system that requires a land surface or subsurface absorption area for treatment and disposal purposes.

FEMA—The Federal Emergency Management Agency.

Floodplain—The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood. Unless otherwise specified, the boundary of the 100-year floodplain is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodplain it is assumed, absent evidence to the contrary, that the floodplain extends from the stream to 50 feet from the top of the bank of the stream. Other evidence of the extent of the floodplain may include local stormwater management plans, local zoning ordinances, subdivision plans and similar land use mapping.

Impact—The loss of non-tidal wetlands of the Commonwealth including any filled area previously permitted, the proposed filled area, and any other non-tidal wetlands of the Commonwealth that are adversely affected by flooding, excavation or drainage as a result of the project.

Individual—A natural person and/or couple but does not include a corporation, partnership or similar entity.

Parcel of Land—The entire contiguous quantity of land in possession of, recorded as property of, or owned (in any form of ownership, including land owned as a partner, corporation, joint tenant, etc.) by the same individual (and/or his or her spouse), and comprises not only the area of wetlands sought to be filled, but also all land contiguous to those wetlands, owned by the individual and/or his or her spouse in any form of ownership.

Pennsylvania Wetland Replacement Project—A fund managed by the National Fish and Wildlife Foundation from which money is dispersed at the direction of the Department of Environmental Protection, to which Chapter 105 permit applicants can make a monetary contribution, in lieu of creating wetlands.

Subdivision—The division or redivision of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines.

Wetlands—Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Emergent Wetland—Wetland areas dominated by nonwoody vegetation.

Forested Wetland—Wetland areas dominated by woody vegetation 20 feet or more in height.

Scrub/Shrub Wetland—Wetland areas dominated by woody vegetation less than 20 feet in height.

D. Conditions:

1. Impacts to wetlands must be avoided and minimized. Non-wetland areas on-site must be utilized whenever practical.

2. Fills or excavations in wetlands, including previously filled areas may not exceed more than 40% of the total lot area, except where lots are less than .25 acre in size where a maximum of .10 acre of fill in wetlands is authorized. In no circumstances may the total fill or excavation exceed .50 acre of wetlands.

The following conversion table provides an example of the amount of wetland fill authorized in accordance with the 40% maximum fill condition.

<i>Lot Area in Acres</i>	×	<i>40% of Lot Area</i>	=	<i>Maximum Area of Wetland Fill</i>
0.25	×	0.40	=	0.10 acre
0.33	×	0.40	=	0.13 acre
0.50	×	0.40	=	0.20 acre
0.75	×	0.40	=	0.30 acre
1.00	×	0.40	=	0.40 acre
1.25	×	0.40	=	0.50 acre

3. Fills, and or excavations, in wetlands located on floodplains are not authorized by this General Permit. Information on floodplains may be available through local municipalities, home owner associations, county planning offices, FEMA, and similar agencies.

4. This permit may only be used once per parcel of land.

5. This permit may only be used for a single-family home for a personal residence by an individual who purchased the lot prior to November 22, 1991.

6. This permit may only be used on residential lots with access to a central sewage system which is in place and operational at the time of registration, except in instances where the fill is for the expansion of an existing residence. Under no circumstances may fill be used to construct or expand an on-lot sewage disposal system.

7. Fill material cannot contain wastes as defined in the Solid Waste Management Act.

8. Appropriate erosion control measures and facilities must be incorporated into all earthmoving activities associated with construction. Upon completion of construction the site shall be stabilized.

a. For lots greater than .50 acre an Erosion and Sedimentation Control Plan must be reviewed and approved by the County Conservation District in the county where your project is located prior to registration.

b. For all other lots .50 acre or less, an Erosion and Sedimentation Control Plan meeting the requirements of 25 Pa. Code, Chapter 102, must be implemented and must be available at the site for review by the Department and/or the County Conservation District (see Exhibit B, Erosion and Sedimentation Control Notes). Permit users are encouraged to contact County Conservation Districts for erosion and sedimentation control planning assistance.

9. Individuals who wish to use this General Permit for impacts of up to .50 acre of wetlands must provide for the replacement of functions, values and areal extent of the wetlands impacted by:

a. creating a wetland in accordance with the Department's Design Criteria for Wetland Replacement on a 1:1

area ratio, replacement wetlands to filled wetlands. (Copies of the criteria are available at DEP Regional Offices.)

—or—

b. participating in the Pennsylvania Wetland Replacement Project by contributing to the National Fish and Wildlife Foundation Fund Project 95-096.

The contribution rate is as follows:

Deminimus impact less than or equal to .05 acre	— \$ 0.00
Greater than .05 acre to .10 acre	— \$ 500.00
Greater than .10 acre to .20 acre	— \$1,000.00
Greater than .20 acre to .30 acre	— \$2,500.00
Greater than .30 acre to .40 acre	— \$5,000.00
Greater than .40 acre to .50 acre	— \$7,500.00

10. Fills and/or excavations should not increase flood levels or permanently restrict, impede, accelerate, increase or obstruct the passage of normal or expected stormwater flows in such a manner that adversely impacts the property or riparian rights of owners above, below, or adjacent to the project.

11. This permit is not valid for use within the corridor of a watercourse or body of water that has been designated as a National Wild or Scenic River in accordance with the Wild and Scenic Rivers Act of 1968 (16 U.S.A. §§ 1271—1287) or designated as wild or scenic under the Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21—820.29). Information may be obtained by contacting DCNR, Bureau of Recreation and Conservation, Scenic Rivers Program, P. O. Box 8475, Harrisburg, PA 17105 or calling (717) 787-2316.

E. Activities Not in Accordance with Terms or Conditions—If the Department determines, upon inspection, that the construction, operation or maintenance of a project has violated the terms or criteria of this General Permit or of the Chapter 105 Rules and Regulations, the Department may take such actions, legal or administrative, that it may deem to be appropriate.

F. Denial of Authorization—The Department shall have the discretion to deny, revoke or suspend the use of the General Permit for any project which the Department determines to have a substantial risk to life, health, property or the environment.

G. Authority—Authorization of this General Permit is pursuant to Section 7 of the Dam Safety and Encroachment Act, 32 P.S. § 693.7 et. seq., and the rules and regulations promulgated thereunder at 25 Pa. Code §§ 105.441—105.449 (relating to general permits). This General Permit becomes effective _____ and will remain in effect indefinitely unless specifically modified, suspended or revoked by the Department.

JAMES M. SEIF,
Secretary

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[Pa.B. Doc. No. 96-1801. Filed for public inspection October 25, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Notice of Beginning of Review; Certificates of Need

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

CON-95-H-2435-B: St. Margaret Memorial Hospital (SMMH), 815 Freeport Road, Pittsburgh, PA 15215. Free-standing multispecialty ambulatory surgery center on the campus of SMMH in conjunction with the University of Pittsburgh Medical Center, at an estimated cost of \$3,550,000.

CON-95-D-2405-B: Pocono Medical Care, Inc., 301 West Harford Street, Milford, PA 18337. Establish an ambulatory surgery facility with two operating rooms in Milford, Pike County, at an estimated cost of \$1,000,000.

CON-96-C-2770-B: Milton S. Hershey Medical Center, 500 University Drive, Hershey, PA 17033. Add a second helicopter to the existing hospital-based aeromedical transport service (Life Lion Program) at an estimated cost of \$3,146,000.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning October 26, 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. SMMH public meeting will begin at 9 a.m., and Pocono Medical Care, Inc. public meeting will begin at 11 a.m., Wednesday, December 18, 1996.

Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

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

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-1802. Filed for public inspection October 25, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Peer Groups and Peer Group Medians for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities

In accordance with 55 Pa. Code § 1187.95(a)(4), the Department of Public Welfare announces its peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities. The peer groups, peer group medians and peer group prices established under this notice have been calculated as provided by 55 Pa. Code Chapter 1187 (25 Pa.B. 4477 (October 14, 1995)), and shall be effective for services rendered from July 1, 1996 to June 30, 1997.

To establish the data base for the calculation of peer group median and prices, the Department used each facility's two most recent audited cost reports that were on file with the Department by March 31, 1996, and indexed the costs for each report forward to the common date of December 31, 1996 using the HCFA Nursing Home Without Capital Market Basket Index.

Following is a listing, by group, of the number of facilities with a particular year-end and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 1996.

the Department recommends Annex A for codification under 1 Pa. Code § 3.1(a)(9).

GENERAL and COUNTY NURSING FACILITIES

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1989	1	1.3324
June 30, 1990	2	1.2521
December 31, 1990	3	1.2150
June 30, 1991	8	1.1963
December 31, 1991	18	1.1744
June 30, 1992	21	1.1514
December 31, 1992	151	1.1329
June 30, 1993	247	1.1107
December 31, 1993	296	1.0902
June 30, 1994	240	1.0743
December 31, 1994	160	1.0581

HOSPITAL-BASED NURSING FACILITIES

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1992	3	1.1514
June 30, 1993	25	1.1107
June 30, 1994	22	1.0743

SPECIAL REHABILITATION FACILITIES

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1993	3	1.1107
June 30, 1994	3	1.0743

*As a result of using the two most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the data base was inflated using the above inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. To establish peer groups, the Department used the most recent MSA group classification, as published by the Federal Office of Management and Budget on or before April 1, 1996, to classify each nursing facility into one of three MSA groups or one non-MSA group. Then the Department used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the NIS database to classify nursing facilities into one of three bed complement groups. These groups are 3 - 119 beds; 120 - 269; and 270 and over. Peer groups 7 and 10 have been collapsed in accordance with § 1187.94(1)(iv).

Once the data base was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility CMI from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 2 year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident related cost medians, the Department first divided the audited allowable other resident related costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 2 year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident

related cost per diem of each nursing facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with § 1187.23. The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 2 year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each nursing facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities effective July 1, 1996 are listed in Annex A. The Department will use the peer groups, peer group medians and peer group prices to determine case-mix rates for nursing facilities for the period July 1, 1996 through June 30, 1997.

Public comment on these changes may be sent to: Gail Routsong, Medical Assistance Program Specialist, Department of Public Welfare, Division of Provider Services, Post Office Box 8025, Harrisburg, PA 17105.

FEATHER O. HOUSTON,
Secretary

Annex A

Appendix B

CHAPTER 1187

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
1	00756499	BEAVER VALLEY GERIATRIC CENTER	12/31/93	12/31/92
1	01116388	CARE PAVILION OF WALNUT PARK, INC	06/30/92	06/30/91
1	00984215	CENTRAL PARK LODGE NRC - BROOMALL	06/30/94	06/30/93
1	00984672	CHESTER CARE CENTER	06/30/92	06/30/91
1	00751859	FAIR ACRES GERIATRIC CENTER	12/31/92	12/31/91
1	00574825	HOME FOR THE JEWISH AGED - ROBINSON BLDG	06/30/94	06/30/93
1	00757093	IMMACULATE MARY HOME	06/30/94	06/30/93
1	00756541	JEWISH HOME AND HOSP FOR AGED-PITTSBURGH	06/30/94	06/30/93
1	00947848	JOHN J KANE REGIONAL CENTER-GLEN HAZEL	12/31/93	12/31/92
1	00947866	JOHN J KANE REGIONAL CENTER-MCKEESPORT	12/31/93	12/31/92
1	00934115	JOHN J KANE REGIONAL CENTER-ROSS TWNHP	12/31/93	12/31/92
1	00936808	JOHN J KANE REGIONAL CENTER-SCOTT TWNHP	12/31/93	12/31/92
1	00984574	MANCHESTER HOUSE NURSING AND CONV CENTER	06/30/94	06/30/93
1	00747758	MONTGOMERY COUNTY GERIATRIC & REHAB CTR	12/31/93	12/31/92
1	00748147	NESHAMINY MANOR HOME	12/31/93	12/31/92
1	00756158	PHILADELPHIA NURSING HOME	12/31/93	12/31/92
1	00755437	POCOPSON HOME	12/31/93	12/31/92
1	00749430	SAINT FRANCIS COUNTRY HOUSE	06/30/94	06/30/93
1	00755197	SAINT JOHN LUTHERAN CARE CENTER	06/30/94	06/30/93
1	00576202	WESTMORELAND MANOR	12/31/93	12/31/92
PG 1	Resident Care Median	Other Resident Related Median	Administrative Median	
	\$71.76	\$33.74	\$11.95	
PG 1	Resident Care Price	Other Resident Related Price	Administrative Price	
	\$83.96	\$37.79	\$12.43	
2	00756210	ASHTON HALL NURSING AND REHAB CENTER	06/30/90	06/30/89
2	01027036	ATTLEBORO NURSING AND REHAB CENTER	12/31/94	12/31/93
2	01185670	BALA NURSING AND RETIREMENT CENTER	06/30/94	06/30/93
2	00914319	BALDOCK HEALTH CARE CENTER	06/30/94	06/30/93
2	01104387	BALDWIN HEALTH CENTER, INC	06/30/93	06/30/92
2	00745083	BAPTIST HOME OF PHILADELPHIA, THE	06/30/94	06/30/93
2	00974694	BAPTIST HOMES NURSING CENTER	06/30/94	06/30/93
2	00857301	BEAVER VALLEY NURSING CENTER	06/30/94	06/30/93
2	01128271	BELVEDERE CONVALESCENT HOME, THE	06/30/94	06/30/93
2	00972493	BEVERLY MANOR - MONROEVILLE	12/31/94	12/31/93
2	00984583	BISHOP NURSING HOME, THE	06/30/94	06/30/93
2	01084640	BOULEVARD NURSING HOME	06/30/94	06/30/93
2	00987164	BRANDYWINE HALL CARE CENTER	06/30/94	06/30/93
2	00940856	BRIARCLIFF PAVILION FOR SPECIALIZED CARE	12/31/93	12/31/92

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
2	00790866	BRIARLEAF NURSING AND CONVAL CENTER	06/30/94	06/30/93
2	00757422	BROOMALL PRESBYTERIAN HOME	12/31/94	12/31/93
2	01129330	BUCKINGHAM VALLEY REHAB AND NURSING CTR	06/30/94	06/30/93
2	00757549	CATHEDRAL VILLAGE	06/30/94	06/30/93
2	00988635	CENTENNIAL SPRING HEALTH CARE CENTER	06/30/94	06/30/93
2	00984224	CENTRAL PARK LODGE NRC - CHESTNUT HILL	06/30/94	06/30/93
2	00985938	CENTRAL PARK LODGE NRC - WHITEMARSH	06/30/94	06/30/93
2	01127256	CHAPEL MANOR NURSING AND REHAB CENTER	06/30/94	06/30/93
2	01005754	CHATEAU NURSING AND REHAB CENTER, THE	12/31/93	12/31/92
2	00751017	CHATHAM ACRES, INC	06/30/94	06/30/93
2	01217710	CHELTENHAM NURSING AND REHAB CENTER	12/31/93	12/31/92
2	01145559	CHELTENHAM YORK ROAD NSG & REHAB CENTER	06/30/94	06/30/93
2	00993822	CHURCH LANE HEALTH CARE CENTER COMPANY	12/31/93	12/31/92
2	01196164	CLIVEDEN CONVALESCENT CENTER	06/30/93	06/30/92
2	01396808	COBBS CREEK NURSING CENTER MANAGER	06/30/94	06/30/93
2	00982838	COUNTRY MEADOWS OF SOUTH HILLS	12/31/93	12/31/92
2	00810495	CRESTVIEW CONVALESCENT HOME, INC	06/30/94	06/30/93
2	00833284	CRESTVIEW NORTH NURSING FAC & REHAB CTR	06/30/94	06/30/93
2	01113519	DOYLESTOWN MANOR	12/31/94	12/31/93
2	00860272	DRESHER HILL NURSING CENTER	06/30/94	06/30/93
2	00797491	ELMIRA JEFFRIES MEMORIAL HOME	12/31/92	12/31/91
2	00744970	EVANGELICAL MANOR	12/31/94	12/31/93
2	00987155	FAIRVIEW CARE CENTER OF BETHLEHEM PIKE	06/30/94	06/30/93
2	00987173	FAIRVIEW CARE CENTER OF PAPERMILL ROAD	06/30/94	06/30/93
2	00974273	FAYETTE HEALTH CARE CENTER	12/31/94	12/31/93
2	00912074	FORBES CENTER FOR GERONTOLOGY	06/30/94	06/30/93
2	00974854	GERMANTOWN HOME	06/30/94	06/30/93
2	01005048	GOLDEN SLIPPER CLUB UPTOWN HOME FOR AGED	06/30/94	06/30/93
2	00951214	GREEN ACRES - IVY HILL NURSING HOME	06/30/94	06/30/93
2	00791095	GREENLEAF NURSING HOME AND CONVAL CENTER	06/30/94	06/30/93
2	00931561	GREENSBURG NURSING AND CONVAL CENTER INC	12/31/92	12/31/91
2	00757487	GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE	06/30/94	06/30/93
2	01150343	HARSTON HALL NURSING AND CONVAL HOME	06/30/93	06/30/92
2	01268915	HEMPFIELD MANOR	12/31/94	12/31/93
2	01248609	HERITAGE SHADYSIDE, THE	06/30/94	06/30/93
2	00899203	HOMESTEAD NURSING AND REHAB CENTER, THE	06/30/94	06/30/93
2	00998892	HUMBERT LANE HEALTH CARE CENTER	06/30/94	06/30/93
2	01291299	LAFAYETTE, THE	06/30/94	06/30/93
2	00860675	LANGHORNE GARDENS NURSING CENTER	06/30/94	06/30/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
2	01239593	LAUREL VIEW COMPREHENSIVE CARE CENTER	12/31/93	12/31/92
2	01085530	LEADER NRC - BETHEL PARK	12/31/93	12/31/92
2	01106149	LEADER NRC - GREEN TREE	12/31/93	12/31/92
2	01211592	LEADER NRC - KING OF PRUSSIA	12/31/93	12/31/92
2	01169621	LEADER NRC - LANSDALE	12/31/93	12/31/92
2	01155671	LEADER NRC - MCMURRAY	12/31/93	12/31/92
2	01223379	LEADER NRC - NORTH HILLS	12/31/93	12/31/92
2	00855100	LEADER NRC - POTTSTOWN	12/31/93	12/31/92
2	01191909	LEADER NRC - YARDLEY	12/31/93	12/31/92
2	00857286	LEADER NRC - YEADON	12/31/93	12/31/92
2	00757413	LEMINGTON CENTER	06/30/94	06/30/93
2	01096599	LIFEQUEST NURSING CENTER	06/30/93	06/30/92
2	00756532	LITTLE FLOWER MANOR	06/30/94	06/30/93
2	00986532	LOGAN SQUARE EAST	12/31/94	12/31/93
2	00935408	LUTHER WOODS CONVALESCENT CENTER	12/31/94	12/31/93
2	00750815	LUTHERAN WELFARE CONCORDIA HOME	06/30/94	06/30/93
2	00970668	MAIN LINE NURSING AND REHAB CENTER	06/30/92	06/30/91
2	00747346	MANATAWNY MANOR INC	06/30/94	06/30/93
2	01291913	MAPLEWOOD MANOR CONVALESCENT CENTER	06/30/93	12/31/91
2	00748951	MARIAN MANOR, INC	06/30/94	06/30/93
2	00969504	MAYO NURSING AND CONVALESCENT CENTER	06/30/94	06/30/93
2	00747687	MERCY DOUGLASS HUMAN SERVICES CENTER	06/30/94	06/30/93
2	00882420	METHODIST HOSPITAL NURSING CENTER	06/30/94	06/30/93
2	01113036	MOUNT LEBANON MANOR CONVALESCENT CENTER	12/31/94	12/31/93
2	00752112	MOUNT MACRINA MANOR NURSING HOME	06/30/94	06/30/93
2	01075875	MOUNTAIN VIEW CENTER	12/31/93	12/31/92
2	01113466	MURRAY MANOR CONVALESCENT CENTER	12/31/94	12/31/93
2	01005093	NEGLEY NURSING AND REHABILITATION CENTER	06/30/94	06/30/93
2	01231755	NEW MEDICO REHAB AND SNC AT MEADOWLANDS	12/31/91	12/31/90
2	01064325	NEW RALSTON HOUSE, THE	06/30/94	06/30/93
2	01113045	NORTH PENN CONVALESCENT CENTER	12/31/94	12/31/93
2	00748479	NORTHWOOD NURSING AND CONVALESCENT HOME	12/31/93	12/31/92
2	00751204	OXFORD MANOR NURSING HOME	12/31/94	12/31/93
2	00757600	PARK PLEASANT NURSING HOME	06/30/94	06/30/93
2	00756640	PASSAVANT RETIREMENT AND HEALTH CENTER	06/30/94	06/30/93
2	01293963	PAUL'S RUN	12/31/94	12/31/93
2	01185723	PENNSBURG MANOR	06/30/93	06/30/92
2	01113500	PHOENIXVILLE CONVALESCENT MANOR	12/31/94	12/31/93
2	01294817	PINE RUN HEALTH CENTER	06/30/94	12/31/91
2	00894083	PLYMOUTH HOUSE HEALTH CARE CENTER, INC	06/30/94	06/30/93
2	00974489	PRESBYTERIAN MED CENTER - WASHINGTON, PA	12/31/94	12/31/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
2	01033893	PRESBYTERIAN MEDICAL CENTER AT OAKMONT	12/31/94	12/31/93
2	01177347	PROSPECT PARK NURSING CENTER	06/30/94	06/30/93
2	01217685	PROVIDENCE HEALTH CARE CENTER	12/31/93	12/31/92
2	01193912	QUAKERTOWN MANOR CONVAL AND REHAB CENTER	12/31/94	12/31/93
2	00757262	REGENCY HALL NURSING HOME, INC	06/30/94	06/30/93
2	00750744	REGINA COMMUNITY NURSING CENTER	06/30/94	06/30/93
2	01201783	RIDGE CREST NURSING AND REHAB CENTER	06/30/94	06/30/93
2	00969999	RITTENHOUSE CARE CENTER	06/30/94	06/30/93
2	00993831	RIVER'S EDGE NURSING AND REHAB CENTER	12/31/94	12/31/93
2	01056092	RIVERSIDE NURSING CENTER, INC 06/30/93	06/30/92	
2	01207938	ROCHESTER MANOR	06/30/94	06/30/93
2	01402315	ROSLYN NURSING AND REHAB CENTER	06/30/94	06/30/92
2	00749251	RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/94	12/31/93
2	00756980	SACRED HEART MANOR	06/30/94	06/30/93
2	00755295	SAINT ANNE HOME FOR THE ELDERLY	06/30/94	06/30/93
2	00750987	SAINT BARNABAS, INC	06/30/94	06/30/93
2	01150684	SAINT FRANCIS NURSING CENTER, EAST	06/30/94	06/30/93
2	01233052	SAINT FRANCIS NURSING CENTER, NORTH	06/30/94	06/30/93
2	00750824	SAINT IGNATIUS NURSING HOME	06/30/94	06/30/93
2	00751269	SAINT JOHN NEUMANN NURSING HOME	06/30/94	06/30/93
2	01279703	SAINT JOSEPH NURSING AND HEALTH CARE CTR	12/31/93	12/31/92
2	00751349	SAINT JOSEPH'S MANOR	06/30/94	06/30/93
2	01163341	SAINT MARGARET SENECA PLACE	06/30/94	06/30/93
2	01186041	SAINT MARTHA MANOR	06/30/94	06/30/93
2	00749162	SAINT MARY'S MANOR	06/30/94	06/30/93
2	00751920	SAUNDERS HOUSE	06/30/94	06/30/93
2	01004846	SHADYSIDE NURSING AND REHAB CENTER	06/30/94	06/30/93
2	00748011	SILVER LAKE NURSING AND REHAB CENTER	06/30/94	06/30/93
2	00748568	SIMPSON HOUSE, INC	12/31/94	12/31/93
2	01035539	STAPELEY IN GERMANTOWN	06/30/94	06/30/93
2	01002547	STEPHEN SMITH HOME FOR THE AGED	06/30/94	06/30/93
2	00750851	SUNNYVIEW HOME - BUTLER COUNTY HOME	12/31/92	12/31/91
2	00931543	SYCAMORE CREEK NURSING CENTER	06/30/94	06/30/93
2	00749108	TEL HAI NURSING CENTER, INC	06/30/94	06/30/93
2	01426157	TOWNE MANOR NRC - EAST	12/31/94	12/31/92
2	01426371	TOWNE MANOR NRC - WEST	12/31/94	12/31/92
2	00860307	TOWNSHIP MANOR NURSING CENTER	06/30/94	06/30/93
2	01184557	TUCKER HOUSE	06/30/92	06/30/91
2	00633739	UNITED METHODIST HEALTH CENTER, INC	12/31/93	12/31/92
2	00943624	VALLEY CARE NURSING HOME, INC	06/30/94	06/30/93
2	00860263	VALLEY MANOR NURSING CENTER	06/30/94	06/30/93
2	01024956	VALLEY VIEW NURSING HOME	12/31/94	12/31/93
2	00756971	VINCENTIAN HOME	06/30/94	06/30/93
2	01006199	WALLINGFORD NURSING AND REHAB CENTER	06/30/94	06/30/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
2	00757048	WASHINGTON COUNTY HEALTH CENTER	12/31/93	12/31/92
2	01177329	WEST CHESTER ARMS NURSING AND REHAB CTR	06/30/94	06/30/93
2	00987870	WEST HAVEN NURSING HOME	06/30/94	06/30/93
2	01259925	WEST HILLS HEALTH CARE CENTER	06/30/94	06/30/93
2	00958930	WEXFORD HOUSE	06/30/94	06/30/93
2	01213550	WIGHTMAN CENTER FOR NURSING AND REHAB	12/31/93	12/31/92
2	01178200	WOODHAVEN CARE CENTER	06/30/94	06/30/93
2	00754959	ZOHLMAN NURSING HOME	06/30/94	06/30/93
PG 2	Resident Care Median	Other Resident Related Median	Administrative Median	
	\$59.89	\$25.89	\$12.14	
PG 2	Resident Care Price	Other Resident Related Price	Administrative Price	
	\$70.07	\$29.00	\$12.63	
3	00755301	ARTMAN LUTHERAN HOME	06/30/92	06/30/91
3	01013335	BELAIR NURSING CENTER	06/30/94	06/30/93
3	01149772	BELLE HAVEN	12/31/94	12/31/93
3	01273414	BETAK	06/30/94	06/30/93
3	00747060	BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/93	12/31/92
3	00757333	BONETTI HEALTH CARE CENTER	06/30/94	06/30/93
3	01030200	CANTERBURY PLACE	12/31/93	12/31/92
3	00748174	CHICORA MEDICAL CENTER	12/31/92	12/31/91
3	00754574	CHRIST CHURCH HOSPITAL	06/30/94	06/30/93
3	00745790	CHRIST'S HOME RETIREMENT CENTER	06/30/94	06/30/93
3	01098575	COLLINS NURSING HOME	12/31/94	12/31/93
3	00912092	CONNER-WILLIAMS NURSING HOME	06/30/94	06/30/93
3	00891143	COVENTRY MANOR NURSING HOME	06/30/94	06/30/93
3	00887928	DOCK TERRACE	06/30/94	06/30/93
3	01034845	EDGEHILL NURSING AND REHAB CENTER	06/30/94	06/30/93
3	00756013	EDGEWOOD NURSING CENTER, INC	06/30/94	06/30/93
3	01233606	ELDER CREST	06/30/94	06/30/93
3	00756864	ELIZA CATHCART HEALTH CENTER	12/31/94	12/31/93
3	00795441	ELM TERRACE GARDENS	06/30/94	06/30/93
3	00968472	ELWYN INC, (LTC)	06/30/94	06/30/93
3	00906489	EVERGREEN NURSING CENTER	12/31/93	12/31/92
3	00958725	FAIR WINDS MANOR	06/30/94	06/30/93
3	00745092	FREDERICK MENNONITE COMMUNITY	12/31/94	12/31/93
3	01145601	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/93	12/31/92
3	00858050	GOLFVIEW MANOR NURSING HOME	06/30/94	06/30/93
3	00757511	GREENSBURG PRESBYTERIAN HOME	06/30/94	06/30/93
3	01188556	HARMON HOUSE CONVALESCENT CENTER	12/31/93	12/31/92
3	00746939	HAVEN CREST, INC	06/30/94	06/30/93
3	00986292	HENRY CLAY VILLA	06/30/93	06/30/92
3	01003580	HERITAGE TOWERS	12/31/94	12/31/93
3	01120863	HICKORY HOUSE NURSING HOME	12/31/93	12/31/92
3	01289165	HIGHLAND NURSING AND REHAB CENTER	06/30/94	06/30/93
3	00747186	HOLY FAMILY HOME	12/31/94	12/31/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
3	01194820	HOPKINS HOUSE NURSING AND REHAB CENTER	12/31/94	12/31/93
3	01118408	HORIZON SENIOR CARE	06/30/94	06/30/93
3	00941700	KADE NURSING HOME	12/31/93	12/31/92
3	00754538	LADIES G.A.R. HOME	12/31/93	12/31/92
3	00747990	LAFAYETTE MANOR, INC	12/31/93	12/31/92
3	01193171	LAUREL HEALTH CENTER	12/31/93	12/31/92
3	00750790	LITTLE SISTERS OF THE POOR	12/31/94	12/31/93
3	00912575	LONGWOOD VILLA GERIATRIC NURSING CENTER	12/31/93	12/31/92
3	01258140	LOYALHANNA CARE CENTER	12/31/93	12/31/92
3	00750388	LUTHERAN HOME AT TELFORD	06/30/94	06/30/93
3	00754897	MARWOOD REST HOME, INC	06/30/94	06/30/93
3	00746385	MARY J DREXEL HOME	12/31/93	12/31/92
3	00747874	MASONIC HOME OF PENNSYLVANIA	12/31/94	12/31/93
3	01275876	MCMURRAY HILLS MANOR	12/31/93	NA
3	01118426	MEADOW CREST, INC	06/30/94	06/30/93
3	01215798	NORMANDY FARMS WEST MED FAC	12/31/91	NA
3	01036170	OAK HILL HOME OF REST AND CARE, INC	06/30/94	06/30/93
3	00965461	OAKMONT NURSING CENTER	12/31/94	12/31/93
3	01177392	PENNSYLVANIA HOSPITAL SNF	06/30/92	06/30/91
3	00654855	PETER BECKER MEMORIAL HOME	06/30/94	06/30/93
3	00749476	PHILADELPHIA PROTESTANT HOME	12/31/94	12/31/93
3	00750771	PICKERING MANOR HOME	06/30/94	06/30/93
3	00795183	PRESBYTERIAN HOME AT 58TH STREET	12/31/94	12/31/93
3	00798677	REFORMED PRESBYTERIAN HOME	12/31/94	12/31/93
3	00749850	REGINA COMMUNITY NURSING CENTER	06/30/94	06/30/93
3	01129340	RICHBORO REHAB AND NURSING CENTER	06/30/94	06/30/93
3	00750931	ROCKHILL MENNONITE COMMUNITY	06/30/92	06/30/91
3	01113223	ROSEMONT MANOR	12/31/94	12/31/93
3	00749940	SAINT JOSEPH HOME FOR THE AGED	06/30/94	06/30/93
3	01019704	SAXONY HEALTH CENTER	12/31/93	12/31/92
3	00882411	SHERWOOD OAKS	06/30/94	06/30/93
3	01220519	SIDNEY SQUARE CONVALESCENT CENTER	12/31/91	NA
3	00969513	SILVER STREAM NURSING AND REHAB CENTER	06/30/94	06/30/93
3	01005039	SKY VUE TERRACE	06/30/94	06/30/93
3	01017002	SOUDERTON MENNONITE HOMES	06/30/94	06/30/93
3	01252370	SOUTH FAYETTE NURSING CENTER	06/30/93	12/31/90
3	01113439	SOUTH HILLS CONVALESCENT CENTER	12/31/94	12/31/93
3	01101732	SOUTHWESTERN NURSING HOME & REHAB CENTER	12/31/93	12/31/92
3	00860290	STATESMAN NURSING CENTER	06/30/94	06/30/93
3	01291510	STENTON HALL NURSING AND CONVAL CENTER	12/31/94	12/31/93
3	01216795	VALENCIA WOODS NURSING CENTER	06/30/94	06/30/93
3	00750207	VILLA DEMARILLAC NURSING HOME, INC	06/30/94	06/30/93
3	01026825	WAYNE NURSING AND REHAB CENTER	06/30/94	06/30/93
3	01074410	WESTVIEW NURSING HOME	12/31/92	12/31/91

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3	00991944	WILLIS NURSING CENTER	06/30/94	06/30/93
3	00756523	WYNCOTE CHURCH HOME	06/30/94	06/30/93
PG 3	Resident Care Median \$56.94	Other Resident Related Median \$26.27	Administrative Median \$11.93	
PG 3	Resident Care Price \$66.62	Other Resident Related Price \$29.42	Administrative Price \$12.41	
4	01157700	ALLIED SERVICES SKILLED NURSING CENTER	06/30/94	06/30/92
4	00576310	BERKS HEIM	12/31/93	12/31/92
4	01112997	BLUE RIDGE HAVEN CONVAL CENTER - WEST	12/31/94	12/31/93
4	00755473	BRETHREN HOME, THE	06/30/94	06/30/93
4	00745299	CEDAR HAVEN	12/31/93	12/31/92
4	00575770	CEDARBROOK	12/31/93	12/31/92
4	00745922	CONESTOGA VIEW	12/31/93	12/31/92
4	00749064	CUMBERLAND COUNTY NURSING HOME	12/31/93	12/31/92
4	00744872	DAUPHIN MANOR	12/31/93	12/31/92
4	00751151	GRACEDALE - NORTHAMPTON COUNTY HOME	12/31/93	12/31/92
4	00751741	LAUREL CREST MANOR, THE	12/31/93	12/31/92
4	00754636	MASONIC HOMES	12/31/94	12/31/93
4	00754814	MOUNTAIN VIEW MANOR	12/31/92	12/31/91
4	01039117	PHOEBE HOME, INC	06/30/94	06/30/93
4	00754583	PLEASANT RIDGE MANOR EAST/WEST	12/31/93	12/31/92
4	00752275	VALLEY CREST NURSING HOME	12/31/93	12/31/92
4	00750940	YORK COUNTY HOSPITAL & HOME	12/31/93	12/31/92
PG 4	Resident Care Median \$73.02	Other Resident Related Median \$29.64	Administrative Median \$ 9.47	
PG 4	Resident Care Price \$85.43	Other Resident Related Price \$33.20	Administrative Price \$ 9.85	
5	01007632	ABINGTON MANOR NURSING AND REHAB CENTER	12/31/93	12/31/92
5	01113546	ADAMS MANOR	12/31/94	12/31/93
5	01060157	ALPINE NURSING AND REHABILITATION CENTER	12/31/93	12/31/92
5	00925715	BEVERLY MANOR	12/31/94	12/31/93
5	00942091	BIRCHWOOD NURSING CENTER, LTD	12/31/94	06/30/93
5	00910131	BLOOMSBURG HEALTH CARE CENTER	12/31/94	12/31/93
5	00744059	BRETHREN VILLAGE	06/30/94	06/30/93
5	00745477	CARBON COUNTY HOME FOR THE AGED	12/31/93	12/31/92
5	01009870	CARPENTER CARE CENTER	12/31/94	12/31/93
5	00746240	COLONIAL MANOR NURSING HOME	12/31/94	12/31/93
5	00747426	CORNWALL MANOR	12/31/94	12/31/93
5	01076228	CORRY MANOR	12/31/94	12/31/93
5	01113009	DUKE CONVALESCENT RESIDENCE	12/31/94	12/31/93
5	01145675	EASTON NURSING CENTER	06/30/94	06/30/93
5	01076237	EDINBORO MANOR	12/31/94	12/31/93
5	01253725	EPHRATA MANOR	12/31/94	12/31/93
5	00744999	EVANGELICAL CONG CHURCH RETRMNT VILLAGE	12/31/94	12/31/93
5	01076246	FAIRVIEW MANOR	12/31/94	12/31/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
5	01092464	FAIRVIEW VILLAGE NURSING CENTER	06/30/93	06/30/92
5	01134930	FELLOWSHIP MANOR	06/30/94	06/30/93
5	00949145	FREY VILLAGE	12/31/94	12/31/93
5	00969489	HAMILTON ARMS NURSING AND REHAB CENTER	06/30/94	06/30/93
5		00886297 HANOVER HALL	12/31/94	12/31/93
5	00746886	HARRISON HOUSE	12/31/93	12/31/92
5	00908394	HAZLETON NURSING & GERIATRIC CENTER	06/30/94	06/30/93
5	00756720	HEATHERBANK	12/31/94	12/31/93
5	00889744	HIGHLAND MANOR NURSING AND CONVAL CENTER	06/30/94	06/30/93
5	00755240	HOLIDAY MANOR	06/30/94	06/30/93
5	00965229	HOLY FAMILY MANOR, INC	12/31/94	12/31/93
5		00746741 HOMEWOOD AT PLUM CREEK	12/31/94	12/31/93
5	00747284	JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/94	12/31/93
5	00747275	JEWISH HOME OF GREATER HARRISBURG	06/30/94	06/30/93
5	00892964	KLINGERMAN NURSING CENTER	06/30/94	06/30/93
5	00985197	KUTZTOWN MANOR	06/30/94	06/30/93
5	00757182	LACKAWANNA COUNTY HEALTH CARE CENTER	12/31/93	12/31/92
5	00756926	LANCASHIRE HALL	12/31/94	12/31/93
5	00756612	LAUREL HILL, INC	06/30/94	06/30/93
5	01283608	LAUREL NURSING AND REHABILITATION CENTER	12/31/94	12/31/93
5	01134985	LEADER NRC - ALLENTOWN	12/31/93	12/31/92
5	00860657	LEADER NRC - BETHLEHEM I	12/31/93	12/31/92
5	00855174	LEADER NRC - BETHLEHEM II	12/31/93	12/31/92
5	01106891	LEADER NRC - CARLISLE	12/31/93	12/31/92
5	00854490	LEADER NRC - DALLASTOWN	12/31/93	12/31/92
5	00854604	LEADER NRC - EAST KINGSTON	12/31/93	12/31/92
5	00879022	LEADER NRC - EASTON	12/31/93	12/31/92
5	00854480	LEADER NRC - HARRISBURG	12/31/93	12/31/92
5	00855094	LEADER NRC - LAURELDALE	12/31/93	12/31/92
5	00854542	LEADER NRC - LEBANON	12/31/93	12/31/92
5	00882402	LEADER NRC - SINKING SPRING	12/31/93	12/31/92
5	00855067	LEADER NRC - WEST READING	12/31/93	12/31/92
5	00860666	LEADER NRC WEST - KINGSTON	12/31/92	12/31/91
5	00946090	LIBERTY NURSING AND REHAB CENTER	06/30/94	06/30/93
5	00751302	LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/94	12/31/93
5	00750898	LUTHERAN HOME AT TOPTON	12/31/93	12/31/92
5	00755277	MAHONING VALLEY NURSING AND REHAB CENTER	12/31/93	12/31/92
5	00952060	MANOR CARE - NORTH	06/30/94	06/30/93
5	00952051	MANOR CARE - SOUTH	06/30/94	06/30/93
5	00960518	MANOR CARE OF KINGSTON COURT	06/30/94	06/30/93
5	00924280	MAPLE FARM NURSING CENTER	12/31/93	NA
5	00916242	MEADOWS NURSING CENTER	06/30/94	06/30/93
5	00751554	MENNONITE HOME, THE	06/30/94	06/30/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
5	00747981	MESSIAH VILLAGE	06/30/94	06/30/93
5	00993199	MIFFLIN HEALTHCARE CENTER	12/31/93	12/31/92
5	00755535	MORAVIAN MANOR	12/31/94	12/31/93
5	01071974	MOUNTAIN CITY CONVALESCENT AND REHAB CTR	06/30/94	06/30/93
5	01247871	MUHLENBERG REHABILITATION CARE CENTER	06/30/94	06/30/93
5	00949207	PERRY VILLAGE	12/31/94	12/31/93
5	01304216	PHOEBE BERKS HEALTH CARE CENTER, INC	06/30/94	NA
5	00751311	PLEASANT VIEW HOME	12/31/94	12/31/93
5	00749681	QUARRYVILLE PRESBYTERIAN HOME	06/30/94	06/30/93
5	00854613	READING NURSING CENTER	06/30/94	06/30/93
5	00750566	REST HAVEN-YORK	06/30/94	06/30/93
5	00993484	RIVERSTREET MANOR NURSING & REHAB CENTER	12/31/93	12/31/92
5	00749396	SAINT ANNE'S HOME	06/30/94	06/30/93
5	00924683	SAINT LUKE PAVILION	12/31/93	12/31/92
5	00750904	SAINT MARY'S HOME OF ERIE	12/31/94	12/31/93
5	00776123	SLATE BELT NURSING AND REHAB CENTER	06/30/94	06/30/93
5	01005164	SUMMIT HEALTH CARE CENTER, INC	12/31/94	12/31/93
5	01240790	SUSQUEHANNA CENTER FOR NURSING AND REHAB	06/30/94	06/30/93
5	00949136	SUSQUEHANNA LUTHERAN VILLAGE	12/31/94	12/31/93
5	00887712	TAYLOR NURSING AND REHAB CENTER	06/30/94	06/30/93
5	00974700	THE ALPINE	12/31/93	12/31/92
5	01005440	TWINBROOK MEDICAL CENTER	06/30/94	06/30/93
5	00755965	VILLA TERESA	12/31/94	12/31/93
5	00750664	WESLEY VILLAGE	12/31/93	12/31/92
5	00886448	WESTERN RESERVE CONVAL HOME OF ERIE	12/31/94	12/31/93
5	00854515	WHITEHALL NURSING AND CONV CENTER	12/31/93	12/31/92
5	01024606	WYOMING VALLEY HEALTH CARE	12/31/94	12/31/93
PG 5	Resident Care Median	Other Resident Related Median	Administrative Median	
	\$53.39	\$23.45	\$10.47	
PG 5	Resident Care Price	Other Resident Related Price	Administrative Price	
	\$62.47	\$26.26	\$10.89	
6	01013308	ABINGTON CREST NURSING CENTER	06/30/94	06/30/93
6	00745163	ALLIANCE HOME OF CARLISLE PA, THE	12/31/94	12/31/93
6	00914266	AUDUBON VILLA	06/30/94	06/30/93
6	00747927	BALL PAVILION, THE	06/30/94	06/30/93
6	01113027	BATTERSBY CONVALESCENT CENTER INC	12/31/94	12/31/93
6	00881610	BEAR CREEK HEALTH CARE CENTER INC	06/30/94	06/30/93
6	00746590	BETHANY VILLAGE RETIREMENT CENTER	12/31/94	12/31/93
6	01223691	BLAKELY-PINE HEALTH CARE CENTER	12/31/93	12/31/92
6	01112988	BLUE RIDGE HAVEN CONVAL CENTER - EAST	12/31/94	12/31/93
6	00751581	BONHAM NURSING CENTER	12/31/93	12/31/92
6	01095635	BOONE NURSING HOME	06/30/94	06/30/93
6	00985571	BUTLER VALLEY MANOR	06/30/94	06/30/93
6	00745243	CALVARY FELLOWSHIP HOMES, INC	06/30/94	06/30/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
6	01391490	CAMP HILL CARE CENTER	12/31/94	12/31/93
6	00745593	CARBONDALE NURSING HOME, INC	12/31/93	12/31/92
6	00747604	CHURCH OF GOD HOME, INC	12/31/94	12/31/93
6	01281640	CUMBERLAND CROSSINGS	06/30/94	06/30/93
6	00744890	DAVIS NURSING HOME, INC	06/30/94	06/30/93
6	00891125	DENVER NURSING HOME	06/30/94	06/30/93
6	00756686	FAIRMOUNT HOMES	06/30/94	06/30/93
6	00755894	FOREST PARK HEALTH CENTER	12/31/94	12/31/93
6	00985188	GREEN RIDGE NURSING HOME	06/30/94	06/30/93
6	01004855	HAMPTON HOUSE	06/30/94	06/30/93
6	00747551	HERITAGE HOUSE	06/30/94	06/30/93
6		00750996 HOLY FAMILY RESIDENCE	12/31/94	12/31/93
6	00757594	HOMELAND CENTER	06/30/94	06/30/93
6	01063650	HOMESTEAD VILLAGE, INC	06/30/94	06/30/93
6	00757370	KEPLER HOME, INC, THE	12/31/94	12/31/93
6	00757530	KINKORA PYTHIAN HOME	06/30/94	06/30/93
6	00989463	LAKESIDE NURSING CENTER	06/30/94	06/30/93
6	00838351	LANDIS HOMES	06/30/94	06/30/93
6	00747669	LEADER NRC - CAMP HILL	12/31/93	12/31/92
6	00752177	LEADER NRC - ELIZABETHTOWN	12/31/93	12/31/92
6	00747005	LEBANON VALLEY BRETHERN HOME	12/31/94	12/31/93
6	00749126	LEBANON VALLEY HOME, THE	12/31/94	12/31/93
6	00752210	LUTHER ACRES	12/31/94	12/31/93
6	00915693	LUTHER CREST NURSING FACILITY	12/31/93	12/31/92
6	00751966	LUTHERAN HOME FOR THE AGED	12/31/93	12/31/92
6	01118506	MAPLE HILL NURSING HOME	12/31/91	12/31/90
6	00757450	MARY ELLEN CONVALESCENT HOME, INC	06/30/94	06/30/93
6	01238854	MERCY CENTER NURSING UNIT, INC	12/31/94	12/31/93
6	00983049	MERCY HEALTH CARE CENTER	12/31/92	12/31/91
6	00755179	MIDDLETOWN HOME, THE	12/31/94	12/31/93
6	00754485	MILFORD VALLEY CONVALESCENT HOME, INC	12/31/94	12/31/93
6	01207929	MILLCREEK MANOR	06/30/94	06/30/93
6	00989089	MILLVILLE HEALTH CENTER	06/30/94	06/30/93
6	00747972	MISERICORDIA CONVALESCENT HOME	12/31/93	12/31/92
6	01119719	MORAVIAN HALL SQUARE HEALTH CARE CENTER	06/30/94	06/30/93
6	00754888	MOUNT HOPE DUNKARD BRETHERN CHURCH HOME	06/30/94	06/30/93
6	00985535	MOUNTAIN REST NURSING HOME	06/30/94	06/30/93
6	00947258	NIPPLE CONVALESCENT HOME	12/31/93	12/31/92
6	00891134	PALMYRA NURSING HOME	06/30/94	06/30/93
6	00938633	POLYCLINIC MEDICAL CENTER ECF	06/30/93	06/30/92
6	01143518	PRAXIS NURSING HOME	06/30/94	06/30/93
6	00756819	PRESBYTERIAN LODGE	12/31/94	12/31/93
6	01410934	RENOVA CENTER FOR SPECIAL SERVICES	12/31/93	12/31/91
6	01232977	RHEEMS NURSING CENTER, INC	12/31/94	12/31/93
6	00750753	SAINT LUKE MANOR	12/31/93	12/31/92
6	00754940	SAINT MARY'S VILLA NURSING HOME, INC	12/31/93	12/31/92

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
6	01106793	SARAH A REED RETIREMENT CENTER, THE	06/30/94	06/30/93
6	00755114	SARAH A TODD MEMORIAL HOME	12/31/94	12/31/93
6	00749592	SHREWSBURY LUTHERAN RETIREMENT VILLAGE	12/31/94	12/31/93
6	00757146	SMITH NURSING & CONVAL HOME-MOUNTAIN TOP	06/30/93	06/30/92
6	00750261	SPANG CREST HOME	12/31/94	12/31/93
6	00750430	SWAIM HEALTH CENTER	12/31/94	12/31/93
6	00767142	THORNWALD HOME	12/31/94	12/31/93
6	00891116	TWIN OAKS NURSING HOME	06/30/94	06/30/93
6	00748853	UNITED ZION HOME	12/31/94	12/31/93
6	00920700	WESTMINSTER VILLAGE	12/31/94	12/31/93
6	00754556	YORK LUTHERAN HOME	12/31/94	12/31/93
6	00756407	ZERBE SISTERS NURSING CENTER, INC.	06/30/94	06/30/93
PG 6	Resident Care Median	Other Resident Related Median	Administrative Median	
	\$51.87	\$24.96	\$10.86	
PG 6	Resident Care Price	Other Resident Related Price	Administrative Price	
	\$60.69	\$27.96	\$11.29	
8	00754977	ARBUTUS PARK MANOR	06/30/94	06/30/93
8	00583842	CENTRE CREST HOME	12/31/93	12/31/92
8	00752041	CHURCH OF THE BRETHREN HOME	06/30/94	06/30/93
8	00748343	GARVEY MANOR	12/31/94	12/31/93
8	00908563	GILMORE'S WHITE CLIFF NURSING HOME	12/31/93	12/31/92
8	00923238	HILLCREST NURSING CENTER	06/30/94	06/30/93
8	01391534	HILLVIEW CARE CENTER	12/31/94	12/31/93
8	00854524	LEADER NRC - JERSEY SHORE	12/31/93	12/31/92
8	00858579	LEADER NRC - NORTH WILLIAMSPORT	12/31/93	12/31/92
8	00854533	LEADER NRC - SOUTH WILLIAMSPORT	12/31/93	12/31/92
8	00754672	MAPLE MOUNTAIN MANOR	12/31/93	12/31/92
8	00751026	MERCER COUNTY LIVING CENTER	12/31/93	12/31/92
8	00750969	ORCHARD MANOR, INC	06/30/94	06/30/93
8	00750305	PRESBYTERIAN HOME OF THE MOSHANNON VLLY	12/31/94	12/31/93
8	01140365	ROSE VIEW MANOR, INC	06/30/94	06/30/93
8	00748666	SAINT PAUL HOMES	12/31/94	12/31/93
8	00748620	SIEMONS' LAKEVIEW MANOR ESTATE	06/30/94	06/30/93
8	00756775	SYCAMORE MANOR HEALTH CENTER	12/31/94	12/31/93
8	01263768	UNIVERSITY PARK NURSING CENTER	12/31/93	12/31/92
8	00754663	VALLEY VIEW HOME	12/31/93	12/31/92
8	00749298	WILLIAMSPORT HOME, THE	12/31/94	12/31/93
PG 8	Resident Care Median	Other Resident Related Median	Administrative Median	
	\$48.70	\$24.39	\$ 9.15	
PG 8	Resident Care Price	Other Resident Related Price	Administrative Price	
	\$56.98	\$27.32	\$ 9.52	
9	00754761	ALLEGHENY LUTHERAN HOME	12/31/94	12/31/93
9	00755070	ALLEGHENY LUTHERAN HOME	12/31/94	12/31/93
9	00745870	CLEPPER CONVALESCENT HOME INC	12/31/94	12/31/93

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9	01299009	COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	06/30/94	06/30/92
9	00749000	EPWORTH MANOR	12/31/94	12/31/93
9	00756766	GROVE MANOR	06/30/94	06/30/93
9	00970640	HAIDA MANOR	12/31/94	12/31/93
9	00746705	HOMWOOD RETIREMENT CENTER	12/31/94	12/31/93
9	00897272	HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/93	12/31/92
9	00747328	JOHN XXIII HOME	12/31/94	12/31/93
9	01398900	LAUREL VIEW VILLAGE	06/30/94	NA
9	01224812	LAUREL WOOD CONVALESCENT CENTER	12/31/94	12/31/93
9	00989507	MERCY NURSING CARE CENTER	12/31/93	12/31/92
9	00970612	MEYERSDALE MANOR	12/31/94	12/31/93
9	01148200	MORAN'S HOME, INC	12/31/94	12/31/93
9	00747220	MORRISONS COVE HOME	12/31/94	12/31/93
9	01132980	NUGENT CONVALESCENT HOME	12/31/94	12/31/93
9	00757164	PRESBYTERIAN HOME OF REDSTONE PRESBYTERY	12/31/93	12/31/92
9	00755428	PRESBYTERIAN HOMES-PRESBYTERY-HUNTINGDON	12/31/94	12/31/93
9	00970597	RICHLAND MANOR	12/31/94	12/31/93
9	01227411	SOMERSET PATRIOT MANOR INC	06/30/93	NA
PG 9	Resident Care Median \$46.79	Other Resident Related Median \$22.88	Administrative Median \$10.61	
PG 9	Resident Care Price \$54.74	Other Resident Related Price \$25.63	Administrative Price \$11.03	
11	00928038	ALLEGHENY MANOR	12/31/94	12/31/93
11	00755357	ARMSTRONG COUNTY HOME	12/31/93	12/31/92
11	01163360	BEACON MANOR, INC	06/30/93	06/30/92
11	00751287	BRADFORD COUNTY MANOR	12/31/93	12/31/92
11	01076219	BRADFORD MANOR	12/31/94	12/31/93
11	00747640	BROAD ACRES NURSING HOME ASSOCIATION	12/31/94	12/31/93
11	00854622	BROAD MOUNTAIN NURSING HOME	06/30/94	06/30/93
11	00745762	CHRIST THE KING MANOR	06/30/94	06/30/93
11	01391516	CLARION CARE CENTER	12/31/94	12/31/93
11	00754903	CLARVIEW REST HOME, INC.	12/31/94	12/31/93
11	00747622	CRAWFORD COUNTY CARE CENTER	12/31/93	12/31/92
11	00757100	CURRY MEMORIAL HOME	12/31/93	12/31/92
11	00951706	CURWENSVILLE NURSING HOME, INC	12/31/94	12/31/93
11	00746349	DUBOIS NURSING HOME	06/30/94	06/30/93
11	00747480	ELK HAVEN NURSING HOME	06/30/94	06/30/93
11	00755446	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/94	06/30/93
11	00884004	FOREST CITY NURSING CENTER	06/30/94	06/30/93
11	01391525	FRANKLIN CARE CENTER	12/31/94	12/31/93
11	00745074	FRANKLIN COUNTY NURSING HOME	12/31/93	12/31/92
11	01092446	GETTYSBURG VILLAGE GREEN NURSING CENTER	06/30/94	06/30/93
11	00745261	GOLDEN HILL NURSING HOME, INC	06/30/94	06/30/93
11	00941989	GRANDVIEW HEALTH CARE	12/31/94	12/31/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
11	00755375	GRANDVIEW HEALTH HOMES, INC	06/30/94	06/30/93
11	00756891	GREEN ACRES - ADAMS COUNTY HOME	12/31/93	12/31/92
11	00756579	GREEN HOME, INC, THE	12/31/93	12/31/92
11	00747337	HILLVIEW MANOR - LAWRENCE COUNTY HOME	12/31/93	12/31/92
11	01274805	HOMETOWN NURSING CENTER	12/31/93	NA
11	00751886	INDIAN HAVEN	12/31/93	12/31/92
11	01033463	JEFFERSON MANOR HEALTH CENTER	06/30/94	06/30/93
11	00887623	JULIA POUND CARE CENTER	12/31/94	12/31/93
11	01070752	JULIA RIBAUDO HOME, THE	12/31/93	12/31/92
11	00893729	KRAMM HEALTHCARE CENTER, INC	06/30/94	06/30/93
11	00989150	LAPORTE UNITED METHODIST HOME	12/31/93	12/31/92
11	00854570	LEADER NRC - CHAMBERSBURG	12/31/93	12/31/92
11	00855165	LEADER NRC - POTTSVILLE	12/31/93	12/31/92
11	00854506	LEADER NRC - SUNBURY	12/31/93	12/31/92
11	00754707	LEWISBURG UNITED METHODIST HOMES	12/31/93	12/31/92
11	01391543	MEADVILLE CARE CENTER	12/31/94	12/31/93
11	00748512	MENNO-HAVEN, INC.	12/31/94	12/31/93
11	00913302	MOUNT CARMEL NURSING CENTER	12/31/93	12/31/92
11	00963799	MOUNTAIN LAUREL NRC	06/30/94	06/30/93
11	00790570	NOTTINGHAM VILLAGE	12/31/94	12/31/93
11	00949163	OHESON MANOR	12/31/94	12/31/93
11	00776642	OIL CITY PRESBYTERIAN HOME	12/31/94	12/31/93
11	01301303	ORWIGSBURG MANOR	06/30/94	NA
11	00997509	PENN LUTHERAN VILLAGE	12/31/94	12/31/93
11	00949216	PENNKNOLL VILLAGE NURSING HOME	12/31/94	12/31/93
11	00754547	PINEY MOUNTAIN HOME	06/30/94	06/30/93
11	00861959	PLEASANT VALLEY MANOR, INC	12/31/93	12/31/92
11	00749627	QUINCY UNITED METHODIST HOME	12/31/94	12/31/93
11	00749073	REST HAVEN	12/31/92	12/31/91
11	00749117	ROLLING FIELDS, INC	12/31/94	12/31/93
11	00756793	ROUSE WARREN COUNTY HOME	12/31/93	12/31/92
11	01205791	SCHUYLKILL MANOR	06/30/94	06/30/93
11	00754850	SENA-KEAN MANOR	12/31/93	12/31/92
11	00886081	SHENANDOAH MANOR NURSING CENTER	12/31/93	12/31/92
11	01113493	STROUD MANOR	12/31/94	12/31/93
11	00949557	SUSQUE VIEW HOME, INC	12/31/93	12/31/92
11	01076255	SWEDEN VALLEY MANOR	12/31/94	12/31/93
11	00860245	TREMONT NURSING CENTER	06/30/94	06/30/93
11	00756560	VALLEY VIEW HAVEN, INC	12/31/93	12/31/92
11	00575896	VENANGO MANOR	12/31/93	12/31/92
11	01076264	WARREN MANOR	12/31/94	12/31/93
11	00982408	WESBURY UNITED METHODIST COMMUNITY	12/31/93	12/31/92
11	00839608	WESLEY MANOR HEALTH CARE CENTER, INC	06/30/94	06/30/93
11	01113018	WILLIAM PENN NURSING CENTER	12/31/94	12/31/93
11	01263089	WOODLAND RETIREMENT CENTER	12/31/94	12/31/93

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
PG 11	Resident Care Median \$49.46	Other Resident Related Median \$21.58	Administrative Median \$ 9.22	
PG 11	Resident Care Price \$57.87	Other Resident Related Price \$24.17	Administrative Price \$ 9.59	
12	00751385	ASA PARK MANOR	12/31/93	12/31/92
12	00744863	BLOSE-MCGREGOR HEALTH CENTER	12/31/93	12/31/92
12	01169200	BRADFORD ECUMENICAL HOME, INC	12/31/94	12/31/93
12	01090002	BRADFORD NURSING PAVILION	06/30/94	06/30/93
12	00744424	BROOKLINE MANOR CONV REST HOME	06/30/94	06/30/93
12	00835411	BROOKMONT HEALTH CARE CENTER INC	06/30/94	06/30/93
12	00948809	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/94	12/31/93
12	01429631	CALEDONIA MANOR	12/31/94	12/31/92
12	00745637	CARLETON NURSING HOME	12/31/92	12/31/91
12	01391507	CENTRAL CARE CENTER	12/31/94	12/31/93
12	00755992	DAR WAY NURSING HOME, INC	06/30/94	06/30/93
12	00746447	DONAHOE MANOR	06/30/94	06/30/93
12	01206510	FRIENDLY NURSING HOME - PITMAN	06/30/94	06/30/93
12	00754476	GETTYSBURG LUTHERAN HOME	12/31/94	12/31/93
12	00746957	GOLD STAR NURSING HOME	06/30/94	06/30/93
12	00752103	GUY AND MARY FELT MANOR, INC	06/30/94	06/30/93
12		00751035 HAVEN CONVALESCENT HOME, INC	12/31/94	12/31/93
12	01011770	HEIGHTS NURSING HOME AT LOCUST MOUNTAIN	06/30/94	06/30/93
12	00897165	HIGHLAND HALL CARE CENTER	06/30/94	06/30/93
12	01285433	HIGHLAND VIEW HEALTH CARE WRC	06/30/94	06/30/93
12	01406735	HUNTINGDON MANOR INC	06/30/94	12/31/92
12	00860791	INDIAN CREEK NURSING CENTER	06/30/94	06/30/93
12	00755221	JOHN H SHOOK HOME FOR THE AGED	12/31/94	12/31/93
12	00981429	KINZUA VALLEY HEALTH CARE	12/31/94	12/31/93
12	01013291	KRAMM HEALTHCARE - BROADWAY	06/30/94	06/30/93
12	00747266	KRAMM NURSING HOME, INC	06/30/94	06/30/93
12	00754799	LAUREL MANOR	06/30/94	06/30/93
12	00949225	LOCUST GROVE RETIREMENT VILLAGE	12/31/94	12/31/93
12	00746993	LUTHERAN HOME AT KANE, THE	12/31/94	12/31/93
12	00747364	MALTA HOME FOR THE AGING	12/31/94	12/31/93
12	00901670	MANSION NURSING AND CONVALESCENT HOME	12/31/94	12/31/93
12	01121548	MARIA JOSEPH MANOR	12/31/94	12/31/93
12	00754734	MEDA NIPPLE CONVALESCENT HOME	12/31/93	12/31/92
12	01411341	MICHAEL MANOR	12/31/94	12/31/93
12	01126689	MOUNTAIN VIEW MANOR	12/31/94	12/31/93
12	00906504	OVERLOOK MEDICAL CLINIC INC	12/31/93	12/31/92
12	00755230	PENNSYLVANIA MEMORIAL HOME	06/30/94	06/30/93
12	00749725	RATHFON CONVALESCENT HOME	06/30/94	06/30/93
12	01116261	ROLLING HILLS MANOR	06/30/94	06/30/93
12	00757226	SAYRE HOUSE, INC	06/30/94	06/30/93
12	00756031	SCENERY HILL MANOR	12/31/94	12/31/93
12	00906498	SILVER OAKS NURSING CENTER	12/31/93	12/31/92

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
12	01092974	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/93	12/31/92
12	01391552	SPRINGS MANOR CARE CENTER	12/31/94	12/31/93
12	00966807	SUGAR CREEK REST	06/30/94	06/30/93
12	01391561	SUNSET MANOR	12/31/94	12/31/93
12	00895920	YORK TERRACE NURSING CENTER	12/31/94	12/31/93
12	00966048	ZENDT HOME, THE	06/30/91	06/30/90
PG 12	Resident Care Median	Other Resident Related Median	Administrative Median	
	\$45.64	\$21.66	\$ 9.95	
PG 12	Resident Care Price	Other Resident Related Price	Administrative Price	
	\$53.40	\$24.26	\$10.35	
13	00756701	GOOD SHEPHERD HOME LTC FACILITY, INC	06/30/94	06/30/93
13	00756040	INGLIS HOUSE WHEELCHAIR COMMUNITY	06/30/94	06/30/93
13	00879013	MARGARET E. MOUL HOME	06/30/94	06/30/93
PG 13	Resident Care Median	Other Resident Related Median	Administrative Median	
	\$97.66	\$59.71	\$18.81	
PG 13	Resident Care Price	Other Resident Related Price	Administrative Price	
	\$114.26	\$66.88	\$19.56	
14	00747239	ANDREW KAUL MEMORIAL HOSPITAL ECF	06/30/94	06/30/93
14	00747140	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/94	06/30/93
14	00745824	BERWICK RETIREMENT VILLAGE NURSING HOME	06/30/94	06/30/93
14	00744630	BUCKTAIL MEDICAL CENTER	06/30/94	06/30/93
14	00918677	CANONSBURG GENERAL HOSPITAL SNF	06/30/94	06/30/93
14	00754832	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/94	06/30/93
14	01092240	CHESTNUT HILL REHABILITATION HOSP SNU	06/30/94	06/30/93
14	00756550	FULTON COUNTY MEDICAL CENTER LTCU	06/30/93	06/30/92
14	00751643	GEORGE L HARRISON HOUSE OF EPISCOPAL HSP	06/30/94	06/30/93
14	00746723	GNADEN HUETTEN NURSING AND CONVAL CENTER	06/30/94	06/30/93
14	00747631	GRAND VIEW HOSPITAL SKILLED NURSING FAC	06/30/94	06/30/93
14	00756882	HOME FOR THE JEWISH AGED - SLEY BLDG	06/30/94	06/30/93
14	00747041	LOCK HAVEN HOSPITAL E.C.U.	06/30/94	06/30/93
14	01120890	MEDICAL CENTER, BEAVER, PA, INC, THE	06/30/94	06/30/93
14	00754654	MEMORIAL HOSPITAL INC SNU	06/30/94	06/30/93
14	01275268	MINERS MEMORIAL GERIATRIC CENTER	06/30/94	06/30/93
14	00751438	MOSES TAYLOR HOSPITAL S.N.F.	06/30/94	06/30/93
14	00748100	MUNCY VALLEY HOSPITAL SNU	06/30/94	06/30/93
14	01115658	POLYCLINIC MEDICAL CENTER ECF HB	06/30/93	06/30/92
14	01073692	SAINT FRANCIS HOSPITAL OF NEW CASTLE SNC	06/30/94	06/30/93
14	00751910	SEIDLE MEMORIAL HOSPITAL	06/30/94	06/30/93
14	00749369	SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/94	06/30/93
14	01179074	SUBURBAN GENERAL SKILLED NURSING UNIT	06/30/94	06/30/93
14	00749387	SUNBURY COMMUNITY HOSPITAL SNF	06/30/94	06/30/93
14	00836230	WILLOWCREST-BAMBERGER	06/30/93	06/30/92
PG 14	Resident Care Median	Other Resident Related Median	Administrative Median	
	\$76.68	\$48.27	\$14.83	

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Cost Report End Date 1</i>	<i>Cost Report End Date 2</i>
PG 14	Resident Care Price	Other Resident Related Price	Administrative Price	
	\$89.72	\$54.06	\$15.42	

Fiscal Note: 14-NOT-130. (1) General Fund; (2) Implementing Year 1996-97 is \$40,978,000; (3) 1st Succeeding Year 1997-98 is \$42,847,000; 2nd Succeeding Year 1998-99 is \$44,800,000; 3rd Succeeding Year 1999-00 is \$46,843,000; 4th Succeeding Year 2000-01 is \$48,979,000; 5th Succeeding Year 2001-02 is \$51,213,000; (4) Fiscal Year 1995-96 is \$648,549,000; Fiscal Year 1994-95 is \$593,822,000; Fiscal Year 1993-94 is \$493,275,000; (7) Medical Assistance-Long Term Care; (8) recommends adoption. The above costs arising from the peer groups, peer group medians and peer group prices established through this Notice have been included in the Department's 1996-97 budget.

[Pa.B. Doc. No. 96-1803. Filed for public inspection October 25, 1996, 9:00 a.m.]

DEPARTMENT OF STATE

State Athletic Commission; Public Meetings for 1997

The State Athletic Commission of the Department of State announces its schedule for regular bi-monthly meetings to be held in 1997 under section 103 of the State Athletic Code, the act of May 13, 1992, 5 Pa.C.S. § 101 *et seq.* All meetings will be held in Room 301, North Office Building, Harrisburg, PA 17120 at 11 a.m. These meetings are open to the public and are scheduled as follows:

- February 24, 1997
- April 28, 1997
- June 23, 1997
- August 25, 1997
- October 27, 1997
- December 15, 1997

Individuals having any questions regarding these meetings should contact the State Athletic Commission at (717) 787-5720.

GREGORY P. SIRB,
Executive Director

[Pa.B. Doc. No. 96-1804. Filed for public inspection October 25, 1996, 9:00 a.m.]

Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as that indicated in the owner's initial grant application. This agreement shall be a covenant which runs with the land and thus shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for 1 additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in calendar year ending December 31, 1996, is the close of business on February 1, 1997. Applications shall be filed with the Department of Transportation, Bureau of Aviation, 208 Airport Drive, Harrisburg International Airport, Middletown, PA 17057.

Interested persons may direct their request for applications, inquiries or comments regarding the local real estate tax reimbursement program to Charles H. Hostetter, A.A.E., Director, Bureau of Aviation, 208 Airport Drive, Harrisburg International Airport, Middletown, PA 17057, (717) 948-3976.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1805. Filed for public inspection October 25, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 1996

The Department of Transportation, Bureau of Aviation, is accepting applications for Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 1996.

Each year, under Subchapter B of the Aviation Code, 74 Pa.C.S. §§ 6121—6124, and 67 Pa. Code Chapter 477, the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in section 5102 of the Aviation Code, 74 Pa.C.S. § 5102. Prior to applying for a grant, each public airport owner shall enter into an agreement with the

Bureau of Maintenance and Operations; Notice of Certification

The Department of Transportation, Bureau of Maintenance and Operations, under the provisions of section 4704(f) of the Vehicle Code (75 Pa.C.S. § 4704(f)), certifies the following municipal police officers have successfully completed the training prescribed by the Department of Transportation and are hereby certified as "Qualified Commonwealth Employees" as defined in section 4102 of the Vehicle Code (75 Pa.C.S. § 4102) for the calendar year ending December 31, 1996. Accordingly, local police so qualified are authorized to conduct systematic vehicle inspections of any vehicle, driver, documents, equipment and load and enforce any law or regulation pertaining to same.

Robert C. Baum	Wyomissing Borough, Berks County	James D. Loder	Exeter Township, Berks County
Robert M. Bellan, Jr.	Ross Township, Allegheny County	Peter H. Lunn	Upper Chichester Township, Delaware County
Nicholas L. Bolognese	Cumru Township, Berks County	T. A. Marshall	Edgeworth Borough, Allegheny County
William G. Bradley	Orwigsburg, Schuylkill County	Kenneth F. Massey	Upper Chichester Township, Delaware County
John E. Burlett	Edgeworth Borough, Allegheny County	F. Allen Mauger, Jr.	Uwchlan Township, Chester County
John F. Byerly	Elizabethtown, Lancaster County	Steven Mawhinney	Bristol Township, Bucks County
William C. Camlin	West Goshen Township, Chester County	John McCarthy	Montgomery Township, Montgomery County
Dennis W. Cassel, Jr.	Robeson Township, Berks County	Dale V. McClure	Uwchlan Township, Chester County
Nicholas A. Colonna	Vanport Township, Beaver County	Kenneth J. McNally	Bedminster Township, Bucks County
Richard J. Creese	Baden Borough, Beaver County	Stephen J. Meacham	West Whiteland Township, Chester County
Edward E. Cross	Leet Township, Allegheny County	Gary R. Metzger	Lancaster City, Lancaster County
Alfred D. DeCarbo	Pulaski Township, Lawrence County	Paul F. Miller, Jr.	Cumru Township, Berks County
Thomas P. Donaldson	Franklin Township, Butler County	Gary F. Moore	West Whiteland Township, Chester County
Thomas P. Dougherty	Muhlenberg Township, Berks County	Christopher L. Neidert	Exeter Township, Berks County
Robert D. Eberly	Muhlenberg Township, Berks County	Allan J. Nocera	Shenango, Lawrence County
Kurt L. Emerich	Pine Grove Borough, Schuylkill County	R. Scott Ohs	State College Borough, Centre County
David M. Faulkner	East Whiteland Township, Chester County	David M. Pavelko	Butler Township, Luzerne County
Ronald A. Frederick	Williamstown, Dauphin County	Robert M. Peloquin	Moore Township, Northampton County
Albert W. Gesullo	Franconia Township, Montgomery County	Eric D. Ruggeri	Kennett Square Borough, Chester County
Thomas J. Glenn	Allegheny County, Allegheny County	Donald J. Rusnak	Mount Joy Borough, Lancaster County
Ronald G. Harvey	Monroeville, Allegheny County	Christopher M. Sam	Wyomissing Borough, Berks County
Kelly J. Hogan	Potter Township, Beaver County	Mark F. Schmidt	Upper Makefield Township, Bucks County
Brian S. Hughes	Tredyffrin Township, Chester County	Ronald H. Shank	Manheim Borough, Lancaster County
Leon E. Jaskuta	Tredyffrin Township, Chester County	Brian K. Strand	Bern Township, Berks County
Bryan B. Kelly	Shaler Township, Allegheny County	Sean Stuber	Bushkill Township, Northampton County
Duane E. Koons, Sr.	Warwick Township, Lancaster County	William B. Wentz	York City, York County
Paul Anthony Kotasenski	Oxford Borough, Chester County	Richard D. White	Ross Township, Allegheny County
Paul W. Lewis	Potter Township, Beaver County	Timothy Woll	Cumru Township, Berks County
Gerald W. Lindenlauf	New Garden Township, Chester County	Ronald L. Yocum, Jr.	Shoemakersville Borough, Berks County

The above listing of Qualified Commonwealth Employees is being published as an addenda to the listing of Qualified Commonwealth Employees which was published at 26 Pa.B. 2365 (May 18, 1996) and 26 Pa.B. 3051 (June 29, 1996). The Department of Transportation, from time to time, during the calendar year, will publish addenda to the listing of Qualified Commonwealth Employees as the same become certified.

In addition, it has been brought to the attention of the Department that the notice published at 26 Pa.B. 2365 contains an error which requires correction. In that notice, the Department identified Qualified Commonwealth Employee William D. Leighty as being of East Cocalico Township, York County. Mr. Leighty is actually an officer in East Cocalico Township, Lancaster County.

Comments, suggestions or questions may be directed to Daniel R. Smyser, P.E., Chief, Motor Carrier Division, Bureau of Maintenance and Operations, 1014 Transportation and Safety Building, Harrisburg, PA 17120, (717) 787-7445.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1806. Filed for public inspection October 25, 1996, 9:00 a.m.]

Effective Date of 75 Pa.C.S. § 1111(a.1)

The Department of Transportation (Department), Bureau of Motor Vehicles, consistent with section 3 of the act of December 20, 1995 (act) (P. L. 666, No. 74) announces that section 1111(a.1) of the Vehicle Code, 75 Pa.C.S. § 1111(a.1) (relating to duty of transferor in the event of sale or transfer of ownership of a vehicle when the transferor is a dealer) shall have an effective date of November 1, 1996.

The recently enacted provisions of subsection (a.1) of section 1111 of the Vehicle Code allow dealers to resell a vehicle without having physical possession of the certificate of title when the certificate of title is being held by the lienholder, provided the dealer has obtained the applicable power of attorney to execute the transfer of title and the dealer has requested and received verification from the Department of any lienholders, ownership, odometer information, title brands and any other information that the Department deems necessary to be verified. The dealer may receive this information electronically or from a messenger service licensed by the Department.

Under section 3 of the act, the provisions of 75 Pa.C.S. § 1111(a.1) shall take effect upon publication, by the Department, of a notice in the *Pennsylvania Bulletin* announcing the effective date.

Persons who desire to comment or who have questions may contact Linley Oberman, Area Manager, Customer Service Division, Bureau of Motor Vehicles, River Front Office Center, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-2780.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1807. Filed for public inspection October 25, 1996, 9:00 a.m.]

Retention of Engineering Firms

**Berks, Carbon, Lehigh, Monroe,
Northampton and Schuylkill Counties
Reference No. 08430AG2025**

The Department of Transportation will retain an engineering firm or construction management firm for an open-end contract to provide supplementary construction inspection staff under the Department's Inspectors-in-Charge to perform construction inspection services on various projects in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. The contract will include roadway and bridge construction projects, material plant inspection. The contract will be for a period of a minimum of 30 months with a minimum cost of \$750,000.

It is anticipated that a maximum supplementary construction inspection staff of 20 inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. 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.
- b. Understanding of Department's requirements, policies and specifications.
- c. Past performance.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.
- f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	6 (4)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	12 (6)

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 employe, or the following rates, whichever is less:

<i>Payroll Classification</i>		<i>Direct Payroll Rate</i>
Transportation Construction Manager 1	(TCM-1)	\$19.79
Transportation Construction Inspector Supervisor	(TCIS)	\$17.34
Transportation Construction Inspector	(TCI)	\$15.18

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 pre-construction 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 TCM-1 and/or TCIS positions, giving their approval to use their name in the letter of interest for this specific project.

Technical questions concerning the requirements for this project should be directed to Brian H. Graver, P.E., District 5-0, at (610) 791-6022.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Fayette County
Reference No. 08430AG2026**

The Department of Transportation will retain an engineering firm to provide preliminary engineering, final design and services during construction for the S. R.

0040, Section 06M bridge rehabilitation project in Fayette County, Engineering District 12-0.

This project involves the rehabilitation of the existing 1,672 foot structure carrying S. R. 0040 over the Youghiogheny Reservoir in Henry Clay Township. The estimated construction cost is \$5.0 million.

The selected engineering firm will be required to develop and evaluate highway improvement alternatives; perform field survey, highway design, bridge design, geotechnical design and traffic control design tasks; perform property investigations; perform utility coordination tasks; prepare a Categorical Exclusion Evaluation Document; prepare right-of-way plans; prepare construction plans, specifications and estimates; and provide services during construction.

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.

General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a 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. 96-1808. Filed for public inspection October 25, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Utica Mutual Insurance Company v. DEP; Doc. No. 95-229-MG

The Department of Environmental Protection (Department) Utica Mutual Insurance Company (Utica), and the Bankruptcy Trustee for Mon Valley Steel Company, Inc. (Trustee) have agreed to a settlement of the matter. On September 28, 1995, the Department forfeited two bonds posted by Mon Valley Steel Company, Inc. (Mon Valley) and issued by Utica to guarantee that Mon Valley would operate the Clyde Underground Mine, located in Washington and Green Counties, in conformance with the Surface Mining Conservation and Reclamation Act, The Clean Streams Law, The Bituminous Mine Subsidence and Land Conservation Act, and the rules and regulations promulgated thereunder. The Department forfeited the bonds because Mon Valley abandoned the Clyde Mine without performing the necessary sealing and reclamation work required by the pertinent statutes. Mon Valley later filed for bankruptcy.

The parties have agreed to a settlement, the major provisions of which include:

1. Utica shall seal all of the mine openings and perform all surface reclamation work at the Clyde Mine.
2. The Bankruptcy Trustee for Mon Valley Steel shall remove a transformer containing PCBs which has been abandoned at the Clyde Mine and shall remediate an oil spill from the abandoned transformer.
3. The Department will release Utica from liability for payment under the bonds.
4. Utica shall withdraw its appeal.

Copies of the full agreement are in the possession of:

Diana J. Stares, Esquire, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745;

William T. Gorton, III, Esquire, Stites and Harbison, 2300 Lexington Financial Center, 250 West Main Street, Lexington, KY 40507;

Harry F. Klaodowski, Jr., Esquire, 330 Grant Street, Suite 3321, Pittsburgh, PA 15219-2301;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person 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. Appeals must be filed within 20 days of this publication.

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.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1809. Filed for public inspection October 25, 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, October 3, 1996, and took the following actions:

Regulations Approved:

Environmental Quality Board # 7-288: Stream Redesignations; Kettle Creek, et al (amends 25 Pa. Code Chapter 93)

State Board of Certified Real Estate Appraisers # 16A-705: Examination Fees (amends 49 Pa. Code § 36.6 Fees)

(Editor's Note: For the text of the regulations pertaining to this order, see 26 Pa.B. 5103 (October 26, 1996).)

State Board of Physical Therapy # 16A-654: Examination Fees (amends 49 Pa. Code § 40.5)

(Editor's Note: For the text of the regulations pertaining to this order, see 26 Pa.B. 5110 (October 26, 1996).)

State Architects Licensure Board # 16A-412: Examination Fees (amends 49 Pa. Code §§ 9.3, 9.44, 9.82, 9.85, 9.86, 9.111—114, 9.117, and 9.118)

(Editor's Note: For the text of the regulations pertaining to this order, see 26 Pa.B. 5101 (October 26, 1996).)

State Board of Certified Real Estate Appraisers # 16A-702: Definitions (amends 49 Pa. Code Chapter 36)

(Editor's Note: For the text of the regulations pertaining to this order, see 26 Pa.B. 5105 (October 26, 1996).)

State Board of Medicine/State Board of Osteopathic Medicine # 16A-532: Respiratory Care Practitioners (amends Chapters 18 and 25 of 49 Pa. Code)

State Registration Board for Professional Engineers, Land Surveyors and Geologists # 16A-473: General Revisions (amends 49 Pa. Code §§ 37.1, 37.18, 37.58, 37.59 and 37.81—37.83 and adds sections 37.36 and 37.37)

(Editor's Note: For the text of the regulations pertaining to this order, see 26 Pa.B. 5106 (October 26, 1996).)

Pennsylvania Public Utility Commission # 57-144: Limousine Service Supplemental (amends 52 Pa. Code Chapter 29 by amending sections 29.333(b) and 29.333(c))

Pennsylvania Public Utility Commission # 57-153: Taxicab Medallion Program (amends 52 Pa. Code Chapter 30)

Pennsylvania Public Utility Commission # 57-173: Termination of Utility Service to Health Care Facilities (adds sections 55.101—55.115 to 52 Pa. Code Chapter 55)

(*Editor's Note:* For the text of the regulations pertaining to this order, see 26 Pa.B. 5111 (October 26, 1996).)

Orders Have Not Been Issued for the Following Approved Regulations:

State Board of Psychology # 16A-630: Child Abuse Reporting Requirements

State Board of Osteopathic Medicine # 16A-535: Child Abuse Reporting Requirements

State Board of Podiatry # 16A-442: Child Abuse Reporting Requirements

State Board of Medicine # 16A-492: Child Abuse Reporting Requirements

State Board of Nursing # 16A-515: Child Abuse Reporting Requirements

State Board of Chiropractic # 16A-436: Child Abuse Reporting Requirements

State Board of Dentistry # 16A-462: Child Abuse Reporting Requirements

State Board of Funeral Directors # 16A-484: Child Abuse Reporting Requirements

State Board of Optometry # 16A-523: Child Abuse Reporting Requirements

State Board of Physical Therapy # 16A-653: Child Abuse Reporting Requirements

State Board of Occupational Therapy Education and Licensure # 16A-671: Child Abuse Reporting Requirements

State Board of Examiners in Speech-Language and Hearing # 16A-682: Child Abuse Reporting Requirements

State Board of Social Work Examiners # 16A-691: Child Abuse Reporting Requirements

Regulation Disapproved:

Pennsylvania Public Utility Commission # 57-149: Small Water and Sewer Company Rate Methodologies (amends 52 Pa. Code Chapter 53)

Pennsylvania Public Utility Commission # 57-150: Gas Transportation Tariffs (amends 52 Pa. Code Chapter 60)

Regulation Deemed Approved under § 5(b.3) of the Regulatory Review Act—Effective September 24, 1996

Environmental Quality Board # 7-295: General Conformity (amends 25 Pa. Code Chapter 127, Subchapter J)

Regulation Deemed Approved under § 5(b.3) of the Regulatory Review Act—Effective October 4, 1996

State Board of Certified Real Estate Appraisers # 16A-703: Fees; Application Process (amends section 36.203 of 49 Pa. Code by adding new subsections (c) and (d) and deleting the reapplication fee under section 36.6)

(*Editor's Note:* For the text of the regulations pertaining to this order, see 26 Pa.B. 5104 (October 26, 1996).)

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

Environmental Quality Board—Stream Redesignations; Kettle Creek, et al.; Doc. No. 7-288

Order

On August 29, 1995, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Environmental Quality Board (EQB). This rulemaking would amend certain stream designations in the Department of Environmental Protection's (DEP) regulations in 25 Pa. Code Chapter 93. Chapter 93 sets forth part of Pennsylvania's water quality standards which implement The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402). Section 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-20) grants the EQB the authority to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law. The proposed regulation was published in the September 9, 1995 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on September 3, 1996.

The purpose of the Special Protection Waters Program is to maintain existing water quality in streams, to preserve exceptionally good quality waters, and waters that represent outstanding environmental resources. In determining whether streams and waterbodies are to be included in the Special Protection Waters Program, and meet the definition of "High Quality Waters" (HQ) or "Exceptional Value Waters" (EV) in 25 Pa. Code § 93.3, the DEP utilizes "Special Protection Waters Selection Criteria" found in its "Special Protection Waters Implementation Handbook."

The proposed changes are intended to provide the appropriate level of water quality protection for the streams proposed for redesignation, including those streams which possess environmental features meriting additional protection.

The stream redesignations affect streams in the following seven counties: Clinton, Potter, Tioga, Blair, Centre, Dauphin and McKean. As part of its ongoing review of water quality standards, the DEP recommended that the majority of the streams in this proposed rulemaking be upgraded to either HQ or EV. The streams include Kettle Creek and Cross Fork, Laurel Run, Wallace Run, Lick Run, Rattling Creek, Big Fill Run and the east branch of Tunungwant Creek. The EQB also recommended that some streams retain the existing water quality designation as the sample evidence indicated that they were already appropriately designated.

We did not file any comments on the proposed regulation, nor did we receive any negative recommendations on the proposed or final-form regulation from either the House or Senate Environmental Resources and Energy Committees. The final-form regulation contains one amendment which clarifies the location of the unnamed tributary to Wallace Run as being located at Gum Stump in Centre County. The reference is being included in the EV waters designation for the upper reach of the Wallace Run basin in Centre County.

The Pennsylvania Independent Petroleum Producers Association (Association) commented on the proposed changes relative to the east branch Tunungwant Creek in McKean County. The Association noted that generally streams in oil and gas producing regions have remained of high quality and that the proposed changes may adversely affect new and expanding discharges. The Association expressed its strong objection to the "continued upgrading of our streams."

The DEP responded to this comment by noting that it is not proposing any new regulatory restrictions on the existing oil and gas production operations within the affected basins because of the HQ or EV Waters designations. The existing operations are currently required to obtain and maintain applicable DEP permits, use best

management practices, and must comply with applicable laws and regulations including The Clean Streams Law, the Oil and Gas Act, the Oil and Gas Conservation Act and these regulations. However, new or expanding oil and gas operations will be required to demonstrate that the proposed expansion or new operation will not have an adverse impact on the basin's water quality.

The DEP acknowledges that it is unable to predict all the future costs or impacts that will be incurred by an oil and gas operator as the result of an HQ or EV Waters redesignation. However, DEP notes that it encourages creative planning and discharge alternatives, and will work with the operators in order to develop options that will help them comply with the regulatory requirements.

We have reviewed this regulation and find it to be in the public interest. The proposed stream redesignations are consistent with the applicable water quality criteria. Overall, the quality of Pennsylvania's waters should benefit through more appropriate protection for the particular streams, which are an important part of the Commonwealth's natural resources.

Therefore, It Is Ordered That:

1. Regulation No. 7-288 from the Environmental Quality Board, as submitted to the Commission on September 3, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

*State Board of Certified Real Estate Appraisers—
Examination Fees; Doc. No. 16A-705*

Order

On September 13, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Certified Real Estate Appraisers (Board). This rulemaking would amend 49 Pa. Code § 36.6 Fees to increase the fee for applicants taking the certified real estate appraiser examination from \$50 to \$100. The authority for this regulation is found in sections 812.1(b) and (e) of The Administrative Code of 1929 (71 P. S. § 279.3a) and sections 5(6) and 9 of the Real Estate Appraisers Certification Act (63 P. S. §§ 457.5(6) and 457.9). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The fee increase is effective January 1, 1997. The Board found that public comment is not needed because section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a, *Administration of Examinations*) requires that candidate fees cover the cost of the examination. The fee, established by the regulation, represents the contract cost negotiated by the Commonwealth for examination services.

Candidates taking the examination on and after January 1, 1997, will be charged the new fee of \$100. The fee covers only the cost of the testing service and is paid directly to the contractor, not the Board. The Board expects that approximately 300 candidates will take the examination each year based upon the number who took the examination in 1995.

The Senate Consumer Protection and Professional Licensure Committee approved this final-omitted rulemaking on September 25, 1996. The House Professional Licensure Committee also approved this final-omitted rulemaking on October 1, 1996.

We have reviewed this regulation and find it to be in the public interest. The contract for administration of the examination was awarded through a competitive bidding process and the resulting fee covers the cost of the examination consistent with section 812.1 of The Administrative Code of 1929.

Therefore, It Is Ordered That:

1. Regulation No. 16A-705 from the State Board of Certified Real Estate Appraisers, as submitted to the Commission on September 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

*State Board of Physical Therapy—Examination Fees; Doc.
No. 16A-654*

Order

On September 13, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Physical Therapy (Board). This rulemaking would amend 49 Pa. Code § 40.5. The authority for this regulation is found in section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 8 of the Physical Therapy Act (63 P. S. § 1308). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking increases the testing fees for candidates taking the physical therapist examination effective as of March 1997. Section 812.1 of The Administrative Code of 1929 requires that examinations for professional licensure be prepared and administered by a professional testing organization under contract to the appropriate professional board. The Board has entered into a new testing contract with Professional Examination Services (PES) which will implement computer-based testing. Computer-based examinations are developed and administered on, graded by computer. The new contract will result in higher costs for examination services beginning in March 1997. Consequently, the Board promulgated this final-omitted regulation to increase the fee in the existing regulation to reflect the fee in the new contract.

Section 40.5 of the existing regulation lists the fee for the physical therapy examination as \$245. The proposed change to this section of the regulation increases the fee for the examination to \$260, an increase of \$15. The fee increase reflects the increased administration costs for the examination under the Board's contract with PES.

The Senate Consumer Protection and Professional Licensure Committee voted to approve the regulation on September 25, 1996. The House Professional Licensure Committee voted to approve the regulation on October 1, 1996.

We have reviewed this regulation and find it to be in the public interest. This amendment will conform the Board's regulation on examination fees to the fee change mandated by the new contract between the Commonwealth and PES.

Therefore, It Is Ordered That:

1. Regulation No. 16A-654 from the State board of Physical Therapy, as submitted to the Commission on September 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

State Architects Licensure Board—Examination Fees; Doc. No. 16A-412

Order

On September 13, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the State Architects Licensure Board (Board). This rulemaking would amend 49 Pa. Code §§ 9.3, 9.44, 9.82, 9.85, 9.86, 9.111—114, 9.117 and 9.118. The authority for this regulation is section 6(c) of the Architects Licensure Act (63 P. S. § 34.6(c)) and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation will delete existing provisions relating to the written Architect Registration Examination (ARE), add language relating to a new computerized ARE format, change the categories that comprise the ARE, and in-

crease examination fees. The Board found that public comment is not needed because section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a. *Administration of Examinations*) requires candidate fees to cover the cost of the examination.

The Board uses the examination of the National Council of Architectural Registration Boards (NCARB). NCARB consists of the licensing boards of all 50 states, the District of Columbia, and United States territories and possessions. Each state has two voting members on NCARB.

The four-day written ARE was given for the last time in June of 1996. Beginning in February of 1997, NCARB will offer the ARE in a computerized format. The computerized examination will be offered year-round at a network of test centers provided by the contractor, Chauncey Group International, under contract with NCARB. Candidates will be able to pay for the examination by credit card, voucher or cash at the time the examination is taken. Computer-based examinations can be taken at any available location where the ARE is administered. The Chauncey Group will use eight testing centers in Pennsylvania located Statewide.

The amendments to § 9.3 alter examination categories and establish new examination fees. The current two categories of the examination for site design are proposed to be combined and renamed "Site Planning." The current single category for building design is proposed to be split into two categories: "Building Planning" and "Building Technology." The cost of taking any portion of the examination and the total examination will increase substantially. The cost for taking the entire ARE will increase from the current \$485 to the proposed \$980. The fees will be the actual charges of NCARB to schedule a candidate to take the examination. The current categories and fees in section 9.3. Fees, and proposed amendments are shown below.

Current Category	Current Fee Amount	Proposed Category	Proposed Fee Amount
Pre-Design	\$ 45	Pre-Design	\$ 92
Site Design-Graphic	70	Site Planning	129
Site Design-Written	45		
Building Design	100	Building Planning	155
		Building Technology	145
Structural-General/Long Span	45	General Structures	108
Structural-Lateral Forces	45	Lateral Forces	79
Mechanical, Plumbing, Electrical and Life Safety Systems	45	Mechanical and Electrical	83
Materials and Methods	45	Materials and Methods	90
Construction Documents and Services	45	Construction Documents and Services	99
Registered Architect Exam Review (Optional)	75		
Entire Examination	485	Entire Examination	980

Section 9.118 is proposed to be amended to provide a transition for candidates who already passed some categories of the current written examination and will need to successfully complete new computerized categories for registration. The remaining proposed amendments reflect changes in the available dates and locations of the examinations, procedures to schedule and take the examinations, and deletions of provisions that apply to the written examination.

On September 25, 1996, the Senate Consumer Protection & Professional Licensure Committee voted to approve this regulation. On October 1, 1996, the House Professional Licensure Committee also voted to approve this regulation.

In 1995, approximately 281 candidates took the examination in Pennsylvania. The costs of the examination will increase substantially. As stated above, the cost for taking the entire examination will increase from \$485 to \$980. NCARB's charge per candidate is the same in all of the states. The benefits of the proposed amendments are an increase in the frequency and availability of the examination and the maintenance of a uniform National examination. Candidates will also be able to pay for the examination by credit card, voucher or cash at the time the examination is taken.

We have reviewed this regulation and find it to be in the public interest. While we believe the fee increase is substantial, the fees established by the regulation represent the contract costs with NCARB for examination services provided by a professional testing service. The Board is required by statute to establish fees to cover the cost of the examinations. Furthermore, Pennsylvania has two voting members in NCARB, so Pennsylvania had some say in the collective decision to use computer-based examinations.

Therefore, It Is Ordered That:

1. Regulation No. 16A-412 from the State Architects Licensure Board, as submitted to the Commission on September 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

*State Board of Certified Real Estate Appraisers—
Definitions; Doc. No. 16A-702*

Order

On November 28, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Certified Real Estate Appraisers (Board). This rulemaking would amend 49 Pa. Code Chapter 36. The authority for this regulation is section 3 of the Assessors Certification Act (63 P. S. § 458.3). The proposed regulation was published in the December 9, 1995 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 13, 1996.

The proposal adds two definitions and a new section titled "Scope of Practice" to the existing regulations for Certified Pennsylvania Evaluators (CPE). CPEs were established by Act 28 of 1992 (act). The act requires all

assessors, persons responsible for the valuation of real property for ad valorem taxation purposes, to be certified as CPEs. To become a CPE, individuals must complete a minimum of 90 hours of basic courses of study of the appraisal assessing profession and successfully complete a comprehensive examination covering all phases of the appraisal process and the assessment function established by assessment statutes.

The Board proposed this rulemaking to clarify that assessors and revaluation company personnel who receive certification are certified to establish the value of real property for tax assessment or governmental purposes only. The Board added definitions for the terms "Ad valorem taxation purposes" and "real estate tax assessment" because it is aware of instances where CPEs have conducted nonassessment related appraisals. These types of appraisals can only be conducted by certified real estate appraisers and real estate brokers, both of which have separate licensing requirements.

The Senate Consumer Protection and Professional Licensure Committee approved the final-form rulemaking on September 25, 1996. The House Professional Licensure Committee approved the regulation on October 1, 1996.

We have reviewed this regulation and find it to be in the public interest. Our Comments questioned whether the Board's reason for adding the definitions was apparent. We suggested the Board add a "Scope" section to Chapter 36 to clearly state the limitations of appraisal authority of those certified as CPEs. The Board agreed with our recommendation by adding a "Scope of Practice" section which states:

Assessors and revaluation company personnel who receive certification as a Pennsylvania evaluator may perform appraisals of real property only in limited circumstances, that is, for tax assessment/governmental purposes.

The Board made editorial changes to the definitions of "ad valorem taxation purposes" and "real estate tax assessment." It also adopted our second recommendation to include valuations placed on real property by revaluation company personnel in its definition of "real estate tax assessment." In the final-form rulemaking, the definition is expanded to include revaluation company personnel on contract with a government.

Therefore, It Is Ordered That:

1. Regulation No. 16A-702 from the State Board of Certified Real Estate Appraisers, as submitted to the Commission on September 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

*State Board of Medicine and State Board of Osteopathic
Medicine—Respiratory Care Practitioners; Doc. No. 16A-
532*

Order

On February 9, 1996, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the State Board of Medicine and State Board of Osteopathic Medicine (Boards). The Boards have joined together to amend Chapters 18 and 25 of 49 Pa. Code by adding provisions for the certification and practice of respiratory care practitioners to each chapter. Under section 422.13(c) of the Medical Practice Act of 1985 (MPA) (63 P. S. § 422.13(c)) and section 271.10(c) of the Osteopathic Medical Practice Act (OMPA) (63 P. S. § 217.10(c)), the Boards are authorized to promulgate regulations to establish procedures for application, credentials, examination, certification and fees. The proposed regulation was published in the February 24, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 13, 1996.

The Boards elected to jointly promulgate identical provisions for respiratory care practitioners within this regulation, as the amendments to both Boards' practice acts regarding respiratory care certification are identical. The MPA and the OMPA provide that respiratory care practitioners may obtain certification from either Board.

Both Boards have adopted identical fee schedules for respiratory care practitioners. The regulations establish five fees as follows:

- Temporary permit \$ 15
- Initial certification \$ 15
- Certification examination \$ 90
(effective July, 1996) \$100
- Reexamination \$ 60
- Biennial renewal \$ 25

As authorized by the MPA and the OMPA, the regulations establish that only those persons holding a temporary permit or certificate from either Board may use the title "respiratory care practitioner" or use the designation of "R.C.P." Further, a respiratory care practitioner may only provide services under the supervision of a licensed physician.

The regulations restate the list of 12 services and activities included in the scope of practice of respiratory care, as defined in the MPA and OMPA. The regulations recognize the National Board for Respiratory Care (NBRC) as the agency which credentials respiratory care practitioners and the Joint Review Committee on Respiratory Therapy Education (JRCRTE) as the educational program accrediting agency.

As set forth under the MPA and the OMPA, the regulations establish who is qualified to be issued temporary permits, which allow qualified individuals to practice respiratory care while awaiting the results of the certification examination. The regulations provide that a temporary permit expires upon notification of failure of the examination or 12 months from the date of issuance, whichever occurs first.

The regulations also establish the requirements under which the Boards will approve applicants for certification as respiratory care practitioners. In addition, the regulations provide that certificate holders may place their certifications on inactive status. Individuals applying to return to active status must submit a sworn statement and resume which covers the period of time when the certificate holder was not engaged in practice in the Commonwealth, and submit a letter of good standing from the licensing board of the other state or jurisdiction where the certificate holder is currently licensed.

The Boards have established fees for the issuance of temporary permits, certifications and biennial renewal for

respiratory care practitioners. Revenue generated from these fees will be used to cover the costs of administration of the certification programs. In 1994, it was estimated that there would be approximately 2,000 candidates for certification as respiratory care practitioners and the certification fees were based upon this number. Because this is such a new certification category, neither the Medicine nor Osteopathic Board could give a better estimate.

The Boards indicate that the regulations may impose additional costs upon the private sector. In particular, health care facilities and home health care entities who provide respiratory care services may incur additional costs in bringing their facilities into compliance by employing or utilizing certified practitioners.

Additionally, persons wishing to obtain certification from the Boards will incur costs associated with the administration of the respiratory care practitioner certification program, as well as costs associated with the qualifying examination.

The Senate Consumer Protection and Professional Licensure Committee voted to approve the final-form regulation on September 25, 1996. The House Professional Licensure Committee approved the final rule-making on October 1, 1996.

We made a number of recommendations in our Comments to the Boards regarding the proposed wording of several sections of the regulations. The issues in these regulations were essentially those of clarity and consistency with the authorizing statutes. In response to each of our concerns, the Boards appropriately amended the final-form regulations.

We have reviewed this regulation and find it to be in the public interest. Those individuals requiring respiratory care services will benefit from these proposed regulations by being assured that services will be performed by persons who have demonstrated compliance with education requirements and who have passed a minimum competency examination.

Therefore, It Is Ordered That:

1. Regulation No. 16A-532 from the State Board of Medicine and State Board of Osteopathic Medicine, as submitted to the Commission on September 13, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

Pennsylvania Public Utility Commission—Limousine Service Supplemental; Doc. No. 57-144

Order

On August 3, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). It would amend 52 Pa. Code Chapter 29 by amending sections 29.333(b) and 29.333(c), relating to vehicle and equipment requirements, and adding a new section 29.335, relating to trip sheet requirements. The PUC states its authority to promulgate this regulation is

found at section 501 of the Public Utility Code (66 Pa.C.S. § 501) and the Commonwealth Documents Law (45 P.S. § 1201 *et seq.*). The proposed version of this regulation was published in the August 13, 1994, edition of the *Pennsylvania Bulletin*, with a 45-day public comment period. The final-form regulation was submitted to the Commission on September 13, 1996.

These rulemaking amendments are intended to clarify and supplement those regulations which differentiate limousine service from taxicab "call and demand" service. The additional objective is to achieve more consistent interpretation and application of limousine regulations by the PUC and the limousine industry.

According to the PUC, there were 17 commentators on the proposed rulemaking version. Posten Taxi Inc. (Wilkes-Barre) and The Brotherhood of Unified Taxi Drivers/Owners (Philadelphia) submitted comments in favor of the proposed version of the rulemaking. The remainder of the commentators expressed varying degrees of opposition, with most recommending deletion of the proposed new tariff requirements for limousines.

In the proposed version of this rulemaking, the PUC sought comment on proposed amendments to three sections of its limousine service regulations. Under section 29.333(a), the seating capacity of a "luxury type vehicle" classified as a "limousine" would have been changed from ten to nine passengers, minus the driver. The intent was to better conform the PUC's definition with the definition of "limousine" under the Motor Vehicle Code. The latter defines a limousine as a motor vehicle, commercially available for hire, which carries up to nine persons (excluding the driver). Given the array of differently configured "limousines" or luxury-type vehicles available today, however, we and a majority of commentators saw no reason to change the definition and recommended that the proposed change not be made. The PUC agreed and deleted this proposed change from the final-form regulation.

The PUC also proposed to clarify and expand the definition of a "luxury type vehicle" under section 29.333(b). To qualify, such vehicles must be manufactured or modified to have physical configurations and accessory features not found or commonplace in lower priced vehicles. Luxury-type vehicles must also provide patrons with a higher level of service and comfort than ordinarily available in call or demand, paratransit, and airport transfer services. Section 29.333(b) also describes a list of the minimum features and other amenities that a luxury-type vehicle should have. These provisions have been retained with some modifications in the final-form regulation. The PUC also added some clarifying language we suggested for the basic definition.

The proposed version of section 29.333(b) also provided that classic and antique vehicles, as defined in the Motor Vehicle Code, may be included. It also stated that vans which meet the definition be included, but it specifically excluded station wagons and all-purpose vehicles. Responding to commentators' concerns opposing the blanket exclusion of station wagons and all-purpose vehicles, the PUC amended the final-form regulation to delete all references to specific types of vehicles in section 29.333(b).

The PUC proposed a new section 29.333(c), which sets forth categories of required information a company would have to provide to the PUC about vehicles the company intended to acquire and use in its business. After review-

ing commentators' comments, the PUC decided to delete this new subsection because its requirements may unduly delay applicants' ability to put additional luxury-type vehicles into service. We note that even without these requirements there is some additional delay in the process of getting a new license plate issued for a vehicle. The Department of Transportation (DOT) does not issue license plates for such PUC-registered vehicles until it has confirmed that the applicant is in good, current standing with the PUC.

The PUC originally proposed to amend section 29.333(d) to provide that all vehicles licensed as limousines are required to bear a limousine license plate. The final-form regulation deletes that requirement because of the PUC's decision not to conform its definition of a "limousine" to the definition of the same term under the Motor Vehicle Code.

If a luxury-type vehicle used in commerce for hire has the capacity to carry no more than nine passengers, DOT will issue a "limousine" license plate (except in Allegheny County, where a passenger car license plate will be issued—provided the owner/operator certifies to DOT that the vehicle will remain within the boundaries of Allegheny County). A commercial luxury vehicle which carries 10 or more passengers will be issued a "bus" license plate. A limousine or luxury-type vehicle used privately (for example, not available for hire) will be issued a passenger car license plate, regardless of the number of passengers it can carry.

The most controversial part of this rulemaking in the proposed stage involved the proposed new provisions in section 29.334, relating to tariff requirements. This section currently provides that limousine rates may be based on mileage or time, or both, and must be set forth in a tariff filed, posted and published under statute and this chapter.

The proposed amendments provided (in Subsection (a)) that the primary rate structure for limousine service shall be based on time, with supplemental charges based on mileage assessable where round trip mileage exceeds 100 miles. Subsection (b) proposed to establish a minimum charge of not less than the charge for 1 hour at the rate provided in the respective primary rate structure. Subsection (c) provided that rate levels, as fully detailed in the carrier's tariff, would be based on the nature of the luxury vehicle provided. Subsection (d) provided that charges for nontransportation services were not to be included in the carrier's tariff. Lastly, proposed Subsection (e) provided for the filing, posting and publishing of limousine tariffs, to be accompanied by financial justification and other supporting documentation.

These proposed changes in tariff requirements were intended to more clearly differentiate limousine services from taxicab services. Commentators raised a variety of objections. Some asserted that these proposed new tariff provisions were an unacknowledged attempt to resolve competitive antagonisms which apparently have developed in Philadelphia between the taxicab industry and those limousine services providers which function as limousine/taxi hybrids, known as "executive sedan" services.

Other commentators with no financial interest or stake in the limousine and executive sedan sector (CoreStates Bank, N. A. and the Philadelphia Convention and Visitors Bureau) stated that the changes would unnecessarily

increase their costs and adversely affect their businesses. Kathrynann W. Durham, Republican Chairperson of the House Consumer Affairs Committee, stated in her comment letter that she could not understand the need for the PUC to further differentiate between call and demand service and limousine service, to the possible detriment of one industry and those members of the public who wish to use limousine service.

We agreed with these commentators and noted in our Comments that the PUC's basic mandate is to serve the public interest. Our basic concern was that the PUC had not explained or justified the proposed revisions to section 29.334 in terms of what is in the best interest of the riding public. We recommended that the principal litmus test the PUC should apply to all proposed changes in this regulation is whether a currently available beneficial service to the riding public would be improved, or reduced or adversely affected as a consequence of these amendments.

The PUC deleted all of the proposed new tariff requirements from the final-form regulation. It did so based on its determination in the matter of *Pa. PUC v. Metro Transportation Co.*, PUC Docket No. I-00940030, Order entered July 21, 1995. In that case, the PUC ordered an investigation into the competition between limousine services and taxicab services. The PUC stated that it recognized, in that case, there is some allowable overlap among the various types of passenger transportation. The PUC also concluded that the taxicab industry is withstanding competition fairly well. As a consequence, the PUC stated:

... we find that changing the tariff structure as proposed would not be in the public interests of the riding public. We will not penalize the public in order to referee a dispute between taxicabs and limousines. Obviously, the limousines are providing a service for a price that the public wants. . . . We will not frustrate the workings of the market place by establishing a limousine tariff structure that would only serve to increase costs of limousine services to the public.

Section 29.335 is a new provision which would require drivers of for-hire luxury-type vehicles to fill in a trip sheet with seven different categories of information in the vehicle to evidence its use in service. Such records will assist the PUC in ensuring that operators comply with this regulation. In response to our Comment on the subject, the PUC changed the records retention requirement for trip sheets from 2 years to 1 year.

The Senate Consumer Protection and Professional Licensure Committee met and voted to approve the final-form regulation on September 25, 1996.

The final-form regulation will eliminate or at least substantially reduce any industry confusion about what constitutes a luxury-type vehicle, which will benefit the industry, the public and the PUC. The regulation will affect primarily owners and operators of limousine and luxury-type vehicles licensed by the PUC throughout the Commonwealth. However, those impacts will be much less than under the proposed version of the regulation by virtue of the PUC eliminating certain unpopular and restrictive provisions such as the controversial new tariff provisions and the requirement to submit information and photos of a vehicle for PUC approval before the vehicle can be put into service.

We have reviewed this regulation and find it to be in the public interest. The marketplace has clearly demon-

strated in recent years the public's desire to hire limousine service vehicles unfettered by basic restrictions on mileage charges, method of payment (cash or credit), and with no minimum time advance calling requirements. This final-form regulation reflects the PUC's acknowledgment of that reality by providing less regulation rather than more regulation.

Therefore, It Is Ordered That:

1. Regulation No. 57-144 from the Pennsylvania Public Utility Commission, as submitted to the Commission on September 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

State Registration Board for Professional Engineers, Land Surveyors and Geologists—General Revisions; Doc. No. 16A-473

Order

On December 1, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board). This rulemaking would amend 49 Pa. Code §§ 37.1, 37.18, 37.58, 37.59 and 37.81—37.83, and add new sections 37.36 and 37.37. The authority for this regulation is section 4(I) of the Engineer, Land Surveyor and Geologist Registration Law (Law) (63 P. S. § 150(I)). The proposed regulation was published in the December 16, 1995 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 13, 1996.

The basic purpose of this regulation is to implement Act 151 of 1992. This act transformed the State Registration Board for Professional Engineers and Professional Land Surveyors into the State Registration Board for Professional Engineers, Land Surveyors and Geologists. This regulation establishes the education and experience requirements for licensure of professional geologists.

Most of the changes are editorial in nature. In existing sections of 49 Pa. Code Chapter 37, the amendments are simple insertions of words such as "geology," "professional geologist," and "Registered Professional Geologist" in sections related to reactivation of licensure status, registration number and seal, and disciplinary process and conduct. The additions to the chapter include the design of a new authorized "Commonwealth of Pennsylvania" seal for use by a Registered Professional Geologist.

The proposal also adds two new sections, 49 Pa. Code §§ 37.36 and 37.37, which set forth the education and experience requirements for an applicant seeking to become a licensed geologist. An applicant needs to provide the Board with evidence of having graduated from an accredited institution with a major in geology, geophysics, geochemistry or engineering geology and a minimum of 30 semester or 45 quarter hours in these areas or their subdivisions. To fulfill the "experience" requirement, an applicant needs to have at least 5 years of experience in professional geological work. Both the "education" and "experience" requirements included details about excep-

tions or alternatives for meeting the requirements. The regulation also adds two new terms, "Professional geological work" and "Responsible position," to the existing definitions section at 49 Pa. Code § 37.1.

The Board contends that these amendments will have no negative fiscal impact on the Commonwealth, its political subdivisions or the general public.

During the proposed rulemaking stage, comments were submitted by Bryan J. McConnell of Cecil, Pennsylvania; Michael M. Ryan, P. E., Deputy Secretary for Highway Administration, Department of Transportation (DOT); and American Institute of Professional Geologists.

The Senate Consumer Protection and Professional Licensure Committee approved the final-form regulation on September 25, 1996. The House Professional Licensure Committee approved the regulation on October 1, 1996.

We have reviewed this regulation and find it to be in the public interest. The Board used our Comments on the proposed regulation to improve the regulation by clarifying terms, standards and procedures. For example the definition of "professional geological work" in the proposed regulation was unclear. The definition of this term is important because it delineates the types of experience required of an applicant to become a "registered professional geologist" in Pennsylvania. The definition of "professional geological work" in the proposed rulemaking excluded certain tasks beyond the tasks or types of work excluded by the specific language of the Law. We recommended that the additional language be deleted from the regulation. The Board made this revision in the final-form regulation and added new language which clarifies its intent and is consistent with the Law.

Another example of constructive revision is found in the Board's amendments to the regulation's reference requirements. The proposed regulation required an applicant to obtain references from professional geologists under whose direction the applicant had worked. The proposed regulation contained no exception to this rule even though the Law allows applicants to meet the experience requirement with 3 years of work under a qualified geologist or 5 years of work in a responsible position in geological work. We questioned whether an applicant with 5 years of independent work experience would be able to meet the reference requirement if he or she had never worked under the supervision of another geologist. The Board amended the regulation to allow applicants with 5 years of experience to use references who are not geologists.

Finally, the Board clarified another term, corrected a typographical error, and added a provision stating that it would notify an applicant when it decides to investigate the applicant's application. The outcome is that the Board has revised the regulation in a constructive fashion that serves the public interest by bringing the regulation into greater conformity with the Law.

Therefore, It Is Ordered That:

1. Regulation No. 16A-473 from the State Registration Board for Professional Engineers, Land Surveyors and Geologists, as submitted to the Commission on September 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson-Dissenting; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman-Dissenting

Public meeting held
October 3, 1996

Pennsylvania Public Utility Commission—Taxicab Medallion Program; Doc. No. 57-153

Order

On April 11, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code Chapter 30 relating to the taxicab Medallion Program by revising sections pertaining to equipment and reporting requirements and by adding new enforcement and administrative provisions. The authority for this regulation is section 2404(a) of the act of April 4, 1990 (Medallion Act) (66 P. S. § 2404(a)) which directs the PUC to establish regulations pertaining to taxicab inspection and recording requirements in cities of the first class. The proposed regulation was published in the April 22, 1995 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 13, 1996.

The Philadelphia taxicab industry has undergone major changes due to the passage of the Medallion Act in 1990, and the implementation of the PUC's first regulation in 1991. As proposed, this regulation furthers the goals established within the Medallion Act and makes revisions as a result of the PUC's experience in regulating the taxi industry.

The PUC is proposing to amend section 30.31 relating to "Vehicle Equipment Requirements" to add a requirement for functioning door locks in a taxicab which will provide greater safety for the customer. This section also requires taxi meters to have a PUC seal on the meter at all times after the meter has passed an accuracy test. The regulation requires that if the seal becomes broken or damaged, the vehicle is to be removed from service immediately.

The regulation requires that the medallion number be permanently affixed to the sides of the taxicab. The PUC intends this requirement to eliminate magnetic or temporary markings which may be easily obscured or eliminated. In addition, this section prohibits the use of any in-vehicle device which alters the approved rate of a taxi meter. This provision is to protect customers from taxi drivers who overcharge customers with fare-increasing devices.

Section 30.33(c)(6) provides for the reinspection of a taxicab which has been placed out of service for safety violations by a PUC enforcement officer or a police officer employed by a city of the first class. If the vehicle does not comply with the PUC's safety requirements after inspection, the medallion will be removed and held by the PUC. A hearing is to be held within 10 days following the date of the removal of the medallion. This requirement is designed to increase taxicab safety by providing the PUC with an easy means of identifying taxicabs with known safety violations.

In the final-form regulation, the PUC added a section which specifies that fines for violations of this subchapter will range from \$250 to \$1,000. The PUC amended section 30.54(e) by providing the presiding officer (also known as the administrative law judge), instead of the

parties, with the discretion to require proposed findings of fact and conclusions of law. This change would remedy an error in the original rulemaking and give effect to the original intent of this section. This section would also require a presiding officer to render a written decision within 30 days (rather than 25 days) after a hearing or receipt of any proposed findings of fact and conclusions of law. The extra 5 days are intended to provide additional time for completing the decision.

New language in section 30.72(j) provides for the disqualification of a taxi driver certificate applicant who fails to be truthful on the application. Applicants who knowingly lie on their applications will not be issued a taxi driver's certificate. Subsection (k) provides for the suspension and confiscation of a taxi driver's certificate if the certificate holder's driver's license has been suspended or revoked, the certificate has expired or the certificate holder has made a false statement on the certificate application which would impact upon the public health or safety. This provision is intended to protect customers by eliminating unfit taxicab drivers. In addition, the PUC added language to the final-form regulation which specifies that a hearing on the suspension will be held within 30 days of the date of suspension.

Section 30.74(a) requires the original taxi driver's certificate to be clearly displayed on the taxicab's protective shield. Furthermore, subsection (b) requires that the certificate not be mutilated, damaged or unreadable, and subsection (c) requires that only one taxi driver's certificate may be displayed at any one time. The purpose of these provisions is to allow the customer to be able to easily identify the taxi driver.

Section 30.75 requires fare schedules to be printed with letters and numbers at least half-an-inch in size to help eliminate unreadable fare schedules. Other changes to this section require taxi drivers to report a change of legal name or address within 15 days to improve the accuracy of the PUC's records.

Finally, section 30.76(e) provides that operation of a taxicab by an individual not holding a current and valid taxi driver's certificate may result in cancellation of the medallion holder's taxi driver's certificate or cancellation of the medallion holder's certificate of public convenience.

The House Consumer Affairs Committee commented on the proposed regulation and requested that the PUC include guidelines for fees imposed upon violation of the regulation. The PUC agreed to this request.

The Senate Consumer Protection and Professional Licensure Committee met and voted to approve the final-form regulation at a meeting held on September 25, 1996.

In our Comments, we recommended a number of revisions to the PUC in order to resolve conflicts in the proposed regulation with the provisions of the Medallion Act or to clarify the final-form regulation. In response, the PUC amended several sections of the final-form regulation by adding provisions for post-deprivation hearings to address some of our due process concerns as well as other amendments.

We have reviewed this regulation and find it to be in the public interest. The regulation is designed to benefit persons who use taxicab service by improving the condition and maintenance of vehicles in service, and streamlining regulatory enforcement by the PUC and local government enforcement officers. The public will benefit from the added safety features which will enhance responsibility and accountability on the part of the taxicab

industry. The PUC will also benefit to the extent that the current regulation is clarified and will be better able to track taxi drivers.

Therefore, It Is Ordered That:

1. Regulation No. 57-153 from the Pennsylvania Public Utility Commission, as submitted to the Commission on September 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

Pennsylvania Public Utility Commission—Termination of Utility Service to Health Care Facilities; Doc. No. 57-173

Order

On September 13, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would add sections 55.101—55.115, relating to termination of utility service to health care facilities, to 52 Pa. Code Chapter 55. The authority for this regulation is contained in sections 501, 1501 and 1504 of the Public Utility Code (66 Pa.C.S. §§ 501, 1501 and 1504). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation mandates that utilities provide advance notice to health care facilities before they terminate service to such a facility. The regulation contains a two-tiered system of providing notice of termination to health care facilities. First, section 55.104 requires a utility to send a service termination notice to a health care facility at least 37 days before terminating service. The utility is also required to send a copy of the termination notice to the agency which issued the license or certificate for the facility and the PUC's Bureau of Consumer Services. Second, a utility may not terminate service without personally contacting the facility's administrator or an individual designated by the facility.

To identify existing utility customers that are health care facilities, the PUC's Bureau of Consumer Services will obtain listings of licensees that match the regulation's definition of health care facilities from the Departments of Aging (Aging), Health (Health) and Public Welfare (DPW). The utilities will use these lists to identify customers that are health care facilities and to assure compliance with this regulation. When initiating service with a new nonresidential customer, each utility will ascertain whether the applicant is a health care facility and code its records to insure compliance with this regulation. The utility may ask the facility for a copy of its license from Aging, Health or DPW. The health care facility must provide this documentation within 10 days of the utility's request.

The costs imposed on the utilities by this regulation are minimal. There will be a "one-time" cost to the utilities for processing the lists of currently licensed facilities provided by Aging, Health and DPW, and using the lists to identify customers as health care facilities. The PUC, Aging, Health and DPW claim that this regulation will impose no additional costs on the Commonwealth.

The PUC claims this regulation may cut costs by reducing the number of emergency situations created by a pending termination of utility service to a health care facility that places facility patients at risk. Under existing rules, utilities need only give 3 days notice to health care facilities before terminating service. The existing rules can lead to crisis situations when patients or residents need to be quickly relocated. These situations often require diverting public and private staffs from other duties, and compel expedient solutions that include additional financial burdens and overtime costs. An orderly procedure with ample notice will foster a smooth and less costly resolution to service termination, and transfer and relocation of patients or residents.

The Senate Consumer Protection and Professional Licensure Committee approved this regulation on September 25, 1996. We also received letters of support for this regulation from the Hospital Association of Pennsylvania and DPW, and additional comments from Aging and Health.

We have reviewed this regulation and find it to be in the public interest. This regulation is a revised version of Regulation # 57-120. Regulation # 57-120 was disapproved by this Commission on May 24, 1995. This version of the regulation contains revisions which address the concerns expressed by the House Consumer Affairs Committee (House Committee) and this Commission with the previous regulation in May 1995. These revisions are the result of a compromise drafted by the PUC staff and based on comments and suggestions from representatives from the utilities, health care associations, House Committee staff, and Aging, Health and DPW staffs. All participants in this process are to be commended for their diligence in working toward a feasible regulation that serves the public interest.

This compromise addresses two primary concerns identified by the House Committee and this Commission. Last year's final-form version of Regulation # 57-120 contained a provision that would have required a utility to "conspicuously post a written notice of termination" at a health care facility that is scheduled for service termination in 10 days. Both the House Committee and the Commission stated that this requirement was duplicative and unnecessary since utilities were required to personally contact a designated individual at the health care facility as well as the agency which licensed the facility and the PUC Bureau of Consumer Services. In response to these concerns, the PUC removed the 10-day posting requirement from the current version of this regulation.

In addition, the House Committee and utilities opposed provisions in the previous regulation that required utilities to contact their current customers who were identified as health care facilities on the lists of licensees provided by Aging, Health and DPW. Through this contract, utilities would request that each existing facility in their service areas designate an individual to serve as the first point of contact for delivery of a notice of termination. The House Committee suggested that this requirement was unnecessary and excessively burdensome. With the agreement of the utilities and House Committee staff, and with help from representatives from the health care associations, the PUC developed a compromise whereby the utilities would use the listings of licensees from Aging, Health and DPW to identify customers who were health care facilities without any requirement to contact current customers. The departmental listings include the name of an administrator or responsible person at a health care facility. Utilities would list this person in

their records as the "designated individual" who would be given the advance notice of termination. This compromise is now a part of the current regulation.

The final product represents a compromise that places little to no significant burdens on utilities while still realizing the objectives of the original regulation. The protection provided by this regulation is very important for patients or residents of health care facilities. These people are more vulnerable and less able to react to utility service termination than able-bodied residents of apartment complexes or other dwellings. Given the recent history of rapid change and inflation in health care costs, the financial solvency of health care facilities is subject to continuing stress. If facilities are unable to pay their bills, this regulation will provide additional time for resolving financial difficulties or the transfer of patients and residents to other suitable facilities.

Therefore, It Is Ordered That:

1. Regulation No. 57-173 from the Pennsylvania Public Utility Commission, as submitted to the Commission on September 13, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

Pennsylvania Public Utility Commission—Small Water and Sewer Company Rate Methodologies; Doc. No. 57-149

Order

On August 30, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code Chapter 53. The authority for this regulation is contained in sections 1301, 1305, 1307 and 1311 of the Public Utility Code. The proposed regulation was published in the September 10, 1994 edition of the *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on September 13, 1996.

The PUC is proposing this rulemaking to assist small water and wastewater utilities in the Commonwealth. The PUC observes that many of these small utilities are presently and unjustifiably unable to obtain the needed rate relief under a rate base/rate of return ratemaking model. Additionally, the PUC claims that many small water utilities are financially unable to comply with recent State and Federal safe drinking water regulations. Therefore, the PUC is proposing four specific provisions that it believes will solve these problems.

First, the PUC is proposing to allow small water and wastewater utilities to establish their rates based upon an operating ratio methodology, instead of the traditional rate base/rate of return methodology. The PUC believes that an operating ratio will allow the utilities to establish rates that are more sufficient because many small utilities have limited capital investment. The operating ratio is calculated as a ratio of operating expenses to operating revenues, with the PUC determining the target ratio.

The second substantive change is allowing small water and wastewater companies to establish an emergency maintenance and operation fund (emergency fund). The purpose of this fund is to pay for extraordinary repairs and maintenance because of drought conditions, environmental and physical damages, floods, storms, freeze-ups, or other health and welfare threatening situations. The amount in this fund may not exceed 45 days of the average operating expenses, excluding taxes and depreciation.

The third provision in the regulation would permit the establishment of a reserve account. The reserve account will be a segregated account to be funded by customer contributions collected through base rates for the purpose of making future capital improvements to a utility's plant pursuant to a long range plan developed in conjunction either with the PUC or the Department of Environmental Protection (DEP). The amounts to be allocated to the reserve account will be determined by the Commission after review of the utility's proposed capital budget and the justification for that budget.

The final major provision of the regulation will allow a water utility to establish a sliding scale of rates, upon 60 days notice to customers, to recover the cost of purchased water obtained from municipal authorities.

On September 25, 1996, the Senate Consumer Affairs and Professional Licensure Committee approved the final-form rulemaking.

We submitted detailed comments expressing concern with the legality of the PUC establishing the emergency fund and the reserve account, as well as the appropriateness of the operating ratio. The PUC did not make any changes to the regulation in response to our Comments or those of other commentators. As we will discuss, our concerns remain with the rulemaking.

During the proposed rulemaking stage, the OCA commented that the PUC does not have the authority to establish the emergency fund because it would enable small water and wastewater utilities to violate sound regulatory policy by permitting these companies to charge for contingencies which may never occur. Similarly, both the OCA and the PUC's Office of Trial Staff (OTS) commented that the reserve accounts violate section 1315 of the Public Utility Code because the regulation would allow a utility to collect, through rates, revenues to be used for capital improvements before capital improvements are "used and useful." They note that the Supreme Court has held, in *Barasch v. Pa. PUC (Barasch)* 532 A.2d 325 (Pa. 1987), that a utility may not base rates on future capital projects.

In our Comments, we agreed with the OCA's and OTS's position on this issue. In reviewing the decision in *Barasch*, we believe the OTS and the OCA have raised a legitimate legal concern. In *Barasch*, the OCA objected to the PUC allowing utilities to recover the cost of obtaining land and capital for the construction of nuclear plants, which were subsequently canceled. The court, agreeing with the OCA, stated:

We therefore hold that section 1315 of the Code must be read as prohibiting an electric utility from recovering the costs of canceled plants from ratepayers, either by making such costs part of its rate base or by converting them into operating expenses through amortization. . . . One of the cardinal principles of this state's public utility law is that, in the setting of rates for services to the public, a utility company is entitled to a return only on such of its property as is

used and useful in the public service. . . . Given what we have already said about the fundamental principle of this state's public utility jurisdiction, *it should be clear that no utility of any type is permitted, without express and valid legislative authorization, to charge ratepayers for property which is not used and useful in the production of current utility service.* (Emphasis added)

In a subsequent Commonwealth Court case, *Staffaronei v. Pa. PUC*, 562 A.2d 414 (Pa. Cmwlth. 1989) the OCA objected to the PUC including the principal and interest of a loan obtained by a water company. The OCA observed that the loan was not used by the water utility to provide water service to ratepayers. The OCA argued that the PUC could not include this loan in establishing rates because it was not used for purposes directly related to providing services to ratepayers and therefore contradicted the Supreme Court's decision in *Barasch*. The PUC argued that the decision in *Barasch* applied only to electric utilities and not water utilities.

The Commonwealth Court disagreed with the PUC's assertion that the *Barasch* decision did not apply to water companies. The court stated:

It is clear that *Barasch* first is a restatement in case law of the long held premise that property owned by a utility may not be included in its rate base unless it is used and useful in the public service. . . . The court next made it clear that the used and useful principle applies to all Pennsylvania public utilities, not merely the electric utilities that were parties to *Barasch*.

In our Comments, we observed that the establishment of the emergency fund and the reserve account would allow a water utility to base part of its rates for the purpose of funding future projects that the utility may need to provide service in the future. In essence, ratepayers would be asked to pay for projects that may never be implemented or when a project is completed, a ratepayer who contributed to the fund may no longer be a customer of the utility. Therefore, we recommended the PUC delete the provisions relating to the reserve account and the emergency account.

The PUC did not adopt our recommendation. The PUC's response only discusses its belief that it had the legal authority to establish an emergency fund; it did not discuss the legality of the reserve account. With respect to the emergency fund, the PUC believes that it is clearly "use and useful" in that it provides a reserve for coping with emergencies in a manner similar to insurance. The PUC justifies the legality of the emergency fund by comparing it to contributions in aid of construction, which are legal. Finally, at the Commission's October 3, 1996 public meeting, the PUC asserted that a September 19, 1995 Pennsylvania Supreme Court decision, *Papowsky v. Pennsylvania Public Utility Commission et. al.*, 665 A.2d 808 (Pa. 1994) distinguished *Barasch* and supports the legality of the reserve account and the emergency fund.

We disagree with the PUC's response. First, the PUC's assertion that the emergency fund is "use and useful" because it provides a reserve for emergencies ignores the *Barasch* decision that states ". . . no utility of any type is permitted, without express and valid legislative authorization, to charge ratepayers for property which is not used and useful in the production of current utility service" (emphasis added). We believe the decision is clear that revenues generated from rates may only be used for current utility services. Since the revenues placed in the

emergency fund (as well as the reserve account) will not be used for current utility service, but for an unknown future project, it contradicts the holding in the *Barasch* decision.

Second, we believe the PUC's comparison of the emergency fund to contributions in aid of construction to be inappropriate. Contributions in aid of construction are contributions a ratepayer makes to a utility for a specific utility service, such as extending water lines to a secluded home. In this instance, the customer will directly be using and benefiting from the utility service. In contrast, the emergency fund and reserve fund will pay for future projects that may not be used by the ratepayers who contributed to the fund.

Finally, we disagree with the PUC's assertion that the Supreme Court's decision in *Popowsky* limits the *Barasch* decision on this rulemaking. In *Popowsky*, the court was considering whether the PUC could base rates, in part, on the cost associated with the decommissioning of a nuclear plant. The court ruled that the PUC could include these costs because it is reasonably anticipated that the utility will have to incur the costs with decommissioning the nuclear plant under Federal law. However, the *Popowsky* decision distinguished between property that has been use and useful in the actual production of utility service and that property that was or has not been placed into service. Specifically, the Supreme Court in *Popowsky* stated the following:

While *Barasch* and *Penelec* bar a utility from earning an investment return on property that is not used and useful, and protect ratepayers from being charged for *property that was never placed in service*, neither prevents expenses related to properties *that were previously in service* from being charged to ratepayers where a balance of consumer and investor interests make it just and reasonable to do so. (emphasis added)

We believe the distinction between something that may never be used and that which has been used in the production of utility service is important to this rulemaking. Specifically, the emergency fund and reserve account are for potential future projects and are not comparable to the costs associated with removing a facility that has provided utility service. Since the revenues placed into the emergency fund and reserve account will be for projects that may occur at some point in the future or not at all, we do not believe the *Popowsky* decision either limits the application of *Barasch* to this proposal nor supports the creation of these two funds.

Therefore, for the reasons stated we continue to believe the PUC lacks the necessary authority to allow utilities to create either the emergency fund or the reserve account and recommended they both be deleted from the rulemaking.

Our second concern is with the lack of justification for the use of an operating ratio. Our Comments expressed concern with the economic basis of using an operating ratio. Specifically, we questioned how the use of an operating ratio will insure that a small water or wastewater company will invest the capital necessary to improve its water system or comply with new State and Federal regulations. Although the use of an operating ratio may result in increased revenues, we noted that there were no guarantees that the company will use the increased revenues for capital improvements. We also noted that the PUC had asked commentators to address the questions of whether there was any economic or financial

theory that supports the use of an operating ratio for these types of utilities or if it will discourage utility management from operating efficiently. In our Comments, we agreed these were legitimate questions, but also believed the PUC has the duty to answer these questions to justify the use of an operating ratio.

The PUC did not directly respond to our questions on the rationale for using an operating ratio. Instead, the PUC stated that their goal remains, under any ratemaking methodology, to set just and reasonable rates and that it cannot make the ratemaking process so arduous and expensive that small companies cannot obtain the rate relief to which they are otherwise entitled. The PUC believes that the current costs associated with filing a revision to a tariff under a rate base/rate of return system are cost prohibitive. The PUC believes that the use of an operating ratio will decrease these costs.

We continue to question the appropriateness of the use of an operating ratio for small water and wastewater utilities. First, the PUC still has not shown that there is any economic or financial theory that supports the use of an operating ratio for water utilities or demonstrate that it will encourage the utilities to upgrade their system. Second, while we understand the PUC's concern that the current ratemaking system may be too cost prohibitive for a small water or wastewater utility, we believe that the costs of filing a new rate case will still be significant with an operating ratio. Specifically, the questions on what are the utility's legitimate and reasonable operating expenses will remain and arguments over what constitutes a reasonable rate of return will be replaced with debates as to what is the appropriate target ratio. If the current ratemaking process is too costly for small water utilities and wastewater utilities, perhaps the PUC should consider amending their internal processes for these ratemaking processes instead of proposing to use an unproven rate methodology.

Finally, in our Comments we expressed concern with the proposal that would not allow a water utility to recover all costs associated with an increase in their purchased water costs. Specifically, a utility using a purchased water cost adjustment must pass the entire amount of any reduction in purchase water costs to its ratepayers. However, if purchased water costs increase, the utility may only collect increases prospectively from the date it files for an increase, not the date of the increase when the purchased water costs occurred. Depending on the amount of notice the utility receives, this could result in a utility not being able to recover a significant portion of all its costs. This could create additional problems for small utilities which, in theory, these regulations have been promulgated to help. Therefore, we recommended that this provision be revised to allow utilities to recover all increases in purchased water costs.

The PUC responded that our observation was correct that a utility may not be able to collect all of its increased cost. However, the PUC did not amend the regulation to allow for a utility to collect for the increased costs. The PUC believes that the provision prevents companies from attempting to "net out" cost increases and decreases by delaying the reporting of purchased water cost decreases until later increases have netted out the difference.

We disagree with the PUC's response. First, we do not believe the PUC should be crafting a regulation based upon the assumption that a utility will not act in a responsible manner. If the intent of the regulation is to provide relief for small water utilities, than the PUC

should allow these companies to recoup all increased purchased water costs. Second, a water company may not have notice of the increase cost of water and would be unable to file a revision to its tariff until after the price increase. Therefore, we continue to believe the regulation should allow the water utility to collect all increases in purchased water costs.

We have reviewed this regulation and find it not to be in the public interest. We believe the PUC lacks the necessary authority to allow water utilities and wastewater utilities to establish either the emergency fund or the reserve account because they violate the used and useful clause in section 1315 of the Public Utility Code. In addition, we believe that the PUC has not provided adequate justification that demonstrates the use of an operating ratio will help resolve the current financial problems facing small water and wastewater utilities. Finally, we believe the regulation should allow a water utility to collect all costs associated with a purchased water increase.

Therefore, It Is Ordered That:

1. Regulation No. 57-149 from the Pennsylvania Public Utility Commission, as submitted to the Commission on September 13, 1996, is disapproved;

2. The Pennsylvania Public Utility Commission shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;

3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and

4. This Order constitutes a bar to final publication of Regulation No. 57-149 under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)).

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

Pennsylvania Public Utility Commission—Gas Transportation Tariffs; Doc. No. 57-150

Order

On August 3, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code Chapter 60. The authority for this regulation is contained in sections 501, 1301 and 1501—1508 of the Public Utility Code. The proposed regulation was published in the August 13, 1994 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on September 13, 1996.

In 1986, the PUC adopted a regulation which required utilities to offer natural gas transportation services and outlined the methods to establish the rates for this service. The intent of the initial rulemaking was to provide gas customers the ability to directly contract with gas producers and suppliers to obtain a more competitive rate for gas. With this rulemaking, the PUC is updating

the gas transportation regulations to improve access for gas transportation customers and ensure that all transportation customers are paying their fair share for the service. The regulation modifies the rules for how the transportation rates will be determined, the provisions for the balancing of gas deliveries and withdrawals, and the stand-by requirements for essential human needs customers.

On September 25, 1996, the Senate Consumer Affairs Committee and Professional Licensure Committee disapproved the final-form regulation. On October 2, 1996, the House Consumer Affairs Committee also disapproved the final rulemaking.

We received letters from the Pennsylvania Gas Association, Columbia Gas, and National Fuel Gas Distribution Company opposing the regulation. The Independent Oil and Gas Producers of Pennsylvania submitted a letter indicating its support for the regulation.

We recognize the significant steps the PUC has taken to solicit public input and directly involve affected parties in the development of the regulation. Although the PUC has made some amendments in response to public comments, we still have several concerns with the regulation and believe the PUC must resolve these issues prior to final adoption.

First, our Comments on the proposed rulemaking and draft final-form regulation opposed the use of individual operational balancing agreements (OBA). These agreements will allow a utility, at its discretion, to contract with individual transportation customers for balancing provisions that are different than those contained in the regulation and a utility's tariff. The agreements will not be reviewed by the PUC nor will they be publicly available. Our Comments on the proposed rulemaking opposed individual OBAs because they could circumvent the intent of the rulemaking of avoiding cross subsidization between customers. In our Comments on the draft final form rulemaking, we continued to oppose the inclusion of individual OBAs because we believed it was the duty of the PUC to assure that a gas utility did not enter into a specific agreement which may result in cross subsidization between customers or is discriminatory. Therefore, our Comments on the draft final-form rulemaking recommend that if the PUC believes that individual OBAs are necessary, then it should amend the rulemaking to require these agreements be reviewed and approved by the PUC prior to their implementation. By requiring the PUB to review these agreements, the PUC can assure that an OBA is not discriminatory or results in cross subsidization between the customers of the utility.

The PUC did not agree with our recommendation and continues to permit individual OBAs. The PUC believes that OBAs will be of primary interest to large industrial customers with operating characteristics or requirements which present special or unusual service needs to the utility. Although the PUC intimates that we should not be concerned with the OBAs because they will be few in number, at the same time it also opposes reviewing these agreements because it would be an "injurious waste of regulatory resources for us (PUC) to review every such arrangement in the absence of the existence of a real and immediate controversy." In making this statement, the PUC did not detail the time or the costs that would be involved in reviewing these documents.

We continue to oppose the use of individual OBAs. The purpose of having balancing provisions is to ensure that

the transportation customers properly balance their intake of gas. Failure of a transportation customer to properly balance their intake of gas can result in costs to the utility and ultimately the ratepayers. The regulation and the utility's tariff establish provisions that require the transportation customers to take the appropriate amount of gas and the penalties that will be imposed when a customer is not in balance. It is not in the public interest to allow a gas utility to ignore these standards that were reviewed and approved by the PUC and provide for potentially more lenient balancing provisions that may result in cross subsidization between customers. Therefore, we continue to believe that if the PUC believes individual OBAs are appropriate, it must, at a minimum, require that these agreements be reviewed and approved by the PUC prior to their implementation.

Our second concern relates to a conflict between Subsections 60.3(c) and 60.3(e). Subsection (c) includes apartment buildings under the definition of residential human needs customers, thus requiring apartment buildings to obtain stand-by service from the utility. In contrast, Subsection (e) allows an owner of an apartment building to sign an affidavit indicating they will not be obtaining stand-by service for 100% of its maximum daily quantity. Therefore, the PUC needs to amend the regulation to provide consistent stand-by provisions for apartment buildings. Specifically, we recommend that the PUC delete apartment buildings from Subsection (e), thus clearly requiring apartment buildings to obtain stand-by service from the utility.

Our third concern is with the classification of nursing homes, hospitals and dormitories as non-residential human needs customers. The PUC's intent for creating the classification of nonresidential human needs customers is to recognize that individuals in these buildings can be easily housed elsewhere if the facility did not adequately contract for stand-by service from a third party or if alternative fuel capability is not sufficient to meet their energy needs. In contrast, the creation of the residential human needs customer category is to recognize that individuals in these buildings cannot be easily moved elsewhere and need reliable stand-by service. Thus, to avoid the situation of a gas utility terminating service to residential human needs customers, the PUC is requiring these customers to obtain stand-by service from the utility.

We do not believe that nursing homes, hospitals and dormitories meet the definition of non-residential human customers because these facilities house people for long periods of time and they cannot be easily moved elsewhere. As a practical matter, if the facility does not have an adequate supply of gas and does not have adequate alternative fuel capability, the facility will have to rely on the utility to supply gas in order to heat the facility. The utility may not be able to provide service, especially during high demand periods, because without a requirement to purchase stand-by service from the utility, it may not have an excess supply of gas. Therefore, given the potential implications of terminating service to nursing homes, hospitals and dormitories, we believe they must be defined as residential human needs customers, thus requiring them to obtain stand-by service from the gas utility.

In the draft-final-form rulemaking, the PUC added new provisions in section 60.3, relating to essential human needs customers. Our comments on the draft final-form rulemaking requested clarification on several terms contained in section 60.3(d) and believed they should be

defined in the rulemaking. Specifically, we recommend that the terms *essential human needs service*, *alternative fuel capability*, *equivalent service*, and *maximum daily quantity* be defined in the rulemaking. The PUC did not define these terms and provided no explanation for not doing so.

We continue to believe that it is necessary to define these terms. Although the meaning of the terms may be clear to the PUC, they are specific regulatory terms that can impact the intent and clarity of the regulation. In fact, the PUC has already defined two of these terms, alternate fuel capability and essential human needs service, in its policy statement on gas curtailment. However, since a policy statement is not legally binding, the terms need to be defined in the regulation.

Finally, the Pennsylvania Gas Association has expressed a concern that the modifications made to the requirements for stand-by service will result in stranded costs to the utility. The PGA believes that since the regulation will increase the number of transportation customers who will not be required to obtain stand-by service from their local distribution company, gas utilities will be saddled with the costs associated with presently contracted pipeline capacity. In making this assertion, the PGA did not quantify the actual potential impact that may occur because of this new provision. Although we recognize that utilities may have some excess contracted pipeline capacity because of the change in stand-by service, we believe the impact can be mitigated outside the rulemaking. First, as the PGA stated at the Commission's October 3, 1996 public meeting, the excess contracted pipeline capacity can be sold to other utilities, albeit at a lower price than originally contracted. Second, the PUC stated at the Commission's public meeting that any resulting costs from unused pipeline capacity will be dealt with in the utility's tariff. We agree with the PUC's approach and encourage it to take careful consideration of these potential costs when a gas utility files a rate revision as a result of the provisions in the rulemaking.

The PGA also expressed concern with the use of a cost of service study for determining rates and the requirement that utilities provide unbundled services. However, we have previously commented in favor of a cost of service study and the unbundling of transportation services and continue to believe these specific provisions are in the public interest.

We have reviewed this regulation and find it not to be in the public interest. As discussed, we do not believe that utilities should be given the discretion to enter into OBAs without prior review and approval by the PUC. We also believe the PUC needs to delete apartment buildings from section 60.3(e), thus clearly requiring owners of apartment buildings to obtain stand-by service from the gas utility. In addition, we believe that hospitals, nursing homes, and dormitories should be classified as residential human needs customers. Finally, we believe the PUC should define the terms used in section 60.3(d) to improve the clarity of the rulemaking. These recommended amendments will enable the PUC to proceed with important revisions to its gas transportation regulation and allow gas transportation customers in the Commonwealth to obtain competitively priced gas, without shifting costs to the utilities' other customers.

Therefore, It Is Ordered That:

1. Regulation No. 57-150 from the Pennsylvania Public Utility Commission, as submitted to the Commission on September 13, 1996, is disapproved;

2. The Pennsylvania Public Utility Commission shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;

3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and

4. This Order constitutes a bar to final publication of Regulation No. 57-150 under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)).

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

Environmental Quality Board—General Conformity; Doc. No. 7-295

Order

On March 5, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board. This rule-making would amend 25 Pa. Code Chapter 127, Subchapter J. The authority for this regulation is found in section 5 of the Air Pollution Control Act (35 P. S. § 4005). The proposed regulation was published in the March 16, 1996 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 3, 1996.

Section 176(c) of the Federal Clean Air Act Amendments of 1990 (CAA) requires that Federal departments and agencies ensure the projects they undertake or provide financial support for conform to the applicable State Implementation Plan (SIP). The SIP is the State's plan to achieve or maintain National Ambient Air Quality Standards (NAAQS). Section 176(c) of the CAA also requires that the State amend its SIP to incorporate the criteria and procedures for conformity designations. In response to the mandates in section 176(c) of the CAA, the proposed regulation adopts by reference the Federal General Conformity Rule (40 CFR Part 93, Subpart B) promulgated by the United States Environmental Protection Agency under section 176(c) of the CAA.

General conformity is designed to make the sponsoring agency for an activity responsible for the emissions that result from the activity. The goal is to prevent Federal actions from undermining the State's air pollution prevention or reduction programs. According to the Department of Environmental Protection, the proposed regulation will ensure that Federal actions do not interfere with Pennsylvania's timely attainment of NAAQS or with emission reduction plans leading to attainment.

Prior to taking any action on a project in Pennsylvania, the sponsoring Federal agency will be required to determine that the proposed action conforms to Pennsylvania's SIP and to make the determination available for public review. The conformity determination addresses direct and indirect emissions of criteria pollutants which are caused by Federal action, are reasonably foreseeable, and can be controlled by the Federal agency. Criteria pollu-

tants include carbon monoxide, lead, nitrogen, ozone, particulate matter and sulfur dioxide.

Examples of Federal actions which must conform to the State SIP include:

- leasing of Federal land;
- airport construction/modification grants;
- private construction on Federal land;
- construction of Federal office buildings;
- prescribed burning;
- reuse of military bases; and
- water treatment plants.

The final-form regulation contains no changes from the proposed regulation. We did not file any comments on the proposed regulation. Furthermore, we did not receive any negative recommendations on the final-form regulation from the House or Senate Environmental Resources and Energy Committees.

Therefore:

The Commission will notify the Legislative Reference Bureau that Regulation No. 7-295 from the Environmental Quality Board, as submitted to the Commission on September 3, 1996, was deemed approved under section 5(b.3) of the Regulatory Review Act (71 P. S. § 745.5(b.3)) on September 24, 1996.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
October 3, 1996

State Board of Certified Real Estate Appraisers—Fees; Application Process; Doc. No. 16A-703

Order

On November 28, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Certified Real Estate Appraisers (Board). This rulemaking would amend the application process for certified evaluators under section 36.203 of 49 Pa. Code by adding new Subsections (c) and (d) and deleting the reapplication fee of \$35 under section 36.6. The authority for these revisions is found in section 3 of the Assessors Certification Act (act) (63 P. S. § 458.3) which empowers the Board to promulgate rules and regulations consistent with the statutes of the Commonwealth to administer and enforce the provisions of the act. The proposed regulation was published in the December 9, 1995 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 13, 1996.

The proposed amendments address how long an approved application (which authorizes an applicant to report for the certification examination at their leisure) is valid, and how long an applicant (whose application has been disapproved) has to correct the deficiencies without having to file a new application. These regulatory changes are consistent with the currently established procedures for certifying certified real estate appraisers.

The proposed rulemaking amendments are designed to remedy some inadequacies in the current regulation. First, current Board regulations do not address how long an approved application is valid. Second, there is no regulatory provision governing how long an applicant has

to correct deficiencies, which resulted in the disapproval of the application, before being required to file a new application under criteria then in effect. As a consequence, the Board has been unable to determine with certainty that applicants who report for certification examinations on given dates actually meet the then current minimum education and experience requirements.

The proposed new language of section 36.203(c) relates to "approved applications." The rulemaking provides that approval of a candidate's application for certification will be valid for 1 year from the date of the Board's approval. This means that if the Board approves a candidate's application, the approval only authorizes the candidate to take the certification examination at any time during the year following the date of approval. If an applicant fails to report for the certification examination within this 1-year period, the applicant's application will be considered to have been withdrawn. Should the applicant wish to take the examination after 1 year from the date of approval, a new application accompanied by the appropriate fee would be required. As proposed, the application would then be reviewed in accordance with the act and regulations in effect at the time that the new application is received by the Board.

The Board believes that establishing a 1-year cutoff limit is reasonable for an applicant while affording itself the opportunity to ensure that applicants reporting for the certification examination have met the current minimum education and experience requirements.

Under proposed section 36.203(d), which deals with "disapproved applications," an applicant whose application has been disapproved by the Board will be notified in writing of the reasons for disapproval and be given 1 year from the date of disapproval to file a request for reconsideration. If an applicant's request for reconsideration is denied, or an applicant is unable to correct the deficiencies within 1 year from the date of disapproval, a new application accompanied by the prescribed fee will be required. As proposed, the application would then be reviewed in accordance with the act and regulations in effect at the time that the new application is received by the Board.

Also, under proposed section 36.203(d), requests for reconsideration of a disapproved application must include a reason for the request and be accompanied by any relevant documentation not previously submitted. In addition, the applicant may request an informal interview with the Board.

Lastly, the Board proposes to amend section 36.6 by deleting the reference to a reapplication fee of \$35. The reapplication fee is unnecessary because the Board has proposed new Subsections (c) and (d) which address circumstances under which applicants who fail to report for the certification examination within 1 year from the date of an approved application or who fail to correct a deficiency within 1 year from the date of a disapproved application will be required to file a new application with the Board if they wish to take the exam. The reapplication fee, which was originally intended to cover only the cost associated with a review of updated information, will no longer be applicable.

The rulemaking will affect two types of applicants: those who fail to take the certification examination within 1 year of receiving the Board's approval to take the examination; and those who fail to cure a deficiency in an application within 1 year of the date of notification of the Board's disapproval of their application.

First, additional paperwork requirements will be imposed on applicants because of the need to file an entirely new application. Second, in doing away with the present reapplication fee of \$35, the proposed rulemaking will increase by \$20 (from \$35 to \$55) the fee to file a new application for certification.

The proposed new procedures, when finalized, will enable the Board to send out notification letters to all of the potentially affected applicants advising them of the need to take appropriate action within 1 year or be faced with starting all over again by filing a whole new application (accompanied by the \$55 application fee). Initially, the new procedures will increase the paperwork and processing time for the Board's staff. The Board notes that it receives approximately 20 new and corrected applications per month.

There are no issues or problems presented by this proposed rulemaking. The added requirements will clarify the procedures that applicants must follow in the event that they have missed the reasonable 1-year deadline to utilize a Board approved application or respond to a Board disapproved application to become certified Pennsylvania evaluators. This proposal implements procedures for applicants to become certified Pennsylvania evaluators which are already in place for applicants to become certified Pennsylvania real estate appraisers and are consistent with the statutory limitations on certified Pennsylvania real estate appraisers.

The final-form regulation contains no changes from the proposed regulation. We did not file any comments on the proposed regulation. Furthermore, the final-form regulation was approved by the Senate Consumer Protection and Professional Licensure Committee on September 25, 1996, and by the House Professional Licensure Committee on October 1, 1996.

Therefore:

The Commission will notify the Legislative Reference Bureau that Regulation No. 16A-703 from the State Board of Certified Real Estate Appraisers, as submitted to the Commission on September 13, 1996, was deemed approved under section 5(b.3) of the Regulatory Review Act (71 P. S. § 745.5(b.3)) on October 1, 1996.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1810. Filed for public inspection October 25, 1996, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
54-48	Pennsylvania Liquor Control Board I. D. Cards/Sunday Sales/ Advertising Displays	10/10/96
6-251	Department of Education Grants for Public Library Construction	10/11/96
7-282	Environmental Quality Board Sewage Sludge	10/15/96
7-287	Environmental Quality Board Hazardous and Municipal Waste	10/15/96

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-414	Department of Public Welfare Eligibility for Services Funded Through the Medical Assis- tance Transportation Program	10/16/96
15-378	Department of Revenue Pennsylvania Lottery 25th Anniversary TV Game Show	10/16/96

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1811. Filed for public inspection October 25, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Jack J. Albenze; Doc. No. P95-09-044

Notice is hereby given of the Order to Show Cause issued on October 10, 1996, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: sections 604, 633 and 633.1 of the Insurance Department Act, Act of May 17, 1921, P. L. 789, No. 285, *as amended* (40 P. S. §§ 234, 273 and 273.1).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 101, *et seq.*; General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Capitol Associates Building, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1812. Filed for public inspection October 25, 1996, 9:00 a.m.]

Alleged Violation of Insurance Laws; Avtar Krishan Nanda; Doc. No. P96-05-022

Notice is hereby given of the Order to Show Cause issued on October 11, 1996 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: sections 604, 633, 633.1 and 639 of the Insurance Department Act, Act of May 17, 1921, P. L. 789, No. 285 (40 P. S. §§ 234, 273, 273.1 and 279); Sections 4, 5, 9 and

11 of the Unfair Insurance Practices Act, Act of July 22, 1974, P. L. 589, No. 205 (§§ 1171.4, 1171.5, 1171.9 and 1171.11).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 101, *et seq.*; General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Capitol Associates Building, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1813. Filed for public inspection October 25, 1996, 9:00 a.m.]

Alleged Violation of Insurance Laws; Stephen M. Phelps; Doc. No. P95-09-007

Notice is hereby given of the Order to Show Cause issued on October 15, 1996, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: section 604 of the Insurance Department Act, Act of May 17, 1921, P. L. 789, No. 285 (40 P. S. § 234).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 101, *et seq.*; General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Capitol Associates Building, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1814. Filed for public inspection October 25, 1996, 9:00 a.m.]

Capital Blue Cross; Pennsylvania Blue Shield; Amendment to the Point-of-Service Primary Care Gatekeeper PPO Product for Community-Rated Groups, Known as HealthOne; Filing No. 96-FF

Capital Blue Cross and Pennsylvania Blue Shield have filed to amend the Point-of-Service Primary Care Gatekeeper PPO Benefit Contract Form F-1219 for Community-Rated Groups, known as HealthOne, by eliminating the deductible for coordinated-care services. This filing consists of four pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg. Please refer to Pennsylvania Insurance Department File No. 9610100003001 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. 96-1815. Filed for public inspection October 25, 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 Kristopher Keys; file no. 96-264-35443; State Farm Mutual Auto; doc. no. PH96-10-034; November 13, 1996, at 10 a.m.;

Appeal of Reba and David Ruiz; file no. 96-121-06295; State Farm Fire & Casualty Company; doc. no. P96-10-017; November 13, 1996, at 11 a.m.;

Appeal of Robert Leshner, Jr.; file no. 96-121-06280; USF&G; doc. no. P96-10-022; November 13, 1996, at 2 p.m.;

Appeal of Dede Long; file no. 96-264-35557; Erie Insurance Group; doc. no. PH96-10-033; November 14, 1996, at 9 a.m.;

Appeal of Brian D. Schlegel; file no. 96-193-05882; Erie Insurance Exchange; doc. no. P96-10-010; November 14, 1996, at 3 p.m.;

Appeal of James Lavelle; file no. 96-121-05907; TICO Insurance Company; doc. no. P96-10-009; November 21, 1996, at 9 a.m.;

Appeal of Michael Orlowsky; file no. 96-121-06140; West American Insurance Company; doc. no. P96-10-021; November 21, 1996, at 10 a.m.;

Appeal of Stephen G. Bresset; file no. 96-121-06200; Hartford Underwriters Insurance Company; doc. no. P96-10-020; November 21, 1996, at 11 a.m.;

Appeal of Yvonne McGeary; file no. 96-280-35359; Prudential Property & Casualty Insurance; doc. no. PH96-10-036; November 21, 1996, at 1 p.m.;

Appeal of Cathy Guldish; file no. 96-121-06135; Maryland Casualty Insurance Company; doc. no. P96-10-019; November 26, 1996, at 9 a.m.;

Appeal of John and Bonnie Hess; file no. 96-193-05881; Goodville Mutual Insurance Company; doc. no. P96-10-029; November 26, 1996, at 10 a.m.;

Appeal of Robert E. Townsend, Jr.; file no. 96-121-06145; Erie Insurance Exchange; doc. no. P96-10-018; December 10, 1996, at 2 p.m.;

Appeal of Joyce M. Branche, file no. 96-121-06296; Erie Insurance Exchange; doc. no. P96-10-031; December 10, 1996, 3 p.m.;

Appeal of Tanya Rebraca; file no. 96-121-06420; Allstate; doc. no. P96-10-015; December 12, 1996, at 1 p.m.;

Appeal of Michael Donmoyer; file no. 96-124-06318; Nationwide Insurance; doc. no. P96-10-008; December 19, 1996, at 10 a.m.;

Appeal of Dorthie White; file no. 96-121-05840; American National General Insurance Company; doc. no. P96-10-023; December 19, 1996, at 11 a.m.;

Appeal of Deborah Griest; file no. 96-121-05585; TICO Insurance Company; doc. no. P96-10-025; December 19, 1996, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

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. 96-1816. Filed for public inspection October 25, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurers 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 the 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 Erie Insurance Exchange; file no. 96-188-04943; Matt Reed; doc. no. P96-10-013; November 14, 1996, at 11 a.m.;

Appeal of Erie Insurance Exchange; file no. 96-183-06453; Eric Pursh; doc. no. P96-10-012; November 14, 1996, at 1 p.m.;

Appeal of Erie Insurance Exchange; file no. 95-121-06154; Shirley Ackerman; doc. no. P96-10-011; November 14, 1996, at 2 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, 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. 96-1817. Filed for public inspection October 25, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Frederick Teti; file no. 96-121-05642; Pennsylvania General Insurance Company; doc. no. P96-10-016; November 13, 1996, at 1 p.m.;

Appeal of Dominick Raneri; file no. 96-215-35611; Erie Insurance Group; doc. no. PH96-10-035; November 14, 1996, at 10 a.m.;

Appeal of Janice Cheeseboro; file no. 96-280-36016; Harleysville Mutual Insurance Company; doc. no. PH96-10-032; November 26, 1996, at 11 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. 96-1818. Filed for public inspection October 25, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insurer has 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 policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Nationwide Insurance; file no. 96-193-05655; Robert A. Anderson; doc. no. P96-10-014; December 19, 1996, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their design-

nated 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. 96-1819. Filed for public inspection October 25, 1996, 9:00 a.m.]

Workers' Compensation

The Insurance Department reminds the insurance industry that the new provisions enacted under Act 57 of 1996 include many cost savings features that will reduce premiums on Workers' Compensation policies.

For example, employers who do not qualify for experience rating must be granted a 5% discount when they have not incurred a compensable employee lost-time injury during the most recent 2-year renewal period. Also, the 5% discount for "certified safety committees" may be extended for an additional 4 years.

Additionally, Act 57 now allows schedule rating plans to be used. These plans are subject to the Insurance Commissioner's approval prior to use.

These provisions took effect August 23, 1996. The Insurance Department encourages the insurance industry to pass along these savings features. It is essential that the new provisions provided under Act 57 are fully implemented in order for Pennsylvanians to realize the maximum savings under the act as soon as possible.

Questions may be directed to Stephen Kcenich, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, at (717) 783-0693.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1820. Filed for public inspection October 25, 1996, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:
Montgomery County, Wine & Spirits Shoppe # 4627, 517 S. Broad Street, Lansdale, PA 19446-3701.

Lease Expiration Date: August 31, 1996

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space on Broad Street in the Borough of Lansdale.

Proposals due: November 22, 1996, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Schuylkill County, Wine & Spirits Shoppe # 5413, 65 E. Pottsville Street, Pine Grove, PA 17963-1518.

Lease Expiration Date: May 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space within Pine Grove Borough.

Proposals due: November 22, 1996, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

Allegheny County, Wine & Spirits Shoppe # 0277, 8050 McKnight Rd., Pittsburgh, PA 15237-5750.

Lease Expiration Date: January 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a shopping center environment near the intersection of McKnight and Peebles Roads.

Proposals due: November 22, 1996, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 96-1821. Filed for public inspection October 25, 1996, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by Pennsylvania Municipal Retirement Code (53 Pa.C.S. § 881.101 et seq.) (relating to Pennsylvania Municipal Retirement Board) in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

November 4, 1996	Ruth I. Bowman (Retirement Benefit)	1:30 p.m.
November 25, 1996	Harold W. Murphy (Disability)	1:30 p.m.

Persons with a disability who wish to attend the above-listed hearing, and require an auxiliary aid, service

or other accommodation to participate in the proceedings should contact Helen Willis at (717) 787-2065 to discuss how the Pennsylvania Municipal 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 16 Pa. Code § 91.1, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251 unless specific exemption is granted.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 96-1822. Filed for public inspection October 25, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before November 18, 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-00113411. Larose Limousine Service, Inc. (68 Oak Ridge Drive, Voorhees, NJ 08043), a corporation of the State of Delaware—persons in limousine service between points in the counties of Delaware and Philadelphia, and from points in said counties, to points in Pennsylvania and return. *Attorney:* Richard T. Mulcahey, Jr., 1500 J.F.K. Boulevard, 1400 Two Penn Center Plaza, Philadelphia, PA 19102.

A-00113427. Darleen C. Christy, t/d/b/a DC Cab (1301 Frankstown Road, Johnstown, Cambria County, PA 15902)—persons upon call or demand, in the borough of Windber, Somerset County, and within an airline distance of 7 statute miles thereof. Application for temporary authority has been filed at A-00113427, seeking the right cited above. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00113410. Sebouh F. Topjian, t/d/b/a American Limousine (605 Thornhill Drive, Lafayette Hills, Montgomery County, PA 19444)—persons in limousine service between points in the counties of Delaware and Philadelphia, and from points in said counties to points in the counties of Bucks, Chester and Montgomery and return; which is to be a transfer of the rights authorized under the certificate issued at A-00108749, to American Limousine Service, Inc., subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center Plaza, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

A-00113410, Folder 2. Sebouh F. Topjian, t/d/b/a American Limousine (605 Thornhill Drive, Lafayette Hills, Montgomery County, PA 19444)—persons in airport transfer service from points in the counties of Delaware, and from points in Montgomery County within an airline distance of 5 statute miles of the limits of Delaware County, to the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tincum, Delaware County; subject to the following conditions: (1) that no right, power or privilege is granted to provide service to or from the township of Lower Merion, Montgomery County, and the townships of Radnor, Marple and Haverford, Delaware County; (2) that no right, power or privilege is granted to provide service to or from the Ramada Inn and Best Western Hotel located in Concord Township, the Media Inn located in the borough of Media, and St. Albans Travel Agency located in St. Albans Circle in the township of Newton, all in Delaware County, except on a nonscheduled basis with reservations made 24 hours in advance; which is to be a transfer of the rights authorized under the certificate issued at A-00108749, F. 2, to American Limousine Service, Inc., subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center Plaza, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

A-00113424. Valley Transportation, Inc. (114 South St. Clair Street, Ligonier, Westmoreland County, PA 15658), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the borough of Ligonier, and the townships of Ligonier and Fairfield, Westmoreland County, and from points in said territory to points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate issued at A-00107219 to Valley Limousine, Inc.; subject to the same limitations and conditions. *Attorney:* Dwight L. Koerber, Jr., P. O. Box 1320, Clearfield, PA 16830.

A-00113424, Folder 2. Valley Transportation, Inc. (114 South St. Clair Street, Ligonier, Westmoreland County, PA 15658), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the boroughs of New Florence, Bolivar and Ligonier, and the townships of Cook, Fairfield, Ligonier and St. Clair, all in Westmoreland County, and from points in said boroughs and townships to points in Pennsylvania and return; subject to the following condition: that no right, power or privilege is granted to provide service to or from the Greater Pittsburgh International Airport, located in the townships of Moon and Findlay, Allegheny County; which is to be a transfer of the rights authorized under the certificate issued at A-00107219, F. 2, to Valley Limousine, Inc.; subject to the same limitations and conditions. *Attorney:* Dwight L. Koerber, Jr., P. O. Box 1320, Clearfield, PA 16830.

A-00113426. James R. Sullenberger (1585 Georgetown Road, Christiana, Lancaster County, PA

17509)—persons in paratransit service, between points in Lancaster County, and from points in said county to points in Pennsylvania; subject to the following condition: that the transportation herein authorized is limited to persons whose personal convictions prevent them from owning or operating motor vehicles; which is to be a transfer of the rights authorized under the certificate issued at A-00103938 to Wayne C. Sullenberger; subject to the same limitations and conditions.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00111913, F. 1, Am-A. Bucks County Services, Inc. (1167 Newport News Drive, Bensalem, Bucks County, PA 19020), a corporation of the Commonwealth of Pennsylvania—inter alia, persons upon call or demand in the township of Bensalem, Bucks County: *so as to permit* the transportation of persons upon call or demand in an area beginning at the Bensalem Township Line at the Delaware River, Bucks County, then south along the Delaware River to the Pennypack Creek, Philadelphia County, then following the Pennypack Creek to the Montgomery County Line, then northeast on the Montgomery County Line to the Bucks County Line, then west on the Bucks-Montgomery County Line to Route 232, then north on Route 232 to the Delaware River, then south along the Delaware River to the Bristol Township Line, Bucks County.

A-00108982, Folder 4, Am-C. Laidlaw Transit (DEL), Inc. (522 Chestnut Street, Emmaus, Lehigh County, PA 18049), a corporation of the State of Delaware—persons in group and party service between points in Lancaster County, in conventional school bus-type equipment, between points in Lancaster County, and from points in said county to points in Pennsylvania and return; *so as to permit* the transportation of persons in group and party service, in conventional school bus-type equipment, between points in York County, and from points in said county to points in Pennsylvania and return. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicle as common carriers for transportation of persons by transfer of rights as described under each application.

A-00111046, Folder 1, Am-A. Beverly Hills Limousine Service, Inc. (2101 Newville Road, Carlisle, Cumberland County, PA 17013), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in Cumberland County, and from points in said county to points in Pennsylvania and return; *so as to permit* the transportation of persons in limousine service, between points in Franklin County; which is to be a transfer of the rights authorized under the certificate issued at A-00111471 to Dean A. Yaukey; subject to the same limitations and conditions.

Applications of the following for approval of discontinuance of service for the transportation of household goods as described under each application.

A-00073006, F. 2, Am-AB. William C. Confer (Box 35, Howard, Centre County, PA 16841)—*partial* discontinuance of service—household goods, office equipment and furnishings, and commercial and industrial equip-

ment, fixtures and furnishings, all in use, between points in the borough of Bellefonte, Centre County, and within 7 miles by the usually traveled highways of the limits of said borough, and from points in said area to other points in Pennsylvania and vice versa. *Attorney:* John Fullerton, P. O. Box 12105, Harrisburg, PA 17108-2105.

Applications of the following for the approval of the transfer of stock as described under each application.

A-00106960, Folder 5000. Delaware County Transportation Service, Inc. (P. O. Box E, 501 Highland Avenue, Morton, Delaware County, PA 19070), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of 1,000 shares of the issued and outstanding stock from the Estate of Leo F. Byrne, Deceased, Jean M. Dougherty, Executrix, to Robert G. Euler. *Attorney:* Peter J. Rohana, Jr., 1215 West Baltimore Pike, Suite 14, Media, PA 19063.

A-00108451, F. 5000. Sassoun Company (19 Sellers Avenue, 2nd Floor, Upper Darby, Delaware County, PA 19082), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of 100 shares of the issued and outstanding stock from Farrokh Setudeh (50%), Varouj Shahmiaria (25%) and Farhad Mazloumi (25%) to Majid Mortezaei. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

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-00113409. Eric F. Wright (524 Washington Street, Royersford, Montgomery County, PA 19468)—household goods in use between points in the counties of Bucks, Delaware, Montgomery, and Philadelphia, and from points in said counties to other points in Pennsylvania. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center Plaza, Suite 400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00113440. John and Mary Ruane, t/d/b/a Master Travel (6 Rose Lane, Wilkes-Barre, Luzerne County, PA 18702)—to arrange for the transportation of persons and their baggage, between points in Pennsylvania. *Attorney:* Ferris Webby, 792 West Market Street, Kingston, PA 18704.

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 November 11, 1996.

A-00113412 Lisa A. Haines, t/d/b/a B & L Haines
Trucking
3012 Pittsburgh Avenue, Erie, PA
16508

- A-00113413 New Prime, Inc., t/d/b/a Prime, Inc.
P. O. Box 4208, Springfield, MO
65888
- A-00113417 Benkart Trucking, Inc.
102 Forest Drive, Mars, PA 16046;
John A. Pillar, Esquire, Pillar, Mulroy
& Ferber, 1106 Frick Building, Pitts-
burgh, PA 15219
- A-00113432 Harvey C. Waltz, t/d/b/a Ted Waltz
Trucking
111 Little Washington Road,
Downingtown Road, Downingtown,
PA 19335
- A-00113437 Gregory Willover, t/d/b/a Greg's Special
Delivery Service
2619 Hazel Street, Erie, PA 16508
- A-00113438 Richard C. Bessetti, et al, t/d/b/a E Z
Trucking Company
R. D. 1, Box Clarion, PA 16214
- A-00113453 John Clark, t/d/b/a Clark Trucking
4185 Westwood Road, New Freedom,
PA 17349
- A-00113428 Joseph H. Ressler, t/d/b/a H. J. Ressler
Transportation
4165 Jasmine Place, Mount Joy, PA
17552; Carolyn K. Hetrick, 412 North
Market Street, Elizabethtown, PA
17022
- A-00113429 Jack M. Stein, t/d/b/a J & C
Enterprises
P. O. Box 8134, Erie, PA 16505
- A-00113430 David K. Dillon, t/d/b/a Dillon Trucking
R. D. 3, Box 36B, Glen Rock, PA
17327
- A-00113431 Alexander J. Konopka, III
R. R. 1, Box 1587, Gouldsboro, PA
18424
- A-00113433 Yorktowne, Inc.
P. O. Box 231, 100 Redco Avenue, Red
Lion, PA 17356
- A-00113434 Gazzella Corporate Courier Express,
Inc.
218 Fieldstone Lane, Newark, DE
19702
- A-00113451 Geno DeFilippo, t/d/b/a G. M. DeFilippo
Trucking
339 East Main Street Bradford, PA
16701
- A-00113452 John and Lavera Cashmark, t/d/b/a
Cashmark Trucking and Contracting
R. R. 6, Box 98A, Tunkhannock, PA
18657

**Pennsylvania Public Utility Commission, Bureau
of Transportation and Safety v. Premier Motor
Freight, Inc.; A-00112185C9601**

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Under that delegated authority and section 701 of

the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Premier Motor Freight, Inc., respondent, maintains a principal place of business at P. O. Box 2756, Cherry Hill, NJ 08034.

2. That at all times relevant to this Complaint, respondent held a Certificate of Public Convenience issued by this Commission at Application Docket No. A-00112185.

3. That under section 512 of the Public Utility Code, 66 Pa. Code § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability and cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's Certificate of Public Convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the Certificate of Public Convenience held by *Premier Motor Freight, Inc.*, at Docket No. A-00112185, for failure to maintain current evidence of insurance on file with the Commission and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted, Kenneth E. Nicely, Director,
Bureau of Transportation and Safety, P. O. Box 3265,
Harrisburg, PA 17105-3265

Verification

I, Kenneth E. Nicely, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Notice to Plead

A. You must file an answer within 20 days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this complaint. Your answer must be verified and the original and two copies sent to: John G. Alford, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within 20 days of the date of service as identified in Paragraph A above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address

set forth in paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1823. Filed for public inspection October 25, 1996, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposal

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, November 7, 1996, for Project No. 96-289-001 (Purchase of Two Salt Sprayers to connect to dump trucks and one Snow Plow to connect to a 1995 Ford F700 Dump 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 October 29, 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. 96-1824. Filed for public inspection October 25, 1996, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Independent Auditor's Report

We have audited the balance sheet of the Port of Pittsburgh Commission Special Revenue Fund (Commission), a component unit of the Commonwealth of Pennsylvania, as of June 30, 1996 and 1995, and the related statements of revenues, expenditures and changes in fund balance for the years then ended (not presented herein). In our report dated August 23, 1996, we expressed an unqualified opinion on the financial statements.

As described on the following schedule, this summary financial information of the Commission as of and for the years ended June 30, 1996 and 1995 is not a presentation in conformity with generally accepted accounting principles. In our opinion, however, the accompanying summary financial information is fairly stated, in all material respects, in relation to the statements from which it has been derived.

Port of Pittsburgh Commission Special Revenue Fund (A Component Unit of the Commonwealth of Pennsylvania)

BALANCE SHEETS June 30, 1996 and 1995

	1996	1995
ASSETS		
Cash and investments	\$415,913	\$240,713
Other assets	<u>1,929</u>	<u>1,260</u>
TOTAL ASSETS	<u>\$417,842</u>	<u>\$241,973</u>
LIABILITIES AND FUND BALANCE		
Liabilities	\$ 53,347	\$ 31,201
Fund balance—reserved for economic development	<u>364,495</u>	<u>210,772</u>
TOTAL LIABILITIES AND FUND BALANCE	<u>\$417,842</u>	<u>\$241,973</u>

STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN FUND BALANCE For the Years Ended June 30, 1996 and 1995

	1996	1995
REVENUES AND OTHER FINANCING SOURCES:		
Intergovernmental transfer	\$600,000	\$220,000
Grant revenues	60,238	—
Other	<u>23,290</u>	<u>17,902</u>
	683,528	237,902
EXPENDITURES	<u>529,805</u>	<u>345,197</u>
Excess (deficiency) of revenues over expenditures	153,723	(107,295)
Fund balance, beginning of year	<u>210,772</u>	<u>318,067</u>
Fund balance, end of year	<u>\$364,495</u>	<u>\$210,772</u>

The summary financial information shown above differs from generally accepted accounting principles. Differences include: amounts are grouped; captions are summarized; footnote disclosures are omitted.

JAMES R. MCCARVILLE,
Executive Director

[Pa.B. Doc. No. 96-1825. Filed for public inspection October 25, 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 Employes' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 7, 1996	Thomas E. Reese (Membership Eligibility)	1 p.m.
November 12, 1996	Larry Brown (Membership Eligibility)	2:30 p.m.
November 13, 1996	Marshall F. Kaufman (Mellow Incentive)	1 p.m.
	George R. Miller	2:30 p.m.
November 14, 1996	Charlotte W. Casas (decd) (Reelection of Retirement Option)	1 p.m.
November 27, 1996	JoAnn Tyson (Multiple Service Credit)	1 p.m.
	Ronald M. Faris (Mellow Incentive)	2:30 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 Employes' 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. 96-1826. Filed for public inspection October 25, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for:

Concrete Roadway Cleaner

Open Date: November 12, 1996 at 11 a.m.

Bids will be received by the Purchasing Manager 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. 96-1827. Filed for public inspection October 25, 1996, 9:00 a.m.]
