

# PENNSYLVANIA BULLETIN

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(Master Transmittal Sheet):**

**No. 268, March 1997**

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**PENNSYLVANIA**

**BULLETIN**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

### Printing Format

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

### Fiscal Notes

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

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

# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 205(a) of the Pennsylvania Rules of Disciplinary Enforcement; No. 318 Disciplinary Doc. No. 3

#### Order

*Per Curiam:*

And Now, this 4th day of March, 1997, Rule 205(a) of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of such rule is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and the amendment shall be effective immediately.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

(a) The Supreme Court shall appoint a board to be known as "The Disciplinary Board of the Supreme Court of Pennsylvania" which shall be composed of **fourteen (14) members of the Bar of this Commonwealth [ , one of whom shall be designated by the Court as Chairman and another as Vice-Chairman, ]** and two non-lawyer electors. **One of the members shall be designated by the Court as Chair and another as Vice-Chair.**

\* \* \* \* \*

[Pa.B. Doc. No. 97-436. Filed for public inspection March 21, 1997, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 200, 400, 1000, 1300, 1910, 2300, 2950, 2970, 3000]

Revision of Rule 400 et seq. Governing Service of Original Process; Proposed Recommendation No. 142

The Civil Procedural Rules Committee proposes to recommend the amendment of Rule of Civil Procedure 400 et seq. governing service of original process. The Committee is publishing the proposed recommendation to the bench and bar for comments and suggestions prior to its submission to the Supreme Court. All communications should be sent no later than May 16, 1997 to Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, or E-Mail to hdon@courts.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 400. SERVICE OF ORIGINAL PROCESS

##### SERVICE GENERALLY

[ 400. Person to Make Service. ]

400. Service. Acceptance of Service.

[ 400.1. Temporary Provisions for Philadelphia County. ]

401. Time for Service. Reissuance, Reinstatement and Substitution of Original Process. Copies for Service.

402. [ Manner of Service. Acceptance of Service ] Service upon Individuals. Adults. Minors. Incapacitated Persons.

402.1. Service upon the Commonwealth and Political Subdivisions.

402.2. Service Upon Partnerships, Unincorporated Associations, and Corporations and Similar Entities.

402.3. Service Upon Additional Defendants.

403. Service by Mail.

404. Service Outside the Commonwealth.

405. Return of Service.

##### SERVICE IN PARTICULAR ACTIONS

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[ 411. Actions for Support. ] (Rescinded effective 1/1/96)



[ 412. Actions for Custody, Partial Custody and Visitation Actions for Divorce or Annulment of Marriage. ] (Rescinded effective 1/1/96)

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- [ 421. Incapacitated Persons. ]
- [ 422. The Commonwealth and Political Subdivisions. ]
- [ 423. Partnerships and Unincorporated Associations. ]
- [ 424. Corporations and Similar Entities. ]
- [ 425. Additional Defendants. ]

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- 440. Service of Legal Papers other than Original Process.
- 441. Service on Minors or Incapacitated Persons.

**SERVICE GENERALLY**

**Rule 400. Person to Make Service.**

Present Rule 400 is rescinded and new Rule 400 is promulgated to read as follows:

**Rule 400. Service. Acceptance of Service.**

(a) Service of original process shall be made within the Commonwealth by the sheriff or a competent adult who is not a party

**Official Note:** If original process is to be served by the sheriff in a county other than where the action was commenced, the plaintiff may either deliver the process directly to the sheriff of the county where service is to be made or deliver the process to the sheriff of the county where the action was commenced who shall deputize the sheriff of the county where service may be made.

(1) by handing a copy in the manner provided by Rules 402 through 402.3, or

**Official Note:** Rules 402 through 402.3 govern service upon particular parties.

(2) by mailing a copy in the manner provided by Rule 403 and Rules 402 through 402.3.

**Official Note:** Rules 402 through 402.3 govern service upon particular parties. Rule 403 governs service by mail.

(b) Service of original process shall be made outside the Commonwealth in the manner provided by Rule 404.

(c) If service cannot be made under the applicable rule, service of original process shall be made in the manner provided by order of court pursuant to Rule 430.

(d) The return of service shall be made in the manner provided by Rule 405.

(e) In lieu of service under these rules, the defendant or his authorized agent may accept service of

original process by filing a separate document which shall be substantially in the following form:

(Caption)

**Acceptance of Service**

I accept service of the \_\_\_\_\_ (on behalf of \_\_\_\_\_ and certify that I am authorized to do so).

\_\_\_\_\_  
(Date) (Defendant, or Authorized Agent)

\_\_\_\_\_  
(Mailing Address)

**Official Note:** The plaintiff should insert in the first blank the name of the document being accepted, i.e. writ of summons or complaint.

When accepting service in person, the defendant would delete the part of the sentence in parentheses.

**Rule 400.1. Temporary Provisions for Philadelphia County.**

Rescinded.

**Rule 402. [ Manner of Service. Acceptance of Service ] Service upon Individuals. Adults. Minors. Incapacitated Persons.**

(a) Original process may be served upon a defendant who is a competent adult

- (1) by handing a copy to the defendant; or
- (2) by handing a copy

(i) at the residence of the defendant to an adult member of the family with whom [ he ] the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the [ clerk or ] manager [ of ] or other person authorized to accept deliveries of United States mail at the hotel, inn, apartment house, boarding house or other place of lodging at which [ he ] the defendant resides; or

(iii) at any office or usual place of business of the defendant to [ his ] the defendant's agent or to the person for the time being in charge thereof [ . ]; or

(3) by mailing a copy to the defendant at the defendant's residence or office or usual place of business.

**Official Note:** See Rule 403 for the manner of service by mail.

[ (b) In lieu of service under this rule, the defendant or his authorized agent may accept service of original process by filing a separate document which shall be substantially in the following form:

(Caption)

**Acceptance of Service**

I accept service of the \_\_\_\_\_ (on behalf of \_\_\_\_\_ and certify that I am authorized to do so).

\_\_\_\_\_  
(Date) (Defendant, or Authorized Agent)

\_\_\_\_\_  
(Mailing Address)

**Official Note:** The plaintiff should insert in the first blank the name of the document being accepted, i.e. writ of summons or complaint.

When accepting service in person, the defendant would delete the part of the sentence in parentheses. ]

(b) If the defendant is a minor or an incapacitated person, original process shall be served

(1) upon the minor or the incapacitated person in the manner prescribed for service of original process upon a competent adult defendant, or

(2) by handing or mailing a copy to the [incapacitated person's] guardian of the minor or incapacitated person.

**Official Note:** Rule 76 defines "minor" and Rule 2026 defines "guardian."

The plaintiff cannot obtain a valid judgment against a minor until a guardian has been appointed; and a judgment obtained without the appointment of a guardian may be vacated and a guardian appointed forthwith, in accordance with Rule 2034. In all instances, the court in appointing a guardian for a minor may require that the guardian be served with copies of the pleadings already served upon the minor or others and may also grant such continuance as is necessary to prepare and present the case of the minor. The court may also make orders extending the time for filing pleadings on behalf of the minor.

Rule 2051 defines "incapacitated person." Rule 2053 provides for the representation of an incapacitated person who is a defendant by a guardian or a guardian ad litem.

**Rule 402.1. Service upon the Commonwealth and Political Subdivisions.**

(a) Service of original process upon the Commonwealth or an officer of the Commonwealth shall be made at the office of the named defendant and the office of the Attorney General either by handing a copy to the person in charge thereof or by mail.

**Official Note:** See Rule 403 for the manner of service by mail.

(b) Service of original process upon a department, board, commission or instrumentality of the Commonwealth, or a member thereof, shall be made at the office of the named defendant and the office of the Attorney General either by handing a copy to the person in charge thereof or by mail.

(c)(1) Service of original process upon a political subdivision shall be made at the political subdivision's office of the solicitor or legal department either by handing a copy to the person in charge or by mail.

(2) If the process cannot be served as provided by subparagraph (1), it shall be served

(i) by handing or mailing a copy to an agent duly authorized by the political subdivision to receive service of process, or

(ii) at the office of the defendant

(A) by handing a copy to the person in charge or to the mayor, or the president, chairman, secretary or clerk of the governing body, or,

(B) by mail.

(3) If service cannot be made as provided by subparagraphs (1) and (2) and a certificate is filed showing the effort to make service and the inability to do so, service shall be made in the manner prescribed by Rule 402(a) upon the mayor, or the president, chairman, secretary or clerk of the governing body.

**Official Note:** See Rule 76 for the definition of "political subdivision."

(c) This rule shall not apply to an appeal from an administrative determination, order or decree of such officer, department, board, commission or instrumentality.

**Rule 402.2. Service upon Partnerships, Unincorporated Associations, and Corporations and Similar Entities.**

(a) As used in this rule,

"association" means a partnership and all partners named in the action, an unincorporated association or a corporation or similar entity;

"officer" when referring to an officer of a corporation or similar entity means an executive officer as defined by Rule 2176.

**Official Note:** Rule 2176 defines executive officer as "a chairman, president, vice-president, treasurer, secretary, general manager, or any like officer of a corporation or similar entity."

(b) Service of original process upon an association shall be made

(1) by handing a copy to any of the following persons provided the person served is not a plaintiff in the action:

(i) any partner, officer, trustee or registered agent of the association at any regular place of business or activity of the association, or

(ii) the manager, clerk or other person for the time being in charge of any regular place of business or activity of the association, or

(iii) an agent authorized by the association in writing to receive service of process for it, or

(2) by mailing a copy to the association at any regular place of business or activity or to an agent authorized in writing by the association to receive service of process for it.

**Official Note:** See Rule 403 governing service by mail.

(c) If service cannot be made as provided by subdivision (b) and a certificate is filed showing the effort to make service and the inability to do so, then service shall be made upon any partner, officer, trustee or registered agent of the association who is not a plaintiff in the action in the manner provided by Rule 402(a).

**Rule 402.3. Service upon Additional Defendants.**

(a) Original process shall be served upon an additional defendant who is not already a party to the action in the same manner as if the additional defendant were an original defendant. Copies of all pleadings filed in the action shall be served with the complaint against the additional defendant.

**Official Note:** Prior pleadings must be served with the complaint whether the complaint is original process served upon the additional defendant or a pleading served under Rule 440. See Rule 213(b) for the right of an additional defendant to move for a severance and Rule 1006(d) for the right to move for a change of venue.

(b) The defendant or additional defendant who has filed a complaint shall serve a copy upon every prior party but need not attach copies of any pleadings previously filed in the action.

**Rule 403. Service by Mail.**

If [ a rule of civil procedure authorizes ] original process is to be served by mail, a copy of the process shall be mailed to the defendant by any form of United States mail requiring a receipt signed by the defendant or [ his ] the defendant's authorized agent. Service is complete upon [ delivery of the mail ] the defendant or the defendant's authorized agent signing the required receipt.

(1) If the mail is returned with notation by the postal authorities that the defendant refused to accept the mail, the plaintiff shall have the right of service by mailing a copy to the defendant at the same address by ordinary mail with the return address of the sender appearing thereon. Service by ordinary mail is complete if the mail is not returned by the postal authorities to the sender within fifteen days after mailing.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, the plaintiff shall make service by another means pursuant to these rules.

**Official Note:** The United States Postal Service provides for restricted delivery mail, which can only be delivered to the addressee or his authorized agent. Rule 403 has been drafted to accommodate the Postal Service Procedures with respect to restricted delivery.

See Rule 402 governing individuals, Rule 402.1 governing the Commonwealth and political subdivisions and Rule 402.2 governing partnerships, unincorporated associations, and corporations and similar entities for provisions specifying the place where process is to be mailed.

**Rule 404. Service Outside the Commonwealth.**

Original process shall be served outside the Commonwealth within ninety days of the issuance of the writ or the filing of the complaint or the reissuance or the reinstatement thereof:

**Official Note:** For reissuance and reinstatement of original process, see Rule 401(b).

(1) [ by a competent adult who is not a party ] in the manner provided by Rule [ 402(a) ] 400(a) governing service within the Commonwealth;

(2) [ by any competent adult by mail in the manner provided by Rule 403 ] Rescinded;

(3) in the manner provided by the law of the jurisdiction in which the service is made for service in an action in any of its courts of general jurisdiction;

(4) in the manner provided by treaty; or

**Official Note:** A treaty may provide that to effect service a plaintiff must satisfy requirements which are in addition to the procedures specified by this rule.

(5) as directed by the foreign authority in response to a letter rogatory or request.

**Official Note:** Sections 5323 and 5329(2) of the Judicial Code, 42 Pa.C.S. §§ 5323, 5329(2), provide additional alternative procedures for service outside the Commonwealth.

**SERVICE IN PARTICULAR ACTIONS**

**Rule 410. Real Property Actions.**

\* \* \* \* \*

(b)(1) If in an action involving an interest in real property the relief sought is possession or mortgage foreclosure, original process also shall be served upon any person not named at a party who is found in possession of the property. The sheriff or other person making service shall note the service in the return.

\* \* \* \* \*

**Rule 411. Actions for Support.**

Rescinded.

**Official Note:** For service of original process in domestic relations matters, see Rule 1930.4.

**Rule 412. Actions for Custody, Partial Custody and Visitation. Actions for Divorce or Annulment of Marriage.**

Rescinded.

**Official Note:** For service of original process in domestic relations matters, see Rule 1930.4.

**SERVICE UPON PARTICULAR PARTIES**

**Rule 420. Minors.**

Rescinded.

**Official Note:** For service upon minors, see Rule 402(b).

**Rule 421. Incapacitated Persons.**

Rescinded

**Official Note:** For service upon incapacitated persons, see Rule 402(b).

**Rule 422. The Commonwealth and Political Subdivisions.**

Rescinded.

**Official Note:** For service upon the Commonwealth and political subdivisions, see Rule 402.1.

**Rule 423. Partnerships and Unincorporated Associations.**

Rescinded.

**Official Note:** For service upon partnerships and unincorporated associations, see Rule 402.2.

**Rule 424. Corporations and Similar Entities.**

Rescinded.

**Official Note:** For service upon corporations and similar entities, see Rule 402.2.

**Rule 425. Additional Defendants.**

Rescinded.

**Official Note:** For service upon additional defendants, see Rule 402.3.

CONFORMING AMENDMENTS

CHAPTER 200. BUSINESS OF COURTS

Rule 234.2. Subpoena. Issuance. Service. Compliance. Prisoners. Fees.

\* \* \* \* \*

(b) A copy of the subpoena may be served upon any person within the Commonwealth by a competent adult

(1) [ in the manner ] by handing a copy as prescribed by [ Rule ] Rules 402[ (a) ] through 402.3;

(2) by any form of mail requiring a return receipt, postage prepaid, restricted delivery. Service is complete upon delivery of the mail to the defendant or any of the persons referred to in Rule 402(a)(2). The return receipt may be signed by the defendant or any of such persons; or

(3) by ordinary mail. The mail shall contain two copies of the Notice and Acknowledgment prescribed by Rule 234.9 and a self-addressed stamped envelope.

Official Note: A subpoena served by ordinary mail is not enforceable unless the witness acknowledges having received it. See Rule 234.5(a)

\* \* \* \* \*

CHAPTER 1000. ACTIONS AT LAW

Subchapter E. ACTION IN REPLEVIN

Rule 1075.1. Writ of Seizure Upon Notice and Hearing.

\* \* \* \* \*

(d) The motion and notice of the hearing may be served by any competent adult by leaving a copy at the address endorsed on an appearance or prior pleading, but if there is no such endorsement, then [ in the manner ] by handing a copy as provided by [ Rule ] Rules 402[ (a) ] through 402.3 for service of original process or, if that is not possible, then by any other means reasonably calculated to give notice. The return of service shall be governed by Rule 405.

\* \* \* \* \*

Rule 1075.4. Service of the Writ of Seizure.

(a) The sheriff shall serve the writ of seizure, together with a copy of the complaint and motion for ex parte issuance of the writ if the writ has been issued ex parte, upon the defendant and any person not a party who is found in possession of the property, [ in the manner ] by handing a copy as provided by [ Rule ] Rules 402[ (a) ] through 402.3 for service of original process and shall take possession of the property.

Official Note: A writ of seizure may not be served by mail.

\* \* \* \* \*

CHAPTER 1300. COMPULSORY ARBITRATION

Subchapter B. FORMS

Rule 1352. Form of Writ of Summons in Action of Ejectment.

The writ of summons in an action of ejectment [ shall be directed to the sheriff and ] shall be in substantially the following form:

Commonwealth of Pennsylvania

County of \_\_\_\_\_

(Caption)

To [ the Sheriff of the County of ] \_\_\_\_\_ (Defendant(s)):

[ Your are directed to notify \_\_\_\_\_ (Name(s) of Defendant (s)) the defendant(s), ] You are hereby notified that \_\_\_\_\_ the plaintiff(s), has (have)

(Names of Plaintiff(s)) commenced an action of ejectment against you which [ said defendant(s) is (are) ] you are required to defend.

This action concerns the land here described:

\_\_\_\_\_ (Describe land)

\_\_\_\_\_

If this land is in your possession [ of anyone ] but you are not named above as a party, you are [ directed to notify him that he has ] hereby notified that you have been added as a defendant and [ is ] are required to defend this action.

\_\_\_\_\_ (Name of Prothonotary (clerk))

Date: \_\_\_\_\_ Seal of the Court By \_\_\_\_\_ (Deputy)

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.22. Attachment of Income.

\* \* \* \* \*

(d)(1) The order of attachment shall be substantially in the form prescribed by Rule 1910.31 and shall be served upon the obligor's employer by a competent adult [ in the manner ] by handing a copy as prescribed by [ Rule ] Rules 402[ (a) ] through 402.3 governing service of original process or by registered mail, return receipt requested. Service by mail is complete upon the return of the registered mail receipt personally signed by the employer or other evidence of service satisfactory to the court.

\* \* \* \* \*

CHAPTER 2300. INTERPLEADER BY DEFENDANTS

Rule 2308. Service of process on interpleaded claimants.

\* \* \* \* \*

[ (d) Rescinded.

Official Note: Original process may be served in any county of the Commonwealth under Rule 402. Subdivision (d) of this rule is therefore rescinded as obsolete. ]

**CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY**

**Rule 2958.1. Notice Served Prior to Execution.**

\* \* \* \* \*

(b) The notice shall be served

(1) upon a defendant in the judgment who has not entered an appearance

(i) by the sheriff or by a competent adult who is not a party to the action in the manner prescribed by [ Rule ] Rules 402[ (a) ] through 402.3 for the service of original process upon a defendant, or

(ii) by the plaintiff mailing a copy in the manner prescribed by Rule 403, or

(iii) pursuant to special order of court as prescribed by Rule 430 if service cannot be made as provided in subparagraphs (i) or (ii), or

(2) upon a defendant in the judgment who has entered an appearance, by the plaintiff in the manner provided by Rule 440.

\* \* \* \* \*

**CHAPTER 2970. CONFESSION OF JUDGMENT FOR POSSESSION OF REAL PROPERTY**

**Rule 2973.2. Notice Served Prior to Execution.**

(b) The notice shall be served

(1) upon a defendant in the judgment who has not entered an appearance

(i) by the sheriff or by a competent adult who is not a party to the action in the manner prescribed by [ Rule ] Rules 402[ (a) ] through 402.3 for the service of original process upon a defendant, or

(ii) by the plaintiff mailing a copy in the manner prescribed by Rule 403, or

(iii) pursuant to special order of court as prescribed by Rule 430 if service cannot be made as provided in subparagraphs (i) or (ii), or

(2) upon a defendant in the judgment who has entered an appearance, by the plaintiff in the manner provided by Rule 440.

\* \* \* \* \*

**CHAPTER 3000. JUDGMENTS**

**Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY**

**Rule 3111. Service of the writ on garnishee; effect.**

(a) The writ shall be served by the sheriff upon the garnishee [ in the manner ] by handing a copy to the persons prescribed by [ Rule ] Rules 402[ (a) ] through 402.3 except as otherwise provided by Rules 3112 and 3113. The sheriff shall furnish the garnishee with an additional copy of the writ for each defendant. [ If the ] A garnishee who is served [ was ] but not named in the writ [ he ] shall be added as a garnishee and return made accordingly.

**Official Note: A writ of execution may not be served by mail.**

\* \* \* \* \*

**Rule 3129.2. Notice of sale; handbills; written notice; publication.**

\* \* \* \* \*

(c) \*\*\*

(1) Service of the notice shall be made

(i) upon a defendant in the judgment who has not entered an appearance and upon the owner of the property

(A) by the sheriff or by a competent adult who is not a party to the action [ in the manner ] handing a copy as prescribed by [ Rule ] Rules 402[ (a) ] through 402.3 for the service of original process upon a defendant, or

\* \* \* \* \*

**Rule 3140. Notice by garnishee.**

(a) Upon being served with the writ, the garnishee shall promptly forward a copy to the defendant.

(b) Upon filing [ his ] answers to interrogatories, the garnishee shall promptly forward a copy to the defendant.

(c) A copy is forwarded within the requirement of this rule when it is delivered to the defendant by a competent adult at any place within or without the Commonwealth [ in the manner ] by handing a copy as prescribed by [ Rule ] Rules 402[ (a) ] through 402.3 for service of original process or when it is mailed to the defendant by registered mail directed to his last known address.

**Official Note:** Registered mail includes certified mail. See Definition Rule 76.

**Explanatory Comment**

Recommendation No. 142 proposes two major revisions to the rules of civil procedure governing service of original process. First, service may be made in all actions by a competent adult who is not a party. Second, service may be made in all actions by United States mail. Most of the proposed amendments described hereafter are directed to effecting these revisions.

**Rule 400. Person to Make Service**

Rule 400 which presently governs the person who may make service will be rescinded. New Rule 400 governing service and acceptance of service will be substituted in place of the present rule.

New Rule 400 provides an overview of service of original process. Subdivision (a) provides for service by the sheriff or a competent adult not a party to the action who may hand a copy to specified persons as provided by Rules 402 through 402.3 or mail a copy pursuant to Rule 403.

Subdivisions (b), (c) and (d) cross-refer, respectively, to service outside the Commonwealth under Rule 404, service pursuant to special order of court under Rule 430, and the return of service under Rule 405. No change is proposed to Rules 405 and 430 and they are not included in this recommendation.

Alternatively, a defendant may accept service of original process and subdivision (e) so provides. Subdivision (e) is taken verbatim from present Rule 402(b).

**Rule 402. Service upon Individuals. Adults. Minors. Incapacitated Persons**

Rule 402(a) continues to state the basic procedures for personal service upon competent adult individuals. In addition to the traditional method of handing a copy to

specified persons, subdivision (a)(3) provides for "mailing a copy to the defendant at the defendant's residence or office or usual place of business."

Present subdivision (a)(2)(ii) provides for service upon "the clerk or manager of the . . . place of lodging at which the defendant resides." In place of the "clerk or manager", it is proposed that service be made upon the "manager or other person authorized to accept deliveries of United States mail."

As previously noted, present subdivision (b) of Rule 402 governing acceptance of service will be moved without change to Rule 400 as subdivision (e). New Rule 402(b) is derived from Rules 420 and 421 without change, combining service upon minors and incapacitated persons in one subdivision.

Rule 402, therefore, will govern service upon all individual defendants: competent adults, minors and incapacitated persons.

#### Rule 402.1. Service upon the Commonwealth and Political Subdivisions

New Rule 402.1 governs service upon the Commonwealth and political subdivisions. The rule has been drafted to accommodate service both by competent adult and by mail.

Subdivision (a) of the new rule is based upon subdivision (a) of present Rule 422. It is limited, however, to the Commonwealth or an officer of the Commonwealth as a defendant. Service of original process upon a particular "department, board, commission or instrumentality of the Commonwealth, or a member thereof" is governed by subdivision (b) and requires service at the office of the particular Commonwealth entity being sued and at the office of the Attorney General.

Subdivision (c) governs service upon a political subdivision and merely bears a resemblance to the present rule. It provides a hierarchy of service whether by competent adult or by mail. The primary place of service under subdivision (c)(1) is at "the political subdivision's office of the solicitor or legal department." The office mentioned is an office maintained by the political subdivision as the office of its solicitor or legal department and not the private office of an attorney retained to perform legal duties. If process cannot be served in such a manner because there is no such office, then service may be made under subdivision (c)(2) upon an authorized agent or at the office of the defendant upon specified persons.

Proposed Rule 402.1(c)(2)(ii)(A) specifies the persons who may be served with process at the office of the defendant: "the person in charge or to the mayor, or the president, chairman, secretary or clerk of the governing body." This represents a change from the language of present Rule 422(b)(3) which provides for handing a copy to the person in charge or to the mayor, or the president, chairman, secretary or clerk of "the tax levying body thereof, and in counties where there is no tax levying body, the chairman or clerk of the board of county commissioners."

There is a third option under subdivision (c)(3) if service cannot be made as provided by subdivisions (c)(1) or (2) and a certificate has been filed so stating. This method is by service under Rule 402(a) on the persons listed in subdivision (c)(2)(ii)(A) mentioned above.

#### Rule 402.2. Service Upon Partnerships, Unincorporated Associations, and Corporations and Similar Entities

Rule 402.2 combines present Rule 423 governing service on partnerships and unincorporated associations and Rule 424 governing service on corporations and similar entities. One service rule governs all three of these types of "associations." The new rule uses the term "association" and defines it to include all of the entities mentioned above. With one exception, the manner of service remains unchanged.

The one change in practice is in the area of corporations and similar entities. Presently, service upon a corporation may be made under Rule 424(1) by handing a copy of the process to "an executive officer, partner or trustee of the corporation or similar entity." However, these persons cannot be served under Rule 402(a)(2) or (3) by handing a copy of the process to a member of the household or the clerk or manager of the place of lodging.

Under proposed Rule 402.2(c), service may be made pursuant to Rule 402(a) irrespective of whether the party to be served is a partnership, an unincorporated association or a corporation or similar entity. The condition for such service is that service cannot be made as provided by subdivision (b) and "a certificate is filed showing the effort to make service and the inability to do so."

#### Rule 402.3. Service Upon Additional Defendants

New Rule 402.3 is derived from present Rule 425 with no change in substance. The language of the new rule has been made gender neutral.

#### Rule 403. Service by Mail

Present Rule 403 governing service by mail is revised in two respects. First, subdivision (a) explicitly states what was previously implied, that the mail to be used is United States mail. Second, present subdivision (a) provides that service is complete upon delivery of the mail. The revised subdivision provides that service is complete "upon the defendant or the defendant's authorized agent signing the required receipt."

#### Rule 404. Service Outside the Commonwealth

The manner of service outside the Commonwealth remains unchanged. The revisions simply conform the rule to accommodate the changes previously described.

#### Rule 410. Real Property Actions

Subdivision (b)(1) is revised to accommodate service by competent adult by referring to the sheriff "or other person making service."

#### Conforming Amendments

Several rules cross-refer to Rule 402(a) and incorporate its provisions for service. Where service by mail is not appropriate or mail service is otherwise provided, these rules are revised to refer to "handing a copy as provided by Rules 402 through 402.3."

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 97-437. Filed for public inspection March 21, 1997, 9:00 a.m.]

[231 PA. CODE CHS. 1300 AND 3000]

Technical Amendment of Rule 1480 et seq. Relating to Compulsory Arbitration and Judgments; No. 270, Doc. No. 5

**Order**

*Per Curiam:*

And Now, this 5th day of March, 1997, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 1480, 1481, 3010, 3011, 3232, 3233, 3242, 3243, 3244, 3245, 3249 and 3250 are rescinded and notes are added to read as follows.

2. Rules 3160 and 3181(f) are amended to read as follows.

3. Rule 3191 is promulgated to read as follows.

4. The notes to Rules 3182, 3190 are amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 1997.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1300. COMPULSORY ARBITRATION**

**Subchapter E. ABOLITION OF SPECIAL ACTIONS**

**Rule 1480. Domestic Attachment.**

**Rescinded**

**Official Note:** Rule 1480 governing domestic attachment has been rescinded as obsolete.

**Rule 1481. Civil Arrest Before Judgment.**

**Rescinded.**

**Official Note:** Rule 1481 governing civil arrest before judgment has been rescinded as its substance has been incorporated into Section 5108(b) of the Judicial Code, 42 Pa.C.S. § 5108(b).

**CHAPTER 3000. JUDGMENTS**

**Subchapter A. TRANSFER OF JUDGMENTS TO OTHER COUNTIES**

**Rule 3010. Acts Of Assembly not suspended.**

**Rescinded.**

**Official Note:** [ This act authorizes the defendant in confessed judgments transferred to another county to petition for opening of judgment in the county of original entry or in the county of execution. ] The Act of 1945 prescribing venue of a petition to open a confessed judgment and preserved by this rule has been repealed. See Rule 2959(a)(1).

**Rule 3011. Acts of Assembly suspended.**

**Rescinded.**

**Official Note:** Former Rule 3011 preserved an Act of Assembly which was subsequently repealed.

**Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS**

**ACTION OF EJECTMENT**

**Rule 3160. Judgment; execution.**

A judgment for possession shall be enforced by a writ of possession substantially in the form provided by Rule 3254. If the judgment includes **rents**, profits or damages, execution for such **rents**, profits or damages shall be in accordance with the rules governing the enforcement of judgments for the payment of money.

**ACTION OF MORTGAGE FORECLOSURE**

**Rule 3181. Conformity to rules governing enforcement of judgments for payment of money.**

\* \* \* \* \*

(f) Notice of Sale, Stay, Continuance:—Rule [ 3129 ] 3129.1 through .3.

\* \* \* \* \*

**Rule 3182. Service of writ; levy.**

\* \* \* \* \*

**Official Note:** Service of the writ upon the mortgagor or real owner is not required but notice of the sale is required by Rule [ 3129 ] 3129.1.

**ACTIONS UPON MECHANICS' LIENS, MUNICIPAL AND TAX CLAIMS AND CHARGES ON LAND**

**Rule 3190. Judgment; execution.**

\* \* \* \* \*

**Official Note:** [ The Acts ] Statutory procedures relating to enforcement of tax liens by sale under the Real Estate Tax Law of July 7, 1947, P.L. 1368, as amended, 72 P.S. § 5860.101 et seq., and other acts authorizing Treasurer's sale remain unsuspended. See Rule 3191(a)(2)(viii).

[ The writs of levari facias provided by § 28 of the Municipal Claim Act of May 16, 1923, P.L. 207, 53 P.S. § 7278, and the Fiscal Code of April 9, 1929, P.L. 343, § 1404, as last amended August 7, 1963, P.L. 559, § 1, 72 P.S. § 1404, § 8 of Act of June 9, 1911, P.L. 736, 72 P.S. § 3491 and similar acts are abolished. ]

Statutory provisions relating to municipal claims and liens remain unsuspended. See Rule [ 3233 for Acts of Assembly not suspended relating to ] 3191(a)(2)(i) through (viii) for provisions including special stay provisions, sequestration of rents, upset price, sale clear of lien and preferences.

See Rule 3191(b) for Acts of Assembly suspended insofar as they provide for writs of levari facias and scire facias.

**Rule 3191. Acts of Assembly.**

(a) The rules governing the enforcement of a judgment in rem in an action or proceeding upon a mechanics' lien, municipal claim, tax claim or charge on land shall not be deemed to suspend or affect:

(1) Mechanic's Liens.

(i) Sections 303(c) and 508 of the Act of August 24, 1963, P.L. 1175, No. 497, 49 §§ 1303(c) and 1508.

**Official Note:** These sections provide for the loss of the lien when property is conveyed in good faith prior to the filing of a claim and for the priority of a lien.

## (2) Municipal and Tax Claims.

(i) Section 24 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7275.

**Official Note:** This Section relates to sequestration of rents.

(ii) Section 27 of the Act of May 16, 1923, P. L. 207, 53 P. S. § 7277.

**Official Note:** This Section relates to stay upon entry of security and admission of validity of claim.

(iii) Section 29 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7279.

**Official Note:** This Section relates to upset sale price and discharge of liens.

(iv) Section 30 of the Act of May 16, 1923, P. L. 207, 53 P. S. § 7280.

**Official Note:** This Section relates to execution against quasi public corporations and preference of claims.

(v) Section 31 of the Act of May 16, 1923, P. L. 207, 53 P. S. § 7281.

**Official Note:** This Section relates to procedure for selling free and clear of all liens.

(vi) Sections 31.1, 31.2 of the Act of May 16, 1923, P. L. 207, as added and amended, 53 P. S. §§ 7282, 7283.

**Official Note:** These Sections relate to procedure for selling free and clear of all claims in first class counties and cities.

(vii) Section 32 of the Act of May 16, 1923, P. L. 207, 53 P. S. § 7293, as added and amended.

**Official Note:** This Section relates to right of redemption after sale.

(viii) The Real Estate Tax Sale Law approved July 7, 1947, P. L. 1368, as amended, 72 P. S. § 5860.101 and all other acts authorizing Tax Bureau or Treasurer's sale on tax liens.

(ix) Sections 4 to 9, inclusive, of the Act of March 1, 1956, P. L. (1955) 1196, 53 P. S. §§ 7287 to 7292, except insofar as § 7 relates to execution, acknowledgement and delivery of sheriff's deed.

**Official Note:** These Sections relate to sale of vacant lots in "conservation areas" free and clear of all liens and without any right of redemption.

(b) The following Acts of Assembly are suspended in accordance with the provisions of the Constitution of 1968, Article V, Section 10(c):

(1) Section 28 of the Act approved May 16, 1923, P. L. 207, 53 P. S. § 7278.

**Official Note:** This Section provides for execution upon a judgment by writ of *levari facias* and specifies the form of the writ and procedure thereon.

(2) Section 1404 of the Fiscal Code of April 9, 1929, P. L. 343, Art. XIV, 72 P. S. § 1404, only insofar as it may authorize sale of real estate subject to tax liens on writ of *scire facias*.

**Official Note:** This Section authorizes writs of *scire facias* to issue and be prosecuted to judgment and execution on Commonwealth tax liens.

(3) Section 7 of the Act approved March 1, 1956, P. L. (1955) 1196, 53 P. S. § 7290, insofar as it relates to acknowledgment and delivery of sheriff's deed.

**Official Note:** This Section relates to the execution, acknowledgment and delivery of deeds in sale of tax delinquent vacant lots located in blighted "conservation areas."

**ACTS OF ASSEMBLY NOT SUSPENDED****Rule 3232. Action of mortgage foreclosure.**

**Rescinded.**

**Official Note:** Former Rule 3232 preserved Acts of Assembly which were subsequently repealed.

**Rule 3233. Action upon mechanics' liens, municipal claims, tax claims, and charges on land.**

**Rescinded.**

**Official Note:** Former Rule 3233(a)(1) preserved statutory provisions which were subsequently repealed. See Rule 3191(a)(1)(i) for preservation of the Act of 1963 governing the enforcement of a judgment in rem in an action or proceeding upon a mechanics' lien.

All of the Acts of Assembly preserved by former Rule 3233(b) continue to be preserved under Rule 3191(a)(2).

**ACTS OF ASSEMBLY SUSPENDED****Rule 3242. Action of ejectment.**

**Rescinded.**

**Official Note:** Former Rule 3242 suspended statutory provisions which were subsequently repealed.

**Rule 3243. Action of replevin.**

**Rescinded.**

**Official Note:** Former Rule 3243 suspended statutory provisions which were subsequently repealed.

**Rule 3244. Action of mortgage foreclosure.**

**Rescinded.**

**Official Note:** Former Rule 3244 suspended statutory provisions which were subsequently repealed.

**Rule 3245. Action upon mechanics liens, municipal claims, tax claims and charges on land.**

**Rescinded.**

**Official Note:** See Rule 3191(b) for the suspension of statutory provisions governing writs of *scire facias* and *levari facias*.

**RULES SUPERSEDED****Rule 3249. Attachment rules superseded.**

**Rescinded.**

**Official Note:** Rule 3249 governing attachment rules superseded has been rescinded as obsolete.

**ABOLITION OF CIVIL ARREST AFTER JUDGMENT****Rule 3250. Abolition of civil arrest after judgment.**

**Rescinded.**

**Official Note:** Rule 3250 governing civil arrest after judgment has been rescinded as its substance has been incorporated into Section 5108(b) of the Judicial Code, 42 Pa.C.S. § 5108(b).

**Explanatory Comment**

The following recent amendments to the rules of civil procedure are technical in nature and do not affect practice or procedure.



### I. Amendment of Rules Governing Transfer of Judgments and Enforcement of Judgments in Special Actions

The Judiciary Act Repealer Act (JARA), enacted in 1978, repealed literally thousands of statutory provisions governing civil practice and procedure and amended many others. Since that time the references to these repealed and amended statutes contained in the Rules of Civil Procedure have been eliminated gradually. The recent amendments continue this process, rescinding rules which preserved or suspended repealed statutes and amending rules by eliminating obsolete references and citations.

Rule 3160 governing the enforcement of a judgment of ejectment is amended to conform to Rule 1055 which provides for the complaint in an action of ejectment to state a cause of action for rents as well as profits and damages.

Rule 3191 governing the preservation and suspension of Acts of Assembly relating to an action or proceeding upon a mechanics' lien, municipal claim, tax claim or charge on land does not set forth new procedure but is a restatement and relocation of the substance of present Rules 3233 and 3245. New Rule 3191 immediately follows Rule 3190 governing the procedure in the same types of actions.

### II. Rescission of Rules Abolishing Special Actions

Four rules relating to the abolition of special actions or procedures have been rescinded.

Rule 1480 promulgated in 1954 abolished the action of domestic attachment and suspended the Acts of Assembly which formed the basis of the action. Those Acts were repealed by JARA in 1978 so that Rule 1480 became obsolete.

Similarly, Rule 3249 promulgated in 1960 provided for the supersession of the then existing 1954 attachment rules and advised that pending attachment proceedings would be governed by the then newly adopted attachment execution rules. Thirty-six years later, the 1954 attachment rules remain superseded and the 1960 attachment execution rules continue in force, rendering Rule 3249 obsolete.

The substance of Rule 1481 abolishing civil arrest before judgment and Rule 3250 abolishing civil arrest after judgment has been incorporated into Section 5108(b) of the Judicial Code, thus rendering the rules unnecessary.

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 97-438. Filed for public inspection March 21, 1997, 9:00 a.m.]

### [231 PA. CODE CH. 4000]

### Amendment of Rule 4011 Governing Discovery; No. 271; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 5th day of March, 1997, Pennsylvania Rule of Civil Procedure 4011 is amended to read as follows:

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 1997.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 4000. DEPOSITIONS AND DISCOVERY

#### Rule 4011. Limitation of Scope of Discovery and Deposition.

No discovery or deposition shall be permitted which

(a) is sought in bad faith;

(b) would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent or any person or party;

(c) [relates to matter which] is [privileged] beyond the scope of discovery as set forth in Rules 4003.1 through 4003.6; or

(d) Rescinded.

(e) would require the making of an unreasonable investigation by the deponent or any party or witness.

(f) Rescinded.

#### Explanatory Comment

Rule 4011(c) presently provides that no discovery or deposition shall be permitted which "relates to matter which is privileged." The rule, however, is incomplete since Rules 4003.1 through 4003.6 governing the scope of discovery refer to other matters including relevancy as well as privilege. The rule has been amended to refer to Rules 4003.1 through 4003.6 and thereby encompass all of the concepts of those rules.

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 97-439. Filed for public inspection March 21, 1997, 9:00 a.m.]

### [231 PA. CODE CH. 4000]

### Proposed Amendments Relating to Physical and Mental Examination of Persons and Evaluation of Earning Capacity; Recommendation No. 143

The Civil Procedural Rules Committee proposes to recommend the amendment of Rule of Civil Procedure 4010 governing the physical and mental examination of persons and the addition of new Rule 4010.1 governing the evaluation of earning capacity. The Committee is publishing the proposed recommendation to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than May 16, 1997 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, or E-Mail to hdon@courts.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

## Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

## CHAPTER 4000. DEPOSITIONS AND DISCOVERY

## Rule 4010. Physical and Mental Examination of Persons.

(a)(1) As used in this rule, "examiner" means a physician or psychologist.

(2) When the mental or physical condition (including blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental examination by [ a physician ] an examiner or to produce for examination the person in [ his ] the party's custody or legal control.

(3) The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions and scope of the examination and the person or persons by whom it is to be made.

(4) The person to be examined shall have the right to have counsel or other representative present during the examination. The examiner's oral interrogation of the person to be examined shall be limited to matters specifically relevant to the scope of the examination. Counsel or another representative present should not participate in or interfere with the examination except to object to the scope of the questions of the examiner.

**Official Note:** Ordinarily, the facts giving rise to liability are not germane to an examination and the information which the examiner seeks should be limited to facts of liability germane to the issue of damages.

(5) The party who is being examined or who is producing for examination a person in the party's custody or legal control may have made at the party's expense a stenographic or audio recording of the examination. Upon request and payment of reasonable cost, the party who caused the recording to be made shall provide each other party with a copy of the recording.

(b)(1) If requested by the party against whom an order is made under this rule or the person examined, the party causing the examination to be made shall deliver to [ him ] the party or person examined a copy of a detailed written report of the [ examining physician ] examiner setting out [ his ] the examiner's findings, including results of all tests made, diagnoses and conclusions, together with like reports of all earlier examinations of the same condition. After delivery the party causing the examination shall be entitled upon request to receive from the party against whom the order is made a like report of any examination, previously or thereafter made, of the same condition, unless, in the case of a report of examination of a person not a party, the party shows [ that he is unable ] inability to obtain it. The court on motion may make an order against a party requiring delivery of a report on such terms as are just, and if [ a physician ] an examiner fails or refuses to make a report the court shall exclude [ his ] the examiner's testimony if offered at the trial.

(2) By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege [ he ] the party may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine [ him ] the party in respect of the same mental or physical condition.

(3) Subdivision (b) applies to an examination made by agreement of the parties, unless the agreement expressly provides otherwise. It does not preclude discovery of a report of an examining physician or the taking of a deposition of the [ physician ] examiner in accordance with the provisions of any other rule.

**Rule 4010.1. Evaluation of Earning Capacity.**

(a) When the earning capacity of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to an evaluation by a suitably licensed or certified evaluator or to produce for evaluation the person in the party's custody or legal control.

(b) The evaluation shall be conducted in the manner prescribed by Rule 4010(a)(3) through (b)(3) inclusive.

(c) The evaluator may testify as a witness on the issue of damages only and not as a witness on the issue of liability.

**Explanatory Comment**

Rule 4010. Physical and Mental Examination of Persons

Rule 4010 is revised in three respects.

## 1. Examiner

Rule 4010 presently provides that only a physician may perform physical and mental examinations of persons. However, it has been suggested to the Civil Procedural Rules Committee that the provision is too narrow and that the category of persons authorized to perform examinations should be expanded.

The present amendment revises the rule to refer to an "examiner." An examiner is defined as "a physician or psychologist."

## 2. Examination

The present rule gives no guidance with respect to the conduct of the examination. New subdivision (a)(4) adds certain protections for the person being examined. These protections include the right to have counsel or another representative present at the examination and a limitation upon the examiner's interrogation of the person to be examined. The examiner is given appropriate latitude to conduct the examination as the rule directs that the attorney or other representative present "should not participate in or interfere with the examination except to object to the scope of the questions of the examiner."

New subdivision (a)(5) gives the party who is being examined or who is producing a person to be examined the right to make a stenographic or audio recording of the examination.

## 3. Gender Neutral

Additional revisions to the language make Rule 4010 gender neutral. However, these revisions do not affect practice and procedure.

**Rule 4010.1. Evaluation of Earning Capacity**

Rule 4010 is entitled "Physical and Mental Examination of Persons." Subdivision (a) provides that the rule may be invoked when "the *mental* or *physical* condition (including blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy."

In many cases, however, there may be no dispute as to physical or mental condition, but, given that condition, there is a dispute as to the ability of the party or person under the party's control to function in an employment setting. One party may seek an "evaluation" to gauge the effect of the condition upon another party's work-life or "evaluate" the other party's ability to be gainfully employed. Proposed Rule 4010.1 provides for such an evaluation "by a suitably licensed or certified evaluator."

The procedure governing the evaluation is the same as that governing physical and mental examinations since the procedure of Rule 4010 is incorporated by reference. However, subdivision (c) accords the party to be evaluated one additional protection: the evaluator "may testify as a witness on the issue of damages only and not as a witness on the issue of liability."

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 97-440. Filed for public inspection March 21, 1997, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 86]

### Small Operator Assistance Program

The Environmental Quality Board (Board) proposes to amend Chapter 86, Subchapter C (relating to small operator assistance program). The amendments are the result of the Department of Environmental Protection's (Department) Regulatory Basics Initiative to revise its regulations to provide clarity and eliminate redundant language. The amendment will also correct regulatory citations used in cross references which the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) has indicated are beyond the scope of services authorized by the Small Operator Assistance Program (SOAP).

This proposal was adopted by the Board at its meeting of January 21, 1997.

#### A. *Effective Date.*

These proposed amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rule-making.

#### B. *Contact Persons*

For further information contact David C. Hogeman, Chief, Division of Environmental Analysis and Support, Bureau of Mining and Reclamation, P. O. Box 8461, Room 213 Executive House, Harrisburg, PA 17105-8461, (717) 787-4761, or Joseph Pizarchik, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

These amendments are promulgated under the authority of sections 4.2, 4.3 and 18.7 of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.4b, 1396.4c and 1396.18g) which provide for the creation of the Small Operator Assistance Fund and generally set forth the rulemaking authority of the Department to regulate coal mining; section 5 of The Clean Streams Law (35 P. S. § 691.5) which sets forth the rulemaking authority of the Department in order to implement The Clean Streams Law and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which sets forth the rulemaking authority of the Board to adopt regulations in order for the Department to carry out its responsibilities.

#### D. *Background and Purpose*

Sections 86.81—86.95 are being restructured and changed to provide better clarity, eliminate redundant language and correct regulatory citations used in cross references which the Federal OSMRE has indicated are beyond the scope of services authorized by SOAP. Four sections of the existing regulations have been eliminated

through this restructuring. No substantial changes to the content of these regulations have been made.

Under the Regulatory Basics Initiative, the Department solicited public input through a notice in the *Pennsylvania Bulletin* and the Department's Web site (<http://www.dep.state.pa.us>). The amendments being proposed at this time are the result of suggestions from the public and the Department's own review of its regulations.

The proposed amendments were discussed with the Mining and Reclamation Advisory Board (MRAB) at its meeting on October 3, 1996. The MRAB recommended that these regulations be approved for proposed rule-making.

#### E. *Summary of Amendments*

Sections 86.81 and 86.83 (relating to program services; and eligibility for assistance) are being changed to delete references to regulatory requirements which OSMRE had found to be beyond the scope of the services authorized by the Federal Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C.A. § 507) and in Federal regulations in 30 CFR 795 (See 60 FR 63 (April 3, 1995)). The proposed changes make these regulations consistent with Federal requirements.

Numerous nonsubstantive changes are being made throughout these regulations which restructure and reorganize the regulatory requirements under appropriate subject headings.

Section 86.81 is proposed to be changed to add portions of regulations from §§ 86.82 and 86.94 (relating to responsibilities; and applicant liability).

Section 86.82 is proposed to be changed to add portions of the regulations from § 86.91 (relating to definitions and responsibilities). Section 86.91 is proposed to be deleted.

Section 86.83 (relating to eligibility for assistance) is proposed to be changed to add the regulatory language from § 86.95 (relating to measurement). Section 86.95 is proposed to be deleted.

Section 86.84 (relating to application for assistance) is proposed to be changed to delete outdated program language and to clarify organizational structure.

Section 86.85 (relating to application approval) is proposed to be changed to delete redundant language and to add regulatory language from §§ 86.86 and 86.87 (relating to notice; and determination of data requirements). Sections 86.86 and 86.87 are proposed to be deleted.

Section 86.94 is proposed to be changed to clarify that an operator who received assistance is liable for reimbursement of costs if the operator fails to begin mining within 3 years after obtaining a permit. Changes to this section also include deletion of language which has been moved to other sections.

#### F. *Benefits, Costs and Compliance*

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

#### *Benefits*

The benefits contained in these proposed amendments are primarily to provide clarity and consistency with Federal language for any person having reason to reference the SOAP regulations. Some minor procedural and administrative changes are also being made.

*Compliance Costs*

The proposed changes will impose no additional compliance costs on the regulated community.

*Compliance Assistance Plan*

Since SOAP is an established program in this Commonwealth, and no substantive changes are proposed, compliance assistance will be limited to a simple effort to inform the industry of the specific changes in the Program. This can be accomplished by mailing fact sheets directly to coal mine operators. If necessary, the proposal will be discussed with the industry at roundtable meetings.

*Paperwork Requirements*

The proposed amendments will impose no additional paperwork on the regulated community.

*G. Sunset Review*

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

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed amendments on March 10, 1997, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

*I. Public Comments*

*Written Comments*—Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments received by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by April 21, 1997 (within 30 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by April 21, 1997 (within 30 days of publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by April 21, 1997. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic com-

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

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-308. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL**

**Subchapter C. SMALL OPERATOR ASSISTANCE PROGRAM**

**§ 86.81. Program services.**

(a) To the extent that funds are available in the Small Operators' Assistance Fund, the Department will [for qualified small operators who request assistance ]:

(1) Review requests for assistance.

[ (1) ] (2) \* \* \*

\* \* \* \* \*

(iii) Provide a description of the existing resources within and adjacent to the proposed permit area in accordance with [ either §§ 87.41—87.50, 87.52—87.54, 88.21—88.33 or §§ 89.33—89.38, 89.71—89.74, 89.102, 89.121, 89.122, 89.141, 89.142(a). ] one of the following:

(A) Sections 87.41—87.47, 87.50 and 87.54.

(B) Sections 88.21—88.27 and 88.31.

(C) Sections 89.33—89.36, 89.38 and 89.74.

(iv) Provide a detailed description, to include maps, plans and cross sections, of the proposed coal mining activities showing the manner in which the proposed permit area will be mined and reclaimed in accordance with [ the requirements of either §§ 87.68—87.84, §§ 88.41—88.44, § 88.46, §§ 88.48—88.62 or § 89.31, § 89.32, §§ 89.36—89.38, §§ 89.71—§ 89.74, § 89.102, § 89.122(b), § 89.141, § 89.142(a). ] one of the following:

(A) Sections 87.69, 87.77 and 87.84 (relating to protection of hydrologic balance; protection of public parks and historic places; and, fish and wildlife protection and enhancement plan).

(B) Sections 88.49, 88.56 and 88.62 (relating to protection of hydrologic balance; protection of public parks and historic places; and fish and wildlife protection and enhancement plan).

(C) Sections 89.33—89.36, 89.38 and 89.74.

\* \* \* \* \*

[ (2) ] (3) \* \* \*

(b) If funds allocated by the Department for the payment of services provided to the applicant are less than those required to pay for the services, the

applicant is responsible for costs exceeding the amount of funds allocated for the services provided to the applicant.

§ 86.82. Responsibilities.

(a) The Department will:

(1) [ Review requests for assistance and determine qualified operators.

(2) ] Develop and maintain a list of qualified consultants and qualified laboratories, and select and pay consultants for services rendered.

(i) As used in this subchapter, "qualified consultant" and "qualified laboratory" mean a designated public agency, private consulting firm, institution or analytical laboratory which can provide the required services under this Program.

(ii) Persons who desire to be included in the list of qualified consultants or qualified laboratories established by the Department shall apply to the Department and provide the information necessary to establish the qualifications required by § 86.92 (relating to basic qualifications).

[ (3) ] (2) \* \* \*

[ (4) ] (3) \* \* \*

[ (5) ] (4) \* \* \*

\* \* \* \* \*

§ 86.83. Eligibility for assistance.

(a) An applicant is eligible for assistance if the applicant:

\* \* \* \* \*

(2) Establishes that the probable total [ and ] attributed annual production from [ the applicant's operations during the 12-month period immediately following the date ] all locations on which the applicant is issued the mining activities permit will not exceed 300,000 tons.

\* \* \* \* \*

(c) For the purpose of this subchapter, measurement of coal production will be based on the production reported to the office of surface mining reclamation and enforcement for the purpose of the reclamation fee payment.

§ 86.84. Applications for assistance.

(a) [ Persons wishing to receive assistance shall file a Small Operator Assistance Program application with the Department at any time after initiation of the program. ]

[ (b) The ] An application for assistance shall contain the following information:

\* \* \* \* \*

(2) The names and addresses of:

\* \* \* \* \*

[ (iii) The surface mining operator's license number, if applicable. ]

\* \* \* \* \*

(7) The mine operator's license number.

[ (c) ] (b) [ Two copies of the ] The application shall be [ submitted, one of which shall be ] attested by a notary public or district justice.

§ 86.85. Application approval and notice.

(a) If the Department finds the applicant eligible for assistance and does not have information readily available which would preclude issuance of a permit to the applicant for mining in the area proposed, it will [ :

(1) Determine the minimum data requirements necessary to meet the provisions of § 86.81 (relating to program services).

(2) Select the service of one or more qualified consultants to perform the required work. ]

determine the minimum data collection requirements to meet the objectives of the Program for each applicant or group of applicants.

(b) The development of information on environmental resources, operation plans and reclamation plans may proceed concurrently with data collection and analyses required for the determination of the probable hydrologic consequences of the proposed mining activities if specifically authorized by the Department in an approved work order.

(c) The data requirements will be based on:

(1) The extent of currently available hydrologic and core analysis data for the applicable area provided by the Department.

(2) The data collection and analysis guidelines developed by the Department.

(d) The Department will provide the applicant a copy of the contract or other appropriate work order for the qualified consultants' services and the final application approval report.

(e) The Department will inform the applicant in writing if the application is denied and will state the reason for denial.

[ (b) ] (f) The granting of assistance under this [ program may not be a factor in decisions by ] Program does not imply that the Department [ on ] will approve a subsequent permit application.

§ 86.86. [ Notice ] (Reserved).

[ (a) The Department will provide the applicant a copy of the contract or other appropriate work order for the consultants' services and the final application approval report.

(b) The Department will inform the applicant in writing if the application is denied and will state the reason for denial. ]

§ 86.87. [ Determination of data requirements ] (Reserved).

[ (a) The Department will determine the data collection requirements to meet the objectives of the program for each applicant or group of applicants. If specifically authorized by the Department in an approved work order, the development of information on environmental resources, operation plans and reclamation plans may proceed concurrently with data collection and analyses required for the determination of the probable hydrologic consequences of the proposed mining activities.

(b) The data requirements will be based on:

(1) The extent of currently available hydrologic and core analysis data for the applicable area provided by the Department.

(2) The data collection and analysis guidelines developed and provided by the Department. ]

§ 86.91. [ Definitions and responsibilities ] (Reserved).

[ (a) As used in this subchapter, "qualified consultant" and "qualified laboratory" mean a designated public agency, private consulting firm, institution or analytical laboratory which can provide the required services under this program.

(b) Persons who desire to be included in the list of qualified consultants or qualified laboratories established by the Department shall apply to the Department and provide the information necessary to establish the qualifications required by § 86.92 (relating to basic qualifications).

(c) The Department will designate and maintain a list of qualified consultants and qualified laboratories who demonstrate that they meet the qualifications of § 86.92. ]

§ 86.94. Applicant liability.

(a) The applicant shall reimburse the Department for the cost of the consultant and laboratory services performed under this subchapter, including interest from the date the Department requests reimbursement, if the applicant does one of the following:

- \* \* \* \* \*

(3) Fails to [mine] commence mining within 3 years after obtaining a permit.

- \* \* \* \* \*

(c) [If funds allocated for the services are less than those required to pay for the services, the applicant is responsible for costs exceeding the amount of funds allocated for the services provided to the applicant.

(d) ] The Department may waive the reimbursement liability requirements of subsection (a)(2) or (3) if the applicant has demonstrated a good faith effort to comply with these provisions. For the purpose of this determination, "good faith" means that the applicant has promptly notified the Department of the conditions and circumstances which have precluded the completion of the Small Operator Assistance Program Project, the submission of a mine permit application or the initiation of mining within the prescribed time period and the circumstances which preclude compliance with the liability requirements include one of the following:

- \* \* \* \* \*

§ 86.95. [ Measurement ] (Reserved).

[ For the purpose of this program, measurement of coal production will be based on the production reported to the Office of Surface Mining Reclama-

tion and Enforcement for the purpose of the reclamation fee payment. ]

[Pa.B. Doc. No. 97-441. Filed for public inspection March 21, 1997, 9:00 a.m.]

[25 PA. CODE CH. 93]

Stream Redesignations; French Creek, et al.

The Environmental Quality Board (Board) proposes to amend §§ 93.9f, 93.9g, 93.9i, 93.9k, 93.9l, 93.9n—93.9r and 93.9z to read as set forth in Annex A.

This order was adopted by the Board at its meeting of January 21, 1997.

A. Effective Date

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

B. Contact Persons

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

C. Statutory Authority

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

D. Background of the Amendment

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

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

The Department evaluated the following streams in response to requests from Department and Commission staff, and from five petitioners submitting petitions to the Board:

West Branch Brandywine Creek and Tributaries, Grimes Run, Milligan Run, South Branch Little Aughwick Creek, Sugar Valley Run, Indiantown Run and Muddy Run: Department

Stony Brook, Mill Creek, South Branch Cole Creek, Browns Run and Toms Run: Commission

French Creek: Green Valleys Association

Sutton Creek: Keep Sutton Creek Clean Committee

Cedar Run and Slate Run: PA Environmental Defense Foundation

Cove Creek: Friends of Cove Creek

Trout Run: Greg McCarren and Jackie Greenfield

The physical, chemical and biological characteristics and other information on these waterbodies were evaluated in order to determine the appropriateness of the current designations. Aquatic surveys of these streams were conducted by the Department's Bureau of Watershed Conservation and others. Based upon the data collected in these surveys and information gathered from Department records and other sources, the Board has made the designations described in Section E of this Preamble.

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

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

#### E. Summary of Regulatory Revisions

Following is a brief explanation of the recommendations for the proposed amendments, which are based on the Department's evaluations considering applicable regulatory definitions and the Department's Special Protection Waters Selection Criteria that are referenced in the explanations:

*French Creek*—The French Creek basin from its source to the confluence with South Branch French Creek should be redesignated from HQ-CWF to EV Waters based on EV categories II.1 (Waters in designated State Forests or Park Natural Areas), I.5 (Waters in National Parks designated in management plans for EV protection), IV.2 (Outstanding Ecology), and IV.1 (Endangered or Threatened aquatic and semi-aquatic species). The French Creek basin, from and including the South Branch French Creek basin to and including the Beaver Run basin should be redesignated from HQ-TSF to EV Waters based on EV category IV.2 (Outstanding Ecology). The French Creek basin, from the confluence of Beaver Run to the junction of the West Vincent, East Vincent and East Pikeland Township borders, with the exclusion of the Birch Run subbasin, should retain the current HQ-TSF designation. The Birch Run subbasin, within this reach, should be redesignated from HQ-TSF to EV Waters based on EV category IV.2 (Outstanding Ecology). The lower French Creek basin, from the junction of these township borders to the mouth, should retain its current TSF

designation. Migratory Fishes (MF) designations should be added to the current or proposed designated uses for the French Creek basin from the confluence of Beaver Run to the mouth, based on the presence of American eel.

*West Branch Brandywine Creek and Tributaries*—The Department evaluated 3.1 miles of the main stem of West Branch Brandywine Creek (between river mile 20.6 and 23.7), including Birch Run and seven unnamed tributaries. The main stem, Birch Run, and UNT # 00215 are currently designated as TSF, MF, while the remaining unnamed tributaries are designated WWF, MF. The main stem of West Branch Brandywine Creek should retain the current TSF, MF designations. However, the upper basin of Birch Run, from the source to the new Hibernia Park Dam at river mile 0.3, should be redesignated as HQ-CWF. The MF designation should be deleted for this reach because of the newly constructed dam. The remainder of the Birch Run basin, downstream from this dam, should retain its current TSF, MF designations. The unnamed tributary to West Branch Brandywine Creek at river mile 21.2 (# 00215) should be redesignated from TSF, MF to HQ-CWF, MF. Unnamed tributaries # 00193, # 00130, # 00126, # 124, and # 00119 should be redesignated from WWF, MF to CWF, MF, while UNT # 00194 and # 00108 should be redesignated as EV Waters from their current WWF, MF designations.

*Sutton Creek*—Water quality in the Sutton Creek basin appears to be better than applicable water quality criteria. However, the basin does not support attributes which meet the Department's Special Protection Waters Selection Criteria or meet applicable regulatory definitions. Therefore, based on the Department's evaluation and applicable criteria, the Sutton Creek basin is currently appropriately designated and should remain CWF.

*Stony Brook*—The Stony Brook basin should be redesignated EV Waters, based on an overall benthic macroinvertebrate metric score which is 100% of the reference station's score, (EV Category IV-2 Outstanding Ecological attributes).

*Grimes Run*—Grimes Run should be redesignated CWF because of water quality degradation which existed prior to its designation as a Conservation Area, and prior to that being translated into an HQ-CWF designation. Historical water chemistry data clearly show a trend of degradation and impairment which occurred before November 28, 1975. Federal regulations require that "existing uses" be protected and that the Department demonstrate that a currently designated use did not exist on or after November 28, 1975, in order to remove that use.

*Milligan Run*—Although there are anecdotal references that Milligan Run had always been degraded by acid mine drainage, and that most of the mining activity within the basin had occurred during the 1950's and 1960's, the Department was unable to discover substantial file information on aquatic surveys or chemical sampling which had been conducted in the Milligan Run basin prior to November 28, 1975, and demonstrates impairment prior to that date. Therefore, the current HQ-CWF designation of Milligan Run should remain unchanged.

*Cedar Run and Slate Run*—Cedar and Slate Runs are adjacent tributaries to Pine Creek in the West Branch Susquehanna River basin. Both basins are currently designated HQ-CWF, except for the upper portion of Cushman Branch from the source to Bear Run, which is a Wilderness Trout Stream and designated EV Waters.



Both the Slate Run and Cedar Run designations should be changed to reflect that both entire basins be designated EV Waters. The Cedar Run basin designation is based on EV Category IV.2 (waters with outstanding ecological attributes). The Slate Run redesignation is also based on EV Category IV.2, and is also based on EV Categories II.1 (waters in Natural and Wild Areas) and IV.1 (presence of PA endangered and threatened aquatic species).

*Cove Creek*—The upper basin of Cove Creek, from its source to the Juliet Lane bridge (T-433) at river mile 2.0, should be redesignated as EV Waters based on EV Categories IV.1 (endangered semi-aquatic species, backward sedge) and IV.2 (outstanding ecology). The remainder of the basin, downstream from T-433 to the mouth, should retain its current CWF designation.

*South Branch Little Aughwick Creek*—Based on the presence of glade spurge, an endangered semi-aquatic species (EV Category IV.1) in the vicinity above Cowans Gap Lake, the South Branch Little Aughwick Creek basin, from its source to the inlet of Cowans Gap Lake, should be redesignated EV Waters. The remainder of the basin, including the lake, should retain the current HQ-CWF designation.

*Sugar Valley Run*—The use designation for this basin was inadvertently omitted from § 93.9n (relating to drainage list N). The Department's stream evaluation found water quality was generally good with probably some limestone influence. Benthic macroinvertebrate taxonomic diversity was good, with good representation of mayfly, stonefly and caddisfly taxa. The only fish species observed was blacknose dace, but was abundant. This condition appears to result from low flow (0.7 cfs) and poor habitat quality, (highly channelized and small amounts of shade). The Sugar Valley Run basin should be designated as CWF.

*Indiantown Run*—This tributary to Swatara Creek was also inadvertently omitted from § 93.9o (relating to drainage list O). Water chemistry results show that the water quality of the basin is better than water quality criteria, or in a natural state. Naturally reproducing brown trout were found in Indiantown Run upstream of Marquette Lake. The reach between Marquette Lake and Memorial Lake contained stocked trout and warm water species. Indiantown Run downstream from Memorial Lake contained warm water species. Therefore, Indiantown Run basin should be designated CWF from the source to the inlet of Marquette Lake. Marquette Lake and the Indiantown Run basin from Marquette Lake to Memorial Lake should be designated TSF. Memorial Lake and the Indiantown Run basin downstream to the mouth should be WWF.

*Trout Run*—A tributary to Codorus Creek in Hellam Township, York County, Trout Run is currently designated WWF. However, the small tributary meets EV Category IV.2 with outstanding ecological attributes supporting wild brook trout and biological condition scores which are better than 92% of the reference station scores. The Trout Run basin should be redesignated from WWF to EV Waters.

*Mill Creek*—The mainstem of Mill Creek is managed as a Class A Brown Trout fishery by the Commission. The Mill Creek basin from the source to the confluence with North Hollow is recommended to be redesignated HQ-CWF based on HQ Category 3 (Class A Trout Waters). The Trout Run subbasin within this reach is already

designated HQ-CWF. The remainder of the Mill Creek basin, including North Hollow, should retain the current CWF designation.

*South Branch Cole Creek*—The entire South Branch Cole Creek basin should be redesignated from its current CWF designation to EV Waters based on EV Category IV.2 (Outstanding Ecology) since all stations on South Branch Cole Creek had macroinvertebrate metrics scores which exceed 92% of the two representative metrics scores of the reference stations on Cathers Run.

*Browns Run*—The Browns Run basin, with the exception of the basins of two unnamed tributaries in the Dutchman Run subbasin, should be redesignated EV Waters, based on EV Category IV.2 (Outstanding Ecology) by earning scores greater than 92% of the reference stations scores. The unnamed tributaries to Dutchman Run at river mile 0.17 (UNT # 56500) and at river mile 1.6 (UNT # 56501) should retain the current CWF designations since the four stations on these unnamed tributaries earned less than 83% of the reference station scores. These unnamed tributaries are also impacted by sewage, or fugitive oil, or lacked appropriate habitat or an adequate riparian zone.

*Toms Run*—The Toms Run basin, with the exception of the Little Hefren Run subbasin, should be redesignated from CWF to EV Waters on the basis of EV Category IV.2 (Outstanding Ecology). The Little Hefren Run basin should retain its current CWF designation.

*Muddy Run*—Despite the degraded conditions found in Muddy Run, the basin should remain designated HQ-CWF. The Department was unable to find evidence to show that these degraded conditions existed prior to November 28, 1975, which is required by Federal regulations to allow the removal of a designated use. Furthermore, since Muddy Run is a limestone influenced basin, it is difficult to discern between the adverse impacts that are related to agricultural activities within the basin and the benthos and water quality conditions inherent to limestone ecosystems.

These changes allow wastewater treatment requirements for dischargers to these streams to be consistent with the water uses to be protected. These proposed regulatory amendments do not contain any standards or requirements which exceed requirements of the companion Federal regulations.

#### F. Benefits, Costs, and Compliance

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

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in question.

2. *Compliance Costs*—Generally the changes should have no fiscal impact on, or create additional compliance costs for the Commonwealth, or its political subdivisions. Except as noted below, no costs will be imposed directly upon local government by this recommendation. However, indirect costs may result from revisions to Act 537 Sewage Facilities Plans due to consultant and other administrative fees. Political subdivisions which add a new sewage treatment plant or expand an existing plant in the basin may experience changes in cost as noted in the discussion of impacts on the private sector.

Persons proposing activities or projects which result in discharges to streams must comply with the regulatory

requirements relating to current stream designations. These persons could be adversely affected by the recommended changes that increase the level of protection provided to a stream, if they expand their discharge, or add a new discharge point, since they may need to provide a higher level of treatment for their new or expanded discharge. These increased costs take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and may depend upon the size of the discharge in relation to the size of the stream, and many other factors. It is therefore not possible to precisely predict the actual change in costs. In addition, nonpoint source controls necessary to protect High Quality and Exceptional Value Waters may add to the cost of planning and development for new or expanded nonpoint source discharges. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams which are upgraded, and potentially lower treatment costs for dischargers to streams which are downgraded.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980's. The proposal is consistent with and based on existing Department programs and current policies. Therefore, no policy changes are anticipated. The proposal extends additional protection to selected waterbodies that exhibit exceptional water quality and environmental features, and is consistent with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. Surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards which prevents pollution and protects existing water uses.

The proposed amendments will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program since the stream use designation is a major basis for determining the allowable stream discharge effluent limitations. These permit conditions are established to assure the water quality criteria are achieved and the designated uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with the proposed revised designated water uses.

The Department has developed technical guidance to assist the potentially affected and regulated community in understanding the impacts and requirements of the Special Protection Stream Designation Process. The *Special Protection Waters Implementation Handbook* (1992) provides guidance on the regulatory designation process, protection of candidate streams, and most importantly, general considerations for proposed new or expanded discharges to Special Protection Waters. This handbook also contains appendices which present management practices and technologies relevant for point and nonpoint source discharges to Special Protection Waters. The Department has conducted various workshops, seminars and public meetings on the Special Protection Waters program. Public meetings have been held for specific stream redesignation concerns. Permitted point source discharges are regularly evaluated through discharger self-monitoring reports (DMR's) and Department inspections, to assure they are complying with permit conditions. The

Handbook sets forth recommended Best Management Practices (BMP's) for nonpoint sources.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department programs and policies. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to Special Protection (HQ or EV). For example, NPDES general permits are not available for new or expanded discharges to Special Protection streams. Thus, an individual permit, and its associated additional paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification (SEJ), and the nonfeasibility of nondischarge alternatives, may be required for new or expanded discharges to certain Special Protection waters.

#### G. *Sunset Review*

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

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking on March 10, 1997, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

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

#### I. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by May 6, 1997 (within 45 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by May 6, 1997 (within 45 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@A1.dep.

state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by May 6, 1997.

*(Editor's Note: A proposal to amend §§ 93.9f, 93.9g, 93.9l, 93.9n, 93.9o, 93.9q and 93.9r remains outstanding at 26 Pa.B. 3637 (August 3, 1996).)*

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-306. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE II. WATER RESOURCES**  
**CHAPTER 93. WATER QUALITY STANDARDS**

**§ 93.9f. Drainage List F.**

**Delaware River Basin in Pennsylvania**  
***Schuykill River***

Stream	Zone * * * *	County *	Water Uses Protected	Exceptions To Specific Criteria
3—French Creek	Basin, Source to [ <b>South Branch French Creek</b> ] <b>Beaver Run</b>	Chester	[ <b>HQ-CWF</b> ] <b>EV</b>	None
3—French Creek	Basin, [ <b>South Branch French Creek</b> ] <b>Beaver Run</b> to [ <b>the Junction of West Vincent, East Vincent and East Pikeland</b> ] <b>Birch Run</b>	Chester	HQ-TSF, <b>MF</b>	None
<b>4—Birch Run</b>	<b>Basin</b>	<b>Chester</b>	<b>EV</b>	<b>None</b>
<b>3—French Creek</b>	<b>Basin, Birch Run to the Junction of West Vincent, East Vincent and East Pikeland Township Borders</b>	<b>Chester</b>	<b>HQ-TSF, MF</b>	<b>None</b>
3—French Creek	Basin, Junction of West Vincent, East Vincent and East Pikeland Township Borders to Mouth  * * * *	Chester	TSF, <b>MF</b>	None

**§ 93.9g. Drainage List G.**

**Delaware River Basin in Pennsylvania**  
***Delaware River***

Stream	Zone * * * *	County *	Water Uses Protected	Exceptions To Specific Criteria
4—West Branch Brandywine Creek	Main Stem, T 437 Bridge to Dam at Valley Station  * * * *	Chester	TSF, MF	None
5—Birch Run	Basin, <b>Source to Hibernia Park Dam</b>	Chester	[ <b>TSF, MF</b> ] <b>HQ-CWF</b>	None

## PROPOSED RULEMAKING

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
<b>5-Birch Run</b>	<b>Basin, Hibernia Park Dam to Mouth</b>	<b>Chester</b>	<b>TSF, MF</b>	<b>None</b>
<b>5—Unnamed Tributary to West Branch Brandywine Creek at RM 21.2 (UNT # 00215)</b>	<b>Basin</b>	<b>Chester</b>	<b>HQ-CWF, MF</b>	<b>None</b>
5—Rock Run	Basin	Chester	TSF, MF	None
4—West Branch Brandywine Creek	Main Stem, Dam at Valley Station to [ Confluence with East Branch ] Dennis Run	Chester	WWF, MF	None
5—Unnamed Tributaries to West Branch Brandywine Creek	Basins, Dam at Valley Station to [ Confluence with East Branch ] Dennis Run	Chester	WWF, MF	None
5—Sucker Run	Basin	Chester	WWF, MF	None
5—Dennis Run	Basin	Chester	WWF, MF	None
<b>4—West Branch Brandywine Creek</b>	<b>Main Stem, Dennis Run to Buck Run</b>	<b>Chester</b>	<b>WWF, MF</b>	<b>None</b>
<b>5—Unnamed Tributaries to West Branch Brandywine Creek</b>	<b>Basins, Dennis Run to Buck Run, except Unnamed Tributary to West Branch Brandywine at RM 12.3 (UNT # 00193)</b>	<b>Chester</b>	<b>WWF, MF</b>	<b>None</b>
<b>5—Unnamed Tributary to West Branch Brandywine Creek at RM 12.3 (UNT # 00193)</b>	<b>Basin, Source to Unnamed Tributary to UNT # 00193 at RM 0.3 (UNT # 00194)</b>	<b>Chester</b>	<b>CWF, MF</b>	<b>None</b>
<b>6—Unnamed Tributary to UNT # 00193 at RM 0.3 (UNT # 00194)</b>	<b>Basin</b>	<b>Chester</b>	<b>EV, MF</b>	<b>None</b>
<b>5—Unnamed Tributary to West Branch Brandywine Creek at RM 12.3 (UNT # 00193)</b>	<b>Basin, Unnamed Tributary to UNT # 00193 at RM 0.3 (UNT # 00194) to Mouth</b>	<b>Chester</b>	<b>CWF, MF</b>	<b>None</b>
5—Buck Run	Basin	Chester	TSF, MF	None
<b>4—West Branch Brandywine Creek</b>	<b>Main Stem, Buck Run to Confluence with East Branch</b>	<b>Chester</b>	<b>WWF, MF</b>	<b>None</b>

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
5—Unnamed Tributaries to West Branch Brandywine Creek	Basins, Buck Run to Confluence with East Branch, except Unnamed Tributaries to West Branch Brandywine at RM'S 10.0, 9.48, 9.14, 8.0 & 5.2 (UNT'S # 00130, 00126, 00124, 00119, 00108)	Chester	WWF, MF	None
5—Unnamed Tributaries to West Branch Brandywine Creek at RM'S 10.0, 9.48, 9.14 & 8.0 (UNT'S # 00130, 00126, 00124, 00119)	Basins	Chester	CWF, MF	None
5—Unnamed Tributary to West Branch Brandywine Creek at RM 5.2 (UNT # 00108)	Basin	Chester	EV, MF	None
5—Broad Run	Basin	Chester	EV, MF	None
	* * * * *			

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
3—Stony Brook	Basin	Columbia	[ CWF ] EV	None
	* * * * *			

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania  
*West Branch Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Grimes Run	Basin	Clearfield	[ HQ- ] CWF	None
	* * * * *			
4—Cedar Run	Basin	Lycoming	[ HQ-CWF ] EV	None
	* * * * *			
4—Slate Run				
5—Francis Branch Slate Run	Basin, Source to Confluence with Cushman Branch	Tioga	[ HQ-CWF ] EV	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
5—Cushman Branch Slate Run	Basin, Source to [ <b>Bear Run</b> ]	Tioga	EV	None
[ <b>6—Bear Run</b> ]	[ <b>Basin</b> ]	[ <b>Tioga</b> ]	[ <b>HQ-CWF</b> ]	[ <b>None</b> ]
[ <b>5—Cushman Branch</b> ] [ <b>Slate Run</b> ]	[ <b>Basin, Bear Run to</b> ] Confluence with Francis Branch	[ <b>Tioga</b> ]	[ <b>HQ-CWF</b> ]	[ <b>None</b> ]
4—Slate Run	Basin, Confluence of Francis and Cushman Branches to Mouth	Lycoming	[ <b>HQ-CWF</b> ]EV	None
	* * * * *			

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania  
*Juniata River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Cove Creek	Basin, Source to [ <b>Unnamed Tributary at RM 3.93</b> ] T 433 bridge	Bedford	[ <b>CWF</b> ]EV	None
[ <b>5—Unnamed Tributary to Cove Creek at RM 3.93 (at Ott Town)</b> ]	[ <b>Basin</b> ]	[ <b>Bedford</b> ]	[ <b>HQ-CWF</b> ]	[ <b>None</b> ]
4—Cove Creek	Basin, [ <b>Unnamed Tributary at RM 3.93</b> ] T 433 bridge to Mouth	Bedford	CWF	None
	* * * * *			
5—South Branch Little Aughwick Creek	Basin, Source to [ <b>Confluence with North Branch</b> ] Inlet of Cowans Gap Lake	Fulton	[ <b>HQ-CWF</b> ]EV	None
<b>5—South Branch Little Aughwick Creek</b>	<b>Basin, Inlet of Cowans Gap Lake to Confluence with North Branch</b>	<b>Fulton</b>	<b>HQ-CWF</b>	<b>None</b>
	* * * * *			
3—West Licking Creek	Basin	Huntingdon	HQ-CWF	None
<b>3—Sugar Valley Run</b>	<b>Basin</b>	<b>Mifflin</b>	<b>CWF</b>	<b>None</b>
3—Beaverdam Run	Basin	Mifflin	HQ-CWF	None
	* * * * *			

§ 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Little Swatara Creek	Basin, Berks-Lebanon County Border to Mouth	Lebanon	WWF	None
<b>3—Indiantown Run</b>	<b>Basin, Source to Inlet of Marquette Lake</b>	<b>Lebanon</b>	<b>CWF</b>	<b>None</b>
<b>3—Indiantown Run</b>	<b>Basin, Inlet of Marquette Lake to Inlet of Memorial Lake</b>	<b>Lebanon</b>	<b>TSF</b>	<b>None</b>
<b>3—Indiantown Run</b>	<b>Basin, Inlet of Memorial Lake to Mouth</b>	<b>Lebanon</b>	<b>WWF</b>	<b>None</b>
3—Quittapahilla Creek	Basin	Lebanon	TSF	None
3—Trout Run	Basin	York	[ WWF ]EV	None

§ 93.9p. Drainage List P.

Ohio River Basin in Pennsylvania  
*Allegheny River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Mill Creek	[ Main Stem ] Source to North Hollow	Potter	HQ-CWF	None
[ 4—Unnamed Tributaries to Mill Creek ]	[ Basins ]	[ Potter ]	[ CWF ]	[ None ]
[ 4—Nelson Run ]	[ Basin ]	[ Potter ]	[ CWF ]	[ None ]
[ 4—Bates Hollow ]	[ Basin ]	[ Potter ]	[ CWF ]	[ None ]
[ 4—Trout Run ]	[ Basin ]	[ Potter ]	[ HQ-CWF ]	[ None ]
[ 4—Lyman Creek ]	[ Basin ]	[ Potter ]	[ CWF ]	[ None ]
4—North Hollow	Basin	Potter	CWF	None
<b>3—Mill Creek</b>	<b>Basin, North Hollow to Mouth</b>	<b>Potter</b>	<b>CWF</b>	<b>None</b>
[ 4—South Hollow ]	[ Basin ]	[ Potter ]	[ CWF ]	[ None ]
3—Dingman Run	Basin	Potter	HQ-CWF	None
4—Cole Creek	Basin, Source to South Branch Cole Creek	McKean	CWF	None
<b>5—South Branch Cole Creek</b>	<b>Basin</b>	<b>McKean</b>	<b>EV</b>	<b>None</b>
<b>4—Cole Creek</b>	<b>Basin, South Branch Cole Creek to Mouth</b>	<b>McKean</b>	<b>CWF</b>	<b>None</b>

PROPOSED RULEMAKING

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania  
*Allegheny River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
3—Browns Run	Basin, Source to Dutchman Run	Warren	[ CWF ]EV	None
4—Dutchman Run	Basin, Source to Unnamed Tributary at RM 1.6 (UNT # 56501)	Warren	EV	None
5—Unnamed Tributary at RM 1.6 (UNT # 56501)	Basin	Warren	CWF	None
4—Dutchman Run	Basin, Unnamed Tributary at RM 1.6 (UNT # 56501) to Unnamed Tributary at RM 0.17 (UNT # 56500)	Warren	EV	None
5—Unnamed Tributary at RM 0.17 (UNT # 56500)	Basin	Warren	CWF	None
4—Dutchman Run	Basin, Unnamed Tributary at RM 0.17 (UNT # 56500) to Mouth	Warren	EV	None
3—Browns Run	Basin, Dutchman Run to Mouth	Warren	EV	None
	* * * * *			

§ 93.9r. Drainage List R.

Ohio River Basin in Pennsylvania  
*Clarion River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Toms Run	Basin, Source to Little Hefren Run	[ Forest ] Clarion	[ CWF ]EV	Add TON
5—Little Hefren Run	Basin	Clarion	CWF	Add TON
4—Toms Run	Basin, Little Hefren Run to Mouth	Forest	EV	Add TON
	* * * * *			

[Pa.B. Doc. No. 97-442. Filed for public inspection March 21, 1997, 9:00 a.m.]



**[25 PA. CODE CHS. 92, 93 AND 95]****Water Quality Amendments—Antidegradation**

The Environmental Quality Board (Board) proposes to amend Chapters 92, 93 and 95 (relating to National Pollutant Discharge Elimination System; water quality standards; and wastewater treatment requirements) to read as set forth in Annex A. The proposed regulatory changes consolidate the antidegradation requirements in the water quality standards regulations in Chapter 93.

This notice is given under Board order at its meeting of January 21, 1997.

**A. Effective Date**

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

**B. Contact Persons**

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

**C. Statutory Authority**

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

**D. Background of the Amendment**

The Commonwealth's Water Quality Standards, which are set forth in part in Chapter 93, implement the provisions of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards consist of the designated uses of the surface waters of this Commonwealth and the specific numeric and narrative criteria necessary to achieve and maintain those uses. In addition to protection of uses, portions of the regulations focus on preventing degradation to high quality and natural quality waters.

The Federal antidegradation requirements at 40 CFR 131.12 provide for three tiers of water quality protection. Under Tier 1, existing instream water uses and the level of water quality necessary to protect and maintain the existing uses must be maintained and protected. This level of protection is defined by meeting established water quality criteria and is applicable to all surface waters. Tier 2 or High Quality Waters are to be maintained and protected at existing quality unless lowering of water quality is necessary to accommodate important economic or social development in the area in which the surface water is located. Where surface waters of high quality constitute an Outstanding National Resource Water (ONRW), that water quality shall be maintained and

protected (Tier 3). In the current Commonwealth program, Exceptional Value Waters are more broadly defined than the Federal Tier 3 definition.

The Commonwealth has implemented an effective and protective antidegradation program since 1968, when a "Conservation Area" use designation was included in the water quality standards regulations. The Environmental Protection Agency (EPA) approved the Commonwealth's antidegradation program in 1981.

On February 12, 1994, the then Department of Environmental Resources completed its Triennial Review of Water Quality Standards. The EPA generally lauded the Commonwealth's antidegradation program as an "excellent vehicle to protect valuable resources" but disapproved portions of it on June 6, 1994. In response to the EPA's disapproval, the Department solicited comments on the Special Protection (Antidegradation) Waters program at a public meeting on January 11, 1995, and a public hearing on April 20, 1995. With the assistance of a professional facilitator, the Department convened a group of interested stakeholders representing conservationists, the regulated community and government in a regulatory negotiation (Reg Neg) process. The Department committed to use all consensus reached by the group in drafting new regulations. Meetings with the Reg Neg group began in June 1995 and continued monthly thereafter until August 1, 1996. In addition, smaller workgroup meetings to address specific issues were held between the main meetings. The group signed a Phase I Interim Report on April 1, 1996, and presented it to Secretary Seif on May 6, 1996. That report describes some issues on which conditional consensus had been reached and the issues remaining to be resolved. At its August 1, 1996, meeting, the Reg Neg group reached the conclusion that they were at an impasse on several outstanding issues. The Reg Neg group agreed to submit separate reports to the Department and the Reg Neg process was concluded. These reports were submitted to the Department during the week of August 19, 1996.

On April 16, 1996, the United States District Court for the Eastern District of Pennsylvania ordered the EPA to promptly promulgate proposed Federal regulations for the Commonwealth's antidegradation program. On May 13, 1996, at a status conference on the matter, the EPA proposed, and Judge Louis C. Bechtel, Jr. accepted, a schedule requiring that proposed Federal antidegradation regulations for the Commonwealth be completed and signed by the EPA Administrator by August 26, 1996. The EPA met that obligation. Proposed Federal regulations were published in the *Federal Register* on August 29, 1996 (61 FR 45379). The EPA provided a public comment period and held a public hearing on the proposed regulations on October 16, 1996. Final Federal regulations were published in the *Federal Register* on December 9, 1996 (61 FR 64816).

The Department initially prepared a draft proposal based on the Reg Neg group's April 1, 1996, Phase I Interim Report. The Phase I Interim Report was an informed, thoughtful consideration by a representation of diverse public viewpoints on the antidegradation program and served as a good starting point for new regulations because it incorporated extensive public input. The draft proposal was made available for public comment. The public comment period concluded with a public hearing on June 18, 1996, in Harrisburg. Ten persons provided oral testimony at the public hearing, and 107 persons sent written comments.

Most public comments were provided by members of the conservation community, and expressed a common viewpoint. Many comments urged no weakening of regulations to protect High Quality and Exceptional Value Waters, no degradation and/or no discharge to these waters, and use of waste minimization and pollution prevention techniques. The comments generally recommended adoption of the Federal Tier 1 language to protect existing uses; a broader definition for High Quality Waters that provides for more waters receiving Tier 2 protection, including Class A Wild Trout Streams; expressed concerns with the biological test and use of assimilative capacity in High Quality Waters; and expressed support for a stringent Exceptional Value Waters program. Other comments supported adopting the Fed-

eral definition for "Tier 3" waters and a stronger public participation process.

Following the public hearing, the Department considered the public comments and the reports submitted by the parties participating in the Reg Neg process in the preparation of recommendations to the Board for these proposed amendments.

The Department also has prepared an accompanying Proposed Statement of Policy (Chapter 15) that contains implementation procedures for antidegradation in support of the proposed amendments. Notice of the Proposed Statement of Policy appears at 27 Pa.B. 1473 (March 22, 1997).

#### E. Summary of Regulatory Revisions

##### Section                      Brief Description of Proposed Revision

- 92.81 & 92.83      *General NPDES permits and inclusion of individual dischargers in general NPDES permits.* These sections currently preclude the use of general NPDES permits in "special protection" waters. Following consideration of discussions of the Reg Neg group, these sections are proposed to be amended to allow limited use of certain general permits in High Quality Waters. The restriction on the use of general permits in Exceptional Value Waters is not proposed to be changed.
- 93.1                      *Definitions.* The Federal definition for "High Quality Waters (HQ)" is proposed to be added. The proposed definition for "Exceptional Value Waters (EV)" is very similar to the current Pennsylvania definition and includes outstanding National, State, regional and local waters. The "Exceptional Value Waters" definition is more encompassing than the Federal definition which focuses only on Outstanding National Resource Waters (ONRW). A definition of "surface waters" is added to clarify the scope of Pennsylvania waters subject to the water quality antidegradation standards. "Natural quality" is defined as conditions in the absence of human related activities.
- Neither the definition of "Exceptional Value Waters" nor any other part of the proposal resolves the EPA disapproval issue whereby the EPA policy interprets that protection of ONRWs must be accomplished by prohibiting all but certain temporary discharges to these waters. In response to the EPA's disapproval on this point, the Department stated that there is no legal, regulatory or statutory basis for that policy.
- 93.3                      *Protected water uses.* High Quality and Exceptional Value Waters are proposed for deletion as protected uses. This is consistent with Federal regulations which do not require antidegradation categories to be defined as protected uses. Under the proposed regulation, HQ and EV Waters would be antidegradation management categories.
- The Department would continue to assess waters, evaluate the technical data, and make recommendations to the Board under the existing regulatory process for formal designation as HQ or EV Waters. The Department evaluated options for varying levels of Board participation in the antidegradation classification, but determined that, since the Department already protects the surface water under consideration after evaluation of technical data, there would be no benefit in removing the designation process from the Board.
- 93.4                      *Statewide water uses.* Subsection (c) is proposed for amendment by deleting the words "under subsection (b)" to make clear that in no case may waters be redesignated to less restrictive uses than existing uses.
- Subsection (d) is proposed to be deleted from this section and placed in the new § 93.4a to address protection of existing uses (Tier 1) and interim protection for High Quality and Exceptional Value Waters as part of the antidegradation requirements.
- 93.4a—93.4e              *Antidegradation requirements.* These proposed new sections include all elements of the antidegradation requirements, including the portions currently housed in various sections in this chapter and Chapter 95 (relating to wastewater treatment requirements).
- 93.4a                      *Existing uses.* This section provides a description of the level of protection for surface waters and states that existing uses are protected when the Department establishes, after evaluation of technical data, that an existing use is being or has been attained. The language has been developed to respond to EPA's disapproval of the current language regarding protection of existing uses. Protection of Federal and Pennsylvania threatened and endangered aquatic species and their critical habitat is assured by explicitly stating the Department's authority to use all necessary measures, specifically limiting mixing areas, in permitting discharges that may impact these species. This replaces the current practice of using endangered species as a qualifier for Exceptional Value Waters. The EPA holds that the water quality criteria are protective of endangered species and there is no explicit Federal antidegradation regulation for special protection of endangered species. With the additional language, endangered and threatened species will, therefore, be adequately protected under Tier 1.

<b>Section</b>	<b>Brief Description of Proposed Revision</b>
93.4b	<p><i>High Quality Waters:</i> This section addresses High Quality Waters. Subsection (a) establishes chemical (generally better than water quality criteria or natural quality) and biological tests as qualifiers for High Quality Waters. The chemistry test is water quality better than criteria for a list of chemical parameters or natural quality. The biology test is based on the EPA's Rapid Bioassessment Protocol or other peer-reviewed procedures, or a Class A Wild Trout Stream which has been publicly participated and designated by the Fish and Boat Commission. Subsection (b) describes the level of protection (maintain and protect water quality) for HQ Waters unless there is important social or economic justification to lower water quality and the benefits to the public outweigh any expected water quality degradation. Subsection (c) provides that the combination of discharges to HQ Waters shall meet water quality standards. Subsection (d) specifies that sewage treatment facilities designed to correct documented public health or pollution hazards are deemed to satisfy the social or economic justification (SEJ) requirement. Subsection (e) specifies that newly proposed sewage facilities which satisfy the SEJ requirements at the planning stage need not redo the demonstration at the discharge permitting stage unless the project has materially changed, or the technology, applicable laws or regulations have changed. Subsection (f) provides that the use of up to 25% of the water's assimilative capacity from all existing and anticipated sources maintains and protects water quality, and dischargers utilizing that portion of assimilative capacity or under NPDES General Permits need not comply with the SEJ requirements.</p> <p>The Board specifically seeks comment and suggestions on the following issues: (1) implementation of the proposed balancing between lowering water quality and the social or economic benefit in High Quality Waters and (2) the criteria used for determining SEJ.</p>
93.4c	<p><i>Exceptional Value Waters:</i> This section addresses Exceptional Value Waters. Subsection (a) establishes chemical and biological tests as qualifiers for Exceptional Value Waters that include the same criteria and procedures as the qualifiers for High Quality Waters, except the biology test must indicate "outstanding" aquatic communities, and the alternate biology test is designation as a Wilderness Trout Stream by the Fish and Boat Commission. Subsection (b) provides that water quality in EV Waters be maintained and protected.</p>
93.4d	<p><i>General requirements for High Quality and Exceptional Value Waters:</i> This section includes provisions common to High Quality and Exceptional Value Waters. Subsection (a) provides that discharges to HQ or EV Waters must evaluate and use alternatives to stream discharge that are environmentally sound and cost-effective, and use best technologies. Subsection (b) provides that the Department will implement programs that promote cost-effective and reasonable best management practices for nonpoint sources. Subsection (c) provides that HQ and EV Waters shall be listed following completion of regulatory designation by the Board. Finally, subsection (d) provides interim protection for waters determined by the Department's technical evaluation to qualify for HQ or EV Waters, pending their designation.</p>
93.4e	<p><i>Public participation in High Quality and Exceptional Value Waters:</i> This section adds specific public participation requirements to the antidegradation program. Public participation is provided on five separate occasions: 1) with a provision for submittal to the Department of a complete antidegradation evaluation report at the same time a redesignation petition is submitted to the Board; a complete report may take the place of the Department's field evaluation of a water and the Department will determine if the report supports the requested antidegradation classification; 2) prior to the Department's assessment of waters to seek input and comments; 3) during the sewage facility planning process; 4) at the time of a proposed discharge; and 5) by requiring a public hearing for proposed discharges to Exceptional Value Waters. This "early and often" public participation expands the opportunities for public input to the antidegradation process.</p> <p>The Board seeks comment on if and in what way the public participation provisions for EV Waters should be expanded.</p>
93.7	<p><i>Specific water quality criteria:</i> Table 5 is proposed to be revised to delete High Quality and Exceptional Value Waters as protected uses, and to add a new Table 5a to contain the specific criteria for the antidegradation categories.</p>
93.9a—93.9z	<p><i>Drainage lists:</i> The drainage lists are proposed to be amended to delete "HQ" and "EV" from the Water Uses Protected Column and instead list the designated use (WWF, CWF, TSE, and the like). Exceptional Value Waters and High Quality Waters are proposed to be listed in a new column in the drainage lists.</p>
95.1	<p><i>General wastewater treatment requirements:</i> Subsections (b)—(d), which discuss High Quality and Exceptional Value Waters, are proposed to be deleted and repositioned as modified in the new §§ 93.4a—93.4e.</p>

The purpose of these regulatory amendments is to address the concerns upon which the EPA based its June 6, 1994, disapproval, and to be consistent with Federal requirements, while, at the same time, using the public input from the Reg Neg effort and public comments to

re-engineer an antidegradation program which addresses concerns specific to this Commonwealth.

The Reg Neg process has involved and informed the public of the purpose, requirements, costs and consequences of adoption of the proposed regulations. Further

public input was solicited through the public comment period and public hearing held by the Department prior to preparation of the proposed regulations. Additional public comments will be requested as part of the rule-making process.

#### F. *Benefits, Costs and Compliance*

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

*Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will provide appropriate protection of surface waters in the Commonwealth, including existing uses and High Quality and Exceptional Value waters. The proposed antidegradation program addresses the EPA's disapproval of certain antidegradation provisions and provides an antidegradation program which reflects the input of the Reg Neg stakeholders and public comment and addresses concerns specific to this Commonwealth.

*Compliance Costs*—New, additional or increased discharges to special protection waters may require alternate disposal methods, installation of higher technology, or more stringent effluent limitations than discharges to Tier 1 waters, and compliance costs may be higher for those proposing new, additional or increased discharges to such waters.

The changes may have some fiscal impact on or create additional compliance costs for the Commonwealth, political subdivisions, local governments and the private sector planning new, additional or increased wastewater discharges to High Quality or Exceptional Value Waters. The number of affected discharges cannot be determined because of the uncertainty in which waters will be evaluated as High Quality and Exceptional Value Waters, and because future discharges cannot be known.

*Compliance Assistance Plan*—The Department plans to educate and assist the public with understanding the newly revised requirements and how to comply with them. The Special Protection Waters Implementation Handbook was developed as a multipurpose document in November 1992 to provide information and guidance about the development of acceptable point and nonpoint source control measures and as a general source for antidegradation implementation policies and procedures. An updated version of the Handbook will be prepared to reflect changes in the regulation and requirements for antidegradation waters and will be made widely available to the public.

*Paperwork Requirements*—The regulatory revisions will have some paperwork impacts on the Commonwealth, its political subdivisions and the private sector primarily based on development and additional processing of requests for SEJ which will be necessary because of the increased number of High Quality Waters which will likely result from implementation of this regulatory proposal.

G. *Pollution Prevention*—The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality. Although wastewater discharges are not prohibited by the antidegradation program, nondischarge alternatives are encouraged and required, when appropriate. Nondischarge alternatives remove impacts to the surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### H. *Sunset Review*

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

#### I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking on March 10, 1997, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

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

#### J. *Public Comments*

The Board specifically seeks comment and suggestions on the following issues: (1) implementation of the proposed balancing between lowering water quality and the social or economic benefit in High Quality Waters; (2) the criteria used for determining SEJ; and (3) if and in what way the public participation provisions for EV Waters should be expanded.

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by May 21, 1997 (within 60 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by May 21, 1997 (within 60 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@A1.dep.-state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by May 21, 1997.

#### K. *Public Hearing*

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

May 7, 1997 Department of Environmental Protection
1st Floor Meeting Room, Rachel Carson State Office Bldg.
400 Market Street Harrisburg, PA

Persons wishing to present testimony at the hearing are requested to contact Nancy Roush at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony.

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

JAMES M. SEIF, Chairperson

Fiscal Note: 7-310. (1) General Fund; (2) Implementing Year 1996-97 is \$ Minimal; (3) 1st Succeeding Year 1997-98 is \$; 2nd Succeeding Year 1998-99 is \$; 3rd Succeeding Year 1999-00 is \$; 4th Succeeding Year 2000-01 is \$; 5th Succeeding Year 2001-02 is \$;

(4) Fiscal Year 1995-96 \$13,343,278; Fiscal Year 1994-95 \$14,684,546; Fiscal Year 1993-94 \$14,504,928;

(7) Environmental Protection Management; (8) recommends adoption. This proposed action revises antidegradation regulations for Pennsylvania's streams to address Federal requirements. Requests for new, expanded or additional discharges to certain High Quality Waters will require additional treatment efforts and documentation.

Annex A

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 92. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

§ 92.81. General NPDES permits.

(a) Coverage and purpose. The Director may issue a general NPDES permit, in lieu of issuing individual NPDES permits, for a clearly and specifically described category of point source discharges, if the point sources meet all of the following paragraphs:

\* \* \* \* \*

(8) Do not discharge to waters classified as [ "special protection" ] "Exceptional Value Waters" under Chapter 93 (relating to water quality standards).

\* \* \* \* \*

§ 92.83. Inclusion of individual dischargers in general NPDES permits.

\* \* \* \* \*

(b) Denial of coverage. The Director shall deny any application for coverage under a general permit when one or more of the following conditions exist:

\* \* \* \* \*

(8) The discharge would be to waters classified as [ "special protection" ] "Exceptional Value Waters" under Chapter 93 (relating to water quality standards).

\* \* \* \* \*

CHAPTER 93. WATER QUALITY STANDARDS

§ 93.1. Definitions.

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

\* \* \* \* \*

Exceptional Value Waters—Surface waters of high quality which constitute an outstanding National, State, regional or local resource. Examples which qualify for Exceptional Value Waters designation if they meet the conditions specified in § 93.4c (relating to Exceptional Value Waters) are as follows:

(i) Waters located in National, State or county parks or forests.

(ii) Waters in wildlife refuges or State game lands.

(iii) Waters which have been designated by the Fish and Boat Commission as "Wilderness Trout Streams."

(iv) Other waters of exceptional recreational or ecological significance.

\* \* \* \* \*

High Quality Waters—Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water.

\* \* \* \* \*

Natural quality—The water quality conditions that exist or that would reasonably be expected to exist in the absence of human related activity.

\* \* \* \* \*

Surface waters—Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries. The term does not include water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

\* \* \* \* \*

§ 93.3. Protected water uses.

Water uses which shall be protected, and upon which the development of water quality criteria shall be based, are set forth, accompanied by their identifying symbols, in the following Table 1:

Table 1

Table with 2 columns: Symbol, Protected Use. Row 1: [ Special Protection

[ Special Protection

<i>Symbol</i>	<i>Protected Use</i>
HQ	<b>High Quality Waters</b> —A stream or watershed which has excellent quality waters and environmental or other features that require special water quality protection.
EV	<b>Exceptional Value Waters</b> —A stream or watershed which constitutes an outstanding national, State, regional or local resource, such as waters of national, State or county parks or forests, or waters which are used as a source of unfiltered potable water supply, or waters of wildlife refuges or State game lands, or waters which have been characterized by the Fish Commission as “Wilderness Trout Streams,” and other waters of substantial recreational or ecological significance. ]

\* \* \* \* \*

§ 93.4. Statewide water uses.

\* \* \* \* \*

(c) *Redesignation of waters.* Waters considered for redesignation [under subsection (b)] may not be redesignated to less restrictive uses than the existing uses.

[ (d) *Protection of water bodies.*

(1) When the Department’s evaluation of technical data establishes that a waterbody attains the criteria for an existing use which is more protective of the waterbody than the designated use, that waterbody shall be protected at its existing use until the conclusion of rulemaking action as a result of the evaluation. At the conclusion of the rulemaking procedure, the waterbody shall be protected at its designated use.

(2) When the Department’s evaluation under paragraph (1) establishes that a waterbody attains the criteria for “High Quality Waters,” as defined in § 93.3 (relating to protected water uses), that waterbody shall be protected at its existing use. Proposed new and expanded discharges to the waterbody shall maintain and protect the existing quality of the waterbody unless the person proposing the new or expanded discharge demonstrates the criteria in § 95.1(b)(1) and (2) (relating to general requirements). ]

ANTIDegradation Requirements

§ 93.4a. Existing uses.

Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected when the Department’s evaluation of technical data establishes that a surface water attains or has attained an existing use. If the Department has confirmed the presence or critical habitat of endangered or threatened, Federal or Pennsylvania aquatic species listed in “The Pennsylvania Natural Diversity Inventory” (PNDI), discharges to these waters shall be limited to ensure protection of these species and critical habitat.

§ 93.4b. High Quality Waters.

(a) *Qualifying as High Quality Waters.* For a surface water to qualify as High Quality Waters, the

Department must determine that the water quality meets the conditions set forth in paragraphs (1)–(3).

(1) *Chemistry test.* One of the following shall exist:

(i) Water quality shall be generally better than the water quality criteria in § 93.7, Table 3 (relating to specific water quality criteria) and in Chapter 16, Appendix A, Table 1 (relating to water quality criteria for toxic substances) based on water quality analysis obtained from one or more grab samples collected at representative stream flow conditions for the following parameters:

pH	alkalinity	dissolved oxygen
total dissolved solids	ammonia nitrogen	nitrite—nitrogen
nitrate—nitrogen	hardness	nitrogen chloride
sulfate	iron	manganese
aluminum	arsenic*	cadmium*
chromium VI*	copper*	lead*
nickel*	zinc*	

(where “\*” means dissolved analyses are to be performed).

(ii) The water is determined by the Department to be of natural quality.

(2) *Biology test.* One or more of the following shall exist:

(i) The water quality shall support nonimpaired, high quality aquatic communities as determined by the Department using peer-reviewed biological assessment procedures that consider physical habitat and one or both of benthic macroinvertebrates and fishes. These procedures shall be based on *Rapid Bioassessment Protocols for Use in Streams and Rivers; Benthic Macroinvertebrates and Fish*, Plafkin, et al., (EPA/444/4-89-001).

(ii) The water quality satisfies other peer-reviewed biological assessment procedures that the Department may approve to determine the condition of the aquatic community of a surface water.

(iii) The surface water has been designated a Class A Wild Trout Stream by the Fish and Boat Commission following public notice and comment.

(3) *Additional information.* The Department may consider additional chemical or biological information which characterizes or indicates the quality of a water in making its determination.

(b) *Level of protection/social or economic justification (SEJ).* The quality of High Quality Waters shall be maintained and protected unless a person proposing a new, additional or increased discharge of sewage, industrial waste or other pollutants demonstrates, and the Department finds, after public notification and participation as described in § 93.4e(d) (relating to public participation in high quality and Exceptional Value Waters). The proposed discharge is necessary to accommodate important economic or social development in the area in which the surface water is located and will result in economic or social benefits to the public which outweigh any water quality degradation which the proposed discharge is expected to cause.

(c) *Compliance with water quality standards.* A proposed discharge to High Quality Waters, alone

or in combination with other existing and anticipated discharges, may not preclude any use in the waters and downstream from the waters, nor result in a violation of any of the water quality criteria which are applicable to the receiving waters.

(d) *Special provisions for sewage facilities correcting public health or pollution hazards.* A proposed sewage facility that the Department determines is designed for the purpose of correcting public health or pollution hazards shall be deemed to satisfy subsection (b).

(e) *Social or economic justification approval in sewage facilities planning and approval.* For a proponent of a new sewage facility in High Quality waters who seeks to demonstrate social or economic justification for lowering water quality as part of the application for an official sewage facilities plan or an official plan revision under Chapter 71 (relating to administration of sewage facilities planning program), the following conditions shall apply:

(1) The proponent shall evaluate discharge alternatives in accordance with § 93.4d(a) (relating to general requirements for high quality and exceptional value).

(2) The proponent shall complete and submit an SEJ impact analysis as part of the sewage facilities planning submittal.

(3) The Department will make a determination regarding the SEJ impact analysis for consistency with subsection (b) during its review of the official plan or plan revision.

(4) Upon the submission of a wastewater discharge permit application, the applicant shall document that none of the following has occurred:

(i) There has been a material change in the scope or characteristics of the project.

(ii) There has been a change in the laws or regulations affecting the sewage facilities planning, wastewater discharge or other related aspects of the proposed project.

(iii) There has been a change in technology which makes a nondischarge alternative or combination of discharge and nondischarge alternatives, environmentally sound and economically feasible.

(5) If one or more of the changes in paragraph (4) has occurred, the applicant shall submit a revised SEJ impact analysis to the Department for review and approval as part of the wastewater discharge permit application.

(f) *Special provisions for minimal impact discharges.* If a proposed discharge to High Quality Waters meets one or more of the following conditions, that discharge maintains and protects water quality and is not subject to subsection (b).

(1) The discharge of any pollutant, alone or in combination with other discharges into those waters, utilizes 25% or less of the surface water's assimilative capacity. To comply with this condition, the proposed discharge shall maintain and protect water quality by satisfying an effluent limit established by the Department through mathematical modeling based on an antidegradation allowance for the regulated parameter as calculated by the following formula:

$$C_A = 0.25(C_{WQ} - C_{RS}) + C_{RS}$$

Where  $C_A$  = antidegradation allowance for the parameter

$C_{WQ}$  = water quality criterion for the parameter and

$C_{RS}$  = natural quality of the parameter in the receiving stream or in the reference stream if receiving stream data is not available

(2) The discharge of pollutants qualifies for a general permit under §§ 92.81 and 92.83 (relating to general NPDES permits; and inclusion of individual dischargers in general NPDES permits) and the terms and conditions of the permit.

§ 93.4c. Exceptional Value Waters.

(a) *Qualifying as Exceptional Value Waters.* For a surface water to qualify as Exceptional Value Waters, the Department must determine that the water quality meets conditions set forth in this subsection.

(1) *Chemistry test.* One or more of the following shall exist:

(i) Water quality shall be generally better than the water quality criteria in § 93.7, Table 3 (relating to specific water quality criteria) and in Chapter 16, Appendix A, Table 1 (relating to water quality criteria for toxic substances) based on water quality analysis obtained from one or more grab samples collected at representative stream flow conditions for the following parameters:

pH	alkalinity	dissolved oxygen
total dissolved solids	ammonia nitrogen	nitrite—nitrogen
nitrate—nitrogen	hardness	chloride
sulfate	iron	manganese
aluminum	arsenic*	cadmium*
chromium VI*	copper*	lead*
nickel*	zinc*	

(where "\*" means dissolved analyses are to be performed).

(ii) The water is determined by the Department to be of natural quality.

(2) *Biology test.* One of the following shall exist:

(i) The water quality shall support nonimpaired, outstanding aquatic communities as determined by the Department using peer-reviewed biological assessment procedures that consider physical habitat, benthic macroinvertebrates, or fishes based on *Rapid Bioassessment Protocols for Use in Streams and Rivers; Benthic Macroinvertebrates and Fish*. Plafkin, et al. (EPA/444/4-89-001);

(ii) The water quality satisfies other peer-reviewed biological assessment procedures that the Department may approve to determine the condition of the aquatic community of a surface water.

(iii) The surface water has been designated a wilderness trout stream by the Fish and Boat Commission following public notice and comment.

(3) *Additional information.* The Department may consider additional chemical or biological information which characterizes or indicates the quality of a water in making its determination.

(b) *Level of protection for Exceptional Value Waters.* The quality of Exceptional Value Waters shall be maintained and protected.

§ 93.4d. General requirements for High Quality and Exceptional Value Waters.

(a) *Discharge alternatives/use of best technologies.* A person planning or proposing a new, additional or increased discharge to high quality or Exceptional Value Waters shall evaluate alternatives to the discharge and use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed stream discharge. A proposed discharge shall use the best available combination of cost-effective treatment, land disposal and wastewater reuse technologies.

(b) *Nonpoint sources.* The Department will implement programs that will promote cost-effective and reasonable best management practices for nonpoint source control.

(c) *Designation and listing.* High Quality and Exceptional Value Waters are listed in §§ 93.9a—93.9z following designation through the regulatory process.

(d) *Protection pending designation.* When the Department's evaluation of technical data establishes that a surface water qualifies as High Quality or Exceptional Value Waters, that surface water shall be protected as High Quality or Exceptional Value Waters, respectively, pending designation.

§ 93.4e. Public participation in High Quality and Exceptional Value Waters.

(a) *Submission of antidegradation evaluation reports and petitions.* A person who petitions the EQB for stream redesignation under Chapter 23, Appendix A (relating to special procedures for petitions for stream redesignations under The Clean Streams Law and Chapter 93—statement of policy) may submit to the Department complete documentation of an antidegradation evaluation conducted by a non-Department entity with a conclusion concerning eligibility for antidegradation protection. The Department will review the antidegradation evaluation for completeness and will consider if the evaluation supports the proposed redesignation without additional information.

(b) *Assessment of waters for High Quality or Exceptional Value Waters Classification.* The Department will publish in the *Pennsylvania Bulletin* and in a local newspaper of general circulation notice of its intent to assess surface waters for potential classification as High Quality or Exceptional Value Waters. The notice will request submittal of technical and scientific information concerning the water quality of the waters to be assessed for use by the Department to supplement its technical evaluation. The Department will send a copy of the notice to all municipalities containing waters subject to the assessment.

(c) *Public participation requirements for official sewage facilities plans or revisions to official plans in High Quality or Exceptional Value Waters.* A proponent of a sewage facility in High Quality or Exceptional Value Waters seeking approval of an official plan or revision shall comply with the

public participation requirements in Chapter 71 (relating to administration of sewage facilities planning program) regarding notice of antidegradation classification of the receiving waters.

(d) *Public participation requirements for proposed discharges to High Quality or Exceptional Value Waters.* In addition to the public participation requirements in §§ 92.61, 92.63 and 92.65 (relating to public notice of permit application and public hearing; public access to information; and notice to other government agencies), the following requirements apply to a proposed discharge to High Quality or Exceptional Value Waters.

(1) Proof of publication of a notice in a local newspaper of general circulation that the applicant intends to apply for a permit to discharge into High Quality or Exceptional Value Waters, and seeks comment for a 30-day period on the proposal. The notice shall state the name of the receiving water and its antidegradation classification, and shall provide the address of an accessible public location, such as a public library, where interested persons may review information regarding the discharge, including social or economic justification analyses, and public comments submitted to the applicant regarding its proposal.

(2) The applicant shall provide the Department with a copy of public comments received and a response to the comments prior to the Department's review of the proposal.

(3) The Department's notice of complete application in § 92.61(a) (relating to public notice of permit application and public hearing) will note the antidegradation classification of the receiving water.

(e) *Public hearings for discharges to Exceptional Value Waters.* The Department will hold public hearings on proposed discharges, into waters designated as Exceptional Value Waters.

§ 93.7. Specific water quality criteria.

\* \* \* \* \*

(e) Table 5 contains groups of specific water quality criteria based upon water uses to be protected. When the symbols listed in Table 5 appear in the *Water Uses Protected* column in [ § 93.9 ] §§ 93.9a—93.9z, they have the meaning listed in [ the ] Table 5. Exceptions to these standardized groupings will be indicated on a stream-by-stream or segment-by-segment basis by the words "Add" or "Delete" followed by the appropriate symbols described elsewhere in this chapter.

Table 5

Symbol	Water Uses Include					Specific Criteria
	*	*	*	*	*	
[ HQ-WWF	Statewide list plus High Quality Waters					Statewide list plus DO1 and Temp <sub>2</sub>
HQ-CWF	Statewide list plus High Quality Waters and Cold Water Fish					Statewide list plus DO6 and Temp <sub>1</sub>



<i>Symbol</i>	<i>Water Uses Include</i>	<i>Specific Criteria</i>
HQ-TSF	Statewide list plus High Quality Waters and Trout Stocking	Statewide list plus DO1 and Temp <sub>3</sub>
EV	Statewide list plus Exceptional Value Waters ]	Existing quality
	* * * * *	

<i>Symbol</i>	<i>Water Uses Include</i>	<i>Category Specific Criteria</i>
HQ-CWF	Statewide List Plus High Quality Waters and Cold Water Fish	Statewide List Plus DO6 and Temp <sub>1</sub>
HQ-TSF	Statewide List Plus High Quality Waters and Trout Stocking	Statewide List Plus DO1 and Temp <sub>3</sub>
EV	Statewide List Plus Exceptional Value Waters	Existing Quality

(g) Table 5a contains groups of specific water quality criteria for High Quality and Exceptional Value Waters.

Table 5a

<i>Symbol</i>	<i>Water Uses Include</i>	<i>Category Specific Criteria</i>
HQ-WWF	Statewide List Plus High Quality Waters	Statewide List Plus DO1 and Temp <sub>2</sub>

*Editor's Note:* Sections 93.9a—93.9z are proposed to be amended like the following example of an amended drainage list. "HQ" and "EV" would no longer be listed in the "Water Uses Protected" column, but in a new column titled "Antidegradation Classification." "EV" in the "Water Uses Protected" column would be replaced with the designated use of the water (in most cases, CWF) See Editor's Note as follows:

§ 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania  
*Delaware River*

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions to Specific Criteria</b>	<b>Antidegradation Classification</b>
1—Delaware River	Main Stem, Lackawaxen River to Tocks Island	Pike	WWF, MF	Delete Bac <sub>1</sub> , pH <sub>1</sub> , and TDS, Add Bac <sub>5</sub> , pH <sub>4</sub> , Temp <sub>4</sub> , Temp <sub>9</sub> , TON, TDS <sub>3</sub> Tur <sub>5</sub> upstream of RM 254.75 and Tur <sub>6</sub> , downstream of RM 254.75, MBAS <sub>1</sub> and Rad	
2—Unnamed Tributaries to Delaware River	Basins Lackawaxen River to Tocks Island	Pike	[ HQ-CWF ] CWF	None	HQ
2—Panther Creek	Basin	Pike	[ HQ-CWF ] CWF	None	HQ
2—Shohola Creek	Basin	Pike	[ HQ-CWF ] CWF	None	HQ
2—Twin Lakes Creek	Basin	Pike	[ HQ-CWF ] CWF	None	HQ
2—Pond Eddy Creek	Basin	Pike	[ HQ-CWF ] CWF	None	HQ
2—Bush Kill	Basin	Pike	[ EV ] CWF	None	EV
2—Rosetown Creek	Basin	Pike	[ HQ-CWF ] CWF, MF	None	HQ

*Editor's Note:* Sections 93.9a—93.9z are proposed to be amended as follows:

In the "Water Uses Protected" column, "HQ" and "EV" are deleted and relocated in a new column and titled "Antidegradation Classification"; the designated uses (that is, CWF, WWF or TSF and MF, if listed) are retained in the column.

The entry for the "Water Uses Protected" column for EVs is "CWF" for all except the following streams:

<i>Drainage List</i>	<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>
(§ 93.9f Pa. Code p. 93-53)	4—Peters Creek	Basin	Berks	WWF
(§ 93.9g Pa. Code p. 93-62)	5—Broad Run	Basin	Chester	TSF, MF
(§ 93.9o Pa. Code p. 93-129)	5—Elders Run	Basin	Lancaster	TSF
(§ 93.9o Pa. Code p. 93-134)	3—Black Run	Basin, Source to Unnamed Tributary at RM 2.50	Chester	TSF, MF
(§ 93.9o Pa. Code p. 93-134)	3—Unnamed Tributary to Octoraro Creek at RM 13.60	Basin	Chester	TSF, MF
(§ 93.9o Pa. Code p. 93-135)	4—Jordan Run	Basin	Chester	TSF, MF
(§ 93.9o Pa. Code p. 93-135)	4—Barren Brook	Basin	Chester	TSF, MF

## CHAPTER 95. WASTEWATER TREATMENT REQUIREMENTS

### § 95.1. General requirements.

[ (a) ] Specific treatment requirements and effluent limitations for each waste discharge shall be established based on the more stringent of [ subsections (b) and (c) ] **antidegradation requirements under §§ 93.4a—93.4e (relating to antidegradation requirements)**, the water quality criteria specified in Chapter 93 (relating to water quality standards), the applicable treatment requirements and effluent limitations to which a discharge is subject under 33 U.S.C.A. § 1251 or the treatment requirements and effluent limitations of this title provided that specific treatment requirements and effluent limitations for waste discharges from overflows as defined in § 94.1 (relating to definitions) shall be established based on applicable treatment requirements and effluent limitations to which [ such ] the discharge is subject under 33 U.S.C.A. § 1251 [ et seq ].

[ (b) Waters having a water use designated as "High Quality Waters" in § 93.6 and 93.9 (relating to general water quality criteria; and designated water uses and water quality criteria) shall be maintained and protected at their existing quality or enhanced, unless the following are affirmatively demonstrated by the proposed discharger of sewage, industrial wastes, or other pollutants:

(1) The proposed new, additional or increased discharge or discharges of pollutants is justified as a result of necessary economic or social development which is of significant public value.

(2) The proposed discharge or discharges, alone or in combination with other anticipated discharges of pollutants to the waters, will not preclude any use presently possible in the waters and downstream from the waters, and will not result in a violation of any of the numerical water quality criteria specified in § 93.9 which are applicable to the receiving waters.

(c) Waters having a use designated as "Exceptional Value Waters" in § 93.9 shall be maintained and protected at a minimum at their existing quality. The Department will hold a public hearing on

any proposed discharge into waters having a water use designated as "Exceptional Value Waters" in § 93.9.

(d) A project or development which would result in a new, additional or increased discharge or discharges of sewage, industrial wastes or other pollutants into waters having a water use designated as "High Quality Waters" in § 93.9 will be permitted only in compliance with the requirements of (b) and, furthermore, shall be required to:

(1) Utilize the best available combination of treatment and land disposal technologies and practices for the wastes, where the land disposal would be economically feasible, environmentally sound and consistent with other provisions of this title; or

(2) If the land disposal is not economically feasible, is not environmentally sound, or cannot be accomplished consistent with other provisions of this title, utilize the best available technologies and practices for the reuse and discharge of the wastes. ]

[Pa.B. Doc. No. 97-443. Filed for public inspection March 21, 1997, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 65, 67 AND 69]

Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 65, 67 and 69 (relating to special fishing regulations; nursery waters; and fishing in Lake Erie and boundary lakes). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to fishing.

A. *Effective Date*

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1998, or upon publication of an order adopting the regulations, whichever comes later.

B. *Contact Person*

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. *Statutory Authority*

These proposed amendments are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve Commission regulations relating to fishing. The specific purpose for the various amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

(1) Sections 65.1 and 65.7 (relating to select harvest program; and trophy trout program). The Commission is proposing to clarify these regulations to include a specific reference to the time (8 a.m.) that trout season opens each year.

(2) Sections 65.24, 67.1 and 69.13—69.15. 3CU has requested the Commission to modify existing steelhead and salmon fishing regulations and to develop new ones for Lake Erie and associated tributary streams. Upon consideration of 3CU's request, the Bureaus of Fisheries and Law Enforcement jointly recommended that the season for salmon and steelhead be extended until the opening day of the regular trout season because steelhead frequent the streams from late summer to mid April. The Bureaus further recommend that wading be prohibited in Crooked Creek, Peck Run and Orchard Beach Run and that the disturbance of fish in nursery waters be a violation.

A separate special regulation is needed for Conneaut Creek (Erie and Crawford Counties) because of the approved trout water designation. The Bureaus accordingly recommended that fishing in Conneaut Creek be extended from March 1 to midnight the Thursday before the opening day of the regular trout season. The creel limit should be three trout/salmon with a minimum size of 15 inches. Although Conneaut Creek and Turkey Creek are tributaries to Lake Erie, they historically have been treated as "inland waters" for regulatory purposes rather than as part of the Commission's Lake Erie tributary program.

In Erie and Crawford Counties, additional angling opportunities would be available if special regulations were adopted for Turkey Creek (Erie County); East Branch of Conneaut Creek (Erie County); Temple Run (Erie County); Marsh Run (Erie County); West Branch of Conneaut Creek (Erie and Crawford Counties); Stone Run (Erie and Crawford Counties); Mud Run (Erie and Crawford Counties); East Branch (Erie and Crawford Counties); Middle Branch (Erie and Crawford Counties); and Crazy Run (Crawford County). The Bureaus therefore recommended that the catching of steelhead and salmon should be permitted from 12:01 a.m. the day after Labor Day to midnight the Thursday before the opening day of the regular trout season. The creel limit should be three trout/salmon with a minimum size of 15 inches.

Current regulations applicable to the Lake Erie tributaries, § 69.13 (relating to seasons, sizes and creel limits—Lake Erie), provide that the extended season closes at midnight on the Friday before opening day of trout season in April. Staff proposed that this wording be changed to midnight of the Thursday before opening day. Traditionally, these streams have been stocked on the Friday before opening day. This has been the practice for at least 15 years. Allowing fishing on the Friday before opening day is inconsistent with the Commission's stocking schedule.

At its meeting on January 25, 1997, the Commission approved the publication of a notice of proposed rulemaking consistent with staff's recommendations.

F. *Fiscal Impact*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

G. *Paperwork*

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
*Executive Director*

*(Editor's Note: An amendment to § 65.24, proposed to be amended in this document, appeared at 27 Pa.B. 1155 (March 8, 1997) and will be codified in the May 1997 Pennsylvania Code Reporter MTS 270. A proposal to amend § 69.13, proposed to be amended in this document, appeared at 26 Pa.B. 6098 (December 21, 1996) and remains outstanding.)*

**Fiscal Note:** 48A-65. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.1. Selective Harvest Program.**

\* \* \* \* \*

(b) It is unlawful to fish in designated and posted selective harvest areas except in compliance with the following requirements:

\* \* \* \* \*

(5) The daily creel limit is two trout—combined species—except during the period from the day after Labor Day to **8 a.m.** of the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under regulation.

\* \* \* \* \*

§ 65.7. Trophy [ trout program ] Trout Program.

\* \* \* \* \*

(b) It is unlawful to fish in designated and posted trophy trout areas except in compliance with the following requirements:

\* \* \* \* \*

(5) The daily creel limit is two trout—combined species—except during the period from the day after Labor Day to 8 a.m. of the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under regulation.

\* \* \* \* \*

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
		* * *
<b>Crawford and Erie</b>	<b>Conneaut Creek E. Branch Conneaut Creek M. Branch Conneaut Creek W. Branch Conneaut Creek Mud Run Stone Run</b>	<b>Salmon and Steelhead: 12:01 a.m. the day after Labor Day until midnight the Thursday before the opening day of trout season in April. Minimum size limit: 15 inches. Daily creel limit: 3 (combined species). Lake Erie fishing permit is not required.</b>
<b>Crawford</b>	<b>Crazy Run</b>	<b>Salmon and Steelhead: 12:01 a.m. the day after Labor Day until midnight the Thursday before the opening day of trout season in April. Minimum size limit: 15 inches. Daily creel limit: 3 (combined species). Lake Erie fishing permit is not required.</b>
		* * *
<b>Erie</b>	<b>E. Branch Conneaut Creek Marsh Run Temple Run Turkey Creek</b>	<b>Salmon and Steelhead: 12:01 a.m. the day after Labor Day until midnight the Thursday before the opening day of trout season in April. Minimum size limit: 15 inches. Daily creel limit: 3 (combined species). Lake Erie fishing permit is not required.</b>
		* * *

CHAPTER 67. NURSERY WATERS

§ 67.1. Nursery waters and exhibition areas.

\* \* \* \* \*

(c) It is unlawful to disturb fish or other aquatic life in nursery waters or exhibition areas by any means, including wading, throwing stones, rocks or other objects or otherwise agitating the waters.

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.13. Seasons, sizes and creel limits—Lake Erie Tributaries.

\* \* \* \* \*

(d) Except as provided in §§ 69.14 and [ § ]69.15 (relating to special regulations applicable during the [ fall ] salmon and steelhead trout season; and miscellaneous special regulations) and for those waters listed as nursery waters, the following seasons, sizes and [ creek ] creel limits apply to the tributary streams of Lake Erie in this Commonwealth:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
		* * *	
TROUT and SALMON	12:01 a.m. the day after Labor Day until [ the first Saturday after ] midnight Thursday before the opening day of trout season in April [ 11 ].	15 inches	3 (combined species only 2 of which may be lake trout)
		* * *	

§ 69.14. Special regulations applicable during the [ fall ] salmon and steelhead trout season.

(a) *Season.* This section applies from [ midnight on Labor Day until midnight on November 30 ] 12:01 a.m. the day after Labor Day until midnight the Thursday before the opening day of trout season in April.

(b) *Restrictions.* The following specific restrictions apply to streams marked with an "X" during salmon and steelhead trout season described in subsection (a). It is unlawful for a person to fish in violation of these restrictions:

<i>Fishing permitted, no time restrictions</i>	<i>Fishing permitted except closed from 10 p.m. to 5 a.m.</i>	<i>Fishing permitted [ except closed from 10 p.m. to 5 a.m. south of Route 5 ], no time restrictions north of Route 5, closed from 10 p.m. to 5 a.m. south of Route 5</i>	<i>Fishing prohibited</i>	<i>Fishing prohibited from 10 p.m. to 5 a.m. in areas of Lake Erie shoreline within 50 yards of mouth of stream</i>	<i>Fishing prohibited in portions designated as nursery waters</i>	<i>Remarks</i>
		* * *	* * *			
Crooked Creek		X			X	<b>Wading Prohibited</b>
		* * *	* * *			
Peck Run			X			<b>Wading Prohibited</b>
Orchard Beach Run			X			<b>Wading Prohibited</b>
		* * *	* * *			

§ 69.15. Miscellaneous special regulations.

The following miscellaneous special regulations apply to the named waters, marked with an "X." It is unlawful to fish in violation of the following restrictions:

<i>Archery and spearing permitted in compliance with § 63.8 in areas north of Route 5 only during hours 7 a.m. to 7 p.m. only, from Jan. 1 to Labor Day. Archery and spearing prohibited at all other times and places</i>	<i>Fishing prohibited</i>	<i>Inland regulations for trout and salmon apply</i>	<i>Fishing prohibited in areas designated as nursery waters</i>
[ Conneaut Creek ]		[ X ]	
[ W. Branch Conneaut Creek ]		[ X ]	
[ E. Branch Conneaut Creek ]		[ X ]	
	* * *		

[Pa.B. Doc. No. 97-444. Filed for public inspection March 21, 1997, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 25—ENVIRONMENTAL PROTECTION

### DEPARTMENT OF ENVIRONMENTAL PROTECTION [25 PA. CODE CH. 83]

#### State Conservation Commission; Amendments to Chesapeake Bay Nonpoint Source Pollution Abatement Program

The State Conservation Commission (Commission), under the authority contained in the Conservation District Law (act) (3 P.S. §§ 849—864) amends Chapter 83, Subchapter C (relating to Chesapeake Bay Nonpoint Source Pollution Abatement Program—statement of policy) to read as set forth in Annex A. These amendments will provide the opportunity to advance funds for employment and associated costs for technical personnel employed by conservation districts to provide assistance in implementing the Commonwealth's Chesapeake Bay Nonpoint Source Pollution Abatement Program (Program).

#### A. Effective Date

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information, contact Karl Brown, Executive Secretary, State Conservation Commission, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110 (717) 787-8821. Persons with a disability may use the AT&T Relay Service by calling (800) 654-9584 (TDD users) or (800) 654-5788 (voice users) and request that they relay the call. In support of the Commission, the Department of Environmental Protection (Department) has made this proposal available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

#### C. Statutory Authority

The revisions to the guidelines are authorized under sections 4(1), (5)(c) and (6) of the act (3 P.S. §§ 852(1), (5)(c) and (6), which establishes the Commission and grant it the power to approve conservation district programs and allocate funds as it deems appropriate.

#### D. Background

Conservation districts administer the Chesapeake Bay Program at the local level. They provide technical assistance to landowners for the implementation of agricultural best management practices. Costs for technical personnel are reimbursed to conservation districts by the Commission. Providing timely funding for salary expenses incurred by conservation districts for their staff time to implement the program is proving to be increasingly difficult. All payments currently are made on a reimbursement basis each quarter. Actual reimbursement occurs approximately 5 months following the initial costs to the conservation district. This process is causing serious cash flow problems for some conservation districts. At its March 14, 1996, meeting the Commission approved proposed amendments to its statement of policy to provide the opportunity to advance funds to conservation districts for employment and associated costs of technical personnel to implement the Chesapeake Bay Nonpoint Source Pollution Abatement Program. Advance

payment of no more than one fourth of the contract amount will be made at the beginning of the contract period with the remaining quarterly payments being made on a reimbursement basis. The reimbursement for the 3rd and 4th quarter minus the original advance payment will be used to determine the final payment. Conservation districts were given the opportunity to provide comments on the proposed amendments. On May 8, 1996, the Commission, at its public meeting, formally adopted the revised policy for the Chesapeake Bay Nonpoint Source Pollution Abatement Program.

*(Editor's Note: The regulations of the State Conservation Commission, 25 Pa. Code Chapter 83, are amended by amending a statement of policy in §§ 83.132, 83.134 and 83.135 to read as set forth in Annex A.)*

JAMES M. SEIF,  
*Secretary*

**Fiscal Note:** 7-504. No fiscal impact; (8) recommends adoption.

#### Annex A

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

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE I. LAND RESOURCES

#### CHAPTER 83. STATE CONSERVATION COMMISSION

#### Subchapter C. CHESAPEAKE BAY NONPOINT SOURCE POLLUTION ABATEMENT PROGRAM—STATEMENT OF POLICY

#### TECHNICAL ASSISTANCE FUNDING PROGRAM

#### § 83.132. Application requirements.

(a) An application for available funds shall be in writing on forms furnished by the Commission. An application shall be received by the deadline established by the Commission for filing the applications.

(b) An application shall describe the problem (why the project is required), purpose and objectives, methods and procedure, summary of requirements—for example, projected completion dates, required personnel, including time allotted for expected work tasks, special services, physical resources and estimated costs—and projected completion date for report of results.

(c) The Commission will execute an agreement with an approved applicant including the terms and conditions for completing work and a budget for submitting reimbursement claims or request for advance payments. Eligible costs incurred by the applicant will include those items determined by the Department to be necessary to carry out the agreement.

#### § 83.134. Reporting requirements.

(a) Project sponsors shall report program accomplishments to the Commission in a manner prescribed in the agreement.

(b) Claims for reimbursement or requests for advance payments shall be submitted to the Commission in accordance with the schedule outlined in the agreement. The claims shall show the utilization of funds. Advance

payments will be based on demonstrated need in accordance with the budget outlined in the agreement.

(c) The Commission reserves the right to audit Federal and State project related accounts and records to determine if funds are expended in conformance with the agreement.

(d) Records shall be retained for 3 years following the last payment from the Commission.

(e) A project sponsor shall maintain a separate accounting system for funds received under the Technical Assistance Funding Program.

**§ 83.135. Reimbursement procedures and advance payments.**

(a) The Commission will not process a program claim for reimbursement or request for advance payment until all reports related to the program are received in the Commission's office.

(b) The Commission will not process a final claim for reimbursement under the agreement until the conditions of the agreement have been met and are acceptable to the Commission. No advancement of funds will be made until final approval of the previous quarterly report of expenditures is given by the Department.

(c) Claims for reimbursement or requests for advance funds shall be filed with the Commission within 15 days of the date prescribed in the agreement showing the utilization of funds in accordance with the approved budget.

(d) Acceptable reimbursement claims or requests for advance funds submitted in compliance with subsections (a)—(c) will be forwarded by the Commission to the comptroller for payment within 15 working days after the claim or request is received in the Commission office.

[Pa.B. Doc. No. 97-445. Filed for public inspection March 21, 1997, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 15]

### Implementation of Antidegradation Requirements

The Department of Environmental Protection (Department) is holding a public hearing and soliciting public comments on a proposed policy for implementation of antidegradation requirements in the water quality standards program.

The public hearing will be held on May 7, 1997, at 10 a.m. in the 2nd floor auditorium, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA.

The proposed policy contains details of the implementation procedures for the proposed antidegradation regula-

tion at Chapter 93 (relating to water quality standards), which appears at 27 Pa.B. 1459 (March 22, 1997). Included in the procedures are implementation of the chemistry and biology tests that must be met to qualify a water for High Quality and Exceptional Value Waters protection, and procedures for completeness and acceptability of antidegradation evaluation reports submitted to the Department by a person who petitions the Environmental Quality Board for assessment of waters for potential classification as High Quality or Exceptional Value Waters. The Department will evaluate complete reports to determine if the petitioned water qualifies for antidegradation protection.

A copy of the proposed policy is available from Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555 (express mail: Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101-2301), (717) 787-9637. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. The proposed statement of policy is available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

Persons wishing to present testimony at the public hearing are requested to contact Mary Houghton, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555 (717) 787-9637 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf.

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

Comments, suggestions or objections regarding the proposed statement of policy should be sent to Edward Brezina or may be submitted electronically at [RegComments@A1.dep.state.pa.us](mailto:RegComments@A1.dep.state.pa.us). A subject heading of the proposal and return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Comments must be received by May 21, 1997. Comments submitted by facsimile will not be accepted.

JAMES M. SEIF,  
*Secretary*

(*Editor's Note:* For a proposed rulemaking relating to this notice, see 27 Pa.B. 1459 (March 22, 1997).)

[Pa.B. Doc. No. 97-446. Filed for public inspection March 21, 1997, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission will hold a public hearing on Wednesday, March 26, 1997. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, NJ.

An informal conference among the Commissioners and staff will be held at 1 p.m. at the same location and will feature a presentation on the Delaware River Sojourn. This conference is also open to the public.

In addition to the subjects listed below which are scheduled for public hearing at the business meeting, the Commission will also address the following matters: Minutes of the February 26, 1997 business meeting; announcements; General Counsel's Report; report on Basin hydrologic conditions and public dialogue.

The subjects of the hearing will be as follows:

*Applications for Approval of the Following Projects Under Article 10.3, Article 11 and/or Section 3.8 of the Compact:*

1. *Delaware Department of Natural Resources and Environmental Control (DNREC) D-84-10 CP (Supplement No. 3).* An application to supplement Docket No. D-84-10 CP Water Supply Facility Plan for Northern New Castle County, DE to increase the interstate transfer of water from the Chester Water Authority (CWA) in New Garden Township, Chester County, PA to Artesian Water Company (AWC) in New Castle County, DE. Currently, the interstate transfer is 120 million gallons (mg)/30 days (approved via Docket No. D-84-10-CP (Supplement No. 2)). DNREC has requested DRBC to approve an increase to 180 mg/30 days and an extension of the interstate agreement to December 31, 2021. The Department of Environmental Protection has approved the project transfer by CWA.

2. *Village of Deposit D-86-29 CP Renewal 2.* An application for the renewal of a ground water withdrawal project to supply up to 30 mg/30 days of water to the applicant's distribution system from well nos. 1 through 4. Commission approval on December 11, 1991 was limited to 5 years. The applicant requests that the total withdrawal from all wells remain limited to 30 mg/30 days. The project is located in the Village of Deposit, Broome and Delaware Counties, NY.

3. *Moyer Packing Company D-96-21.* A project to expand the applicant's industrial wastewater treatment plant (IWTP) average monthly capacity from 0.50 million gallons/day (mgd) to 0.705 mgd. The IWTP will continue to serve only the applicant's rendering and meat packing facilities in Franconia Township, Montgomery County, PA.

The IWTP will continue to provide tertiary filtration after secondary biological treatment via the extended aeration activated sludge process. The IWTP will continue to discharge to Skippack Creek, approximately 1,000 feet west of the plant, which is situated just west of Allentown Road near Souder Road in Franconia Township.

4. *Thornbury Township D-96-47 CP.* A project to construct a 103,000 gallons/day (gpd) sewage treatment plant (STP) to provide advanced secondary biological treatment (via the sequencing batch reactor/activated sludge process) and tertiary filtration. Depending upon weather conditions, discharge will be to Radley Run, a tributary of Brandywine Creek, and/or to a 10-acre spray irrigation disposal field. The project will be constructed in two phases: In Phase I, the project spray irrigation disposal field will provide capacity for 77,250 gpd; Phase II will provide an additional 3.3 acres for the 103,000 gpd total capacity. The spray irrigation field will be located west of Radley Run and the STP will be located just east of Radley Run, on the proposed Bridlewood Farm residential development in Thornbury Township, Chester County, PA. All facilities are just south of Street Road and west of Route 202 in Thornbury Township.

5. *Citizens Utilities Water Company of Pennsylvania, Amity District D-96-53 CP.* An application for approval of a groundwater withdrawal project to supply up to 8.4 mg/30 days of water to the applicant's distribution system from new well no. DG-11, and to increase the existing withdrawal limit of 12.1 mg/30 days from all wells to 21 mg/30 days. The project is located in Amity Township, Berks County, PA.

6. *New Garden Township Sewer Authority D-96-64 CP.* A project to construct a 0.3 mgd lagoon treatment/spray irrigation system to be known as the East End Wastewater Treatment Plant in New Garden Township, Chester County, PA. Currently, sewage generated in the East End of New Garden Township is pumped to the Borough of Kennett Square treatment plant. The proposed project is being built to meet the present and future wastewater needs of the East End since conveyance to Kennett Square's plant is proposed to end in the near future. The facilities are designed for construction in two phases: an initial 200,000 gpd phase and two additional 50,000 gpd phases as needed. There will be no discharge to surface water.

7. *North Coventry Municipal Authority D-97-1 CP.* A project to modify and expand the applicant's existing trickling filter STP from an average monthly flow of 0.7 mgd to 1.5 mgd. The expanded STP will provide secondary biological treatment via an oxidation ditch activated sludge process. The STP will continue to serve existing and proposed development in North Coventry Township, Chester County, PA. The STP is located in the northeastern corner of North Coventry Township and is situated on the south bank of the Schuylkill River to which it will continue to discharge, just downstream from the U. S. Route 442 bridge.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

SUSAN M. WEISMAN,  
Secretary

[Pa.B. Doc. No. 97-447. Filed for public inspection March 21, 1997, 9:00 a.m.]



## Proposed Amendments to Ground Water Protected Area Regulations for Southeastern Pennsylvania; Public Briefings

The Delaware River Basin Commission (Commission) will hold public briefings on proposed amendments to its Ground Water Protected Area Regulations for Southeastern Pennsylvania with respect to the establishment of numerical ground water withdrawal limits for subbasins in the protected area. The proposed limits, based upon hydrologic budget analyses, would initially be specified for the 14 subbasins in the Neshaminy Creek Basin. Limits for the remaining 52 subbasins within the protected area would be developed upon completion of additional hydrologic budget analyses, scheduled to be completed late in 1997.

The Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania were adopted in 1980 to prevent depletion of ground water, protect the just and equitable interests and rights of lawful users of the same water source, and balance and reconcile alternative and conflicting uses of limited water resources in the area. Lowered water tables resulting from withdrawals in excess of recharge rates have led to reduction of flows in some perennial streams in the region and have dried up some stream reaches which previously flowed all year. Such reductions in base flow interfere with instream and downstream water uses, adversely affect fisheries and aquatic life, and threaten to reduce the capacity of streams in the region to assimilate natural and man-made point and nonpoint discharges of potential pollutants.

Since then, the ground water protected area regulations have been implemented and all interference issues have been addressed, and many sources have been limited to more reliable quantities. In addition, other alternative supplies have been made available in much of the protected area. While it is clear that ground water withdrawals have impacted the low flow of perennial streams, it has been difficult to address the impact on streamflow on a project by project basis. With this in mind, the Commission and its Ground Water Advisory Committee evaluated a variety of approaches and determined that additional information was needed. In 1996, the U. S. Geological Survey completed work on a computer program to more accurately compare water withdrawals and ground water base flow in the Neshaminy Creek Basin. Over the past years, the Commission's Ground Water Advisory Committee met on several occasions to review the study products and discuss possible management strategies to address the problems identified by the study. Commission staff has presented the study results and options to the following groups: Water Supply Technical Advisory Committee of the Bucks County Planning Commission; Montgomery County Planning Commission staff; Bucks County Planning Commission; Central Bucks Water Supply Committee; Upper Bucks County Ground Water Committee; Conshohocken Office of the Pennsylvania Department of Environmental Protection; the Bucks County Health Department; the US Environmental Protection Agency's Neshaminy Creek Watershed Conference; the Water Resources Association of the Delaware River Basin; and the Association of Ground Water Scientists and Engineers.

The proposed amendments to the Ground Water Protected Area Regulations would establish a two-tiered system of withdrawal limits. The first tier would serve as a warning that a subbasin is "potentially stressed." In potentially stressed subbasins, applicants for new or

expanded ground water withdrawals would be required to implement one or more programs to mitigate adverse impacts of additional ground water withdrawals. Acceptable programs would include: conjunctive use of ground water and surface water; expanded water conservation; programs to control ground water infiltration; and artificial recharge and spray irrigation. The second tier would serve as the maximum withdrawal limit. The Commission would seek to prevent ground water withdrawals from exceeding the maximum withdrawal limit.

The proposed regulations would also provide incentives for holders of existing DRBC docket and protected area permits to implement one or more of the above programs to mitigate the adverse impacts of their ground water withdrawals. If docket or permit holders successfully implement one or more programs, the Commission would extend the docket or permit duration for up to 10 years.

The proposed regulations would also specify administrative criteria for issuing and review of dockets and permits as well as protocol for updating and revising withdrawal limits to correspond with any integrated resources plans adopted by municipalities for subbasins.

The briefings will be held as follows:

April 8, 1997, beginning at 7 p.m. and continuing until 9 p.m. as long as there are people present wishing to speak. The briefing will be held in the Central Bucks West High School Auditorium, 375 West Court Street, Doylestown, PA.

April 10, 1997, beginning at 7 p.m. and continuing until 9 p.m. as long as there are people present wishing to speak. The briefing will be held in Room 171 of the Chester County Government Services Center, 601 Westtown Road, West Chester, PA.

The ground water study which provided the basis for the proposed withdrawal limits for the 14 subbasins in the Neshaminy Creek Basin was prepared by the U. S. Geological Survey in cooperation with the Commission and is entitled "Water-Use Analysis Program for the Neshaminy Creek Basin, Bucks and Montgomery Counties, Pennsylvania." Limited quantities of this report and its accompanying map series entitled "Maps of Difference Between Ground-Water Contributions to Base Flow for the Various Recurrence Intervals and Ground Water Withdrawals in the Neshaminy Creek Basin, Pennsylvania" were printed and may be reviewed at the Commission's offices at 25 State Police Drive, West Trenton, NJ. Please contact Judith L. Strong, Commission Librarian at (609) 883-9500 ext. 263 to make an appointment. Review copies are also available at the offices of the Bucks County Planning Commission (215) 345-3400; Bucks County Library Center (215) 348-9082; Montgomery County Planning Commission (Drew Shaw) (610) 278-3733; the Chester County Library (Sue Wilson) (610) 363-0884; and Lehigh Valley Planning Commission (610) 264-4544.

It is the Commission's intent to analyze all comments received at the public briefings before proposing the adoption of revisions to the Ground Water Protected Area Regulations for Southeastern Pennsylvania. A public hearing on proposed revisions to the regulations is tentatively planned for late spring of 1997.

SUSAN M. WEISMAN,  
*Secretary*

[Pa.B. Doc. No. 97-448. Filed for public inspection March 21, 1997, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 11, 1997.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-5-97	F.N.B. Corporation, Hermitage, to acquire up to 15.0% of the voting shares of Sun Bancorp, Inc., Selinsgrove	Hermitage	Filed

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-3-97	Harris Savings Bank Harrisburg Dauphin County	635 N. 12th St. Lemoyne Cumberland County	Opened
3-6-97	Abington Savings Bank Jenkintown Montgomery County	1432 Easton Road Warrington Bucks County	Approved
3-10-97	The Drovers & Mechanics Bank York York County	Intersection of I-83 and Rte. 851 Shrewsbury Twp. York County	Filed

### SAVINGS ASSOCIATIONS

No activity.

### CREDIT UNIONS

#### Conversions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-6-97	Harrisburg Belco Federal Credit Union Harrisburg Dauphin County	403 N. Second St. Harrisburg Dauphin County	Approved
	<i>To:</i> Belco Credit Union Harrisburg Dauphin County		
	Represents conversion from a Federally-chartered credit union to a State-chartered credit union.		

#### Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-1-97	ITE Credit Union Southampton Bucks County	9212 Frankford Ave. Philadelphia Philadelphia County	Opened

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-449. Filed for public inspection March 21, 1997, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### [National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

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

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

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

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

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

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

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

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

**PA 0096512.** Sewage, **Mt. Morris Water and Sewage Authority**, P. O. Box 340, Mt. Morris, PA 15349.

This application is for renewal of an NPDES permit to discharge treated sewage from the Mt. Morris Wastewater Treatment Plant in Perry Township, **Greene County**.

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

Outfall 001: existing discharge, design flow of 0.1 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	7.0	10.5		14.0
(11-1 to 4-30)	21.0	31.5		42.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(11-1 to 4-30)	15,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration		1.4		3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0097390.** Sewage, **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123.

This application is for renewal of an NPDES permit to discharge treated sewage from Vekaplast Sewage Treatment Plant in Marion Township, **Beaver County**.

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

Outfall 001: existing discharge, design flow of .012 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38	50
Suspended Solids	30	45	60
Phosphorus (4-1 to 10-31)	2.0	3.0	4.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	100,000/100 ml as a geometric mean		
Total Residual Chlorine 1st month—36th month	monitor and report		
37th month—expiration	1.4		3.3
pH	6.0—9.0		

The EPA waiver is in effect.

**PA 0217549.** Sewage, **Grey's Colonial Acres**, R. D. 1, Box 137, Kittanning, PA 16201.

This application is for issuance of an NPDES permit to discharge treated sewage from Grey's Colonial Acres Sewage Treatment Plant in Plumcreek Township, **Armstrong County**.

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

Outfall 001: new discharge, design flow of 0.0032 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager; Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3670.*

**PA 0115312.** Sewerage, SIC: 4952, **Loyalsock Township Board of Supervisors**, 2501 East Third Street, Williamsport, PA 17701.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary of Grafius Run in Loyalsock Township, **Lycoming County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0008 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Free Cl <sub>2</sub> Residual	report		
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	200 col/100 ml as a geometric mean		
pH	6.0—9.0 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 0035513. Department of Transportation**, Bureau of Design, 7th Floor Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

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

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA American Water Company on the Shenango River located at New Castle, approximately 21 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.005 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Ammonia-Nitrogen	monitor and report		
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
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0091189. Slippery Rock Campground Association, Inc.**, 1150 West Park Road, Slippery Rock, PA 16057-4118.

This application is for renewal of a Part I NPDES Permit, to discharge treated sewage to Slippery Rock Creek in Worth Township, **Butler County**. This is a minor discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Salvation Army's Camp Allegheny on Slippery Rock Creek located at Worth Township, Butler County, approximately 15.1 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.100 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 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 0221872.** Industrial waste, SIC: 3312. **Universal Stainless and Alloy Products**, 600 Mayer Street, Bridgeville, PA 15017.

This application is for renewal of an NPDES permit, to discharge noncontact cooling water and Group 1 Stormwater to Oil Creek and Church Run in Titusville, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed

downstream potable water supply considered during the evaluation is the Emlenton Water Company on Allegheny River located at Emlenton, approximately 48 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.245 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		
Oil and Grease	15		30
Copper	0.071		0.18
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

**PA 0084956.** Industrial waste, SIC: Code 4952, **Larry H. Mylin**, Pequea Sewer Services Septage Treatment Plant, 106 Fairview Road, New Providence, PA 17560.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Pequea Creek, in Providence Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Holtwood Power Plant located in Martic Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.03 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0	62.5
Total Suspended Solids	30.0	60.0	75.0
Total Nitrogen	35.0	70.0	87.5
NH <sub>3</sub> -N	monitor and report		
Nitrite/Nitrates	monitor and report		
Oil and Grease	15.0		30.0
Dissolved Oxygen	5.0 mg/l at all times		
Chlorine Residual	0.5		1.6
Phosphorus	monitor and report		
pH (s.u.)	from 6.0—9.0 inclusive		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml geometric average		
(10-1 to 4-30)	12,000/100 ml geometric average		

The EPA waiver is in effect.

**PA 0008869.** Industrial waste, SIC: 2621, **P. H. Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17362-0500.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Codorus Creek in Spring Grove Borough, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Company located just north of Wrightsville Borough, York County. The discharge is not expected to impact any potable water supply.

The proposed Interim effluent limits for Outfall 001 (paper mill and secondary treated wastewater), for a flow of 13.7 mgd, are:

<i>Parameter</i>	<i>Mass Units (lb/day)</i>		<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>			
Flow (mgd)	report				
pH (s.u.)	report				
Dissolved Oxygen (Minimum)			within limits of 6—9 at all times		
CBOD <sub>5</sub>			5 mg/l at all times		
(5-1 to 10-31)	1,168	2,335	11	22	25
(11-1 to 4-30)	1,600	2,856	14	28	35
Color, Background (Pt-Co Units)			monitor and report		
Color, Effluent (Pt-Co Units)			monitor and report		
Color, Instream (Pt-Co Units)			225	375	200 (annual avg.)

<i>Parameter</i>	<i>Mass Units (lb/day)</i>		<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>			
Temperature, Background (°F)					monitor and report
Temperature, Effluent (°F)					monitor and report
Temperature, Instream (°F)					(1)
Total Residual Chlorine			0.05	0.1	0.15
Total Suspended Solids	5,531	11,266	48	96	118
Phosphorus	228	457	2	4	5
NH <sub>3</sub> -N					
(5-1 to 10-31)	171	343	1.5	3	3.8
(11-1 to 4-30)	report	report			monitor and report
Cyanide, Free	report	report			monitor and report
Phenolics (Total Phenols)	2.8	5.7	0.025	0.05	0.625
Pentachlorophenal		2.7		0.024	
2,4,6-Trichlorophenol		17		0.15	
Aldrin					monitor and report
4,4' DDE					monitor and report
Chloroform					monitor and report
AOX					monitor and report
COD					monitor and report

The proposed Final effluent limits for Outfall 001 (paper mill and secondary treated wastewater), for a flow of 13.7 mgd, are:

<i>Parameters</i>	<i>Mass Units (lb/day)</i>		<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>			
Flow (mgd)	report	report			
pH					within limits of 6—9 at all times
Dissolved Oxygen (Minimum)					5 mg/l at all times
CBOD <sub>5</sub>					
(5-1 to 10-31)	1,168	2,335	11	22	25
(11-1 to 4-30)	1,600	2,856	14	28	35
Color, Effluent (Pt-Co Units) (3)			70	140	175
Temperature, Effluent (°F)				(2)	
Total Residual Chlorine			0.05	0.1	0.15
Total Suspended Solids	5,531	11,266	48	96	118
Phosphorus	228	457	2	4	5
NH <sub>3</sub> -N					
(5-1 to 10-31)	114	228	1	2	2.5
(11-1 to 4-30)	160	320	1.4	2.8	3.5
Cyanide, Free	0.8	1.6	0.007	0.014	0.021
Phenolics (Total Phenols)	2.8	5.7	0.025	0.05	0.0625
Pentachlorophenal		2.7		0.024	
2,4,6-Trichlorophenol		17		0.15	
Aldrin					monitor and report
4,4' DDE					monitor and report
Chloroform					monitor and report
AOX					monitor and report
COD					monitor and report

The proposed effluent limits for Outfall 002 (Noncontact Cooling Water), for a flow of 16.2 mgd are:

<i>Parameters</i>	<i>Mass Units (lb/day)</i>		<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>			
Flow	report	report			
Temperature, Effluent (°F) (2)					monitor and report
Temperature, Instream (°F)					(4)
pH (s.u.)					within limits of 6—9 at all times
CBOD <sub>5</sub>					monitor and report
Total Suspended Solids					monitor and report
Total Residual Chlorine					monitor and report

The proposed effluent limits for Outfall 101 (Internal Monitoring Point of Bleach Plant Effluent) are:

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>			<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly (mg/l)</i>	
2,3,7,8—TCDD			monitor and report	
2,3,7,8—TCDF			monitor and report	
Chloroform			monitor and report	
Acetone			monitor and report	
Methyl Ethyl Ketone			monitor and report	
Methylene Chloride			monitor and report	
Trichlorosyringol			monitor and report	
3,4,5-Trichlorocatechol			monitor and report	
3,4,6-Trichlorocatechol			monitor and report	
3,4,5-Trichloroguaiacol			monitor and report	
3,4,6-Trichloroguaiacol			monitor and report	
4,5,6-Trichloroguaiacol			monitor and report	
2,4,5-Trichlorophenol			monitor and report	
2,4,6-Trichlorophenol			monitor and report	
Tetrachlorocatechol			monitor and report	
Tetrachloroguaiacol			monitor and report	
2,3,4,6-Tetrachlorophenol			monitor and report	
Pentachlorophenol			monitor and report	

The proposed effluent limits for Outfalls SW1—SW4 and SW6—SW46 (Stormwater) are:

<i>Parameters</i>	<i>Composite Sample (mg/l)</i>	<i>Grab Sample (mg/l)</i>
BOD <sub>5</sub>	monitor and report	monitor and report
COD	monitor and report	monitor and report
Oil and Grease	monitor and report	monitor and report
pH	monitor and report	monitor and report
Total Suspended Solids	monitor and report	monitor and report
Total Phosphorus	monitor and report	monitor and report
Total Kjeldahl Nitrogen	monitor and report	monitor and report
Total Iron	monitor and report	monitor and report

This permit also requires a new 316(a) Study, a toxics reduction evaluation (TRE), Chronic Whole Effluent Toxicity Testing (WETT), a sediment bioassay, and fish tissue monitoring.

The EPA waiver is not in effect.

*Footnotes:*

(1) Maximum Weekly Average Temperature Limitations at 300 meters downstream based on the current 316(a) Study

<i>Month</i>	<i>Temperature (°F)</i>	<i>Month</i>	<i>Temperature (°F)</i>
January	45	July	87
February	61	August	87
March	65	September	84
April	79	October	72
May	83	November	63
June	86	December	59

(2) Final Temperature Limitations will be dependent upon the results of a new 316(a) Study

(3) The permittee has granted an extension of time to achieve compliance with final color effluent limitations under 25 Pa. Code § 95.4. Compliance with final effluent limitations will be in accordance with the May 16, 1989 Amended Consent Adjudication between the permittee and the Department.

(4) Maximum Weekly Average Temperature Limitations at the Route 116 Bridge based on the current 316(a) Study

<i>Month</i>	<i>Temperature (°F)</i>	<i>Month</i>	<i>Temperature (°F)</i>
January	39	July	77
February	52	August	75
March	60	September	68
April	73	October	63
May	77	November	59
June	79	December	58

**PA 0087459.** Sewage, SIC: 6515, **Triple Crown Corporation**, Meadow View Village Mobile Home Park, 53521 Jaycee Avenue, Harrisburg, PA 17112.



This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Trout Run, in Centre Township, **Perry County**.

The receiving stream is classified for cold water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated located on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.03175 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N	13	26
Total Residual Chlorine	0.5	1.5
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0—9.0 inclusive	
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	7,400/100 ml as a geometric average	
(10-1 to 4-30)		

The EPA waiver is in effect.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0084484	Salisbury Twp. 5581 Old Phila. Pike Gap, PA 17527	Lancaster	Pequea Creek	TRC
PA 0081795	Williams Grove MHP 1550 Williams Grove Road Mechanicsburg, PA 17055	Cumberland Monroe Twp.	Yellow Breeches Creek	TRC
PA 0084794	Asbury Pointe LP 135 N. George St. York, PA 17401	York E. Manchester Twp.	Codorus Creek	TRC
PA 0080349	Chesapeake Estates of Thomasville 585 Martin Road Gettysburg, PA 17325	York Jackson Twp.	Little Conewago Creek	TRC

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

**PA 0061603.** Sewerage. **Eagle Lake Community Association, Inc.**, c/o James H. Ott, P. O. Box 305, Gouldsboro, PA 18424-0305.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into unnamed tributary of Tamarack Creek in Covington Township, **Lackawanna 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Hazleton Municipal Water Authority's intake on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.500 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
Total Suspended Solids	10.0	20.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	2.5	5.0
(11-1 to 4-30)	7.5	15.0
Phosphorous as "P"	1.0	2.0
NO <sub>2</sub> +NO <sub>3</sub> as "N"	10.0	20.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times	
Fecal Coliforms	200/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine		
1st Month through 36th Month	monitor and report	
37th Month through Expiration	0.02	0.04

The EPA waiver is in effect.

**PA 0061646.** Industrial waste, SIC: 4941, **Pennsylvania-American Water Company** (Scranton Water Treatment Plant), 20 East Union Street, Wilkes-Barre, PA 18701.

This proposed action is for renewal of an NPDES permit to discharge treated water treatment plant wastewaters into Stafford Meadow Brook in Roaring Brook Township, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Danville Water Authority located on the north branch of the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .80 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	1.40	2.80	3.50
Total Aluminum	.70	1.40	1.75
Total Manganese	1.0	2.0	
Total Copper	monitor and report		
Total Lead	monitor and report		
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0044270.** Sewerage, **Keystone Mobile Home Park**, Box H, Laury's Station, PA 18059.

This proposed action is for renewal of an NPDES permit to discharge treated process sewage into Lehigh River in North Whitehall Township, **Lehigh County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Northampton Water Supply on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of .0375 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N (5-1 to 10-31)	20	40
Dissolved Oxygen	a minimum of 5 mg/l at all times	
Fecal Coliforms	200/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

**PA 0053872.** Sewerage, **Red Hill Water Authority**, Box 26, Red Hill, PA 18076.

This proposed action is for renewal issuance amendment of an NPDES permit to discharge untreated, treated, process wastewater, cooling water, sewage into drainage swale to Perkiomen Creek in Upper Milford Township, **Lehigh County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Philadelphia Suburban Water Supply on the Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.004 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Dissolved Oxygen	a minimum of 5 mg/l at all times	
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

**PA 0032018.** Sewerage, **Lagana Enterprises, Inc.**, Box 203K, Airport Beltway, Hazleton, PA 18201.

This proposed action is for the revocation and reissuance of an NPDES permit to discharge treated sewage into Lake Irene wet weather channel in Hazle Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Danville Water Supply on the north branch of the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .013 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	15	30
NH <sub>3</sub> -N (5-1 to 10-31)	4	8
(11-1 to 4-30)	12	24
Dissolved Oxygen	a minimum of 6 mg/l at all times	
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

**PA 0043915.** Sewerage, **River Road Utilities, Inc.**, R. R. 1, River Road, Mount Bethel, PA 18343.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Delaware River in Upper Mount Bethel Township, **Northampton County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the City of Easton on the Delaware River.

The proposed effluent limits for Outfall 001, based on a design flow of .1392 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Dissolved Oxygen	a minimum of 5 mg/l at all times	
Fecal Coliforms	200/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

**PA 0031364.** Sewerage, **Wallenpaupack Area School District**, Box 17, Star Route 2, Hawley, PA 18428.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Lake Wallenpaupack in Palmyra Township, **Pike County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is Delaware River Intake for Stroudsburg/East Stroudsburg Authority.

The proposed effluent limits for Outfall 001 based on a design flow of .04 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Phosphorous as "P"	2	4
Dissolved Oxygen	a minimum of 7 mg/l at all times	
Fecal Coliforms	200/100 ml as a geometric mean	
(5-1 to 9-30)	2,000/100 ml as a geometric mean	
(10-1 to 4-30)	6.0—9.0 standard units at all times	
pH		
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### Applications under the Pennsylvania Clean Streams Law

##### (Part II Permits)

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

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

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

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

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

**A. 0488201.** Amendment No. 1. Industrial waste, **BASF Corporation**, 270 Frankfort Road, Monaca, PA 15061. Application for the upgrading of the Monaca Site Secondary Wastewater Treatment Plant located in the Township of Potter, **Beaver County** to serve the BASF Corporation—Monaca Plant.

**A. 0297401.** Sewerage. **North Versailles Township Sanitary Authority**, 1401 Greensburg Avenue, North Versailles, PA 15137. Application for the construction and operation of the Westbury Road Pump Station located in the Township of North Versailles, **Allegheny County**.

**A. 0497403.** Sewerage. **Blacks Mobile Home Park**, R. D. 2, Big Knob Road, Lot #38, Rochester, PA 15074. Application for the construction and operation of a sewage treatment plant located in the Township of New Sewickley, **Beaver County** to serve the Blacks Mobile Home Park.

**A. 5697401.** Sewerage, **Charles Thomas, Jr.**, R. D. 1, Box 31, Garrett, PA 15542. Application for the construction of a single residence sewage treatment plant located in the Township of Brothersvalley, **Somerset County** to serve the Thomas residence.

**A. 6396403.** Amendment No. 1. Sewerage, **South Strabane Township Sanitary Authority**, 550 Washington Road, Washington, PA 15301. Application for the construction and operation of sewers and appurtenances located in the Township of South Strabane, **Washington County** to serve the Manifold Force Main Sewer Replacement.

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

**0997401.** Sewerage. **Yardley Borough Sewer Authority**, (56 South Main Street, Yardley, PA 19067). Modifications to the Delaware Avenue Pump Station to serve Yardley Borough Sewer Authority located in Yardley Borough, **Bucks County**.

**4697402.** Sewerage. **Worcester Township**, (1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490). Construction of a pumping station and sanitary sewer extension to serve Chadwick Place located in Worcester Township, **Montgomery County**.

**2397403.** Sewerage. **Jonathan Kimmel**, (46 Tanguy Road, Glen Mills, PA 19342). Construction of a sewage

treatment plant to serve the Kimmel residence located in Thornbury Borough, **Delaware County**.

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

**WQM Permit No. 2097402.** Sewage. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335. This project is for the construction of a wastewater pump station in West Mead Township, **Crawford County**.

**WQM Permit No. 2597405.** Sewage. **Edinboro Conference Camp Grounds**, 5471 Old State Road, Edinboro, PA 16412. This project is for the expansion of the existing camp ground facility, including the construction of a wastewater treatment plant in Washington Township, **Erie County**.

**WQM Permit No. 1097401.** Sewage. **Buffalo Associates**, 1046 Pittsburgh Street, Springdale, PA 15144. This project is for the construction of a sewage pumping station in Buffalo Township, **Butler County**.

**WQM Permit No. 2597406.** Sewage. **Fairview Township Sewer Authority**, P. O. Box U, Fairview, PA 16415. This project (Kruse Farm/Route 5 Sewer Extension) is for a gravity sewer interceptor to service part of Fairview Borough, **Erie County**.

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

**A. 6797403.** Sewage, **New Freedom Borough Authority**, 150 East Main Street, New Freedom, PA 17349 in New Freedom Borough, **York County** to upgrade and expand existing pump station was received in the Southcentral Region on February 27, 1997.

**A. 0697403.** Sewage. **Morgantown Properties, Ltd.**, 200 Bethlehem Drive, Morgantown, PA 19543 in New Morgan Borough, **Berks County** to construct a wastewater treatment plant and spray irrigation system to serve Carr Recreation Park was received in the Southcentral Region on February 27, 1997.

**A. 3697402.** Sewage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552 in Mount Joy Borough, **Lancaster County** to replace 5,600' of existing interceptor sewer was received by the Southcentral Region on February 18, 1997.

## INDIVIDUAL PERMITS

### (PAS)

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

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

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

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

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

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

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

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

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

*Northcentral Regional Office, Regional Water Management Program Manager, 208 W. 3rd Street, Williamsport, PA 17701, telephone (717) 327-3669.*

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

*Allegheny County Conservation District, District Manager, 875 Greentree Road, Pittsburgh, PA 15220, telephone (412) 921-1999.*

**NPDES Permit PAS10A052-2.** Stormwater. **Metro Property**, 300 Park Manor Drive, Pittsburgh, PA 15202 has applied to discharge stormwater from a construction activity located in North Fayette Township, **Allegheny County**, to Montour Run.

**NPDES Permit PAS10A097.** Stormwater. **Spectra Development Company**, 2593 Wexford Bayne Road, Sewickley, PA 15143 has applied to discharge stormwater from a construction activity located in Franklin Park Borough, **Allegheny County**, to Pine Creek.

**NPDES Permit PAS10A098.** Stormwater. **Dept. of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017 has applied to discharge stormwater from a construction activity located in South Fayette and Collier Townships, and Bridgeville Borough, Allegheny County,

and Cecil Township, **Washington County**, to McPherson Creek.

**NPDES Permit PAS10A099.** Stormwater. **Urban Re-development Authority**, 200 Ross Street, Pittsburgh, PA 15219 has applied to discharge stormwater from a construction activity located in the City of Pittsburgh, **Allegheny County**, to Nine Mile Run.

*Centre County Conservation District, District Manager, 414 Holmes Avenue, Bellefonte, PA 16823, telephone (814) 355-6817.*

**NPDES Permit PAS10F050-1.** Stormwater. **Pennsylvania State University**, University Park Airport, 416 Old Main, University Park, PA 16802 has applied to discharge stormwater from a construction activity located in Benner, College and Patton Townships, **Centre County**, to Spring Creek.

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

**NPDES Permit PAS10G251.** Stormwater. **Wilmer Hostetter**, 481 Limestone Road, Oxford, PA 19363 has applied to discharge stormwater from a construction activity located in East Nottingham Township, **Chester County**, to McDonald Run.

**NPDES Permit PAS10G252.** Stormwater. **Devereux Foundation**, 19 S. Waterloo Road, Devon, PA 19333 has applied to discharge stormwater from a construction activity located in Willistown Township, **Chester County**, to UNT to Crum Creek.

**NPDES Permit PAS10G253.** Stormwater. **Trommell Crow Company**, 575 E. Swedesford Road, Wayne, PA 19087 has applied to discharge stormwater from a construction activity located in East Whiteland Township, **Chester County**, to Valley Creek.

**NPDES Permit PAS10G254.** Stormwater. **K Hovnanian**, 1369 Troon Lane, 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.

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

**NPDES Permit PAS10K019.** Stormwater. **Metro Health Center**, 252 W. 11th Street, Erie, PA 16502 has applied to discharge stormwater from a construction activity located in Millcreek Township, **Erie County**, to Walnut Creek.

*Greene County Conservation District, District Manager, 22 W. High Street, STE 203, Waynesburg, PA 15370, telephone (814) 852-5278.*

**NPDES Permit PAS102908.** Stormwater. **Texas Eastern**, 5444 Westheimer Street, Houston, TX 77056 has applied to discharge stormwater from a construction activity located in Franklin Township, **Greene County**, to Browns and Ten Mile Creeks.

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

**NPDES Permit PAS10Q134.** Stormwater. **Lehigh Valley Hospital**, P. O. Box 689, Allentown, PA 18105 has applied to discharge stormwater from a construction activity located in Salisbury Township, **Lehigh County**, to Little Lehigh Creek.

**NPDES Permit PAS10Q135.** Stormwater. **Dept. of Transportation**, 1713 Lehigh Street, Allentown, PA 16103 has applied to discharge stormwater from a construction activity located in Whitehall and Hanover Townships and the City of Bethlehem, Lehigh County, and Hanover and Bethlehem Townships and the City of Bethlehem, **Northampton County**, to the Lehigh River and Monocacy Creek.

#### SAFE DRINKING WATER

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

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

**6496505.** Public water supply. **Hollister Heights Mobile Home Park**, Edward Fieramosca, R. R. 5, Box 5417, Moscow, PA 18444. This proposal involves the modification and permitting of an existing system serving Hollister Heights Mobile Home Park, Salem Township, **Wayne County**.

**6696502.** Public water supply. **Copper Kettle Trailer Park**, R. R. 5, Box 370, Tunkhannock, PA 18657. This proposal involves the modification and permitting of an existing public water system serving Copper Kettle Trailer Park, in Monroe Township, **Wyoming County**.

*Engineer: Gregg Bates, 19 Culver Street, Forty Fort, PA 18704.*

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

**A. 3697502.** Public water supply. **Borough of Adamstown**, Adamstown Borough, **Lancaster County**, (Edward Stoudt, Borough Council President, 98 Lancaster Avenue, P. O. Box 546, Adamstown, PA 19501), construct a new 300,000 gallon concrete storage tank and install approximately 350 feet of 12-inch water line, (Michael S. Moulds, P. E., RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603).

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### Under Act 2, 1995

#### Preamble 1

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

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be

relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, 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.*

**Mt. State Bit Services, Inc.** (Former), Redstone Township, **Fayette County**, Mt. State Bit Services, Inc. (Former), R. D. 1, P. O. Box 406, New Salem, PA 15468 has submitted a Notice of Intent to Remediate soil contaminated with PHCs. The applicant proposes to remediate the site to meet the Statewide health standard.

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

**Pennsylvania Power & Light Company Distribution Pole 15280S31266**, Carlisle Borough, **Cumberland County**. Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Carlisle Sentinel* on February 28, 1997.

**Harrisburg Steam Works, Ltd.**, Harrisburg, **Dauphin County**. Harrisburg Steam Works, 1090 North Tenth Street, P. O. Box 3357, Harrisburg, PA has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, PHCs and PAHs. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sunday Patriot News* on February 2, 1997.

**Harrisburg Steam Works, Ltd.**, Harrisburg, **Dauphin County**. Harrisburg Steam Works, 1090 North Tenth Street, P. O. Box 3357, Harrisburg, PA has submitted a Notice of Intent to Remediate site soil contaminated with chromium. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sunday Patriot News* on February 2, 1997.

**Highland Industrial Park**, Springettsbury Township, **York County**. Michael Carew, 110 East King Street, York, PA 17403 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Dispatch* and the *York Daily Record* on February 21, 1997.

## SOLID AND HAZARDOUS WASTE LICENSE TO TRANSPORT HAZARDOUS WASTE

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

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

**S-J Transportation Co.**, 1176 US Route 40, Woodstown, NJ 08098; S. H. Jones, Jr., Owner; License No. **PA-HC 0031**; application received February 21, 1997.

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

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

**Stericycle, Inc.**, 1419 Lake Cook Road, Suite 410, Deerfield, IL 60015; Linda D. Lee, Vice President; application received February 19, 1997.

## RESIDUAL WASTE PROCESSING FACILITIES

**Applications 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. 301307. Allegheny Liquid Systems**, R. J. Casey Industrial Park, Columbus and Adams Avenues, Pittsburgh, PA 15233. Allegheny Liquid Systems, Inc., R. J. Casey Industrial Park, Columbus and Adams Avenues, Pittsburgh, PA 15233. Application for a residual waste processing facility in the City of Pittsburgh, **Allegheny County**, was received in the Regional Office on March 6, 1997.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**A. 600343(16). Wheelabrator Clean Water Systems, Inc.**, 180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401. Received an application for the agricultural utilization of sewage sludges on the Stanhardt Farm located in Douglass Township, **Montgomery County**. Application received in the Southeast Regional Office on February 12, 1997.

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**A. 603002. Young's Sanitary Septic Service, Inc.,** (31 East Main Street, P. O. Box 1921, New Kingston, PA 17072). Application for permit reissuance of an agricultural utilization of sewage sludge in Washington Township, **York County**. Application determined to be administratively complete in the Regional Office February 25, 1997.

**A. 101509. Conestoga Landfill, New Morgan Landfill Co., Inc.** (P. O. Box 128, Morgantown, PA 19543). Application for major modification for the use of Propat as an alternative daily cover at a site in New Morgan Borough, **Berks County**. Application determined to be administratively complete in the Regional Office February 26, 1997.

**AIR POLLUTION  
OPERATING PERMITS**

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

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

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

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **15-318-010D**  
Source: Production Scrubber System I Modification  
Company: **Johnson Matthey, Inc.**  
Location: Tredyffrin  
County: **Chester**

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

**06-1031.** The Department intends to issue a VOC RACT Air Quality Operating Permit to **Reading Tube Corporation** (P. O. Box 14026, Reading, PA 19612-4062) for a secondary copper smelter and copper tubing manufacturing facility controlled by a thermal oxidizer in Ontelaunee Township, **Berks County**.

**22-2013A.** The Department intends to issue an Air Quality Operating Permit to **Metal Industries, Inc.** (R. D. 1, Box 148A, Millersburg, PA 17061) for a paint cleaning oven in Upper Paxton Township, **Dauphin County**.

**67-317-033.** The Department intends to issue an Air Quality Operating Permit to **Starbucks Coffee Company** (P. O. Box 3406, Seattle, WA 98124) for a coffee roasting operation controlled by two catalytic oxidizers, a fabric collector and three cyclones at their 3000 Espresso Way facility in East Manchester Township, **York County**.

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

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

Permit: **35-308-012B**  
Source: Lead Melting Furnaces  
Company: **G N B Batteries Incorporated**  
Location: Dunmore Borough  
County: **Lackawanna**

Permit: **48-310-028A**  
Source: Stone Crushing Plant/Water Sprays  
Company: **Chrin Brothers Sanitary Landfill**  
Location: Williams Township  
County: **Northampton**

**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.*

**01-303-008.** Construction of a new bituminous concrete plant by **Valley Quarries, Inc., Gettysburg Quarry** (P. O. Box J, Chambersburg, PA 17201) in Cumberland Township, **Adams County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**01-310-040C.** Modification of the existing lime kilns by **Carneuse Pennsylvania, Inc.** (P. O. Box 160, Annville, PA 17003) in Oxford Township, **Adams County**.

**07-309-013A.** Modification of the existing fireclay processing operation by **Adience, Inc., d/b/a BMI-France** (P. O. Box 276, Snow Shoe, PA 16874) in Logan Township, **Blair County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**22-323-015A.** Installation of three burn-off ovens controlled by integral thermal afterburners by **RAM Industries, Inc.** (3501 N. 6th Street, Harrisburg, PA 17110) in Susquehanna Township, **Dauphin County**.

**29-302-028.** Installation of a wood-fired boiler by **Mel-lott Wood Preserving Company** (P. O. Box 209, Needmore, PA 17238) in Belfast Township, **Fulton County**.

**36-304-059A.** Installation of an inductance furnace along with a fabric filter by **Donsco, Inc.** (Mt. Joy Plant, P. O. Box 2001, North Front Street, Wrightsville, PA 17368-4000) in Mt. Joy Borough, **Lancaster County**.

**67-304-042.** Construction of two holding furnaces controlled by a fabric filter by **Donsco, Inc.** (Wrightsville Plant, P. O. Box 2001, North Front Street, Wrightsville, PA 17368-4000) in Wrightsville Borough, **York County**.

**67-2001A.** Installation of several new ovens with control devices at the existing refractory production facility by the **J. E. Baker Company** (P. O. Box 1189, York, PA 17405) in West Manchester Township, **York County**.

**67-304-035A.** Modification of the existing additrol blending facility by adding a coal milling system by **American Colloid Company** (600 Lincoln Street, York, PA 17404) in the City of York, **York County**.

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



**OP-14-0001A.** Construction of a bulk dust silo loadout spout and associated air cleaning device (a fabric collector) by **Con-Lime, Inc.** (P. O. Box 118, Bellefonte, PA 16823) in Benner Township, **Centre County**.

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**Philadelphia Air Management Services Notice of Intent to Approve Construction and Operation of Riverside Materials Incorporate Asphalt Plant**

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Applicant: Riverside Materials Incorporated

Plant Location: 2870 East Allegheny Avenue, Philadelphia, PA 19134

Source Description:

A. Existing equipment:

Drum mix asphalt Plant 350 TPH. burns natural gas and Number 2 oil.

B. New replacement equipment:

Drum mix asphalt Plant 450 TPH. burns natural gas and Number 2 oil.

Riverside Materials Inc. (Riverside) has requested an Air Management Services (AMS) Permit to construct Drum Mix Asphalt Plant 450 TPH. burns natural gas and number 2 oil to replace the existing 350 TPH. unit.

AMS is making a preliminary determination of approval, with conditions, for the construction and operation of the Drum Mix Asphalt Plant. Annual air emissions are estimated at 78 tons carbon monoxide, 23 tons nitrogen oxides, 14 tons sulfur oxides, 9 tons volatile organic compounds, and 6 tons of particulate matters.

Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to AMS at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval with AMS stating the reason for the request.

Copies of all documents and information concerning this permit are available for review in the office of AMS, room 218, 321 University Av., Philadelphia, PA 19104-4543 during normal business hours by contacting Brenda Bonner at (215) 685-7572. Persons wishing to submit written comments should send the comments to Brenda Bonner at the above address. Comments received by facsimile will not be accepted.

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**Philadelphia Air Management Services Notice of Intent to Approval Construction and Operation of Braceland Brothers', Inc. Four Unit Heatset Web Lithographic Printing Press**

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Applicant: Braceland Brothers Incorporated

Plant Location: 7625 Suffolk Avenue, Philadelphia, PA 19153

Source Description: Printing of commercial and government books on non heat-set and heat-set web lithographic printing presses.

Braceland Brothers Inc. (Braceland) has requested an Air Management Services (AMS) Permit to install a four unit heatset web lithographic printing press with potential annual emissions of: 16.2 tons VOC, 0.21 ton carbon monoxide, 1.05 tons nitrogen oxides, 0.03 ton particulate matter and 0.01 ton sulfur oxides.

AMS is making a preliminary determination of approval, with conditions, for the construction and operation of the four unit heatset web lithographic printing press.

Annual air emissions are estimated at 0.03 ton carbon monoxide, 0.15 ton nitrogen oxides, and 2.8 tons volatile organic compounds.

Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to AMS at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval with AMS stating the reason for the request.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours by contacting Brenda Bonner at (215) 685-7572. Persons wishing to submit written comments should send the comments to Brenda Bonner at the above address. Comments received by facsimile will not be accepted.

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**Philadelphia Air Management Services Notice of Intent to Approve Construction and Operation of ECO Technologies, Inc. Sludge Drying Process**

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Applicant: ECO Technologies Incorporated

Plant Location: 7800 Penrose Ferry Road, Philadelphia, PA 19134

Source Description:

(A) sludge drying process rated at a maximum throughput of 400 gallons of sludge per minute.

(B) A propane fired burner for process heat with a rated heat capacity of 7.5 million BTU/hr.

ECO Technologies Inc. (ECO) has requested an Air Management Services (AMS) Permit to construct, test and operate a sludge drying process rated at 400 gallons of sludge per minute and a 7.5 MMBTU/hr propane fired process heater.

AMS is making a preliminary determination of approval, with conditions, for a testing demonstration of the sludge drying process to be performed at 7800 Penrose Ferry Road, Philadelphia, PA. The 5 1/2 hour testing demonstration per day for 30 days will be conducted at 90 gallons of sludge per minute with air emissions estimated at 8 pounds per hour and 44 pounds per day of volatile organic compounds, and 10.56 pounds per hour of particulate matter.

Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to AMS at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval with AMS stating the reason for the request.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours by contacting Brenda Bonner at (215) 685-7572. Persons wishing to submit written comments should send the comments to Brenda Bonner at the above address. Comments received by facsimile will not be accepted.

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**PLAN APPROVALS**

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

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

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

Permit: **13-302-020**

Source: 1500HP Johnston Boiler (#60IL)

Received: February 19, 1997

Company: **Consolidated Cigar Corporation**

Location: Banks Township

County: **Carbon**

Permit: **13-318-002**

Source: 2 Paint Booths w/Panel Filters

Received: February 16, 1997

Company: **Lippert Components Incorporated**

Location: Banks Township

County: **Carbon**

Permit: **35-323-018**

Source: Pyrolysis Furnace w/Afterburner

Received: February 24, 1997

Company: **Powder Tech Incorporated**

Location: City of Scranton

County: **Lackawanna**

Permit: **39-313-029D**

Source: Polystyrene Mfg/Carbon Adsorption

Received: February 18, 1997

Company: **Carpenter Insulation Company**

Location: Upper Macungie Township

County: **Lehigh**

Permit: **40-303-009A**

Source: Asphalt plants 1 & 2 w/Baghouses

Received: February 18, 1997

Company: **Kaminski Brothers Incorporated**

Location: Jenkins Township

County: **Luzerne**

Permit: **40-310-012A**

Source: Stone crushing 1 & 2/Watersprays

Received: February 18, 1997

Company: **Kaminski Brothers Incorporated**

Location: Jenkins Township

County: **Luzerne**

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**Air Quality Plan Approval Application No. 46-322-007 and on (Eastern Expansion) Waste Permit Application No. 100549; Public Hearing to Solicit Comments**

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Under 25 Pa. Code §§ 127.44, 127.48 and 271.143 the Department of Environmental Protection (DEP) will hold a public hearing on the Draft Air Plan Approval and the Waste Permit application No. 100549 for Waste Management Disposal Services of Pennsylvania, Inc. (WMDS), 1425 Sell Road, Pottstown, PA 19464, to construct an expansion, designated "Eastern Expansion," at their Pottstown Landfill, 1425 Sell Road, West Pottsgrove Township, Montgomery County. The proposed landfill expansion is described in the air plan approval application submitted by WMDS to DEP on September 21, 1995, and in the eastern expansion waste permit application submitted by WMDS to DEP on October 13, 1992, and subsequent submissions. Waste Permit No. 100549 for the Eastern Expansion was issued to WMDS by the DEP on October 2, 1995 but the matter of appeal was remanded by the Environmental Hearing Board on November 6, 1996, to the DEP for further action.

The public hearing will be held at 7 p.m. on Wednesday, April 23, 1997, at the Pottsgrove High School Auditorium at 1345 Kauffman Road, Lower Pottsgrove Township, Montgomery County to receive comments on the draft Air Plan Approval under DEP's Air Resource regulations and the Waste Permit application under the DEP's Solid Waste Management regulations.

*Proposed Air Plan Approval Information*

The emissions from the Eastern Expansion will be collected by a gas management system and directed to a fully dedicated enclosed flare. Based on the information provided by the applicant and Department of Environmental Protection own analysis, this expansion and the flare will have the following emissions:

*Pollutant*

Nitrogen Oxides (NOx)	24.17 tons/yr.
Volatile Organic Compounds (VOC)	10.90 tons/yr.
Carbon Monoxide (CO)	52.05 tons/yr.
Sulfur Oxides (SOx)	6.28 tons/yr.
Particulate Matter (PM)	0.68 ton/yr.

The Eastern Expansion is subject to Subpart WWW of the Standards of Performance for New Stationary Sources and shall comply with all the applicable requirements of this Subpart under 40 CFR Part 60. In order to assure compliance with the applicable standards, DEP has placed the following conditions in the proposed Plan Approval.

Plan Approval Conditions:

1. The Eastern Expansion is to be constructed and installed in accordance with the plans submitted with the application (as approved herein).

2. This Plan Approval is issued to Waste Management Disposal Services of Pennsylvania, Inc. for its Pottstown Landfill for the construction of "Eastern Expansion." The owner and operator of the sources shall comply with the following conditions. This Plan Approval is issued subsequent to the company's withdrawal of Plan Approval No. 46-322-008 for two internal combustion engines.

3. A. The Eastern Expansion shall be treated by the Department as a controlled landfill and therefore, collection and control systems are required for the landfill.

B. The average amount of solid waste placed in the Eastern Expansion shall be limited to 5,333 tons per day during the standard calendar year quarter. The design capacity of the Eastern Expansion shall not exceed 3,386,000 tons.

C. Gas Management System

(1) The owner/operator shall annually calculate the Non-Methane Organic Compound (NMOC) emission rate and Volatile Organic Compound (VOC) emission rate using the procedures specified in 40 CFR 60.754.

(2) The final collection and control system design plan shall be prepared by a professional engineer and shall be submitted to the Department. The collection system shall meet the requirements of 40 CFR 60.759.

(3) The owner/operator shall install a collection and control system, within 18 months of the issuance of the Plan Approval, that effectively captures the gas generated within the landfill.

(4) The collection system shall collect gas from each area, cell or group of cells in the landfill in which the initial waste has been placed for a period of at least 18 months; gas shall be collected for at least 2 years or more after landfill has been closed or at final grade.

(5) The collection system shall be such that it can handle the maximum expected gas flow rate from the entire area of the landfill.

(6) The collection system shall be designed to minimize offsite migration of the subsurface gas.

(7) The collection efficiency of the gas management system shall be not less than a minimum of 90%.

(8) The collection system shall be operated with negative pressure at each well head except under the following conditions.

(a) When a fire or increased well temperature is detected, the owner or operator shall record instances when positive pressure occurs in efforts to avoid fire;

(b) When the gas pressure exceeds the pressure limits established for the synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan;

(c) When a well is decommissioned.

(9) The gas temperature in the interior well head shall be less than 55°C and with either a nitrogen level less than 20% or an oxygen level less than 5%. When approved by the Department, the owner or operator may establish a higher operating temperature, nitrogen or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

(a) the nitrogen level shall be determined by using Method 3C;

(b) the oxygen level shall be determined by an oxygen meter using Method 3A.

(10) The collection system shall be operated with a methane leakage concentration less than 500 ppm at any exposed piping and at all points around the perimeter of the collection area and along serpentine pattern spaced 30 meters apart across the collection area. The design plan shall include a topographical map with the proposed monitoring route.

D. (1) The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. The maximum number of probes installed shall be 50. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using method 25C or Method 18 of Appendix A of Subpart 60 of 40 CFR.

(2) Sample collection using probes shall be eliminated when all the collection wells are in place and functional.

(3) The owner or operator shall demonstrate annually that the methane generation rate constant,  $k$ , used in condition 3D(1) is equal to 0.028/yr or less. If the owner or operator fails to demonstrate that the value of  $k$  is 0.028/yr or less then the applicant shall use the value of  $k$  published in the most recent Compilation of Air Pollutant Emission Factors (AP-42) to calculate NMOC concentration.

(4) The methane generation potential,  $L_0$ , used in condition 3D(1) shall be 6,004 ft<sup>3</sup>/Mg (Megagram) of solid waste. This value shall be the same as that published in the most recent Compilation of Air Pollution Emission Factors (AP-42).

(5) The owner or operator shall demonstrate annually that the site specific NMOC concentration is less than or

equal to 830 ppmv. VOC concentration in ppmv shall also be calculated and submitted to the Department annually.

4. All of the landfill gas generated in the Eastern Expansion shall be directed to an enclosed flare. The enclosed flare shall have a minimum destruction and removal efficiency (DRE) of 98%.

5. The enclosed flare shall have a design flow rate of 1,800 scfm. The operating temperature of the flare shall be 1,600°F and the retention time at the operating temperature shall be 0.91 sec.

#### 6. Stack Emissions

A. Emissions of criteria pollutants due to burning of the landfill gas (at the existing enclosed flare) generated from the "Eastern Expansion" shall be limited to:

NOx	5.52 lb/hr	24.17 tons/yr
SOx	1.43 lb/hr	6.28 tons/yr
CO	11.88 lb./hr	52.05 tons/yr
VOC	0.39 lb/hr	1.70 tons/yr
PM	0.15 lb/hr	0.68 ton/yr

B. The total amount of VOC emitted from the Eastern Expansion and the enclosed flare shall not exceed 10.9 tons/yr.

C. The total emissions of NOx and VOC from the Pottstown Landfill due to the construction of the Eastern Expansion, installation of an enclosed flare and any modification at the existing landfill shall be limited to 25 tons/year. The requirements of Subchapter E of 25 Pa. Code Chapter 127 shall apply to any construction/modification if the increase in potential to emit of NOx or VOC, when aggregated with the other net emission increases in potential to emit occurring over a consecutive 5 calendar year period exceeds 25 tons/year or 1,000 lbs/day or 100 lbs/hr whichever is more restrictive.

#### 7. Removal of Collection and Control System

A. The owner or operator shall calculate the NMOC emission rate for the purpose of determining when the collection and control system can be removed by using the equation given in 40 CFR 60.754(b).

B. The collection and control system may be capped or removed provided that all the following conditions are met:

(1) The landfill shall no longer accept solid waste and be permanently closed under the requirements of section 258.60. A closure report shall be submitted to the Department as provided in 40 CFR 60.757(d).

(2) The collection and control system shall have been in operation a minimum of 15 years.

(3) Following the procedure required under 6(A) the calculated VOC gas produced by the landfill shall be less than 25 tons per year on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.

#### 8. Roads and Their Maintenance

A. The fugitive particulate emissions measured as PM10 from the Eastern Expansion shall be limited to 80.18 tons per year.

B. Roads in the Eastern Expansion shall be wetted, weather permitting, during operating hours daily using water or foam to prevent fugitive emissions of dust.

C. A log book shall be kept to demonstrate compliance with the above.

#### 9. Monitoring Requirements

A. The owner or operator shall measure gauge pressure in the gas collection header at each individual well monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days except as provided for in conditions 3C(8)(a), (b) and (c).

B. To check for air infiltration into the landfill, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as required in conditions 3C(9)(a) and (b).

C. The owner or operator shall monitor off-site migration of landfill gas by methods approved by the Department and take corrective actions to prevent it.

D. Quarterly, the owner or operator shall monitor safe methane concentration using the procedures given in 40 CFR 60.755(c).

E. All monitoring and measuring devices shall be calibrated, maintained and operated according to the manufacturer's specifications. The owner or operator shall also comply with the provisions of 40 CFR 60.756(b).

#### 10. *Recordkeeping and Reporting Requirements*

A. The owner or operator shall keep on-site records of the maximum design capacity, the current amount of solid waste in-place, and the year-by-year waste acceptance rate.

B. The owner or operator shall keep daily records of gas flow to each of the gas turbines or the enclosed flare.

C. The owner or operator shall keep record of wells in operation and wells out of operation (if any) on a daily basis.

D. All monitoring equipment parameters as specified in conditions 3, 5, and 8 shall be recorded to show compliance with the specified parameters.

E. The owner or operator shall keep records of the installation date and location of all newly installed or replaced collection wells, pipe headers and other collection pipe assemblies.

F. The owner or operator shall keep documentation of the nature, date of deposition, amount and location of asbestos-containing or nondegradable waste excluded from collection as well as any non-landfill-gas producing areas excluded from landfill gas collection system.

G. The owner or operator shall keep records of operation time and dates of the gas turbines and the enclosed flare.

H. The owner or operator shall keep records of performance tests of the VOC and NOx control system.

I. The owner or operator shall keep record of any exceedances in the collection or control systems.

J. The owner or operator shall comply with the reporting procedures of 40 CFR 60.757.

#### 11. *General Requirements*

A. If at any time the Department has cause to believe that air contaminant emissions from the aforementioned sources may be in excess of the limitations specified in, or established under, any applicable rule or regulation contained in Article III of the Rules and Regulations of the Department of Environmental Protection, the company shall be required to conduct whatever tests are deemed necessary by the Department to determine the actual emission rates. Such testing shall be conducted in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection, where applicable, and in accordance with any re-

strictions or limitations established by the Department at such time as it notifies the company that testing is required.

B. If any of the air contaminants listed in Condition 5A are determined to be in the exhaust gas in concentrations exceeding the levels stated in the Plan Approval, then the owner shall file an application for a modification of the operating permit. The application shall be filed within 60 days of the above determination.

C. The company shall not impose conditions upon or otherwise restrict the Department's access to the aforementioned sources and/or any associated air cleaning devices and shall allow the Department to have access at any time to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act.

D. The company shall immediately notify the Department of any malfunction of, or damage to, these gas fueled turbines or associated air cleaning devices which results in, or may possibly be resulting in, the emission of volatile organic compounds or nitrogen oxides in excess of the limitations specified in this Plan Approval or any applicable Department Rule or Regulation.

E. This source is subject to Subpart WWW of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, US EPA, Region III, 841 Chestnut Street, Philadelphia, PA 19107.

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

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

(2) Operation is authorized only to facilitate the start-up and shake-down of 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.

(3) 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 (1), above.

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

(5) The notice submitted by the owner/operator under subpart (1), above, prior to the expiration of this Plan

Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

#### 12. *Specific Requirements.*

For the purpose of this plan approval, "existing landfill" refers to the entire landfill without the "Eastern Expansion" as it exists before this plan approval is issued. No waste shall be placed in the "Eastern Expansion" of the Pottstown landfill until all of the following conditions have been met:

A. The Department has approved the installation of two landfill gas flares to replace the existing enclosed flare currently operating under operating permit No. 46-322-005A.

B. The existing enclosed flare (46-322-005A) is taken out of service as a primary control device for the landfill gas generated from the existing landfill.

C. The landfill gas flares referred in 12.A above are installed, and start operation.

D. The temporary gas flare installed at the existing landfill under the Department's consent order and agreement (CO&A) dated October 8, 1996, is dismantled and removed.

E. The owner or operator receives written notification from the Department that all elements of Condition No. 12 have been fulfilled.

13. The owner or operator shall submit a written notification to the Department giving dates of each of the activities above and also submit calculations to show that there was not net increase in emission of NO<sub>x</sub> due to the installation of two new flares and shutdown of the existing as well as the temporary flare.

#### *Procedures for Hearing and Submitting Written Comments*

The hearing will not be a question and answer session. Those wishing to testify should contact DEP Community Relations Coordinator Tina Suarez-Murias at (610) 832-6011 to register prior to the hearing, but may also register at the hearing. Oral comments should be kept brief and may be limited to 5 minutes per person, depending on the number of speakers. Where groups are represented, a single spokesperson is requested to present the group's concerns and additional time will be allowed.

Anyone wishing to present written comments directly to DEP regarding the draft Air Plan Approval and/or the Waste Permit application may do so until May 23, 1997. Written comments should include (1) the name, address and telephone number of the person filing comments; (2) reference to proposed Air Quality Plan Approval No. 46-322-007 and/or Waste Permit application No. 100549 for the proposed landfill eastern expansion, and (3) a concise statement of relevant information or any objections to the issuance of the proposed Air Plan Approval and/or any information relevant to the Waste Permit application for the eastern expansion. Written remarks should be sent to: John J. Kennedy, P. E., Assistant Regional Director, Department of Environmental Protection, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Comments from the public will be addressed by the DEP during the review process before a final action is taken on the proposals.

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 Tina Suarez-Murias at (610) 832-6011 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for public review at DEP's Southeast Regional Office in Conshohocken between the hours of 8 a.m. and 4 p.m. weekdays. To make an appointment, contact the Records Management Section at (610) 832-6003. Copies of the Eastern Expansion Waste Permit application and the draft Air Plan Approval are also available for public review at the Boyertown Community Library.

### REASONABLY AVAILABLE CONTROL TECHNOLOGY

#### (RACT)

**Applications received for Operating Permits 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.**

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

**48-0004.** The Department intends to issue a RACT (Reasonably Available Control Technology) Air Quality Operating Permit to **ESSROC Materials Inc.** (Rt. 248 and Easton Road, Nazareth, PA 18064) for the operation of a cement kiln at Nazareth Plant No. 1 located in Lower Nazareth Township, **Northampton County**.

**48-0034.** The Department intends to issue a RACT (Reasonably Available Control Technology) Air Quality Operating Permit to **Lafayette College** (Easton, PA 18042-1768) for sources of NO<sub>x</sub> emissions located in the City of Easton, **Northampton County**.

### MINING

#### CONDUCT COAL AND NON-COAL ACTIVITIES

##### MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act, (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or

within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121-23 and §§ 86.31-34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conference).

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

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

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

*Coal Applications Received*

**56880109. Transfer from Croner, Inc. to PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 154.2 acres, receiving stream unnamed tributaries of Blue Lick Creek and Blue Lick Creek, application received March 4, 1997.

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

*Coal Applications Received*

**17910131. Ecklund Coal Co., Inc.** (R. D. 1, Box 109, Irvona, PA 16656), revision to an existing bituminous surface mine permit for a change in surface mine permit acreage from 137.6 acres to 165.9 acres, Bigler Township, **Clearfield County**, receiving streams: Porter Run and unnamed tributary to Clearfield Creek, application received February 11, 1997.

**17880123. E. P. Bender Coal Co., Inc.** (P. O. Box 565-566, S. Main St., Carrolltown, PA 15722), revision to an existing bituminous surface mine permit for a haulroad stream crossing of Muddy Run, Bigler and Beccaria Townships, **Clearfield County**, application received February 14, 1997.

**17950115. Larson Enterprises, Inc.** (P. O. Box 96, Kylertown, PA 16847), revision to an existing bituminous surface mine permit for a change in permit acreage from

46.6 to 50.1 acres, Morris and Graham Townships, **Clearfield County**, receiving streams: Flat Run, application received February 18, 1997.

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

**16940104. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201) revision to an existing bituminous surface strip operation in Toby Township, **Clarion County** affecting 28.4 acres. Receiving streams: an unnamed tributary to Cherry Run. Revision to include a post-mining landuse change from "forestland" to "pastureland, land occasionally cut for hay" on the lands of T & E Coal Company. Application received February 24, 1997.

**10970103. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip and coal preparation plant operation in Oakland Township, **Butler County** affecting 77.0 acres. Receiving streams: two unnamed tributaries to Pine Run and one unnamed tributary to Connoquenessing Creek. Application to include two stream encroachment application for purpose of construct erosion and sedimentation control facilities within 100 feet of an unnamed tributary to Connoquenessing Creek and b.) to construct erosion and sedimentation control facilities within 25 feet of unnamed tributaries to PINE Run. Application received February 28, 1997.

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

**30841313. Consolidation Coal Company,** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth bituminous deep mine in Cumberland Township, **Greene County** to add subsidence control plan acres, no additional discharge. Application received February 7, 1997.

**03831305. Keystone Coal Mining Corporation** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Jane bituminous deep mine in Plumcreek Township, **Armstrong County** for post-mining land use change at the No. 9 shaft, no additional discharge. Application received February 27, 1997.

**03851301. Rosebud Mining Company** (R. D. 1, Box 379-A, Kittanning, PA 16201), to renew the permit for the Rosebud No. 2 bituminous deep mine in Perry Township, **Armstrong County** no additional discharge. Application received February 5, 1997.

**14841601. Northern Counties Coal Company, Inc.** (P. O. Box 668, Philipsburg, PA 16866), to revise the permit for the One Mile Run preparation plant in Rush Township, **Centre County** for sludge utilization, no additional discharge. Application received February 20, 1997.

**ABANDONED MINE RECLAMATION**

*Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476.*

Under Act 181 of 1984, the Department of Environmental Protection gives notice of an unsolicited proposal received from Original Fuels, Inc., Punxsutawney, Pennsylvania, to reclaim an abandoned surface mine in Oliver Township, Jefferson County. The Department intends to enter into negotiations with Original Fuels, Inc. to contract for site reclamation.

The project, BF-418.101.1, involves reclamation of the area mined by Champion Coal Company where bonds were forfeited by the Department under Permit Number MDP 3875SM59.

Original Fuels, Inc., proposes to backfill, regrade and revegetate 16.7 acres. All areas will be regraded to promote surface drainage and provide integration with surrounding unmined areas.

All interested parties should send comments to Richard L. Joyce, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA no later than 4 p.m., April 21, 1997.

**APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

**ENCROACHMENTS**

The following Dam Safety and Encroachment permit applications, requests for Environments 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 certifications 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.*

**E24-197.** Encroachment. **Borough of Ridgway**, P. O. Box 149, 108 Main Street, Ridgway, PA 15853. To maintain and remove accumulated stream channel and sand/gravel bar deposits from the stream channel and to repair and maintain several gabion basket retaining walls within a 2,100 linear foot section of Gallagher Run (CWF). This project is located within the Borough of Ridgway on Gallagher Run from the confluence of Gallagher Run and Elk Creek to a point 2,100 feet upstream (Ridgway, PA Quadrangle N: 8.8 inches; W: 14.5 inches) located in Borough of Ridgway, **Elk County**.

**E10-258.** Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing bridge and to construct and maintain a new Farrington Bridge (County Bridge No. 3) with an increased clear span to 21 feet and a maximum underclearance of 6 feet across Fowler Run (CWF). This project is located on Church Road (T-542) approximately 300 feet south of the intersection of Church Road (T-542) and S. R. 0058 (Emlenton, PA Quadrangle N: 1.7 inches; W: 10.2 inches) located in Allegheny Township, **Butler County**.

**E25-546.** Encroachment. **Lawrence Park Golf Club**, P. O. Box 7241, Erie, PA 16510. To remove the existing 75-foot long three span golf cart bridge decking, to place and maintain new prefabricated bridge decking, to rehabilitate and enhance the existing bridge piers and abutments, and to install and maintain 200 linear feet of concrete retaining wall on both sides of Four Mile Creek (WWF, MF). This project is located across Four Mile Creek within the Lawrence Park Golf Club property approximately 1,800 feet north of the intersection of East Lake Road (S. R. 0005) and Iroquois Ave. (S. R. 0955) (Erie, North, PA Quadrangle N: 6.1 inches; W: 3.5 inches) located in Lawrence Park Township, **Erie County**.

**E62-330.** Encroachment. **Dana R. and Kathy R. Wellington**, R. R. 1, Box 10B, Tidioute, PA 16351. To install and maintain a new bridge having a clear span of 39 feet and a minimum underclearance of 6 feet across North Branch Ackely Run (CWF). The bridge drive will be located off Cable Hollow Road (SR 1016) located approximately 900 feet west of the intersection of Cable Hollow Road and Mill Road (T-588) (Scandia, PA Quadrangle N: 19.50; W: 14.00 inches) located in Pine Grove Township, **Warren County**.

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

**E45-321.** Encroachment. **Lake Naomi Club**, Route 423, P. O. Box T, Naomi Pines, PA 18350-0620. To place fill in 0.5 acre of PFO wetlands for the purpose of constructing a gravel parking lot to serve the Lake Naomi Club Swimming Pool Complex. The project is located in Lake Naomi Estates residential subdivision at the northwest quadrant of the intersection of Miller Drive in Tanglewood Drive (Pocono Pines, PA Quadrangle N: 20.8 inches; W: 9.4 inches) in Tobyhanna Township, **Monroe County** (Philadelphia District Army Corps of Engineers).

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

**E09-743.** Encroachment. **Boro of Doylestown**, 57 West Court Street, Doylestown, PA 18901. To improve the North Street stormwater management facilities in and along a tributary to Cooks Run (WWF, MF). This work will include the following:

1. To remove the existing stream enclosure from Swamp Road (SR 313) to Fonthill Drive.
2. To install and maintain stream enclosures consisting of:
  - a. 851 linear feet of twin 30 inch diameter HERCP stream enclosure and associated swaling;
  - b. 57 linear feet of twin 38-inch by 24-inch HERCP culvert under Chapman Avenue;
  - c. 27 linear feet of twin 30-inc CPP culvert under Mercer Avenue
3. To install and maintain 50 linear feet of 6.5-foot by 2.5-foot concrete box culvert under Fonthill Drive.
4. To modify the stream channel approximately 190 linear feet, upstream from the proposed Fonthill Drive culvert.

This project is located approximately 1,400 feet southeast from the intersection of Route 313 and Route 611 (Doylestown, PA Quadrangle N: 13.5 inches; W: 0.3 inches) Doylestown Borough, **Bucks County**.

### DAM SAFETY

**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 Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.*

**D63-089B.** Dam. **Eighty-Four Mining Company** (P. O. Box 729, Indiana, PA 15701-0729). To enlarge the existing Pond No. 6 coal refuse (slurry) disposal facility located across a tributary to Center Branch Pigeon Creek at the Eighty-Four Complex. The Pond No. 6 Dam will be raised 30 feet in two stages by placing new embankment fill on the top and downstream side of the dam in Somerset Township, **Washington County**.

### ENVIRONMENTAL ASSESSMENT

**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 Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.*

*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.*

**EA09-001C0.** Environmental assessment. **The Cutler Group, Inc.** (5 Sentry Parkway West, Suite 100, 325 Walton Road, Blue Bell, PA 19422). To construct and maintain two nonjurisdictional dams across a tributary to Neshaminy Creek (TSF, MF) impacting approximately 1.0 acre of wetlands (PFO) for the purpose of stormwater management at the proposed Warrington Crest subdivision located immediately east of the intersection of Upper State Road and Pickertown Road (Doylestown, PA Quadrangle N: 4.75 inches; W: 8.70 inches) in Warrington Township, **Bucks County**.

### ACTIONS

#### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 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 under the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

##### Permits Issued

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

**NPDES Permit No. PA0043966.** Sewerage. **Valley Forge Terrace Mobil Home Park**, 1311 Catfish Lane, Norristown, PA 19403 is authorized to discharge from a facility located in Lower Providence Township, **Montgomery County** into Catfish Dam Creek, a tributary of the Schuylkill River.

**NPDES Permit No. PA0053783.** Amendment No. 1. Sewerage. **Avon Grove School District**, 375 Kelton and Jennersville Roads, West Grove, PA 19390 is authorized to discharge from a facility located in New London Township, **Chester County** to an unnamed tributary to the west branch of White Clay Creek.

**NPDES Permit No. PA0053554.** Industrial waste. **Earthgro, Inc.**, Route 267, P. O. Box 143, Lebanon, CT 06249 is authorized to discharge from a facility located in New Garden Township, **Chester County** to the west branch of Red Clay Creek.

**NPDES Permit No. PA0057096.** Sewerage. **Oxford Area Sewer Authority**, 401 East Market Street, P. O. Box 380, Oxford, PA 19363 is authorized to discharge from a facility located in East Nottingham Township, **Chester County**, to Tweed Creek.

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

**NPDES Permit No. PA0098779.** Industrial waste. **The Municipal Authority of the Borough of Portage**, 606 Cambria Street, Portage, PA 15046 is authorized to discharge from a facility located at Martindale Water Treatment Plant, Portage Township, **Cambria County** to Trout Run.

**NPDES Permit No. PA0098787.** Industrial waste. **The Municipal Authority of the Borough of Portage**, 606 Cambria Street, Portage, PA 15946 is authorized to discharge from a facility located at Ben's Creek Water Treatment Plant, Portage Township, **Cambria County** to Ben's Creek.

**NPDES Permit No. PA0205443.** Industrial waste. **Davison Sand and Gravel Company**, P. O. Box 5P, 400 Industrial Boulevard, New Kensington, PA 15068 is authorized to discharge from a facility located at Lower Burrell Township, **Westmoreland County** to Allegheny River.

**NPDES Permit No. PAS406101.** Industrial waste. **Envirotrol, Inc.** 432 Green Street, P. O. Box 61,



Sewickley, PA 15143 is authorized to discharge from a facility located at Darlington Township, **Beaver County** to North Fork Little Beaver Creek.

**NPDES Permit No. PA0097594.** Sewerage. **Ron Davidson Chevrolet**, 3885 Admiral Perry Highway, Ebensburg, PA 15931 is authorized to discharge from a facility located at Ron Davidson Chevrolet Sewage Treatment, Cambria Township, **Cambria County** to unnamed tributary to Stewart Run.

**NPDES Permit No. PA0205737.** Sewerage. **CNG Transmission Corporation**, 445 West Main Street, Clarksburg, WV 26302-2450 is authorized to discharge from a facility located at South Oakford Station Sewage Treatment Plant, Hempfield Township, **Westmoreland County** to unnamed tributary to Brush Creek.

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

**NPDES Permit NO. PA0043052.** Sewerage, Amendment 3, **Spring Township Municipal Authority**, 2800 Shillington Road, Cornwall Terrace, Reading, PA 19607 is authorized to discharge to a facility located in Spring Township, **Berks County** to the receiving waters named Cacoosing Creek.

**NPDES Permit No. PA0030643.** Sewerage, Amendment 1. **Borough of Shippensburg**, 60 West Burd Street, P. O. Box 129, Shippensburg, PA 17257 is authorized to discharge from a facility located in Southampton Township, **Franklin County** to the receiving waters named Middle Spring Creek.

**NPDES Permit No. PA0087025.** Sewerage. **David M. Ott**, 2989 Tract Road, Fairfield, PA 17320 is authorized to discharge from a facility located in Liberty Township, **Adams County** to the receiving waters named Flat Run.

**NPDES Permit No. PA0084751.** Sewerage. **Doubling Gap Center, Inc.**, 1550 Doubling Gap Road, Newville, PA 17241-9757 is authorized to discharge from a facility located in Lower Mifflin Township, **Cumberland County** to the receiving waters named Doubling Gap Creek.

**NPDES Permit No. PA0031861.** Sewerage. **Zerbe Sisters Nursing Facility, Inc.**, 2499 Zerbe Road, Narvon, PA 17555 is authorized to discharge from a facility located in Caernarvon Township, **Lancaster County** to the receiving waters of an unnamed tributary of the Conestoga River.

**NPDES Permit No. PA0080438.** Sewerage. **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517 is authorized to discharge from a facility located in Brecknock Township, **Lancaster County** to the receiving waters named Muddy Creek.

**NPDES Permit No. PA0026620.** Sewerage. **Borough of Millersville**, 10 Colonial Avenue, Millersville, PA 17551 is authorized to discharge from a facility located in Millersville Borough, **Lancaster County** to the receiving waters named Conestoga River.

**NPDES Permit No. PAG053504.** Industrial waste. **Gas-N-Goodies Convenience Store**, 230 Lincoln Way East, New Oxford, PA 17350 is authorized to discharge from a facility located in Mount Joy Township, **Lancaster County**.

**NPDES Permit No. PAG043557.** Sewerage. **Ira Clark**, HCR 4, Box 136, Everett, PA 15537 is authorized to discharge from a facility located in Monroe Township, **Bedford County**.

**NPDES Permit No. PA0034304.** Sewerage. **Reading Acquisition Corporation**, P. O. Box 14026, Reading, PA 19612-4026 is authorized to discharge from a facility located in Ontelaunee Township, **Berks County** to the receiving waters named Schuylkill River.

**NPDES Permit No. PA0009440.** Industrial waste. **Pennsylvania-American Water Company**, P. O. Box 888, Hershey, PA 17033-0888 is authorized to discharge from a facility located in Silver Spring Township, **Cumberland County** to the receiving waters named Conodoguinet Creek.

**NPDES Permit No. PA0082953.** Industrial waste. **Boyd E. Diller, Inc.**, 6820 Wertzville Road, Enola, PA 17025 is authorized to discharge from a facility located in Hampden Township, **Cumberland County** to the receiving waters named Sears Run.

**NPDES Permit No. PA0086690.** Industrial waste. **Kalas Manufacturing, Inc.**, 25 Main Street, Denver, PA 17517 is authorized to discharge from a facility located in East Cocalico Township, **Lancaster County** to the receiving waters named Stony Run.

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

**NPDES Permit No. PA0102636.** Sewage. **J.W.B., Inc./Riverside Golf Course**, R. D. 2, Box 281, Cambridge Springs, PA 16403 is authorized to discharge from a facility located in Cambridge Township, **Crawford County** to an unnamed tributary to French Creek.

**NPDES Permit No. PA0031437.** Sewage. **Edinboro Mobile Home Village**, 14520 Mystic Road, Cambridge Springs, PA 16403 is authorized to discharge from a facility located in Washington Township, **Erie County** to an unnamed tributary to Conneauttee Creek.

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

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##### *Permits Issued*

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

**Permit No. 1596416.** Sewerage. **Township of West Brandywine** (1199 Lafayette Road, Coatesville, PA 19320). Construction of a sewer extension and pump station located in West Brandywine Township, **Chester County** to serve Friendship Village Area Development.

**Permit No. 1596411.** Sewerage. **North Coventry Municipal Authority** (1485 East Schuylkill Road, P. O. Box 833, Pottstown, PA 19464-0833). Expansion and upgrade of a sewage treatment plant located in North Coventry Township, **Chester County** to serve North Coventry Municipal Authority.

**Permit No. 2396406.** Sewerage. **Fox Valley Community Services, Inc.** (P. O. Box 124, Concordville, PA 19331). For rerating and modification of a sewage treatment plant located in Concord Township, **Delaware County** to serve Fox Valley Community Services, Inc.

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

**Permit No. 6396202.** Industrial waste, **Authority of the Borough of Charleroi**, 325-327 McKean Avenue, Charleroi, PA 15022. Construction of a water treatment

plant located in the Borough of Charleroi, **Washington County** to serve the Charleroi Borough.

**Permit No. 0494403.** Amendment No. 1. Sewerage, **Turnpike Commission**, Route 283, Eisenhower Boulevard, Highspire, PA 17034. Construction of dosing chamber and sand filter additions to supplement oil/water separator located in the Borough of Big Beaver, **Beaver County** to serve the Homewood Maintenance Facility.

**Permit No. 6596433.** Amendment No. 1. Sewerage, **High Meadows Mobile Home Park**, 4751 Kendor Drive, Lower Burrell, PA 15068. Installation of a 1,000 gallon sludge holding tank located in the Township of **Allegheny County**, Westmoreland County to serve the High Meadows Sewage Treatment Plant.

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

**WQM No. 5997401T-1.** Transfer Sewerage. **Stasia Andrascik**, R. D. 7, Box 189, Wellsboro, PA 16901. Approval to construct a single residence treatment facility. Location is Charleston Township, **Tioga County**.

**WQM No. 1994401T-1.** Transfer Sewerage. **Gary Evans and Sherri Steimling**, R. R. 3, Box 464, Catawissa, PA 17820. Applicant was granted approval to construct, and operate single family residence treatment system, from original design. Location is Catawissa Township, **Columbia County**.

**WQM No. 0897401.** Sewerage. **Athens Borough**, 2 South River Street, Athens, PA 18810. Applicant was granted approval to construct pump station and new sanitary sewer, which connects into the wastewater treatment plant. Location in Athens Borough, **Bradford County**.

**Part II Permit No. 0696201.** Sewerage. **Delaware County Solid Waste Authority**, 583 Longview Road, Boyertown, PA 19512. Construction of groundwater treatment system in Earl and Oley Townships, **Berks County**.

**Part II Permit No. 0195405.** Sewerage. **David M. Ott**, 2989 Tract Road, Fairfield, PA 17320. Construction of sewage treatment facilities in Liberty Township, **Adams County**.

**Part II Permit No. 0596404.** Sewerage. **Ira Clark**, HCR 4, Box 136, Everett, PA 15537. Construction of sewage treatment facilities in Monroe Township, **Bedford County**.

**Part II Permit No. 0696513.** Sewerage. **Reading Acquisition Corporation**, P. O. Box 14026, Reading, PA 19612-4026. Construction of sewage treatment facilities and pump station in Ontelaunee Township, **Berks County**.

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

**WQM Permit No. 2596413.** Sewerage. **Borough of North East**, 58 East Main Street, North East, PA 16428. This project is for construction of improvements to the existing wastewater treatment plant in North East Borough, **Erie County**.

**WQM Permit No. 2597401.** Sewerage. **Erie Sewer Authority**, c/o Knox, McLaughlin, Gornall & Sennett, P. C., 120 West 10th Street, Erie, PA 16501. This project is for the relocation of a section of the existing Westside Interceptor Sewer Line in the City of Erie, **Erie County**.

## INDIVIDUAL PERMITS

### (PAS)

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

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

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

**PAS-10-0616.** Individual NPDES. **Williamsburg Municipal Authority**, 305 East Second Street, Williamsburg, PA 16693. To implement an Erosion and Sedimentation Control Plan for the construction of a water storage tank and pump station along with the installation of 43,000 linear feet of 8 inch diameter water main on 10.7 acres in Williamsburg Borough and Woodbury and Catherine Townships, **Blair County**. The project is located in the Borough of Williamsburg and surrounding area (Williamsburg, PA Quadrangle N: 15.5 inches; W: 10.7 inches.) Drainage will be to the Frankstown Branch of the Juniata River.

**PAS-10-1027.** Individual NPDES. **Union Deposit Corporation**, 651 East Park Drive, P. O. Box 4153, Harrisburg, PA 17111-4153. To implement an Erosion and Sedimentation Control Plan for the construction of a roadway and stormwater system for future land development on 107.19 acres in Susquehanna Township, **Dauphin County**. The project is located along the south side of Valley Road at its intersection with North Progress Avenue (Harrisburg East, PA Quadrangle N: 9.9 inches; W: 12.5 inches). Drainage will be to Paxton Creek.

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

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

NPDES Permit No.	Applicant Name and Address	County Municipality	Receiving Stream
PAS10-G205	Hillcrest Associates, Inc. P. O. Box 7958 Newark, DE 19714	East Marlborough Township Chester County	Tributary to Pocopson Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G229	Kinney Associates 921 Briarwood Circle West Chester, PA 19380	West Goshen Township Chester County	Tributary to Valley Creek and East Branch Brandywine Creek
PAS10-G234	Lewis R. Fframe P. O. Box 490 Honeybrook, PA 19344	Honeybrook Borough Chester County	Unnamed Tributary to West Branch Brandywine Creek
PAS10-G239	NorthCoventry Municipal Authority 1485 East Schuylkill Road P. O. Box 833 Pottstown, PA 19464-0833	North Coventry Township Chester County	Unnamed Tributaries to Schuylkill River
PAS10-T077	L. F. Driscoll Company 9 Presidential Boulevard P. O. Box 468 Bala Cwynd, PA 19004-0408	Horsham Township Montgomery County	David Grove Tributary

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S009-1	Resorts USA, Inc. P. O. Box 447 Bushkill, PA 18324	Monroe County Middle Smithfield Township	Sand Hill Creek
PAS105711	Leisure Equities Corporation R. R. 1, Box 3025 Zion Grove, PA 17985	Schuylkill County East Union Township	Little Tomhicken Creek

**INDIVIDUAL PERMITS**

**(PAR)**

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**Approvals to Use NPDES General Permits**

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The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provisions: 40 CFR 123.24.

The application and related documents, effluent limitations and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by Department of Environmental Protection:

*NPDES General Permit Type*

- PAG-1 General Permit For Discharges From Stripper Oil Well Facilities
- PAG-2 General Permit For Discharges of Stormwater From Construction Activities
- PAG-3 General Permit For Discharges of Stormwater From Industrial Activities
- PAG-4 General Permit For Discharges From Single Residence Sewage Treatment Plant
- PAG-5 General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
- PAG-6 General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Columbia Co., Catawissa Twp.	PAG044927	Gary Evans and Sherri Steimling R. R. 3, Box 464 Catawissa, PA 17820	unnamed Tributary to Roaring Creek	717-327-3664 Northcentral

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Tioga Co., Charleston Twp.	PAG044925	Stasia Andrascik R. R. 7, Box 189 Wellsboro, PA 16901	Fishing Creek	
Centre Co., Union Twp.	PAG044924	Ted Brobeck 802 Egypt Hollow Road Julian, PA 16844	unnamed tributary to Brower Hollow Run	
Bradford County, Wysox Twp.	PA0209457	Masonite Corporation P. O. Box 311 Towanda, PA 18848	stormwater channel to Lanning Creek	717-327-3664 Northcentral
Columbia County, Greenwood Twp.	PA0115053	Dennis C. Wolff, Nicholas Wolff Fdn R. R. 2, Box 180 Millville, PA 17846	Mud Run	
Clinton County, Porter Twp.	PA0009857	Michael A. Hendrix U. S. Fish and Wildlife Service Northeast Fishery Center P. O. Box 75 Lamar, PA 16848	Fishing Creek	
Fayette County, N. Union Twp.	PAR10L029	Edgar Fields 10 Ruby View Dr. Lemont Furnace, PA 15456	Cove Run	SWRO 412-442-4315
Lebanon County, Lebanon City	PAR123544	Hershey Paste Group— Lebanon 749 Guilford Road Lebanon, PA 17046	UNT to Brandywine Creek via storm sewer	SCRO— 717-657-4590
Clearfield Co., Huston Twp.	PAR304802	E & L Brokerage Inc. R. R. 1, Box 455 Morrisdale, PA 16858	unnamed Tributary to Roaring Creek	717-327-3664 Northcentral
Snyder Co., Perry Twp.	PAR224816	R. J. Hoffman and Sons Lumber R. R. 2, Box 350 Mt. Pleasant Mills, PA 17853	unnamed tributary to Mahantango Creek	
Clinton County, Castanea Twp.	PAR144806	International Paper Company P. O. Box 268 Lock Haven, PA 17745	Bald Eagle Creek via PA Canal and Tail Race	717-327-3664 Northcentral
Lycoming Co., Upper Fairfield	PAR224825	Richard P. Lauchle— Lauchle Lumber R. R. 1, Box 110 Montoursville, PA 17754	East Mill Creek	
Berks County, Richmond Township	PAG043567	Richard Youse Box 85 Virginville, PA 19564	UNT to Maiden Creek	SCRO— 717-657-4590
York County; Franklin Township	PAG043566	Eric B. Engle 124 Capitol Hill Road Dillsburg, PA 17019-9742	UNT to North Branch— Bermudian Creek	SCRO— 717-657-4590
West Middlesex, Mercer County	PAG058302	Guttman Oil Company 200 Speers Street Belle Vernon, PA 15012	Unnamed tributary to Hogback Run	DEP Water Management 230 Chestnut Street Meadville, PA 16335 814-332-6942
Lancaster County, East Cocalico Township	PAG053506	The SICO Company 15 Mount Joy Street Mount Joy, PA 17552	Stony Run	SCRO— 717-657-4590

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Richard Shudak at (717) 826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.*

*Location:* The Meadows at Sugarloaf, Phases II-V. Sugarloaf Township, Luzerne County.

*Project Description:* This residential project will involve the subdivision of a 151.595 acre parcel of land into 135 building lots. Total sewage flows will be 35,500 gpd with treatment to be provided by the Conyngham Borough Authority Wastewater Treatment Facility. Wastewater will be conveyed by an 8-inch collection system that will tie into the existing Manhole No. 7 at T-420 at Phase I of the development.

The Conyngham Borough Authority Wastewater Treatment Facility is currently under prohibitions regarding new sewage connections. Currently, the Rhed Development Corporation is allocated three Equivalent Dwelling Units (EDUs). No additional building permits beyond the three EDU limit may be issued until Rhed Development obtains additional wastewater connection allocations from Sugarloaf Township.

This project is located on the southside of T-420, 0.5 mile west of the intersection with S. R. 0093 in Sugarloaf Township, Luzerne County, Pennsylvania.

Smithfield Township, Monroe County.

*Project Description:*

The Department has reviewed the following documents which have been submitted to us as a revision to Smithfield Township's Act 537 Sewage Facilities Plan:

—Special Study for the Marshalls Creek Sewer Extension, A Revision to the Smithfield Township Act 537 Plan,

dated November 1996, Revised December 1996 and January 1997 (received January 22, 1997), as prepared by F. X. Browne, Incorporated.

—February 7, 1997, letter from F. X. Browne, Incorporated, to the Department, including enclosures (received February 11, 1997).

The Plan Revision was adopted by Township Resolution No. 148, dated January 14, 1997.

The Department has found that the Plan Revision is acceptable and hereby grants planning approval. This review has also not identified any significant environmental impacts resulting from this proposal.

The proposed project consists of a sanitary sewer system extension from existing Manhole No. 242, on Business Route 209, to the Marshalls Creek area; including gravity sewers, low pressure sewers with grinder pumps, three pumping stations, force mains and appurtenances.

The proposed sewer extension will provide sewer service to (1) 46 existing residential trailers in Yetter's Park, (2) 44 existing commercial EDUs in Jay Park, (3) 15 existing commercial EDUs and 15 projected commercial EDUs in Village Center and (4) 12 existing commercial EDUs and 3 residential EDUs along Business Route 209.

The proposed method for financing this project consists of a loan from the Pennsylvania Infrastructure Investment Authority (PENNVEST) and a \$4,500 connection fee to reduce the amount that needs to be borrowed.

Based upon various cost and financial information provided with the Plan Revision and with the pending PENNVEST Application, it appears that the total annual cost to operate, maintain and pay the debt service for the existing sewerage system during 1997 will be approximately \$970,700, or about \$2,090 per year for each of the 464 equivalent dwelling units (EDUs) currently on the system. It is our understanding that the total actual annual user fee which the Smithfield Sewer Authority presently charges is \$550 per EDU. Upon completion of the Marshalls Creek sewer extension and the previously approved Franklin Hills sewer extension, there will be approximately 620 EDUs on the system and the annual cost per EDU will decrease to approximately \$1,790. At that time, the Authority intends to increase the assessed annual user fee to \$600 per EDU. The Authority and Township are currently exploring various options to cover the funding deficit.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.1—750.20(a)) (Act 537), and Chapter 71 of the Department's Rules and Regulations (25 Pa. Code Chapter 71), the Department will hold Smithfield Township responsible for the complete and timely implementation of the Update's chosen alternative.

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

*Location:* Sanitary Sewage Collection System in Big Beaver Borough and Homewood Borough in Beaver County with a conveyance along State Route 18 South to the City of Beaver Falls STP.

*Project Description:* Approval of revision to the Official Sewage Facilities Plans of Big Beaver Borough, Homewood Borough and City of Beaver Falls. Project involves construction of a sewage collection system in Homewood and Big Beaver Boroughs with a conveyance

system which includes three pump stations and an interceptor south along State Route 18 to the City of Beaver Falls. This plan update includes the expansion of the Beaver Falls STP and upgrade of the north interceptor. This project will eliminate the Holiday Inn STP and Big Beaver Plaza STP, both in Big Beaver Borough.

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

*Location:* Sanitary sewer collection system in Elizabeth Township, Allegheny County in the Fallen Timber Run Watershed and a conveyance line along State Route 51 South in Elizabeth and Forward Townships.

*Project Description:* Approval of a Revision to the Official Sewage Facilities Plan of Elizabeth Township, Allegheny County. Project involves construction of a collection system in Elizabeth Township and an interceptor along State Route 51 South to the Elizabeth Borough Sewage Treatment Plant.

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

### SAFE DRINKING WATER

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

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

**Permit No. 4596510.** Public water supply. Major Amendment. **Stroudsburg Municipal Authority**, Kenneth Brown, Stroudsburg Municipal Authority, 410 Stokes Ave., P. O. Box 237, East Stroudsburg, PA 18301. This proposal involves changing the coagulant aid polymer, switching the prime coagulant form Alum to a polyaluminum hydroxychlorosulphate; installing a soda ash feed system for pH adjustment; replacing well pumps; and constructing a baffle wall in sedimentation Basin 1A. It is located in Stroud Township, **Monroe County**.

*Permit to Operate:* February 25, 1997.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### Under Act 2, 1995

##### Preamble 3

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

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

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional 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.*

**Pennsylvania Power & Light Company (PP&L)**—former (decommissioned) Beekman Street Substation, City of Wilkes-Barre, **Luzerne County**. PP&L, 2 North Ninth Street, Allentown, PA has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide health standard.

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

**Mt. State Bit Services, Inc.** (Former), Redstone Township, **Fayette County**. Mt. State Bit Services, Inc. (Former), R. D. 1, P. O. Box 406, New Salem, PA 15468 has submitted a Final Report addressing soil contaminated with PHCs. The report is intended to document remediation of the site to meet the Statewide health standard.

### SOLID AND HAZARDOUS WASTE

#### LICENSE TO TRANSPORT HAZARDOUS WASTE

**License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**Tri-Mac Transportation Services, Inc.**, 155 176th Street, Suite 203, Surrey BC V4P 1M9; License No. **PA-AH 0555**; license issued February 26, 1997.

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**Franklin Environmental Services, Inc.**, 185 Industrial Road, Wrentham, MA 02093; License No. **PA-AH 0224**; renewal license issued March 10, 1997.

**Kephart Trucking Co.**, P. O. Box 386, Bigler, PA 16825; License No. **PA-AH 0352**; renewal license issued March 10, 1997.

**Novick Chemical Co., Inc.**, 705 Davis Street, Scranton, PA 18505; License No. **PA-AH 0138**; renewal license issued March 7, 1997.

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

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

**Patterson Resources**, 161 South 6th Avenue, La Puente, CA 91746; License No. **PA-AH S230**; license terminated February 28, 1997.

#### BENEFICIAL USE DETERMINATIONS

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

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

**General Permit Determination of Applicability No. WMGR017D002. Reading Area Water Authority**, 815 Washington Street, Reading, PA 19601. Determination of applicability under permit WMGR017 issued to City of Lebanon Authority for the use of drinking water treatment plant sludge as a soil additive on agricultural lands. The Department approved the determination of applicability on February 12, 1997.

#### RESIDUAL WASTE PROCESSING FACILITIES

**Permits revoked under 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, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 300501. Merck & Company, Inc.**, P. O. Box 4, West Point, PA 19486-0004. This permit has been revoked because the facility has indicated that they are no longer operating their Rotary Kiln Incinerator at Merck & Company Inc., West Point. Facility located in Upper Gwynedd Township, **Montgomery County**. Permit revoked in the Southeast Regional Office on March 6, 1997.

#### AIR POLLUTION

##### OPERATING PERMITS

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

**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.**

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

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

Permit: **35-323-017**

Source: Burn off oven with afterburner

Company: **Scranton Army Ammunition Plant**

Location: City of Scranton

County: **Lackawanna**

Permit: **39-313-038**

Source: TME reactor w/packtower scrubber

Company: **Mallinckrodt Chemical Inc.**

Location: South Whitehall Township

County: **Lehigh**

Permit: **40-315-002**

Source: Book/paper shred w/2 baghouses

Company: **Offset Paperback**

Location: Dallas Borough

County: **Luzerne**

Permit: **54-322-001A**

Source: 2 landfill gas ground flares

Company: **Pine Grove Landfill Incorporated**

Location: Pine Grove Township

County: **Schuylkill**

#### PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4005) 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.*

**06-302-141C.** On February 25, 1997, the Department issued a Plan Approval to **Sunsweet Growers, Inc.** (P. O. Box 608, Fleetwood, PA 19522) for the modification of a boiler at their Fleetwood Plant in Fleetwood, **Berks County**. The source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**67-323-016A.** On February 25, 1997, the Department issued a Plan Approval to **Hard Chrome Specialists, Inc.** (41 Leigh Street, York, PA 17402) for the installation of electroplating operations at Interstate Industrial Plaza in Manchester Township, **York County**. The source is subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants and National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

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

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

Permit: **45-310-015**

Source: Stone crushing plant w/waterspray

Issued: February 26, 1997

Company: **Milestone Materials Incorporated**

Location: Hamilton Township

County: **Monroe**

Permit: **54-310-014**  
 Source: Stone crushing plant w/waterspray  
 Issued: February 25, 1997  
 Company: **Pennsy Supply Incorporated**  
 Location: Wayne Township  
 County: **Schuylkill**

### MINING

#### CONDUCT COAL AND NON-COAL ACTIVITIES

##### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (P.S. §§ 6018.101—6018.1003).

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

##### *Coal Applications Issued*

**56773140.** Permit Renewal, **Reitz Coal Company** (509 Fifteenth Street, Windber, PA 15963), commencement, operation and restoration of a bituminous strip-coal refuse disposal mine, valid for reclamation, only in Shade Township, **Somerset County**, affecting 166.4 acres, receiving stream to unnamed tributary to Fallen Timber Run and to Fallen Timber Run, application received February 26, 1997, permit issued February 27, 1997.

**32950104.** Transfer from **General Mining, Inc. to Big Mack Leasing Company, Inc.** (R. D. 6, Box 231, Kittanning, PA 16201), commencement, operation and restoration of a bituminous strip mine in Young Township, **Indiana County**, affecting 62.6 acres, receiving stream unnamed tributary to Whisky Run to Whisky Run to Blacklegs Creek, application received January 2, 1997, permit issued February 28, 1997.

**56910101.** Permit Renewal, **Paul F. Becker Coal Company** (1593 Old Route 22, Duncansville, PA 16635), commencement, operation and restoration of a bituminous strip-auger mine in Somerset and Stonycreek Townships, **Somerset County**, affecting 120.0 acres, receiving stream unnamed tributaries to Kimberly Run, application received January 17, 1997, permit issued March 6, 1997.

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

**17940112.** **A. A. Smith Coal Company** (R. D. 2, Box 526, Brockway, PA 15824), commencement, operation and restoration of a bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 86.7 acres, receiving streams: Stump Creek to Mahoning Creek, Mahoning Creek to Allegheny River, Allegheny River to Ohio River, Ohio River to Mississippi River, application received June 16, 1994, permit issued February 12, 1997.

**17960120.** **Larson Enterprises, Inc.** (P. O. Box 96, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 10.2 acres,

receiving streams: Rolling Stone Run and unnamed tributary A and B to Browns Run, application received October 30, 1996, permit issued February 12, 1997.

**17960119.** **E. P. Bender Coal Company, Inc.** (P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous surface mine permit in Jordan Township, **Clearfield County** affecting 154.0 acres, receiving streams: tributary to Comfort Run and Comfort Run to North Witmer Run to Clearfield Creek to the west branch of the Susquehanna River, application received October 18, 1996, permit issued February 25, 1997.

**17860136.** **E. M. Brown, Inc.** (P. O. Box 767, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 88.2 acres, receiving streams: Browns Run and unnamed tributary of Moshannon Creek and Grassflat Run, all tributaries to the west branch of the Susquehanna River, application received January 10, 1997, permit issued March 4, 1997.

**17714022.** **A. W. Long Coal Company** (1203 Presqueisle Street, Philipsburg, PA 16866), major permit modification to an existing bituminous surface mine permit to authorize reclamation use of biosolids, Morris Township, **Clearfield County**, application received December 12, 1996, permit issued March 3, 1997.

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

**37910108.** **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Perry Township, **Lawrence County** affecting 43.5 acres. Receiving streams: two unnamed tributaries to Camp Run, Camp Run to Connoquenessing Creek. This renewal is issued for reclamation only. Application received: December 13, 1996. Permit issued: February 21, 1997.

**10950106.** **Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Transfer of an existing bituminous strip and auger operation from Dutch Run Coal, Inc. in Muddy Creek Township, **Butler County** affecting 72.9 acres. Receiving streams: unnamed tributary of Little Yellow Creek. Application received: November 26, 1996. Permit issued: February 24, 1997.

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

**30841316.** **Consol Pennsylvania Coal Company** (P. O. Box 174, Graysville, PA 15337), to revise the permit for the Bailey Mine Complex in Richhill Township, **Greene County** to construct additional facilities and enclose 360' of Talley Run, receiving stream Talley Run. Permit issued March 5, 1997.

**56950701.** **Reitz Coal Company**, 509-15th Street, Windber, PA 15963), to operate the Shade No. 4 Refuse Disposal Site in Shade Township, **Somerset County**, receiving stream Fallen Timber Run. Permit issued March 4, 1997.

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

##### *Noncoal Permits Issued*

**16810330.** **Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610) Revision to an existing sand and gavel operation to extract coal incidental to the extraction of noncoal minerals in Limestone Township, **Clarion**



**County** affecting 76.0 acres. Receiving streams: Piney Creek. Application received: January 13, 1997. Permit issued: February 21, 1997.

**16860310. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610) Revision to an existing clay operation to extract coal incidental to the extraction of noncoal minerals in Limestone and Monroe Townships, **Clarion County** affecting 256.0 acres. Receiving streams: Piney Creek and Little Piney Creek. Application received: January 13, 1997. Permit issued: February 21, 1997.

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

#### *Coal Applications Returned*

**17840141. Larry W. Evans** (R. D. 2, Box 48, Curwensville, PA 16833), transfer of an existing bituminous surface mine permit from Forcey Coal, Inc., Decatur Township, **Clearfield County** affecting 109.3 acres, receiving streams: Moshannon Creek, application received July 24, 1996, permit returned March 4, 1997.

**17950114. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine-auger permit in Beccaria Township, Irvona Borough, **Clearfield County** affecting 502.3 acres, receiving streams: unnamed tributaries of Pine Run to Pine Run and unnamed tributaries of Clearfield Creek and Clearfield Creek, application received November 3, 1995, permit returned March 3, 1997.

#### **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

##### **ENCROACHMENTS**

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

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

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1-693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A.**

**1341(a))** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

#### *Permits Issued and Actions on 401 Certifications*

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

**E15-516. Encroachment. K. Hovnanian Companies Northeast, Inc.**, 1500 Green Hill Road, West Chester, PA 19380. To perform the following activities associated with the Bridlewood Farm Subdivision:

1. To construct and maintain a side by side 15-foot by 8-foot and 15-foot by 6-foot concrete box culvert in and along Radley Run and impacting 0.15 acre of associated wetlands for the proposed Leadline Lane stream crossing, including the installation of an 8-inch water main and 8-inch sanitary sewer within the road bed.

2. To construct and maintain a footbridge crossing of Radley Run and impacting 0.04 acre of associated wetlands for the proposed hiking path.

3. To excavate within wetlands and relocate an intermittent watercourse to construct Basin No. 8.

4. To install and maintain a 2.5-inch sanitary utility line crossing of Radley Run and associated wetlands near the terminus of Militia Hill Drive.

5. To install and maintain a 6-inch utility line crossing and an outfall structure across/along Radley Run and associated wetlands for the proposed water treatment plant.

6. To install and maintain a stormwater line through wetlands and an associated outfall structure along Radley Run, near the intersection of Leadline and Spur Lanes.

7. To install and maintain a 6-inch force main crossing of Radley Run and associated wetlands.

8. To install and maintain a water line crossing of Radley Run and associated wetlands adjacent to Route 926.

9. To relocate an intermittent watercourse through a 8-foot by 3-foot concrete box culvert underneath the proposed Bridlewood Boulevard, near its intersection with the proposed Forelock Court.

Issuance of this permit constitutes approval of the Environmental Assessment for nonjurisdictional basin Nos. 3, 4, 5, 8 and 10.

The site is located approximately 2,500 feet southwest from the intersection of Route 202 and Route 926 (West Chester, PA Quadrangle N: 7 inches, W: 11.4 inches) in Thornbury Township, **Chester County**. Applicant will construct 0.47 acre of replacement wetlands on this site.

**E46-723. Encroachment. Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove the existing single span concrete arch bridge and to construct and maintain a 110-foot long × 20-foot wide × 9-foot high box culvert stream enclosure across Sprogels Run on Maugers Mill Road (S. R. 4033), located approximately 1,700 feet southeast of the intersection of Maugers Mill Road and Hanover Road (Boyertown, PA Quadrangle N: 4.75 inches; W: 0.08 inch) in Upper Pottsgrove Township, **Montgomery County**.

**E23-344. Encroachment. Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To construct and maintain a 75-foot long single span bridge, having a 40-foot width and 17-foot

underclearance, across Little Crum Creek (WWF) on West Ridley Avenue (SR 2004, Section 64S). This bridge will also span the spillway for West Ridley Avenue Lake Dam (AKA Ridley Park Dam) (Lansdowne, PA Quadrangle N: 0.2 inch; W: 11.1 inches), in Ridley Park Borough, **Delaware County**. The bridge will replace the previously partially demolished original bridge.

**E15-518.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087. To remove the existing Red Lion Road bridge having a span of 13 feet, with an average underclearance of 4.2 feet, and demolish the associated masonry abutments. Also, to construct and maintain a 33-foot long, 18-foot wide by 5-foot high reinforced concrete box culvert and associated roadway fill at this location, in and along the Pocopson Creek (TSF-MF), at a point approximately 400 feet south of the intersection of Marlboro Road (T-463) and Red Lion Road (SR 3027) (Unionville USGS Quadrangle N: 4.2 inches; W: 8.5 inches), in Pocopson Township, **Chester County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E01-170.** Encroachment. **Mount Joy Township Board of Supervisors**, Harold Beebe, 902 Hoffmanhome Road, Gettysburg, PA 17325. To remove an existing structure and to construct and maintain a 6 feet by 12 feet by 25 feet long reinforced concrete box culvert over Lousy Run on Spangler School Road (Taneytown, PA Quadrangle: N: 20.75 inches; W: 10.50 inches) in Mount Joy Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E06-484.** Encroachment. **Metropolitan Edison Company**, George Repko, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640. To construct and maintain an overhead wire crossing of the Schuylkill River at a point approximately 700 feet upstream of Route 82 (Birdsboro, PA Quadrangle: N: 3.25 inches; W: 8.6 inches) in the Borough of Birdsboro and Exeter Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E21-257.** Encroachment. **South Newton Township**, Gary Johnson, Box 22, Highmountain Road, Walnut Bottom, PA 17266. To remove the existing damaged structure and to construct and maintain a 15 feet by 5 feet concrete box culvert across Hairy Spring Hollow on T-317 (Gutshall Road) located just upstream of Big Pond (Walnut Bottom, PA Quadrangle N: 10.75 inches; W: 4.75 inches) in South Newton Township, **Cumberland**

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

**E28-244.** Encroachment. **Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Franklin County, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a new R. C. slab bridge having a centerline span of 19 feet on a 52 degrees skew with a minimum underclearance of 9 feet, 9 inches across an unnamed tributary to Conococheague Creek on SR 0416, Section 002, Segment 0170, Offset 0000 located about 1.2 miles east of the Montgomery School along PA 75 (Mercersburg, PA Quadrangle N: 9.2 inches; W: 0.33 inch) in Montgomery Township, **Franklin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E29-072.** Encroachment. **Dept. of Transportation**, Engineering District 9-0, J. Dain Davis, 1620 Juniata Street, Hollidaysburg, PA 16648. To construct and maintain a new prestressed concrete box beam bridge (Waterfall Bridge) having a clear span of 75 feet on a 70 degree skew, with a minimum underclearance of 10.5 feet across Sidelong Hill Creek on SR 4011, Section 001. The bridge will be located about 875 feet downstream of an existing bridge. Nine hundred feet of roadway will also be constructed. (Salttillo, PA Quadrangle N: 0.08 inch; W: 6.58 inches) in Taylor Township, **Fulton County**. This permit also includes 401 Water Quality Certification.

**E34-085.** Encroachment. **Dept. of Transportation**, Engineering District 2-0, George Khoury, 1924-30 Daisy Street, Clearfield, PA 16830. To replace an existing structure with a 25 foot x 7 foot-6 inch precast box culvert in the channel of Lick Run at a point at SR 3020 (Blairs Mills, PA Quadrangle N: 18.85 inches; W: 3.35 inches) in Lack Township, **Juniata County**. This permit also includes 401 Water Quality Certification.

**E44-081.** Encroachment. **Paul Brown**, Box 557, HCR 61, Mill Creek, PA 17060. To construct and maintain a concrete box culvert having a span of 10.0 feet and a rise of 3.0 feet in an unnamed tributary to Kishacoquillas Creek to provide access to private property located along Spring Run Road about 300 feet south of its intersection with SR 0655 at Alexander Springs (Barrville, PA Quadrangle N: 0.4 inch; W: 6.7 inches) in Union Township, **Mifflin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E35-268.** Encroachment. **Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 16-foot x 5-foot, 6-inch reinforced concrete box culvert in Sterry Creek. The project, S. R. 1016, Section 270, is associated with Sterry Creek Stream Channel Restoration Project OSM 35 (2080) 102.1 and is located at the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.2 inches; W: 10.3 inches) in Jessup Borough, **Lackawanna County**.

**E35-270.** Encroachment. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 2 Public Square, Wilkes-Barre, PA 18711. To construct and maintain approximately 1,150 linear feet of concrete u-channel and to excavate, place and maintain fill for the construction of a trapezoidal channel, riprap bank stabilization and channel lining in and along 2,500 linear feet of Sterry Creek. The project, known as the

Sterry Creek Stream Channel Restoration Project, OSM 35 (2080) 102.1 and is located at a beginning point at the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.2 inches; W: 10.4 inches) and extending approximately 0.75 mile downstream to the confluence of Sterry Creek and the Lackawanna River (Olyphant, PA Quadrangle N: 18.2 inches; W: 11.2 inches) in Jessup Borough, **Lackawanna County**.

**E35-275.** Encroachment. **Joseph W. Scotchlas**, 110 Tuttle Street, Simpson, PA 18407. To remove the existing deteriorated structure and to construct and maintain a concrete tie retaining wall having a length of approximately 70 feet with a height of 12 feet to 18 feet. The project is located along the left bank of the Lackawanna River approximately 300 feet downstream of the intersection of S. R. 0171 and the Lackawanna River (Waymart, PA Quadrangle N: 16.9 inches; W: 15.0 inches) in Simpson Borough, **Lackawanna County**.

**E39-320.** Encroachment. **County of Lehigh**, P. O. Box 1548, Allentown, PA 18105. To repair and maintain an existing stone masonry arch bridge across Cedar Creek, with work including the following: placement of pressure-grouted riprap or groutfilled bags in the channel to address undermining and scour at the pier and abutments, repointing of stone masonry, and construction of R-5 riprap bank protection within a 320-foot channel reach. The bridge, which has two waterway openings of approximately 15 feet x 7 feet is located on Reading Road/Walnut Street (Allentown East, PA Quadrangle N: 17.0 inches; Wilkes-Barre: 17.2 inches) in the City of Allentown, **Lehigh County**.

#### DAM SAFETY

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

#### *Permits Issued and Actions on 401 Certification*

*DEP Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.*

**D23-053A.** Dam. **Borough of Ridley Park** (Ward and Cresswell Streets, Ridley Park, PA 19078). To modify, operate and maintain Ridley Park Dam located across Little Crum Creek in Ridley Park Borough, **Delaware County**.

#### ENVIRONMENTAL ASSESSMENT

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a))** Note: Permits issued for Small Projects do

not include 401 Certification, unless specifically stated in the description).

*DEP Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.*

#### *Environmental Assessment Approvals and Actions on 401 Certification*

**EA20-006CO.** Environmental assessment. **Universal Development** (1607 Motor Inn Drive, Girard, PA 44420). To construct and maintain a nonjurisdictional dam across a tributary to Van Horne Creek (WWF) for the purpose of stormwater management at the proposed Woodland Chase subdivision located approximately 4,000 feet east of the intersection of S. R. 19 and S. R. 6/322 (Geneva, PA Quadrangle N: 22.3 inches; W: 8.7 inches) in Vernon Township, **Crawford County**.

**EA45-001NE.** Environmental assessment. **Resorts USA, Inc.**, Corporate Offices, P. O. Box 447, Bushkill, PA 18324. To remove a deteriorated wooden deck situated along the southern streambank and in the floodway of Sand Hill Creek. The project is located at Tree Tops residential community sales area, approximately 1,000 feet southeast of the intersection of S. R. 0209 and River Road (Bushkill, PA Quadrangle N: 13.9 inches; W: 3.6 inches) in Middle Smithfield Township, **Monroe County**.

## SPECIAL NOTICES

### **Applications for Small Water Systems Regionalization Grant Program**

The Department of Environmental Protection's Technical Assistance Center for Small Water Systems is accepting applications under the Small Water Systems Regionalization Grant Program. This grant program provides grants to eligible applicants to assess the feasibility of the formation of a regionalized water system. The proposed regionalized water system must involve at least one small water system (a system serving 3,300 people or fewer).

Eligible applicants include any community water supplier, county, township, borough or authority to which a small water system has issued a letter of intent to develop a water system regionalization study.

Grant awards are limited to 75% of all approved project costs related to the water system regionalization study or \$75,000, whichever is less. The grantee must provide local share in the form of matching funds or in-kind services at a minimum of 25% of the total project costs.

The application period runs from May 1 to July 31, 1997. Based on the availability of funding, applicants that submit a final work plan and budget which are approved by DEP will be given preference to receive a grant based on a first-come, first-served basis.

For more information or to obtain a grant application, contact the Department of Environmental Protection, Bureau of Water Supply Management, Division of Drinking Water Management, Technical Assistance Center for Small Water System, P. O. Box 8467, Harrisburg, PA 17105-8467, or call Donna L. Green at (717) 787-0125.

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

In the month of February 1997 the Department of Environmental Protection of the Commonwealth of Penn-

sylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to

perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Brian C. Bacchus	10475 Perry Highway Suite 305 Wexford, PA 15090	Mitigation
Michael A. Bednar	950 Sussex Boulevard Broomall, PA 19008	Testing
Donald E. Bobincheck	116 Kenney Drive Sewickley, PA 15143	Testing
Robert Bowie Bux-Mont Inspections, Inc.	22 Saverman Road Doylestown, PA 18901	Testing
Francis A. Butler, Jr.	20 Thornridge Road Springfield, PA 19064	Mitigation
Gregory Dmuchowski Radon Environmental Services, Inc.	P. O. Box 2180 Flemington, NJ 08822	Testing
Marc E. Fleischman	123 Hepler Road Sarver, PA 16055	Testing
Thomas H. Gallagher Environmental Safeguard Services	120 Washington Avenue Bethlehem, PA 18018	Testing
William R. Lovic	196 Glenview Drive New Kensington, PA 15068	Testing
Daniel L. Mills	10475 Perry Highway, Suite 305 Wexford, PA 15090	Mitigation

[Pa.B. Doc. No. 97-450. Filed for public inspection March 21, 1997, 9:00 a.m.]

### Availability of Technical Guidance

#### *Governor's Office List*

Once a year on the first Saturday in August, the Governor's Office publishes a list of the non-regulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996, edition of the *Pennsylvania Bulletin*. The next publication of this list will be in the August 2, 1997, *Pennsylvania Bulletin*.

#### *DEP's Technical Guidance Document Inventory*

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. This edition is now available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance Document/Basic Inventory.

Bound paper copies of the Inventory are available now for those who do not have access to the Web site. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a bound paper copy of the June 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

#### *DEP's Technical Guidance Documents on the World Wide Web*

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

#### *Help Protect the Environment: Use the Web and Save Trees*

DEP encourages members of the public who read these announcements in the *Pennsylvania Bulletin* and DEP's *UPDATE* and who have access to the World Wide Web to avoid the needless duplication of paper copies of DEP's technical guidance documents. Persons can download those DEP documents which are posted on DEP's Web

site onto their computers and read them electronically. This method saves both paper and money.

#### *Ordering Paper Copies of DEP Technical Guidance*

Although DEP promotes the use of electronic copies of its technical guidance rather than paper copies, there are still reasons for DEP to continue to provide members of the public with paper copies: 1) It may be more convenient to use some documents in a paper form, 2) Not everyone has access to the World Wide Web and 3) Not all DEP documents are on DEP's Web site yet. Persons can order an unbound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling Elwyn, Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5826 if calling from outside Pennsylvania. Elwyn's fax number is (610) 497-5932.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

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

Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

#### *Final Technical Guidance Documents—Minor Revision to Existing Guidance*

DEP ID: 012-0830-001. Title: Data Standards for Names and Addresses. Description: This document contains procedures for the collection and input of name and address data elements into DEP's database systems. Effective Date: February 6, 1997. Page Length: 43 pages. Location: Volume 1, Tab 10. Contact Kim Nelson at (717) 787-3534.

#### *Notice of Intent to Develop Technical Guidance—New Guidance*

Draft Title: Prompt Closure of Abandoned Underground Mine Openings. Background: Despite the significant safety and environmental issues associated with unsealed, accessible mine openings, there remain situations where operators abandon mines without sealing or securing openings. The proposed guidance document will spell out procedures for notifying mine operators of their responsibility to secure and seal mine openings and for taking prompt enforcement action against those mine operators who abandon sites and refuse to perform the required mine closure work. The policy document will also address instances where the Department is forced to perform the closure work and subsequently moves to recover expended funds. Anticipated Effective Date: May 20, 1997. Anticipated Draft Development Date: March 12, 1997. Proposed Development and Review Process: This policy already exists in draft form as a result of the efforts of a 16-member work group consisting of staff from

the Bureau of Deep Mine Safety, Bureau of Mining and Reclamation, Bureau of Abandoned Mine Reclamation, District Mining Operations and the Office of Chief Counsel. Therefore, the draft preparation stage of the policy development process will be substantially shortened, consisting of minor editing and formatting. Copies of the draft will be distributed to the Pennsylvania Coal Association and the Pennsylvania Anthracite Council for review and comment. The draft will be announced in DEP's *UPDATE* and the *Pennsylvania Bulletin* for comment by members of the public. Contact: Thomas Callaghan at (717) 783-8845.

#### *Notice of Intent to Revise Technical Guidance and Availability of Draft Technical Guidance*

DEP ID: 563-2112-654. Title: Technical Review, Mine Stability. Background: This document provides technical information regarding the measures which underground mine operators are expected to take to ensure the stability of mine workings upon completion of mining. It revises current policy by expanding the means by which mine operators can demonstrate compliance with the mine stability requirements in section 5(e) of The Bituminous Mine Subsidence and Land Conservation Act and 25 Pa. Code § 89.143(a). It also eliminates the exemption previously granted for mines which were permitted or covered by permit applications on January 1, 1986. Proposed Development and Review Process: The guidance was drafted internally with assistance from district mining staff and program counsel. The first draft was circulated among district office staff, program counsel, Policy Office and the Pennsylvania Coal Association. Availability of the draft is now being announced with request for comment by members of the public. Deadline for Submittal of Comments: April 16, 1997. Contact: Harold Miller at (717) 783-8845.

#### *Notice of Intent to Revise Existing Technical Guidance*

DEP ID: 361-0300-002. Title: Special Protection Waters Implementation Handbook. Background: DEP proposed changes to its anti-degradation regulations, subsequent to extensive review by a stakeholder's group. In January, the Environmental Quality Board (EQB) approved DEP's proposed regulations; the final regulations will be published in the *Pennsylvania Bulletin* on March 22. Now, the Implementation Handbook can be revised. Anticipated Effective Date: February 1998. Contact: Ed Brezina at (717) 787-9637.

DEP ID: 362-0400-001. Title: National Pollutant Discharge Elimination System (NPDES) Technical Guidance Manual. Background: Sections of the manual need to be updated or revised to improve clarity. Some sections are based on regulations identified for possible revision. Anticipated Effective Date: December 1998. Contact: Lou Bercheni at (717) 787-4317.

DEP ID: 550-0300-001. Title: Operators Manual. Background: The Operators Manual is being updated to reflect changes in areas of program responsibility. The Bureau of Oil and Gas Management will draft a shorter, more concise policy document, without the internal, purely administrative procedures. Anticipated Effective Date: January 1998. Contact: Frank Bialas at (717) 772-2199.

#### *Notice of Intent to Rescind Technical Guidance*

DEP ID: 563-2000-601. BMR PGM: Section II, Part 6, Subpart 1. Title: Repermitting in High Quality Watersheds. Background: This guidance is no longer needed because it applied only to the repermitting of coal mining

operations which existed on July 31, 1982. The rescission date was October 31, 1996. The notice is being published in the *Pennsylvania Bulletin* now for the sake of clarity. Contact: Nina Huizinga at (717) 783-8727.

DEP ID: 563-2000-201. BMR PGM: Section VIII, Part 2, Subpart 1. Title: Permit Review, PHMC. Background: This guidance concerns PHMC involvement during review of mining permit applications. Guidance in this regard will be addressed in conjunction with revising Document No. 560-0700-301 titled, Coordination with PHMC. The rescission date was October 31, 1996. The notice is being published in the *Pennsylvania Bulletin* now for the sake of clarity. Contact: Nina Huizinga at (717) 783-8727.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-451. Filed for public inspection March 21, 1997, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Office of Children, Youth and Families; Public Hearing for the Federal Child Care and Development Block Grant Plan

The Department of Public Welfare, Office of Children, Youth and Families, Bureau of Child Day Care Services will be holding a Public Hearing on the proposed Plan for providing child care for welfare and non-welfare low-income families. This proposed Plan is intended to meet the requirements of Federal Child Care and Development Block Grant (CCDBG) Plan for the period October 1, 1997 through September 30, 1999. The hearing will be held on April 29, 1997 from 10 a.m. to 4 p.m. in the auditorium of the State Museum of Pennsylvania, 3rd and North Streets, Harrisburg, Pennsylvania. The purpose of the Public Hearing is to gather comments on the proposed Federal CCDBG Plan from the general public. Based upon comments received, the Commonwealth will consider the necessary revisions to the proposed Plan and develop a final Plan to send to the Federal Government.

This Plan will be available to the general public March 26, 1997. To obtain a copy of the Plan contact Karen Habel, Bureau of Child Day Care Services, 1401 North 7th Street, Harrisburg, Pennsylvania 17105 or call (717) 787-1551. Persons interested in providing testimony at the April 29, 1997 Public Hearing may register by calling (717) 787-1551. Copies will also be available after March 26, 1997 at County Assistance Offices and Local Management Agencies.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD Users) or 1 (800) 654-5988 (Voice Users). Persons who require another alternative format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 97-452. Filed for public inspection March 21, 1997, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Lucky Dog '97 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name*: The name of the game is Pennsylvania Lucky Dog '97.

2. *Price*: The price of a Pennsylvania Lucky Dog '97 instant lottery game ticket is \$1.00.

3. *Play Symbols*: Each Pennsylvania Lucky Dog '97 instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: FREE (TICKET), \$1<sup>00</sup> (ONE), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$25\$ (TWEN-FIV), \$50\$ (FIFTY), \$1000 (ONE THO), \$5000 (FIV THO) and a Bone Symbol (BONE).

4. *Prizes*: The prizes that can be won in this game are one free ticket, \$1, \$2, \$4, \$5, \$10, \$25, \$50, \$100, \$1,000 and \$5,000.

5. *Approximate Number of Tickets Printed For the Game*: Approximately 7,464,000 tickets will be printed for the Pennsylvania Lucky Dog '97 instant lottery game.

6. *Determination of Prize Winners*:

(a) Holders of tickets with three matching play symbols of \$5000 (FIV THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$1000 (ONE THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with two matching play symbols of \$50\$ (FIFTY), and a Bone play symbol (BONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with two matching play symbols of \$25\$ (TWEN-FIV), and a Bone play symbol (BONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets with three matching play symbols of \$25\$ (TWEN-FIV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets with two matching play symbols of \$5<sup>00</sup> (FIVE), and a Bone play symbol (BONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets with two matching play symbols of \$2<sup>00</sup> (TWO), and a Bone play symbol (BONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with two matching play symbols of \$1<sup>00</sup> (ONE) and a Bone play symbol (BONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(m) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play Area" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(n) A prize will be paid only for the highest Pennsylvania Lucky Dog '97 instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Lucky Dog '97 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed

free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate

number of winners, amounts of prizes, and approximate odds of winning:

Get	Win	Approximate Odds	Approximate No. of Winners Per 7,464,000 Tickets
3-Free	One Free Ticket Plus Entry	1:10	746,400
3-\$1	\$1	1:20	373,200
2-\$1 + Bone	\$2	1:30	248,800
3-\$2	\$2	1:150	49,760
2-\$2 + Bone	\$4	1:150	49,760
3-\$5	\$5	1:180	41,467
2-\$5 + Bone	\$10	1:140	53,314
3-\$25	\$25	1:300	24,880
2-\$25 + Bone	\$50	1:1,000	7,464
3-\$50	\$50	1:3,000	2,488
2-\$50 + Bone	\$100	1:4,000	1,866
3-\$1,000	\$1,000	1:95,692	78
3-\$5,000	\$5,000	1:497,600	15

8. *Retailer Incentive Awards.*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Lucky Dog '97 instant lottery game ticket selected for a Grand Prize Drawing as follows:

- (1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.
- (2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.
- (3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.
- (4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.
- (5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Dog '97 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Lucky Dog '97, prize money on winning Pennsylvania Lucky Dog '97 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Lucky Dog '97, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote

Pennsylvania Lucky Dog '97 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 97-453. Filed for public inspection March 21, 1997, 9:00 a.m.]

**Pennsylvania Money Tree '97 Instant Lottery Game**

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money Tree '97.

2. *Price:* The price of a Pennsylvania Money Tree '97 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Money Tree '97 instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: \$1<sup>00</sup> (ONE), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$25<sup>00</sup> (TWEN-FIV) and \$100<sup>00</sup> (ONE HUN).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$25 and \$100.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,464,000 tickets will be printed for the Pennsylvania Money Tree '97 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$100<sup>00</sup> (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(b) Holders of tickets with three matching play symbols of \$25<sup>00</sup> (TWEN-FIV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25.

(c) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(d) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(e) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(f) A prize will be paid only for the highest Pennsylvania Money Tree '97 instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Win	Approximate Odds	Approximate No. of Winners Per 7,464,000 Tickets
\$1	1:8	933,000
\$2	1:25	298,560
\$5	1:50	149,280



Win	Approximate Odds	Approximate No. of Winners Per 7,464,000 Tickets
\$25	1:150	49,760
\$100	1:1,000	7,464

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Money Tree '97 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Tree '97, prize money on winning Pennsylvania Money Tree '97 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money Tree '97 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Money Tree '97 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 97-454. Filed for public inspection March 21, 1997, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Northampton County

#### Project Reference No. 08430AG2060

The Department of Transportation will retain an engineering firm to perform final design, consultation during construction and shop drawing reviews for the bridge replacement and safety improvements of S. R. 0191, Section 01B in the Village of Ackermanville, Washington Township, Northampton County, Engineering District 5-0.

This bridge project is the replacement of an existing 30 foot long, single span steel I-beam structure with a new 48 foot long, 40 foot wide curb-to-curb prestressed boxed beam bridge as well as a 40 foot, 3 1/2 by 10 foot box culvert, on a new alignment approximately 500 feet upstream of the existing bridge location over Waltz Creek. Also involved is the realignment of the horizontal geometry of S. R. 0191, Section 01B to reduce the severity of

the curvilinear approach northeast of the proposed bridge location. Approximately 1,000 feet of roadway improvements on each side of the new structure will be constructed. The estimated construction cost is \$1.4 million.

The firm selected will be required to perform the following: prepare final right-of-way plans; prepare final design/construction plans, specifications, and cost estimates; review shop drawings; and provide consultation during construction.

The firm selected will be required to submit final right-of-way plans within three months from the Notice to Proceed and submit a final PS&E package to the District within 12 months from the Notice to Proceed. The District may opt to complete the structure design in-house with BRADD.

When shortlisting the firms submitting a letter of interest, the District will evaluate the firms' past performance, District bridge experience, location and project team qualification/integration. While not a primary criteria for selection, evidence of site review by the consultant may be beneficial.

The District will announce the firms that have been shortlisted at an open public meeting scheduled on April 22, 1997, at 10 a.m. in Conference Room A at Engineering District 5-0.

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 Donald E. Lerch, P.E., District 5-0, at (610) 791-6019.

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

#### Lackawanna County Project Reference No. 08430AG2061

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately six inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

1. S. R. 0006, Section 207, Lackawanna County. Local Name: Scranton—Carbondale Highway. This project involves 0.44 mile of widening to five lanes, resurfacing shoulders, drainage, signals, curbing, and two new precast RCC box culverts near the intersection of S. R. 0006 and S. R. 0347.

2. S. R. 0006, Section 219, Lackawanna County. Local Name: Scranton—Carbondale Highway. This project involves 1.64 miles of widening to five lanes, resurfacing shoulders, drainage, curbing in Archbald and Blakely Boroughs.

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

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

- a. Number of NICET certified inspectors in each payroll classification.
- b. Number of available inspectors in each payroll classification.
- c. 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.
- d. Understanding of Department's requirements, policies and specifications.
- e. Past performance.
- 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 Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	4 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCIS)	\$38.21
(TCI)	\$33.44
(TA)	\$22.98

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes *****</i>
TCIS	2
TCI	5

\*\*\*\*\*The consultant will only be allowed to include one additional resume for each group of five inspectors in a particular classification.

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Charles Mattei, P.E., District Engineer, District 4-0, O'Neil Highway, Keystone Industrial Park, Dunmore, PA 18512.

Technical questions concerning the requirements for this project should be directed to Robert Horutz, P.E., District 4-0, at (717) 963-4064.

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

**General Requirements and Information**

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the letter of interest and required information must be submitted to Charles W. Allwein,

P.E., Chief, Consultant Agreement Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The letter of interest and required information must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate letters of interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation, shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include the following information, and the information must be packaged and presented in the following order:

1. Transmittal Letter (maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name,

fictional name (if applicable) and the firm's Federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the letter of interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next 2-year time frame. The Workload Projection Graph should be submitted for the offices where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the letter of interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

#### 7. Registration To Do Business

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include, with each letter of interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

#### 8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

#### 9. Additional Information

Additional information, not to exceed ten one sided pages or five double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisements will be made to one of the firms who submitted an acceptable letter of interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-455. Filed for public inspection March 21, 1997, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Ragan Car Wash v. DEP; EHB Doc. No. 97-056-C

Ragan Car Wash has appealed the issuance by the Department of Environmental Protection of an NPDES permit for a facility in Smith Township, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business

hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 97-456. Filed for public inspection March 21, 1997, 9:00 a.m.]

### Myron A. Yourshaw and Charles J. Yourshaw v. DEP and Reading Anthracite Co., Permittee; EHB Doc. No. 97-039-MG

Myron M. Yourshaw and Charles J. Yourshaw have appealed the issuance by the Department of Environmental Protection of an NPDES permit to Reading Anthracite Co. for a facility in New Castle Township, Schuylkill County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 97-457. Filed for public inspection March 21, 1997, 9:00 a.m.]

### Zinc Corporation of America v. DEP; EHB Doc. No. 97-054-MG

Zinc Corporation of America has appealed to the issuance by the Department of Environmental Protection of an NPDES permit to Zinc Corporation of America for a facility in Palmerton Borough, Carbon County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in

an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 97-458. Filed for public inspection March 21, 1997, 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, March 6, 1997, and took the following actions:

#### *Regulations Approved:*

Environmental Quality Board # 7-298: Marking of Infectious Waste Containers (amends 25 Pa. Code §§ 285.146 and 285.147)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public meeting held  
March 6, 1997

*Environmental Quality Board—Marking of Infectious Waste Containers; Doc. No. 7-298*

### Order

On June 4, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code §§ 285.146 and 285.147. The authority for this regulation is found in Sections 105 and 201 of the Solid Waste Management Act (35 P. S. §§ 6018.105 and 6018.201), Sections 1 and 4 of the Infectious and Chemotherapeutic Waste Disposal Act (35 P. S. §§ 6019.1 and 6019.4) and Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). The proposed regulation was published in the June 15, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 4, 1997.

This regulation is the result of a petition to the Environmental Quality Board (EQB) from DeRoyal Industries, Inc. (DeRoyal). The existing regulation requires the outermost container of infectious waste to be red and the outermost container of chemotherapeutic waste to be yellow. This rule applies to most rigid containers of wastes as well as bags. This regulation revises the rule to exempt rigid containers from the red or yellow color requirement. The new rule will match the Federal re-

quirement for a specific type of label. The label requirement includes the universal biohazard symbol that conforms to the design shown in regulations of the U. S. Occupational Safety and Health Administration.

During the proposed stage, we received copies of letters from:

Watson, Hollow and Reeves, P.L.C., representing DeRoyal, Knoxville, TN

Association for Professionals in Infection Control and Epidemiology, Inc., PA

Magee-Womens Hospital, Pittsburgh, PA

Broad Top Township, Defiance, PA

Francis J. Roth, Chalfont, PA

We also received a letter from Jon G. Roach, an attorney for Watson, Hollow and Reeves, P.L.C., representing DeRoyal, expressing support for the final-form regulation and requesting that the Commission act favorably upon the regulation.

This regulation will bring the Commonwealth's rule for labeling containers of infectious and chemotherapeutic waste (ICW) into greater conformity with Federal standards. Hence, it meets the requirements of Executive Order 1996-1. With the adoption of these amendments, companies that manufacture and Nationally market rigid containers for the storage and transportation of ICW will be able to market the same container in Pennsylvania. This should reduce the cost of such containers to the Pennsylvania companies, institutions and individuals who generate, handle and transport ICW.

We have reviewed this regulation and find it to be in the public interest. It eliminates the requirement that rigid containers be color coded. This will allow generators and transporters of ICW to use the same containers used in other states and to avoid the costs of containers specially made for Pennsylvania. It maintains the rule that plastic bags be color coded and properly labeled to avoid confusion and the potential for improper and unsafe waste disposal.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-298 from the Environmental Quality Board, as submitted to the Commission on February 4, 1997, is approved; and

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

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 97-459. Filed for public inspection March 21, 1997, 9:00 a.m.]

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Reg. No. 56-1	Agency/Title Board of Pardons General Provisions	Received 3/6/97
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JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 97-460. Filed for public inspection March 21, 1997, 9:00 a.m.]

## LIQUEUR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Bradford County, Wine and Spirits Shoppe # 0801, 150 Desmond Street, Sayre, PA 18840-2002.

*Lease Expiration Date:* May 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,700 to 3,200 net useable square feet of new or existing retail commercial space within the following communities: Sayre Borough, South Waverly Borough, Athens Borough and Athens Township.

*Proposals due:* April 18, 1997, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Lancaster County, Wine and Spirits Shoppe # 3611, 16 E. High Street, Elizabethtown, PA 17022-1914.

*Lease Expiration Date:* May 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,700 to 3,200 net useable square feet of new or existing retail commercial space within either Elizabethtown Borough, Mount Joy Township or West Donegal Township.

*Proposals due:* April 18, 1997, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Chester County, Wine and Spirits Shoppe # 1515, Marchwood Shopping Center, 23 Marchwood Road, Exton, PA 19341.

*Lease Expiration Date:* October 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,600 net useable square feet of new or existing retail commercial space on Route 100, south of Route 113 and north of Route 30.

*Proposals due:* April 18, 1997, 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

Philadelphia County, Wine and Spirits Shoppe # 5109, 1100 S. Delaware Avenue, Unit 20, Philadelphia, PA 19147.

*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 5,300 net useable square feet of new or existing retail commercial space on Christopher Columbus Boulevard, south of Christian Street and north of Dickenson Street, City of Philadelphia.

*Proposals due:* April 18, 1997, 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 and Spirits Shoppe # 5401, 201 E. Arch Street, Pottsville, PA 17901-2908.

*Lease Expiration Date:* July 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,600 net useable square feet of new or existing retail commercial space within 2 miles north of the intersection of Claude Lord Blvd. (Route 61) and Arch Street, Pottsville.

*Proposals due:* April 18, 1997, 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

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 97-461. Filed for public inspection March 21, 1997, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 14, 1997, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**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-00113765. Tracey Welton-Rossman and Steven Rossman, Copartner, t/d/b/a Kangakab** (239 Barker Road, Wyncote, Montgomery County, PA 19095)—persons in paratransit service between points in the counties of Bucks and Montgomery, subject to the following condition: that all service shall be limited to passengers under the age of 18 years.

**A-00113769. Marvin R. Myers, t/d/b/a Arrow Transportation Service** (4850 North Carlisle Street, Philadelphia, Philadelphia County, PA 19141)—persons in paratransit service, between points in the city and county of Philadelphia.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00113748, Folder 3. Tri-Star Enterprises, Inc., t/d/b/a Supershuttle** (333 Jenkintown Commons, Old York Road and Wyncote Road, Jenkintown, Montgomery County, PA 19046), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service (1) between the Embassy Hotel in the township of East Whiteland, Chester County, and the Philadelphia International Airport, in the city and county of Philadelphia, and the township of Tinicum, Delaware County; subject to the following condition: that no right, power or privilege is granted to transport unaccompanied baggage or luggage; (2) from points in the city and county of Philadelphia, and those portions of the counties of Montgomery and Delaware bounded by a line beginning on the north of the Delaware River at the Philadelphia County Line; thence northwardly, westwardly and southwestwardly along the Philadelphia County Line to Philmont Avenue; thence southwestwardly along Philmont Avenue, Welsh Road, Valley Road, Washington Lane, Township Line to Glenside Avenue (excluding any portion of the borough of Jenkintown), Easton Road, Church Road, and Paper Mill Road to the Philadelphia County Line (Stenton Avenue); thence westwardly along the Philadelphia County Line and Blue Bell Road to Joshua Road; thence southwestwardly along Joshua Road to Cedar Grove Road; thence southeastwardly along Cedar Grove Road and the Schuylkill River, joining the Philadelphia County Line, and continuing to Port Royal Avenue; thence across the Schuylkill River to Mill Creek Road, Montgomery County; thence southwestwardly along Mill Creek Road, Lancaster Avenue, Ardmore Avenue into Delaware County and continuing along Ardmore Avenue, Ellis Road, Lawrence Road, and Darby Creek Road to Darby Creek; thence southwardly along Darby Creek to State Road; thence southwardly along State Road, Springfield Avenue, Saxer Avenue, Baltimore Avenue, Woodland Avenue, and Kedron Avenue to MacDade Boulevard; thence northeastwardly along MacDade Boulevard to Winona Avenue; thence southwardly along Winona Avenue, continuing in a straight line to the Delaware River, and thence northwardly along the Delaware River to the place of the beginning; to the Philadelphia International Airport, in the city and county of Philadelphia and the township of Tinicum, Delaware County, and the North Philadelphia Airport in the city and county of Philadelphia; subject to the following condition: that the vehicles used to render the above-described service will be separate and distinct from the vehicles used to render service under the authority at A-00113748, Folders 1 and 2; (3) from points in the counties of Bucks and Montgomery within an airline distance of 28 statute miles of the limits of the borough of Riegelsville, Bucks County excluding points

west of Pennsylvania Traffic Route 73, to the Philadelphia International Airport, and vice versa; subject to the following conditions: (a) that all service shall be provided in vehicles not exceeding 7 passengers in capacity; (b) that no right, power or privilege is granted to render service from or to points in the townships of Montgomery, Hatfield, Upper Gwynedd and Towmencin and the boroughs of Lansdale and Hatfield, Montgomery County, from 6 a.m. to 6 p.m. 6 days per week, Monday through Saturday, except places of accommodation along Pennsylvania Traffic Route 309; which is to be a transfer of the rights authorized under the certificates issued at A-00094986, Folder 2, Am-D and Am-F and A-00094986, Folder 3, to Liberty Cab & Limousine Co., Inc., subject to the same limitations and conditions. Application for temporary authority has been filed at A-00113748, F. 3, seeking the same rights stated above. *Attorney:* Kevin W. Walsh, 1900 Two Penn Center Plaza, Suite 1900, Philadelphia, PA 19102-1799.

**A-00113766. John Four Transportation Services, Inc.** (126 McClellan Drive, Pittsburgh, Allegheny County, PA 15236), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, in luxury-type equipment, between points in the counties of Allegheny, Washington, Butler, Armstrong, Beaver and Fayette, and in the cities of New Kensington, Lower Burrell and Arnold in Westmoreland County, and from said counties and cities to points in Pennsylvania, and vice versa, limited to vehicles having a seating capacity not to exceed 9 persons including the driver; subject to the following condition: (a) that no right, power or privilege is granted to the applicant to render any service, as a common carrier, to or from the Greater Pittsburgh International Airport, Moon Township, Allegheny County, and/or the Allegheny County Airport in the borough of West Mifflin, Allegheny County; (b) that within the area subscribed by a circle, the radius of which shall be 10 miles and the center of which shall be the Courthouse of the county of Allegheny, and within the limits of North Park of the county of Allegheny, the applicant's rights and privileges to engage, as a common carrier, in the transportation of persons in luxury-type equipment shall be limited to transporting persons to and/or from those sites and/or activities as shall be directly and approximately incidental to such ceremonial occasions as funerals, weddings, bar mitzvahs, christenings, proms and the like, including the provisions of flower cars therefor, which is to be a transfer of the rights authorized under the certificate issued at A-00101240 to Benjamin S. Betts, t/d/b/a B & B Limousine Service, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**A-00113748, Folder 2. Tri-Star Enterprises, Inc., t/d/b/a Supershuttle** (333 Jenkintown Commons, Old York Road and Wyncote Road, Jenkintown, Montgomery County, PA 19046), a corporation of the Commonwealth of Pennsylvania—persons on schedule from the Philadelphia International Airport in the city and county of Philadelphia to the George Washington Motor Lodge located on Highway Route 202 in the village of King of Prussia, Upper Merion Township, Montgomery County, and vice versa; Right (1) subject to the following conditions: (a) that no right, power or privilege is granted to pick up or discharge passengers at any point except the George Washington Motor Lodge and the Philadelphia International Airport, (b) that in the rendition of the service herein authorized, applicant is hereby limited and restricted to the operation of motor vehicles not to exceed a capacity of 10 passengers each; (2) persons on schedule

from the Philadelphia International Airport in the city and county of Philadelphia to points on the following routes, and vice versa; beginning at the George Washington Motor Lodge located on Highway Route 202 in the village of King of Prussia, Upper Merion Township, Montgomery County, thence on Highway Route 202, Highway Route 23, Highway Route 363 and Highway Route 422 to the borough of Pottstown. Beginning at the George Washington Motor Lodge located on Highway Route 202 in the village of King of Prussia, Upper Merion Township, Montgomery County, thence on Highway Route 202 and Interstate Highway Route 76 (Schuylkill Expressway) to Valley Forge Interchange of the Pennsylvania Turnpike, thence on the Pennsylvania Turnpike to Fort Washington Interchange, thence on Highway Route 309 to Sheridan Penn-Pike Motor Inn and Fort Washington Industrial Park, thence returning on Highway Route 309 to Fort Washington Interchange, thence on Pennsylvania Turnpike to Willow Grove Interchange, thence on Highway Route 611 to the village of Willow Grove; Right (2) subject to the following conditions: (a) that in rendition of the service herein authorized, all passengers must be either picked up or discharged at the Philadelphia International Airport; (b) that in the rendition of the service herein authorized, applicant is hereby limited and restricted to the operation of motor vehicles not to exceed a capacity of 10 passengers each; (3) persons and their baggage, mail, express and newspapers, such as can be transported in vehicles without the removal of seats or inconvenience to passengers, from Philadelphia International Airport to points in the township of Upper Merion, Montgomery County, and the Valley Forge General Hospital in the township of Charlestown, Chester County, with no intermediate stops between King of Prussia and the Valley Forge General Hospital, and to the village of Trevoze, Bucks County, located at the intersection of the Pennsylvania Turnpike and Highway Route 1, and vice versa; Right (3) subject to the following conditions: (a) that all transportation between the Philadelphia International Airport and the village of Trevoze shall be restricted to Interstate Highway Route 76 (Schuylkill Expressway) and the Pennsylvania Turnpike, with no intermediate stops between the Philadelphia International Airport and King of Prussia, Montgomery County; (b) that in the rendition of the service herein authorized, all passengers must either be picked up or discharged at the Philadelphia International Airport; (c) that in the rendition of the service herein authorized, applicant is hereby limited and restricted to the operation of motor vehicles not to exceed a capacity of 10 passengers each. (4) persons on schedule in vehicles having a seating capacity of not more than 11 passengers, from points on the following route and spur routes to the Philadelphia International Airport in the city and county of Philadelphia, and vice versa: beginning at the western boundary of the borough of Norristown, on West Main Street, thence eastwardly on West Main Street to Arch Street, thence northwardly on Arch Street to Airy Street, thence east on Airy Street to Sandy Hill Road, and along same to Germantown Pike, thence on Germantown Pike to its intersection with Chemical Road, thence via Chemical Road to North Lane, thence via North Lane to Butler Pike, thence via Butler Pike and Fayette Street through the borough of Conshohocken, thence via bridge over the Schuylkill River to the borough of West Conshohocken, thence through the borough of West Conshohocken to the Schuylkill Expressway, thence via the Schuylkill Expressway and Highway Route 291 to Philadelphia International Airport, and returning via the same route, substituting however, Airy Street for Main Street between Arch

Street and the west end of the borough of Norristown. Spur Route: beginning at the intersection of Walton Road and Germantown Pike, thence via Walton Road to its intersection with the Township Line Road, thence via Township Line Road to its intersection with Jolly Road, thence via Jolly Road to its intersection with DeKalb Pike (Route 202), thence via DeKalb Pike (Route 202) to its intersection with Township Line Road. Spur Route: beginning at the intersection of Germantown Pike and Plymouth Road, thence southwestwardly on Plymouth Road for a distance of 1/4 of a mile; Right (4) subject to the following conditions: (a) that no right, power or privilege is granted to pick up or discharge passengers between the southern boundary of the borough of West Conshohocken and said airport, except at the airport; (b) that in rendition of the service herein authorized, all passengers must either be picked up or discharged at the Philadelphia International Airport; (c) that there shall be only one point of pickup and discharge in the borough of West Conshohocken (the Tankard Inn); one point of pickup or discharge in the borough of Conshohocken (U. S. Post Office); and three points of pickup and discharge in the borough of Norristown west of Riverview Hospital (two of which shall be the Valley Forge Hotel and the Colonial House Motel). (5) persons and baggage in motor vehicles having a seating capacity of not more than 11 passengers, on schedule, from the Philadelphia International Airport in the city and county of Philadelphia, to points in the townships of Montgomery, Lower Gwynedd, Upper Gwynedd and Towamensing, Montgomery County, and vice versa. (6) persons and baggage in motor vehicles having a seating capacity of not more than 11 passengers, on schedule, from points on the following alternate route to the Philadelphia International Airport in the city and county of Philadelphia, and vice versa; beginning at the intersection of Main Street and Mill Street in the borough of Norristown, thence via Mill Street to Lafayette Street, thence via Lafayette Street to DeKalb Pike (Route 202), thence via DeKalb Pike to Goddard Boulevard in Upper Merion Township in Montgomery County, thence via Goddard Boulevard to the Schuylkill Expressway, thence via the Schuylkill Expressway to a point on the applicant's presently certificated route west of the borough of West Conshohocken, thence continuing via the Schuylkill Expressway and Highway Route 291 to the Philadelphia International Airport, and vice versa; Right (6) subject to the following conditions: (a) that no right, power or privilege is granted to pick up or discharge passengers between the southern boundary of the borough of West Conshohocken and said airport, except at the airport; (b) that in rendition of the service herein authorized, all passengers must either be picked up or discharged at the Philadelphia International Airport. (7) persons and their baggage, on schedule, in vehicles having a seating capacity of not more than 11 persons, from points on Roosevelt Boulevard (Highway Route 1) between its intersection with Highway Route 63 and its intersection with Highway Route 611 (including the North Philadelphia Airport), all in the city and county of Philadelphia, to the Philadelphia International Airport, and vice versa. (8) persons and their baggage, on schedule, in vehicles having a seating capacity of not more than 11 persons, from points on a route beginning at the intersection of Washington Lane and Cheltenham Avenue, thence via Washington Lane to Township Line Road, thence via Township Line Road to Highway Route 611, thence via Highway Route 611 to its intersection with Cheltenham Avenue, thence with closed doors on Highway Route 611 to its intersection with Roosevelt Boulevard (Highway Route 1), to the Philadelphia International



Airport, and vice versa, all transportation to originate or terminate at the Philadelphia International Airport or its points on the above route in Montgomery County. (9) on schedule, persons and their baggage, mail, express and newspapers, in passenger-type vehicles having a meeting capacity of not more than 11 passengers, from points and places in the townships of West Norriton, Whitpain, East Norriton, Worcester and Lower Providence in Montgomery County, the townships of Schuylkill and Tredyffrin in Chester County, to the Philadelphia International Airport, in the city and county of Philadelphia, and vice versa; Right (9) subject to the following condition: that no right, power or privilege is granted to transport persons and their baggage to or from that portion of Tredyffrin Township, Chester County, on and south of Conestoga Road, Upper Gulph Road and Groton Road. (10) persons and their baggage, mail, express and newspapers, in motor vehicles having a seating capacity of not more than 11 passengers, on schedule, from points and places in the townships of Bensalem, Bristol, Lower Makefield, Middletown, Newtown and Upper Makefield in Bucks County to the North Philadelphia Airport and to the Philadelphia International Airport in the city and county of Philadelphia, and vice versa. (11) persons and their baggage, on schedule, in motor vehicles having a seating capacity of not more than 11 passengers over the following spur routes: Spur Route: beginning at the Oak Summit Apartments on Easton Road in Glenside, thence over Easton Road to Limekiln Pike, thence via Limekiln Pike to Greenwood Avenue, thence via Greenwood Avenue to West Avenue, thence via West Avenue to the Beaver Hills Apartments, thence over West Avenue to Township Line Road, thence via Township Line Road to its intersection with Washington Lane, a point on applicant's presently certificated route and vice versa; Spur Route: beginning at the Oak Summit Apartments on Easton Road in Glenside, thence over Easton Road to Church Road, thence via Church Road to its intersection with Washington Lane, a point on applicant's presently certificated route and vice versa. (12) in airport transfer service, persons and their baggage, mail, express and newspapers, in passenger-type vehicles with a seating capacity of not more than 11 passengers, on schedule, from points and places in the township of Upper Merion, Montgomery County, to the Philadelphia International Airport in the city and county of Philadelphia and the township of Tinicum, Delaware County, and vice versa; which is to be a transfer of part of the rights authorized under the certificate issued at A-00094986, F. 2, F. 2, Am-A and F. 2, Am-C to Liberty Cab & Limousine Co., Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. Application for temporary authority has been filed at A-00113748, folder 2, seeking the rights cited above. *Attorney:* Alan I. Moldoff, Suite 1900, Two Penn Center Plaza, Philadelphia, PA 19102-1799.

**A-00112577, Folder 5. Airport Limousine Service, Inc., t/d/b/a Airport Limousine Service and Embassy Coach** (5931 Ellsworth Avenue, Pittsburgh, Allegheny County, PA 15206), a corporation of the State of Delaware—persons in limousine service, from points in the county of Allegheny, to other points in Pennsylvania, and return; which is to be a transfer of the right authorized under the certificate issued at A-00106562 to Riemer's Limousine, Inc., subject to the same limitations and conditions. Application for temporary authority has been filed at A-00112577, folder 5, seeking the right cited above. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00102322, Folder 5. R & J Transportation, Inc.** (R. D. 5, Box 5389-A, Pottsville, Schuylkill County, PA 17929) a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in Schuylkill County, and from points in said county to points in Pennsylvania and return. *Attorney:* Kenneth Zielonis, P. O. Box 12090, Harrisburg, PA 17108-2090.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.**

**A-00113767. Town & Country Van Line, Inc.** (1983 Bridgetown Pike, Feasterville, Bucks County, PA 19053), a corporation of the Commonwealth of Pennsylvania—(1) property, excluding household goods in use, between points in Pennsylvania; (2) household goods in use, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places; (3) household goods in use, from points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, to other points in Pennsylvania, and vice versa; (4) for the United States Department of Defense, household goods in use, between points in the counties of Lehigh, Bucks, Chester, Montgomery, Delaware and Northampton, and within an airline distance of 25 statute miles of the limits thereof, and from points in said territory, to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00108411 to Longstreet Group, Ltd., t/d/b/a Town & Country Van Line, subject to the same limitations and conditions. *Attorney:* Richard A. Franklin, 1700 Sansom Street, 12th Floor, Philadelphia, PA 19103.

#### Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before April 7, 1997.

- |                  |  |
|------------------|--|
| A-00113358, F. 2 | Plant Service Corp.<br>P. O. Box 306, Pitman, NJ 08071                 |
| A-00113788       | Barbara Deleo<br>198 Panama Street, Pittston, PA 18640                 |
| A-00113791       | H. David Pitzer Trucking, Inc.<br>P. O. Box 276, Biglerville, PA 17307 |
| A-00113152, F. 2 | Frey Brothers, Inc.<br>372 Puseyville Road, Quarryville, PA 17566      |
| A-00113768       | Curtis R. Hoover<br>2430 South Fifth Avenue, Lebanon, PA 17042         |

- A-00113358, F. 2 Plant Service Corp.  
P. O. Box 306, Pitman, NJ 08071
- A-00113790 DiStefano Transportation, Inc.  
1219 Morstein Road, West Chester,  
PA 19380
- A-00113792 Louis J. Rose, t/d/b/a  
Rose Trucking  
R. D. 1, Brockport, PA 15823
- A-00113172, F. 2 Michael Sean Caldwell  
1119 Route 588, Fombell, PA 16123
- A-00113793 Gregg S. Tirpak, t/d/b/a  
Fredericks Coal and Fuel Oil  
R. R. 1, Box 333, Owl Creek Road,  
Tamaqua, PA 18252
- A-00113794 Reid Paving Contractors, Inc.  
1850 Swamp Pike, Gilbertsville, PA  
19525
- A-00113795 William F. Bradford, Sr.  
280 Summit Avenue, Conshohocken,  
PA 19428

**Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Turbo Transport,  
Inc.; Doc. No. A-00109191C9601**

*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. Pursuant to 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 Turbo Transport, Inc., respondent, maintains a principal place of business at 1108 First State Boulevard, Newport, DE 19804.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00109191.
3. That pursuant to section 512 of the Public Utility Code, 66 Pa.C.S. 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 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 Turbo Transport, Inc. at Docket No. A-00109191, for failure to maintain current evidence of insurance on file with the Commission or 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. 97-462. Filed for public inspection March 21, 1997, 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 Employes' Retirement Code), in connection with the Public School Employes' 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:

April 2, 1997	Larry E. Brown (Membership Eligibility)	2:30 p.m.
April 16, 1997	Theresa Capocci (Disability Eligibility)	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. 97-463. Filed for public inspection March 21, 1997, 9:00 a.m.]

## STATE TRANSPORTATION COMMISSION

### Meeting Scheduled

The State Transportation Commission will hold a regular scheduled business meeting on Thursday, April 10, 1997. This meeting is open to the public and will begin at 1 p.m. at the following location: Best Western Country Cupboard Inn, Route 15 North/P. O. Box 46, Lewisburg, PA 17837, (717) 524-5500.

The meeting location is accessible to persons having disabilities. Any persons having special needs or requiring special aides are requested to contact the State Transportation Commission Office at (717) 787-2913 in order that special disability needs may be accommodated.

BRADLEY L. MALLORY,  
*Chairperson*

[Pa.B. Doc. No. 97-464. Filed for public inspection March 21, 1997, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting a sealed bid for: Upgrade Nortel Meridian Phone System. Open Date: April 8, 1997 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.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 97-465. Filed for public inspection March 21, 1997, 9:00 a.m.]

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 94-002-FS57-C.** Mon/Fayette Expressway S. R. 0043 Section 52B2, Construction in Washington County, PA.

*Bid Opening Date:* April 23, 1997, 11 a.m.

*Bid Surety:* 5%.

Plans, cross-sections, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment by check or P. O. Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. Selection of the desired materials should be by the following designations with proper respective remittance. (do not add State tax). Construction Plans including roadway, structures, and subsurface profiles—\$90. Cross-Sections—\$75. Specifications and Contract Bid Documents—\$25. Total package—\$190.

A mandatory prebid meeting for the project will be held on April 2, 1997, beginning at 10 a.m., at the Holiday Inn—Washington Meadowlands, 340 Race Track Road, Exit 8A of I-79, telephone (412) 222-6200.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-466. Filed for public inspection March 21, 1997, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.  
 Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division 787-0000

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET THAT COMPETITIVE EDGE—FOR FREE!**

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

**Commodities**

**1729726** Computer related equipment—1 lot; equipment and supplies to upgrade the ACD of NEC NEAX 2400 IMG ICS.

**Department:** PSERS  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8141210** Construction and building materials—bituminous wearing course, ID-2, 2522 ton leveling course, SRL-L, AC 20; 689 ton SRL-L, AC-20; 8965 ton SRL-L, AC-5 and 995 SY membrane waterproofing.

**Department:** Transportation  
**Location:** Meadville, Crawford County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8141220** Construction and building materials—bituminous wearing course, ID-2, 604 ton; scratch course SRL-ANY; 5121 ton, leveling course—SRL-ANY; 8893 ton, SRL-G; 822 ton, SRL-ANY; 2951 SY, membrane waterproofing.

**Department:** Transportation  
**Location:** Franklin, Venango County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8071800** Construction and building materials—23476 gal. crack filling and sealing.

**Department:** Transportation  
**Location:** Franklin, Venango County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8071810** Construction and building materials—bituminous wearing course, ID-2, 9434 ton leveling course, SRL-ANY; 941 ton scratch course SRL-ANY; 1800 ton shoulder backup.

**Department:** Transportation  
**Location:** Franklin, Venango County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1839046** Construction, mining, excavating and highway maintenance equipment—1 each gas powered rider sweeper/scrubber and gas powered rider sweeper.

**Department:** State Farm Products Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1886206** Engine accessories—filters: 15000 each, oil; 1512 each, air; 1512 each fuel; 1600 each PCV valves; 12000 each spark plugs, platinum only.

**Department:** State Police  
**Location:** Erie, Erie County and Butler, Butler County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1888206** Fingerprinting system—2 each systems to include communications, applications, software and printers.

**Department:** State Police  
**Location:** Erie, Erie County, PA and Butler, Butler County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1847116** Food preparation and serving equipment—1 unit; electric planetary floor mixer, 4-speed w/80 quart bowl capacity.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1829216** Hardware and abrasives—1 each single coil razor ribbon wire, double loop, to be furnished and installed on existing perimeter fence.

**Department:** Public Welfare  
**Location:** New Castle, Lawrence County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1794356** Laboratory instruments and equipment—100 box; bottle, polypropylene, auto clavable, 4 oz./125 ml with blue closure.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8217210** Laboratory instruments and equipment—7 each asphalt content ignition furnace.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1826216** Materials handling equipment—1 each latest model 4 wheel sit down fork lift and 1 each same with cab enclosure and cab heater.

**Department:** Public Welfare  
**Location:** Ebersburg, Cambria County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1914126** Medical, dental and vet equipment and supplies—1 each Aqua Med I (or approved equal) dry water hydrotherapy unit.

**Department:** Labor and Industry  
**Location:** Johnstown, Cambria County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1859156** Motor vehicles, trailers and cycles—1 each 1997 model 24' van body truck w/tailgate lift.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1770136** Motor vehicles, trailers and cycles—1 each 1997 model compact enclosed type 4x4.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1775136** Motor vehicles, trailers and cycles—1 each 1997 model compact enclosed type 4x4.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1796306** Nautical (sails) equipment—2 each new topsails; 1 each: new Topgallant, Royal sail and miscellaneous repair to sails.

**Department:** Flagship Niagara  
**Location:** Erie, Erie County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1762116** Photographic equipment—1 each electronic photo identification system.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1421156** Seating—100 each specialized music seating. Referenced Mfr.: Wenger 100 B musician chair—17 1/2".

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, Berks County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7313780** Security and safety equipment—45 each safe, money, external door equipped with combination lock.

**Department:** Liquor Control Board  
**Location:** Various Locations  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8205810** Special industry machinery and supplies—1 each Imagesetter, Model AGFA-Accuset 1500 or approved equal.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1844116** Surveillance equipment—1 lot; video surveillance equipment to State Correctional Institution at Smithfield

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

## SERVICES

### Audio/Video—04

**SP-313895** Maintenance Agreement for Communications Equipment—contractor shall provide all labor, parts, and necessary equipment to perform routine preventive maintenance and periodic inspections as required by FCC Rules and Regulations to Wernersville State Hospital communications equipment.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, P. O. Box 300, Wernersville, PA 19565-0300  
**Duration:** July 1, 1997 through June 30, 2000  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**RFI-1997-01** The Pennsylvania Insurance Department is issuing a Request for Information (RFI) to potential vendors to design, develop and implement an insurance producer (agents and brokers) licensing system using Oracle database development software. This project involves: (1) replacing an existing hierarchical COBOL database residing on the Commonwealth's Central Management Information Center mainframe with a relational database application in a client-server environment which will reside in the Insurance Department, and (2) converting the records from the existing multi-license database to a new single licensing database. The database currently contains over 350,000 fixed and variable length records. Requests for the RFI must be made by March 28, 1997.

**Department:** Insurance Department  
**Location:** 13th Floor, Strawberry Square, Harrisburg, PA  
**Duration:** One (1) year  
**Contact:** Beverly Ward, (717) 787-4298

**RFP 97-05** Kutztown University is seeking a qualified Information Technology Services Consultant. The ideal consultant will be responsible for, but not limited to, assessing and reporting on the current status of the University's information technology systems and presenting recommendations for future technological requirements including personnel, equipment, function, application and organizational structure. All requests for RFP packages should be made in writing and directed to: Barbara Reitz, Director of Purchasing, Kutztown University, Administration Building, Room 224, Kutztown, PA (telephone: (610) 683-4132, FAX: (610) 683-4674, e-mail: reitz@kutztown.edu). The reference RFP number is # RFP 97-05. Packages will be available March 24, 1997. There will be a pre-proposal meeting on April 8, 1997 at 3:00 p.m. The final proposals will be due on April 22, 1997 at 2:00 p.m.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19560  
**Duration:** 1 year from NTP with renewal option  
**Contact:** Barbara Reitz, (610) 683-1432

### Computer Related Services—08

**PFBC-EDP-01** The PA Fish and Boat Commission will be accepting bids for the following software: Microstation-Migration from MacIntosh Microstation 3.6x to current release of PC/Windows Version, Microstation-Migration from MacIntosh Microstation PC 4.x to current release of PC/Windows Version, Microstation PC—new license, Siteworks PC—new license, Fieldworks PC—new license, and Project Architect PC—new license. Interested parties should contact PA Fish and Boat Commission, Kathi Tibbott, at (814) 359-5131 to receive a bid package.

**Department:** Fish and Boat Commission  
**Location:** PFBC, Engineering Section, 450 Robinson Lane, Bellefonte, PA 16823  
**Duration:** May—June, 1996  
**Contact:** Kathi Tibbott, (814) 359-5131

### Construction and Construction Maintenance—09

**080949** Bradford County, SR 187 (01F) and SR 1014 (01F); Bradford County, SR 1033 (01F), SR 1041 (01F), SR 1041 (02F), SR 1057 (01F), SR 3002 (01F), SR 3008 (01F), SR 3027 (01F), SR 4011 (01F), SR 4018 (01F) and SR 4027 (01F); Lycoming County, SR 284 (01F), SR 1003 (03F), SR 1004 (02F), SR 1005 (05F) and SR 2028 (01F).

**Department:** Transportation  
**Location:** District 3-0  
**Duration:** FY 1996/97  
**Contact:** Paul W. Beaver, Contract Mgt. Mgr., (717) 368-4263

**080950** McKean County SR 6 (513); Potter County SR 4003 (231); Lycoming County SR 442 (003); Northumberland County SR 80 (63M); Bradford County SR 14 (57A); Bradford County SR 6 (77M); Bradford County SR 220 (001 and 046); Luzerne County Group 4-97-ST4; Susquehanna County Group 4-97-ST6; Lehigh County Group 5-96-POC3E; Northampton County Group 5-96-POC5D; Schuylkill County Group 5-96-POC6A; Chester County SR 3079 (56S); Delaware County Group 6-96-ST20; Delaware County SR 3021 (66S); Delaware County SR 2010 (001); Philadelphia County SR 532 (41M); Franklin County SR 1003 (002); York County SR 74 (011); Lancaster County SR 23 (009).

**Department:** Transportation  
**Location:** Districts 2-0, 3-0, 4-0, 5-0, 6-0, 8-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**080951** District Wide Group 9-97-PM1; Cambria County Group 9395-DR1; Fulton County Group 9497-RS1; District Wide Group 10-97-GR; Armstrong County SR 66 (104); Butler County Group 102-97-SI; Indiana County Group 104-97-SIA; Indiana County Group 104-97-SIB; Jefferson County SR 28 (503); District Wide Group 110-95-7624-1; Allegheny County SR 279, 376, 3069; Washington County Group 12-97-S14; Allegheny County SR 51 (A29); Lehigh County Group 5-97-GR3; Schuylkill County Group 5-97-GR5; District Wide Group 2-97-LP1; Lehigh County Group 5-96-POC3F.

**Department:** Transportation  
**Location:** Districts 2-0, 5-0, 9-0, 10-0, 11-0, 12-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**080952** District Wide Group 5-97-PM1; Susquehanna County Group 4-97-MC4; Bucks County Group 6-96-ST13; Philadelphia County Group 6-96-ST25; Adams County Group 8-97-GR1; Blair County Group 9297-RS1; Cambria County Gallitzin Tunnel Overlook; Cambria County Group 9397-RS1; Somerset County Group 9797-RS1; Armstrong County Group 101-97-SI; Northampton County, Group 5-97-GR4.

**Department:** Transportation  
**Location:** Districts 4-0, 5-0, 6-0, 8-0, 9-0, 10-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**AE-5012** Construction of a wooden material storage structure on existing concrete foundation. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Littlestown Stockpile No. 7, Littlestown, Adams County, PA  
**Duration:** 90 calendar days, proposed bid date April 1997  
**Contact:** Tina Chubb, (717) 787-7001

**CPC 96-034** Project title: Selective Finish Restoration of the Center Wing and Fifth Floor. Brief description: work includes preparation and finishing of new and existing canvas covered plaster walls and ceilings, preparation and finishing of all new and existing woodwork including door frame assemblies and wall trim; conservation of existing marble trim; restoration of special stencil, leaf and glaze finishes; replication of historic light fixtures; fabrication of new wood blinds and draperies; cleaning of existing blinds and draperies; cleaning and restoration of existing bronze fixtures and various existing architectural features and surfaces. General construction. Plans deposit: \$700.00 for four sets (948-36, PH. 1, 948-35, PH. 1, PT. D, 948-37 PH. 2, PT. B and Capitol Preservation Committee Project 96-034). All bidders will receive all 4 sets of documents noted for coordination of work of all projects in the same area. Payable to: Brinjac, Kambic & Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Brinjac, Kambic & Associates, 114 North Second Street, Harrisburg, PA 17101-1401. (717) 233-4502. Bid date: Thursday, April 17, 1997 at 2:00 p.m. Pre-bid conference scheduled for Thursday, March 27, 1997 at 10:00 a.m. Meeting to be held in Room 39-E, East Wing, Capitol Building. All contractors who have secured contract documents are invited and urged to attend.

**Department:** Capitol Preservation Committee  
**Location:** Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** 730 calendar days from date of initial job conference  
**Contact:** Capitol Preservation Committee, (717) 783-6484

**DGS A 251-227.2 Rebid** Project title: Upgrade Heating-Cooling System. Brief description: remove existing steam heating system and asbestos insulation. Install new rooftop and split system HVAC equipment and systems, thru-the-wall units, electric heat and infra-red heating system including related electrical work. Revise existing electrical service and provide new natural gas service to building. Mechanical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, March 26, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** County Office and Maintenance Building, Norristown, Montgomery County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 552-71** Project title: Replace Water Control Valves. Brief description: replace up to 17 valves on the institution's water supply system. Plumbing construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Polk Center, Polk, Venango County, PA  
**Duration:** 60 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 584-63** Project title: Roof Replacement of Sherwood Towers. Brief description: replace roof on 7th floor Penthouse and Elevator Penthouse with new fully-adhered single-ply membrane system and new insulation. Remove unused pipe column and some unused antennae. Replace with new membrane flashing perimeter of north wire. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Western Center, Canonsburg, Washington County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-35, PH. 1, PT. D** Project title: Fire Safety Code Improvements. Brief description: work includes a sprinkler system, fire alarm system and basic electrical work, including installation and renovation of walls and ceilings, cutting and patching in historical finishes in the 5th floor and the Center Wing of the Capitol Building. General, electrical and asbestos abatement construction. Plans deposit: \$700.00 for four sets (948-36, PH. 1, 948-35, PH. 1, PT. D, 948-37, PH. 2, PT. B and Capitol Preservation Committee Project 96-034). All bidders will receive all 4 sets of documents noted for coordination of work of all projects in the same area. Payable to: Brinjac, Kambic & Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Brinjac, Kambic & Associates, 114 North Second Street, Harrisburg, PA 17101-1401. telephone (717) 233-4502. Bid date: Wednesday, April 16, 1997 at 2:00 p.m. Pre-bid conference scheduled for Thursday, March 27, 1997 at 10:00 a.m. Meeting to be held in Room 39-E, East Wing, Capitol Building. All contractors who have secured contract documents are invited and urged to attend.

**Department:** General Services  
**Location:** Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** 730 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-36, PH. 1** Project title: Waterproofing of Main Capitol Building; Restore Roofing, Windows and Doors of Capitol Building. Brief description: work includes renovation and restoration of all roofing work area above the loft and 5th floor, and windows and doors in the Roof Domes and Center Wing of the Main Capitol Building. General construction. Plans deposit: \$700.00 for four sets (948-36, PH. 1, 948-35, PH. 1, PT. D, 948-37 PH. 2, PT. B and Capitol Preservation Committee Project 96-034). All bidders will receive all 4 sets of documents noted for coordination of work of all projects in the same area. Payable to: Brinjac, Kambic & Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Brinjac, Kambic & Associates, 114 North Second Street, Harrisburg, PA 17101-1401. (717) 233-4502. Bid date: Tuesday, April 22, 1997 at 2:00 p.m. Pre-bid conference scheduled for Thursday, March 27, 1997 at 10:00 a.m. Meeting to be held in Room 39-E, East Wing, Capitol Building. All contractors who have secured contract documents are invited and urged to attend.

**Department:** General Services  
**Location:** Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** 730 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS 948-37, PH. 2, PT. B** Project title: HVAC Work Center Wing. Brief description: work includes HVAC renovations and providing four pipe system and ventilation work for south wing and south hyphen on 5th floor and Center Wing Work. General and mechanical construction. Plans deposit: \$700.00 for four sets (948-36, PH. 1, 948-35, PH. 1, PT. D, 948-37, PH. 2, PT. B and Capitol Preservation Committee Project 96-034). All bidders will receive all 4 sets of documents noted for coordination of work of all projects in the same area. Payable to: Brinjac, Kambic & Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Brinjac, Kambic & Associates, 114 North Second Street, Harrisburg, PA 17101-1401. (717) 233-4502. Bid date: Wednesday, April 16, 1997 at 2:00 p.m. Pre-bid conference scheduled for Thursday, March 27, 1997 at 10:00 a.m. Meeting to be held in Room 39-E, East Wing, Capitol Building. All contractors who have secured contract documents are invited and urged to attend.

**Department:** General Services  
**Location:** Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** 730 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS 948-41EC1 Revised Rebid** Project title: Pre-abatement General Demolition. Brief description: removal and disposal of non-asbestos containing items such as, below ceiling demountable partitions, office furniture, counters, computers, appliances, miscellaneous materials and debris. Pre-abatement demolition. Plans deposit: \$100.00 for one (1) set. Payable to: CRSS Constructors, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Reliance Reprographics, Inc., P. O. Box 89, Earlington, PA 18918. Attn: Matthew F. Swartz, telephone (215) 723-4500. Bid date: Tuesday, April 8, 1997 at 2:00 p.m. A mandatory pre-bid conference has been scheduled for Wednesday, April 2, 1997 at 1:30 p.m. Meeting to be held in Room G-113, Transportation and Safety Building, Harrisburg, PA. The building walk-through will immediately follow the pre-bid conference. Contact persons: Bob Mentel or Joan Killian, telephone (717) 233-7507. Bids received from bidders not in attendance at the mandatory pre-bid conference and building walk-through will be rejected.

**Department:** General Services  
**Location:** Transportation and Safety Building, Harrisburg, Dauphin County, PA  
**Duration:** 40 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 962-6** Project title: Replacement of Underground Fuel Storage Tanks. Brief description: remove two 2,500 gallon UST's and install one 5,000 gallon diesel UST with dispensing system. Underground storage tank construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 2:00 p.m. The contractor must hold current valid certifications from the Pennsylvania Department of Environmental Protection for UST/AST installer/remover as specifically defined in the general requirements.

**Department:** General Services  
**Location:** Organizational Maintenance Shop # 1, 14th and Calder Streets, Harrisburg, Dauphin County, PA  
**Duration:** 100 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. FDC-302-244** Repair flood damages to various roadways (excavation, providing and placing aggregate and bituminous materials, and landscaping); and stabilizing two slide areas with riprap within Blue Knob State Park.

**Department:** Conservation and Natural Resources  
**Location:** Pavia Township, Bedford County, PA  
**Duration:** 60 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-406-247** Excavation, foundation work, backfilling, construction of a one story wood framed building with wood siding and stone veneer, shingled covered roof system, wood clad windows, doors, and finish work for the general construction of new office building at French Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Union Township, Berks County, PA  
**Duration:** 330 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-450-184** Modifications to existing abutments and wingwalls; provide and install new superstructure (camel back trusses, curved glulam stringers and timber deck), and widening and resurfacing approximately 170 feet of roadway. Work is located within Delaware Canal State Park.

**Department:** Conservation and Natural Resources  
**Location:** Solebury Township, Bucks County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

## Elevator Maintenance—13

**9705** Elevator maintenance.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July 01, 1997 to June 30, 2000  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**CH-264** The contractor shall provide all materials, labor, and equipment to maintain elevators in kitchens 1 and 2 and the elevator in the hospital.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837-2500, Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Delores Stephens, (717) 975-5200

**SP-313892** Maintenance agreement for elevators—contractor shall provide trained technicians to repair, maintain, calibrate and weigh test 16 passenger and freight elevators in accordance with existing regulations mandated by the PA Department of Labor and Industry, and the Department of Public Welfare Policies and Procedures.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, P. O. Box 300, Wernersville, PA 19565-0300  
**Duration:** July 1, 1997 through June 30, 2000  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

## Engineering Services and Consultation—14

**08430AG2060** To provide for final design, consultation during construction and shop drawing reviews for the bridge replacement (over Waltz Creek) and safety improvements of S. R. 0191, Section 01B in the Village of Ackermanville, Washington Township, Northampton County, Engineering District 5-0.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Twenty-six (26) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2061** Retain an engineering firm to provide supplementary construction inspection staff of approximately six (6) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S. R. 0006, Section 207 and S. R. 0006, Section 219, Lackawanna County.

**Department:** Transportation  
**Location:** Engineering District 4-0  
**Duration:** Fifteen (15) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Environmental Maintenance Services—15

**1997-SER** Contractor to drill 6" pilot hole, approximately 250 feet. Follow-up with 12" drill hole including casing. May include additional drilling.

**Department:** Transportation  
**Location:** Taylor, Lackawanna County, PA  
**Duration:** April 1 to July 1, 1997  
**Contact:** William C. Baker, (717) 963-4036

**BF 354-102.1** Abandoned Mine Land Water Supply Project. Involves 3,600 L. F. of six (6) inch PVC pipe water line, 1,400 L. F. of service line, seven (7) six (6) inch gate valve with valve box, seven (7) end cap assembly, three (3) taps and house connections, two (2) fire hydrant assembly, three (3) two (2) inch blow-off assembly, one (1) air/vacuum release valve assembly and 100 S. Y. of removal and replacement of Township road. Fifty percent (50%) of this project is financed by the Federal Government. Federal funds available for this program total \$22 million for Pennsylvania's 1996 AML Grant.

**Department:** Environmental Protection  
**Location:** Beccaria Township, Clearfield County, PA  
**Duration:** 120 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**DMF 003-101.1** Abandoned Mine Land Reclamation Project. Involves sealing three (3) deep mine portals, 33,900 C. Y. of grading, 38,400 C. Y. of borrow material, 2,030 C. Y. of ditch excavation, 700 L. F. of subsurface drain, 220 S. Y. of high velocity erosion control mulch blanket, 1,430 S. Y. rock lining with filter material and 9 acres of seeding.

**Department:** Environmental Protection  
**Location:** Mahoning, Armstrong County, PA  
**Duration:** 365 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994



**OSM 33(3923)101.1** Abandoned Mine Reclamation Project. Involves 192,000 C. Y. of grading, 895 C. Y. of channel excavation, 1,576 S. Y. of riprap, 1,825 S. Y. of filter fabric, gas line relocation, mitigation plan, 17 acres of revegetation and 13,260 trees. One Hundred Percent of this project is financed by the Federal Government. Federal funds available for this program total 19.04 million dollars for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Young Township, Jefferson County, PA  
**Duration:** 240 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

## Financial and Insurance Consulting—17

**RFP 1996-15** A request for proposal (RFP) will be issued by the Insurance Department to establish an engagement letter with a vendor to provide actuarial/statistical services to examine the structure and operations of the Coal Mine Compensation Rating Bureau. Interested contractors should contact the Insurance Department to place their name on the bidder's list.

**Department:** Insurance Department  
**Location:** Pennsylvania Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120  
**Duration:** 4 1/2 months  
**Contact:** Ramona Lee, Supervisor, (717) 787-3991

## Firefighting Services—18

**S-353** The contractor will provide general inspection to the Ansul R-102 automatic fire protection system located in the kitchen area of the State Correctional Institution at Mahanoy, Schuylkill County. Bid package to be requested in writing to the Purchasing Agent of the institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Ann M. Gavala, Purchasing Agent, (717) 773-2158

## Food—19

**97-102** Juice, drink, iced tea and lemonade, packaged in 8 ounce containers.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-103** Ice cream and related products: ice cream, sliced, chocolate, vanilla, and strawberry twin pops, iced various flavors. Items to be bid on a monthly basis. Deliveries to be on a weekly basis for period of July 1, 1997 to June 30, 1998 or as needed for menu compliance.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-104** Pancakes, frozen, must be 96 per case. Waffles, frozen, .83 ounces—must be 144 per case.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-105** Bakery products: bread, round rolls, snack cakes, breakfast buns, granola bars, or any other related items.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-106** Fruit and vegetables: fresh lettuce, celery, cabbage, carrots, oranges, grapefruit, apples, bananas, tomatoes, lemons, onions, potatoes, tangerines, nectarines, cantaloupes, watermelons, and related items as required by agency. Bids to be submitted on a weekly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-107** Dairy products: 1/2 pints of milk, homogenized 2% milk, homogenized, vitamin D in 5 gallon plastic bags. Buttermilk, cottage cheese, large curd, 4% milkfat minimum, 5 lb. container.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-108** Fish and seafood: whittings breaded, haddock—unbreaded and clams, minced and any other seafood item as may be required by agency. Items to be bid on a monthly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-109** Poultry and poultry products: chicken fryers, split, turkey roast, chicken patties, chicken pies, turkey pies and related items. Items to be bid on a monthly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-110** Processed meats: turkey ham, minced turkey bologna, turkey salami (no pork product), Lebanon bologna, bacon, turkey franks, veal patties, Pullman hams and any other meat products as may be required by agency. Items to be paid on a monthly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-111** 1. Oleo margarine, Type 2. Shall be prepared from domestic edible vegetable oil, prints—1 lb. net wt., wrapped in parchment paper, 30 lbs. per case. Must be colored—white not acceptable. 2. Oleo margarine—patties, 12 lb./case, 1080 rations per case.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**97-112** Eggs, fresh, Grade A, Medium. Frozen eggs, whole and whites—30 lb. cans.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**676-96** Portion packed juice, 4 oz. containers, various flavors, for delivery July through December. For more specifications request bid proposal Inquiry No. 676-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July—December, 1997  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**677-96** Orange juice, 64 oz. container for delivery July through December. For more specifications request bid proposal Inquiry No. 677-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July—December, 1997  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**678-96** Coffee/tea concentrate, for delivery July 1, 1997 through June 30, 1998. For more specifications request bid proposal Inquiry No. 678-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July '97—June '98  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**680-96** Fresh baked goods, various items for delivery July through October. For more specifications request bid proposal Inquiry No. 680-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July—October, 1997  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**681-96** Meat and meat products: various items for delivery July through October. For more specifications request bid proposal Inquiry No. 681-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July—October, 1997  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**682-96** Poultry and poultry products: various items for delivery July through October. For more specifications request bid proposal Inquiry No. 682-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July—October, 1997  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**683-96** Frozen entrees, various items for delivery July through October. For more specifications request bid proposal Inquiry No. 683-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July—October, 1997  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**684-96** Bread and rolls, various items for delivery July through December. For more specifications request bid proposal Inquiry No. 684-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July—December, 1997  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**639027-001** Food Service Operations: contractor will be responsible for providing complete food service operations at a State-owned and State-operated two-year postsecondary vocational-technical school. Contractor shall provide breakfast, lunch, and dinner seven days a week for approximately 450 students.

**Department:** Education  
**Location:** Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Betty Tompos, Business Manager, (717) 299-7749

**CRE-FS-0196** Frozen vegetables—food group consisting of broccoli spears, cauliflower, lima beans, carrots, mixed vegetables, French fried potatoes, tater tots, peas, and similar items as required. Quarterly bids—monthly deliveries—monthly awards. Bid proposal on file within agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0197** Fresh produce—food group consisting of approximately 15—25 items, monthly bids—monthly contract awards—weekly deliveries. Garlic, lettuce, red salad mix, celery, cucumbers, carrots, oranges, apples, potatoes, onions, mushrooms, kale, spinach, bananas, cabbage, grapefruit, tomatoes, peppers, and similar items including watermelon, tangerines, cantaloupe, etc. Bid proposal on file within agency prior to monthly solicitation. All produce must be delivered by 9:30 a.m. on scheduled delivery dates.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0198** Frozen eggs/egg products—quarterly bids—monthly awards—monthly deliveries. Quantities as required. Bid proposals on file within agency prior to quarterly bid solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0199** Dry beans—various types—baby limas, blackeyed peas, pinto beans and other related items as required. Quarterly bids—monthly awards—monthly deliveries. Bid proposal on file within agency prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0200** Ice cream/coffee creamers/cottage cheese/ice tea—quarterly bids—monthly awards. Ice cream, vanilla and Neapolitan slices, sherbet, ice cream sandwiches and similar items as required (no pork products). Coffee creamers, 1/2 oz. size, cottage cheese, large curd; iced tea (1/2 pint containers)—all in quantities as needed. Bid proposal on file with agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0201** Cheese—consisting of yellow or white American cheese, shredded mozzarella, provolone, Swiss and various block cheeses and related items as required. Quarterly bids—monthly awards—monthly deliveries. Quantities as needed. Bid proposals on file within agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0202** Fish and seafood—approximate requirements—haddock, batter dipped cod, pollock, as required and similar items as required. Tuna, solid water packed (when not available from Statewide contract). Quarterly bids—monthly awards—monthly deliveries. Quantities and items as required. Bid proposal on file within agency prior to monthly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0203** Poultry and poultry products—approximate requirements: turkey roasts, chicken drumsticks, chicken breast fillets, turkeys (as required) and similar items as required. Quarterly bids—monthly awards—monthly deliveries. Quantities and items as required. Bid proposal on file within agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0204** Baking products—to consist of, but not limited to: pizza shells, tacos, taco seasonings, baking soda, baking powder, yeast, various extracts, sauces (soy, pizza, Worcestershire), lemon juice, caraway seeds, sesame seeds, icing fruits, flour (whole wheat, all purpose, rye), assorted purees, parsley flakes, various baking chips, oleo margarine, oil, shortening and other related items as required. Bid proposal on file in agency purchasing department. Bid on quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0205** Shell eggs, medium—quarterly bids—weekly deliveries. Quantities as required. Bid proposal on file within agency prior to monthly bid solicitation. Eggs must be delivered in a refrigerated truck.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**CRE-FS-0206** Processed meats (beef/pork products)—frankfurters (all beef and turkey franks), beef livers, sliced; turkey ham, turkey salami (no pork products), bologna (all beef), hams, various; Polish sausage, ground veal breaded patties, frozen, and similar items as required. Quarterly bids—monthly deliveries. Bid proposal on file within agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

## Fuel Related Services—20

**FM 067896-02** Removal of two underground gasoline tanks. Scope of work—contractor shall drain, remove and dispose of two 4,000 gallon underground storage tanks. In addition, contractor shall remove and dispose of contaminated soil per EPA regulations.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020  
**Duration:** April 1, 1997 to June 30, 1998  
**Contact:** Mary Jo Scanlon, (215) 953-6405

**SP 323344** This contract consists of the removal of one underground tank found at the Blair Fire Station.

**Department:** Conservation and Natural Resources  
**Location:** State Parks Region No. 3, Blair Fire Station, 536 Municipal Drive, Duncansville, PA 16635  
**Duration:** Completion time—30 days after notice to proceed  
**Contact:** James L. Ross, (814) 733-9123

## Heating, Ventilation, Air Conditioning—22

**265** Furnish all labor, equipment, materials, repair parts and replacement components necessary to maintain, adjust, calibrate, repair and/or replace components of Dietary Department Equipment as needed and requested by the Quehanna Boot Camp.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, H-C Box 32, State Route 1011, Karthaus, PA 16845  
**Duration:** July 01, 1997 to June 30, 2000  
**Contact:** Carol R. Schaeffer, Purchasing Agent, (814) 765-0644, ext. 234

**7200-0200** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Chambersburg Driver License Center. Bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Chambersburg Driver License Center, 190 Mill Road, Chambersburg, PA 17201  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening: April 22, 1997 at 3:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0201** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Seneca Driver License Center. Bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Seneca Driver License Center, R. D. 2, Box 140, Seneca, PA 16346-6596  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening: April 22, 1997 at 3:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**Contract No. FDC-406-248** Plumbing work associated with the construction of a new office building at French Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Union Township, Berks County, PA  
**Duration:** 330 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-406-249** Furnish and install all HVAC materials/equipment work associated with the construction of a new office building at French Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Union Township, Berks County, PA  
**Duration:** 330 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-406-250** Electrical work associated with the construction of a new office building at French Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Union Township, Berks County, PA  
**Duration:** 330 days  
**Contact:** Construction Management Section, (717) 787-5055

**JC-08-97** Electrical services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Available on a 24 hour basis, includes emergency services, with prior approval from the manager. Materials and parts, first quality, at contractors cost plus no more than 10%. Each October and April inspect all electrical wall and floor outlets, and install where need may arise, repair or replace as needed. Check, clean, and maintain emergency light system, outside lights, inside lights and replace or repair as needed. Check and replace all burned out fluorescent lights and light bulbs throughout the office building as needed.

**Department:** Labor and Industry  
**Location:** Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000  
**Duration:** October 1, 1997 through September 30, 1999  
**Contact:** Thomas C. Dembosky, Manager, (412) 357-3030

**JC-09-97** Heating and air conditioning services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701. Available on a 24 hour basis, includes emergency services, with prior approval from the manager. Materials and parts, first quality, at contractors cost plus no more than 10%. Each month check and wash clean, at a car wash, electronic air cleaners. Each October check, clean, sweep, and lubricate 23 inside wall heaters and clean ceiling heat and air diffusers and floor level air duct; repair or replace as needed. Each October, January, April and July; replace air filters, clean and lubricate all fans and exhaust fans. Check and replace all fan belts.

**Department:** Labor and Industry  
**Location:** Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000  
**Duration:** October 1, 1997 through September 30, 1999  
**Contact:** Thomas C. Dembosky, Manager, (412) 357-3030

**JC-11-97** Plumbing services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Available 24-hour basis includes emergency services, with prior approval from the manager. Materials and parts, first quality, at contractors cost plus no more than 10%. Each October and April thoroughly check for leaks and damage to all plumbing fixtures, washers, valves, pipes, and etc.; repair or replace all worn and/or damaged fixtures and parts as needed throughout the office. Check all sinks and drains and commodes. Check all overhead pipes, valves and fixtures for leaks and etc. Check and lubricate refrigerator parts and check freon gas level and repair as needed. Provide parts and maintenance garbage disposal. Each October, January and April, provide parts and maintenance for two inside humidifier units.

**Department:** Labor and Industry  
**Location:** Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000  
**Duration:** October 1, 1997 through September 30, 1999  
**Contact:** Thomas C. Dembosky, Manager, (412) 357-3030

**SP-313894** Service/maintenance of automatic temperature control system components. Contractor to provide maintenance, adjustments, calibration, and repair and/or replacement of automatic temperature control system components. Controls include both pneumatic and mechanical thermostats, sensors, etc.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, P. O. Box 300, Wernersville, PA 19565-0300  
**Duration:** July 1, 1997 through June 30, 2000  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

## Janitorial Services—23

**7200-0199** Twice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows, inside and outside, plus semi-annual house cleaning at the Seneca Driver License Center. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Seneca Driver License Center, R. D. 2, Box 140, Seneca, PA 16346-6596  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening: April 22, 1997 at 1:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0198** Once weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows, inside and outside, plus semi-annual house cleaning at the Lewistown Driver License Center. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Lewistown Driver License Center, 299 Ferguson Valley Road, Yeagertown, PA 17099  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening April 22, 1997 at 1:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0197** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows, inside and outside, plus semi-annual house cleaning at the Selinsgrove Driver License Center. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Selinsgrove Driver License Center, 1015 Route 522, Selinsgrove, PA 17870  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening April 22, 1997 at 1:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0196** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows, inside and outside, plus semi-annual house cleaning at the New Kensington Driver License Center. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, New Kensington Driver License Center, 1600 Greensburg Road, New Kensington, PA 15068  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening April 22, 1997 at 1:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0195** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows, inside and outside, plus semi-annual house cleaning at the East Rochester Driver License Center. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, East Rochester Driver License Center, 149 Stewart Avenue, East Rochester, PA 15074  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening April 22, 1997 at 1:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0194** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows, inside and outside, plus semi-annual house cleaning at the Dunmore Driver License Center. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Dunmore Driver License Center, 81 Keystone Industrial Park, Dunmore, PA 18512  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening April 22, 1997 at 1:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0193** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows, inside and outside, plus semi-annual house cleaning at the Chambersburg Driver License Center. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Chambersburg Driver License Center, 190 Mill Road, Chambersburg, PA 17201  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening April 22, 1997 at 1:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0192** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows, inside and outside, plus semi-annual house cleaning at the Bethlehem Driver License Center (Double wide modular). Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Bethlehem Driver License Center, 2934 Airport Road, Bethlehem, PA 18017  
**Duration:** 07/01/97—12/31/99 w/two 1 year options; Bid opening April 22, 1997 at 1:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**L&I-05-97** Window washing services: washing, cleaning and drying of all windows in the Labor and Industry Building on a pre-established basis. A pre-bid on-site inspection is MANDATORY. The date and time of the on-site inspection will be contained in the bid package.

**Department:** Labor and Industry  
**Location:** Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120  
**Duration:** July 1, 1997 through June 30, 1998  
**Contact:** Donna A. Sodrosky, Procurement Manager, (717) 787-2560

**1020** Janitorial service for Butler County Maintenance Building No. 048-5762.

**Department:** Transportation  
**Location:** Maintenance District 10-2, 351 New Castle Road, Butler, Butler County, PA 16001  
**Duration:** June 1, 1997 to May 31, 1998  
**Contact:** Andrew A. Skunda, (412) 284-8226

**2-2-00025** Janitorial service contract for Hyde Maintenance Building. Cleaning will be done nightly, Monday through Friday excluding holidays. Building is one story. Cleaning will consist of floors, restrooms, glass, furniture, etc. By mutual consent of both parties, this contract shall be renewed by amendment at price quoted for one year periods for a total of three such renewals.

**Department:** Transportation  
**Location:** District 0220, corner of Washington Avenue and Hall Street, Hyde, PA 16843-0245  
**Duration:** 06/01/97 through 05/31/98  
**Contact:** Debbie Swank, (814) 765-0524

## Laboratory Services—24

**10-97-03** Provide random urinalysis drug screening services. Test shall consist of an initial immunoassay screening test for the presence of cannabis metabolites, cocaine metabolites, opiate metabolites, phencyclidine and amphetamines.

**Department:** State Police  
**Location:** Various locations throughout the Commonwealth  
**Duration:** 7-1-97 through 6-30-00  
**Contact:** Margaret Chapman, (717) 783-5485

## Lodging/Meeting Services—27

**BOWC-02-97** ACT 57 workshop to include up to 600 individuals. Auditorium type facilities with morning and afternoon refreshments.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, Valley Forge (Chester County) and/or King of Prussia (Montgomery County) area  
**Duration:** June 6, 1997 ONLY  
**Contact:** Kathleen M. Dupin, Information Writer, (717) 783-5421

## Mailing Services—28

**SP No. 317801** Seeking a contract for an alternate method to mail distribution that is timely and cost efficient for Pennsylvania (regional and Statewide) distribution of news releases.

**Department:** Revenue  
**Location:** PA Lottery, 2850 Turnpike Industrial Drive, TIP, Middletown, PA 17057  
**Duration:** 7-01-97 through 6-30-98  
**Contact:** Kim L. Troutman, (717) 986-4772

**Medical Services—29**

**139** Vision examinations for individuals of the Polk Center by a physician who is a specialist in the disease of the eye or by an optometrist certified to practice in the Commonwealth of PA. Services shall be performed at the Polk Center and shall include vision examinations, prescribing lenses, fitting eyeglasses and consultations with Facility Staff regarding anatomical causes of vision problems.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** 8/1/97—7/31/00  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0397

**9949** Psychiatric service—6 board certified. Complete specifications and instructions may be obtained by contacting the hospital. Award to be made on an aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365  
**Duration:** 07/01/97—06/30/00  
**Contact:** BD Muntz, (814) 726-4496

**321016** Sign language interpreter needed for deaf patients to provide a means of communication for treatment plans and social interactions. Service to be provided Monday through Friday, 8:30 a.m. to 4:30 p.m. Emergencies to be responded to on weekdays, weekends, and evenings. Sessions to be two (2) hours each, three (3) days per week.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** 7/01/97 to 6/30/98 with renewal option  
**Contact:** Marge Conley, TASD, (610) 270-1838

**36003** The contractor shall provide health care services, including physician, physician assistant, hospitalization, pharmacy, dialysis and laboratory to the following eight correctional facilities in Eastern Pennsylvania: Coal Township, Dallas, Frackville, Graterford, Mahanoy, Retreat, Waymart, and Chester. The RFP will also include optional service proposals for nursing, medical records, and dental.

**Department:** Corrections  
**Location:** P. O. Box 598, Camp Hill, PA 17001-0598  
**Duration:** January 1, 1998 to December 31, 2002  
**Contact:** June Wolf, (717) 975-4898

**RFP No. 5-97** This RFP is to provide: 1) the necessary consulting support regarding the implementation of the HealthChoices Behavioral Health Program in southeastern Pennsylvania; 2) the necessary technical and staffing assistance to develop a plan for Statewide expansion of behavioral health managed care; 3) the necessary technical and staffing assistance to implement the plan for Statewide expansion of behavioral health managed care; 4) the necessary project management skills and tools to support contract success.

**Department:** Public Welfare  
**Location:** Contractor will do work at their own facilities and at Department facilities, primarily in Harrisburg, PA  
**Duration:** Two years with option to renew for two additional one-year periods  
**Contact:** Polly Hahn, (717) 787-7585

**SP-313893** Psychiatric consultation—contractor to provide consultation for review of difficult psychiatric cases. Wernersville State Hospital will request consultations based on particular individual situations. Sessions shall consist of one 3-hour session per month. Complete details may be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, P. O. Box 300, Wernersville, PA 19565-0300  
**Duration:** July 1, 1997 through June 30, 2000  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**Personnel—31**

**CH-263** The contractor shall provide temporary clerical help on an as-needed basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Delores Stephens, (717) 975-5200

**Property Maintenance—33**

**814175** Provide labor, supervision, equipment, and materials required for tree topping, shaping, or removal at the Harrisburg International Airport, Dauphin County, Middletown, PA 17057 and the Capital City Airport, New Cumberland, York County, PA 17070.

**Department:** Transportation  
**Location:** Aviation, Harrisburg International Airport, Middletown, PA; Capital City Airport, New Cumberland, PA  
**Duration:** July 1, 1997 through June 30, 1998  
**Contact:** Curt Summers, (717) 705-1239

**4700-004** Stripping reflective or non-reflective sheeting material from aluminum traffic signs and cleaning both sides by an approved mechanical, chemical or water jet blast method; repairing minor bends in the sign blanks; chemically coating the sign blanks for reuse; and returning them to the Sign Distribution Center. (The maximum width of the signs will be 48 inches.) Persons interested in obtaining a proposal to bid should contact the name listed below within 15 days from the date of this notice.

**Department:** Transportation  
**Location:** Bureau of Highway Safety and Traffic Engineering Sign Distribution Center, 21st and Herr Streets, Harrisburg, PA 17120  
**Duration:** 7-1-97 to 6-30-97, with options of three 1 year renewals  
**Contact:** Carl A. Marocci, (717) 783-4340

**7200-0202** Perform lawn and grounds maintenance for New Kensington Driver License Center, services will include three cuttings per month for the months of April through October. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, New Kensington Driver License Center, 1600 Greensburg Road, New Kensington, PA 15068  
**Duration:** 07/01/97—12/31/00; Proposed bid opening April 22, 1997 at 3:30 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0203** Perform lawn and grounds maintenance for the Waynesburg Driver License Center, services will include three cuttings per month for the months of April through October. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Waynesburg Driver License Center, Arbor Terrace, 164 Willow Road, Waynesburg, PA 15370  
**Duration:** 07/01/97—03/31/99; Proposed bid opening April 22, 1997 at 3:30 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**CAL-606** California University of Pennsylvania of the State System of Higher Education is interested in obtaining bids for miscellaneous and sundry plaster repairs in the Old Main (historic structure) and Frich Biology Buildings on the Campus of California University of Pennsylvania. Interested bidders can request a project manual by contacting Burt Hill Kosar Rittelmann Associates, Attn: David Henderson, 650 Smithfield Street, Pittsburgh, PA 15222 or by calling (412) 394-7000. There is a \$40.00 non-refundable charge payable to Burt Hill Kosar Rittelmann Associates. A pre-bid hearing is scheduled for April 2, 1997 10:00 a.m. in Room 117 Azorsky Administration Building, California University of Pennsylvania. Bids are due April 16, 1997 at 2:00 p.m. in Room 117, Azorsky Administration Building, California University of Pennsylvania. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System and will consider joint ventures that will enable these firms to participate in the System's contract.

**Department:** State System of Higher Education  
**Location:** California University of Pennsylvania, California, PA 15419-1394  
**Duration:** 60 days  
**Contact:** Joyce L. Sheppick, (412) 938-4592

**CL-472** Replace windows in Rhodes Hall, Venango Campus, Oil City, PA. Aluminum window units are to be installed. Bid package available upon submission of \$15 deposit, non-refundable, to contact person. Pre-bid conference April 3, 10 a.m. Bids due: April 17, 1997, 1:30 p.m.

**Department:** State System of Higher Education  
**Location:** Clarion University, Oil City, Venango County, PA  
**Duration:** 60 days from notice to proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**CRT 001** The vendor will furnish labor and material to enclose an existing light court at the State Correctional Institution at Smithfield. Light court is approximately 900 square feet. This project would include removal of concrete planters; pouring a concrete floor to match surrounding floors in this area; construction of a roof over the existing light court; installation of suspended ceiling; installation of insulation, lighting fixtures, wiring; finish work and the clean up and disposal of all debris.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** May 1997 through June 1997  
**Contact:** Peggy A. Chilcote, (Acting) Purchasing Agent, (814) 643-6520, ext. 125

**FM 087396-01** Repair roof Building No. 54 (Eaton): work shall include the removal of existing stone and loose roofing materials, preparation of deck and application of a foam-stone system.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** Tentative start date of May 1, but no later than June 30, 1997  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**JC-02-97** Building maintenance—inside and outside services occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701. Available on an as needed and/or emergency basis. Manager will approve or disapprove all services before they are performed. Materials and parts, first quality, at contractors cost plus no more than 10%. As needed—check, repair and/or replace: windows, window sill, glazing in windows, doors, window locks, hinges, floor tiles, ceramic tiles, ceiling tile, wall coverings, baseboard edging, broken door closures, door knobs, hinges, locks, Venetian blinds, shelves, drawers, paint, remove poison ivy, trees, repair parking lot, monthly pick-up and deliver to recycling center—paper, glass and cans.

**Department:** Labor and Industry  
**Location:** Indiana Job Center, 350 North 4th Street, Indiana, Indian County, PA 15701-2000  
**Duration:** October 1, 1997 through September 30, 1999  
**Contact:** Thomas C. Dembosky, Manager, (412) 357-3030

**MI-692.1, 692.2, 692.3, 692.4** Project title: Lyle Hall Kitchen/Dining Room Renovations. Scope of work: demolition and renovation of Lyle kitchen and dining room area which includes general construction, supply and install new HVAC, and upgrade the electrical and plumbing systems. Plans cost: \$100.00, available 3/24/97.

**Department:** State System of Higher Education  
**Location:** Millersville University, Lyle Hall, Millersville, Lancaster County, PA 17551-0302  
**Duration:** May 15, 1997 to August 15, 1997  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**PFCB-Hunts-02** The PA Fish and Boat Commission will be accepting bids for lawn mowing, shrubbery trimming and weed control at the Huntsdale Fish Culture Station, Carlisle, PA. Mowing services to be performed once per week, shrubbery trimming and weed spraying to be performed twice per year. To receive a bid package, interested parties should contact Kathi Tibbott, Purchasing Agent at (814) 359-5131 between the hours of 8 a.m. to 4 p.m.

**Department:** Fish and Boat Commission  
**Location:** Huntsdale Fish Culture Station, Carlisle, PA  
**Duration:** Approximately April 1 through October 31, 1997  
**Contact:** Kathi Tibbott, (814) 359-5131

**WC 590.1, .2, .3, .4** Renovate existing 11,000 gsf warehouse building into laboratory and office space, with related site work. Work includes, but is not limited to, selective demolition, pavement patching, structural system, exterior masonry construction, thermal and moisture protection, exterior and interior finishes, building specialties, equipment, supply and install boilers, chillers, condensers, coils, heat pumps, air-distribution system, ATC, testing and balancing system, water service and distribution piping, drainage and vent piping, sewage and associated equipment, plumbing fixtures and equipment, fire protection system, deionized water system, compressed air system, medical-gases piping system, fuel gas service and fuel gas piping, power generation, conversion and storage, power transmission and service, power distribution, electrical heating and cooling units, lighting fixtures, electrical grounding, lightning protection system, electrical and electronic control system, testing and balancing electrical system. Four separate prime contracts will be awarded.

**Department:** State System of Higher Education  
**Location:** West Chester University, 220 East Rosedale Avenue, West Chester, PA 19383  
**Duration:** 150 calendar days after notice to proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**WC 634** Remove existing built-up roofing and insulation down to the structural deck, and install an insulated EPDM roofing system at Schmucker Hall approximately 11,000 square feet. Prevailing wages apply.

**Department:** State System of Higher Education  
**Location:** West Chester University, Schmucker Hall, West Chester, PA 19383  
**Duration:** 45 calendar days from notice to proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**WC 639** Careful removal and salvage of existing slate shingle wall cladding, removal of existing plywood batten strips, patching of existing sheet membrane, installation of new wood batten strips and reinstallation of existing slate shingle cladding on the Sykes Student Union Building. Protective measures safeguarding the public must be maintained by the contractor. The building will be open at all times during construction. Contractor must show five years of experience in the installation and restoration of slate roofing.

**Department:** State System of Higher Education  
**Location:** West Chester University, Sykes Student Union Building, West Chester, PA  
**Duration:** 90 days from notice to proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

## Real Estate Services—35

**010C38** Provide professional appraisal services for various types of properties located on projects in Engineering District 1-0; these projects being located in Erie County and include SR 4034-A50 and WO-96080. The appraiser must be generally State Certified and be currently on the Department's Pre-Qualified Fee Appraiser and Consultant List.

**Department:** Transportation  
**Location:** PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323  
**Duration:** 5/1/97 to 4/30/2002  
**Contact:** William R. Pixley, Chief Appraiser, (814) 437-4203

**974A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 10,735 useable square feet of new or existing office/barracks space, parking for ninety-three (93) vehicles in Franklin County, PA, within the following boundaries: (1) within a two (2) mile radius of the Intersection of I-81 and PA Route 316 (Exit 5), (2) within a two (2) mile radius of the Intersection of I-81 and PA Route 30 (Exit 6) or (3) within a twelve (12) mile radius of the Intersection of I-81 and PA Route 997 (Exit 8). Proposals due: May 12, 1997. Solicitation No.: 99970.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

**Sanitation—36**

**9704** Sludge removal service. Special requirements: Copy Approved Transport and Dumping Permit to accompany bid.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July 01, 1997 to June 30, 2000  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**CH-264** The contractor shall provide service to remove sediment from the lagoon at the State Correctional Institution at Camp Hill. The sediment is from the backwash cycle at the water plant.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Delores Stephens, (717) 975-5200

**JC-10-97** Provide garbage/rubbish removal service for the premises occupied by the Easton Job Center, 220 Ferry Street, Easton, Pennsylvania. Service to be provided daily, Monday through Friday. Pick-up will be at the curb and will consist of approximately three to six bags daily. Also, to include rental fee for rubbish container. This is a two year contract.

**Department:** Labor and Industry  
**Location:** Job Center Field Operations, Easton Job Center, 220 Ferry Street, Easton, Northampton County, PA 18042  
**Duration:** 10/01/97 through 09/30/99  
**Contact:** Mary A. Hallahan, Manager, (610) 250-1708

**MR 0800-65** Pumping sewage effluent from septic tanks at Rest Area Sites 47 and 48 located along I-81 North and Southbound, Dauphin County, East Hanover Township. Specifications for this work available on request.

**Department:** Transportation  
**Location:** Rest Area Sites 47 and 48, I-81 North and Southbound, East Hanover Township, Dauphin County, PA  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Ed Myers, (717) 787-7600

**Security Services—37**

**SP 336700** Contractor to provide Security Guard services for the Fayette County Assistance Office located in Uniontown, Pennsylvania. Service requires two (2) guards daily, 5 days per week, Monday through Friday. Complete specifications can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Fayette County Assistance Office, 41 West Church Street, Uniontown, PA 15401  
**Duration:** 07/01/97 through 06/30/02  
**Contact:** Ed Blandy, (717) 772-4883

**SP No. 317802** The Pennsylvania Lottery is seeking a security guard service. Two (2) uniformed unarmed guards are needed. Guards are needed from 7:00 a.m. to 5:30 p.m. Monday through Friday. Two shifts are used Monday through Friday. Guards may also be utilized on special occasions such as Saturdays and certain State holidays. Work includes manning the reception desk, monitoring of CCTV cameras, intrusion detection and Schlage access systems and observing sensitive materials destruction. The vendor must currently maintain an office within 25 miles of Harrisburg.

**Department:** Revenue  
**Location:** PA Lottery, 2850 Turnpike Industrial Drive, Turnpike Industrial Park, Middletown, PA 17057  
**Duration:** 7-01-97 through 6-30-98  
**Contact:** Kim L. Troutman, (717) 986-4772

**Vehicle, Heavy Equipment and Powered Machinery Services—38**

**5397** Motor repairs—the contractor shall supply all labor and parts necessary to repair electric motors as requested by the hospital. Service done on premises will normally be performed during regular working hours. Emergency service may be requested on Saturday, Sunday or a holiday. All repaired motors must carry a one year warranty as to workmanship and replaced or repaired parts. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, various buildings, Haverford, Delaware County, PA 19041  
**Duration:** July 1, 1997—June 30, 2001  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2627

**5398** Pump repairs—the contractor shall supply all labor and parts necessary to repair the circulating pumps as requested by the Hospital. All repaired pumps must carry a one year warranty as to workmanship and replaced or repaired parts. If repaired pumps are found defective in workmanship or replaced parts, repairs plus shipping charges, if any, must borne by the contractor. Contractor shall furnish the Maintenance Superintendent, or his designee, with a cost estimated on each pump that must be approved prior to the beginning of work. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 24, Haverford, Delaware County, PA 19041  
**Duration:** July 1, 1997—June 30, 2001  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2627

**AE-2564** Installation of vehicle exhaust systems. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** County Maintenance District 8-5 Buildings, 21st and Herr Street, Harrisburg, Dauphin County, PA  
**Duration:** 120 calendar days; proposed bid April 1997  
**Contact:** Tina Chubb, (717) 787-7001

**Miscellaneous—39**

**166041** Purchase toilet compartments and urinal screens for bathhouse complex at Canoe Creek State Park. See bid specifications for further details. Bid opening 3/28/97 at 3 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Canoe Creek State Park  
**Duration:** To be provided by 6/30/97  
**Contact:** Terry L. Wentz, Park Manager, (814) 695-6807

**AE-5067** Fence and gates installation. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile No. 5, Intersection of U. S. Route 30 and Umbletown Road (T-497) Gap, Lancaster County, PA  
**Duration:** 90 calendar days; proposed bid date April 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5068** Fence and gates installation. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile No. 6, Intersection of U. S. Route 11 and 15 and S. R. 1020, Bucks Valley Road, Perry County, PA  
**Duration:** 90 calendar days; proposed bid April 1997  
**Contact:** Tina Chubb, (717) 787-7001

**DMS-97-1** The Commonwealth of Pennsylvania, Department of Environmental Protection, Bureau of Deep Mine Safety has available limited Federal grant funds to provide pre-employment and annual refresher training of Anthracite miners in Pennsylvania in accordance with Parts 48, 75, and 77 of the Code of Federal Regulations. Anyone interested in submitting a proposal to provide this training should contact Donna M. Buddenhagen, Administrative Officer, Bureau of Deep Mine Safety, Department of Environmental Protection, P. O. Box 8463, Harrisburg, PA 17105-8463, telephone (717) 783-6783.

**Department:** Environmental Protection  
**Location:** Bureau of Deep Mine Safety, Statewide  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Donna M. Buddenhagen, (717) 783-6783

**IFB-SSHE-01** The State System of Higher Education, Dixon University is soliciting bids for the interior and exterior cleaning of windows in five (5) buildings and two (2) gatehouses, located at 2986 North Second Street, Harrisburg, PA 17110. A site visit is required to bid on this contract. This is a multiyear contract to run from three (3) years commencing on May 1, 1997 and renewable for two additional years. Please call (717) 720-4135 to request a bid package. All bids must be received by April 10, 1997 at 4:00 p.m.

**Department:** Administrative/Procurement Services  
**Location:** State System of Higher Education, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** May 1, 1997 to May 1, 1998  
**Contact:** Linda Venerri, (717) 720-4135

**L&I-06-97** Maintenance: maintenance on one (1) Xerox Model 1090 Duplicator with Finisher, Reduction/Enlargement and Duplex. To include all service and parts.

**Department:** Labor and Industry  
**Location:** Bureau of Employment Services and Training, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120  
**Duration:** 7/01/97-06/30/99 (2 years)  
**Contact:** Donna A. Sodrosky, Procurement Manager, (717) 787-2560

**PDA 392** The PA Department of Agriculture is soliciting bids for the pick-up and delivery service (intrastate) for perishable samples within the Commonwealth of PA. Prospective bidders will have the opportunity to discuss suites of proposed work by calling (717) 787-5674 and arranging appropriate times to visit the Department. Any and all bidders must possess the necessary licenses and Public Utility authorization to conduct the services as set forth. The work under this contract shall be performed as an independent contractor and in accordance with the laws of the Commonwealth, as well as the local laws and ordinances which relate to the work and protection of the public.

**Department:** Agriculture  
**Location:** Statewide  
**Duration:** One year with two (2) one (1) year renewable options  
**Contact:** Michael F. Messaris, (717) 787-5674

**RFP 97-1** The State Correctional Institution at Waymart is seeking proposals from vendors to provide Islamic Chaplaincy services at Waymart. The institution estimates services at approximately 16 to 20 hours per week for an average population approximately 1150 to 1250 offenders. Services will be provided to general population inmates and mentally ill offenders.

**Department:** Corrections  
**Location:** State Correctional Institution at Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Jerome M. Lewis, Business Manager, (717) 488-2504

**SO-130** The State Correctional Institution at Somerset will be bidding a contract for repair and maintenance of two (2) Champion Dishwashers located at the Institution. Contract will be for repairs and repair parts as needed and requested by SCI-Somerset. The anticipated contract will cover a three (3) year period.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** 7/1/97 through 6/30/00  
**Contact:** Theresa Solarczyk, Purchasing Agent, (814) 443-8100, ext. 311

**SP294959** Electric Deer Fence Installation. Site preparation, installation and materials for electric deer fencing around a portion of the timber sale near Krise Valley Road, Potter Township, Centre County, on Rothrock State Forest. Perimeter approximately 10,085 linear feet.

**Department:** Conservation and Natural Resources  
**Location:** Rothrock Forest District No. 5, Rothrock Lane, Huntingdon, PA 16652  
**Duration:** May 15, 1997 through July 31, 1997  
**Contact:** Gary N. Rutherford, (814) 643-2340

[Pa.B. Doc. No. 97-467. Filed for public inspection March 21, 1997, 9:00 a.m.]



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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1322216-01	03/06/97	Devin Food Equipment	45,897.00
1324116-01	03/06/97	Mine Safety Appliances Co.	58,452.72
1427116-01	03/06/97	Todd Devin Food Equip- ment	20,239.00
1437226-01	03/11/97	Register Chevrolet, Inc.	22,886.00
1437226-02	03/11/97	Winner Group, Inc.	22,408.00
1439116-01	03/06/97	Bloomsburg Metal Co.	76,640.00
1439116-02	03/06/97	Jaycee Materi- als, Inc.	67,683.00
1464156-01	03/06/97	Industrial Soap Com- pany	62,685.00
1496116-01	03/06/97	United Res- taurant Equipment, Inc.	25,255.00
1515216-01	03/11/97	Wolfington Body Co., Inc.	30,984.00
1551216-01	03/11/97	Wolfington Body Co., Inc.	30,984.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1554356-01	03/06/97	Graesby	52,280.00
1565236-01	03/11/97	ATL East and Label, Inc.	509,612.72
1575166-01	03/11/97	Clearview Printing Co.	3,503.50
1600116-01	03/06/97	International Paper Co.	51,729.58
1640226-01	03/06/97	M. Glosser & Sons, Inc.	11,338.00
1643146-01	03/06/97	Frederick Chev/Cad Buick	25,873.73
8084740-01	03/11/97	Stauffer Mfg. Co.	62,100.00
8160360-01	03/06/97	Challenger Lift, Inc.	41,084.00
8175840-01	03/06/97	Nu-Metrics, Inc.	27,535.00
8503580-01	03/11/97	A. C. Miller Concrete Products, Inc.	24,492.00
8503610-01	03/11/97	Wharton Hwe and Supply Corp.	32,280.00

GARY E. CROWELL,  
*Secretary*

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