

PENNSYLVANIA BULLETIN

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Pages 2911—3032

Agencies in this issue:

The General Assembly
The Courts
Bureau of Charitable Organizations
Delaware River Basin Commission
Department of Agriculture
Department of Banking
Department of Education
Department of Environmental Protection
Department of General Services
Department of Public Welfare
Environmental Hearing Board
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Infrastructure Investment
Authority
Pennsylvania Municipal Retirement Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Public School Employes' Retirement Board
State Board of Medicine
State Board of Nursing
State Board of Optometry
State Board of Osteopathic Medicine
State Board of Pharmacy
State Board of Podiatry

Detailed list of contents appears inside.

**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 271, June 1997

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BULLETIN

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Contents

THE GENERAL ASSEMBLY

Recent actions during the 1997 regular session of
the General Assembly 2921

THE COURTS

CRIMINAL PROCEDURAL RULES

Order approving revision of the Comment to Rule
51; no. 222; doc. no. 2 2922

LOCAL COURT RULES

Delaware County

Compliance with Tract I and Track II education
classes for DUI defendants 2923

District Justice Sentencing Authority:

Delaware County Community Service Program;
Doc. No. A-41-31-1990. 2924

Delaware County Youth Alcohol and Drug Aware-
ness Program; Doc. No. A-41-31-1990 2924

PHILADELPHIA RULES

Administrative regulation 97-2; promulgation of cus-
tody procedures. 2923

EXECUTIVE AGENCIES

BUREAU OF CHARITABLE ORGANIZATIONS

Rules and Regulations

Charitable organizations 2934

DELAWARE RIVER BASIN COMMISSION

Notices

Commission meeting and public hearings. 2963

DEPARTMENT OF AGRICULTURE

Proposed Rulemaking

Advance notice of proposed rulemaking. 2936

Food employe certification. 2936

DEPARTMENT OF BANKING

Notices

Action on applications. 2964

Maximum lawful rate of interest for residential
mortgages for the month of July 2966

DEPARTMENT OF EDUCATION

Rules and Regulations

Community college courses 2926

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices. 2966

Availability of technical guidance 2995

Drinking Water State Revolving Fund Projects; Fed-
eral FY 1997 Project Priority List and Intended
Use Plan 3007

Proposed water management experimental permit
for small flow sewage treatment system. 2997

Wetlands Protection Advisory Committee meeting. 2998

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards 3031

Design professional selections 2998

State contracts information. 3024

DEPARTMENT OF PUBLIC WELFARE

Notices

Availability of Title XX Social Services Block Grant
planning document 2999

ENVIRONMENTAL HEARING BOARD

Notices

Bethlehem Apparatus Company, Inc. v. DEP; doc.
no. 96-070-MG. 2999

County of Adams v. DEP and Middle Creek Bible
Conference, Inc., permittee; EHB doc. no. 97-

123-C 3000

Easton Area Joint Sewer Authority v. DEP; doc. no.
97-116-MR 3000

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Meeting notice. 3000

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission. 3000

INSURANCE DEPARTMENT

Notices

Alleged violation of insurance laws: Robert A
Suzuki; doc. no. SC97-05-040 3004

Catastrophic Loss Benefits Continuation Fund. 3005

Per diem charges for financial examinations of
insurance companies 3005

Review procedure hearings; cancellation or refusal
of insurance 3005

Review procedure hearings under The Unfair Insur-
ance Practices Act 3006

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published. 3006

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Notices

Drinking Water State Revolving Fund Projects; Fed-
eral FY 1997 Project Priority List and Intended
Use Plan. 3007

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Notices

Hearings scheduled 3019

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Bell Atlantic—Pennsylvania, Inc. and WirelessCo,
L. P.—telecommunications service 3021

Consolidated Rail Corporation—railroad 3019
 County of Lebanon Transit Authority et al.—
 railroad 3019
 Little Washington Wastewater Company—wastewa-
 ter service 3021
 Little Washington Wastewater Company and Ped-
 dler's View Utility Company, Inc.—transfer by
 sale 3021
 Peddler's View Utility Company, Inc.:
 Wastewater service 3022
 Water service 3022
 Philadelphia Suburban Water Company—water ser-
 vice 3022
 Philadelphia Suburban Water Company and Ped-
 dler's View Utility Company, Inc.—transfer by
 sale 3021
 Service of notice of motor carrier applications 3020

PHILADELPHIA REGIONAL PORT AUTHORITY
Notices
 Request for proposals 3022

PUBLIC SCHOOL EMPLOYES' RETIREMENT BOARD
Notices
 Hearings scheduled 3023

STATE BOARD OF MEDICINE
Proposed Rulemaking
 Volunteer license 2947

STATE BOARD OF NURSING
Proposed Rulemaking
 Nursing functions 2950
 Volunteer license 2953

STATE BOARD OF OPTOMETRY
Proposed Rulemaking
 Volunteer license 2955

STATE BOARD OF OSTEOPATHIC MEDICINE
Proposed Rulemaking
 Volunteer license 2957

STATE BOARD OF PHARMACY
Rules and Regulations
 Facsimile machines 2931

STATE BOARD OF PODIATRY
Proposed Rulemaking
 Volunteer license 2960

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.

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Printing Format

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

Fiscal Notes

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

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

List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	919, 1003, 1007
5	921, 1782, 1918
7	921, 1005, 1781, 1785
120b	2415
401	2415
402	2415
403	2415
405	2415
407	2415
409	2415

Statements of Policy

9	450, 737, 1048, 1367, 1656, 2143, 2431
---	--

7 Pa. Code (Agriculture)

Adopted Rules

3	1791
5	1791
7	1791
8	1791
9	1791
110	1793

Proposed Rulemaking

76	2936
104	2124
Unclassified	2936

10 Pa. Code (Banks and Banking)

Proposed Rulemaking

11	1813
13	1813
17	1813
35	1813
41	1813
42	807
61	1809
63	1809
65	1809
67	1809

12 Pa. Code (Community and Economic Development)

Adopted Rules

1	2415
2	2415
11	2415
31	2415
41	2415
51	2415
61	2415
63	2415
71	2415
73	2415
81	2415
111	2415
113	2415
115	2415
117	2415
119	2415
121	2415
131	2415

133	2415
135	2415
141	2415
145	2415
147	2415

13 Pa. Code (Commerce and Trade)

Adopted Rules

1	2415
2	2415
3	2415
9	2291
11	2291
13	2291
41	2291
53	2291
55	2415
57	1645, 2415
69	2415
71	2291
101	2415
103	2415
105	2415
201	2415
202	2415
203	2415
205	2415
207	2415
209	2415
301	2415
303	2415

Statements of Policy

55	1369
----	------

16 Pa. Code (Community Affairs)

Adopted Rules

1	2415
3	2415
4	2415
11	2415
13	2415
15	18, 2415
23	2415
25	2415
28	2415
29	2415
30	2415
36	2415
36a	2415
36b	2415
37	2415
38	2415
40	2415

22 Pa. Code (Education)

Adopted Rules

335	2926
-----	------

Proposed Rulemaking

14	2428
49	2011
101	1648
342	2423

25 Pa. Code (Environmental Protection)

Adopted Rules

89	2371
260	237
261	237, 2889
262	237, 2889
263	237
264	237, 2889
265 (with correction)	237, 413, 2889
266	237, 2889
270	237
271	521
272	521
273	521
275	521
277	521
279	521
281	521
283	521
285	521, 1794
287	521

Proposed Rulemaking

77	875
78	2126
79	2126
80	2126
86	730, 1446, 2255
87	2245, 2255
88	2245, 2255
89	2255, 2379
90	2255
92	1459
93	1449, 1561, 2427, 2428
95	1459
101	1459
103	1553
121	1822, 1829, 2130
122	1822
123	1822, 1829
126	2130
129	2239
137	1822
139	1822, 2130
171	735
271	893
272	893
273	893
277	893
279	893
281	893
283	893
285	893
287	893
288	893
289	893
291	893
293	893
295	893
297	893
299	893
901	2753

Statements of Policy

83	1472
----	------

Proposed Statements of Policy

15	1473
----	------

28 Pa. Code (Health and Safety)

Proposed Rulemaking

6	1939
13	1553
15	1553
25	1939
29	928
51	2703
136	2703
138	2703
139	2703
158	2703
701	1815
709	1815
711	1815
713	1815

31 Pa. Code (Insurance)

Adopted Rules

66	19
163	295

Proposed Rulemaking

111	1565
113	1564, 1848
117	1845
131	1941
135	2824
137	1850

Statement of Policy

65	2557
----	------

34 Pa. Code (Labor & Industry)

Statements of Policy

122	1731
-----	------

37 Pa. Code (Law)

Adopted Rules

81 (with correction)	1929, 2292
----------------------	------------

40 Pa. Code (Liquor)

Proposed Rulemaking

3	1852
5	1852
7	1852
9	1852
11	1852
13	1852
15	1852

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

5	413, 2540
7	2542
23	2543
27	2545, 2931
33	2547
37	2548
40	2819
51	2934
53	2934
55	2934

Proposed Rulemaking

9	1566
16	2947
21	2950, 2953
23	2955
25	2957
29	2960

33 1577
 43b 2745

Proposed Statements of Policy

21 194

52 Pa. Code (Public Utilities)

Adopted Rules

1 414
 3 414
 5 414
 53 301
 57 414
 59 414
 65 799
 69 799

Proposed Rulemaking

1 2134
 53 1012, 1027
 54 1012, 1027
 57 1162
 58 1165
 74 2134
 Unclassified 809, 934, 2825

Statements of Policy

69 1658

55 Pa. Code (Public Welfare)

Adopted Rules

1187 2636

Proposed Rulemaking

141 2424

Statements of Policy

3270 1579, 2827
 3280 1579, 2827
 3290 1579, 2827

58 Pa. Code (Recreation)

Adopted Rules

51 1153
 53 1153
 61 1155
 65 1155
 69 1155, 1934
 91 1156
 97 1156
 99 1156
 111 1156, 1934
 115 1156
 135 1646
 139 2417
 141 (with correction) 313, 586, 2743
 143 2417
 147 2550, 2743

Proposed Rulemaking

21 2555
 53 1159
 61 1653
 65 1468
 67 1468
 69 1468
 105 1159
 109 1159
 135 2553
 139 928
 141 1364, 2553

143 928, 2553
 147 1161, 1364

Statements of Policy

57 317, 1944

61 Pa. Code (Revenue)

Proposed Rulemaking

31 933
 117 2125
 899 1939

64 Pa. Code (Securities)

Proposed Rulemaking

102 2639
 202 2639
 203 2639
 204 2639
 207 2639
 209 2639
 302 2639
 606 2639
 609 2639

67 Pa. Code (Transportation)

Adopted Rules

457 1798
 476 1352

Proposed Rulemaking

105 1821
 177 2639

201 Pa. Code

Adopted Rules

7 794

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 2734
 71 795, 796
 73 797
 81 2285
 82 411
 83 1434, 2413, 2532
 85 1643, 2037
 89 288
 91 1643, 2038
 93 1643, 2037
 211 (with correction) 289, 2735
 303 (with correction) 1252, 1548, 2413

Proposed Rulemaking

303 289

207 Pa. Code (Judicial Conduct)

Adopted Rules

3 (with correction) 1010, 1920, 2041
 5 (with correction) 1010, 1920, 2042

210 Pa. Code (Appellate Procedure)

Adopted Rules

65 715
 67 1282

225 Pa. Code (Rules of Evidence)

Unclassified 1282

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 293, 1921

2920

1300 1441
1900 715
1910 722, 1549, 2532
1915 2532
1920 2042, 2532
1930 2532
3000 1441, 2045
4000 1443, 1921, 2532
Unclassified 581

Proposed Rulemaking

200 924, 1434
400 1434
1000 924, 1434
1300 1434
1910 1434
2300 1434
2950 1434
2970 1434
3000 1434

4000 924, 1443

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

50 2116, 2118, 2922
100 2118
1400 2121

249 Pa. Code (Philadelphia Rules)

Unclassified 926, 1790, 2736, 2816, 2923

252 (Allegheny County Rules)

Unclassified 581

255 Pa. Code (Local Court Rules)

Unclassified 8, 12, 16, 17, 188, 294, 412,
583, 584, 723, 727, 798, 1011,
1152, 1552, 1644, 1927, 2047, 2414, 2534, 2537,
2635, 2740, 2817, 2923, 2924

PENNSYLVANIA BULLETIN

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Part II

This part contains the
Environmental Quality Board
Hazardous Waste—Universal Waste Rule

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THE GENERAL ASSEMBLY

Recent Actions During the 1997 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1997 Regular Session.

1997 ACTS—Acts 11 through 14 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1997-11	May 20	SB184	PN1060	Immediately	Conveyance—Commonwealth property in Butler and Lawrence counties
1997-12	May 20	HB329	PN1794	Immediately	Second Class County Code—omnibus amendments
1997-13	June 9	HB132	PN1589	180 days	Older Adults Protective Services Act—investigations and reporting suspected abuse by employes
1997-14	June 9	HB133	PN948	90 days	Nurse Aide Resident Abuse Prevention Training Act—enactment

1997 APPROPRIATION—Act 41A (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1997-41A	May 20	SB869	PN874	July 1, 1997	State Employees' Retirement Board—administrative expenses, etc.

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

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Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, (717) 787-5320.

CARL MEASE,
Director

[Pa.B. Doc. No. 97-967. Filed for public inspection June 20, 1997, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 50]

Order Approving Revision of the Comment to Rule 51; No. 222; Doc. No. 2

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

Order

Per Curiam:

Now, this 6th day of June, 1997, upon the recommendation of the Criminal Procedural Rules Committee;

The Rule 51 Comment revision having been approved without publication, as permitted by Pa.R.J.A. 103(a)(3) and a Report to be published with this Order;

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comment to Rule of Criminal Procedure 51 is revised in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

PART I. INSTITUTING PROCEEDINGS

Rule 51. Means of Instituting Proceedings in Summary Cases.

Criminal proceedings in summary cases shall be instituted either by:

- (a) issuing a citation to the defendant; or
- (b) filing a citation; or
- (c) filing a complaint; or
- (d) arresting without a warrant when arrest is specifically authorized by law.

Official Note: Previous Rule 51, adopted January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; Comment revised December 15, 1983, effective January 1, 1984; rescinded July 12, 1985, effective January 1, 1986; and replaced by present Rules 3, 51, 52, 55, 60, 65, 70, 75, and 95. Present Rule 51 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; Comment revised January 31, 1991, effective July 1, 1991; Comment revised January 16, 1996, effective immediately; **Comment revised June 6, 1997, effective immediately.**

Comment

This rule establishes the means of instituting criminal proceedings in summary cases. For general citation procedures, see Part II, Rules 52 and 53.

For the procedures when a citation is issued to a defendant pursuant to paragraph (a) of this rule, see Part IIA, Rules 55, 56, 57, 58, 59.

For the procedures when a citation is filed pursuant to paragraph (b), see Part IIB, Rules 60, 61, 62, 63, 64.

For the procedures when a complaint is filed pursuant to paragraph (c), see Part III, Rules 65, 66, 67, 68, 69.

For the procedures when there is an arrest without a warrant pursuant to paragraph (d), see Part IV, Rules 70, 71.

For the procedures regarding the use of arrest warrants in summary cases, see Part V, Rules 75, 76.

For general procedures applicable in all summary cases, see Part VI, Rules 80, 81, 82, 83, 84, 85, 86, 90.

For the procedures in summary cases charging parking violations, see Part VII, Rule 95. Although a criminal proceeding may be instituted in these cases by issuing a citation either by handing it to a defendant or placing it on a vehicle windshield, it is expected that many parking cases will be disposed of without a criminal proceeding under these rules. A parking ticket, which is not a citation, is used by a political subdivision and the defendant pays the amount specified on the ticket within the time specified.

Summary cases are cases in which all the offenses charged are either summary offenses, as defined in the Crimes Code, 18 Pa.C.S. § 106(c), or violations of ordinances for which imprisonment may be imposed upon conviction or upon failure to pay a fine or penalty. See Rule 3. Criminal proceedings in summary cases are to be brought under this chapter of the rules. If one or more of the offenses charged is a misdemeanor, felony, or murder, the case is a court case (see Rule 3) and proceeds under Chapter 100 of the rules. Any summary offenses in such a case, if known at the time, must be charged in the same complaint as the higher offenses and must be disposed of as part of the court case. See Crimes Code § 110, 18 Pa.C.S. § 110, and *Commonwealth v. Campana*, 304 A.2d 432 (Pa. 1973), vacated and remanded, 414 U.S. 808 (1973), on remand, 314 A.2d 854 (Pa. 1974). But see *Commonwealth v. Beatty*, 455 A.2d 1194 (Pa. 1983) [, concerning summary violations of the Vehicle Code.]; *Commonwealth v. Taylor*, 522 A.2d 37 (Pa. 1987); and *Commonwealth v. Kresge*, 464 A.2d 384 (Pa. Super. 1983) (no Section 110 violation when separate prosecutions involve offenses "not within the jurisdiction of a single court"). See also *Commonwealth v. Geyer*, 687 A.2d 815 (Pa. 1996) (Section 110 applies to separate prosecution of two summary offenses within the jurisdiction of a single court).

The summary case rules are not intended to prohibit or to suspend any acknowledgment of guilt procedures that may be specifically authorized by statute. See, e.g., Section 926 of the Game and Wildlife Code, 34 Pa.C.S. § 926, and Section 925 of the Fish and Boat Code, 30 Pa.C.S. § 925. Furthermore, the use of a field acknowledgment of guilt pursuant to 34 Pa.C.S. § 926 or 30 Pa.C.S. § 925 should not be construed as the issuance of a citation for the purpose of instituting a summary case under these rules. See Rules 55 and 60.

The Rules of Criminal Procedure generally do not apply to juvenile proceedings, but these rules do apply to proceedings in summary cases involving juveniles to the

extent that the Juvenile Act does not apply to such proceedings. See, e.g., Juvenile Act §§ 6302—6303, 42 Pa.C.S. §§ 6302—6303; Vehicle Code § 6303, 75 Pa.C.S. § 6303. See also 42 Pa.C.S. § 1515(a)(1) and 6303(a)(5) concerning jurisdiction of summary offenses arising out of the same episode or transaction involving a delinquent act for which a petition alleging delinquency is filed.

See Section 1522 [to] of the Judicial Code, 42 Pa.C.S. § 1522, concerning parental notification in certain summary cases involving juveniles.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

Report explaining the January 16, 1996 Comment revisions published with the Court's Order at 26 Pa.B. 437 (February 3, 1996).

Report explaining the June 6, 1997 Comment revision published with the Court's Order at 27 Pa.B. 2923 (June 21, 1997).

REPORT

**Comment Revision to Pa.R.Crim.P. 51
Applicability of 18 Pa.C.S. § 110 to Summary Cases**

On June 6, 1997, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania approved an addition to the Comment to Rule 51 (Means of Instituting Proceedings in Summary Cases) which clarifies the general rule that summary charges included in a court case must be disposed of as part of the court case.

For some time, the Comment to Rule 51 has contained a discussion of 18 Pa.C.S. § 110 and *Commonwealth v. Campana*, 304 A.d. 432 (Pa. 1973), followed by a citation to *Commonwealth v. Beatty*, 455 A.d. 1194 (Pa. 1983) (concerning summary violations of the Vehicle Code). In addition to *Commonwealth v. Beatty*, the courts have issued several other opinions addressing the applicability of 18 Pa.C.S. § 110 to summary cases. As an aid to the bench and bar, the Committee has added these cases to the Rule 51 Comment: *Commonwealth v. Kresge*, 464 A.d. 384 (Pa. Super. 1983); *Commonwealth v. Taylor*, 522 A.d. 37 (Pa. 1987); and *Commonwealth v. Geyer*, 687 A.d. 815 (Pa. 1996).

[Pa.B. Doc. No. 97-968. Filed for public inspection June 20, 1997, 9:00 a.m.]

1. Administrative Regulation 96-2 establishing mandatory mediation orientation for petitions to modify custody is hereby rescinded.

2. Administrative Regulation 93-1 establishing custody mediation procedures and forms is hereby reinstated pending promulgation of revised custody mediation procedures.

3. All pending petitions seeking custody, partial custody, and/or visitation, or petitions seeking modification of prior custody orders, which were filed prior to March 1, 1997, shall be listed before a Domestic Relations Judge for disposition.

4. All custody petitions filed on or after March 1, 1997, shall be processed as follows:

(A) All initial petitions seeking partial custody and/or visitation, and all petitions seeking partial custody and/or visitation as a modification of a prior custody order, shall be listed before a Custody Hearing Officer for a record hearing consistent with PA.R.C.P. 1915.4-1 and 1915.4-2. In appropriate cases the Custody Hearing Officer may refer the parties to the Family Court's Custody Mediation Program prior to the record hearing consistent with Administrative Regulation 93-1.

(B) All initial petitions seeking sole custody or primary physical custody, or petitions seeking to modify an existing custody order for sole custody or primary physical custody, shall be listed before a Custody Hearing Officer for a conference for the purpose of attempting to effectuate a settlement. If no agreement is reached at the conference, the parties shall be given a date certain for a record hearing before a Domestic Relations Judge and/or may be referred to the Court's Custody Mediation Program consistent with Administrative Regulation 93-1.

(C) The Custody Hearing Officer shall determine whether there are compelling circumstances necessitating an interim Order at which time he/she shall prepare a recommended interim order and refer the case to the Motion Judge for consideration of the proposed interim Order.

(D) This Administrative Regulation is adopted pending modification of the Philadelphia County Local Rules governing Child Custody matters.

PAUL P. PANEPINTO,
*Administrative Judge
Family Court Judge*

[Pa.B. Doc. No. 97-969. Filed for public inspection June 20, 1997, 9:00 a.m.]

**Title 249—PHILADELPHIA
RULES**

PHILADELPHIA COUNTY

**Administrative Regulation 97-2; Promulgation of
Custody Procedures**

And Now, this 2nd day of June, 1997, in order to facilitate the processing of custody cases and to establish procedures for pending and future custody cases, and to encourage the use of mediation for resolution of custody disputes where appropriate, it is hereby *Ordered* and *Decreed* as follows:

**Title 255—LOCAL COURT
RULES**

DELAWARE COUNTY

**Compliance with Track I and Track II Education
Classes for DUI Defendants**

Order

And Now, this 29th day of May, 1997, it is hereby *Ordered and Decreed* that all Defendants convicted of their first Driving Under the Influence Offense shall complete Delaware County Track I Classes as well as any other requirements *Ordered* by the Court.

Defendants who are convicted of their second or any subsequent offense of Driving Under the Influence shall complete the Delaware County Track II Classes. Any Defendant who has been convicted of a second or any subsequent offense must have completed the Track I requirements prior to entering the Track II Program.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 97-970. Filed for public inspection June 20, 1997, 9:00 a.m.]

DELAWARE COUNTY

District Justice Sentencing Authority; Delaware County Community Service Program; Doc. No. A-41-31-1990

Order

And Now, this 29th day of May, 1997, it is hereby *Ordered and Decreed* as follows:

1) The Delaware County Community Service Program is hereby approved as an alternative sentencing option which may be imposed by District Justices for first time offenders charged with summary offenses except in cases charging offenses under Title 75 (relating to vehicles) and Title 34 (relating to game), upon a finding of guilt or a guilty plea.

2) The Defendant shall be required to pay any and all restitution as a condition to participation in the Community Service Program.

3) The Community Service Program shall be implemented and supervised by Mr. Walter Omlor, Executive Administrator for Alternative Sentences, and strictly enforced according to guidelines issued by the Executive Administrator and approved by the Administrator's Office for District Justices at the direction of the President Judge.

4) The Community Service Program shall be phased in throughout Delaware County by "Catchment Areas" according to a timetable which shall be published by the Executive Administrator for Alternative Sentences at the direction of the President Judge. The Executive Administrator shall be responsible for maintaining the record checking, recordkeeping and reporting requirements and shall provide such reports as may be required by the President Judge.

5) District Justices shall require a Defendant admitted into the Community Service Program to pay Court costs and shall sentence the Defendant to not more than fifty (50) hours of Community Service. The Defendant shall pay a Community Service Program fee of twenty-five dollars (\$25.00) and an administrative application fee of sixty dollars (\$60.00) payable directly to the Community Service Program. The fees may be changed from time to time after a determination is made by the Executive Administrator for Alternative Sentences of the appropriate fee based upon the administrative expenses.

6) Whether a Defendant is eligible for the Community Service Program is within the sound discretion of the District Justice.

7) The District Justice and Mr. Walter Omlor shall have the discretion, based upon extenuating circumstances, to admit a Defendant into the Community Service Program even if the Defendant has previously been admitted into the program.

8) If the Defendant fails to complete the Community Service Program, or if the District Justice does not approve an alternative sentence, the District Justice shall proceed with the case as provided by law.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 97-971. Filed for public inspection June 20, 1997, 9:00 a.m.]

DELAWARE COUNTY

District Justice Sentencing Authority; Delaware County Youth Alcohol and Drug Awareness Program; Doc. No. A-41-31-1990

Order

And Now, this 29th day of May, 1997, it is hereby *Ordered and Decreed* as follows:

1) Upon a finding of guilt or a guilty plea, the Delaware County Youth Alcohol and Drug Awareness Program is hereby approved as the exclusive educational sentencing program which shall be imposed by District Justices for first time offenders charged with violating 18 Pa.C.S. § 6308 relating to the possession or consumption of alcohol by persons under the age of twenty-one. In addition thereto, but not in place thereof, the District Justice may also enter an Order placing the offender in the Delaware County Community Service Program.

2) Where a Defendant is convicted or is admitted to any approved alternative sentencing program for a violation of 18 Pa.C.S. § 6308, the court shall order the Defendant's operating privileges suspended pursuant to 18 Pa.C.S. § 6310.4. Furthermore, a copy of the Order shall be transmitted to the Department of Transportation.

3) The Defendant shall be required to pay any and all restitution as a condition to participation in the Youth Alcohol and Drug Awareness Program.

4) The Alcohol and Drug Awareness Program shall be implemented and supervised by Mr. Walter Omlor, Executive Administrator for Alternative Sentences, and strictly enforced according to guidelines issued by the Executive Administrator and approved by the Administrator's Office for District Justices at the direction of the President Judge. The Executive Administrator shall be responsible for maintaining the record checking, recordkeeping and reporting requirements and shall provide such reports as may be required by the President Judge.

5) District Justices shall require a Defendant admitted into the Youth Alcohol and Drug Awareness Program to pay Court costs. The Defendant shall pay a Youth Alcohol and Drug Awareness Program fee of One Hundred Dollars (\$100.00) and an administrative application fee of Sixty dollars (\$60.00) payable directly to the Youth Alcohol and Drug Awareness Program, and, where the Defendant is

placed in the Community Service Program, a Community Service Program fee of Twenty-five dollars (\$25.00) payable directly to the Community Service Program. The fees may be changed from time to time after a determination is made by the Executive Administrative for Alternative Sentences of the appropriate fee based upon the administrative expenses.

6) Whether a Defendant is eligible for the Community Service Program is within the sound discretion of the District Justice.

7) The District Justice and Mr. Walter Omlor shall have the discretion, based upon extenuating circumstances, to admit a Defendant into the Youth Alcohol and Drug Awareness Program or the Community Service

Program even if the Defendant has previously been admitted into either program.

8) If the Defendant fails to complete the Youth Alcohol and Drug Awareness Program or, if applicable, the Community Service Program, the District Justice shall proceed with the case as provided by law.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 97-972. Filed for public inspection June 20, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE. CH. 335]

Community College Courses

The Secretary of the Department of Education (Department) adopts Chapter 335 (relating to community college courses) which contains standards for credit and non-credit courses at community colleges that will be eligible for reimbursement by the Commonwealth under Article XIX-A of the Public School Code of 1949 (act) (24 P. S. §§ 19-1901-A—19-1913-A). The proposed standards are set forth in Annex A and are promulgated under authority of section 1913-A(b)(1.2) of the act (24 P. S. § 19-1913-A(b)(1.2)).

Purpose

These standards are promulgated by the Secretary in order to comply with an amendment made to the Public School Code of 1949 by the act of June 7, 1993 (P. L. 49, No. 16) (Act 16). The statutory amendment requires the Secretary, in consultation with the community colleges, to promulgate standards for credit and noncredit courses that will be eligible for Commonwealth reimbursement. The statutory amendment further requires that the standards specifically exclude from eligibility for reimbursement any course or program in avocational or recreational pursuits.

The proposed standards were developed in consultation with the community colleges. The Department wrote three successive drafts of the proposed standards. Each draft was distributed among the community colleges and reviewed by a broad spectrum of community college staff, including presidents, deans, faculty, business managers and specialists in continuing education. Each draft was then revised in response to the comments and suggestions from the community college staff.

Requirements of the Standards

The proposed standards establish criteria to be met by all credit and noncredit courses in order for the courses to be eligible for reimbursement by the Commonwealth under Article XIX-A of the act. Many of the criteria, such as those relating to course approval, course structure and course outlines, were drawn from existing policies or practices at community colleges. Others were developed specifically to make a clear distinction between credit and noncredit courses.

The proposed standards also define the terms "avocational course" and "recreational course" and specify that these courses will not be reimbursed by the Commonwealth. Lastly, a schedule is set forth for implementation of the standards, and a complete description of the records necessary for the colleges to document their compliance is included.

Public Comments and Responses

The Department received comments from three community colleges and one senior citizen's center in response to publication of the proposed rulemaking at 24 Pa.B. 5421 (October 29, 1994). The Secretary considered the public comments received during the official public comment period, as well as additional comments from community college presidents after the close of the comment period.

Comments were received from the House Education Committee on February 10, 1995, from the Senate Education Committee on February 13, 1995, and from the Independent Regulatory Review Commission (IRRC) on February 22, 1995.

IRRC recommended moving the definitions for several terms from § 335.12 to § 335.1 (relating to definitions). The Secretary concurs with this recommendation, but expanded the section to include a number of definitions from both Subchapters B and C (relating to credit courses; and noncredit courses). Two community college commentators, together with the House and Senate Education Committees and IRRC, recommended several changes to the descriptive definition of "noncredit courses" in Subchapter C to eliminate extraneous terms and clarify vagueness. Several of the recommendations were adopted. The definition of "noncredit courses" was restructured and the overall organization of Subchapter C was changed to eliminate cumbersome wording and improve parallel construction.

The two community college commentators and the Education Committees questioned the language used in § 335.21 (relating to noncredit courses) to define non-credit courses, such as "not being postsecondary in nature," (having) "less depth or breadth," and (being) "less rigorous."

The Secretary notes that the descriptive terms are connected by the word "or" in order to indicate that noncredit courses differ from credit courses by at least one of the qualifying attributes, but not necessarily all of them. The term "less rigorous" was dropped, but the other two terms were retained. The term "not postsecondary in nature" was retained to ensure reimbursement for remedial, developmental and adult basic and literacy education courses that focus on content typically delivered through elementary and secondary education. This point is reinforced by the wording of §§ 335.13(a) and 335.22(4)(ii) (relating to remedial; and developmental courses). Since some noncredit courses are characterized by less depth and breadth than credit courses with similar content, this term was also retained.

The two community college commentators and the Education Committees also questioned the description of a noncredit course as not being part of a program of study that leads to a formal college award. This was retained as a point of distinction between credit and noncredit courses. The term "formal college award" was defined in § 335.1 as a "collegiate degree, collegiate certificate or collegiate diploma" in accordance with IRRC's suggestion. The Secretary believes that the new definition satisfies the commentators' concerns.

One community college, together with the Education Committees and IRRC, recommended changing the implementation dates proposed in Subchapter D to eliminate retroactivity and to allow reimbursement eligibility for noncredit courses developed between July 1, 1994, and July 1, 1996. The Secretary concurs with the commentators' recommendation to revise implementation dates. Sections 335.32 and 335.33 (relating to existing credit courses; and existing noncredit courses) were changed to provide that, for Fiscal Years 1997-98 and 1998-99, credit and noncredit courses approved by the colleges prior to July 1, 1997, will be reimbursable if they comply with Chapter 35 (relating to community colleges). Clarifying language was inserted to make existing courses reimburs-

able until Fiscal Year 1999-2000. These sections were further changed to provide that, beginning with Fiscal Year 1999-2000, and for each fiscal year thereafter, credit and noncredit courses shall meet the applicable Chapter 335 standards. The requirement for the preparation of lists of credit and noncredit courses was changed to apply to courses approved prior to July 1, 1997, to be consistent with the date change listed in this Preamble. The deadline for the submission of these lists to the Deputy Secretary of Postsecondary and Higher Education was correspondingly changed to October 1, 1997.

The Education Committees recommended adding language to clarify the years for which avocational and recreational courses are reimbursable and those years for which they are not reimbursable. The Secretary believes that this additional language is not necessary in light of the intention of section 1913-A(b)(1.2) of the act which precludes reimbursement for courses or programs in avocational or recreational pursuits beginning with Fiscal Year 1993-94.

IRRC recommended changing the format of § 335.42 (relating to course outlines) to simplify wording and achieve parallel construction in the description of requirements relating to the preparation and maintenance of course outlines. The Secretary concurs with this recommendation and the section was reformatted accordingly. IRRC suggested changing §§ 335.44—335.46 (relating to course evaluation and program audit; college catalog; and faculty qualifications) to include a determinate time period for the retention of course evaluations, program audits, college catalogs and faculty records. The Secretary concurs with the recommendation and the wording was changed to apply the record retention requirements of § 35.66 (relating to retention of records) to these items.

Finally, IRRC noted that since noncredit courses custom designed for employers and agencies are not available to the general public, it may be desirable to delete § 335.45(b) of the proposed rulemaking, which required that adequate descriptions of these courses be developed and maintained by the colleges. IRRC noted that descriptions of course content would, in all probability, be governed by written agreements between the colleges and contracting parties. In accordance with § 35.61(f)(2) (relating to full-time equivalent enrollment), community colleges receive the standard Commonwealth reimbursement for enrollees in these courses if aggregate gross operating costs on an average per student basis are not completely covered by the contracting party. To substantiate their control over the content and delivery of these courses, and to demonstrate their compliance with § 35.61(f)(2), the colleges must be held accountable for developing and maintaining these noncredit course descriptions. Therefore, the Secretary does not concur with the IRRC's recommendation in this regard.

Affected Parties

The regulations will affect community colleges and students at those colleges.

Cost and Paperwork Estimates

The regulations may impose some additional costs to the extent that a given community college's policy for course development, approval and review differs from what is required by the proposed standards. However, the colleges already maintain most of the documentation to support their annual reimbursement claim audits which are conducted by the Comptroller for Labor, Education and Community Services. Moreover, the burden should be

minimal since the standards provide for the use of media other than paper records for verification that courses meet the standards.

Effective Date

These regulations will be effective on July 1, 1997.

Sunset Date

The effectiveness of these regulations will be continually reviewed by the Secretary. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 19, 1994, the Secretary submitted a copy of these proposed regulations to IRRC and to the Chairpersons of the House and Senate Committees on Education. In addition to submitting the regulations, the Secretary provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request. In compliance with section 5(b.1) of the Regulatory Review Act, the Secretary also provided IRRC and the Committees with copies of the comments received.

In preparing these final-form regulations, the Secretary considered the comments received from the Senate Education Committee on February 10, 1994, from IRRC on February 23, 1994, and from the public during the official comment period. The Secretary resubmitted the final-form regulations to the House and Senate Education Committees, and to IRRC on January 27, 1997. In addition to submitting the final-form regulations, the Department provided IRRC and the Committees with a copy of the detailed Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation."

These final-form regulations were submitted to IRRC and the Senate and House Education Committees on January 27, 1997. The House Education Committee met on February 5, 1997, and approved the regulations. The regulations were deemed approved by the Senate Education Committee on February 16, 1997. On February 20, 1997, IRRC disapproved the regulations barring publication in the *Pennsylvania Bulletin*. On February 26, 1997, the revised final-form regulations were submitted to IRRC and the Senate and House Education Committees. IRRC met on March 20, 1997, and approved the regulations.

Contact Person

The official responsible for information on the Department's process of promulgating these regulations is Barbara Senior, Director, Bureau of Postsecondary Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4313. The official responsible for information on the implementation of these regulations is Michael B. Poliakoff, Deputy Secretary for Postsecondary and Higher Education, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5041.

Findings

The Secretary finds that:

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

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

(3) The adoption of the standards in the manner provided by this order is necessary and appropriate for administration of the authorizing statute.

Order

The Secretary orders that:

(a) The Secretary, acting under the authorizing statute, orders that the regulations of the Department, 22 Pa. Code, are amended by adding §§ 335.1, 335.2, 335.11—335.13, 335.21—335.23, 335.31—335.33 and 335.41—335.47 to read as set forth in Annex A.

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

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

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

EUGENE W. HICKOK,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 1705 (April 5, 1997).)

Fiscal Note: Fiscal Note 6-255 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 22. EDUCATION
PART XVI. STANDARDS**

CHAPTER 335. COMMUNITY COLLEGE COURSES

Subch.

- A. GENERAL PROVISIONS**
- B. CREDIT COURSES**
- C. NONCREDIT COURSES**
- D. IMPLEMENTATION**
- E. DOCUMENTATION**

Subchapter A. GENERAL PROVISIONS

- | | |
|--------|--|
| Sec. | |
| 335.1. | Definitions. |
| 335.2. | Standards for reimbursement courses—credit and noncredit—at community college. |

§ 335.1. Definitions.

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

Act—The Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

Formal college award—A collegiate degree, collegiate certificate or collegiate diploma.

Reimbursement—Commonwealth reimbursement of a portion of a community college's operating costs for equivalent full-time students as defined in section 1913-A of the act (24 P.S. § 19-1913-A).

Remedial or developmental course—A course designed for students who are deficient in the general competencies necessary for a regular postsecondary curriculum and educational setting.

Stipend reimbursement—Commonwealth reimbursement on account of a community college's operating costs for equivalent full-time students enrolled in designated

categories of 2-year or less than 2-year occupational or technical programs as defined in section 1913-A(b)(1.4)(iii) of the act.

§ 335.2. Standards for reimbursable courses—credit and noncredit—at community colleges.

To be eligible for reimbursement by the Commonwealth, each credit and each noncredit course that is offered by a community college shall meet the following criteria:

(1) The course has stated learning goals and consists of a planned sequence of topics or learning activities designed to help students achieve the stated learning goals.

(2) The course is summarized in an outline which includes at least the following elements:

(i) The course title and description.

(ii) The learning goals.

(iii) A planned sequence of topics or learning activities designed to help students achieve the learning outcomes.

(iv) A list of reference, resource or learning materials to be used by the students.

(3) The course is consistent with the college's mission, and is or was developed, approved and offered in accordance with the policies, standards, guidelines and procedures established by the college for the approval of new courses or programs.

(4) An accurate description of the course is published in the college's catalog or other official publication pertaining to the academic semesters, terms or years in which the course is offered. This criterion does not apply to noncredit courses which are custom designed to meet the needs of a particular employer or agency and, therefore, which are not available to the general public.

Subchapter B. CREDIT COURSES

- | | |
|---------|--|
| Sec. | |
| 335.11. | Credit courses. |
| 335.12. | Standards for reimbursable credit courses at community colleges. |
| 335.13. | Remedial and developmental courses. |

§ 335.11. Credit courses.

Credit courses are planned, postsecondary activities designed to enable students to achieve stated learning goals.

§ 335.12. Standards for reimbursable credit courses at community colleges.

To be eligible for reimbursement by the Commonwealth, each credit course offered by a community college shall meet the criteria in § 335.2 (relating to standards for reimbursable courses—credit and noncredit—at community colleges) and the following criteria:

(1) The course is assigned units of credit based on Nationally or regionally accepted practices or guidelines which are consistent with Chapter 35 (relating to community colleges).

(2) The course is delivered, or directly supervised, by an instructor whose qualifications meet the college's requirements for instructors of credit courses.

(3) The course's stated learning outcomes are necessary to enable students to attain the essential knowledge and skills embodied in the program's educational objectives, if the course is a requirement of a degree, certificate or diploma program. The college reevaluates the necessity for the course's learning goals when conducting the academic audit required by § 35.21(b) (relating to non-credit courses).

(4) The course is comparable to similar courses which are generally accepted for transfer of credit to accredited 4-year colleges and universities, if designed for transfer.

(5) The course is articulated with other courses so that it is an elective or a requirement of at least one of the college's programs of study which lead to a formal college award.

(6) The course is an elective or a requirement of a program which does not require the student to have more than 30 credit hours of postsecondary study prior to enrolling in the program unless the program is an upper-division program that was approved in accordance with § 42.21 (relating to approval).

(7) The course is evaluated at least once every 5 years in accordance with § 35.21(b) (relating to curricula) using a method determined by the college.

§ 335.13. Remedial and developmental courses.

(a) Remedial and developmental courses are eligible for reimbursement as credit courses, if they meet the criteria in §§ 335.2 and 335.12(1)–(4) (relating to standards for reimbursable courses—credit and noncredit—at community colleges; and standards for reimbursable credit courses at community colleges). Each college decides for itself whether the courses are approved for credit toward a formal college award.

(b) Remedial and developmental courses are not eligible for stipend reimbursement by the Commonwealth.

Subchapter C. NONCREDIT COURSES

Sec.

335.21. Noncredit courses.

335.22. Standards for reimbursable noncredit courses at community colleges.

335.23. Courses or programs in avocational and recreational pursuits.

§ 335.21. Noncredit courses.

Noncredit courses are planned educational activities designed to enable students to achieve stated learning goals. They differ from credit courses by offering less depth or breadth in subject matter; or by being custom designed to meet the workforce training needs of local employers and other community organizations; or by being designed to provide advanced training for professionals or training or retraining for occupational workers; or by not being postsecondary in nature. They also differ from credit courses by not being part of a program of study which leads to a formal college award.

§ 335.22. Standards for reimbursable noncredit courses at community colleges.

To be eligible for reimbursement by the Commonwealth, each noncredit course shall meet the criteria in § 335.2 (relating to standards for reimbursable courses—credit and noncredit—at community colleges) and the following criteria:

(1) A noncredit course whose topic is the same as, or similar to, that of one of the college's credit courses will differ from the credit course in terms of learning goals or will offer less depth or breadth of subject matter.

(2) The course outline includes the number of hours of instruction—lecture and laboratory—which comprise the course.

(3) The course is delivered or directly supervised by an instructor who leads the learning process and assists the students in their learning. The college is responsible for selecting, supervising, and, whenever appropriate, dismissing the instructor.

(4) The course is designed exclusively for education or training in one of the following areas of study:

(i) *Public safety.* Training in firefighting, the handling of hazardous materials, emergency medical services, police work, or, with the approval of the Department of Education, training mandated by a National or State agency to ensure the public safety.

(ii) *Adult basic education or adult literacy.* Training in basic academic skills and life skills.

(iii) *Occupational skills.* Training or retraining in vocational skills and in continuing education for professions such as nursing, accounting and engineering.

(iv) *Academics.* Studies in the arts, sciences, humanities and mathematics.

(5) The quality of the course's content and its learning process is evaluated at least once every 5 years using a method determined by the college.

(6) The course is not a course in recreational or avocational pursuits.

§ 335.23. Courses or programs in avocational and recreational pursuits.

(a) Courses or programs in avocational pursuits are designed to provide enrollees with skills or knowledge to be used in an activity which is subordinate to their current or their planned future customary employment.

(b) Courses or programs in recreational pursuits are designed to provide enrollees with diversion or distraction from workaday routines.

(c) Course topics in avocational and recreational pursuits include:

(i) Leisure activities.

(ii) Hobbies.

(iii) Crafts.

(iv) Sports.

(v) Personal, physical or mental development, fulfillment or fitness.

(vi) Management of personal matters.

(vii) Cultural events.

(viii) Travelogues and tours.

(d) Courses in avocational and recreational pursuits are not reimbursable in accordance with section 1913-A(b)(1.2) of the act (24 P. S. § 19-1913-A(b)(1.2)).

(e) Courses in avocational and recreational pursuits will not be deemed reimbursable by virtue of the possible vocational interests of some or all of the students enrolled therein.

Subchapter D. IMPLEMENTATION SCHEDULE

Sec.

335.31. New credit and noncredit courses.

335.32. Existing credit courses.

335.33. Existing noncredit courses.

§ 335.31. New credit and noncredit courses.

Beginning July 1, 1997, to be eligible for reimbursement by the Commonwealth, each new credit course for Fiscal Year 1997-98 and for each fiscal year thereafter, shall meet the standards in Subchapters A and B (relating to general provisions; and credit courses), and each new noncredit course shall meet the standards in Subchapter A and Subchapter C (relating to noncredit courses).

§ 335.32. Existing credit courses.

(a) Until the beginning of Fiscal Year 1999-2000, credit courses approved by the college prior to July 1, 1997, will be eligible for reimbursement, if they comply with Chapter 35 (relating to community colleges). Beginning with Fiscal Year 1999-2000 and for each fiscal year thereafter, each credit course claimed for Commonwealth reimbursement shall meet the standards in Subchapters A and B (relating to general provisions; and credit courses).

(b) To verify that existing courses are eligible for reimbursement in Fiscal Years 1997-98 and 1998-99, the college shall prepare a list of all its credit courses approved by the college prior to July 1, 1997. The list shall be prepared and submitted to the Deputy Secretary for Postsecondary and Higher Education by October 1, 1997. The list shall also be retained by the college until its State audits for those years are finalized. The list will be used by the State's auditors to verify each course's eligibility for reimbursement.

§ 335.33. Existing noncredit courses.

(a) Until the beginning of Fiscal Year 1999-2000, noncredit courses, excluding avocational and recreational courses, approved by the college prior to July 1, 1997, will be eligible for reimbursement, if they comply with Chapter 35 (relating to community colleges). Beginning with Fiscal Year 1999-2000 and for each fiscal year thereafter, each noncredit course claimed for Commonwealth reimbursement shall meet the standards in Subchapters A and C (relating to general provisions; and noncredit courses).

(b) To verify that existing courses are eligible for reimbursement in Fiscal Years 1997-98 and 1998-99, the college shall prepare a list of its noncredit courses approved by the college prior to July 1, 1997. The list shall be prepared and submitted to the Deputy Secretary for Postsecondary and Higher Education by October 1, 1997. The list shall also be retained by the college until its State audits for those years are finalized. The list will be used by the State's auditors to verify each course's eligibility for reimbursement.

Subchapter E. DOCUMENTATION

Sec.

335.41.	Verification of eligibility for reimbursement.
335.42.	Course outlines.
335.43.	Program approval policy and records.
335.44.	Course evaluation and program audit.
335.45.	College catalog.
335.46.	Faculty qualifications.
335.47.	Source of documentation.

§ 335.41. Verification of eligibility for reimbursement.

Each community college shall maintain and make available for review by the Department of Education or the Department's auditors the documentation provided for in this part to support claims for reimbursement of courses.

§ 335.42. Course outlines.

(a) Each community college shall prepare and maintain an outline for each course. Outlines shall:

(1) Bear the date on which the course was approved by the college.

(2) Bear an authorizing signature to indicate that the course was approved by the college and is in compliance with § 335.2(2) (relating to standards for reimbursable courses—credit and noncredit—at community colleges). The signature on the outline shall be that of the incumbent in the position specified in the college's policy on program approval as responsible for approving course outlines.

(b) Each community college shall establish an onsite depository for course outlines where they will be available for review.

§ 335.43. Program approval policy and records.

(a) Each community college shall establish and implement a written policy on program approval. The policy shall, at a minimum:

(1) Include provisions for ensuring that proposed programs, and the courses which comprise them, are consistent with the college's mission.

(2) Provide guidance on assigning units of credit to courses to ensure that the assignment complies with Chapter 35 (relating to community colleges) and reflects Nationally or regionally accepted practices.

(3) Specify the position of the person responsible for approving programs.

(4) Specify the position of the person responsible for approving course outlines.

(b) Each community college shall also maintain, in accordance with § 35.66 (relating to retention of records), a record of each approved program bearing the signature of the incumbent in the position specified in the college's policy on program approval as responsible for approving programs.

§ 335.44. Course evaluation and program audit.

(a) Each community college shall conduct course evaluations, which for credit courses shall be part of the academic audit specified in § 35.21(b) (relating to curricula). The college shall develop a written program audit and course evaluation policy that specifies the position of the person responsible for program audits. The policy shall also include provisions which require a review of the program's courses to ensure that:

(1) Course materials and content reflect current knowledge in the program's field of study.

(2) Course content is appropriate for both the objectives of the course and the goals of the program.

(3) The catalog description of the course is accurate.

(4) Each required course's stated learning goals are necessary to enable students to attain the essential knowledge and skills embodied in the program's educational objectives.

(5) The content of each course designed for transfer is similar to courses which are generally accepted for transfer of credit to accredited 4-year colleges and universities.

(b) Each community college shall establish an onsite depository of reports on the results of each program audit and course evaluation. The reports shall, at a minimum, demonstrate that the program audit addressed each of the provisions in subsection (a) and shall be signed by the incumbent in the position responsible for program audits to indicate that the program audit was performed and accepted by the college's administration. Each college shall maintain the results of each program audit and course evaluation in accordance with § 35.66 (relating to retention of records).

§ 335.45. College catalog.

(a) Each community college shall publish and maintain a catalog or other official publication of its credit and

noncredit courses. The catalog or other publication shall contain accurate descriptions of courses and shall specify their prerequisites, if any. Two catalogs or other publications may be used: one for credit courses and another for noncredit courses. The latter may be an informal publication such as a tabloid or brochure.

(b) Noncredit courses which are custom designed to meet the needs of a particular employer or agency and which are not available to the general public may be omitted from the college's catalog. However, an accurate description of these courses shall be developed and maintained by the college.

(c) Catalogs and other official publications of the college's credit and noncredit programs shall be maintained as official records in accordance with § 35.66 (relating to retention of records).

§ 335.46. Faculty qualifications.

(a) Each community college shall establish and maintain a written policy on the qualifications required for faculty who teach credit courses.

(b) Each college shall also maintain a list of the instructors for its credit and noncredit courses. The list shall be maintained in accordance with § 35.66 (relating to retention of records), and shall include:

- (1) The name of each instructor.
- (2) The course taught by the instructor.
- (3) The academic year and semester or term in which the instructor taught the course.

§ 335.47. Source of documentation.

With the approval of the Department of Education, the college may provide and make available for review the documentation required under § 335.41 (relating to verification of eligibility for reimbursement) by means of media other than paper records.

[Pa.B. Doc. No. 97-973. Filed for public inspection June 20, 1997, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PHARMACY [49 PA. CODE CH. 27] Facsimile Machines

The State Board of Pharmacy (Board) by this order adopts amendments to Chapter 27 (relating to State Board of Pharmacy) to read as set forth in Annex A.

A. Effective Date

The amendments are effective upon publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

The amendments are adopted under the authority of sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (act) (63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9)).

C. Background

On May 19, 1994, the Federal Drug Enforcement Administration (DEA) amended its regulations to allow for the transmission of controlled substance prescriptions between the prescriber and the dispenser by facsimile machine. See, 59 F.R. 26109 et seq. The Board has determined to adopt the DEA standards in this Commonwealth. Likewise, the Board has received numerous questions from its licensees regarding the legality of filling a prescription which was received in a pharmacy by means of facsimile equipment.

Section 27.18(o) (relating to standards of practice) already authorizes a pharmacist to dispense a drug on the basis of a prescription or order which is an original or direct copy of the original issued by a prescriber who may be using electronic or computerized equipment. Even before the promulgation of the DEA regulations in 1994 the Board had interpreted this section to mean that it was lawful for a pharmacist to fill a prescription received on a facsimile machine for a drug other than a controlled substance. The Board, by this order, clarifies this lawful practice and adds rules pertaining to filling a prescription for a controlled substance received on a facsimile machine to track the DEA regulations.

The Board believes that the use of a facsimile machine to transmit a prescription from prescriber to pharmacist may result in fewer errors than telephone transmission of prescriptions. When a prescription is transmitted by means of telephone, it is possible for the pharmacist or for the person who makes the call to make an error. There may well be less possibility for error in both transmission and reception of a prescription transmitted by facsimile machine for the pharmacist will read an exact copy of the prescription. For this reason, the Board believes that the public health and safety will be as well if not better protected than under the current methods of prescription transmission. Moreover, all consumers of health care requiring pharmaceutical treatment will benefit from the cost and time savings inherent in quicker transmission of drug prescriptions, reduced errors and freed up pharmacist time to devote to counseling patients on appropriate drug use.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 26 Pa.B. 1030 (March 9, 1996). The Board received comments from several public commentators, the House Professional Licensure Committee and the Independent Regulatory Review Commission (IRRC). Responses to these comments follow.

Most institutional commentators, including IRRC, questioned the propriety of requiring the prescriber's signature on a prescription which is faxed for dispensing by an institutional pharmacy prior to actual dispensing of the drug. The commentators noted that drug orders affecting patients/residents in an institution often involve the treatment of severe pain requiring immediate dispensing of the drug for administration to the patient. The commentators noted that institutions have established protocols which are consistent with regulations affecting the individual institutions to obtain the prescriber's signature within 24 or 48 hours for drug orders placed on the patient's medical chart in the institution.

The commentators believed that the proposed rulemaking in § 27.20(b) (relating to facsimile machines) requiring an institutional pharmacist to view the actual prescriber's signature prior to dispensing any

nonproprietary drug, including a Schedule II, III, IV or V controlled substance, prior to dispensing the drug, would create undue delays in necessary patient care. IRRC suggested that proposed § 27.20(b), relating to institutional pharmacies, be eliminated to resolve this concern. The remaining institutional commentators, including the Pennsylvania Society of Health-System Pharmacists, suggested that the section be amended to permit at least a 24 to 48 hour period of time within which to obtain a signature on the patient chart related to the prescription or drug order.

The Board has considered these comments and determined that the elimination of proposed § 27.20(b) would best serve the public interest and the Board's interest in protecting patient health while preserving an efficient method for drug dispensing in an institutional setting. To this end, in final rulemaking, the Board has eliminated proposed § 27.20(b), relating to institutional pharmacies, and has added a new paragraph (4) to subsection (c), relating to general issues surrounding facsimile transmission of prescriptions. The new subsection reads:

For purposes of this section, a prescription may not include an order for medication which is dispensed for immediate administration to a patient in an institution.

By this language, the Board clarifies that facsimile transmissions within a particular institution of drug orders reduced to writing on the patient's medical chart, subsequently signed by the prescriber within 24 to 48 hours as required by regulations affecting the particular institution, would not be subject to the requirements related to facsimile transmissions of prescriptions generally.

The Board notes, however, that prescriptions received by a facsimile machine to an institutional pharmacy for dispensing of drugs to persons outside of the particular institution, that is, for a patient discharged to another institution or to home or hospice, even if within a larger health system, must adhere to the requirements established in § 27.20. The Board notes that, with these changes, the section exactly tracks the DEA regulations.

Moreover, the Board notes that it has not, as IRRC had suggested, deferred control of institutional pharmacies to the Department of Public Welfare and the Department of Health. On the contrary, § 27.18(o) outlines the Board's requirements for drug orders in institutions. Neither does the Board relinquish control of institutional pharmacies by the changes which it has made to § 27.20.

Proposed § 27.20(a) outlined two exceptions to the requirements that a pharmacist review the original of a prescription received on a fax machine before dispensing a Schedule II controlled substance. Those exceptions are:

(i) A prescription for a Schedule II controlled narcotic substance which will be administered to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion in the patient's home or hospice.

(ii) A prescription for a Schedule II controlled substance for a resident of a long-term care facility.

IRRC suggested that long-term care facilities should be included under the first exception, citing a DEA distinction between Schedule II narcotic substances and Schedule II substances, and the fact that there are potentially urgent needs of patients in long-term care facilities to receive Schedule II narcotic substances for the relief of pain. A Schedule II narcotic controlled substance is a subset of a Schedule II controlled substance already covered by the second exception involving long-term care

facilities. The Board therefore declines to create a redundancy by adding long-term care facilities to the first exception.

IRRC also recommended that the Board add provisions in final rulemaking related to emergency situations. The Board notes, as has DEA, that the exceptions related to Schedule II prescriptions in § 27.20(a)(2)(i) and (ii) eliminate the need for redundant language related to emergency prescriptions. The Board adopts DEA's interpretation of the language. The Board further notes that pharmacists dispensing scheduled controlled substances always do so subject to DEA requirements, including requirements related to emergency prescriptions.

In response to one commentator who asked the Board to clarify what is meant by the term "narcotic," the Board notes that Pennsylvania law under the Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) defines a "narcotic" in section 2 thereof (35 P. S. § 780-102). This definition tracks that of the Federal Controlled Substances Act and has been incorporated in the Board's standards of practice regulation in § 27.18(u).

Several commentators believed that the Board intended under proposed § 27.20(c) to require pharmacies to maintain fax transmissions in addition to original prescriptions and drug orders. It was never the Board's intention to require duplicate recordkeeping. On the contrary, the Board intends only that if the facsimile copy will be maintained as the original pharmacy record under section 4(a)(3) of the act, then the paper on which the transmission is made must last for at least that long. To avoid any misconceptions about the provision, the Board has revised § 27.20(c)(2) to make this clarification.

Likewise, IRRC and the House Committee suggested a revision to § 27.20(c)(3) which characterizes as unlawful conduct a contribution of a pharmacist or pharmacy to the installation of a facsimile machine in an institution or medical office. The Board's proposal was initially justified by its reference to section 5(a)(9) of the act (63 P. S. § 390-5(a)(9)), which declares kickbacks between pharmacists and medical practitioners to be grossly unprofessional conduct subjecting a pharmacist's license to discipline. IRRC and the House Committee distinguished this characterization from the term "unlawful", which implicates criminal penalties. IRRC therefore suggested that the Board reference this statutory provision in the language of § 27.20(c)(3).

In redrafting § 27.20(c)(3) to accommodate the concerns expressed by IRRC and the House Committee (with which the Board agrees), the Board finds instructive the decision of the Pennsylvania Supreme Court in *Pennsylvania State Board of Pharmacy v. Cohen*, 448 Pa. 189, 292 A.2d 277 (1972). The court there said:

... sections 390-5(a)(6) and (b)(2) both provide for suspension or revocation of licenses and permits respectively upon proof of violation of any properly adopted rules or regulations promulgated by the Board. It is only by means of these statutorily granted rulemaking powers that the Legislature has empowered the Board to provide additional grounds for sanctions.

448 Pa. 197-98, 292 A.2d 281-82.

Section 5(a)(6) and (b)(2) of the act (63 P. S. § 390-5(a)(6) and (b)(2)) provides for disciplinary action against pharmacist licenses and pharmacy permits, respectively, for violations of the act or regulations of the Board. Accordingly, the Board has revised § 27.20(c)(3) to read:

A pharmacist or pharmacy may not contribute in any way to the installation of a facsimile machine in the office of a medical practitioner or in an institution.

A pharmacist or pharmacy who engages in this prohibited conduct could be disciplined under section 5(a)(6) or (b)(2) of the act, respectively.

Finally, several commentators suggested that the amendments should be broadened to include all forms of electronic prescription transmission, together with regulating adequate security measures for the same. The Board notes that, because the proposed regulation was limited to facsimile machine transmission of drug prescriptions, it would be both improper and inconsistent with the law to expand the scope of the regulation on final rulemaking to include transmission of prescriptions through other electronic means.

The Board has also incorporated several technical revisions suggested by IRRC in final rulemaking.

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

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final form regulations address a compelling public health interest in assuring that drug dispensing is accurate, efficient and cost-effective as described in this Preamble, and it otherwise complies with Executive Order 1996-1.

F. Fiscal Impact and Paperwork Requirements

The regulatory amendments will not have a negative fiscal impact on the Commonwealth, political subdivisions or the private sector. In fact, cost savings in time and money can be anticipated through increased efficiency in drug dispensing.

The amendments will not affect paperwork requirements for the Commonwealth or political subdivisions. Paperwork in the public sector relative to drug dispensing and recordkeeping will be reduced.

G. Sunset Date

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 9, 1996, the Board submitted a copy of the notice of proposed rulemaking, published at 26 Pa.B. 1030 (March 9, 1996), to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were approved by the House Committee on May 14, 1997, and approved by the Senate Committee on May 13, 1997. IRRC met on May 22, 1997, and approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

I. Contact Person

Further information may be obtained by contacting W. Richard Marshman, Executive Secretary, State Board of Pharmacy, at P. O. Box 2649, Harrisburg, PA 17105-2649 (717) 783-7157.

J. Findings

The Board finds that:

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

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

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 26 Pa.B. 1030.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this Preamble.

K. Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 27, are amended by amending § 27.1 and by adding § 27.20 to read as set forth in Annex A.

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

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

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

PAULA L. CASTOR, R.Ph.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2790 (June 7, 1997).)

Fiscal Note: Fiscal Note 16A-543 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 27. STATE BOARD OF PHARMACY
GENERAL PROVISIONS**

§ 27.1. Definitions.

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

ACPE—The American Council of Pharmaceutical Education.

Act—The Pharmacy Act (63 P. S. §§ 390-1—390-13).

BNDD—The Federal Bureau of Narcotics and Dangerous Drugs.

Board—The State Board of Pharmacy.

Caution legend drug or device—Controlled substances and other drugs or devices which by statute or regulation may be dispensed to a patient by a pharmacist only upon the prescription of a medical practitioner.

CEU—Continuing Education Units—The unit of measuring contact hours of continuing education provided by ACPE accredited providers. Ten contact hours are equivalent to 1.0 CEU.

Commissioner—The Commissioner of Professional and Occupational Affairs in the Department.

Contact hours—Continuing education units of measure equivalent to 50 to 60 minutes of participation in an approved organized learning experience, including home study with approved educational materials.

Continuing education—Professional education obtained to maintain, improve or expand current skills or knowledge, or to develop new skills or knowledge.

Department—The Department of State of the Commonwealth.

Institutions—Extended care facilities, nursing homes, nursing care facilities, convalescent homes, resident care facilities, hospitals or another place which offers medical treatment to patients who require food, board and overnight sleeping facilities and care.

Long term care facility—A nursing home, retirement care, mental care or other institution that provides extended health care to resident patients.

Pharmacist manager—The pharmacist in charge of a pharmacy who is responsible for operations involving the practice of pharmacy under section 4 of the act (63 P. S. § 390-4).

Pharmacy—The store or other place licensed by the Board where the practice of pharmacy is conducted.

Practice of pharmacy—The practice of that profession concerned with the art and science of preparing, compounding and dispensing of drugs and devices, whether dispensed on the prescription of a medical practitioner or legally dispensed or sold directly to the ultimate consumer. The term includes the proper and safe storage and distribution of drugs, the maintenance of proper records therefor and the responsibility of relating information as required concerning the drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease.

Prescription area—That area of the pharmacy used for compounding, legend drug storage and other activities necessary to the practice of pharmacy. The term does not include waiting counters or display space attached to the waiting counters.

STANDARDS

§ 27.20. Facsimile machines.

(a) *Schedule II controlled substances.*

(1) A pharmacist may fill a prescription for a Schedule II controlled substance which was received on a facsimile machine if the original prescription signed by the medical practitioner is presented to the pharmacist for review prior to the actual dispensing of the controlled substance. The original prescription shall be maintained as the original pharmacy record.

(2) There are two exceptions to the requirement that the pharmacist review the original of the prescription received on a facsimile machine before dispensing a

Schedule II controlled substance. A pharmacist may fill and dispense a prescription for a Schedule II controlled substance which was received on a facsimile machine and may use the facsimile as the original pharmacy record of the following:

(i) A prescription for a Schedule II controlled narcotic substance which will be administered to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion in the patient's home or hospice.

(ii) A prescription for a Schedule II controlled substance for a resident of a long term care facility.

(b) *Schedule III, IV and V controlled substances and other nonproprietary drugs.* A pharmacist may fill and dispense a prescription signed by a medical practitioner for a Schedule III, IV or V controlled substance or other nonproprietary drug which was received on a facsimile machine. The pharmacist may use the facsimile as the original pharmacy record.

(c) *General.*

(1) A pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the facsimile copy of a prescription.

(2) Unless the original prescription will be maintained as the original pharmacy record, the quality of paper on which a facsimile copy of a prescription is printed shall be of a type that the facsimile copy can be maintained as a record for at least 2 years, as required under section 4(a)(3) of the act (63 P. S. § 390-4(a)(3)).

(3) A pharmacist or pharmacy may not contribute in any way to the installation of a facsimile machine in the office of a medical practitioner or in an institution.

(4) For purposes of this section, a prescription may not include an order for medication which is dispensed for immediate administration to a patient in an institution.

[Pa.B. Doc. No. 97-974. Filed for public inspection June 20, 1997, 9:00 a.m.]

BUREAU OF CHARITABLE ORGANIZATIONS

[49 PA. CODE CHS. 51, 53 AND 55]

Charitable Organizations

The Department of State (Department) deletes Chapters 51, 53 and 55.

These chapters are being deleted because they were promulgated under the authority and reflect the provisions of the Solicitation of Charitable Funds Act (Act 1963) (10 P. S. §§ 160-1—160-17) which was repealed by the Charitable Organizations Reform Act (Act 1986) (10 P. S. §§ 161.1—161.19). Act 1986 was, in turn, repealed by the current Solicitation of Funds for Charitable Purposes Act (Act 1990) (10 P. S. §§ 162.1—162.24). These chapters are deleted in anticipation of the promulgation of regulations under the Act 1990.

Public notice of intention to delete the regulations under the procedures in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)) because the Department finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary and under the circumstances impractical because this rulemaking is intended to merely delete outdated

regulations which were promulgated under a prior statute which has been repealed. Furthermore, all registrants affected by the deletion have been given actual notice that the regulations at Chapters 51, 53 and 55 have no bearing on filings made under the Act 1990 and are concomitantly advised that filings made under the Act 1990 should not be made utilizing these out of date regulations. Accordingly, no substantive rights of any person will be affected by this order.

Compliance with Executive Order 1996-1

The Department reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulations address a compelling public interest as described in this preamble and otherwise comply with Executive Order 1996-1.

Statutory Authority

The Department's Bureau of Charitable Organizations general authority to delete these regulations is set forth in section 506 of The Administrative Code of 1929 (71 P. S. § 186). Authority is also specifically granted the Secretary of the Commonwealth in section 4 of the act (10 P. S. § 162.4(3)) which provides that the Secretary of the Commonwealth has the power to promulgate, adopt and enforce regulations necessary to carry out the act.

Fiscal Impact and Paperwork Requirements

This rulemaking will have no negative fiscal impact on the Commonwealth or its political subdivisions. The Department's Bureau of Charitable Organizations will no longer need to expend resources in rejecting filings based upon the out of date regulations and explaining to the public that the regulations have no applicability to registrations made under Act 1990. The public will realize a positive fiscal impact from not being confused by trying to comply with out of date regulations.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on April 22, 1997, the Department submitted a copy of this rulemaking with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Committees on State Government. On the same date, this rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5(c) of the Regulatory Review Act, the rulemaking was deemed approved by the House and Senate Committees on June 11, 1997, and approved by IRRC on May 22, 1997.

Additional Information

Individuals who desire information regarding this rulemaking are invited to submit inquiries to John T. Henderson, Jr., Deputy Chief Counsel, Department of State, Room 302 North Office Building, Harrisburg, PA 17120 (717) 787-6802.

Findings

The Department finds that:

(1) Public notice of intention to delete the regulations as adopted by this order under the procedure specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL because the Department has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL is in this circumstance, unnecessary, because the regulations are based upon a repealed statute.

(2) Persons affected by the deletion of these regulations as adopted by this order have been given actual notice of the Department's intention to delete the regulations under section 204(2) of the CDL.

(3) The deletion of the regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Department, acting under its statutory authority, orders that:

(a) The regulations of the Department's Bureau of Charitable Organizations, 49 Pa. Code Chapters 51, 53 and 55, are amended by deleting §§ 51.1, 51.2, 53.1—53.4 and 55.1—55.7 to read as set forth in Annex A.

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

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

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

YVETTE KANE,
Secretary of the Commonwealth

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2790 (June 7, 1997).)

Fiscal Note: 16-14. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART II. DEPARTMENT OF STATE

Subpart B. [Reserved]

CHAPTER 51. [Reserved]

§§ 51.1 and 51.2. [Reserved]

CHAPTER 53. [Reserved]

§§ 53.1—53.4. [Reserved]

CHAPTER 55. [Reserved]

§§ 55.1—55.7. [Reserved]

[Pa.B. Doc. No. 97-975. Filed for public inspection June 20, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

Advance Notice of Proposed Rulemaking

The Department of Agriculture (Department) hereby gives advance notice of its intention to amend its regulations relating to animals and animal health. These regulations currently appear in 7 Pa. Code Part I (relating to Bureau of Animal Industry). The planned amendments are necessitated, in part, by 23 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law), which became effective on September 9, 1996, and which substantially revised, expanded and updated the Department's authority with respect to domestic animals.

Although section 2382(b) of the Domestic Animal Law allows the Department to enforce its current animal health regulations to the extent they are not inconsistent with that law, the Department seeks to accomplish the amendment of these regulations at the earliest date practicable. The Department is particularly interested in those regulatory provisions dealing with the prevention, detection, containment and elimination of transmissible disease of domestic animals.

The Department intends to accomplish this regulatory amendment by rescinding its regulations and supplanting them with entirely new regulatory provisions. The forthcoming regulations will be more logically-organized, succinct and user friendly.

Proposed Format

The Department's initial plan is to organize its regulatory authority with respect to domestic animals into five basic subparts, addressing the following general subjects:

Subpart A. General Provisions

Subpart B. Prevention of Dangerous Transmissible Diseases of Domestic Animals

Subpart C. Dangerous Transmissible Disease Elimination

Subpart D. Cooperative Domestic Animal Health Programs

In addition, the Department intends to rescind all of 7 Pa. Code Chapter 1 (relating to meat hygiene), since its underlying statutory authority, the Pennsylvania Meat and Poultry Hygiene Law of 1968 (31 P.S. §§ 483.1—483.24), has been preempted by Federal Legislation and regulations.

Public Comments and Contact Person

The Department of Agriculture encourages interested persons to participate in the preparation of the regulatory amendments described in this notice by submitting any suggested regulatory additions, deletions or changes to: Sherbyn Ostrich, Bureau of Animal Health and Diagnos-

tic Services, Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

SAMUEL E. HAYES, Jr.,
Secretary

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[7 PA. CODE CH. 76] Food Employee Certification

The Department of Agriculture (Department), Bureau of Food Safety and Laboratory Services (Bureau), proposes to adopt Chapter 76 (relating to food employee certification).

These regulations are proposed under authority of the Food Employee Certification Act (act), 3 Pa.C.S. §§ 6503(d) and 6505 (relating to certification advisory board and programs; and rules and regulations) which, respectively: (1) require the Department to adopt food safety protection and training standards for the certification of supervisory employees who are responsible for the storage, preparation, display or serving of food to the public in establishments regulated by the Department or local health organizations; and (2) delegate to the Department the power to adopt regulations necessary for the proper enforcement and administration of the act.

In summary, the act will require most food establishments in this Commonwealth to have at least one supervisory employee who has undergone food safety training and passed a written examination evidencing food safety knowledge. The training programs will be reviewed and approved by the Department. The Department will certify persons to conduct and approve tests and certify the results of these tests to the Department. The Department will issue a certificate to persons who take the required training and pass the required test.

The act was the product of an industry-driven initiative to establish minimum food safety training requirements to be met by at least one supervisory employee in most food establishments in this Commonwealth. These requirements are specific to the category of food establishment involved. Given the industry-driven nature of the act, the Department circulated drafts of the proposed regulations to groups representing a broad cross section of the food industry, and made revisions in response to comments and suggestions from these groups. The Department intends these regulations to establish the least intrusive and least burdensome standards and procedures by which to meet the responsibilities imposed on the Department by the act.

An overview of the major provisions of the proposed regulations follows:

A food establishment need not comply with the requirements of the act until July 1, 2001. Proposed § 76.1 (relating to compliance) restates this effective date, but also emphasizes that it is to a food establishment's advantage to comply in advance of that date. It also restates the statutory provisions exempting certain food establishments from having to comply with the act.

Proposed § 76.2 (relating to definitions) contains definitions from the act and the Food and Drug Administration

Food Code. When practicable, it is the intention of the Department to define terms as they are commonly defined in the food industry and thereby help to develop or preserve a common vocabulary. Numerous terms defined in this section are required topics of instruction in approved certification programs, as described in proposed § 76.7 (relating to certification programs: food safety protection and training standards). Although some sectors of the food industry would prefer the Department not include and define such a large number of terms in the proposed regulations, the Department believes it important to be as specific as possible with respect to the required topics of instruction in a certification program.

Proposed § 76.3 (relating to requirements for food establishments) accomplishes several purposes: it delineates the industry-specific categories of food establishments required under section 6503(d) of the act. It restates the major premise of the act, that a food establishment must employ or designate at least one supervisory employe who is certified under the act with respect to the appropriate industry-specific category of the food establishment. It also sets forth the basic recordkeeping requirements for food establishments, under which the Department can monitor compliance with the act.

Although proposed § 76.4 (relating to eligibility to apply for certification) essentially restates the requirements of the act as set forth in section 6504(b) of the act (relating to certification of employees), it has been the subject of concern among several food industry representatives who were afforded the opportunity to review earlier drafts of the proposed regulation. The act does not allow for those persons who have food safety knowledge and expertise in excess of what would be required under the proposed regulation to be certified under the act without completing a Department-approved training course and passing an examination.

Proposed § 76.5 (relating to certification programs: obtaining the department's approval) sets forth the basic requirements for Departmental approval of a certification program and details the process by which an application for approval may be obtained and submitted.

Proposed § 76.7 (relating to certification programs: food safety protection and training standards) details the minimum content requirements of a certification program.

Proposed § 76.8 (relating to format of a certification examination) requires that a certification examination consist of at least 80 questions. This number corresponds with the number of questions on examinations given in connection with several of the more popular food safety courses offered by industry on a Nationwide basis. The Department believes that—given the various areas of instruction required in a certification program—it is not unreasonable to require a minimum number of questions on a certification examination.

Proposed § 76.9 (relating to reporting results of a certification examination) is intended to ensure the Department and the candidate for certification receive notice of examination scores within a reasonable time after certification examinations are administered.

Proposed § 76.10 (relating to applying for certification) describes the process by which a person may apply for certification, and requires the Department to act on an application within 20 days of receipt.

Proposed § 76.11 (relating to certificate) describes the content of a certificate, the obligation of a person having

possession of a certificate to return it to the Department upon written demand and the requirement a food establishment display the certificate of its certified supervisory employe.

The act requires a certificate be renewed at 5 year intervals, imposes a continuing education requirement on certificateholders and requires the Department approve continuing education courses. These provisions appear in section 6504(f) of the act. Proposed §§ 76.12 and 76.13 (relating to renewal of certification; and obtaining Departmental approval of a continuing education course) set forth recertification requirements and procedures and the procedure for approval of continuing education programs.

Proposed § 76.14 (relating to reciprocity with other states) essentially restates the reciprocity provisions in section 6507 of the act (relating to suspension of certification).

Proposed § 76.15 (relating to suspension or revocation of certification) describes the circumstances under which a certificate can be suspended or revoked, and describes the due process to the afforded persons facing suspension or revocation.

Proposed § 76.17 (relating to preemption and local governmental authority) clarifies that local government food employe certification programs that predate September 1, 1994, may remain in effect and that a local government unit having a program may, at its option, seek Departmental approval of any portion of its program with respect to an industry-specific category of food establishment.

Proposed § 76.19 (relating to civil penalties) repeats the penalty provisions in section 6508 of the act (relating to civil penalties), but clarifies that the Department will afford a food establishment that is assessed a penalty for not having a certified supervisory employe a period of 90 days within which to come into compliance before the Department would again penalize the food establishment for the same violation.

Fiscal Impact

Commonwealth

The proposed regulations would not impose any costs on the Commonwealth or have any fiscal impact upon the Commonwealth beyond those costs and fiscal impacts imposed by the act itself. The act requires the Department devote employe time to the review of proposed training programs, the keeping of required records and other functions. Although the Department will inspect food establishments for compliance, employes of the Department are already charged with the responsibility to inspect and license food establishments. The addition of the inspection responsibilities imposed by the act will not appreciably increase the Department's costs.

Political Subdivisions

The proposed regulations would impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The proposed regulations will not impose costs or other adverse fiscal consequences beyond those imposed by the act itself. Under the act, most food establishments in this Commonwealth will have to ensure they have at least one certified supervisory employe. Although the food establishment might impose the costs of necessary training on the supervisory employe, it is more likely the food establishment, itself, would incur these costs.

General Public

The proposed regulations would impose no costs and have no fiscal impact upon the general public. Although food establishments may incur some costs in obtaining certification for a supervisory employe, these costs are expected to be modest. In view of this expectation, and the fact that certification is valid for 5 years at a time, it is not likely any costs imposed by the act will measurably impact upon consumers.

Paperwork Requirements

The act requires that the Department issue certificates to supervisory employes who successfully complete an approved training program and pass an examination. It also requires the Department monitor compliance and enforce its provisions. This will certainly result in an increase in paperwork. The proposed regulations, however, do not impose paperwork requirements beyond those imposed by the act itself.

Regulatory Review

The Department submitted a copy of the proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs on June 11, 1997, in accordance with section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)). The Department also provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it must so 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 sets forth detailed procedures for review of these objections by the Department, the General Assembly and the Governor prior to final publication of the proposed regulations.

Contact Person

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Martha M. Melton.

Effective Date

The proposed regulations will become effective upon final adoption.

SAMUEL E. HAYES, Jr.,
Secretary

Fiscal Note: 2-107. (1) General Fund; (2) Implementing Year 1996-97 is \$None; (3) 1st Succeeding Year 1997-98 is \$5,000; 2nd Succeeding Year 1998-99 is \$10,000; 3rd Succeeding Year 1999-00 is \$15,000; 4th Succeeding Year 2000-01 is \$30,000; 5th Succeeding Year 2001-02 is \$30,000; (4) Fiscal Year 1995-96 \$N/A; Fiscal Year 1994-95 \$N/A; Fiscal Year 1993-94 \$N/A; (7) General Government Operations; (8) recommends adoption.

Annex A**TITLE 7. AGRICULTURE****PART IV. BUREAU OF MARKETING****CHAPTER 76. FOOD EMPLOYE CERTIFICATION**

Sec.	
76.1.	Compliance.
76.2.	Definitions.
76.3.	Requirements for food establishments.
76.4.	Eligibility to apply for certification.
76.5.	Certification programs: obtaining the Department's approval.
76.6.	Certification programs: audit by Department.
76.7.	Certification programs: food safety protection and training standards.
76.8.	Format of a certification examination.
76.9.	Reporting results of a certification examination.
76.10.	Applying for certification.
76.11.	Certificate.
76.12.	Renewal of certification.
76.13.	Obtaining Departmental approval of a continuing education course.
76.14.	Reciprocity with other states.
76.15.	Suspension or revocation of certification.
76.16.	Contacting the Department.
76.17.	Preemption and local governmental authority.
76.18.	Advisory Board.
76.19.	Civil penalties.

§ 76.1. Compliance.

(a) *Mandatory compliance.* On or after July 1, 2001, a food establishment shall comply with the act and this chapter, unless it is exempt under subsection (d).

(b) *Interim compliance optional.* A food establishment need not comply with the act or this chapter until July 1, 2001, but is encouraged to do so in advance of that date.

(c) *Benefit of interim compliance.* If a food establishment that voluntarily complies with the act and this chapter is the subject of an action to recover fines or penalties for a violation of the Food Act, and the violation occurs prior to July 1, 2000, the voluntary compliance of the food establishment will be considered a mitigating factor in determining whether the food establishment shall be assessed more than the minimum fine or civil penalty required by law.

(d) *Exemption for certain types of food establishments.* The following food establishments are exempt from the requirements of the act and this chapter:

(1) A food establishment where only commercially pre-packaged food is handled and sold.

(2) A food establishment that does not handle potentially hazardous food.

(3) A food establishment that is a food manufacturing facility engaged in the manufacture of prepackaged foods and which does not manufacture potentially hazardous food.

§ 76.2. Definitions.

The following word and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise or unless otherwise defined in the FDA Food Code, or a subsequent amendment thereof:

Act—3 Pa.C.S. Chapter 65 (relating to Food Employee Certification Advisory Board).

Adulterated food—Food that is considered adulterated under section 8 of the Food Act (31 P. S. § 20.8).

Adulteration—An action that creates adulterated food.

Advisory Board or Board—The Food Employee Certification Advisory Board.

Air dry—The exposure of wet articles to air for the purpose of drying through evaporation.

Air gap—The vertical distance between the point where water enters a plumbing fixture—such as a sink—and the level at which the plumbing fixture would overflow.

Asymptomatic—Presenting no evidence of disease.

Backflow device—A device that prevents liquid from flowing back or moving toward the source from which the liquid was introduced.

Bacteria—Single cell microorganisms.

Bacteria growth—Multiplication of bacteria through cell division.

Bakery—A food establishment in which baked products (breads, rolls, cakes, doughnuts, biscuits, pies, macaroni, spaghetti, noodles, and the like) are manufactured for human consumption.

Bleach—Sodium hypochlorite, a chemical sanitizer.

CIP or cleaned in place—Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. The term does not include the cleaning of equipment, such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

Certificate—A document issued by the Department to a particular person to evidence that the named individual has demonstrated adequate food protection knowledge and is certified for purposes of section 6503(d) of the act (relating to certification advisory board and programs) with respect to an industry-specific category of food establishment.

Certificate holder—A person holding a valid certificate, regardless of whether that person is a supervisory employe.

Certified supervisory employe—A supervisory employe holding a valid certificate.

Cleanability—The property of being cleanable or accessible for cleaning.

Cleaning—The process by which dirt or other foreign matter is removed from an article.

Communicable disease—An infectious disease transmissible to persons or animals by direct or indirect means.

Confirmed disease outbreak—A foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative organism and epidemiological analysis implicates the food as the source of the illnesses.

Contamination—Soiling, staining, corrupting or infecting by contact or association.

Critical control point—A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Critical item—An action which violates a food sanitation standard and which may contribute to food contamination, illness or environmental degradation.

Cross-contamination—The transfer of bacteria or other microorganisms from one source to another.

Department—The Department of Agriculture of the Commonwealth.

Detergent—A cleaning agent.

Easily cleanable—

(i) A characteristic of a surface that:

(A) Allows effective removal of soil by normal cleaning methods.

(B) Is dependent on the material, design, construction and installation of the surface.

(C) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use.

(ii) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subparagraph (i) to different situations in which varying degrees of cleanability are required such as one of the following:

(A) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining.

(B) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

Escherichia coli or E. coli—Gram-negative rod-shaped bacteria normally present in the intestines of man and animals, which may be pathogenic and are indicative of fecal contamination when found in food or water.

FDA Food Code—A publication issued by the United States Food and Drug Administration which is available from the Department.

Food—A raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

Food Act—The Food Act (31 P. S. §§ 20.1—20.18).

Food-contact surface—One of the following:

(i) A surface of equipment or a utensil with which food normally comes into contact.

(ii) A surface of equipment or a utensil from which food may drain, drip or splash into a food, or onto a surface normally in contact with food.

Food establishment—A room, building, place or portion thereof or vehicle maintained, used or operated for the purpose of selling to the public, commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing, transporting or handling food. The term includes retail food stores and public eating and drinking licensees, except those portions of establishments operating exclusively under milk or milk products permits and those portions of establishments operating exclusively under United States Department of Agriculture inspection. The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast, homestead or inn as defined in the Public Eating and Drinking Place Law.

Food processor—A food establishment that manufactures foods using methods such as cutting, grinding, chipping, peeling, baking, dicing, shredding, extrusion, drying, whipping, blanching, heating, extraction, smoking, freezing, fermenting, mixing or dehydrating, or that packages, cans, jars or otherwise places food in containers.

Food service—A food establishment that prepares and serves foods to the consumer. This category of food establishment includes restaurants, hotels, auction house

stands, hot dog vendors, flea market stands, nursing home kitchens, school cafeterias, college/university cafeterias, roadside stands, hand-dipped ice cream and yogurt sellers, college snack bars, stands at fairs and carnivals, caterers, snow-cone stands, camp kitchens, church kitchens, private clubs and associations, and food vendors at stadiums, racetracks, parks and public charity events.

Foodborne disease outbreak—

(i) An incident, except as specified in subparagraph (ii), in which:

(A) Two or more persons experience a similar illness after ingestion of a common food.

(B) Epidemiological analysis implicates the food as the source of the illness.

(ii) The term includes a single case of illness such as one person ill from botulism or chemical poisoning.

*Frozen dessert manufacturer—*A food establishment that is located in this Commonwealth and that is required to be licensed under authority of the Frozen Dessert Law (31 P. S. §§ 417.1—417.14).

*Fungi—*A division of lower plant life.

*H.A.C.C.P.—Hazard Analysis Critical Control Point—*A system that identifies and monitors specific foodborne hazards (biological, chemical or physical properties) that can adversely affect the safety of the food product.

*Handwash sink—*A sink specifically designated for hand washing.

*Hazard—*A biological, chemical or physical property that may cause an unacceptable consumer health risk.

*Hepatitis A infection—*A viral foodborne illness that can be transmitted from an infected person, through food, to another person.

*Hermetically sealed container—*A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

*Highly susceptible population—*A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.

*Infection—*A disease or condition due to the growth of microorganisms in a host.

*Intoxication—*Illness caused by ingestion of food containing a bacterial toxin.

*Lag phase—*The time period needed for bacteria to acclimate to a new environment, during which bacterial growth is limited or nonexistent.

*Lag phase—*The time period which follows the lag phase and during which bacteria undergo accelerated growth.

*Nonfood contact surface—*Exposed surfaces which do not, under normal use, come into contact with food.

*pH—*The symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

*ppm—*Parts per million, or milligrams per liter (mg/l).

*Parasite—*A living organism which derives its nourishment from another living organism.

*Pathogenic organism—*A disease-producing organism.

*Person—*A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

*Plan review—*The process by which plans and specifications for the construction, remodeling or alteration of a food establishment are reviewed for conformance to specified standards.

*Poisonous or deleterious substance—*A substance that would be considered poisonous or deleterious under section 11 of the Food Act (31 P. S. § 20.11).

*Potable water—*Water that is safe for human consumption.

*Potentially hazardous food—*A food which consists in whole or in part of milk or milk products, eggs, meats, poultry, fish, shellfish, edible crustaceans or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms. The term does not include foods that have a pH level of 4.6 or below or a water activity of 0.85 or less under standard conditions or food products in hermetically sealed containers processed to maintain commercial sterility.

*Product protection—*Safety measures used to prevent food contamination.

*Public eating and drinking place—*A place within this Commonwealth where food or drink is served to or provided for the public, with or without charge, or a place which otherwise conforms to the definition in section 1 of the Public Eating and Drinking Place Law (35 P. S. § 655.1). The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

*Public Eating and Drinking Place Law—*The act of May 23, 1945 (P. L. 926, No. 369) (35 P. S. §§ 655.1—655.13).

*Quaternary ammonium compound—*A chemical sanitizer which is a derivative of ammonium hydroxide or its salts.

Ready-to-eat food—

(i) Food that is in a form that is edible without washing, cooking or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.

(ii) The term includes:

(A) Unpacked potentially hazardous food that is cooked to the temperature and time required for the specific food under the most current edition of FDA Food Code.

(B) Raw, washed, cut fruits and vegetables.

(C) Whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet.

(D) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks or shells are removed.

Reduced oxygen packaging—

(i) The reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a

level below that normally found in the surrounding atmosphere, which is 21% oxygen.

(ii) The term includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen and vacuum packaging.

Retail food store—A food establishment or a section of a food establishment where food and food products are offered to the consumer and intended for off-premises consumption.

Salmonella enteritidis—Pathogenic Salmonella bacteria found in food which, if ingested in sufficient numbers, may cause salmonellosis in humans.

Salmonellosis—Foodborne disease caused by pathogenic Salmonella strains.

Sanitization—The application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

Secretary—The Secretary of the Department.

Slacking—The process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

Staphylococcus—Spherical bacteria which occur in grape-like clusters, certain types of which cause food poisoning by releasing toxins.

Supervisory employe—An owner or a person employed by or designated by the business owner to fulfill the requirements of the act.

Temperature danger zone—The temperature range between 45°F and 140°F , which is favorable for the growth of many types of pathogenic organisms in potentially hazardous foods.

Test strips—Indicator papers which, when immersed, assume a color that can be compared to a known color standard to measure sanitizer strength.

Time and temperature—Important factors in controlling the growth of pathogenic organisms in potentially hazardous foods.

Toxin—A poisonous substance produced by pathogenic organisms.

Transmissibility—The ability of a disease to be conveyed person-to-person, organism-to-person, food-to-person, person to food or otherwise.

Virus—An intracellular, parasitic microorganism that is smaller than a bacterium.

Warewashing—The cleaning and sanitizing of food-contact surfaces of equipment and utensils.

Water activity—A measure of the free moisture in a food. The term is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol AW (aw).

§ 76.3. Requirements for food establishments.

(a) *Industry-specific categories of food establishments.* A food establishment that is not exempt from compliance under § 76.1(d) (relating to compliance) shall be classified under one or more of the following industry-specific categories:

(1) Food processor that manufactures potentially hazardous foods.

(2) Food service that prepares and serves potentially hazardous foods to the consumer.

(3) Bakery that processes potentially hazardous foods.

(4) Retail food store that offers potentially hazardous food to the consumer.

(5) Frozen dessert manufacturer.

(b) *Certified supervisory employe.* A food establishment shall employ or designate at least one certified supervisory employe who is certified with respect to the industry-specific category of the food establishment.

(c) *New food establishment.* A new food establishment shall bring itself into compliance with subsection (b) within 90 days of the date it commences operation.

(d) *Employe turnover.* If a food establishment loses its only certified supervisory employe through employe turnover or for any other reason, the food establishment shall bring itself into compliance with subsection (b) within 3 months of the date it lost its previous certified supervisory employe.

(e) *Certification records.* A food establishment shall maintain the following information at the food establishment site:

(1) The name of each certified supervisory employe in its employ.

(2) The name of each certified supervisory employe who has been in its employ in the past year.

(3) The certificate number of each certified supervisory employe referenced in paragraphs (1) and (2).

(4) The industry-specific category of food establishment with respect to which a certified supervisory employe referenced in paragraphs (1) and (2) was certified.

(5) The issuance and expiration dates of the certificate of any certified supervisory employe referenced in paragraphs (1) and (2).

(6) The date it lost any certified supervisory employe within the past year—whether through employe turnover or other change in status.

(f) *Availability of records.* Upon request by the Department, a food establishment shall make the records described in subsection (e) available for inspection by the Department during reasonable hours.

(g) *Posting of certificate.* A food establishment shall post the original certificate of its certified supervisory employe in public view at its business location.

(h) *Return of certificate.* A certificate is the property of the Department and is issued to the individual person identified on its face.

§ 76.4. Eligibility to apply for certification.

A person shall complete an approved certification program and obtain a score of 70% or higher on an approved certification examination to be eligible to apply to the Department for certification.

§ 76.5. Certification programs: obtaining the Department's approval.

(a) *Approval required.* A person shall obtain the Department's approval of a training program before the training program will be considered an approved certification program for purposes of the act and this chapter. Revisions or changes to a previously-approved certifica-

tion program shall also be approved by the Department. Approval under this section authorizes a person to develop and approve certification examinations, conduct certification examinations and certify the results of certification examinations to the Department in accordance with this chapter.

(b) *General requirements for approval.* The Department will approve a certification program if it addresses an industry-specific category of food establishment described in § 76.3(a) (relating to requirements for food establishments), meets the food safety protection and training standards described in § 76.7 (relating to certification programs: food safety protection and training standards) and has been recommended for approval by the Advisory Board.

(c) *Obtaining an application form.* The Department will provide an application form for certification program approval, or an application form for approval of revisions or changes to a previously-approved certification program, upon request. Requests for these forms shall be directed to the Department at the address in § 76.16 (relating to contacting the Department).

(d) *Contents: application for certification program approval.* The application form for certification program approval shall require the following information:

- (1) The applicant's name, address and telephone number.
- (2) A course syllabus demonstrating that the program would meet the minimum content requirements in § 76.7 (relating to certification programs: food safety protection and training standards).
- (3) The industry-specific category of food establishment, as described in § 76.3(a) (relating to requirements for food establishments), to be addressed by the certification program.
- (4) A copy of the examination to be administered at the conclusion of the certification program, together with an answer key for that examination, if these documents are available.
- (5) A copy of all teacher materials for the certification program, unless the certification program is a home-study program.
- (6) A copy of all materials to be distributed to persons taking the program.
- (7) The proposed sites and dates of the certification program, if known, unless the certification program is a home-study program.
- (8) If the certification program is a home study program, the proposed site and date the approved certification examination is to be administered.
- (9) Other information the Department might reasonably require.

(e) *Contents: application for approval of changes or revisions to a previously-approved certification program.* The application form for approval of changes or revisions to a previously-approved certification program shall require the applicant's name, address and telephone number and only information listed in subsection (d) that is relevant to the change or revision with respect to which approval is sought.

(f) *Deadline for filing the application.* An application for certification program approval or for approval of changes or revisions to a previously-approved certification program shall be delivered to the Department, at the

address in § 76.16 (relating to contacting the Department), at least 90 days in advance of the proposed date upon which the program is to be conducted.

(g) *Departmental and Advisory Board action on application.* The Advisory Board will consider whether to recommend Departmental approval of a certification program. If the majority of a quorum of the Advisory Board recommends Departmental approval of a certification program, the Department will grant its approval, if the other criteria in subsection (b) are met. The Department will mail the applicant its written approval of the certification program, its denial of approval or a request for additional clarification or documentation.

§ 76.6. Certification programs: audit by Department.

The Department may attend and audit an approved certification program to ascertain whether the program is conducted in accordance with the requirements of the act and in conformity to the program syllabus. A person offering or conducting an approved certification program shall allow the Department's auditors entry to the program and provide copies of course materials.

§ 76.7. Certification programs: food safety protection and training standards.

(a) *Overview of topics.* As described in detail in subsections (b)—(h), a training program shall contain instruction in the following topics:

- (1) Foodborne illness
- (2) Time and temperature
- (3) Relationship between personal hygiene and food safety
- (4) Food safety tracking system
- (5) Cleaning and sanitizing
- (6) Facilities and equipment layout
- (7) Statutory and regulatory requirements

(b) *Topic: foodborne illness.* A portion of the instruction in a training program shall pertain to the topic of foodborne illness. This instruction shall address the following:

- (1) Terms and definitions necessary to an understanding of foodborne illness. At a minimum, this shall include the following terms:
 - (i) Bacteria.
 - (ii) Communicable disease.
 - (iii) Confirmed disease outbreak.
 - (iv) Fungi.
 - (v) Potentially hazardous foods.
 - (vi) Infection.
 - (vii) Intoxication.
 - (viii) Parasite.
 - (ix) Pathogenic organism.
 - (x) Time and temperature.
 - (xi) Virus.

(2) Microorganisms that commonly cause foodborne infection or intoxication.

(3) The process by which microorganisms cause foodborne illness.

(4) The definition, characteristics and recognition of potentially hazardous foods.

(5) Factors that contribute to foodborne illness.

(6) Prevention of food contamination from employes, equipment, premises, utensils and consumers.

(7) Prevention of food contamination from chemicals.

(c) *Topic: time and temperature.* A portion of the instruction in a training program shall pertain to the topic of time and temperature. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of time and temperature requirements. At a minimum this shall include the following terms:

- (i) Bacteria growth.
- (ii) Contamination.
- (iii) Critical control point.
- (iv) Critical item.
- (v) Cross-contamination.
- (vi) Food contact surface.
- (vii) Hermetically sealed container.
- (viii) Lag phase.
- (ix) Log phase.
- (x) Ready-to-eat foods.
- (xi) Reduced oxygen packing.
- (xii) Slacking.
- (xiii) Temperature danger zones.
- (xiv) Water activity.
- (xv) Emerging pathogens.

(2) Prime factors which control the growth, survival and toxin production rate of pathogenic microorganisms in food during receiving, storing, cooking, thawing, cooling, preparation, holding/displaying, serving, freezing, transporting, reheating and storing after production.

(3) The types, uses and calibration of food thermometers.

(4) Proper food temperatures during refrigeration, freezing, cooling, hot holding, cooking, reheating, thawing and preparation.

(d) *Topic: relationship between personal hygiene and food safety.* A portion of the instruction in a training program shall pertain to the topic of the relationship between personal hygiene and food safety. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the relationship between personal hygiene and food safety. At a minimum this shall include the following terms:

- (i) Asymptomatic.
- (ii) *Escherichia coli*.
- (iii) Hepatitis A infection.
- (iv) Highly susceptible group.
- (v) Pathogenic organism.
- (vi) *Salmonella enteritidis*.
- (vii) *Staphylococcus*.
- (viii) Transmissible.

(2) Prevention of food contamination by food establishment employe, including the following subjects:

- (i) Handwashing techniques and frequency.
- (ii) Relationship of hand contact to foodborne illness.
- (iii) Contamination by poor hygienic practices such as sneezing, coughing and scratching.
- (iv) Clothing.
- (v) Fingernails.
- (vi) Eating, drinking or using tobacco.
- (vii) Hair restraint.
- (viii) Animals in the workplace.

(3) Employe health, including the following subjects:

(i) Infections or diseases which can be transmitted by open wound, sinus infection, virus or sore throat.

(ii) Identifying employes who may transmit infection or disease.

(iii) High risk groups.

(iv) Imposition and removal of employe exclusions and restrictions.

(v) Mandatory and voluntary reporting of foodborne illness.

(4) Preventive measures such as training, written cleaning and sanitation schedules and procedures, self-inspection, integrated pest management and preventative maintenance.

(e) *Topic: food safety tracking system.* A portion of the instruction in a training program shall pertain to the topic of food safety tracking systems. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of a food safety tracking system. At a minimum this shall contain the following terms:

- (i) Adulteration.
- (ii) Contamination.
- (iii) Critical control point.
- (iv) Cross-contamination.
- (v) HACCP or Hazardous Analysis Critical Control Point.

(vi) Product protection.

(2) Receiving food, including the following subjects:

- (i) Approved sources.
- (ii) Condition of food.
- (iii) Thermometers and temperature checks.
- (iv) Rejection for adulteration, temperature violations, distressed merchandise or condition of carrier.

(3) Safe storage of food, including the following subjects:

- (i) Dry storage temperature and practices.
- (ii) Refrigeration and freezing holding temperatures and product protection.
- (iii) Shelf life.
- (iv) Cross-contamination and adulteration.
- (v) Product protection in retail service/display areas and storage areas.
- (vi) Product labeling.

- (vii) Labeling of poisonous or toxic materials.
- (viii) Original containers.
- (ix) Working containers.
- (x) Food storage prohibitions, including locker rooms, toilet rooms, garbage rooms and under sewer lines.
- (4) Preparation and processing of food, including the following subjects:
 - (i) Personal hygiene.
 - (ii) Practices regarding disposable gloves.
 - (iii) Contamination by chemical or physical additives.
 - (iv) Cross-contamination.
 - (v) Equipment/utensils.
 - (vi) Hazards to humans in using equipment.
 - (vii) Machine guards, slicer blades and protective light shields.
 - (viii) Corrective actions.
 - (ix) Potentially hazardous foods.
 - (x) HACCP.
 - (xi) Critical control point.
- (f) *Topic: cleaning and sanitizing.* A portion of the instruction in a training program shall pertain to the topic of cleaning and sanitizing. This instruction shall address the following:
 - (1) Terms and definitions necessary to an understanding of cleaning and sanitizing procedures. At a minimum this shall contain the following terms:
 - (i) Adulteration.
 - (ii) Air dry.
 - (iii) Bleach.
 - (iv) CIP.
 - (v) Cleaning.
 - (vi) Contamination.
 - (vii) Cross-contamination.
 - (viii) Detergent.
 - (ix) Easily cleanable.
 - (x) Food contact surface.
 - (xi) Nonfood contact surface.
 - (xii) pH.
 - (xiii) ppm.
 - (xiv) Sanitization.
 - (xv) Test strips.
 - (xvi) Warewashing.
 - (xvii) Quaternary ammonium compound.
 - (2) MSDS Fact sheets.
 - (3) Proper use of hot water or chemicals in sanitizing.
 - (4) The difference between cleaning and sanitizing.
 - (5) Types of sanitizers, their usage and the use of test strips.
 - (6) Detergents.
 - (7) Procedures to wash-rinse-sanitize.
 - (8) The frequency with which food contact surfaces, utensils, equipment and nonfood contact surfaces should be sanitized.

- (9) Equipment.
- (10) Manual warewashing.
- (11) Mechanical warewashing.
- (12) The proper use of cleaning methods such as air drying, wiping cloths, CIP and water temperature.
 - (g) *Topic: facilities and equipment layout.* A portion of the instruction in a training program shall pertain to the topic of facilities and equipment layout. This instruction shall address the following:
 - (1) Terms and definitions necessary to an understanding of the proper layout of equipment and facilities. At a minimum this shall contain the following terms:
 - (i) Air gap.
 - (ii) Backflow device.
 - (iii) Cleanability.
 - (iv) Potable water.
 - (v) Handwash sink.
 - (vi) Plan review.
 - (2) Proper equipment design and location.
 - (3) Construction of floors, walls and ceilings.
 - (4) Design of equipment such as refrigeration, hot holding, heating, ventilation, pest control, lighting and freezer equipment and design of the buildings in which the equipment is located.
 - (5) Acceptable water sources, water quality and quantity and water distribution systems.
 - (6) Plumbing design, construction, location, materials and operation.
 - (7) Management of solid and liquid waste, recyclables, refuse and returnable.
 - (8) Review of plans for equipment and building lay-out and design.
 - (h) *Topic: statutory and regulatory requirements.* A portion of the instruction in a training program shall pertain to the topic of statutory and regulatory requirements. This instruction shall address the following:
 - (1) Terms and definitions necessary to an understanding of the requirements imposed by the act and this chapter. At a minimum this shall contain the following:
 - (i) The act.
 - (ii) The certificate.
 - (iii) The certified supervisory employee.
 - (2) Statutes and regulations relevant to the industry-specific category of food establishment that is the subject of the approved certification program.

§ 76.8. Format of a certification examination.

Although it is recommended that a certification examination consist of no fewer than 100 questions, under no circumstances may a certification examination consist of fewer than 80 questions. These questions shall be multiple choice questions, true or false questions or a combination thereof that adequately test food protection knowledge with respect to an industry-specific category of food establishment described in § 76.3(a) (relating to requirements for food establishments).

§ 76.9. Reporting results of a certification examination.

A person who proctors a certification examination shall, within 20 days of proctoring the examination, mail or deliver to any person who took the examination written confirmation of that person's examination score, the date and location of the examination and the industry-specific category of food establishment addressed in the examination. The examination score shall be expressed as the percentage of correct answers. Within that same 20-day time period the proctor shall mail the same information to the Department at the address in § 76.16 (relating to contacting the Department), using a form provided by the Department upon request.

§ 76.10. Applying for certification.

(a) *Application required.* A person who has attained a score of 70% or higher on a certification examination may apply to the Department for certification. Certification is granted through issuance of the certificate described in § 76.11 (relating to certificate).

(b) *Form of application.* A person seeking certification under the act may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The application form shall require the following information:

- (1) The name and mailing address of the person seeking certification.
- (2) The location and dates of any approved certification program completed by the person seeking certification.
- (3) The location and date of the certification examination.
- (4) The industry-specific food establishment category (as described at § 76.3(a) (relating to requirement for food establishments)) with respect to which certification is sought.
- (5) Other information the Department might reasonably require.

(c) *Application fee.* A person applying for certification under this section shall pay an application fee of \$20, by check or money order made payable to the "Pa. Department of Agriculture." This payment shall accompany the application.

(d) *Department action on application.* The Department will, within 20 days of receiving an application and the application fee, mail the applicant a certificate, a disapproval notice or a request for additional clarification or documentation.

§ 76.11. Certificate.

(a) *Contents of certificate.* A certificate will bear the following information:

- (1) The name of the person to whom it is issued.
- (2) The industry-specific category of food establishment category, as described in § 76.3(a) (relating to requirement for food establishment), with respect to which the person is certified.
- (3) The date upon which the certificate was issued.
- (4) The expiration date of the certificate, which shall be 5 years from the date of issuance.
- (5) A unique identification number.
- (6) A statement that the Department has determined the person identified on the certificate to possess ad-

equated food protection knowledge and to be a certificateholder with respect to the industry-specific category of food establishment designated on the certificate.

(7) Other information the Department might reasonably include.

(b) *Ownership of certificate.* A certificate issued by the Department will remain the property of the Department. A certificateholder, certified supervisory employe, food establishment or other person having physical possession of a certificate shall, upon written notice from the Department, surrender and return the certificate to the Department.

(c) *Obligation to allow display.* A certified supervisory employe shall allow his employer to display the certificate issued by the Department, as required in § 76.3(g). Upon termination of a certified supervisory employe's employment, the employer shall surrender the certificate to the certificateholder named on the certificate.

§ 76.12. Renewal of certification.

(a) *General requirement.* A certificateholder shall obtain at least 7.5 hours of approved continuing education in the area of food safety and sanitation every 5 years, commencing with the date the certificate is issued. An approved continuing education course will not require a written examination as a condition of completion. If a certificateholder fails to obtain this approved continuing education and deliver a complete certification renewal application to the Department prior to the expiration date of the certificate, the certificate shall expire and the certificateholder shall successfully complete an approved certification program and a certification examination before certification will be granted.

(b) *Application for renewal.* A person seeking renewal of certification under this section may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The form shall require the following information:

- (1) The name and mailing address of the applicant.
- (2) Copies of course descriptions, course-completion certificates, college course transcripts and descriptions and similar documentation to evidence compliance with the requirement in subsection (a).
- (3) The industry-specific food establishment category, as described in § 76.3(a), with respect to which the applicant is certified.
- (4) The identification number and expiration date of the certificate.
- (5) Other information the Department might reasonably require.

(c) *Departmental action on application.* The Department will, within 30 days of receiving an application, mail the applicant a certificate (as described in § 76.11(a) (relating to certificate)), its denial of renewal of certification or a request for additional clarification or documentation.

(d) *Departmental action on application.* The Department will, within 30 days of receiving an application, mail the applicant a certificate (as described in § 76.11(a) (relating to certificate)), its denial of renewal of certification or a request for additional clarification or documentation.

(e) *Departmental action on application.* The Department will, within 30 days of receiving an application, mail the applicant a certificate (as described in § 76.11(a) (relating to certificate)), its denial of renewal of certification or a request for additional clarification or documentation.

§ 76.13. Obtaining Departmental approval of a continuing education course.

(a) *Approval required.* A person shall obtain the Department's approval of a continuing education course before the course will be considered an approved continuing education course for purposes of § 76.12 (relating to renewal of certification). Revisions or changes to a

previously-approved continuing education course shall also be approved by the Department.

(b) *General requirements for approval.* The Department will approve a continuing education course if it instructs participants in current food protection practices and has been recommended for approval by the Advisory Board.

(c) *Application for approval.* A person seeking the Department's approval of a continuing education course under this section may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The form shall require the following information:

- (1) The name and mailing address of the applicant.
- (2) A course syllabus demonstrating that the course addresses regulatory or food industry changes, updates or advancements.
- (3) A copy of teaching materials for the course.
- (4) A copy of materials to be distributed to persons taking the course.
- (5) The proposed sites and dates of the course.
- (6) Other information the Department might reasonably require.

(d) *Departmental and Advisory Board action on application.* The Advisory Board will consider whether to recommend Departmental approval of the continuing education course. If the majority of a quorum of the Advisory Board recommends Departmental approval of a continuing education course, the Department will grant its approval, if the other requirements of subsection (b) are met. The Department will mail the applicant its written approval of the continuing education course, its denial of approval or a request for additional clarification or documentation.

§ 76.14. Reciprocity with other states.

The Department may accept certification issued to a person by another state if both of the following occur:

- (1) The other state has requirements for certification that are comparable to those imposed by the act.
- (2) The Department and the other state jurisdiction have entered into a reciprocal agreement to accept each state's certification program as meeting the requirements of the act.

§ 76.15. Suspension or revocation of certification.

(a) *Basis for action.* The Department may suspend or revoke the certification of a certificateholder if that person does one or more of the following:

- (1) Violates a provision of this chapter.
- (2) Violates another sanitation regulation.
- (3) Violates the Public Eating and Drinking Place Law or its attendant regulations.
- (4) Violates the Food Act or its attendant regulations.

(b) *Notice.* The Department will provide a certificateholder with written notice of its intention to suspend or revoke certification, which will afford that person notice and opportunity for an administrative hearing before the Department prior to the effective date of the suspension or revocation.

(c) *Delivery of notice.* The Department will deliver the notice described in subsection (b) to the affected certificateholder by personal service or by regular mail to

the address provided by the certificateholder on his application for certificate under § 76.10 (relating to applying for certification).

§ 76.16. Contacting the Department.

A person seeking applications or information relating to the act or this chapter shall forward his request, in writing, to the following address:

ATTN: Food Employee Certification
Department of Agriculture
Bureau of Food Safety and Laboratory Services
2301 North Cameron Street
Harrisburg, PA 17110-9408

§ 76.17. Preemption and local governmental authority.

(a) *General.* The regulation of food safety protection and training standards for employes of food establishments is preempted by the Department except that, in accordance with section 6503(f) of the act (relating to certification advisory board and programs), any food employe certification program established by a county, city, borough or incorporated town or township prior to September 1, 1994, may remain in effect.

(b) *Limitation of local certification.* If a county, city, borough, incorporated town or township elects to operate a food employe certification program that was in existence prior to September 1, 1994, the certification of persons under that local program shall be valid only within the geographic boundaries of that local government unit. This program validity may be extended to other states or local government units through reciprocal agreements among other states or local government units which operate food employe certification programs that predate September 1, 1994.

(c) *Option of certain local government units.* A county, city, borough, incorporated town or township having a food employe certification program which was in effect prior to September 1, 1994, may, at its option, apply to the Department in accordance with the procedure in § 76.5 (relating to approved certification programs: obtaining the Department's approval) to become an approved certification program with respect to one or more industry-specific categories of food establishments.

(d) *Effect of a local government unit's decision with respect to exercising option.* If a county, city, borough, incorporated town or township having a food employe certification program which was in effect prior to September 1, 1994, does not exercise the option described in subsection (c) or does not obtain Departmental approval of its certification program with respect to any particular industry-specific category of food establishment, the unit of local government shall retain exclusive responsibility for certification of the food employes who would otherwise fall into that industry-specific category.

§ 76.18. Advisory Board.

(a) *Purpose.* The Advisory Board shall review and recommend Departmental approval of industry-specific certification programs which meet the requirements of the act and this chapter.

(b) *Composition.* The Advisory Board will be appointed by the Secretary and consist of at least 21 members. The membership of the Advisory Board will be as follows:

- (1) The Secretary, or a designee, who will serve as chairperson.
- (2) The Chairperson of the Agriculture and Rural Affairs Committee of the Senate, or a designee.

(3) The Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives, or a designee.

(4) The Minority Chairperson of the Agriculture and Rural Affairs Committee of the Senate, or a designee.

(5) The Minority Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives, or a designee.

(6) A consumer representative.

(7) Two representatives of production agriculture.

(8) At least one person recommended by each of the following:

(i) Pennsylvania Association of Milk Dealers.

(ii) Pennsylvania Restaurant Association.

(iii) Pennsylvania Food Merchants Association.

(iv) Pennsylvania Convenience Store Council.

(v) Pennsylvania Bakers Association.

(vi) Pennsylvania Food Processors Association.

(vii) Pennsylvania Veterinary Medical Association.

(viii) County Commissioners Association of Pennsylvania.

(ix) Pennsylvania League of Cities and Municipalities.

(x) Pennsylvania State Association of Boroughs.

(xi) Pennsylvania State Association of Township Commissioners.

(xii) Pennsylvania State Association of Township Supervisors.

(xiii) Pennsylvania School Food Service Association.

(9) At least one of the Advisory Board members described in paragraph (8) shall have experience in the field of public health.

(c) *Terms of appointees.* Advisory Board members described in subsection (b)(1), (2), (3), (4) or (5) shall be ex officio members. The terms of the initial appointees of the Secretary under subsection (b)(6)—(8) will be 2, 3 or 4 years, as determined by the Secretary, and will be staggered so that the terms of approximately 1/3 of these initial appointees expire in each of the 2nd, 3rd and 4th years of the Advisory Board's existence. Thereafter, the term of each of these appointees shall be 3 years. The term of a person appointed to replace another member whose term has not expired shall be only the unexpired portion of that term. Persons may be appointed to successive terms.

§ 76.19. Civil penalties.

(a) *General.* The Department may assess a civil penalty of up to \$300 against any person or food establishment that violates any provision of the act or this chapter for the first offense. The Department may assess a penalty of up to \$1,000 for each subsequent offense.

(b) *Notice.* The Department will provide a person or food establishment written notice of any violation of the act or this chapter and an opportunity for an administrative hearing on the violation prior to the imposition of a civil penalty.

(c) *Time for correction of condition giving rise to civil penalty.* If the Department assesses a civil penalty against a food establishment for failing to have the required certified supervisory employe, it will allow the food establishment a period of 90 days from the violation

giving rise to the initial civil penalty before it may assess another civil penalty. During that 90-day period, the food establishment shall bring itself into compliance with the act and this chapter.

[Pa.B. Doc. No. 97-977. Filed for public inspection June 20, 1997, 9:00 a.m.]

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 16]

Volunteer License

The State Board of Medicine (Board) proposes to amend § 16.11 (relating to licenses, certificates and registrations) and add § 16.18 (relating to volunteer license) to read as set forth in Annex A.

A. Effective Date

The proposed amendments will be effective upon publication of final-form regulations in the *Pennsylvania Bulletin*.

B. Statutory Authority

The Board is required to promulgate regulations governing the volunteer license category by section 5 of the Volunteer Health Services Act (act) (35 P. S. § 449.5) which became effective February 3, 1997. Section 5 of the act mandates regulations governing: (1) qualifications for placing an active license on volunteer status; (2) criteria under which a retired licensee who has allowed a license to become inactive may obtain a volunteer license; and (3) procedures under which a volunteer license holder may return to active status. The Board is authorized to adopt regulations necessary to the administration of its enabling statute under section 8 of the Medical Practice Act of 1985 (63 P. S. § 422.8).

C. Background and Purpose

The purpose of the proposal is to implement the act. The act is intended to increase the availability of primary health services by establishing a procedure for physicians and other health care practitioners who have retired from active practice to provide professional services as volunteers in approved clinics. Primary health services are defined in the act as including services such as regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing, and health education.

An approved clinic is defined in the act as an organized community-based clinic which offers services to: (1) individuals and families who cannot pay for their care; (2) Medical Assistance clients; or (3) residents of medically underserved or health professionals shortage areas. Examples of these clinics include Federal or State qualified and approved health centers or nonprofit community based clinics.

The act permits persons who have been issued a license by the State Boards of Medicine, Osteopathic Medicine, Dentistry, Podiatry, Nursing, Optometry and Chiropractic to practice a component of the healing arts to apply for volunteer status. A volunteer license will be issued to a retired individual who documents to the satisfaction of the Board that the individual will practice without remuneration in approved clinics.

The act exempts holders of a volunteer license from biennial renewal fees and, if applicable, professional liability coverage mandated by the Health Care Services Malpractice Act (40 P. S. § 1301.701) and section 6 of the Medical Practice Act (63 P. S. § 422.6). However, volunteer licenses will be subject to biennial renewal conditioned upon completion of any continuing education which the Board requires for biennial renewal generally.

D. Description of Amendments

The volunteer license category would be added to the licenses, certificates and registrations issued by the Board in § 16.11. Section 16.18 would provide the statutory references to the act, as well as the statutory basis for the volunteer license category. The Board has interpreted the act as permitting a volunteer license holder to practice exclusively in an organized community-based clinic without remuneration.

Under section 3 of the act (35 P. S. § 449.43), an active licensee must possess a current, active, unrestricted license to qualify for a volunteer license. Section 4 of the act permits a licensee to apply who retired with a license in good standing. The Board has interpreted this qualification to mean a license which at the time of the application is not subject to an outstanding disciplinary action such as revocation or suspension. The act's definition of an "approved clinic" is included in subsection (b)(3). The criteria for obtaining a volunteer license are set forth in § 16.18(b). Both active licensees and retired licensees, registrants and certificateholders with inactive licenses may receive a volunteer license in order to practice as a volunteer without remuneration in an approved clinic.

Procedures to apply for a volunteer license are set forth in § 16.18(b). Applicants would be requested to provide basic license information. In addition, the applicant would be requested to execute a verification that the applicant intends to practice exclusively within the scope of a volunteer license. Also, in order to provide proper enforcement of the limitation of the act, applicants will be required to file with the Board a letter of agreement from the clinic that the applicant will work in the clinic. Section 16.18(c) would make this notification a continuing obligation during the biennial period of the license.

Biennial renewal of the volunteer license would be provided for under § 16.18(e). A volunteer license is subject to biennial renewal. However, under the act, the applicant for biennial renewal is exempt from payment of the biennial renewal fee in § 16.13 (relating to license, certification, examination and registration fees) and professional liability insurance coverage under § 16.31 (relating to notification).

Section 16.18(f) provides for return to active, remunerative practice. A volunteer would be required to apply to the Board and meet the general reactivation requirements of § 16.15 (relating to biennial registration; inactive status and unregistered status).

Section 16.18(g) notifies the volunteer license holder that he continues to be subject to the disciplinary provisions of the Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.45). In addition, § 16.18(g) proposes that a violation of the act or the regulations adopted thereunder may constitute independent grounds for discipline.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1, in drafting and promulgating the proposed amendments the Board solicited input and suggestions

from the regulated community by providing drafts to organizations and entities which represent the professionals and to nonprofit organizations who represent qualified providers of volunteer services.

F. Fiscal Impact and Paperwork Requirements

1. *Commonwealth*—The proposed amendments will create a new license for which no fee will be charged. As such, the expenses of the program will be borne as a part of the Board's overall operating expenses which are financed through biennial renewals of active licensees. Therefore, the administration and enforcement of a new license category may have a fiscal impact on overall Board costs. The net effect, however, is estimated to be minimal owing to the relatively small number of licensee population who will seek a volunteer license compared with the number of active licensees. Additional paperwork will be incurred by the Board and the private sector to generate and file application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—The proposed amendments will have a positive fiscal impact on individual licensees who restrict their professional activities to volunteer work since these individuals are exempt from maintaining professional liability insurance required under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) and the biennial renewal fee for licensure. The proposed amendments should impose no additional fiscal or paperwork requirements.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 6, 1997, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." 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 Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, the General Assembly and the Governor of objections raised.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Gerald S. Smith, Board Counsel, State Board of Medicine, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication

of this proposed rulemaking. Please reference No. 16A-494 (Volunteer License), when submitting comments.

DANIEL B. KIMBALL, Jr. M.D.,
Chairperson

Fiscal Note: 16A-494. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

* * * * *

(d) The Board will issue a volunteer license to qualified licensees, certificateholders and registrants.

§ 16.18. Volunteer license.

(a) *Purpose and scope.* The following subsections implement the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) and provide for the issuance of a volunteer license to a qualified Board-regulated practitioner as defined in section 2 of the act (63 P. S. § 422.2), who retires from active practice and seeks to provide professional services as a volunteer. A volunteer license authorizes the holder to practice only in an organized community-based clinic and without remuneration.

(b) *License.* A volunteer license may be issued to a Board-regulated practitioner of the Board who meets one of the following:

(1) Holds a currently renewed, active, unrestricted license, registration or certificate in this Commonwealth and retires from active practice at the time the applicant applies for a volunteer license.

(2) Retires from active practice in this Commonwealth in possession of an unrestricted license which was allowed to lapse by not renewing it. A retired licensee, registrant or certificateholder shall meet the requirements of the act or the regulations pertaining to continued education or continued competency to be eligible for renewal. As used in this section, an “unrestricted license, certification or registration” is a license which is not restricted or limited by order of the Board under its disciplinary power.

(3) Documents to the satisfaction of the Board that the applicant will practice without personal remuneration in approved clinics. As used in this section, an “approved clinic” is an organized community-based clinic offering primary health care services to individuals and families who can-

not pay for their care, to Medical Assistance clients, or to residents of medically underserved areas or health professionals shortage areas. The term may include a State health center, nonprofit community-based clinic and Federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice exclusively as follows:

(i) Without personal remuneration for professional services.

(ii) In an organized community-based clinic offering primary health care services to one or more of the following:

(A) Individuals and families who cannot pay for their care.

(B) Medical assistance clients.

(C) Residents of medically underserved areas or health professional shortage areas.

(2) A letter signed by the director or chief operating officer of the community-based clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(d) *Validity of license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of a change, or at the time of renewal, whichever occurs first.

(e) *Renewal of license.* A volunteer license shall be renewed biennially on forms provided by the Board. The applicant shall be exempt from payment of the biennial renewal fee of § 16.13 (relating to licensure, certification, examination and registration fees), and shall be exempt from the requirements with regard to the maintenance of liability insurance coverage under section 701 of the Health Care Services Malpractice Act (40 P. S. § 1301.701) and § 16.31 (relating to notification).

(f) *Return to active practice.* A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board.

(g) *Disciplinary provisions.* A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) or this section may also constitute grounds for disciplinary action.

[Pa.B. Doc. No. 97-978. Filed for public inspection June 20, 1997, 9:00 a.m.]

STATE BOARD OF NURSING

[49 PA. CODE CH. 21] Nursing Functions

The State Board of Nursing (Board) proposes to amend §§ 21.11, 21.12—21.17 and 21.145 pertaining to functions of the licensed registered nurse (RN) and functions of the licensed practical nurse (LPN) to read as set forth in Annex A.

The proposed rulemaking has two purposes. First, the proposal would require that nurses when accepting medical orders exercise responsibility to assure the correctness of the order and employ standard procedures to document the order. Second, the proposal would implement the Board's review of certain regulations in conformance with Executive Order 1996-1, which directs State agencies to eliminate unnecessary or burdensome regulations.

With respect to medical orders, the Board proposes to revise § 21.11 (relating to general functions) pertaining to registered nurses (RNs) and § 21.145 (relating to functions of the LPN) pertaining to licensed practical nurses (LPNs) to establish a single practice standard. The proposal was generated by a request from the Pennsylvania Health Care Association which suggested that the Board consider removing language in § 21.145 which prohibits an LPN from accepting an oral order except in urgent circumstances.

Although concurring in the need for regulatory relief with regard to the language of § 21.145, the Board also believes that safe nursing practice would benefit from standards and guidelines for both the RN and the LPN. The proposal would amend § 21.11 by inserting a new subsection (a)(8) governing the acceptance of orders and would revise § 21.145. The scope of practice of nursing includes the execution of medical regimens as prescribed by a licensed physician or dentist. In doing so, the nurse accepts an order from a physician in written or oral form. In accepting an order, nurses have the responsibility to question an order where circumstances indicate the order is either unclear or contraindicated for the patient. The Board proposes to add this professional standard in its regulations. Further, the Board proposes to establish uniform procedures for the acceptance of an oral order by either the RN or the LPN. A cross reference to the LPN would be made to § 21.14 (relating to administration of drugs) with regard to administration of drugs.

In proposing these changes, the Board recognizes that health care facility regulations of the Department of Health contain similar uniform regulations concerning the acceptance of oral orders. See 28 Pa. Code §§ 107.62 and 201.3. Easing the restrictions on LPNs in this regard is in accordance with the education requirements of an LPN and will improve patient care by increasing communication between the prescribing or ordering practitioner and the nurse.

The Board also proposes additional changes to § 21.11. The Board proposes to add language to subsection (a)(1), (2), (4) and (5) and to add a new subsection (a)(7) to incorporate into the functions of the RN general health care services in addition to nursing care and the RN's participation in multidisciplinary teams of professionals who collaborate to identify health care needs and plan for

the delivery of health care services. The new subsection (a)(8) governs the acceptance of oral and written orders by a registered nurse.

The Board proposes to amend subsection (b) to clarify the Board's intention to make the RN accountable for the delivery of nursing care in a safe manner. Existing subsection (b) makes the RN accountable for the quality of the care delivered. The Board deems this language ambiguous inasmuch as quality may be affected by factors beyond the nurse's control or ability to control. The Board believes that the manner of delivery of care is properly within the professional responsibility of the RN.

Existing subsection (c) was intended to cover circumstances in which the RN practices in a specialized practice. The Board determined that by revising subsection (c) the appropriate standard could be established which could apply to all areas of practice and functions. In so doing, §§ 21.12, 21.13, 21.15 and 21.16 could be deleted since the requisite criteria for performance of a function or practice, preparation skill and knowledge, remain a constant standard, embodied in § 21.11(c). By restructuring the regulations in this fashion, the Board anticipates that it will protect the public from incompetent practice while avoiding the need to increase the volume of regulations. A new subsection (d) would list functions and cross reference to subsection (c).

Technical amendments are proposed to § 21.17 pertaining to the administration of anesthesia to reflect the correct name of the National accrediting body for nurse anesthetists and to include dentists as part of the collaborating team.

Fiscal Impact and Paperwork Requirements

The proposed amendments will have no fiscal impact and will not impose additional paperwork on the private sector, the general public and the Commonwealth and its political subdivisions.

Statutory Authority

The Board has authority to promulgate these proposed amendments under section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)) and section 17.6 of the Practical Nurse Law (63 P. S. § 667.6). These provisions authorize the Board to establish rules and regulations for the administration of the law.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 6, 1997, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairperson of the House Committee on Professional Licensure and to the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Board has provided the Committee and IRRC with a copy of a detailed Regulatory Analysis Form. 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 Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed

amendments to Herbert Abramson, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of these proposed amendments in the *Pennsylvania Bulletin*. Please refer to (16A-514) Nursing Functions, when submitting comments.

M. CHRISTINE ALICHNIE, Ph.D., R.N.
Chairperson

Fiscal Note: 16A-514. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

RESPONSIBILITIES OF THE REGISTERED NURSE

§ 21.11. General functions.

(a) The registered nurse assesses human responses and plans, implements and evaluates nursing care for individuals [or], families or groups for whom the nurse is responsible. In carrying out this responsibility, the nurse performs [all of] the following general functions:

(1) Collects complete and ongoing data to determine nursing and health care needs.

(2) Analyzes the health status of the individuals [and], families and groups and compares the data with the norm when possible in determining nursing care needs and the delivery of health care services.

* * * * *

(4) Carries out nursing care actions which promote, maintain [and], restore or support the well-being of individuals, families or groups across their life span.

(5) Involves individuals [and their], families or groups in their health promotion, maintenance [and] or restoration.

(6) Evaluates the effectiveness of [the quality of] nursing care [provided].

(7) Participates with the multidisciplinary team in identification of health care needs and coordination of health care services. A multidisciplinary team is a team composed of professionals from a variety of disciplines who are consultants in the health management of the individual, family or group for whom the nurse is responsible.

(8) Accepts oral or written orders for medical regimens as prescribed by a licensed physician or dentist.

(i) The registered nurse shall question any order which the registered nurse perceives to be unclear, unsafe or contraindicated for the patient/client. If an order appears to be unclear, unsafe or contraindicated for the patient/client, the registered nurse shall take action in accordance with standards of practice.

(ii) An oral order to execute a medical regimen accepted by the registered nurse shall be immediately transcribed in the proper place on the medical record of the patient/client. The transcription

shall include the prescriber's name, date and time of acceptance of the oral order for a medical regimen and the full signature of the registered nurse accepting the oral order for a medical regimen.

(b) The registered nurse is [fully] responsible for all actions as a licensed nurse and is accountable to patients/clients for the [quality of care delivered] delivery of safe care.

(c) The registered nurse may not engage in [areas] any area of [highly specialized] practice without [adequate knowledge of and skills in the practice areas involved] the necessary preparation, experience and knowledge to properly implement the practice.

(d) [The Board recognizes standards of practice and professional codes of behavior, as developed by appropriate nursing associations as the criteria for assuring safe and effective practice.] The registered nurse performs functions including venipuncture, intravenous fluids, resuscitation and airway maintenance, monitoring and defibrillating and immunizations in accordance with subsection (c).

(e) The Board recognizes standards of practice and professional codes of behavior, as developed by appropriate nursing associations.

§ 21.12. [Venipuncture; intravenous fluids] (Reserved).

[Performing of venipuncture and administering and withdrawing intravenous fluids are functions regulated by this section, and these functions may not be performed unless:

(1) The procedure has been ordered in writing for the patient by a licensed doctor of the healing arts.

(2) The registered nurse who performs venipuncture has had instruction and supervised practice in performing venipuncture.

(3) The registered nurse who administers parenteral fluids, drugs or blood has had instruction and supervised practice in administering parenteral fluids, blood or medications into the vein.

(4) A list of medications which may be administered by the registered nurse is established and maintained by a committee of physicians, pharmacists and nurses from the employing agency or the agency within whose jurisdiction the procedure is being performed if no employing agency is involved.

(5) The intravenous fluid or medication to be administered is the fluid or medication specified in the written order.

(6) The blood is identified as the blood ordered for the patient.

(7) An accurate record is made concerning the following:

- (i) The time in the injection.
- (ii) The medication or fluid injected.
- (iii) The amount of medication or fluid injected.

(iv) Reactions to the fluid.]

§ 21.13. [Resuscitation and respiration] (Reserved).

[External cardiac resuscitation and artificial respiration, mouth-to-mouth, are procedures regulated by this section, and these functions may not be performed unless both of the following provisions are met:

(1) External cardiac resuscitation and artificial respiration, mouth-to-mouth, shall only be performed by a nurse on an individual when respiration or pulse, or both, cease unexpectedly.

(2) A nurse may not perform external cardiac resuscitation and artificial respiration, mouth-to-mouth, unless the nurse has had instruction and supervised practice in performing the procedures.]

§ 21.14. Administration of drugs.

(a) Administering to a patient a drug ordered for that patient by a licensed doctor of the healing arts in the dosage prescribed is a procedure regulated by this section, and the function may not be performed by a person other than a licensed registered nurse[,] and licensed practical nurse except that a licensed registered nurse, responsible for administering a drug, may supervise a nursing student in an approved program and a graduate nurse.

* * * * *

§ 21.15. [Monitoring, defibrillating and resuscitating] (Reserved).

[The use of monitoring, defibrillating or resuscitating equipment, or a combination of the three, hereinafter called "therapy," is a proper function of a registered nurse and is a function regulated by this section; the function may not be performed unless all of the following provisions are met:

(1) The employer, through written policy, has agreed that the registered nurse may administer the therapy.

(2) A committee of licensed physicians and nurses within the employing agency has established written criteria prescribing when the therapy shall be administered by a registered nurse either in the presence or absence of the attending physician.

(3) The techniques for administering the therapy have been established by a committee of licensed physicians and registered nurses within the employing agency.

(4) The registered nurse has had instruction and supervised practice in administering the therapy.

(5) The registered nurse has demonstrated competency in administering the therapy to the satisfaction of the employer.

(6) The registered nurse shall have employed the prescribed techniques in administering the therapy in accordance with the established criteria.]

§ 21.16. [Immunizations] (Reserved).

[(a) Immunization and skin testing is a proper function of a registered nurse and is a function regulated by this section, and the function may not be performed unless all of the following conditions are met:

(1) A written order has been issued by a licensed physician. The order may be a standing order applicable to individuals or groups.

(2) The policies and procedures under which the registered nurse may administer immunizing agents and do skin testing have been established by a committee representing the nurses, the physicians, and the administration of the agency or institution. These written policies and procedures shall be available to the nurse. The committee shall also perform the following functions:

(i) Identify the immunizing and skin testing agents which the nurse may administer.

(ii) Determine contraindications for the administration of specific immunizing and skin testing agents.

(iii) Outline medical principles governing the treatment of possible anaphylactic reactions.

(iv) Establish instruction and supervised practice required to insure competency in administering immunizing and skin testing agents.

(b) Following skin testing, the size of the induration or its absence may be observed and recorded by the properly instructed registered nurse.]

§ 21.17. Anesthesia.

The administration of anesthesia is a proper function of a registered nurse and is a function regulated by this section; this function may not be performed unless:

(1) The registered nurse has successfully completed the education program of a school for nurse anesthetists accredited by the Council on Accreditation of [Education Programs of] Nurse Anesthesia Educational Program of the American Association of Nurse Anesthetists.

* * * * *

(b) For purposes of this section, "cooperation" means a process in which the nurse anesthetist and the surgeon or dentist work together with each contributing an area of expertise, at their individual and respective levels of education and training.

FUNCTIONS OF THE LICENSED PRACTICAL NURSE

§ 21.145. Functions of the LPN.

* * * * *

(b) The LPN administers medication and carries out the therapeutic treatment prescribed or ordered for the patient/client. The LPN [shall] may accept [only] oral or written prescriptions or orders [from the responsible practitioner] as directed by the licensed physician or dentist for medication and therapeutic treatment [unless the urgency of the medical circumstances requires immediate medication or therapeutic treatment]. The LPN shall question any order which is not clear, perceived as unsafe or contraindicated for the patient/client. If an order appears to be unclear, unsafe or contraindicated for the patient/client, the LPN shall take action in accordance with standards of practice. The LPN may not accept an oral prescription or order [under this subsection] which is not within the scope of functions permitted by this [subsection] section or which the

LPN does not understand. An oral prescription or order accepted by the LPN [**under this subsection**] shall be immediately transcribed by the LPN in the proper place on the medical record of the patient/**client**. The transcription shall include the [**name of the physician giving the order,**] the **prescriber's name**, date and time of **acceptance** of the oral prescription or order and the full signature of the LPN accepting the oral prescription or order. [**The countersignature of the physician shall be obtained in accordance with applicable regulations of the Department of Health governing the licensed facility.**]

* * * * *

[Pa.B. Doc. No. 97-979. Filed for public inspection June 20, 1997, 9:00 a.m.]

**[49 PA. CODE CH. 21]
Volunteer License**

The State Board of Nursing (Board) proposes to add Chapter 21, Subchapter F (relating to volunteer licenses) to read as set forth in Annex A.

A. Effective Date

The proposed regulations will be effective upon publication of final-form regulations in the *Pennsylvania Bulletin*.

B. Statutory Authority

The Board is required to promulgate regulations governing the volunteer license category by section 5 of the Volunteer Health Services Act (act) (35 P.S. § 449.5) which became effective February 3, 1997. Section 5 of the act mandates regulations governing: (1) qualifications for placing an active license on volunteer status; (2) criteria under which a retired licensee who has allowed a license to become inactive may obtain a volunteer license; and (3) procedures under which a volunteer license holder may return to active status. The Board is authorized to adopt regulations necessary to the administration of its enabling statute under section 2.1(k) of the Professional Nursing Law (63 P.S. § 212.1(k)) and section 17.6 of the Practical Nurse Law (63 P.S. § 667.6).

C. Background and Purpose

The purpose of the proposal is to implement the act. The act is intended to increase the availability of primary health services by establishing a procedure for retired nurses and other health care practitioners to provide professional services as volunteers in approved clinics. Primary health services are defined in the act as including services such as regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing, and health education.

An approved clinic is defined in the act as an organized community-based clinic which offers services to: (1) individuals and families who cannot pay for their care; (2) Medical Assistance clients; or (3) residents of medically underserved or health professionals shortage areas. Examples of these clinics include Federal or State qualified and approved health centers or nonprofit community-based clinics.

The act permits persons who have been issued a license by the State Boards of Medicine, Osteopathic Medicine,

Dentistry, Podiatry, Nursing, Optometry and Chiropractic to practice a component of the healing arts to apply for volunteer status. A volunteer license will be issued to a retired individual who documents to the satisfaction of the Board that the individual will practice without remuneration in approved clinics.

The act exempts holders of a volunteer license from biennial renewal fees.

D. Description of the Regulations

The volunteer license category would be added as Subchapter F. Section 21.601 (relating to purpose and scope) would provide the statutory references to the act, as well as the statutory basis for the volunteer license category. The Board has interpreted the act as permitting a volunteer license holder to practice exclusively in an organized community-based clinic without remuneration.

The criteria for obtaining a volunteer license are set forth in § 21.602 (relating to volunteer license). Under section 3 of the act (35 P.S. § 449.3), an active licensee must possess a current, active, unrestricted license to qualify for a volunteer license. Section 4 of the act permits a licensee to apply who retired with a license in good standing. The Board has interpreted this qualification to mean a license which at the time of the application is not subject to an outstanding disciplinary action such as revocation or suspension. Both active licensees and retired licensees with inactive licenses may receive a volunteer license in order to practice as a volunteer without remuneration in an approved clinic. Currently licensed nurses qualify for a volunteer license so long as their license is unrestricted, that is, not subject to or limited by a disciplinary order of the Board. Retired nurses must have retired with an unrestricted license. In addition, a nurse returning to active practice as a volunteer whose license has been inactive for 5 or more years must satisfy the Board's regulations regarding continued competency in § 21.30a and § 21.156a (relating to continued competency). The act's definition of an "approved" clinic is included in subsection (c).

Procedures to apply for a volunteer license are set forth in § 21.603 (relating to application). Applicants would be requested to provide basic license information. In addition, the applicant would be requested to execute a verification that the applicant intends to practice exclusively within the scope of a volunteer license. Also, in order to provide proper enforcement of the limitation of the act, applicants will be required to file with the Board a letter of agreement from the clinic that the applicant will work in the clinic. Section 21.604 (relating to validity of license) would make this notification a continuing obligation during the biennial period of the license.

Biennial renewal of the volunteer license would be provided for under § 21.605 (relating to biennial renewal). Under the act, volunteer licenses may be renewed without paying the biennial renewal fee; therefore, § 21.605 cross references §§ 21.5, 21.147 and 21.253 (relating to fees).

Section 21.606 (relating to return to active practice) provides for return to active, remunerative practice by a volunteer by applying to the Board.

Section 21.607 (relating to disciplinary provisions) notifies the volunteer license holder that he continues to be subject to the disciplinary provisions of the Professional Nursing Law (63 P.S. §§ 211—225) and the Practical Nurse Law (63 P.S. §§ 651—667). In addition, § 21.607

proposes that a violation of the act or the regulations adopted thereunder may constitute independent grounds for discipline.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1, in drafting and promulgating the proposed regulations the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professionals and to nonprofit organizations who represent qualified providers of volunteer services.

F. Fiscal Impact and Paperwork Requirements

1. *Commonwealth*—The proposed regulations will create a new license for which no fee will be charged. As such, the expenses of the program will be borne as a part of the Board's overall operating expenses which are financed through biennial renewals of active licensees. Therefore, the administration and enforcement of a new license category may have a fiscal impact on overall Board costs. The net effect, however, is estimated to be minimal owing to the relatively small number of licensee population who will seek a volunteer license compared with the number of active licensees. Additional paperwork will be incurred by the Board and the private sector to generate and file application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—The proposed regulations will have a positive fiscal impact on individual licensees who restrict their professional activities to volunteer work since these individuals are exempt from maintaining professional liability insurance required under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) and the biennial renewal fee for licensure. The proposed regulations should impose no additional fiscal or paperwork requirements.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 6, 1997, the Board submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed regulations, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Herbert Abramson, Board Counsel, State

Board of Nursing, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-517 (Volunteer License), when submitting comments.

CHRISTINE ALICHNIE, Ph.D., R.N.
Chairperson

Fiscal Note: 16A-517. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter F. VOLUNTEER LICENSES

Sec.	
21.601.	Purpose and scope.
21.602.	Volunteer license.
21.603.	Applications.
21.604.	Validity of license.
21.605.	Biennial renewal.
21.606.	Return to active practice.
21.607.	Disciplinary provisions.

§ 21.601. Purpose and scope.

This subchapter implements the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) and provides for the issuance of a volunteer license to a qualified registered nurse, a certified registered nurse practitioner and a licensed practical nurse who retires from active practice and seeks to provide professional services as a volunteer. A volunteer license authorizes the holder to practice only in an organized community-based clinic and without remuneration.

§ 21.602. Volunteer license.

A volunteer license may be issued to a licensee of the Board who meets one of the following conditions:

(1) Holds a currently renewed, active, unrestricted license as a registered nurse, a certified registered nurse practitioner or a licensed practical nurse in this Commonwealth and retires from active practice at the time the applicant applies for a volunteer license.

(2) Retires from the active practice of nursing in this Commonwealth in possession of an unrestricted license which was allowed to lapse by not renewing it. A registered nurse whose license had lapsed or had been placed on inactive status shall comply with § 21.30a or § 21.156a (relating to continued competency). As used in this section, an "unrestricted license" is a license which is not restricted or limited by order of the Board under its disciplinary power.

(3) Documents to the satisfaction of the Board that the applicant will practice without personal remuneration in approved clinics. As used in this section, an "approved clinic" is an organized community-based clinic offering primary health care services to individuals and families who cannot pay for their care, to Medical Assistance clients, or to residents of medically underserved areas or health professionals shortage areas. The term may include a State health center, nonprofit community-based clinic and Federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

§ 21.603. Applications.

An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice nursing exclusively:

(i) Without personal remuneration for professional services.

(ii) In an organized community-based clinic offering primary health care services to one or more of the following:

(A) Individuals and families who cannot pay for their care.

(B) Medical Assistance clients.

(C) Residents of medically underserved areas or health professional shortage areas.

(2) A letter signed by the director or chief operating officer of the community-based clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

§ 21.604. Validity of license.

A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the licensee shall notify the Board of any change in clinic or volunteer status within 30 days of the date of a change, or at the time of renewal, whichever occurs first.

§ 21.605. Biennial renewal.

A volunteer license shall be renewed biennially on forms provided by the Board. The applicant shall be exempt from payment of the biennial renewal fee of § 21.5, § 21.147 or § 21.253 (relating to fees), as applicable.

§ 21.606. Return to active practice.

A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board.

§ 21.607. Disciplinary provisions.

A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) or this subchapter may also constitute grounds for disciplinary action.

[Pa.B. Doc. No. 97-980. Filed for public inspection June 20, 1997, 9:00 a.m.]

STATE BOARD OF OPTOMETRY

[49 PA. CODE CH. 23]
Volunteer License

The State Board of Optometry (Board) proposes to add § 23.26 (relating to volunteer license) to read as set forth in Annex A.

A. Effective Date

The proposed regulation will be effective upon publication of final-form regulations in the *Pennsylvania Bulletin*.

B. Statutory Authority

The Board is required to promulgate regulations governing the volunteer license category by section 5 of the Volunteer Health Services Act (act) (35 P. S. § 449.5) which became effective February 3, 1997. Section 5 of the act mandates regulations governing: (1) qualifications for placing an active license on volunteer status; (2) criteria under which a retired licensee who has allowed a license to become inactive may obtain a volunteer license; and (3) procedures under which a volunteer license holder may return to active status. The Board is authorized to adopt regulations necessary to the administration of its enabling statute under section 3(b)(14) of the Optometric Practice and Licensure Act (63 P. S. § 244.3(b)(14)).

C. Background and Purpose

The purpose of the proposal is to implement the act. The act is intended to increase the availability of primary health services by establishing a procedure for retired physicians and other health care practitioners to provide professional services as volunteers in approved clinics. Primary health services are defined in the act as including services such as regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing, and health education.

An approved clinic is defined in the act as an organized community-based clinic which offers services to: (1) individuals and families who cannot pay for their care; (2) Medical Assistance clients; or (3) residents of medically underserved or health professionals shortage areas. Examples of these clinics include Federal or State qualified and approved health centers or nonprofit community based clinics.

The act permits persons who have been issued a license by the State Boards of Medicine, Osteopathic Medicine, Dentistry, Podiatry, Nursing, Optometry and Chiropractic to practice a component of the healing arts to apply for volunteer status. A volunteer license will be issued to a retired individual who documents to the satisfaction of the Board that he will practice without remuneration in approved clinics.

The act exempts holders of a volunteer license from biennial renewal fees. However, volunteer licenses will be subject to biennial renewal conditioned upon completion of any continuing education which the Board requires for biennial renewal generally.

D. Description of Amendments

The volunteer license category would be added to § 23.26. Section 23.26(a) would provide the statutory references to the act, as well as the statutory basis for the volunteer license category. The Board has interpreted the act as permitting a volunteer license holder to practice exclusively in an organized community-based clinic without remuneration.

The criteria for obtaining a volunteer license are set forth in § 23.26(b). Both active licensees and retired optometrists with inactive licenses may receive a volunteer license in order to practice as a volunteer without remuneration in an approved clinic. The act's definition of an "approved clinic" is included in subsection (b)(3). In addition to the criteria, under section 3 of the act (35 P. S.

§ 449.3), an active licensee must possess a current, active, unrestricted license in order to qualify for a volunteer license. Section 4 of the act (35 P. S. § 449.4) permits a licensee to apply who retired with a license in good standing. The Board has interpreted this qualification to mean a license which at the time of the application is not subject to an outstanding disciplinary action such as revocation or suspension.

Procedures to apply for a volunteer license are set forth in § 23.26(c). Applicants would be requested to provide basic license information. In addition, the applicant would be requested to execute a verification that the applicant intends to practice exclusively within the scope of a volunteer license. Also, in order to provide proper enforcement of the limitation of the act, applicants will be required to file with the Board a letter of agreement from the clinic that the applicant will work in the clinic. Section 23.26(d) would make this notification a continuing obligation during the biennial period of the license.

Biennial renewal of the volunteer license would be provided for under § 23.26(e). Subsection (e) references continuing education requirements which must be met and § 23.91 (relating to fees) pertaining to the renewal fee from which a volunteer license is exempt under the act.

Section 23.26(f) provides for return to active, remunerative practice by a volunteer by applying to the Board and meeting the general reactivation requirements.

Section 23.26(g) notifies the volunteer license holder that he continues to be subject to the disciplinary provisions of the Optometric Practice and Licensure Act (63 P. S. §§ 244.1—244.12). In addition, § 23.26(g) proposes that a violation of the act or the regulations adopted thereunder may constitute independent grounds for discipline.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1, in drafting and promulgating the proposed regulation the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professionals and to nonprofit organizations who represent qualified providers of volunteer services.

F. Fiscal Impact and Paperwork Requirements

1. *Commonwealth*—The proposed regulation will create a new license for which no fee will be charged. As such, the expenses of the program will be borne as a part of the Board's overall operating expenses which are financed through biennial renewals of active licensees and may have a fiscal impact on overall Board costs. The net effect, however, is estimated to be minimal owing to the relatively small number of licensee population who will seek a volunteer license. Additional paperwork will be incurred by the Board and the private sector to generate and file application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—The proposed regulation will have a positive fiscal impact on individual licensees who restrict their professional activities to volunteer work since these individuals are exempt from maintaining professional liability insurance required under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) and the biennial renewal fee for licensure. The proposed regulation should impose no additional fiscal or paperwork requirements.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 6, 1997, the Board submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairperson of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed regulation, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to April L. McClaine, Board Counsel, State Board of Optometry, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-526 (Volunteer License), when submitting comments.

ROBERT A. GINSBURG, O.D.,
Chairperson

Fiscal Note: 16A-526. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 23. STATE BOARD OF OPTOMETRY

§ 23.26. Volunteer license.

(a) *Purpose and scope.* The following subsections implement the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) and provide for the issuance of a volunteer license to a qualified individual who retires from active practice and seeks to provide professional services as a volunteer. A volunteer license authorizes the holder to practice only in an organized community-based clinic and without remuneration.

(b) *License.* A volunteer license may be issued to a licensee of the Board who meets one of the following conditions:

(1) Holds a currently renewed, active, unrestricted license as an optometrist in this Commonwealth and retires from active practice at the time the applicant applies for a volunteer license.

(2) Retires from the active practice of optometry in this Commonwealth in possession of an unrestricted license which was allowed to lapse by not renewing it. A retired

licensee shall meet the requirements of the act or the regulations pertaining to continued education or continued competency to be eligible for renewal. As used in this section, an "unrestricted license" is a license which is not restricted or limited by order of the Board under its disciplinary power.

(3) Documents to the satisfaction of the Board that the applicant will practice without personal remuneration in approved clinics. As used in this section, an "approved clinic" is an organized community-based clinic offering primary health care services to individuals and families who cannot pay for their care, to Medical Assistance clients or to residents of medically underserved areas or health professionals shortage areas. The term may include a State health center, nonprofit community-based clinic and Federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice optometry exclusively:

(i) Without personal remuneration for professional services.

(ii) In an organized community-based clinic offering primary health care services to one or more of the following:

(A) Individuals and families who cannot pay for their care.

(B) Medical Assistance clients.

(C) Residents of medically underserved areas or health professional shortage areas.

(2) A letter signed by the director or chief operating officer of the community-based clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(d) *Validity of license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the licensee shall notify the Board of any change in clinic or volunteer status within 30 days of the date of a change, or at the time of renewal, whichever occurs first.

(e) *Biennial renewal.* A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as the holder of an active, unrestricted license.

(2) The applicant shall be exempt from payment of the biennial renewal fee of \$ 23.91 (relating to fees).

(f) *Return to active practice.* A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board.

(g) *Disciplinary provisions.* A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) or this section may also constitute grounds for disciplinary action.

[Pa.B. Doc. No. 97-981. Filed for public inspection June 20, 1997, 9:00 a.m.]

STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

Volunteer License

The State Board of Osteopathic Medicine (Board) proposes to amend Chapter 25, by adding Subchapter L (relating to volunteer license) to read as set forth in Annex A.

A. *Effective Date*

The proposed regulations will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

The Board is required to promulgate regulations governing the volunteer license category under section 5 of the Volunteer Health Services Act (act) (35 P. S. § 449.5) which became effective February 3, 1997. Section 5 of the act mandates regulations governing: (1) qualifications for placing an active license on volunteer status; (2) criteria under which a retired licensee who has allowed a license to become inactive may obtain a volunteer license; and (3) procedures under which a volunteer license holder may return to active status. The Board is authorized to adopt regulations necessary to the administration of its enabling statute under section 16 of the Osteopathic Medical Practice Act (63 P. S. § 271.16).

C. *Background and Purpose*

The purpose of the proposal is to implement the act. The act is intended to increase the availability of primary health services by establishing a procedure for physicians and other health care practitioners who have retired from active practice to provide professional services as volunteers in approved clinics. Primary health services are defined in the act as including services such as regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing, and health education.

An approved clinic is defined in the act as an organized community-based clinic which offers services to: (1) individuals and families who cannot pay for their care; (2) Medical Assistance clients; or (3) residents of medically underserved or health professionals shortage areas. Examples of these clinics include Federal or State qualified and approved health centers or nonprofit community based clinics.

The act permits persons who have been issued a license by the State Board of Medicine, Osteopathic Medicine, Dentistry, Podiatry, Nursing, Optometry and Chiropractic to practice a component of the healing arts to apply for volunteer status. A volunteer license will be issued to a

retired individual who documents to the satisfaction of the Board that the individual will practice without remuneration in approved clinics.

The act exempts holders of a volunteer license from biennial renewal fees and professional liability coverage mandated by the Health Care Services Malpractice Act (40 P. S. § 1301.701). However, volunteer licenses will be subject to biennial renewal conditioned upon completion of any continuing education which the Board requires for biennial renewal generally.

D. Description of the Proposed Regulations

The volunteer license category would be added in § 25.601 (relating to purpose and scope). Section 25.601 would provide the statutory references to the act, as well as the statutory basis for the volunteer license category. The Board has interpreted the act as permitting a volunteer license holder to practice exclusively in an organized community-based clinic without remuneration.

Under section 3 of the act (35 P. S. § 449.43), an active licensee must possess a current, active, unrestricted license to qualify for a volunteer license. Section 4 of the act (35 P. S. § 449.44) permits a licensee to apply who retired with a license in good standing. The Board has interpreted this qualification to mean a license which at the time of the application is not subject to an outstanding disciplinary action such as revocation or suspension. Accordingly, the Board uses the term unrestricted license as a qualification for the issuance of a volunteer license in subsection (d). The criteria for obtaining a volunteer license are set forth in § 25.602. Both active licensees and retired licensees with inactive licenses may receive a volunteer license in order to practice as a volunteer without remuneration in an approved clinic. The act's definition of an "approved" clinic is included in subsection (c).

Procedures to apply for a volunteer license are set forth in proposed § 25.603 (relating to applications). Applicants would be requested to provide basic license information. In addition, the applicant would be requested to execute a verification that the applicant intends to practice exclusively within the scope of a volunteer license. Also, in order to provide proper enforcement of the limitation of the act, applicants will be required to file with the Board a letter of agreement from the clinic that the applicant will work in the clinic. Section 25.604 (relating to validity of license) would make this notification a continuing obligation during the biennial period of the license.

Biennial renewal of the volunteer license would be provided for under § 25.605 (relating to biennial renewal). Subsections (a) and (b) would cross reference § 25.271 (relating to requirements for renewal) pertaining to continuing education requirements which must be met and § 25.231 (relating to schedule of fees) pertaining to the renewal fee from which a volunteer license is exempt under the act.

Section 25.606 (relating to return to active practice act) provides for return to active, remunerative practice by a volunteer by applying to the Board and meeting the general reactivation requirements.

Section 25.607 (relating to disciplinary provisions) notifies the volunteer license holder that he continues to be subject to the disciplinary provisions of the Osteopathic

Medical Practice Act (63 P. S. §§ 271.1—271.18). In addition, § 25.607 proposes that a violation of the act or the regulations adopted thereunder may constitute independent grounds for discipline.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1, in drafting and promulgating the proposed regulations the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professionals and to nonprofit organizations who represent qualified providers of volunteer services.

F. Fiscal Impact and Paperwork Requirements

1. *Commonwealth*—The proposed regulations will create a new license for which no fee will be charged. As such, the expenses of the program will be borne as a part of the Board's overall operating expenses which are financed through biennial renewals of active licensees. Therefore, the administration and enforcement of a new license category may have a fiscal impact on overall Board costs. The net effect, however, is estimated to be minimal owing to the relatively small number of licensee population who will seek a volunteer license compared with the number of active licensees. Additional paperwork will be incurred by the Board and the private sector to generate and file application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—The proposed regulations will have a positive fiscal impact on individual licensees who restrict their professional activities to volunteer work since these individuals are exempt from maintaining professional liability insurance required under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) and the biennial renewal fee for licensure. The proposed regulations should impose no additional fiscal or paperwork requirements.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 6, 1997, the Board submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed regulations, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed

regulations to Herbert Abramson, Board Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-537 (Volunteer License), when submitting comments.

SILVIA M. FERRETTI, D.O.,
Chairperson

Fiscal Note: 16A-537. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter L. VOLUNTEER LICENSE

Sec.	
25.601.	Purpose and scope.
25.602.	Volunteer license.
25.603.	Applications.
25.604.	Validity of license.
25.605.	Biennial renewal.
25.606.	Return to active practice.
25.607.	Disciplinary provisions.

§ 25.601. Purpose and scope.

This subchapter implements the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) and provides for the issuance of a volunteer license to a qualified Board-regulated practitioner as defined in section 2 of the act (63 P. S. § 271.2), who retires from active practice and seeks to provide professional services as a volunteer. A volunteer license authorizes the holder to practice only in an organized community-based clinic and without remuneration.

§ 25.602. Volunteer license.

A volunteer license may be issued to a Board-regulated practitioner who meets one of the following conditions:

(1) Holds a currently renewed, active, unrestricted license, registration or certificate in this Commonwealth and retires from active practice at the time the applicant applies for a volunteer license.

(2) Retires from the active practice in this Commonwealth in possession of an unrestricted license which was allowed to lapse by not renewing it. A retired licensee, registrant or certificateholder shall meet any requirements of the act or the regulations pertaining to continued education or continued competency to be eligible for renewal. As used in this section, an “unrestricted license, certification or registration” is a license which is not restricted or limited by order of the Board under its disciplinary power.

(3) Documents to the satisfaction of the Board that the applicant will practice without personal remuneration in approved clinics. As used in this section, an “approved clinic” is an organized community-based clinic offering primary health care services to individuals and families who cannot pay for their care, to Medical Assistance

clients, or to residents of medically underserved areas or health professionals shortage areas. The term may include a State health center, nonprofit community-based clinic and Federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

§ 25.603. Applications.

An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice exclusively:

(i) Without personal remuneration for professional services.

(ii) In an organized community-based clinic offering primary health care services to one or more of the following:

(A) Individuals and families who cannot pay for their care

(B) Medical assistance clients

(C) Residents of medically underserved areas or health professional shortage areas.

(2) A letter signed by the director or chief operating officer of the community-based clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

§ 25.604. Validity of license.

A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of a change, or at the time of renewal, whichever occurs first.

§ 25.605. Biennial renewal.

A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as the holder of an active, unrestricted license under § 25.271 (relating to requirements for renewal).

(2) The applicant shall be exempt from § 25.231 (relating to schedule of fees) pertaining to the biennial renewal fee and shall be exempt from § 25.283 (relating to biennial renewal of license) with regard to the maintenance of liability insurance coverage under section 701 of the Health Care Services Malpractice Act (40 P. S. § 1301-701).

§ 25.606. Return to active practice.

A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board.

§ 25.607. Disciplinary provisions.

A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health

Services Act (35 P. S. §§ 449.41—449.50) or this subchapter may also constitute grounds for disciplinary action.

[Pa.B. Doc. No. 97-982. Filed for public inspection June 20, 1997, 9:00 a.m.]

STATE BOARD OF PODIATRY

[49 PA. CODE CH. 29] Volunteer License

The State Board of Podiatry (Board) proposes to add § 29.55 (relating to volunteer license) to read as set forth in Annex A.

A. Effective Date

The proposed regulation will be effective upon publication of final-form regulation in the *Pennsylvania Bulletin*.

B. Statutory Authority

The Board is required to promulgate regulations governing the volunteer license category by section 5 of the Volunteer Health Services Act (act) (35 P. S. § 449.5) which became effective February 3, 1997. Section 5 of the act mandates regulations governing: (1) qualifications for placing an active license on volunteer status; (2) criteria under which a retired licensee who has allowed a license to become inactive may obtain a volunteer license; and (3) procedures under which a volunteer license holder may return to active status. The Board is authorized to adopt regulations necessary to the administration of its enabling statute under section 15 of the Podiatry Practice Act (63 P. S. § 42.15).

C. Background and Purpose

The purpose of the proposal is to implement the act. The act is intended to increase the availability of primary health services by establishing a procedure for podiatrists and other health care practitioners who have retired from active practice to provide professional services as volunteers in approved clinics. Primary health services are defined in the act as including services such as regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing, and health education.

An approved clinic is defined in the act as an organized community-based clinic which offers services to: (1) individuals and families who cannot pay for their care; (2) Medical Assistance clients; or (3) residents of medically underserved or health professionals shortage areas. Examples of these clinics include Federal or State qualified and approved health centers or nonprofit community based clinics.

The act permits persons who have been issued a license by the State Boards of Medicine, Osteopathic Medicine, Dentistry, Podiatry, Nursing, Optometry and Chiropractic to practice a component of the healing arts to apply for volunteer status. A volunteer license will be issued to a retired individual who documents to the satisfaction of the Board that the individual will practice without remuneration in approved clinics.

The act exempts holders of a volunteer license from biennial renewal fees and professional liability coverage mandated by section 701 of the Health Care Services Malpractice Act (40 P. S. § 1301.701). However, volunteer licenses will be subject to biennial renewal conditioned upon completion of any continuing education which the Board requires for biennial renewal generally.

D. Description of Amendments

The volunteer license category would be added to § 29.55. Section 29.55 would provide the statutory references to the act, as well as the statutory basis for the volunteer license category. The Board has interpreted the act as permitting a volunteer license holder to practice exclusively in an organized community based clinic without remuneration.

Under section 3 of the act (35 P. S. § 449.3), an active licensee must possess a current, active, unrestricted license to qualify for a volunteer license. Section 4 of the act permits a licensee to apply who retired with a license in good standing. The Board has interpreted this qualification to mean a license which at the time of the application is not subject to an outstanding disciplinary action such as revocation or suspension. Accordingly, the Board uses the term "unrestricted license" as a qualification for the issuance of a volunteer license in subsection (b). The criteria for obtaining a license are set forth in new § 29.55(b)(1). Both active licensees and retired podiatrists with inactive licenses may receive a volunteer license in order to practice as a volunteer without remuneration in an approved clinic. The act definition of an "approved clinic" is included in subsection (b)(3).

Procedures to apply for a volunteer license are set forth at proposed § 29.55(c). Applicants would be requested to provide basic license information. In addition, the applicant would be requested to execute a verification that the applicant intends to practice exclusively within the scope of a volunteer license. Also, to provide proper enforcement of the limitation of the act, applicants will be required to file with the Board a letter of agreement from the clinic that the applicant will work in the clinic. Section 29.55(d) would make this notification a continuing obligation during the biennial period of the license.

Biennial renewal of the volunteer license would be provided for in § 29.55(e). This subsection cross references § 29.13 (relating to fees) pertaining to the renewal fee from which a volunteer license is exempt under the act.

Section 29.55(f) provides for return to active, remunerative practice by a volunteer by applying to the Board and meeting the general reactivation requirements.

Section 29.55(g) notifies the volunteer license holder that he continues to be subject to the disciplinary provisions of the Podiatry Practice Act of 1956 (63 P. S. §§ 42.1—42.21a). In addition, § 29.55(g) proposes that a violation of the act or the regulations adopted thereunder may constitute independent grounds for discipline.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1, in drafting and promulgating the regulation the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professionals and to nonprofit organizations who represent qualified providers of volunteer services.

F. Fiscal Impact and Paperwork Requirements

1. *Commonwealth*—The proposed regulation will create a new license for which no fee will be charged. As such, the expenses of the program will be borne as a part of the Board's overall operating expenses which are financed through biennial renewals of active licensees. Therefore, the administration and enforcement of a new license category may have a fiscal impact on overall Board costs. The net effect, however, is estimated to be minimal owing to the relatively small number of licensee population who will seek a volunteer license compared with the number of active licensees. Additional paperwork will be incurred by the Board and the private sector to complete and file application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—The proposed regulation will have a positive fiscal impact on individual licensees who restrict their professional activities to volunteer work since these individuals are exempt from maintaining professional liability insurance required under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) and the biennial renewal fee for licensure. The regulation should impose no additional fiscal or paperwork requirements.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 6, 1997, the Board submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed regulation, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to Beth Sender Michlovitz, Board Counsel, State Board of Podiatry, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-443 (Volunteer License), when submitting comments.

STANLEY E. BOC, D.P.M.,
Chairperson

Fiscal Note: 16A-443. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 29. STATE BOARD OF PODIATRY LICENSURE APPLICATIONS

§ 29.55. Volunteer license.

(a) *Purpose and scope.* The following subsections implement the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) and provide for the issuance of a volunteer license to a qualified individual who retires from active practice and seeks to provide professional services as a volunteer. A volunteer license authorizes the holder to practice only in an organized community-based clinic and without remuneration.

(b) *Issuance of license.* A volunteer license may be issued to a licensee of the Board who meets one of the following conditions:

(1) Holds a currently renewed, active, unrestricted license as a podiatrist in this Commonwealth and retires from active practice at the time the applicant applies for a volunteer license.

(2) Retires from active practice in this Commonwealth in possession of an unrestricted license which was allowed to lapse by not renewing it. A retired licensee shall meet any requirements of the act or the regulations pertaining to continued education or continued competency to be eligible for renewal. As used in this section, an "unrestricted license" is a license which is not restricted or limited by order of the Board under its disciplinary power.

(3) Documents to the satisfaction of the Board that the applicant will practice without personal remuneration in approved clinics. As used in this section, an "approved clinic" is an organized community-based clinic offering primary health care services to individuals and families who cannot pay for their care, to Medical Assistance clients or to residents of medically underserved areas or health professionals shortage areas. The term may include a State health center, nonprofit community-based clinic and Federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice nursing exclusively as follows:

(i) Without personal remuneration for professional services.

(ii) In an organized community-based clinic offering primary health care services to one or more of the following:

(A) Individuals and families who cannot pay for their care.

(B) Medical Assistance clients.

(C) Residents of medically underserved areas or health professional shortage areas.

(2) A letter signed by the director or chief operating officer of the community-based clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(d) *Validity of a license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of a change, or at the time of renewal, whichever occurs first.

(e) *Renewal of license.* A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as the holder of an active, unrestricted license.

(2) The applicant shall be exempt from § 29.13 (relating to fees) pertaining to the biennial renewal fee and

shall be exempt from the requirements with regard to maintenance of liability insurance coverage under section 701 of the Health Care Services Malpractice Act (40 P. S. § 1301-701) and §§ 29.51—29.54.

(f) *Return to active practice.* A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board in accordance with §§ 29.51 and 29.52 (relating to applicants; and requirements for applicants).

(g) *Disciplinary provisions.* A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) or this chapter may also constitute grounds for disciplinary action.

[Pa.B. Doc. No. 97-983. Filed for public inspection June 20, 1997, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearings

The Delaware River Basin Commission will hold a public hearing on Wednesday, June 25, 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 10:30 a.m. at the same location and will include a presentation on New Jersey's statewide watershed management implementation strategy, a Natural Resources Conservation Service presentation on Basinwide digitization of soils data, and a status report on the Commission's GIS program.

In addition to the subjects listed which are scheduled for public hearing at the business meeting, the Commission will also address the following: Minutes of the May 28, 1997 business meeting; announcements; General Counsel's report; report on Basin hydrologic conditions; a resolution concerning FY '97 budget adjustments; a resolution providing for the election of the Commission offices of Chair, Vice Chair and Second Vice Chair and public dialogue.

The subjects of the hearing will be as follows:

Current Expense and Capital Budgets. A proposed current expense budget for the fiscal year beginning July 1, 1997, in the aggregate amount of \$3,445,500 and a capital budget reflecting revenues of \$2,187,500 and expenditures of \$2,074,500. Copies of the current expense and capital budgets are available from the Commission on request by contacting Richard C. Gore. This hearing was deferred at the January 22, 1997 business meeting.

Applications for Approval of the Following Projects under Article 10.3, Article 11 and/or Section 3.8 of the Compact.

1. *Chester County Water Resources Authority D-73-87 CP Revision 3.* A project to modify the outlet structure of the applicant's existing Barneston Flood Control Project (Pennsylvania Dam 432) on the East Branch Brandywine Creek in Wallace Township, Chester County, PA. The facility is a dry dam serving Chester County providing flood control by reducing the rate of flood water flow in the East Branch Brandywine Creek via a single-stage riser and a concrete conduit. A new conduit will be installed to replace the existing deteriorating riser/conduit outlet, and no change in the dam's functions or operation is proposed. The new conduit will continue to allow the passage of fish.

2. *Fawn Lake Forest Water Company D-81-61 CP RENEWAL 3.* An application for the renewal of a groundwater withdrawal project to supply up to 4.5 million gallons (mg)/30 days of water to the applicant's distribution system from Well Nos. 1, 2, 3, 4 and 5. Commission approval on May 20, 1992 was limited to 5 years. The

applicant requests that the total withdrawal from all wells remain limited to 4.5 mg/30 days. The project is located in Lackawaxen Township, Pike County, PA.

3. *Borough of Allentown D-89-32 CP RENEWAL.* An application for the renewal of a groundwater withdrawal project to supply up to 9 mg/30 days of water to the applicant's distribution system from Well Nos. 1 and 2. Commission approval on June 28, 1989 was limited to 7 years. The applicant requests that the total withdrawal from all wells remain limited to 9 mg/30 days. The project is located in Allentown Borough, Monmouth County, NJ.

4. *Elastimold, Inc. D-95-54.* An application for approval of an increase in groundwater withdrawal to supply up to 5.83 mg/30 days of water to the applicant's industrial facility from existing Well No. 3, and to limit the withdrawal to 5.83 mg/30 days. The project is located in Washington Township, Morris County, NJ.

5. *Jefferson Township Sewer Authority D-97-6 CP.* A project to construct a 410,000 gallons per day (gpd) sewage treatment plant (STP) to serve communities throughout Jefferson Township, Lackawanna County, PA; including Mount Cobb, Moosic Lakes and Lake Spangenberg, and the residential developments of Happy Acres, Belair Acres, Floral Estates, Jefferson Heights and High View Terrace. The STP will provide tertiary treatment prior to discharge to an unnamed tributary of the West Branch Lake Wallenpaupack Creek. The STP will be situated approximately 1,000 feet south of State Route 348 and just east of Mount Cobb in Jefferson Township. An importation of wastewater of approximately 21,000 gpd is projected from the Happy Acres service area which is located in the Susquehanna River Basin.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. 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.

Other Scheduled Hearings

By earlier notice, the Commission announced its schedule of public hearings on proposed amendments to its Ground Water Protected Area Regulations for Southeastern Pennsylvania concerning the establishment of numerical groundwater 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 public hearings are scheduled as follows:

June 24, 1997 beginning at 3 p.m. and continuing until 5 p.m., as long as there are people present wishing to testify. The hearing will resume at 7 p.m. and continue until 9 p.m., as long as there are people present wishing to testify. The hearings will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, NJ.

Copies of the full text of the proposed amendments as well as the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania may be obtained by contacting Susan M. Weisman, Commission Secretary, at (609) 883-9500 ext. 203.

Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should be submitted to the Secretary at the

Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 97-984. Filed for public inspection June 20, 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 June 10, 1997.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-5-97	American Bank of the Lehigh Valley Allentown Lehigh County	4029 W. Tilghman St. Allentown Lehigh County	Commenced Operations

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-4-97	Allied Irish Banks, P.L.C. Dublin, Ireland, and First Maryland Bancorp, Baltimore, Maryland, to acquire 100% of the voting shares of Dauphin Deposit Corporation, Harrisburg, Pennsylvania	Dublin, Ireland and Baltimore, MD	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-5-97	Union Bank and Trust Company Pottsville Schuylkill County	Weis Supermarket Rte. 61 and St. Clair Ave. Pottsville Schuylkill County	Approved
6-5-97	Northwest Savings Bank Warren Warren County	1 Center Square Hanover York County	Opened
6-10-97	USBANCORP Trust Company Johnstown Cambria County	Oakley Park II Route 30 East Greensburg Westmoreland County	Approved
6-10-97	USBANCORP Trust Company Johnstown Cambria County	110 Regent Court Suite 104 State College Centre County	Approved
6-10-97	The Madison Bank Blue Bell Montgomery County	8000 Verree Road Philadelphia Philadelphia	Filed
6-10-97	Ambassador Bank of the Commonwealth Allentown Lehigh County	1605 West Broad Street Bethlehem Lehigh County	Filed
6-10-97	The Glenmede Trust Company Philadelphia Philadelphia County	25825 Science Park Dr. Suite 385 Beachwood Cuyahoga County, Ohio	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-5-97	Minersville Safe Deposit Bank and Trust Company Minersville Schuylkill County	<i>To:</i> 400 Sunbury Street Minersville Schuylkill County <i>From:</i> 129 Sunbury Street Minersville Schuylkill County	Approved
6-6-97	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	<i>To:</i> 729 Locust Street West Cornwall Twp. Lebanon County <i>From:</i> 36 Burd Coleman Road Cornwall Lebanon County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-97	S & T Bank Indiana Indiana County	<i>To:</i> 35 W. Scribner Ave. DuBois Clearfield County <i>From:</i> 14 W. Long Avenue DuBois Clearfield County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-6-97	Mid-State Bank and Trust Company Altoona Blair County	1935 Daisy Street Clearfield Clearfield	Effective
6-5-97	Financial Trust Company Carlisle Cumberland County	805 West Lisburn Rd. Mechanicsburg Cumberland County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-5-97	The Fidelity Deposit & Discount Bank Dunmore Lackawanna County	To provide for a two for one stock split to increase the authorized capital stock <i>from</i> 500,000 shares of \$3.125 par value per share; <i>to</i> 1,000,000 shares of \$1.5625 par value per share.	Approved and Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-4-97	Philadelphia Telco Credit Union Trevose Bucks County	291 E. Swedesford Rd. Wayne Tredyfrin Township Chester County	Approved

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-985. Filed for public inspection June 20, 1997. 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July

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

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

vidual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 7.00 to which was added 2.50 percentage points for a total of 9.50 that by law is rounded off to the nearest quarter at 9 1/2%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-986. Filed for public inspection June 20, 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 (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

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

PA 0054593. Sewage. **Robin Sedivy**, 167 Concord Meeting Road, Glen Mills, PA 19342.

This application is for renewal of an NPDES permit to discharge treated sewage from single residence sewage treatment plant in Concord Township, **Delaware County**. This is an existing discharge to an unnamed tributary to West Branch of Chester Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	monitor and report	monitor and report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0026859. Sewage. **City of Coatesville Authority**, 114 East Lincoln Highway, Coatesville, PA 19320.

This application is for amendment of an NPDES permit to discharge treated sewage from the City of Coatesville's sewage treatment plant in the City of Coatesville, **Chester County**. This is an existing discharge to West Brandywine Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 3.85 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	38	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	4.0		8.0
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine			
(PID* to 8/1/99)	0.7		2.3
(8/2/99 to Expiration)	0.2		0.7

*Permit Issuance Date

PA 0057151. Sewage. **William L. Stoneback**, 1414 Newman Road, Pennsburg, PA 18073.

This application is for issuance of an NPDES permit to discharge treated sewage from the William L. Stoneback residence in Upper Hanover Township, **Montgomery County**. This is a new discharge to UNT to the Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

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

The EPA waiver is in effect.

PA 0011568. Industrial waste. **Lukens Steel Company**, 50 South First Avenue, Coatesville, PA 19320.

This application is for revocation and reissuance of an NPDES permit to discharge treated process wastewater from stormwater from Lukens Steel facility located in the City of Coatesville, **Chester County**. This is an existing discharge to Sucker Run, West Branch Brandywine Creek.

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

The following changes have been made to the public notice published on August 24, 1996.

The proposed effluent limits for Outfall 001, based on an average flow of 0.64 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Total Lead	0.015	0.045	0.045
Total Zinc	0.12	0.37	0.37
Total Iron	2.4	4.7	5.8
Dissolved Iron	0.47	0.94	1.2
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine	monitor and report	monitor and report	
Thallium		monitor and report	
Antimony		monitor and report	

The proposed effluent limits for Outfall 016, based on an average flow of 0.50 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Total Chromium	monitor and report	monitor and report	1.07
Total Nickel	0.39	0.78	0.97
Total Copper	0.028	0.056	0.070
Fluoride	monitor and report	monitor and report	
Total Phenols	monitor and report		
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Antimony		monitor and report	

Outfalls: 913—916, 918—921, 923, 936—937B, 939, 941—945A, 947—960, 967—969, 985—989, 991 and 992—994B shall consist solely of stormwater runoff.

The EPA waiver is not in effect.

PA 0050831. Sewage. **HPC Associates**, Two Neshaminy Interplex, Suite 301, Trevese, PA 19053.

This application is for renewal of an NPDES permit to discharge treated sewage from Meadowbrook Apartments sewage treatment plant in Abington Township, **Montgomery County**. This is an existing discharge to Pennypack Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.154 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Total Residual Chlorine	0.5	1.17
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0027103, Amendment No. 1. Sewage. **Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999.

This application is for amendment of an NPDES permit to discharge treated sewage from Delcora's Western Regional Treatment Plant in City of Chester, **Delaware County**. This is an existing discharge to (001—014) Delaware River Zone 4, (015—018) Ridley Creek and (019—027) Chester Creek.

This permit is being amended in order to extend the due date of Delcora's CSO Long Term Control Plan. The date is being extended to July 25, 1997. Also, an additional CSO relief point is being added to the permit (027—2nd and Dock Street Pump Station). All other conditions and requirements of the permit, as issued on July 21, 1993 remain in effect.

PA 0032301. Sewage. **American Commonwealth Management Service Company, Inc.**, Ridgewood Corporate Center, 402 Boot Road, Downingtown, PA 19335.

This application is for renewal of an NPDES permit to discharge treated sewage from Concord Industrial Park STP in Concord Township, **Delaware County**. This is an existing discharge to West Branch of Chester Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 20,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0057193. Sewage. **Carl Mattacola**, 34 Ryanford Road, Schwenksville, PA 19473.

This application is for issuance of an NPDES permit to discharge treated sewage from the Mattacola residence in Limerick Township, **Montgomery County**. This is a new discharge to Tributary to Mine Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

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

The EPA waiver is in effect.

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

PA 0011363. SIC: 3356, Industrial waste, **NGK Metals Corporation**, P. O. Box 13367, Reading, PA 19612-3367.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Laurel Run, in Muhlenberg Township, **Berks 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.123 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TDS	1,000	2,000	2,500
TSS	6	12	15
pH	6—9 s.u. at all times		
Osmotic Pressure		129	129
Oil and Grease	15		30
Total Beryllium	0.02	0.04	0.05
Total Lead	0.025	0.05	0.063
Total Copper	0.31	0.62	0.78
Total Zinc	0.54	1.08	1.35
Total Cadmium		monitor and report	
Total Fluoride	5.24	10.48	13
1,1 Dichloroethylene	0.0008	0.0016	0.002
Trichloroethylene		monitor and report	

The EPA waiver is not in effect.

PA 0085103. SIC: 3429, Industrial waste, **Dorma Door Controls, Inc.**, Dorma Drive, Reamstown, PA 17567.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Stony Run, in East Cocalico 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, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was the Ephrata Area Joint Authority located in Ephrata Borough, 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 0.0111 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
1,1-Dichloroethene		0.0002	0.00025
Trichloroethene		0.005	0.0062
1,1,1-Trichloroethane		0.2	0.25
1,1-Dichloroethane		monitor and report	
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0084301. SIC: 3322, Industrial waste, **Lancaster Malleable Castings Company**, 1170 Lititz Avenue, Lancaster, PA 17601.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to the Little Conestoga Creek, in Lancaster City, **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, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was 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 0.04 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature		110°F as a daily average	
pH		6—9	

The EPA waiver is in effect.

PA 0081833. SIC: 7011, Sewage, **Farell D. Whiteford**, 1605 Dooley Road, Whiteford, MD 21160.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Scott Creek, in Peach Bottom Township, **York County**.

The receiving stream is classified for trout stocking fishes, recreation, water supply and aquatic life. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.013 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25			50
Total Suspended Solids	30			60
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	9,000/100 ml as a geometric average			

The EPA waiver is in effect.

PA 0010367. SIC: 4011, Industrial waste, **Consolidated Rail Corporation**, General Office Building, 200 Fourth Avenue, Altoona, PA 16601-6702.

This application is for renewal of an NPDES permit for an existing discharge of industrial waste to Beaverdam Branch, in Hollidaysburg Borough, **Blair 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfalls 001 and 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
Chemical Oxygen Demand		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
Dissolved Iron		monitor and report	monitor and report
Oil and Grease		monitor and report	monitor and report
pH (s.u.)		monitor and report	monitor and report

The EPA waiver is not in effect.

The proposed effluent limits for Outfall 101 for a design flow of 0.007 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15		30
Temperature	monitor and report		

The EPA waiver is in effect.

PA 0087645. SIC: 5169, Industrial waste, **Black Diamond Energy, Inc.**, P. O. Box 500, Ellerslie, MD 21529.

This application is for issuance of an NPDES permit for an existing discharge of industrial waste from Outfall 001 to Beaverdam Creek and from Outfall 002 to a drainage ditch in Greenfield Township, **Blair County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfalls 001 and 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S.U.)	from 6.0—9.0 inclusive		
Chloride	monitor and report		
Cyanide, free	monitor and report		
Total Copper	monitor and report		
Sodium	monitor and report		
Total Dissolved Solids	monitor and report		
Osmotic Pressure (mgs/kg)	monitor and report		

The EPA waiver is in effect.

APPLICATIONS—NPDES MINOR RENEWALS

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0020214	Boro of Mt. Union 9 W. Market St. Mt. Union, PA 17066	Huntingdon Mt. Union Boro	Juniata River	TRC
PA0024147	Cumberland Twp. Auth. 1270B Fairfield Rd. Gettysburg, PA 17325	Adams Cumberland Twp.	Willoughby Run	TRC
PA0080004	Martin's Famous Pastry Shoppe, Inc. 1000 Potato Roll Lane Chambersburg, PA 17201	Franklin Antrim Twp.	UNT of Conococheague Creek	TRC
PA0082198	Peters Twp. Board of Supv. P. O. Box 19 Lemasters, PA 17231-0019	Franklin Peters Twp.	Conococheague Creek	TRC

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

PA 0217514. Sewage. **The ALTA Group, Inc.**, 195 Hartzell School Road, Fombell, PA 16123-9518.

This application is for amendment of an NPDES permit to discharge uncontaminated stormwater from areas around the ALTA sewage treatment plant in Marion Township, **Beaver County**.

The following monitoring requirements 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 located on the Beaver River.

Stormwater Outfalls SW-1 and SW-2: existing discharges.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Oil and Grease	monitor and report			
pH	monitor and report			

Other Conditions: Stormwater outfall SW-3 is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility. There are at this time no specific effluent limitations or monitoring requirements on the outfall.

The EPA waiver is in effect.

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

PA 0021598. Sewage. **Conneaut Lake Joint Municipal Authority**, First Street Extension, Conneaut Lake, PA 16316.

This application is a renewal of a Part I NPDES Permit to discharge treated sewage to French Creek in Sadsbury Township, **Crawford 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, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority and French Creek located at Franklin, in Sadsbury Township, Crawford County, approximately 21 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after chlorine contact tank) based on a design flow of 1.175 mgd, are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	4.2		8.4
(11-1 to 4-30)	12.6		25.2
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	6,000/100 ml as a geometric average		
Total Residual Chlorine			
(Interim Limits)	XX		XX
(Final Limits)	.19		.6
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

This permit is being redrafted. It was originally drafted and published in the *Pennsylvania Bulletin* on April 6, 1996. This draft permit removes all specific references to sanitary sewer overflows.

PA 0210358. Sewage. **William T. Bunk, Jr.**, 410 Quaker Hill Road, Warren, PA 16365.

This application is for renewal of an NPDES Permit to discharge sewage to an Unnamed Tributary (Quaker Run) to Conewango Creek in Glade Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at RMI 90.0, approximately 101 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.000 500 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Fecal Coliform (all year)	200/100 ml as a geometric average		
Total Residual Chlorine	XX		XX
pH	6.0—9.0 at all times		

XX = Monitor and Report on Annual Maintenance Report.

The EPA waiver is in effect.

PA 0034061. Sewage. **Goddard Park Vacationland Campground**, 867 Georgetown Road, Sandy Lake, PA 16145.

This application is for renewal of an NPDES Permit, to discharge treated sewage to Unnamed Tributary to Schofield Run in Deer Creek Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River in Emlenton located at river mile 90.0, approximately 31.2 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.060 000 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Ammonia-Nitrogen (11-1 to 4-30)	4		8
Total Residual Chlorine	1.5		3.5
Fecal Coliform (10-1 to 4-30)	2,200/100 ml as a geometric average		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

PA 0060551. Sewerage. **Rivercrest Public Service Corporation**, 1120 S. Washington Avenue, Scranton, PA.

This proposed action is for renewal of an NPDES permit to discharge treated, sewage into the North Branch of the Susquehanna River in Tunkhannock Township, **Wyoming 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, NO₂-NO₃, 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 .175 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Dissolved Oxygen	a minimum of 5 mg/l at all times	
Fecal Coliform (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 1st month through 24th month	monitor and report	monitor and report
25th month through expiration	1.0	2.0

The EPA waiver is in effect.

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

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

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

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

4697405. Sewerage. **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468. Construction of a pump station and gravity collection system to serve Winnies Track Development located in Limerick Township, **Montgomery County**.

0997201. Industrial waste. **Pre Finish Metals, Inc.**, 1295 New Ford Mill Road, Morrisville, PA 19067-3701. For a sludge thickener and a sand filter to the existing wastewater treatment system to serve Pre Finish Metals located in Morrisville Borough, **Bucks County**.

4697406. Sewerage. **Upper Frederick Township Board of Supervisors**, 3205 Big Road, Obelisk, PA 19492. Construction of a new sludge holding tank to replace existing and addition of a new sodium bisulfite feed system to treatment process to serve Perkiomen Crossing Wastewater Treatment Plant located in Upper Frederick Township, **Montgomery County**.

4697407. Sewerage. **Carl Mattacola**, 34 Ryanford Road, Schwenksville, PA 19473. Construction of a small flow treatment facility to serve the Mattacola residence located in Limerick Township, **Montgomery County**.

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 this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) 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 the 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 (800) 654-5984.

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

*Northeast Regional Office, Regional Water Management
Program Manager, 2 Public Square, Wilkes-Barre, PA
18701, (717) 826-2553.*

*Southcentral Regional Office, Regional Water Management
Program Manager, 1 Ararat Boulevard, Harrisburg,
PA 17110, (717) 657-4590.*

*Northcentral Regional Office, Regional Water Management
Program Manager, 208 W. 3rd Street, Williamsport,
PA 17701, (717) 327-3669.*

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

*Centre County Conservation District, District Manager,
414 Holmes Avenue, Bellefonte, PA 16823, (814) 355-6817.*

NPDES Permit PAS10F066. Stormwater. **Orchard Creek Partnership**, 1901 E. College Avenue, State College, PA 16801 has applied to discharge stormwater from a construction activity located in Halfmoon Township, **Centre County**, to UNT to Halfmoon Creek.

*Crawford County Conservation District, District Manager,
1012 Water Street, Meadville, PA 16335, (814) 724-
1793.*

NPDES Permit PAS102303. Stormwater. **Leslie Land Company**, 290 Park Avenue Plaza, Meadville, PA 16335 has applied to discharge stormwater from a construction activity located in West Mead and Woodcock Townships, **Crawford County**, to Woodcock Creek.

*Cumberland County Conservation District, District
Manager, 43 Brookwood Avenue, Suite 4, Carlisle, PA
17013, (717) 240-7812.*

NPDES Permit PAS10H070. Stormwater. **John and Harry Fox**, 60 S. Pin Oak Drive, Boiling Springs, PA 17007 has applied to discharge stormwater from a construction activity located in Dickinson Township, **Cumberland County**, to Alexander Springs Creek.

*Dauphin County Conservation District, District Manager,
1451 Peters Mountain Road, Dauphin, PA 17018,
(717) 921-8100.*

NPDES Permit PAS10I029. Stormwater. **John Fox**, 60 Pin Oak Drive, Boiling Springs, PA 17007 has applied to discharge stormwater from a construction activity located in Wiconisco Township, **Dauphin County**, to Wiconisco Creek.

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

NPDES Permit PAS10M098. Stormwater. **Paul Sands**, 1201 Airport Road, Coatsville, PA 19320 has applied to discharge stormwater from a construction activity located in Southampton Township, **Franklin County**.

NPDES Permit PAS10M099. Stormwater. **Walter Starliper**, 13783 Buchanan Trail West, Mercersburg, PA 17236 has applied to discharge stormwater from a construction activity located in Peters Township, **Franklin County**, to Buck Run.

Lehigh County Conservation District, District Manager, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES Permit PAS10Q139. Stormwater. **Estates at Trexler Park Inc.**, P. O. Box 509, Allentown, PA 18105 has applied to discharge stormwater from a construction activity located in the City of Allentown, **Lehigh County**, to Little Lehigh Creek.

NPDES Permit PAS10Q140. Stormwater. **K & M Associates, Inc.**, P. O. Box 332, Trexlertown, PA 18087 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

NPDES Permit PAS10S017-1. Stormwater. **Outletter Associates**, 285 Crossings Outlet Square, Tannersville, PA 18372 has applied to discharge stormwater from a construction activity located in Pocono Township, **Monroe County**, to Scott Run and Pocono Creek.

Northampton County Conservation District, District Manager, Greystone Building, R. R. 4, Nazareth, PA 18064, (610) 746-1971.

NPDES Permit PAS10U073. Stormwater. **Lehigh Valley Industrial Park Inc.**, 100 Brodhead Road, Suite 160, Bethlehem, PA 18017 has applied to discharge stormwater from a construction activity located in Bethlehem Township, **Northampton County**, to Monocacy Creek.

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

NPDES Permit PAS10X082. Stormwater. **DEP-BAMR**, P. O. Box 8476, Harrisburg, PA 17105-8476 has applied to discharge stormwater from a construction activity located in Derry Township, **Westmoreland County**, to UNT to Stony Run.

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

NPDES Permit PAS101502. Stormwater. **Bureau of Abandoned Mine Reclamation**, P. O. Box 8476, Harrisburg, PA 17105-8476, has applied to discharge stormwater from a construction activity located in Monroe Township, **Clarion County**, to Unnamed Tributary to Leatherwood Creek.

SAFE DRINKING WATER

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

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

A. 1597504. Public water supply. **Immaculata College**, Thomas J. Ford, 1145 King Road, Immaculata, PA 19345. This proposal involves the permitting of the Immaculata College's existing water supply system. The system consists of two wells, three storage tanks, one caustic system and 2 inch to 6 inch water mains in East Whiteland Township, **Chester County**.

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

A. 5497503. Public water supply. **Country Hill Apartments**, Allen Greenwalt, 225 Woodlawn Drive, Orwigsburg, PA 17961. Permitting of an existing system consisting of two supply wells, four precharged hydropneumatic tanks, disinfection facilities and distribution system. It is located in West Brunswick Township, **Schuylkill County**. *Engineer:* Edward J. Gaydos, P.E., 250 Gerald Avenue, Orwigsburg, PA 17961.

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

A. 3272501-A2. **Central Indiana County Water Authority**, 30 East Wiley Street, Homer City, PA 15748. Installation of iron and manganese removal equipment, change in coagulant and construction of a storage tank serving Homer City Borough, **Indiana County**.

A. 6597502. **Municipal Authority of Westmoreland County**, Lincoln Highway West, Greensburg, PA 15601. Construction of a water storage tank serving Bell Township, **Westmoreland County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Acknowledgment of Notices of Intent to Remediate submitted 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 (Department) 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 must provide 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, 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 (800) 654-5984.

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

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

Corporate Real Estate Limited—Werner Street Site, Washington Township, Northampton County. Kristen Main, Vectre Corporation, P. O. Box 930, Lafayette, NJ 07848 has submitted a Notice of Intent to Remediate, on behalf of her client, George Goodwin, Corporate Real Estate Ltd., 636 Pen Argyl Street, Pen Argyl, PA 18072, concerning the remediation of site soils and groundwater which are suspected of being contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and metals. The applicant proposes to meet the nonresidential Statewide health standard for groundwater and most metals; the background standard is proposed for arsenic in soils.

LAND RECYCLING AND ENVIRONMENTAL REMEDATION

Under Act 2, 1995

Preamble 2

Acknowledgment of Notices of Intent to Remediate submitted to the Department under the Land Recycling and Environmental Remediation Stan- dards Act (35 P. S. §§ 6026.101—6026.908).

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, 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 (800) 654-5984.

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

Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

ORFA Corp. of America, City of Philadelphia, Philadelphia County. Scott R. Campbell, P. G., American Resource Consultants, Inc., P. O. Box 2227, Doylestown, PA, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Special Industrial Area standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on May 16, 1997.

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

Equitrans, L. P. (Pratt Compressor Station #47), Franklin Township, Greene County. Holy Hudson, 3500 Park Lane, Pittsburgh, PA 15275 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Observer Reporter* on May 12, 1997.

**SOLID AND HAZARDOUS WASTE
OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

Northwest Regional Office, Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.

Permit No. 100329. Waste Management Disposal Services of Pennsylvania, Inc. (Lake View Landfill), 851 Robison Road East, Erie, PA 16509. Major permit modification application for equivalency review to use auto-shredder fluff as an alternate daily cover. The landfill is located in Summit Township, **Erie County**. Permit modification application accepted in Regional Office on May 27, 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).

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

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

Permit: **39-307-004B**

Source: 2 Furn/Ladle/Mullers w/2 Baghouses
Company: **Ransom Industries Incorporated**
Location: Macungie Borough
County: **Lehigh**

Permit: **40-309-034A**

Source: Plantwide Applicability Limit/PAL
Company: **Techneglas Incorporated**
Location: Jenkins Township
County: **Luzerne**

Permit: **40-313-020A**

Source: Hydrofluoric Wash Sta. w/Scrubber
Company: **Techneglas Incorporated**
Location: Jenkins Township
County: **Luzerne**

Permit: **40-399-039**

Source: Batchplant Storage w/12 Baghouses
Company: **Techneglas Incorporated**
Location: Jenkins Township
County: **Luzerne**

Permit: **45-310-014**

Source: Stone Crushing Oper w/Watersprays
Company: **Haines & Kibblehouse Incorporated**
Location: Smithfield Township
County: **Monroe**

Permit: **48-318-126**

Source: 3 Cement Spray/Cure w/Filters
Company: **S K F USA Incorporated**
Location: Hanover Township
County: **Northampton**

Permit: **66-310-008**

Source: Sand and Gravel Operation
Company: **Wyoming Sand and Stone Company**
Location: Mehoopany Township
County: **Wyoming**

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

36-2012A. The Department intends to issue an Air Quality Operating Permit to **Quality Custom Kitchens, Inc.** (P. O. Box 189, New Holland, PA 17557) for a wood cabinet surface coating operation at its facility located at 125 Peters Road in Earl Township, **Lancaster County**.

67-318-120. The Department intends to issue an Air Quality Operating Permit to **FES, A Division of Thermo Power** (3475 Board Road, York, PA 17405) for two paint booths in Manchester Township, **York County**.

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

17-302-022. The Department intends to issue an operating permit to **Burke Parsons Bowlby Corporation** (P. O. Box 287, DuBois, PA 15801) for the operation of a wood-fired boiler and associated air cleaning device (a cyclone collector) in Sandy Township, **Clearfield County**.

OP-08-0003A. The Department intends to issue an operating permit to **E. I. duPont deNemours & Company, Inc.** (R. R. 1, Box 15, Towanda, PA 18848-9784) for the operation of four coating solutions mix tanks (A, B, C and D), a spent cleaning solvent hold tank and a parts washer and associated air cleaning device (a regenerative fume incinerator) in North Towanda Township, **Bradford County**.

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

03-000-027. The Department intends to issue an Air Quality Operating Permit to **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for low NOx burners on the steam electric generator at its Keystone Generating Station located in Plumcreek Township, **Armstrong County**.

04-000-032. The Department intends to issue an Air Quality Operating Permit to **LTV Steel Company** (P. O. Box 490, Franklin Avenue, Aliquippa, PA 15001) for low NOx burners on the steam boilers at its Aliquippa Tin Mill located in Aliquippa Borough, **Beaver County**.

04-308-037. The Department intends to issue an Air Quality Operating Permit to **The ALTA Group** (195 Hartzell School Road, Fombell, PA 16123) for a scrubber on the electrolytic cells at its facility located in Marion Township, **Beaver County**.

65-309-061B. The Department intends to issue an Air Quality Operating Permit to **Norton Pakco Industrial Ceramics** (55 Hillview Avenue, Latrobe, PA 15650) for two cartridge filters on the ceramic mixing and firing operation at its Derry Plant located in Derry Township, **Westmoreland County**.

63-000-016. The Department intends to issue an Air Quality Operating Permit to **West Penn Power Company** (800 Cabin Hill Drive, Greensburg, PA 15601) for a

LNCFS III on the pulverized coal-fired boiler at its Mitchell Station located in Union Township, **Washington County**.

PA-04-033A. The Department intends to issue an Air Quality Operating Permit to **Nova Chemicals, Inc.** (400 Frankfort Road, Monaca, PA 15061) for a D2 Liquid Lube Dyllite Process at its Beaver Valley Plant located in Potter Township, **Beaver County**.

OP-04-00160. The Department received an Air Quality Operating Permit application from **Sun Company, Inc.** (1801 Market Street, 26/10 PC, Philadelphia, PA 19103) for Storage Tanks Nos. 2, 3, 4, 5, and 6 at their Beaver Terminal located in Brighton Township, **Beaver County**.

OP-03-000207. The Department received an Air Quality Operating Permit application from **Davison Sand & Gravel Company** (400 Industrial Boulevard, New Kensington, PA 15068) for a sand and gravel dredge at its Allegheny II Dredge located in Gilpin Township, **Armstrong County**.

OP-03-00010. The Department received an Air Quality Operating Permit application from **Canterbury Coal Company** (R. R. 1, Box 119, Avonmore, PA 15618) for a mechanical wet coal cleaning process at its David Coal Preparation Plant located in Kiskiminetas Township, **Armstrong County**.

OP-11-00102. The Department received an Air Quality Operating Permit application from **Forest Hills School District** (P. O. Box 158, Sidman, PA 15955) for an incinerator at its Forest Hills Elementary School located in Adams Township, **Cambria County**.

OP-63-000885. The Department received an Air Quality Operating Permit application from **Thepitt Manufacturing Company** (P. O. Box 579, Country Club Road, Meadowlands, PA 15347) for a stamping and die casting operation at its facility located in Chartiers Township, **Washington County**.

OP-65-00044. The Department received an Air Quality Operating Permit application from **TE Products Pipeline Company, L. P.** (P. O. Box 2521, Houston, TX 77252) for a LPG storage and delivery facility at its Greensburg Terminal located in Greensburg, **Westmoreland County**.

OP-26-00023. The Department received an Air Quality Operating Permit application from **Doane Products Company** (12 Feed Mill Road, Everson, PA 15631) for a grain milling operation at its facility located in Everson Borough, **Fayette County**.

Notice of Intent to Issue

Title V Operating Permit No. TV 06-05063

The Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the EAFCO for the Eastern Foundry located in Boyertown, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Reading District Office may be scheduled by contacting Roger Fitterling at (610) 916-0100 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Roger Fitterling, Air Pollution Control Engineer, Department of Environmental Protection, 1005 Cross Roads Boulevard, Reading, PA 19605.

Comments may be submitted during the 30 day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the persons submitting the comments along with the reference number of the permit (TV 06-05063).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

PLAN APPROVALS

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.

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

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

Permit: **35-323-019G**
Source: Pyrolysis Furnace w/Afterburner
Received: May 20, 1997
Company: **V M F Incorporated**
Location: City of Scranton
County: **Lackawanna**

Permit: **45-310-016**
Source: Stone Crushing Plant/Watersprays
Received: May 29, 1997
Company: **Locust Ridge Quarry**
Location: Tobyhanna Township
County: **Monroe**

Permit: **48-310-030**
Source: Stone Crushing Plant/Watersprays
Received: May 29, 1997
Company: **Abe Materials Company**
Location: Lower Mt. Bethel Township
County: **Northampton**

Permit: **54-302-061G**
Source: Cleaver Brooks Boiler (12.5 mmbtu)
Received: May 23, 1997
Company: **Papetti Hygrade Egg Products Inc.**
Location: Upper Mahantango Township
County: **Schuylkill**

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

28-03003. Installation of a mist eliminator on an existing potato chip fryer by **Martin's Famous Pastry Shoppe, Inc.** (1000 Potato Roll Lane, Chambersburg, PA 17201) in Antrim Township, **Franklin County**.

31-310-004C. Modification of the existing limestone crushing plant by **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) in Cromwell Township, **Huntingdon County**.

31-310-019F. Modification of the Tyrone Fine Crushing Plant No. 5 controlled by a fabric collector by **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) in Warriors Mark Town-

ship, **Huntingdon County**. The source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

34-03001. Construction of a regenerative cycle gas turbine generator, waste wood-fired, controlled by cyclone separator by **West Allegheny Biomass Energy Corporation** (327 Winding Way, King of Prussia, PA 19406) in Farmanagh Township, **Juniata County**.

36-308-005D. Installation of an electric arc furnace at the existing foundry by **Colonial Metals Company** (P. O. Box 311, Columbia, PA 17512-0311) in Columbia Borough, **Lancaster County**. The source is subject to 40 CFR 60, Subpart M, Standards of Performance for New Stationary Sources.

44-03004. Installation of a mirror coating operation, along with a regenerative thermal oxidizer, by **Guardian Industries Corporation** (6288 SR 103 North, MCIDC Plaza, Bldg. #35, Lewistown, PA 17044) at the Falconer Glass Industries, Inc. plant in Granville Township, **Mifflin County**.

67-3011. Installation of a flexographic label printing operation by **Topflight Corporation** (P. O. Box 2847, York, PA 17405) in Springfield Township, **York County**. The facility was previously located in North York Borough, York County.

07-327-001A. Modification of the existing vapor degreaser by **Chicago Rivet & Machine Company**, Tyrone Division (Industrial Park, Tyrone, PA 16686) in the Borough of Tyrone, **Blair County**. The source is subject to 40 CFR 63, Subpart T, National Emission Standards for Hazardous Air Pollutants.

38-313-013A. Installation of a pneumatic conveying system to transport PVC preblend resin by the **O'Sullivan Corporation** (1507 Willow Street, Lebanon, PA 17042) in the City of Lebanon, **Lebanon County**.

05-2004A. Installation of a roll coater in the existing leather coating facility by **Seton Company** (Horton Drive, Saxton, PA 16678-1508) in Saxton Borough, **Bedford County**.

07-310-022A. Modification of the existing wet mortar manufacturing operation controlled by a fabric collector by **A. P. Green Refractories, Inc.** (R. D. 1, Box 588-D, Claysburg, PA 16625) in Greenfield Township, **Blair County**.

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

17-399-015B. Instruction of a powdered metal parts sintering furnace (number 11) by **Laurel Manufacturing, Inc.** (P. O. Box 1047, DuBois, PA 15801) in the City of DuBois, **Clearfield County**.

14-313-036. Modification of a chemical process facility to manufacture a new product (identified as Product 35) by **Ruetgers-Nease Corporation** (201 Struble Road, State College, PA 16801) in College Township, **Centre County**.

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

PA-32-330A. Senate Coal Mines, Inc. (One Energy Place, Suite 5100, Latrobe, PA 15650) for a coal screening/loading operation at its Ondo Mine facility located in Brushvalley Township, **Indiana County**.

PA-11-427A. Emglo Products, L. P. (303 Industrial Park Road, Johnstown, PA 15904) for a powder-coating system at its Johnstown Plant facility located in Johnstown, **Cambria County**.

PA-65-064A. Latronics Corporation (1001 Lloyd Avenue, Box 469, Latrobe, PA 15650) for a H/J Degreaser at its Latrobe Plant located in Unity Township, **Westmoreland County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Approval of Reasonably Available Control Technology (RACT) Plan; Public Hearing

Notice of proposed revision to the State Implementation Plan for oxides of nitrogen and volatile organic compounds; Notice of proposed establishment of emission limitations to ensure maintenance of the National Ambient Air Quality Standard for nitrogen dioxide; and Notice of public hearing.

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a line production facility (Bellefonte Plant) owned and operated by Bellefonte Lime Company in Spring Township, Centre County.

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

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

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

<i>Source</i>	<i>Nitrogen oxides emission limit</i>
#4 lime kiln	4.20 pounds per ton of lime produced
#5 lime kiln	7.90 pounds per ton of lime produced

The Department has additionally determined that the following nitrogen oxides emission limitations are needed to ensure the maintenance of the National Ambient Air Quality Standard for nitrogen dioxide and is consequently also proposing to establish these limitations as a condition of the proposed operating permit issuance:

<i>Source</i>	<i>Nitrogen oxides emission limit</i>
#4 lime kiln	69.9 pounds per hour
#5 lime kiln	106.9 pounds per hour

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on July 10, 1997 at 1 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

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

tion is requested to designate one witness to present testimony on its behalf.

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

Those unable to attend the hearing, but wishing to comment, should provide written comments to William P. Parsons, Acting Air Quality Environmental Program Manager, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by July 25, 1997.

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

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The 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 Chapters 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.

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

Coal Applications Received:

17970108. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 453 acres. Receiving streams: unnamed tributaries of Whisky Run and unnamed tributaries of Haslett Run to Whisky Run and Haslett Run both contributory to West Branch Susquehanna River. Application received May 19, 1997.

17920119. Junior Coal Contracting, Inc. (R. D. 3, Box 225-A, Philipsburg, PA 16866), revision to an existing bituminous surface mine permit for an increase in surface mine permit acreage from 103.4 to 120.7 acres, Sandy Township, **Clearfield County**. Receiving streams: unnamed tributaries to Slab Run and Clear Run. Application received May 27, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.

10860118. C & K Coal Company (P. O. Box 69, Clarion, PA 16214), renewal of an existing bituminous surface strip operation in Allegheny Township, **Butler County** affecting 124.0 acres. Receiving streams: an unnamed tributary to North Branch of Bear Creek to North Branch of Bear Creek to Bear Creek. Application for reclamation only. Application received May 27, 1997.

10920106. BMB Management, Inc. (R. D. 6, Friendship Plaza, Kittanning, PA 16201), renewal of an existing bituminous strip and tippel refuse disposal operation in Clay Township, **Butler County** affecting 80.2 acres. Receiving streams: an unnamed tributary to Stoney Run and two unnamed tributaries to Pine Run. Application for reclamation only. Application received June 3, 1997.

37920101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), renewal of an existing bituminous surface strip operation in Shenango Township, **Lawrence County** affecting 213.0 acres. Receiving streams: an unnamed tributary to McKee Run and four unnamed tributaries to the Beaver River. Application for reclamation only. Application received June 4, 1997.

McMurray District Office, 3913 Washington Rd., McMurray, PA.

03961302. TJS Mining, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), to operate the TJS No. 4 Bituminous Deep Mine in Plumcreek Township, **Armstrong County**. Receiving stream: Dutch Run. Application received May 28, 1997.

32341307. Tanoma Coal Company, Inc. (R. R. 1, Box 594, Marion Center, PA 15759), to revise the permit for the Tanoma Bituminous Deep Mine in Rayne Township, **Indiana County** to install Main "E" Shaft. Receiving stream: unnamed tributary to Crooked Creek. Application received May 30, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54860108C. Reading Anthracite Company (200 Mahantongo Street, Pottsville, PA 17901), correction to an existing anthracite surface mine operation for an incidental boundary correction in New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 11.0 acres. Receiving stream—none. Application received May 16, 1997.

49783007C5. Blaschak Coal Corporation (St. Nicholas, P. O. Box 12, Mahanoy City, PA 17948), correction to an existing anthracite surface mine operation to make modifications to apply biosolids (stabilized sewage sludge) to enhance vegetation in Coal Township, **Northumberland County**, affecting 323.0 acres. Receiving stream—Carbon Run to Susquehanna River. Application received May 6, 1997.

19881301C3. UAE CoalCorp Associates (P. O. Box 0306, Mt. Carmel, PA 17851), correction to an existing anthracite deep mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties**, affecting 776.3 acres. Receiving stream—Shamokin Creek. Application received May 27, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.

Noncoal Applications Received:

302831-10960301-E-2. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225), application for a stream encroachment to construct erosion and sedimentation control facilities within 100 feet but no closer than 25 feet of an unnamed tributary to Slippery Rock Creek in Marion Township, **Butler County**. Application received May 30, 1997.

10960305. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225), revision to an existing sand and gravel operation in Marion Township, **Butler County** affecting 116.7 acres. Revision to include the addition of 15.9 limestone acres to be removed making the final highwall height 115 to 118 feet. Receiving streams: an unnamed tributary to Blacks Creek and an unnamed tributary to Slippery Rock Creek. Application received May 30, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Received:

39970301. Lafarge Corporation (5160 Main Street, Whitehall, PA 18052-1827), commencement, operation and restoration of a quarry operation in Whitehall Township, **Lehigh County** affecting 211.71 acres. Receiving stream—unnamed tributary to Coplay Creek. Application received May 20, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

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

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

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

E09-753. Encroachment. Bartley Millett, Durham Township, P. O. Box 4, Durham, PA 18039. To perform maintenance dredging in a mill race situated near Cooks Creek (EV) to restore the structure to its original condition. The dredging is proposed from the mill race lock approximately 1,200 linear feet upstream to the point where Coon Hollow Run enters the mill race. The work will also include bank rehabilitation and protection utilizing riprap stone in the eroded sections of the mill race. The mill race lock is located approximately 200 feet west from the intersection of Old Furnace Road (T 497) and Durham Road (S. R. 4075) (Riegelsville, PA Quadrangle N: 13.7 inches; W: 14.0 inches) in Durham Township, **Bucks County**.

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

E45-330. Encroachment. Township of Hamilton, P. O. Box 285, Sciota, PA 18354. To remove the existing structure and to construct and maintain a new bridge having a span of 28 feet and an underclearance of 3.6 feet across Lake Creek and associated wetlands on East Terrace Drive (T202), approximately 100 feet northeast of

the intersection of East Terrace Drive and Golf Drive (Saylorsburg, PA Quadrangle N: 4.1 inches; W: 8.7 inches) in Hamilton Township, **Monroe County**.

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

E06-494. Encroachment. **Exeter Public Golf Course**, Enrico Filippini, R. D. 3, Reading, PA 19606. To fill approximately 0.12 acre of wetlands along a tributary to Antietam Creek at a point upstream of Shelbourne Road (Birdsboro, PA Quadrangle N: 12.0 inches; W: 12.9 inches) in Exeter Township, **Berks County**. The permittee is required to provide 0.17 acre of replacement wetlands.

E36-633. Encroachment. **Brecknock Township Board of Supervisors**, 1026 Dry Tavern Road, Denver, PA 17515. To remove sediment deposits, widen the channel bottom to a 14-foot width, and realign approximately 175 linear feet of a tributary to Muddy Creek, beginning at the inlet of pipe culverts under Horning Road (Terre Hill, PA Quadrangle N: 13.4 inches; W: 4.25 inches) in Brecknock Township, **Lancaster County**.

E67-601. Encroachment. **Springfield Township**, E. Lehman, R. R. 2, Box 206, Seven Valleys, PA 17360. To fill a de minimis area of wetlands less than or equal to 0.05 acre to widen the east side of East Springfield Lane (T-399), beginning from a point 1,040 feet to 1,800 feet from its intersection at One Road (SR 0214) (Glen Rock, PA Quadrangle N: 18.4 inches; W: 9.2 inches) in Springfield Township, **York County**.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E49-204. Encroachment. **Northumberland Borough**, 221 Second St., Northumberland, PA 17857. To remove the existing structure and to construct and maintain 1) 250 feet of R-5 riprap channel lining, 2) 260 linear feet of 5 foot diameter pipe, 3) 240 linear feet of 6 foot diameter pipe, 4) 850 linear feet of mostly open channel except for four box culverts under roads and alleys in an unnamed tributary to the north branch of the Susquehanna River located near the Liberty Pool Complex (Northumberland, PA Quadrangle N: 3.0 inches; W: 5.25 inches) in the Borough of Northumberland, **Northumberland County**. Estimated stream disturbance is approximately 1,600 linear feet; stream classification is WWF.

E59-343. Encroachment. **Westfield Township**, P. O. Box 61, Cowanesque, PA 16918. To extend an existing dike and to maintain the entire dike, about 1,500 feet long along the Cowanesque River just downstream of the Potterbrook bridge (Potter Brook, PA Quadrangle N: 6.75 inches; W: 13.75 inches) in Westfield Township, **Tioga County**. The Cowanesque River is designated WWF and this project will impact 670 feet of stream with no wetland impacts.

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

E10-264. Encroachment. **Treesdale Golf and Country Club**, One Arnold Palmer Drive, Gibsonia, PA 15044. To place fill in 0.425 acre of seven separate wetlands, to construct and maintain two bridges across two separate wetlands, to enclose and maintain 150 linear feet of a

tributary to Breckneck Creek (WWF, contributory drainage area approximately 120 acres) and to enclose approximately 1,390 linear feet of four separate tributaries to Breckneck Creek (WWF, contributory drainage areas less than 100 acres) to construct the third nine holes for the Treesdale Golf and Country Club Golf Course. This project will also include the creation of a single 0.45-acre replacement wetland adjacent to hole No. 4. The project is located approximately 4,000 feet southwest of the intersection of S. R. 0228 and S. R. 3015 (Mars/Valencia Road) (Mars, PA Quadrangle N: 9.3 inches; W: 1.1 inches) located in Adams Township, **Butler County**.

E20-443. Encroachment. **Estate of Ivor J. Lee, II**, c/o William T. Jorden, Esq., 966 South Main Street, Meadville, PA 16335. To maintain 1.10 acres of wetland fill through an approximately 30-acre wetland system, maintain 1,100 feet of channel realignment and maintain a 36-inch culvert in the old Erie Canal. These wetlands are nonexceptional value palustrine, forested, broad-leaved, deciduous, seasonally saturated, fresh water, mineral soil wetlands. The watershed is of high quality water use. This after-the-fact application is the result of a Consent Order and Agreement. The applicant has successfully constructed 2.29 acres of replacement wetland and has successfully restored 1.0 acre of wetland. The project is located between Aldina Drive and S. R. 0618, approximately 3,000 feet northeast of the intersection of S. R. 0618 and S. R. 0006 (Conneaut Lake, PA Quadrangle N: 20.8 inches; W: 9.2 inches) located in Sadsbury Township, **Crawford County**.

E25-551. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323-1289. To pave the streambed with concrete to a depth of 1 foot below the existing streambed and to place rock protection at the inlet and outlet of the existing bridge located on S. R. 3021 (West Stancliff Road) across Goodban Run (CWF, MF). This project will protect the existing bridge from further scour damage. The project is located on S. R. 3021 (West Stancliff Road) approximately 5,400 feet east of the intersection of S. R. 3021 and S. R. 0098 (Edinboro North, PA Quadrangle N: 15.2 inches; W: 11.2 inches) located in Franklin Township, **Erie County**.

E43-258. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323-1289. To pave the streambed with concrete to a depth of 1 foot below the existing bridge located on S. R. 0062 across Pine Run (WWF, TSF). This project will protect the existing bridge from further scour damage. The project is located on S. R. 0062 in the City of Sharon approximately 800 feet west of the intersection of S. R. 0062 and S. R. 0518 (Sharon East, PA Quadrangle N: 19.5 inches; W: 16.7 inches) located in the City of Sharon, **Mercer County**.

E43-259. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323-1289. To pave the streambed with concrete to a depth of 1 foot below the existing streambed and to place rock protection at the inlet and outlet of the existing bridge located on S. R. 4019 (Methodist Road) across a tributary to Little Shenango River (TSF) locally known as Sankeys Run. This project will protect the existing bridge from further scour damage. The project is located on S. R. 4019 (Methodist Road) approximately 4,200 feet southwest of the intersection of S. R. 4019 and S. R. 0358 (Greenville East, PA Quadrangle N: 5.6 inches; W: 12.9 inches) located in Hempfield Township, **Mercer County**.

E62-331. Encroachment. Pennsylvania Department of Transportation, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct a new bridge with a clear span of 27 feet and an average underclearance of 5.4 feet over Andrews Run, a cold water fishery. Temporary stream diversion structures will be implemented during abutment construction and temporary traffic run-arounds will be constructed in Andrews Run and wetland. The temporary run-around will impact 0.059 acre of nonexceptional value wetland. Project is located on S. R. 3007 approximately 1,700 feet north of the intersection of S. R. 3007 and T-374 (Pittsfield, PA Quadrangle N: 11.9 inches; W: 1.4 inches) located in Pittsfield Township, **Warren 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.

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

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

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

NPDES Permit No. PA 0011649. Industrial waste. **PECO Energy Company**, Richmond Generating Station, 2301 Market Street, Philadelphia, PA 19101.

The following notice reflects changes to the notice published in the March 15, 1997 edition of the *Pennsylvania Bulletin*:

Monitoring requirements for Iron dissolved at Outfall 202 is deleted. The limits for total residual chlorine at Outfall 102 are removed and gross limits for suspended solids at Outfall 102 are changed to net limits.

Permits Issued

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

NPDES Permit No. PA0011649. Industrial waste. **PECO Energy Company**, 2301 Market Street, P. O. Box 8699, Philadelphia, PA 19101-8699 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware River Estuary Zone 3.

NPDES Permit No. PA0026964. Amendment #2. Sewerage. **Oaks Wastewater Treatment Facility**, P. O. Box 613, Oaks, PA 19456 is authorized to discharge from a facility located in Upper Providence Township, **Montgomery County** into the Schuylkill River.

NPDES Permit No. PA0056740. Industrial waste. **The Woodbridge Group**, 4240 Sherwoodtowne Boulevard, Suite 300, Mississauga, Ontario, Canada LAZ2G6 is authorized to discharge from a facility located in Doylestown Borough, **Bucks County** into an unnamed tributary leading to Cooks Run Creek.

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

NPDES Permit No. PA00033502. Sewerage. **Bradford County Commissioners**, R. R. 3, Box 322, Troy, PA 16947. Renewal was granted to discharge treated sewage from treatment plant to Sugar Creek. Facility is located at West Burlington Township, **Bradford County**.

NPDES No. PA01122721. Transfer, Sewerage. **Roger E. Baker**, R. R. 1, Box 39, Williamsport, PA 17701. Applicant was granted authorization to discharge from facility located at Loyalsock Township, **Lycoming County**.

NPDES No. PA 0028461-A1, Amendment. Sewerage. **Mifflinburg Borough Municipal Authority**, 333 Chestnut Street, Mifflinburg, PA 17844. The existing sewage treatment plant was rerated and amended and is capable of receiving 1.4 mgd flows. Facility is located at Mifflinburg Borough, **Union County**.

NPDES No. PA0115312. Sewerage. **Loyalsock Township Supervisors**, 2501 East Third Street, Williamsport, PA 17701. Renewal of its NPDES permit to discharge treated domestic sewage to unnamed tributary of Grafius Rund in Loyalsock Township, **Lycoming County**.

NPDES No. PA0111546. Sewerage. **Stroehmann Bakeries Limited Partnership**, 3375 Lycoming Creek Road, Williamsport, PA 17701. Renewal to discharge treated sewage from a bakery along with noncontact cooling water. Facility located at Old Lycoming Township, **Lycoming County**.

NPDES No. PA0031453. Sewerage. **Southern Columbia Area School District**, R. R. 2, Box 372B, Catawissa, PA 17820. Renewal was granted to discharge treated sewage from sewage treatment plant serving the Southern Columbia Junior/Senior High School and the Hartman Elementary School in Franklin Township, **Columbia County**.

NPDES No. PA00033502. Sewerage. **Bradford County Commissioners**, R. R. 3, Box 322, Troy, PA 16947. Renewal was granted to discharge treated sewage from treatment plant to Sugar Creek. Facility is located at West Burlington Township, **Bradford County**.

WQM No. 4173413-T1. Transfer Sewerage. **Roger E. Baker**, R. R. 1, Box 39, Williamsport, PA 17701. Transfer is complete for single family residence treatment facility, at Loyalsock Township, **Lycoming County**.

WQM No. 0897404. Sewerage. **Valley Joint Sewer Authority**, 1 South River Street, Athens, PA 18810. Applicant was granted approval to construct a sewage treatment facility: UV system located at Loyalsock Township, **Lycoming County**.

WQM No. 1987408-A3, Amendment. Sewerage. **Knoebels Amusement Resort**, R. R. 1, Box 317, Elysburg, PA 17824-0317. Applicant was granted permission to install an effluent dechlorination system at their existing wastewater treatment facility serving Knoebels Amusement Resort. Location at Franklin Township, **Columbia County**.

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

NPDES Permit No. PA0222241. Sewerage. **James McCosby**, 120 Schar Road, Evans City, PA 16033 is authorized to discharge from a facility located in Forward Township, **Butler County**, to an unnamed tributary to Breakneck Creek.

NPDES Permit No. PA 0222283. Sewerage. **Corsica Borough**, Municipal Building Main Street, P. O. Box 176, Corsica, PA 15829 is authorized to discharge from a facility located in Corsica Borough, **Jefferson County** to receiving waters named Welch Run.

NPDES Permit No. PA 0102938. Sewerage. **Buffalo Elementary School**, Freeport Area School District, P. O. Drawer C, Freeport, PA 16229 is authorized to discharge from a facility located in Buffalo Township, **Butler County** to an unnamed tributary to Sarver Run.

NPDES Permit No. PA 0103331. Sewerage. **Jackson Center Borough**, R. D. 1, Box 38, Jackson Center, PA 16133 is authorized to discharge from a facility located in Jackson Township, **Mercer County** to receiving waters named Yellow Creek.

NPDES Permit No. PA 0102601 Sewerage. **Wick Auto Sales, Inc.** 423 Dogwood Drive, Butler, PA 16001 is authorized to discharge from a facility located in Franklin Township, **Butler County** to an unnamed tributary to Mulligan Run.

NPDES Permit No. PA 0003085. Industrial waste. **The Carbide/Graphite Group, Inc.**, 800 Theresia Street, St. Marys, PA 15857 is authorized to discharge from a facility located in St. Marys, **Elk County** to an unnamed tributary to the South Branch of Elk Creek and to the South Branch of Elk Creek.

WQM Permit No. 1097403. Sewerage. **James McCosby**, 120 Schar Road, Evans City, PA 16033. This project is for the construction and operation of a small flow sewage treatment plant in Forward Township, **Butler County**.

WQM Permit No. 1097402. Sewerage. Cranberry Township, **Brush Creek Water Pollution Control Facility**, 2525 Rochester Road, Suite 700, Cranberry Township, PA 16066-6498. This project is for the expansion of an existing waste treatment facility located in Cranberry Township, **Butler County**.

WQM Permit No. 3397401. Sewerage. **Bell Township**, Jefferson County, R. R. 2, Box 56A, Punxsutawney, PA 15767. This project is for the construction and operation of a separate sanitary sewer service to Albion, Cloe and Fairview in Bell Township, **Jefferson County**.

INDIVIDUALS PERMITS

(PAS)

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, (610) 832-6130.

<i>NPDES Permit #</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G242	Emma Builders, Inc. 153 Timothy Circle Radnor, PA 19087	West Vincent Township Chester County	Birch Run

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

<i>NPDES Permit #</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10E061	Oakview Heights Development 16 Angleway Pittsburgh, PA 15223	Butler Cranberry	Unnamed Tributary to Wolfe Run

**INDIVIDUAL PERMITS
(PAR)**

APPROVALS TO USE NPDES GENERAL PERMITS

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of this Commonwealth. 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.

*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

*Facility Location
County and
Municipality*

Permit #

*Applicant Name
and Address*

*Receiving Stream or
Body of Water*

*Contact Office
and Telephone #*

Lebanon County Union Township	PAR603535	Commander—US Army Fort Indiantown Gap ATTN: AFZS-FIG-EH-E Annville, PA 17003-5011	UNT to Manada Creek	SCRO—(717) 657-4590
York County York City	PAR603534	Darrah's Salvage, Inc. 535-547 Prospect Street York, PA 17403	Retention Pond	
Blair County Logan Township	PAR803614	Consolidated Rail Corporation Juniata Locomotive Shop 200 4th Ave. Altoona, PA 16601	Spring Run	
Blair County	PAR803615	Consolidated Rail Corporation The Rose Yard 200 4th Ave. Altoona, PA 16601	Little Juniata River	
York County Spring Garden Township	PAR203586	New York Wire Company Wire Facility P. O. Box 0866 Mt. Wolf, PA 17347-0866	Mill Creek	
York County Mt. Wolf Borough	PAR133509	New York Wire Company P. O. Box 0866—Textile Facility Mt. Wolf, PA 17347-0866	Hartman Run	
York County	PAR203585	New York Wire Company Weaving Facility PO Box 8066 Mt. Wolf, PA 17347-0866	Poorhouse Run	
Clearfield County Bradford Twp.	PAR704813	IA Construction Corporation P. O. Box 248 Zelienople, PA 16063	UNT to Roaring Run	Northcentral (717) 327-3664
Lycoming Co. Wolf Twp.	PAR 704812	IA Construction Corporation P. O. Box 90 Muncy, PA 17756-0900	Detention Pond/ Swale	Northcentral (717) 327-3664
Lycoming Co. Clinton Twp.	PAR224833	Spring Window Fashion Div. Inc. R. D. 1, Box 405 South Montgomery, PA 17752	UNT to West Br. Susquehanna	Northcentral (717) 327-3664

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision 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 the Department of Environmental Protection:

<i>Facility Location County and Municipality</i>	<i>Permit #</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone #</i>
Bradford Co. Albany Twp.	PAG044943	Stanley D. Bundle R. D. 2, Box 209A New Albany, PA 18833	UNT Sugar Creek	Northcentral (717) 327-3664
Perry County Penn Township	PAG053510	Petersburg Commons, Inc. 101 Basin Hill Road Duncannon, PA 17020	Susquehanna River	SCRO— (717) 657-4590
Lancaster County West Donegal Town- ship	PAG-053511	West Donegal Township 7 West Ridge Road Elizabethtown, PA 17022	Retention Basin	

SEWAGE FACILITIES ACT

PLAN APPROVAL

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

Southcentral Regional Office: Water Management Program Manager; One Ararat Blvd., Harrisburg, PA 17110.

Location: **Reading Township, Adams County**, 50 Church Road, East Berlin, PA. The approved plan provided for expansion and upgrade of an existing sewage treatment plant. The new facility will consist of a .30 mgd sequencing batch reactor with reed beds for sludge drying. Additionally, a small collection system expansion is planned to serve an existing residential area. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Location: **Taylor Township, Fulton County**, P. O. Box 627, Hustontown, PA 17229. The approved plan provided for construction of a public collection system and a .04 mgd sewage treatment plant discharging to Fortune Tellers Creek watershed to provide public sewer service to the village of Hustontown. In addition to adopting privy, well drillers, sewer system operational ordinances, the Township will modify its permit and subdivision ordinances. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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, (717) 826-2511.

Permit No. 4590502. Public water supply. **Poco Apartments West Water Company**, The Russell Partnership, 611 Main Street, Stroudsburg, PA 18360. This proposal involves an application for permit for the Poco Apartments West Water Company. This project consists of two, Well #1 and Well #3 which supplies water service to 18 apartment units. Treatment consists of disinfection only. It is located in Smithfield Township, **Monroe County**.

Permit to Operate: June 3, 1997.

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

Permit No. 7219-T1. Public water supply. **Pennsylvania-American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033-0888.

Type of Facility: Transfer for homestead borough system.

Permit to Operate Issued: May 23, 1997.

Permit No. 0387501-T1-A1. Public water supply. **Creekside Mushrooms Ltd.**, One Moonlight Drive, Worthington, PA 16262-9730.

Type of Facility: Chemical feed process improvements.

Permit to Operate Issued: May 23, 1997.

Permit No. 0296506. Public water supply. **Richland Township Municipal Authority**, 2070 Kramer Road, Gibsonsia, PA 15044.

Type of Facility: Two interconnections with the Hampton Township Municipal Authority located at Turner Road and on Route 8.

Permit to Operate Issued: May 22, 1997.

Permit No. 5677503-A1. Public water supply. **Hooversville Borough Municipal Authority**, P. O. Box 176, Main Street, Hooversville, PA 15936.

Type of Facility: Addition of Aqua Mag (sodium ortho/polyphosphate) and sodium bicarbonate.

Permit to Operate Issued: May 22, 1997.

Permit No. 5697501. Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Champion, PA 15622-9610.

Type of Facility: Seven Springs Water Plant modifications.

Permit to Operate Issued: May 23, 1997.

Permit No. 3097501. Public water supply. **Southwestern Pennsylvania Municipal Authority**, P. O. Box 187, Greene and Washington Streets, Jefferson, PA 15344.

Type of Facility: 1mg concrete reservoir and pump station.

Permit to Construct Issued: May 23, 1997.

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

2097501. Non-Transient Non-Community. **Spartansburg Elementary School**, Corry Area School District, 150 Water Street, Spartansburg, PA 16434. Permit issued

for the construction of a poly-phosphate-silicate blend system for the purpose of corrosion control in Spartansburg Borough, **Crawford County**.

Type of Facility: School.

Consulting Engineer: Timothy P. Coldren, AEP, CES, CEI, Environmental Specialist, W. J. Smith & Associates, Inc., P. O. Box 153, Corry, PA 16407.

Permit to Construct Issued: June 4, 1997.

1697501. Public water supply. **Fryburg Water Company**, Sportsman's Club Road, Fryburg, PA 16326 (P. O. Box 397, Reno, PA 16343-0397). Permit issued for the construction of chemical feed systems for corrosion control and pH adjustment, located in Washington Township, **Clarion County**.

Type of Facility: Public water supply.

Consulting Engineer: Richard J. Cotter, PE, 1316 Otter Street, Franklin, PA 16323.

Permit to Construct Issued: June 4, 1997.

6197502. Public water supply. **Venango Water Company**, P. O. Box 397, Reno, PA 16343 (Reno Water Company—Pump House). Permit issued for installation of chemical feed systems for corrosion control and pH adjustment in Sugarcreek Borough, **Venango County**.

Type of Facility: Public water supply.

Consulting Engineer: Richard J. Cotter, PE, 1316 Otter Street, Franklin, PA 16323.

Permit to Construct Issued: June 4, 1997.

6197501. Public water supply. **Sugarcreek Water Company**, Sugarcreek Drive, Sugarcreek, PA 16323 (P. O. Box 397, Reno, PA 16343-0397). Permit issued for installation of chemical feed systems for corrosion control and pH adjustment in Sugarcreek Borough, **Venango County**.

Type of Facility: Public water supply.

Consulting Engineer: Richard J. Cotter, PE, 1316 Otter Street, Franklin, PA 16323.

Permit to Construct Issued: June 4, 1997.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit No. 603343(15). **Wheelabrator Clean Water Systems, Inc.**, 180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401. This permit is issued for the agricultural utilization of municipal sewage sludge from the Montgomery County Oaks, Upper Saucon Township, Borough of Lansdale, City of Reading, Downingtown Regional Water Pollution Control Center, Lehigh County Wastewater Pretreatment Plant, Nutrecon, Inc., City of York, Telford Borough Authority, Pottstown, Dover Township, Loysville Village, Borough of Waynesboro, City of Lancaster, Exeter Township, and Pennridge Wastewater

Treatment Authority sewage treatment plants on the Balderston Family Trust located in East Brandywine Township, West Brandywine Township and West Caln Township, **Chester County**. Permit was issued in the Southeast Regional Office on May 27, 1997.

Permit No. 101640. Big Road Environmental Service, Inc., 2242 Big Road, Gilbertville, PA 19525. This permit application was denied because the application is not complete and accurate, and does not fully comply with the requirements of the Solid Waste Management Act. Permit application denied in the Southeast Regional Office May 30, 1997.

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

Permit No. 300980. Commonwealth Disposal, Inc. (2340 Paxton Church Road, Harrisburg, PA 17110). Renewal application for the storage of water treatment sediment in a storage lagoon (impoundment) site in Carroll Township, **Perry County**. Permit issued in the Regional Office June 3, 1997 and will expire June 2, 2007.

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

Permit No. 301197. Shawville Ash Disposal Site. **GPU Generation, Inc.** (1001 Broad Street, Johnstown, PA 15907). Repermitting of a Class I Residual Waste Landfill located in Bradford Township, **Clearfield County** issued in the Regional Office on June 5, 1997.

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

Permit No. 301264. National Granulating Company, Inc., 41 Detroit Avenue, Washington, PA 15301. Operation of a residual waste processing facility in the City of Washington, **Washington County**. Permit terminated in the Regional Office on May 29, 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.

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

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

Permit: **13-399-003**

Source: 5 Silos w/Baghouses (Truck Unload)

Company: **Horsehead Resource Development Co.**

Location: Palmerton Borough

County: **Carbon**

Permit: **35-301-038A**
 Source: 2-Type 4 Crematories/Afterburners
 Company: **Maple Hill Cemetery Association**
 Location: Archbald Borough
 County: **Lackawanna**

Permit: **39-011B**
 Source: Cement Kilns 2 and 3
 Company: **Lafarge Corporation**
 Location: Whitehall Township
 County: **Lehigh**

Permit: **39-304-018**
 Source: #2 Finishing System w/Baghouse
 Company: **Victaulic Company of America**
 Location: Alburts Borough
 County: **Lehigh**

Permit: **39-304-019**
 Source: Foundry Sand System w/Baghouse
 Company: **Victaulic Company of America**
 Location: Alburts Borough
 County: **Lehigh**

Permit: **39-304-020**
 Source: #1 Finishing System w/Baghouse
 Company: **Victaulic Company of America**
 Location: Alburts Borough
 County: **Lehigh**

Permit: **39-304-021**
 Source: Melt Area w/Baghouse
 Company: **Victaulic Company of America**
 Location: Alburts Borough
 County: **Lehigh**

Permit: **39-317-005**
 Source: Various Systems
 Company: **The Pillsbury Company**
 Location: City of Allentown
 County: **Lehigh**

Permit: **39-317-021A**
 Source: Crumb Collect Cyclone Line 6-7-8-9
 Company: **The Pillsbury Company**
 Location: City of Allentown
 County: **Lehigh**

Permit: **39-317-023**
 Source: Heat Cleaning Oven
 Company: **The Pillsbury Company**
 Location: City of Allentown
 County: **Lehigh**

Permit: **39-318-100**
 Source: 2 Paint Dip Operations
 Company: **Victaulic Company of America**
 Location: Alburts Borough
 County: **Lehigh**

Permit: **40-305-019**
 Source: Coal Drying and Packing w/Baghouse
 Company: **Lang Filter Media**
 Location: City of Hazleton
 County: **Luzerne**

Permit: **48-309-027D**
 Source: Kiln/Rollermill/Cooler w/ESP and 2 Bag
 Company: **Essroc Cement Corporation**
 Location: Nazareth Borough
 County: **Northampton**

Permit: **54-313-077**
 Source: Nylon Extrusion/Biaxial Oriented
 Company: **Allied-Signal Incorporated**
 Location: Norwegian Township
 County: **Schuylkill**

PLAN APPROVALS

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

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

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

Permit: **48-313-079**
 Source: Pigment Manufacturing w/Baghouse
 Issued: May 29, 1997
 Company: **M A Hanna Color Company**
 Location: City of Bethlehem
 County: **Northampton**

Permit: **48-318-126**
 Source: (3) Cement Spray/Cure w/Filters
 Issued: May 19, 1997
 Company: **S K F USA Incorporated**
 Location: Hanover Township
 County: **Northampton**

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

06-1007E: On May 15, 1997, the Department issued a Plan Approval to **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) for the construction of two reheat furnaces with low NOx burners at their Reading Plant in Reading, **Berks County**.

06-319-099E: On May 12, 1997, the Department issued a Plan Approval to **General Battery Corporation** (P. O. Box 13995, Reading, PA 19612-3995) for the construction of a No. 6 battery assembly line with a fabric collector at their SLI Plant in Muhlenberg Township, **Berks County**. The source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

07-309-013A: On May 13, 1997, the Department issued a Plan Approval to **BMI—France** (P. O. Box 276, Snow Shoe, PA 16874) for the reactivation/construction of a refractory material processing operation controlled by a fabric collector at their Altoona Plant in Logan Township, **Blair County**. The source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

21-317-058: On May 9, 1997, the Department issued a Plan Approval to **The Quaker Oats Company** (P. O. Box 3040, Shiremanstown, PA 17011) for the construction of a high pressure #4 extrusion line in Hampden Township, **Cumberland County**.

31-310-030: On May 13, 1997, the Department issued a Plan Approval to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for the construction of a portable limestone crushing plant controlled by water sprays at their Union Furnace Quarry in Spruce Creek Township, **Huntingdon County**.

36-304-055E: On May 13, 1997, the Department issued a Plan Approval to **Grinnell Corporation** (1411 Lancaster Avenue, Columbia, PA 17512) for the construction of a foundry casting, grinding and cleaning system controlled by a fabric collector at their South Foundry in Columbia Borough, **Lancaster County**.

44-307-002A: On May 9, 1997, the Department issued a Plan Approval to **Standard Steel** (500 North Walnut Street, Burnham, PA 17009) for the installation of a steel conditioning grinder controlled by a baghouse in Burnham Borough, **Mifflin County**.

67-2001A: On May 13, 1997, the Department issued a Plan Approval to **J. E. Baker Company** (232 East Market Street, P. O. Box 1189, York, PA 17405-1189) for the modification of a refractory production facility in West Manchester Township, **York County**.

38-310-017B: On June 3, 1997, the Department issued a Plan Approval to **Carmeuse Pennsylvania, Inc.** (P. O. Box 160, Annville, PA 17003) for the installation of a portable crushing plant controlled by wet suppression at their Millard Quarry in North Londonderry Township, **Lebanon County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

67-310-006C: On May 30, 1997, the Department issued a Plan Approval to **York Building Products Company, Inc.** (P. O. Box 1708, York, PA 17405) for the construction of a stone crushing plant at their Lincoln Stone Division in Jackson Township, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

36-316-006B: On June 6, 1997, the Department issued a Plan Approval to **Conestoga Wood Specialties Corporation** (P. O. Box 158, East Earl, PA 17519) for the modification of their wood working operations in areas 2A, 2B, 2C, 2D and 2E in East Earl Township, **Lancaster County**.

36-316-022E: On June 6, 1997, the Department issued a Plan Approval to **Conestoga Wood Specialties Corporation** (P. O. Box 158, East Earl, PA 17519) for the modification of their woodworking operations in areas 3A, 3B, 3C, 3D, 3E and 3F in East Earl Township, **Lancaster County**.

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

49-318-033. On May 13, 1997, plan approval was issued to **Shumaker Industries, Inc.** (P. O. Box 206, Northumberland, PA 17857) for the construction of shotblasting and surface coating operations in Northumberland Borough, **Northumberland County**.

PA-53-0009A. On May 13, 1997, plan approval was issued to **National Fuel Gas Supply Corporation** (P. O. Box 2081, Erie, PA 16512) for the installation of air cleaning devices (low emission combustion retrofit kits) on one 1,000 HP natural gas-fired reciprocating engine and two 2,000 HP natural gas-fired reciprocating engines at the Ellisburg Compressor Station in Allegany Township, **Potter County**.

PA-53-0007A. On May 13, 1997, plan approval was issued to **National Fuel Gas Supply Corporation** (P. O. Box 2081, Erie, PA 16512) for the installation of air cleaning devices (low emission combustion retrofit kits) on three 540 HP natural gas-fired reciprocating engine at the East Fork Compressor Station in Wharton Township, **Potter County**.

41-309-003B. On May 27, 1997, plan approval was issued to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the installation of an air cleaning device (a fabric collector) on an agricultural limestone pulverizing system at the Pine Creek Quarry in Limestone Township, **Lycoming County**.

GP5-17-03. On May 9, 1997, **Angerman Associates** was granted authorization to operate a 144 horsepower natural gas fired reciprocating engine, a 318 horsepower natural gas fired reciprocating engine and a natural gas dehydrator under the Department's General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP5) at the North Compressor Station in Brady Township, **Clearfield County**.

GP5-18-01. On May 9, 1997, **Cabot Oil and Gas Corporation** was granted authorization to operate a 265 horsepower natural gas fired reciprocating engine and a natural gas dehydrator under the Department's General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP5) at the Turner Compressor Station in Chapman Township, **Clinton County**.

GP5-17-01. On May 15, 1997, **Cabot Oil and Gas Corporation** was granted authorization to operate a natural gas dehydrator under the Department's General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP5) and denied authorization to operate a 150 horsepower natural gas fired reciprocating engine under the same general plan approval/general operating permit at the Olanta Compressor Station in Knox Township, **Clearfield County**.

GP5-17-02. On May 15, 1997, **Cabot Oil and Gas Corporation** was granted authorization to operate a natural gas dehydrator under the Department's General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP5) and denied authorization to operate a 165 horsepower natural gas fired reciprocating engine under the same general plan approval/general operating permit at the Mahaffey Compressor Station in Chest Township, **Clearfield County**.

GP5-17-04. On May 15, 1997, **Angerman Associates** was denied authorization to operate an 840 horsepower natural gas fired reciprocating engine and a 462 horsepower natural gas fired reciprocating engine under the Department's General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP5) at the South Compressor Station in Brady Township, **Clearfield County**.

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

PA-65-890A: On May 28, 1997, a Plan Approval was issued to **Basic Carbide Corporation** (900 Blythedale Road, P. O. Box 525, Buena Vista, PA 15018) for a carbide manufacturing process at its Lower Facility located in Sewickly Township, **Westmoreland County**.

PA-63-101A: On May 28, 1997, a Plan Approval was issued to **Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314) for a coal storage area at its Maple Creek Preparation Plant facility located in New Eagle Borough, **Washington County**.

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

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

65-304-039: On May 28, 1997, a Plan Approval expiration date was extended to August 28, 1997, for **Tasman**

Development Company, Ltd., (P. O. Box 81620, Pittsburgh, PA 15217) for a sand removal and screening process at its Latrobe Plant located in Latrobe Borough, **Westmoreland County**.

04-313-053B: On May 28, 1997, a Plan Approval expiration date was extended to September 1, 1997 for **Envirotrol, Inc.** (P. O. Box 61, Sewickley, PA 15143) for a scrubber and afterburner on the Rotary Kiln Carbon Regenerator at its Darlington Facility located in Darlington Township, **Beaver County**.

MINING

CONDUCT COAL AND NONCOAL 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. §§ 4401—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).

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

Coal Applications Issued:

56960110. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of a bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 312.2 acres, receiving stream Blue Lick Creek, unnamed tributary to Blue Lick Creek. Application received September 19, 1996. Permit issued June 2, 1997.

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

17910136. P & N Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767), renewal of an existing bituminous surface mine-auger permit in Brady and Henderson Townships, **Clearfield and Jefferson Counties** affecting 130 acres, receiving streams: unnamed tributaries to Each Branch Mahoning Creek and East Branch Mahoning Creek. Application received March 24, 1997. Permit issued May 16, 1997.

17960123. Johnson Brothers Coal Company (R. R. 1, Box 580, Mahaffey, PA 15757), commencement, operation and restoration of a bituminous surface mine permit in Brady Township, **Clearfield County** affecting 8.4 acres, receiving streams: unnamed tributary to Little Anderson Creek and Little Anderson Creek. Application received December 19, 1996. Permit issued May 21, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.

33920102. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous strip operation in Snyder Township, **Jefferson County** affecting 195.0 acres. Receiving streams: Four unnamed tributaries of Mill Creek. Application received: March 27, 1997. Permit Issued: May 27, 1997.

61970101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Irwin Township, **Venango County** affecting 66.5 acres. Receiving streams: four unnamed tributaries to Scrubgrass Creek. Application received: January 28, 1997. Permit Issued: May 30, 1997.

McMurray District Office, 3913 Washington Rd., McMurray, PA

30841310. Duquesne Light Co. (P. O. Box 457, Greensburg, PA 15338), to renew the permit for the Warwick #3 Bituminous Deep Mine in Dunkard Township, **Greene County**, no additional discharge. Permit issued June 3, 1997.

56841318. Solar Fuel Co., Inc. (P. O. Box 488, Somerset, PA 15501), to renew the permit for the Solar #7 Bituminous Deep Mine in Quemahoning Township, **Somerset County**, no additional discharge. Permit issued June 5, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454

40840206T. Northampton Fuel Supply Co., Inc. (7500 Old Georgetown Road, 13th Floor, Bethesda, MD 20814-6161), transfer of an existing surface mine/coal refuse reprocessing operation in Plains Township, **Luzerne County** affecting 126.9 acres, receiving stream—none. Transfer issued June 4, 1997.

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

Large Industrial Mineral Permits Issued:

4774SM4. Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18044-0231), renewal of an existing large industrial mineral NPDES permit, Fairfield Township, **Lycoming County**. Application received March 21, 1997. Permit issued June 3, 1997.

4773SM5. Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18044-0231), renewal of an existing large industrial mineral NPDES permit, Muncy Creek Township, **Lycoming County**. Application received May 12, 1997. Permit issued June 3, 1997.

4773SM3. Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18044-0231), renewal of an existing large industrial mineral NPDES permit, Limestone Township, **Lycoming County**. Application received March 24, 1997. Permit issued June 3, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

7574046C2. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809), renewal of NPDES Permit #PA0613029 in Southampton Township, **Cumberland County**, receiving stream—unnamed intermittent stream to Green Spring Creek. Renewal issued June 3, 1997.

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

Small Industrial Mineral Authorizations Granted:

08960806. Donald Eugene Johnson, Sr. (R. R. 1, Box 257A, Monroeton, PA 18832), commencement, operation and restoration of a Small Noncoal (Bluestone) permit in Asylum Township, **Bradford County** affecting 1 acre, application received December 18, 1996, authorization granted May 16, 1997.

08970803, Wayne W. Warner (R. R. 1, Box 95, Stevensville, PA 18845-9730), commencement, operation and restoration of a Small Noncoal (Bluestone) permit in Pike Township, **Bradford County** affecting 1 acre, application received March 7, 1997, authorization granted May 29, 1997.

08970802, Robert H. Fields (R. R. 1, Box 93, Stevensville, PA 18845), commencement, operation and restoration of a Small Noncoal (Bluestone) permit in Herrick Township, **Bradford County** affecting 1 acre, application received March 6, 1997, authorization granted May 29, 1997.

53950805, James D. Chalmers (R. R. 1, Box 147, Galeton, PA 16922), commencement, operation and restoration of a Small Noncoal (Flagstone) permit in Abbott Township, **Potter County** affecting 2 acres, application received October 20, 1995, authorization granted May 29, 1997.

08970801, Frank Kamarauskas (R. D. 4, Box 118, Montrose, PA 18801), commencement, operation and restoration of a Small Noncoal (Bluestone) permit in Tuscarora Township, **Bradford County** affecting 1 acre, application received March 5, 1997, authorization granted May 30, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.

33970801. Doverspike Bros. Coal Company (R. D. 4, Box 271, Punxsutawney, PA 15767), commencement, operation and restoration of a small noncoal sandstone operation in McCalmont Township, **Jefferson County** affecting 5.1 acres. Receiving streams: None. Application received: March 20, 1997. Permit Issued: May 21, 1997.

25970802. Lewis G. and Carolyn R. Skelton (13310 Edinboro Plank Road, Waterford, PA 16441), commencement, operation and restoration of a small noncoal sand and gravel operation in Washington Township, **Erie County** affecting 5.0 acres. Receiving streams: None. Application received: February 25, 1997. Permit Issued: May 21, 1997.

McMurray District Office, 3913 Washington Rd., McMurray, PA

Coal Mining Applications Returned:

17961301. Power Operating Company, Inc. (P. O. Box 25, Osceola Mills, PA 16666), to operate the New Rosemary Bituminous Deep Mine in Gulich Township, **Clearfield County**, receiving stream Moshannon Creek. Application returned June 4, 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)).

Persons aggrieved by this action may appeal under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800)

654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1 and 693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (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.

E09-745. Encroachment Permit. **Quakertown Borough**, 15-35 N. Second Street, P. O. Box 727, Quakertown, PA 18951. To reconstruct, operate and maintain wellhouse No. 18 at the location of existing wellhouse No. 15, which will be demolished and debris removed from floodplain. The site is located along Beaver Run, in the 100 year floodplain, at the south side dead end of Second Street (Quakertown USGS Quadrangle N: 10.90 inches; W: 11.60 inches) in Richland Township, **Bucks County**. This permit was issued under section 105.13(e) "small projects."

E23-326. Encroachment Permit. **Southeastern Pennsylvania Transportation Authority**, 1234 Market Street, Philadelphia, PA 19107-3780. To remove an existing 25.7-foot long bridge and rebuild the structure utilizing 47.4-foot long prestressed concrete beams with parapet walls and concrete roadway paving. The abutments and approach areas will also be rebuilt. This bridge will have a span of approximately 43.5 feet and an underclearance of 8 feet. This bridge spans Cobbs Creek along Hathaway Lane (Lansdowne, PA Quadrangle N: 21.6 inches; W: 7.75 inches), in Haverford Township, **Delaware County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E46-760. Encroachment Permit. **Wissahickon Valley Watershed Association**, 12 Morris Road, Ambler, PA 19002-5499. To construct and maintain a 48-foot wide prefabricated pedestrian bridge across a branch of the Wissahickon Creek and in the adjacent 100-year floodway at Four Mills Nature Reserve. The site is located approximately 8,300 feet upstream from the confluence with Sandy Run (Ambler, Quadrangle N: 4.00-inch; W: 14.00-inch) in Upper Dublin Township, **Montgomery County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E15-396. Encroachment Permit. **Wooldrige Construction of PA, Inc.**, 1500 Greenhill Road, West Chester, PA 19380. To perform the following activities:

1. To construct and maintain 37 linear feet of 72-inch by 44-inch ALCMP culvert beneath Chandler Drive and across an unnamed tributary to Boot Run (HQ TSF), and adjacent wetlands (PEM) situated immediately south of Lincoln Village;

2. To remove the riser box on the upstream end of Chandler Drive road crossing of Boot Run, and to install 8 linear feet of 73-inch by 55-inch CMP culvert to an existing 73-inch by 55-inch CMP roadway culvert, and operate and maintain this culvert crossing;

3. To operate and maintain 5 existing water obstructions and encroachments, consisting of fill placed in wetland, the 100 year floodway of Boot Run and tributaries of Boot Run; 29 stormwater outfall structures; and 5 utility line crossings of regulated waters of the Commonwealth;

4. To restore 1.05 acres of wetland and approximately 1,000 feet of watercourse.

The project includes a total of 4.31 acres of wetland impact during construction of the Hershey's Mills Golf Course and Residential Subdivision. This development is bounded by Boot Road to the west, Green Hill Road to the north, and Chester Road (S. R. 0352) to the east (Malvern, PA Quadrangle N: 0.05 inch and W: 6.5 inches), in East Goshen Township, **Chester County**. This permit requires the construction of 8.50 acres of replacement wetlands.

E15-520. Encroachment Permit. **County of Chester**, Courthouse, 2nd and High Streets, West Chester, PA 19380. To repair, modify and maintain Chester County Bridge No. 178 carrying Pickering Road (T-504) over Pickering Creek (HQ-TSF). The proposed work will consist of replacing deteriorated iron trusses and laminated timber deck with steel I-beams, open steel grid and timber plank deck, and remounting existing steel trusses on exterior beams. The work also will include repair of existing stone masonry abutment and wingwall facings, constructing new reinforced concrete abutments behind existing abutments, and placing riprap stone protection along the abutments and wing walls. Also included in this project will be the reconstruction of approximately 350 linear feet of roadway bridge approaches, and installation of two storm drainage outfall structures which are a 38-foot long, 18-inch diameter CMP for Pickering Road and a 52-foot long, 24-inch by 18-inch elliptical CMP for Lincoln Road. This bridge is located approximately 1 1/2 miles southeast of the intersection of S. R. 113 and Pickering Road (Malvern, PA Quadrangle N: 18.3 inches; W: 9.8 inches) in Charlestown 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, (717) 657-4590.

E36-630. Encroachment. **John Rautzahn**, PA Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure, construct and maintain a cast in place reinforced concrete frame culvert having a clear normal span of 20 feet with a minimum underclearance of 6.0 feet

across Swarr Run on S. R. 3017—Section 004, Segment 0450, offset 0000 (Columbia East, PA Quadrangle N: 15.2 inches; W: 4.75 inches) in East Hempfield Township, **Lancaster County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E50-183. Encroachment. **John Rautzahn**, PA Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a bridge having a clear span of 27.4 feet and an underclearance of 3.93 feet across the channel of Muddy Run at a point at ST 0274-007 (Landisburg, PA Quadrangle N: 21.0 inches; W: 13.5 inches) in Tyrone Township, **Perry County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

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

E08-310. Encroachment. **Calvin C. Cole, Inc.**, 809 North Elmira St., Sayre, PA 18840. To place and maintain fill in 0.7 acre of palustrine emergent wetlands for the purpose of expanding a materials storage area of an existing asphalt plant. The permit applicant will construct 0.7 acre of replacement wetlands to compensate for unavoidable impacts. The project site is located adjacent to the west side of SR 220, approximately 0.6 mile south of the village of Greenes Landing (Sayre, PA Quadrangle N: 8.2 inches; W: 3.7 inches) in Athens Township, **Bradford County**.

E14-302. Encroachment. **PA Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove the existing structure and to construct and maintain a post tensioned twin cell reinforced concrete box culvert with a clear span of 33.5 feet on a skew of 73 degrees and a minimum underclearance of 5 feet and the placement of R-7 rock along the stream bank for a distance of approximately 60 feet upstream and downstream of the proposed culvert in Slab Cabin Run under SR 3012 about 0.5 mile west of the intersection of SR 3012 (Puddintown Road) and SR 3011 (Houserville Rd.) (State College, PA Quadrangle N: 12.4 inches; W: 11.6 inches) in College Township, **Centre County**.

E14-305. Encroachment. **Calibre Boalsburg L. P.**, 100 N. Patterson St., State College, PA 16801. To construct and maintain the outfalls of a 12 inch, a 15 inch, an 18 inch and a 36 inch stormwater pipe with their associated endwalls and riprap aprons on the right bank of Spring Creek located approximately 1,000 feet northeast of the intersection of SR 0322 and SR 0045 (State College, PA Quadrangle N: 5.25 inches; W: 4.5 inches) in Harris Township, **Centre County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E14-306. Encroachment. **Diversified Realty, Inc.**, c/o Gregory C. Spotts, 1522 Woodledge Circle, State College, PA 16830. To construct, operate and maintain a relocated channel of an unnamed tributary to Big Hollow for the construction of an industrial development. The proposed work shall consist of relocating 720.0 linear feet of the stream. The project is located along southern right-of-way of SR 0322 approximately 500 feet northeast of the intersection of Valley Vista Drive and North Atherton St. (Julian, PA Quadrangle N: 11.8 inches; W: 5.7 inches) in Patton Township, **Centre County**.

E17-308. Encroachment. **Laurel Manufacturing, Inc.**, 1 Tom Mix Dr., DuBois, PA 15801. To excavate fill and construct, operate and maintain a parking area in the floodway of Beaver Run. The work shall consist of 1) excavating 11,719.0 cubic yards of fill from the floodway, 2) placing 7,213.0 cubic yards of subbase in the floodway and 3) constructing a parking area with 4,959.0 cubic yards of bituminous paving material in the floodway. The project is located along the eastern right of way of SR 0219 approx. 4,000 feet west of the intersection of SR 4017 and Beaver Drive (Luthersburg, PA Quadrangle N: 22.2 inches; W: 16.7 inches) in the City of DuBois, **Clearfield County**.

E41-398. Encroachment. **Loyalsock Township Supervisors**, 2501 E. Third St., Williamsport, PA 17701. To remove brush, trees and five unvegetated gravel and silt bars measuring 300, 200, 120, 150 and 150 feet in an unnamed tributary to McClures Run. The project is located about 150 feet east of River Avenue between Sheridan Street and Washington Blvd. (Montoursville North, PA Quadrangle N: 0.4 inch; W: 14.6 inches) in Loyalsock Township, **Lycoming County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

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

E02-1183. Encroachment. **Town of McCandless**, 9955 Grubbs Road, Wexford, PA 15090. To remove the existing structure and to construct and maintain a R. C. box culvert having a span of 8.0 feet and an underclearance of 4.5 feet in Little Pine Creek. The culvert is located on Remington Drive approximately 1,000 feet north of the intersection of Remington Drive and Peebles Road (Emsworth, PA Quadrangle N: 11.5 inches; W: 2.0 inches) in McCandless Township, **Allegheny County**. This permit was issued under Section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E02-1184. Encroachment. **Richland Township**, 4010 Dickey Road, Gibsonia, PA 15044. To remove the existing parapet walls and to construct and maintain two box culvert extensions. One box culvert has a span of 8 feet, an underclearance of 6 feet and is 30 feet long, located in Willow Run (TSF). The other box culvert has a span of 7 feet, an underclearance of 5 feet and is 30 feet long, located in a tributary to Willow Run (TSF). The purpose of this project is to improve the intersection of Grubbs Road and S. R. 910 (Valencia, PA Quadrangle N: 0.9 inch; W: 13.1 inches) in Richland Township, **Allegheny County**.

E04-241. Encroachment. **THF Chippewa Development, L. P.**, 955 Executive Parkway, Suite 210, St. Louis, MO 63141. To construct and maintain a 78-inch corrugated metal pipe (depressed 12 inches) 219 feet long, to construct and maintain four outfall structures in a tributary to Wallace Run and to place and maintain fill in approximately 0.3 acre of wetland (PFO) for the purpose of providing access to a proposed retail development site. The project is located on the north side of Route 51 approximately 3,000 feet northwest of the intersection of Route 51 and Route 251 (New Galilee, PA Quadrangle N: 5.3 inches; W: 1.2 inches) in Chippewa Township, **Beaver County**. This permit approved the Environmental Assessment for a nonjurisdictional dam.

E26-236. Encroachment. **Fay-Penn Industrial Development Corp.**, P. O. Box 2101, Uniontown, PA 15401. To repair, operate and maintain four railroad bridges across Redstone Creek and an unnamed tributary to Redstone Creek for the purpose of improving structural integrity. The bridges are located in the City of Uniontown and South Union Township, **Fayette County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E65-477-A1. Encroachment. **JJ Gumberg Co.**, 1051 Brinton Rd., Pittsburgh, PA 15221-4599. To operate and maintain the existing 980-foot \times 8.25-foot culvert and to construct and maintain a 215-foot long, 16-foot \times 8.25-foot multiplate steel arch extension to the existing enclosure in an unnamed tributary to Tinkers Run for the purpose of expanding the existing commercial site to include a restaurant. This permit amendment eliminates the requirement to enhance 1,150 L. F. of an unnamed tributary to Tinkers Run by funding a water quality improvement project in Turtle Creek Watershed. The project is located on U. S. Route 30 (Irwin, PA Quadrangle N: 12.6 inches; W: 9.3 inches) in North Huntingdon Township, **Westmoreland County**.

E65-664. Encroachment. **Continuing Care Concepts**, c/o Dataplan Inc., 347 Franklin Street, Slippery Rock, PA 16057. To place and maintain fill in 0.22 acre of wetlands for the purpose of constructing a 38-bed patient care facility along Old William Penn Highway (Murrysville, PA Quadrangle N: 8.4 inches; W: 2.9 inches) in the Municipality of Murrysville, **Westmoreland County**.

E65-666. Encroachment. **Derry Borough**, 114 E. Second Ave., Derry, PA 15627-1202. To remove the existing structures and to construct and maintain four bridges across McGee Run (TSF) located on the following streets: East First Avenue Alley having a span of 12 feet and an underclearance of 6.25 feet; East Second Avenue having a span of 12.25 feet and an underclearance of 6.70 feet; East Second Avenue Alley having a span of 12 feet and an underclearance of 5.5 feet; East Third Avenue having a span of 13 feet and an underclearance of 4.75 feet (Derry, PA Quadrangle N: 15.15 inches; W: 6.85 inches) in Borough of Derry, **Westmoreland County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

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

E10-256. Encroachment. **Municipal Sewer and Water Authority of Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066. To construct and maintain additions to the main and auxiliary sewage pump station buildings and a service road within the floodway and floodplain of Brush Creek for the expansion and upgrade of the existing Brush Creek Water Pollution Control Facility along Powell Road approximately 600 feet south of Glen Eden Road (S. R. 3024) (Braden, PA Quadrangle N: 17.3 inches; W: 3.7 inches) located in Cranberry Township, **Butler County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E20-441. Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street. To remove the existing bridge and to construct and maintain a prestressed concrete composite spread box beam bridge having a clear, normal span of 48.5 feet and an average underclearance of 8.0 feet across Five Mile Creek on S. R.

0089, Segment 0250, Offset 2745 approximately 1.7 miles south of S. R. 77 (Spartansburg, PA Quadrangle N: 6.1 inches; W: 8.3 inches) located in Sparta Township, **Crawford County**.

E20-442. Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct and maintain a prestressed concrete composite spread box beam bridge having a clear, normal span of 67 feet and an average underclearance of 7.7 feet across East Branch Oil Creek on S. R. 0089, Segment 0260, Offset 0267 approximately 1.45 miles south of S. R. 77 (Spartansburg, PA Quadrangle N: 6.7 inches; W: 8.7 inches) located in Sparta Township, **Crawford County**.

E24-198. Encroachment. **City of St. Marys**, 808 South Michael Road, P. O. Box 1994, St. Marys, PA 15857-1994. To remove the existing culvert and to install and maintain a 42-foot long, 16.6-foot wide by 4.3-foot high low profile metal box culvert in Iron Run on Averyville Road approximately 1,600 feet south of S. R. 2008 (South Michael Road) (St. Marys, PA Quadrangle N: 6.4 inches; W: 4.8 inches) located in the City of St. Marys, **Elk County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E25-547. Encroachment. **Transportation Investment Group**, 3011 West 17th Street, Erie, PA 16505. To fill 0.3 acre of wetland and to replace an existing 18-inch diameter stormwater outfall pipe in a tributary to Lake Erie (Marshall Run) for the construction of a Federal Express Sorting Facility at 3011 West 17th Street approximately 1,500 feet west of Peninsula Drive (S. R. 832) (Swanville, PA Quadrangle N: 16.8 inches; W: 2.9 inches) located in Millcreek Township, **Erie County**.

E27-054. Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct and maintain a concrete box culvert having a 14-foot wide by 6.7-foot high waterway opening in Blue Jay Creek on S. R. 1003, Segment 0020, Offset 1879 approximately 4,000 feet north of S. R. 66 (Lynch, PA Quadrangle N: 7.3 inches; W: 7.7 inches) located in Howe Township, **Forest County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E33-178. Encroachment. **PA Department of Transportation, District 10-0**, P. O. Box 429, Route 286 South, Indiana, PA 15701. To remove the remains of the existing two span bridge and to construct and maintain a prestressed concrete spread box beam bridge having a clear, normal span of 68.5 feet and an average underclearance of 7.5 feet across Little Sandy Creek on S. R. 3018, Segment 0050, Offset 1069 approximately 1,900 feet south of T-368 in the Village of Coolspring (Coolspring, PA Quadrangle N: 7.6 inches; W: 11.6 inches) located in Oliver Township, **Jefferson County**.

E62-330. Encroachment. **Dana R. Wellington**, R. R. 1, Box 10B, Tidioute, PA 16351. To construct and maintain a steel grinder bridge having a clear span of 39 feet and a maximum underclearance of 6 feet across North Branch Akeley Run at Cable Hollow for a private driveway extending south from Cable Hollow Road (S. R. 1016) approximately 900 feet west of Mill Road (T-588) (Scandia, PA Quadrangle N: 19.5 inches; W: 14.0 inches) located in Pine Grove Township, **Warren County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

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 Clean Streams Law (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)).

Permits Issued and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D02-118. Dam. To construct, operate and maintain a stormwater detention dam (Duncan Avenue Extension West Dam) across a tributary to Little Pine Creek in the Town of McCandless, **Allegheny 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 Clean Streams Law (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:

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

Environmental Assessment Approvals and Actions on 401 Certifications

EA20-003NW. Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing Atlantic Truss, a steel truss bridge including super structure, piers and abutments on SR 3013 Section B03 across McMillen Hollow approximately 0.25 mile south of SR 3006 (Atlantic Road) at the Village of Atlantic (Conneaut Lake, PA Quadrangle N: 0.15 inch; W: 12.05 inches) located in East Fallowfield Township, **Crawford County**.

WATER QUALITY CERTIFICATION

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.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of

practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

Northcentral Regional Office, Assistant Regional Director, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3320.

Certification Request Initiated By: Department of Transportation, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Date of Initial Pennsylvania Bulletin Notice: January 25, 1997.

Project Description/Location: To construct and maintain various size culverts and bridges and impact 31.5 acres of wetlands in and along tributaries to South Bald Eagle Creek, North Bald Eagle Creek, and Buffalo Run for improvements to U. S. 220 in Snyder Township, **Blair County**, and Taylor, Worth, Huston, and Patton Townships, **Centre County**.

Final Action on Request: Certification granted.

David E. Milhous, P. E., Regional Manager, Water Management, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6945.

Certification Request Initiated By: John L. Baker, P. E., District Engineer, Engineering District 1-0, Department of Transportation, 1140 Liberty Street, Franklin, PA 15323.

Date of Initial Pennsylvania Bulletin Notice: May 3, 1997.

Location: City of Erie and Harborcreek Township, **Erie County**.

Project Description: To construct approximately 6.1 miles of new, 4-lane, controlled access highway connecting the eastern terminus of the existing Bayfront Parkway to Interstate 90 at its interchange with Station Road. The project will impact the following streams: Fourmile Creek (WWF, MF), McDaniel Run (WWF, MF), Cemetery Run (WWF, MF), Garrison Road (WWF, MF), two unnamed tributaries to Fourmile Run (WWF, MF), four unnamed tributaries to McDaniel Run (WWF, MF), and one unnamed tributary to Fivemile Creek (CWF, MF). In addition, a total of 3.8 acres of wetland are proposed to be impacted (0.7 acre PEM, 0.3 acre PSS, 2.6 acres PFO, and 0.2 acre PFO in the Coastal Zone of Lake Erie). Stream and wetland mitigation will be required.

Final Action on Request: The certification granted, is subject to the following conditions:

1. A Water Obstruction and Encroachment Permit must be secured from the Department of Environmental Protection, Soils and Waterways Section, Water Management, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481.

2. The proposed activities must comply with the above permit as well as Chapters 93, 95, 102 and 105 of the Department's Rules and Regulations and all other applicable State regulations and other State requirements.

WATER ALLOCATIONS

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

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

Permits issued on May 27, 1997.

WA 11-620B. Water Allocation. **Highland Sewer and Water Authority, Cambria County, PA.** The right to withdraw a maximum of 5.383 million gallons per day of water, as a daily peak, from the Beaverdam Reservoir, **Cambria County, PA.**

WA 11-620C. Water Allocation. **Highland Sewer and Water Authority, Cambria County, PA.** The right to withdraw a maximum of 1.495 million gallons per day of water, as a 30-day average, from the Lloydell Reservoir, **Cambria County, PA.**

WA 11-620D. Water Allocation. **Highland Sewer and Water Authority, Cambria County, PA.** The right to withdraw, on an emergency basis only, a maximum of 0.409 million gallons per day of water, as a 30-day average, from the Bear Rock Reservoir, **Cambria County, PA.**

[Pa.B. Doc. No. 97-987. Filed for public inspection June 20, 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 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 June 1997 edition of the Inventory will soon be 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/Inventory.

Bound paper copies of the June 1997 Inventory will become available in July for those who do not have access to the Web site. DEP automatically mails a paper copy of the June 1997 Inventory to persons who received a bound paper copy of the December 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 DEP at (717) 783-8727.

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—New Guidance

DEP ID: 254-5403-100 Title: Guidelines for Yard Waste Composting Facilities Description: The purpose of this document is to provide instructions and operating procedures for the operation of a yard waste composting facility operating under permit-by-rule. Page Length: 15 pages Location: Volume 6, Tab 27 Contact: Josephine Valencia at (717) 787-9870.

DEP ID: 563-2504-501 BMR PGM: II:5:1 Title: Qualifying, Processsing and Tracking Financial Guarantees and Bond Credits Description: This document provides guidance to evaluate, process and track financial guarantees and Bond Credits for coal remining and reclamation. Page

Length: 17 pages Location: Volume 12, Tab 68A Contact: Evan Shuster at (717) 787-7846.

Final Technical Guidance—Revision to Existing Guidance

DEP ID: 561-2305-601 BMR PGM: VII:6:1 Title: Small Operator Assistance Program (SOAP) and Remining Operator's Assistance Program (ROAP) Applicant Liability and Reimbursement Procedure Description: The purpose of this guidance is to establish the criteria and procedures to be used in seeking reimbursement from SOAP and ROAP recipients and to establish "good faith" criteria for waivers of reimbursement. Page Length: 3 pages Location: Volume 12, Tab 98A Contact: Evan Shuster at (717) 787-7846.

Final Technical Guidance—Minor Revisions—Bureau of Mining and Reclamation Documents

The Bureau of Mining and Reclamation has made minor (not substantive) revisions to the following documents. Persons who have questions about any of these documents should contact Dottie Shellehamer at (717) 787-5103.

DEP ID: 562-2100-704 BMR PGM I:7:4 Title: Municipal Mining Licenses, Permits and Bonds Page Length: 2 pages Location: Volume 12, Tab 37

DEP ID: 562-2500-702 BMR PGM: I:7:2 Title: Insurance Requirements and Water Supply Replacement Assurance Page Length: 8 pages Location: Volume 12, Tab 35

DEP ID: 562-3000-802 BMR PGM: I:8:2 Title: AVS Compliance Page Length: 4 pages Location: Volume 12, Tab 39

DEP ID: 562-4180-309 BMR PGM: I:3:9 Title: Reclamation in Lieu of Cash Payment for Civil Penalties Page Length: 5 pages Location: Volume 12, Tab 21

DEP ID: 562-4170-308 BMR PGM: I:3:8 Title: Bond Forfeiture Page Length: 5 pages Location: Volume 12, Tab 20

DEP ID: 562-3000-802 Title: AVS Compliance Page Length: 4 pages Location: Volume 12, Tab 39

DEP ID: 563-2112-608 BMR PGM: II:6:8 Title: Constructed Wetlands for Mine Drainage Treatment Page Length: 4 pages Location: Volume 12, Tab 77

DEP ID: 563-2112-656 BMR PGM: II:6:56 Title: Liners - Impoundments and Storage Areas Page Length: 4 pages Location: Volume 12, Tab 83

DEP ID: 563-2500-401 BMR PGM: VIII:4:1 Title: Noncoal Surface Mining Payment in Lieu of Bond Page Length: 6 pages Location: Volume 12, Tab 110

DEP ID: 563-2504-407 BMR PGM: II:4:7 Title: Bonding - Direct Submittal of Bonds Page Length: 3 pages Location: Volume 12, Tab 63

DEP ID: 563-2504-412 Title: Evaluating Postmining Discharges Page Length: 4 pages Location: Volume 12, Tab 67

Draft Technical Guidance

DEP ID: 561-5300-201 BMR PGM: VI:2:1 Title: Damage Claim Processing Background: The Coal and Clay Mine Subsidence Insurance Act of August 23, 1961 (P. L. 1068, No. 484; 52 P. S. §§ 3201—3226) requires DEP to administer the Mine Subsidence Insurance program for the purpose of providing a reliable and economical source of insurance coverage against the losses caused by mine subsidence. This document provides the instructions and criteria required to process Mine Subsidence Insurance

damage claims. Deadline for Submittal of Comments: July 15, 1997 Contact: Lawrence Ruane at (717) 783-9586.

DEP ID: 563-2000-104 BMR PGM: II:1:4 Title: Sealing Exploratory Drill Holes Background: 25 Pa.Code §§ 86.133 and 89.54 require exploratory drill holes to be cased, lined, sealed or otherwise managed to prevent degradation of the quality of ground and surface water, minimize disturbance to the prevailing hydrologic balance, ensure the safety of people, livestock, fish, wildlife and protect machinery in the permit and adjacent areas. The Department has documented adverse hydrologic consequences associated with improperly sealed drill holes at underground bituminous coal mines, and has historically required mine operators to seal these holes with cement or bentonite. This guidance is intended to document those requirements as written policy. Deadline for Submittal of Comments: July 14, 1997 Contact: Harold Miller at (717) 787-3174.

DEP ID: 563-2504-411 BMR PGM: II:1:4 Title: Processing Completion Reports Background: This document is being revised to improve clarity, to address Office of Surface Mining Reclamation and Enforcement (OSMRE) concerns about bond rollover and to add recommended items for consideration when allowing sediment controls to be left permanently. We have also incorporated the bond release changes authorized by Act 43 which will make bond release computation the same for both coal mining and coal remining permits. Deadline for Submittal of Comments: July 8, 1997 Contact: John Meehan at (717) 783-9388.

Notice of Intent to Remove Technical Guidance from the Inventory

DEP ID: 560-0600-205 BMR PGM: I:9:5 Title: Memorandum of Understanding with the Bureau of Laboratories Background: This document pertains only to internal DEP procedures for handling water samples. It contains the Bureau of Laboratories standard operating procedures for maintaining the chain of custody of water samples. Effective Date: June 30, 1997 Contact: Evan Shuster at (717) 787-7846.

Notice of Intent to Add and Revise Technical Guidance

Draft Title: Critical Elements for Certification of Laboratories for Microbiology Background: This document is being added to the Inventory (It is an existing document that has never been listed on the Inventory before) and it is being revised. This guidance provides conditions for obtaining and/or maintaining drinking water laboratory certification in the area of microbiological analyses. It is based on EPA's Manual for the Certification of Laboratories Analyzing Drinking Water. Anticipated Effective Date: September 1, 1997 Anticipated Draft Development Date: June 15, 1997 Proposed Development and Review Process: The draft will be distributed within DEP, including drinking water program staff as well as program counsel, for review. It will also be announced in the *Pennsylvania Bulletin* and the UPDATE for public review and comment. Contact: Ted Lyter at (717) 783-7150.

Draft Title: Critical Elements for Certification of Laboratories for Chemistry Background: This document is being added to the Inventory (It is an existing document that has never been listed on the Inventory before) and it is being revised. This guidance provides conditions for

obtaining and/or maintaining drinking water laboratory certification in the area of chemical analyses. It is based on EPA's Manual for the Certification of Laboratories Analyzing Drinking Water. Anticipated Effective Date: September 1, 1997 Anticipated Draft Development Date: June 15, 1997 Proposed Development and Review Process: The draft will be distributed within DEP, including drinking water program staff as well as program counsel, for review. It will also be announced in the *Pennsylvania Bulletin* and the UPDATE for public review and comment. Contact: Ted Lyter at (717) 783-7150.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-988. Filed for public inspection June 20, 1997, 9:00 a.m.]

Proposed Water Management Experimental Permit for Small Flow Sewage Treatment System

The Pennsylvania Rural Electric Association (PREA) has applied for an experimental permit to construct and operate a new technology demonstration project on the property of Willis and Terese Stevick, Cranberry Township, Venango County. The project will consist of a small flow sewage treatment system comprised of conventional septic tanks, a recirculating sand filter and an ultra-violet light for disinfection. A discharge into a soil infiltration system is planned. The project is designed to serve a home and will address existing sewage problems at the project location.

Unless otherwise indicated on the basis of detailed technical review of the application and/or lack of submission of necessary prerequisite planning approvals or municipal sponsorship/ordinance assuring proper operation and maintenance of the project, the Department has made a tentative decision to issue the experimental permit. All experimental permits represent only the conditional approval of such systems and must be promptly replaced or modified by the permittee, to the satisfaction of the Department if they fail, malfunction or cause a public nuisance. At the completion of the successful demonstration, the permit will be transferred to the property owner who will be responsible for continued compliance, operation and maintenance.

Persons wishing to comment on the proposed permit are invited to submit a written statement to, Permits Section, Division of Permits and Compliance, P. O. Box 8774, Harrisburg, PA 17105-8774, or John Murtha @A1.DEP.STATE.PA.US within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the final determination regarding this application. All comments should include the name, address and telephone number of the writer and a brief statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A fact-finding public meeting may be held if the Department considers the public response significant.

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

The permit application and related documents, and the proposed permit with any special conditions can be inspected at the Division of Permits and Compliance located on the 10th floor of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-989. Filed for public inspection June 20, 1997, 9:00 a.m.]

Wetlands Protection Advisory Committee Meeting

"The Wetlands Protection Advisory Committee meeting scheduled for July 1, 1997, has been moved from the 1st Floor Conference Room to the 2nd Floor Training Room of the Rachel Carson State Office Building."

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-990. Filed for public inspection June 20, 1997, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

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

Project No. DGS 800-220—Construction of Multi-Purpose Facility for Student Activities, The Pennsylvania State University, The Behrend College Campus, Erie, Erie County, PA. Construction Cost: \$9,000,000. The scope of work includes, but is not limited to, a facility to house a variety of spaces including a main arena which will also accommodate academic assemblies and concerts. Also included are a Natatorium; Racquet/Sports Area; Training and Rehabilitation Areas which will include General/Team/Visiting Team/Faculty locker and shower areas; Fitness and Research Area; Office Area and parking area with site work.

Project No. DGS 1103-43—Renovation and Addition to Alumni Hall and Chemistry Building, University of Pittsburgh, Pittsburgh, Allegheny County, PA. Construction Cost: \$5,000,000. The scope of work includes, but is not limited to, renovations and additions to Alumni Hall required to accommodate the expansion of the Chemistry and other Science programs. In addition, bring the facility into conformance with all applicable codes/regulations, including ADA. The work in the Chemistry Building will be that which is required to extend utilities and other systems to the renovated areas.

Requirements and Information

Note—Project Program

A Project Program, prepared by the Using Agency, for the above advertised projects may be available and can be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

Instructions for Filing Application

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

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

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

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

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Tuesday, July 15, 1997, and addressed to the Selections Committee, Department of General Services,

Room 104, 18th and Herr Streets, Harrisburg, PA 17125. FAX applications are not acceptable.

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

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

(f) Additional information, in writing, may be requested by the Committee as required. Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials.

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

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

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

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

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-991. Filed for public inspection June 20, 1997, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of Title XX Social Services Block Grant Planning Document

The Department of Public Welfare (Department) is making available for public review and comment the 1997-98 Social Services Block Grant Plan. Comments on this document will be used to formulate the Department's final plan for using Title XX Social Services Block Grant funds in the Fiscal Year 1997-98.

Persons wishing to obtain a copy of the plan may do so at their local County Assistance Office or by contacting the Department at the address below.

Persons wishing to submit written comments on this plan must do so by July 21, 1997. Comments are to be addressed to John R. Gibble, Department of Public Wel-

fare, Office of Social Programs, Bureau of Social Services, 2nd Floor, Bertolino Building, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may request a copy of the plan and/or provide comments by using the AT&T Relay Service. The Relay Service can be accessed by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative should contact John Gibble at (717) 787-5756.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 97-992. Filed for public inspection June 20, 1997, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Bethlehem Apparatus Company, Inc. v. DEP; Doc. No. 96-070-MG

The Department of Environmental Protection (Department) and Bethlehem Apparatus Company, Inc. (Bethlehem) have agreed to a settlement of the above matter. Bethlehem operates a mercury recycling facility located in Hellertown, PA (Hellertown Facility). By letter dated January 30, 1996, Bethlehem submitted a Request for Determination of Minor Significance to the Department, which requested that the Department determine that the Hellertown Facility was a source of minor significance and thus was exempt from the plan approval and operating permit requirements. By letter dated February 12, 1996, the Department denied Bethlehem's Request for Determination of Minor Significance. By notice of appeal dated March 18, 1996, Bethlehem appealed the Department's February 12, 1996 letter.

The Department and Bethlehem have agreed to a settlement, the major provisions of which include:

1. Bethlehem's Hellertown Facility will be designated as a source of minor significance and exempt from the plan approval and operating permit requirements during such times that the facility complies with the terms and conditions set forth in the determination.
2. Bethlehem will install specified air pollution control equipment and will conduct daily monitoring of process emissions.
3. Bethlehem will pay a civil penalty of \$1,000 in full resolution and satisfaction of civil penalty liability for alleged violations of the Department's rules and regulations concerning emissions on August 5, 1995 and September 7, 1995.

Copies of the full consent adjudication are in the possession of:

John Herman, Assistant Counsel, Department of Environmental Protection, Southwest Regional Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

John P. Judge, Esquire, Eckert Seamans Cherin & Mellot, 1700 Market Street, Suite 3232, Philadelphia, PA 19103, (215) 575-6000;

and at the offices of the Environmental Hearing Board, and may be reviewed by an interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may contact the Board through the Pennsylvania Relay Service at 1 (800) 654-5984.

Appeals must be filed within 20 days of this publication.

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

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-993. Filed for public inspection June 20, 1997, 9:00 a.m.]

County of Adams v. DEP and Middle Creek Bible Conference, Inc., Permittee; EHB Doc. No. 97-123-C

The County of Adams has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Middle Creek Bible Conference, Inc., for a facility in Freedom and Liberty Townships, Adams 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, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties pursuant to 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. 97-994. Filed for public inspection June 20, 1997, 9:00 a.m.]

Easton Area Joint Sewer Authority v. DEP; Doc. No. 97-116-MR

Easton Area Joint Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in City of Easton, Northampton County.

A date for the hearing on the appeal has not been scheduled.

The appeal is filed with the Environmental Hearing Board (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 re-

viewed by an 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 (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. 97-995. Filed for public inspection June 20, 1997, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Notice

The following meeting of the Health Care Cost Containment Council has been scheduled: Thursday, June 26, 1997, Council Meeting at 10:30 a.m. The meeting will be held in the Conference Center at the Pennsylvania State Employees Benefits Trust Fund, 150 South 43rd Street, Harrisburg, PA. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so arrangements can be made.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 97-996. Filed for public inspection June 20, 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, June 5, 1997, and took the following actions:

Regulations Approved:

Environmental Quality Board # 7-299: Corrections to Drainage Lists (amends 25 Pa. Code §§ 93.9(c)—93.9(g), 93.9(i), 93.9(l), 93.9(n), 93.9(o), 93.9(p), 93.9(q), 93.9(r), 93.9(s), 93.9(t), 93.9(w), 93.9(x) and 93.9(y))

Board of Claims # 105-3: Rules of Procedure (rescinds 4 Pa. Code Chapter 121 and amends 61 Pa. Code Chapter 899)

Insurance Department # 11-154: Premium Taxes for Foreign Fire Insurance (amends 31 Pa. Code Chapter 113)

Insurance Department # 11-156: Investments of Fire and Casualty Companies (amends 31 Pa. Code Chapter 101)

Insurance Department # 11-158: Conversion of Certain Mutual Insurance Companies (repeals 31 Pa. Code, Chapter 109, Sections 109.1—109.6)

Regulations Disapproved:

Environmental Quality Board # 7-294: Administration of Sewage Facilities, Planning Program and Standards for Sewage Disposal Facilities (Act 149) (amends 25 Pa. Code Chapters 71—73)

Commissioners Present: Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public Meeting held
June 5, 1997

Environmental Quality Board—Corrections to Drainage Lists; Doc. No. 7-299

Order

On July 24, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code §§ 93.9(c)—93.9(g), 93.9(i), 93.9(l), 93.9(n), 93.9(o), 93.9(p), 93.9(q), 93.9(r), 93.9(s), 93.9(t), 93.9(w), 93.9(x) and 93.9(y). The authority for this regulation is 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). The proposed regulation was published in the August 3, 1996 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on May 6, 1997.

This rulemaking represents an extensive editing project. The amendments to 25 Pa. Code § 93.9 in this regulation include minor corrections and reinstatements of information inadvertently dropped from the drainage lists during a reformatting of Chapter 93 in 1992. No additional costs will be imposed on the Commonwealth, local governments or private sector by this regulation.

We have reviewed this regulation and find it to be in the public interest. These amendments are intended to correct errors in the stream listings and will not change current stream designations that are being implemented for these streams. This regulation is beneficial because it provides the public with the proper information for stream designations that are already in effect.

Therefore, It Is Ordered That:

1. Regulation No. 7-299 from the Environmental Quality Board, as submitted to the Commission on May 6, 1997, is approved; and

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

Commissioners Present: Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public Meeting held
June 5, 1997

Board of Claims—Rules of Procedure; Doc. No. 105-3

Order

On May 9, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Board of Claims (Board). This rulemaking would

rescind 4 Pa. Code Chapter 121 and amend 61 Pa. Code Chapter 899. The authority for this regulation is found at 72 P. S. § 4651-10. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Board is proposing to rescind two outdated sets of rules of practice and procedure and replace them with a single set of procedural rules. The Board's enabling statute and caselaw requires that all matters before the Board be governed by the Pennsylvania Rules of Civil Procedure (Pa.R.C.P.). The new rules supplement the Pa.R.C.P. to conform to the Board's authority and to allow for the efficient handling of claims.

Two major procedural changes are proposed. First, the new rules require a party filing preliminary objections to also file a supporting brief. Failure to file the brief may result in the dismissal of the preliminary objections. Second, the new rules delete the filing of discovery material with the Board and limit each party in an action to the service of 60 interrogatories or requests for admission.

During our review, we discovered drafting errors in three of the proposed rules. The more substantive of the errors is in Rule 402(b) relating to discovery motions. As submitted, the rule provided that a brief need not be filed by a moving party when a motion to compel answers to interrogatories or production of documents is filed. However, the Board intended to eliminate the brief requirement in situations when the motion avers only that a response or objection has not been timely served. As drafted, a brief need not be filed if any motion avers that a response or objection has not been timely served.

The Board submitted a letter to the Commission on May 30, 1997, amending the regulation. The amendments clarify the very limited exception to the brief requirement and correct additional drafting errors.

We have reviewed this regulation and find it to be in the public interest. The regulation deletes obsolete procedural rules and replaces them with rules of procedure consistent with the Pa.R.C.P. The new rules will allow the Board to expeditiously and efficiently process claims.

Therefore, It Is Ordered That:

1. Regulation No. 105-3 from the Board of Claims, as submitted to the Commission on May 9, 1997, and amended on May 30, 1997, is approved; and

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

Commissioners Present: Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public Meeting held
June 5, 1997

Insurance Department—Premium Taxes for Foreign Fire Insurance; Doc. No. 11-154

Order

On May 15, 1997, the Independent Regulatory Review Commission (Commission) received this proposed rulemaking from the Insurance Department (Department). It would amend 31 Pa. Code Chapter 113 by deleting sections 113.21—113.23 as obsolete and unnecessary. The authority for this rulemaking is found in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and the Foreign Fire

Insurance Tax Distribution Law (1984 Law) (53 P. S. §§ 895.701—895.803). Notice of proposed rulemaking was omitted for these amendments; they will become effective upon publication in the *Pennsylvania Bulletin*.

The affected sections were adopted in April of 1970, under the authority of the act of June 25, 1895, P. L. 108 (1895 Act) (72 P. S. § 2262). The 1895 Act provided that a 2% premium tax paid by foreign fire insurers be distributed to political subdivisions and used for relief or pension funds for the paid and volunteer employees of fire departments. The regulations require foreign fire insurers to assign a code number to each policy to identify the political subdivision in which the insured property is located. The Department of Revenue (Revenue) used the codes to assure that tax revenue was properly distributed among the various political subdivisions. The 1895 Act was repealed by section 801 of the 1984 Law (53 P. S. § 895.801).

The 1984 Law provides a formula for the distribution of the 2% tax, which is different than that provided under the 1895 Act. The distribution is now based on population and market values of property. Revenue no longer requires information concerning location of insured properties and no longer assigns codes to political subdivisions. Section 706 of the 1984 Law (53 P. S. § 895.706) sets forth specific requirements that municipalities are to follow in connection with the use of foreign fire insurance tax moneys.

We have reviewed this regulation and find it to be in the public interest. The Department's repeal of the obsolete provisions of sections 113.21—113.23 of 31 Pa. Code will eliminate confusion by deleting outdated and inapplicable requirements.

Therefore, It Is Ordered That:

1. Regulation No. 11-154 from the Insurance Department, as submitted to the Commission on May 15, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public Meeting held
June 5, 1997

Insurance Department—Investments of Fire and Casualty Companies; Doc. No. 11-156

Order

On May 15, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department. This rulemaking would amend 31 Pa. Code Chapter 101, by deleting sections 101.1 and 101.2. The authority for this regulation is contained in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and sections 802.1 and 803.1 of The Insurance Company Law (40 P. S. §§ 912.1 and 913.1). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Sections 101.1 and 101.2 subject mutual fire insurance companies and mutual casualty insurance companies to investment laws applicable to stock fire insurance companies and stock casualty insurance companies. These pro-

visions were promulgated in 1958 under sections 517, 602 and 802 of The Insurance Company Law (40 P. S. §§ 652, 722 and 912). Sections 517, 602 and 802 of The Insurance Company Law have since been repealed by Act 106 of 1989 (Act 106). Further, Act 106 enacted new requirements at sections 802.1 and 803.1 relating to investments of mutual fire and mutual casualty companies.

We have reviewed this regulation and find it to be in the public interest. Repeal of the obsolete information at sections 101.1 and 101.2 of the Department regulations will eliminate potential confusion by removing outdated information and citations.

Therefore, It Is Ordered That:

1. Regulation No. 11-156 from the Insurance Department, as submitted to the Commission on May 15, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public Meeting held
June 5, 1997

Insurance Department—Conversion of Certain Mutual Insurance Companies; Doc. No. 11-158

Order

On May 15, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department (Department). This rulemaking would repeal 31 Pa. Code, Chapter 109, sections 109.1—109.6, and is proposed under the Department's authority under sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The purpose of Chapter 109 was to implement the provisions of Act 279 of 1970 and to facilitate compliance. However, Act 279 was repealed by Act 79 of 1995. The currently effective requirements for the conversion of mutual companies are found in sections 801-A—818-A of the Insurance Company Mutual-to-Stock Conversion Act (act) (40 P. S. §§ 911-A—928-A).

The repeal of Chapter 109 has no fiscal impact because the currently effective requirements relating to the conversion of mutual companies are found in the act. All mutual insurance companies licensed to do business in Pennsylvania will be impacted by the repeal of Chapter 109 because they will now rely on the language of the act for the requirements governing the conversion of mutual insurance companies. The repeal of Chapter 109 will benefit insurance companies by eliminating the potential confusion created by having outdated requirements in the regulations and the current requirements in the act.

We have reviewed this regulation and find it to be in the public interest. The repeal of Chapter 109 will eliminate an obsolete, unnecessary regulation.

Therefore, It Is Ordered That:

1. Regulation No. 11-158 from the Insurance Department, as submitted to the Commission on May 15, 1997, is approved; and

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

Commissioners Present: Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public Meeting held
June 5, 1997

Environmental Quality Board—Administration of Sewage Facilities, Planning Program and Standards for Sewage Disposal Facilities (Act 149); Doc. No. 7-294

Order

On March 12, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code Chapters 71—73. The authority for this regulation is contained in section 9 of the Pennsylvania Sewage Facilities Act (act) (35 P. S. § 750.9), section 1920-A of The Administrative Code of 1929 (71 P. S. § 510.20), and The Clean Streams Law (35 P. S. §§ 691.1—691.1001.). The proposed regulation was published in the March 30, 1996 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on May 6, 1997.

This regulation implements various amendments to the act which were enacted on December 14, 1994 (P. L. 1250, No. 149). The regulatory amendments to Chapters 71, 72 and 73 are necessary to bring existing regulations into compliance with amendments to the act and to update some technical standards for onlot sewage treatment systems. Among the more significant regulatory amendments are provisions relating to procedures for private requests for permitting authorized under section 5 of the act (35 P. S. § 750.5); review of official plans, update revisions, requests for exceptions to the requirements to revise an official plan, responsibilities of and administrative procedures for delegated agencies, and reimbursement to and expanded authority of local agencies under sections 6 and 8 of the act (35 P. S. §§ 750.6 and 750.8); individual spray irrigation systems authorized under section 7.3 of the act (35 P. S. § 750.7c); and fees for the review of planning modules and certain permit applications and certain responsibilities of sewage enforcement officers.

There was extensive comment on the proposed regulation. We received written comments from the following parties on the proposed regulation:

Chester County Health Department
City of Philadelphia Health Department
Cook Township Supervisors
Shamokin Dam Borough
Montgomery County Department of Health
Pennsylvania State Association of Township Supervisors
Pennsylvania Builders Association
Pennsylvania Society of Land Surveyors
Pennsylvania Society of Professional Engineers (PSPE)
Pennsylvania Association of Sewage Enforcement Officers
Pennsylvania Septage Management Association
Pennsylvania Association of Realtors

We also received numerous written comments from Sewage Enforcement Officers (SEOs) and Professional Engineers (PEs). Most of the comments focused on the question of whether an SEO is authorized by statute or qualified by training and education to design the individual residential spray irrigation systems (IRSIS).

In response to these comments, Department of Environmental Protection (DEP) sent a request dated May 14, 1996, to the State Registration Board for Professional Engineers, Land Surveyors, and Geologists (PE Board) for a formal determination as to who may design IRSIS. The PE Board responded on May 28, 1996, stating that its members voted unanimously to oppose the proposed regulation because, in the PE Board members' opinion, the design of IRSIS constitutes the practice of engineering. Section 3 of the Engineers, Land Surveyors, and Geologists Registration Law (63 P. S. § 150) prohibits the practice of engineering in the Commonwealth by any person unless he or she is licensed and registered under the laws of the Commonwealth as a PE.

In our comments on the proposed regulation, we raised two concerns with the proposal to authorize SEOs to design onlot systems. First, based upon our review of arguments raised in comments and review of the act, we could not find any provisions which indicated that the Legislature intended or authorized SEOs to design onlot sewage systems. Second, the SEO "design" course on IRSIS does not require any proof of the expertise of a student to design such a system because there is no examination at the conclusion of the course. Accordingly, we recommended that the EQB delete the provisions which would allow SEOs to design IRSIS. We also recommended that the EQB review the qualifications of landscape architects with the State Registration Board for Landscape Architects to determine if their training would qualify them to design all phases of IRSIS including the effluent requirements.

In the final-form regulation, the EQB deleted qualifications of designers from the final-form regulation, leaving the regulation silent as to who could design IRSIS. After the submittal of the final-form regulation, we received a letter from PSPE urging disapproval of the regulation because it no longer contains any guidance regarding the qualifications for designers of pressurized onlot systems including IRSIS. PSPE believes the language in the final-form regulation could be interpreted to allow almost anyone to prepare a spray irrigation system or other complex pressurized distribution system.

We have reviewed this regulation and find it not to be in the public interest. Specifically, we believe that the regulation may result in unnecessary costs being imposed on individuals who desire to have an IRSIS system installed and does not meet the clarity and reasonableness criteria in the Regulatory Review Act (71 P. S. §§ 745.5(e)(1) and (3)). The EQB responded to comments from commentators and the PE Board by deleting the proposed language allowing SEOs to design IRSIS and pressure systems, but went a step further by deleting the existing and proposed language stating that IRSIS and pressure systems must be designed by a PE. This action creates an unacceptable level of ambiguity. EQB deleted existing language and proposed language establishing the qualifications for designers of pressurized distribution, dosing pumps and IRSIS systems in Sections 73.44(c)(1), 73.46(a)(7) and 73.161(a). Given this absence of direction in the final-form regulation, it could be logically concluded that anyone could design these systems and have a permit approved by this regulation. However, DEP staff admits this is not their intent.

We recognize the fact that many people believe SEOs should be allowed to design IRSIS systems. The preamble of the final-form regulation states that the EQB and DEP believe some SEOs who are not PEs are qualified to design such systems. At our public meeting, the DEP staff made it clear that they are pursuing two options to allow SEOs to design these systems. First, they are working to develop a training course to be approved by the PE Board that would qualify SEOs to design IRSIS systems. In addition, they believe that the General Assembly may pass legislation to amend the Engineers, Land Surveyors and Geologists Registration Law to exempt SEOs from the PE license requirement for designing onlot systems. We do not disagree with the EQB's and DEP's policy goals. However, we are constrained by current law and our statutory criteria as established in the Regulatory Review Act. We are required to consider the clarity, reasonableness and consistency of a regulation with existing statutes.

Given the decision of the PE Board, we believe that the EQB has no other choice than to amend the regulation to state that only PEs can design IRSIS systems. DEP staff stated in our public meeting that their preference would be to keep the regulation neutral in anticipation of a policy change by the PE Board or legislative change in the statutes. However, DEP counsel admits that the EQB does not have the authority to ignore or overrule the decision by the PE Board.

DEP has informed all registered SEOs by letter that if an application for IRSIS does not have a PE seal, the permit application should be returned as incomplete. If the DEP and EQB recognize the PE Board's legal authority to make the PE seal a requirement for these systems, this requirement needs to be in the regulation. The regulation does not provide the necessary guidance on the qualifications of designers. We believe any confusion caused by this omission is unnecessary. DEP is following the PE Board's ruling. Hence, the requirement for IRSIS to be designed by a PE needs to be in the regulation.

In the preamble of the final-form regulation, the EQB reasoned that the act does not provide a statutory basis for the EQB to determine the qualifications of system designers. The EQB believes qualification of designer determinations must be made under appropriate statutes related to registration or licensing of professionals. We strongly disagree with the EQB's position. Although the EQB may not have the authority to contradict or contravene the PE Board, we believe it has the power, if not the duty, to establish qualifications for designers in this regulation. The act does provide a statutory basis for the EQB to establish qualifications of system designers as part of the permit standards for sewage systems. For example, section 7 of the act (35 P. S. § 750.7) states the following:

(b)(1) Application for permit shall be in writing to the local agency in accordance with the provisions of section 8 of this act, and *shall be made in such form and shall include such data as the department may prescribe.* (Emphasis added.)

Section 7.3. *Individual Residential Spray Irrigation Systems* (35 P. S. § 750.7c) provides the following:

Permits for the construction of individual residential spray irrigation systems may be issued by a local agency under this act when all of the following have been met:

* * *

(2) The site, soil conditions *and system design meet the Department's standards for these systems.* (Emphasis added.)

Furthermore, the EQB has authority under Section 9. *Powers and Duties of the Environmental Quality Board* (35 P. S. § 750.9) which provides the following:

The Environmental Quality Board shall have the power and its duty shall be to adopt such rules and regulations of the department, applicable throughout the Commonwealth, as shall be necessary for implementation of the provisions of this act. Such rules and regulations shall *establish standards for the construction, installation, alteration, maintenance and operation of individual sewage systems and community sewage systems and of sewage treatment plants in such systems, . . .* (Emphasis added.)

These provisions clearly provide the EQB with authority to establish qualifications of system designers as part of the permit standards for sewage systems

Deleting any qualifications for designers from the regulation, creates unnecessary confusion for home builders, property owners, SEOs, or anyone who looks to the regulation for the legal requirements applicable to IRSIS or pressurized systems. We recommend that the regulation not be written to overrule or ignore the decisions of the PE Board, but be written to conform with the PE Board decision and current law. Further, the regulation's requirements should not differ from standards that DEP intends to impose. When there is a change in the PE Board's decision or in current law on this particular issue, we stand ready to work with the EQB to expedite the appropriate change in the regulation.

Therefore, It Is Ordered That:

1. Regulation No. 7-294 from the Environmental Quality Board, as submitted to the Commission on May 6, 1997, is disapproved;
2. The Environmental Quality Board shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;
3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and
4. This Order constitutes a bar to final publication of Regulation No. 7-294 under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)).

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-997. Filed for public inspection June 20, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws: Robert A. Suzuki; Doc. No. SC97-05-040

Notice is hereby given of the Order to Show Cause issued on June 6, 1997, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the

above-referenced matter. Violation of the following is alleged: Section 604 of the Insurance Department Act (40 P. S. § 234); and section 4 of The Unfair Insurance Practices Act (40 P. S. § 1171.4).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-998. Filed for public inspection June 20, 1997, 9:00 a.m.]

Catastrophic Loss Benefits Continuation Fund

The Catastrophic Loss Benefits Continuation Fund (Fund) is the primary payor for eligible individuals who suffered a catastrophic loss arising out of the maintenance or use of a motor vehicle occurring after October 1, 1984, and prior to June 1, 1989, or during the December 1988-89 registration year for which payment for Catastrophic Loss Trust Fund coverage was made in accordance with 75 Pa.C.S. § 1762 (repealed). The Fund coordinates benefits with health and other insurance carriers. Insurers may confirm whether the Fund is the primary payor on a particular claim by contacting Michael Sullivan, Claims Manager for the Fund, 901 North Seventh Street, First Floor, Harrisburg, PA 17102, (717) 783-8093.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-999. Filed for public inspection June 20, 1997, 9:00 a.m.]

Per Diem Charges for Financial Examinations of Insurance Companies

Under the authority contained in § 907 of the Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4, an updated schedule of per diem charges for financial examinations conducted by the Pennsylvania Insurance Department is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$206 per day
Examiner 1	\$252 per day
Examiner 2	\$313 per day
Examiner 3	\$393 per day
Exam Manager	\$424 per day

As prescribed in 31 Pa. Code § 12.4(c), the Insurance Department will calculate and bill per diem charges for examination costs in one-half hour units.

This schedule is effective July 1, 1997.

This document supersedes the notice published at 26 Pa.B. 3241 (July 6, 1996), and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-1000. Filed for public inspection June 20, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Williams, Theodore; file no. 97-264-32385; State Farm Fire Mutual Automobile Insurance Company; doc. no. PH97-06-003; July 15, 1997, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-1001. Filed for public inspection June 20, 1997, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Lloyd, Lisa D.; file no. 97-215-32125; First General Insurance Company; doc. no. PH97-06-007; July 15, 1997, at 9 a.m.;

Appeal of Bellamy, Richard and Bertha; file no. 97-215-32404; State Farm Fire and Casualty Insurance Company; doc. no. PH97-06-004; July 15, 1997, at 10 a.m.;

Appeal of Fitch, Thomas and Constance; file no. 97-264-32768; Boyertown Mutual Insurance Company; doc. no. PH97-06-006; July 15, 1997, at 11 a.m.;

Appeal of Daniels, Lonnie and Anna; file no. 97-267-32785; State Farm Fire and Casualty Insurance Company; doc. no. PH97-06-005; July 15, 1997, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-1002. Filed for public inspection June 20, 1997, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual M205.2—Meeting Room Facilities—Amended May 1, 1997.

Manual M315.1—Municipal Tax Rate Schedules—Revision No. 2, Dated May 6, 1997.

Manual M410.3—Guidelines for Equal Employment Opportunity Plans and Programs—Amended May 8, 1997.

Manual M610.1—General Services Commodity Distribution Center Catalog—Revision No. 1, Dated May 1, 1997.

Management Directive No. 210.1—Directives Management System—Amended May 20, 1997.

Management Directive No. 230.6—Travel Expenses of Job Applicants—Amended April 30, 1997.

Management Directive No. 305.6—Withholding Payments to Municipalities (Act No. 166 of 1978)—Amended May 1, 1997.

Management Directive No. 305.9—Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/420L Transmittal of Revenue, When Unaccompanied by Remittances—Amended May 13, 1997.

Management Directive No. 305.13—Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/420L, Transmittal of Revenue, When Accompanied by Remittances—Amended May 6, 1997.

Management Directive No. 410.10—Guidelines for Investigating and Resolving Discrimination Complaints—Amended April 29, 1997.

Management Directive No. 410.11—Commonwealth's Equal Employment, Outreach, and Employment Counseling Program—Dated May 8, 1997.

Management Directive No. 505.12—Annual List of Employees—Amended April 29, 1997.

Management Directive No. 530.21—Paid Leave for Blood Donation—Amended May 13, 1997.

Management Directive No. 530.24—Retired Employee Health Program Eligibility Requirements—Amended May 7, 1997.

Management Directive No. 590.5—Guidelines to be Followed During Legal or Illegal Strikes—Amended May 13, 1997.

Administrative Circular No. 97-16—1997-1998 Rebudget Instructions—Dated May 16, 1997.

Administrative Circular No. 97.17—Closing Instruction No. 3, Prior Encumbrances for Act 146 Waivers and Contracted Repairs—Dated May 16, 1997.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 97-1003. Filed for public inspection June 20, 1997, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Drinking Water State Revolving Fund Projects; Federal FY 1997 Project Priority List and In- tended Use Plan

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have received approval from the Environmental Protection Agency (EPA) of the final fiscal year 1997 Project Priority List (PPL) and Intended Use Plan (IUP) list of drinking water projects to be considered for a design and engineering or construction loan from funds Pennsylvania will receive from fiscal year 1997 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) program.

A public meeting was held on January 22, 1997, for the purpose of receiving comments from the public regarding the FY 1997 DWSRF PPL and the FY 1997 IUP. Interested persons were invited to express their views on the priority rating or ranking of projects on the PPL and the IUP at the public meeting. Comments were also received from EPA relative to the eligibility of certain projects on the proposed PPL and IUP. A summary of the testimony received is available for review by any interested person by contacting the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, telephone (717) 787-6744.

The projects to be considered for a loan from the DWSRF must meet the Federal requirements for funding

in accordance with section 1452 of the Federal Safe Drinking Water Act. Accordingly, the projects included in the IUP are expected to meet the requirements applicable to use of the DWSRF loan funds. Projects listed on the FY 1997 IUP are expected to proceed with design and engineering or to construction in the near future. Other projects on the DWSRF Project Priority List are projects that are in development or will be developed for future loan consideration. Any project removed from an IUP is maintained on the Project Priority List unless otherwise completed.

The final FY 1997 PPL and IUP follow this notice.

Interested persons may direct questions relating to the status of a project or its priority rating to the appropriate regional office of the Department. A list of the Department's regional offices follows:

Southeast Region:
Water Supply Manager
Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428
(610) 832-6059

Northeast Region:
Water Supply Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(717) 826-2511

Southcentral Region:
Water Supply Manager
One Ararat Boulevard, Harrisburg, PA 17110
(717) 657-4586

Northcentral Region:
Water Supply Manager
Suite 101, 208 West 3rd Street, Williamsport, PA 17701
(717) 327-3675

Southwest Region:
Water Supply Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4217

Northwest Region:
Water Supply Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6899

PENNVEST
22 S. Third Street, 4th Floor, Keystone Building,
Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY
AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND
FY 1997 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SOURCE REHABILITATION OR DEVELOPMENT
- II — TRANSMISSION
- III — WATER TREATMENT
- IV — STORAGE
- V — DISTRIBUTION SYSTEM
- VI — OTHER

PROJECT TYPE:

- SRC — SOURCE
- TRANS — TRANSMISSION SYSTEM
- TREAT — WATER TREATMENT PLANT
- TREATMOD — WATER TREATMENT PLANT MODIFICATION
- WS — WATER STORAGE
- DS — DISTRIBUTION SYSTEM
- OTHER — ADMINISTRATIVE, LEGAL, FINANCIAL, ENGINEERING, PERMITS, CONTINGENCY, OR AS SPECIFIED

PWSID NUMBER:

PUBLIC WATER SUPPLY IDENTIFICATION NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER (PENNVEST LOAN IDENTIFICATION NUMBER)

ELIGIBLE PROJECT COSTS:

ESTIMATED PENNVEST LOAN AMOUNT

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:
VI: ELIGIBLE PROJECT COST				
BEAVER FALLS MUN. AUTH. P. O. BOX 400 EASTVALE	BEAVER PA 15010	V—PITTSBURGH	SRC,TREAT 5040012	04152019609-CW 18
I:	II:	III:	IV:	V:
VI: \$1,891,975.00				
BRACKENRIDGE, BOROUGH OF 1000 BRACKENRIDGE AVE. BRACKENRIDGE	ALLEGHENY PA 15014	V—PITTSBURGH	TRANS. TREAT, WS, DS, OTHER (GEN) 5020006	02036049609-CW 19
I:	II:	III:	IV:	V:
VI: \$1,280,250.00				

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING	
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:	NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
BUFFALO TOWNSHIP, MUN. AUTH. OF 707 S. PIKE STREET SARVER	BUTLER PA 16055	VI—MEADVILLE	DS 5100097	10015059601-CW 20	\$ 283,675.00
CHARLEROI BOROUGH AUTHORITY P. O. BOX 211 325-327 MCKEAN AVE. CHARLEROI	WASHINGTON PA 15022-0211	V—PITTSBURGH	WS, DS 5630039	(To Be Assigned) 13	\$ 412,645.00
DELAWARE WATER GAP 49 MAIN STREET DELAWARE WATER GAP	MONROE PA 18327	II—WILKES-BARRE	SRC,TREAT, WS, DS 2450022	45012019605-CW 4	\$ 738,000.00
EAST ALLEN TWP. MUN. AUTH. 5344 NOR-BATH BLVD. NORTHAMPTON	NORTH- HAMPTON PA 18067	II—WILKES-BARRE	SRC,TRANS, DS 3480086	48024019609-CW 9	\$ 527,000.00
EAST TAYLOR MUN. AUTH. 430 DONRUTH LANE JOHNSTOWN	CAMBRIA PA 15909	V—PITTSBURGH	TRANS, WS, DS 4110043	(To Be Assigned) 22	\$ 790,000.00
EDINBORO WATER AUTHORITY 124 MEADVILLE ST. EDINBORO	ERIE PA 16412	VI—MEADVILLE	TREAT 6250022	(To Be Assigned) 3	\$ 425,000.00
FREDERICKSBURG WATER & SEWER P. O. BOX 161 FREDERICKSBURG	LEBANON PA 17026	III—HARRISBURG	SRC,TRANS, DS 7380035	38006069609-CW 21	\$ 631,042.00
LEWISTOWN BOROUGH MUN. AUTH. 70 CHESTNUT STREET LEWISTOWN	MIFFLIN PA 17044	III—HARRISBURG	SRC,TRANS, TREAT, WS 4440010	44030029605-CW 12	\$14,977,763.00

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING	
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:	NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
LITTLESTOWN BOROUGH 46 EAST KING STREET LITTLESTOWN PA	ADAMS 17340	III—HARRISBURG	TREAT 7010022	01066019605-CW 23	\$ 678,650.00
MANOR TWP. JOINT MUN. AUTH. 2310 PLEASANT VIEW DRIVE FORD CITY PA	ARMSTRONG 16226	V—PITTSBURGH	SRC, TRANS, WS, DS 5030006	(To Be Assigned) 7	\$ 238,000.00
MANOR TWP. JOINT MUN. AUTH. 2310 PLEASANT VIEW DRIVE FORD CITY PA	ARMSTRONG 16226	V—PITTSBURGH	SRC, TRANS, WS, DS 5030006	(To Be Assigned) 24	\$ 376,000.00
MCKEAN BOROUGH 8952 MAIN STREET MCKEAN PA	ERIE 16426	VI—MEADVILLE	OTHER (TEST WELLS) 6259996	25072019609-CW 5	\$ 50,000.00
NORTH FAYETTE COUNTY M.A. P. O. BOX 368 DUNBAR PA	FAYETTE 15431	V—PITTSBURGH	DS 5260019	(To Be Assigned) 15	\$1,150,000.00
PA AMERICAN WATER CO. (PV-01) 800 WEST HERSHEY PARK DRIVE HERSHEY PA	MONROE 17033	II—WILKES-BARRE	TRANS. TREAT, WS, DS 2459999	45030069605-CW 10	\$5,863,441.00
PA AMERICAN WATER CO. (PV-02) 800 WEST HERSHEY PARK DRIVE HERSHEY PA	MONROE 17033	II—WILKES-BARRE	SRC, TRANS, DS 2459999	45009049609-CW 11	\$3,000,000.00
PA AMERICAN WATER CO. 800 WEST HERSHEY PARK DRIVE HERSHEY PA	CLARION 17033	VI—MEADVILE	DS 6160025	(To Be Assigned) 16	\$2,200,000.00

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:
				NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
PARDEESVILLE WATER ASSOC. R. D. 2 HAZLETON	LUZERNE PA 18201	II—WILKES-BARRE	SRC, TREAT, WS, DS 2400016	40081019605-CW 1
I:	II:	III:	IV:	V: VI: \$ 189,700.00
SAINTE FRANCIS COLLEGE P. O. BOX 600 LORETTO	CAMBRIA PA 15940	V—PITTSBURGH	TREAT, WS, DS 4110040	11111019605-CW 14
I:	II:	III:	IV:	V: VI: \$3,426,670.00
SCHUYLKILL COUNTY M. A. 221 S. CENTRE ST. POTTSVILLE	SCHUYLKILL (Village of New Boston) PA 17901	II—WILKES-BARRE	DS 3540038	(To Be Assigned) 2
I:	II:	III:	IV:	V: VI: \$ 549,000.00
SOMERSET TOWNSHIP M. A. 2209 N. CENTER AVE. SOMERSET	SOMERSET PA 15501	V—PITTSBURGH	DS 4560046	(To Be Assigned) 17
I:	II:	III:	IV:	V: VI: \$ 469,000.00
SOUTHWESTERN PA WATER AUTH. P. O. BOX 187 JEFFERSON	GREENE PA 15344	V—PITTSBURGH	WS, DS 5260024	(To Be Assigned) 8
I:	II:	III:	IV:	V: VI: \$3,942,000.00
WILLIAMSBURG WATER DEPT. 305 EAST SECOND STREET WILLIAMSBURG	BLAIR PA 16693	III—HARRISBURG	WS, DS 4070022	07069019609-CW 6
I:	II:	III:	IV:	V: VI: \$3,942,000.00

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY
 AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DRINKING WATER STATE REVOLVING FUND
 FY 1997 PROJECT PRIORITY LIST

IN PRIORITY ORDER

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SOURCE REHABILITATION OR DEVELOPMENT
- II — TRANSMISSION
- III — WATER TREATMENT
- IV — STORAGE
- V — DISTRIBUTION SYSTEM
- VI — OTHER

PROJECT TYPE:

- SRC — SOURCE
- TRANS — TRANSMISSION SYSTEM
- TREAT — WATER TREATMENT PLANT
- TREATMOD — WATER TREATMENT PLANT MODIFICATION
- WS — WATER STORAGE
- DS — DISTRIBUTION SYSTEM
- OTHER — ADMINISTRATIVE, LEGAL, FINANCIAL, ENGINEERING, PERMITS, CONTINGENCY, OR AS SPECIFIED

PWSID NUMBER:

PUBLIC WATER SUPPLY IDENTIFICATION NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER (PENNVEST LOAN IDENTIFICATION NUMBER)

ELIGIBLE PROJECT COSTS:

ESTIMATED PENNVEST LOAN AMOUNT

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V: VI: ELIGIBLE PROJECT COST
PARDEESVILLE WATER ASSOC. R. D. 2 HAZLETON	LUZERNE PA 18201	II—WILKES-BARRE	SRC,TREAT, WS, DS 2400016	40081019605-CW 1
I:	II:	III:	IV:	V: VI: \$ 189,700.00
SCHUYLKILL COUNTY M. A. 221 S. CENTRE ST. POTTSVILLE	SCHUYLKILL (Village of New Boston) PA 17901	II—WILKES-BARRE	DS 3540038	(To Be Assigned) 2
I:	II:	III:	IV:	V: VI: \$ 549,000.00

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:
				NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
EDINBORO WATER AUTHORITY 124 MEADVILLE ST. EDINBORO	ERIE PA 16412	VI—MEADVILLE	TREAT 6250022	(To Be Assigned) 3
I:	II:	III:	IV:	V: VI: \$ 425,000.00
DELAWARE WATER GAP 49 MAIN STREET DELAWARE WATER GAP	MONROE PA 18327	II—WILKES-BARRE	SRC,TREAT, WS, DS 2450022	45012019605-CW 4
I:	II:	III:	IV:	V: VI: \$ 738,000.00
MCKEAN BOROUGH 8952 MAIN STREET MCKEAN	ERIE PA 16426	VI—MEADVILLE	OTHER (TEST WELLS) 6259996	25072019609-CW 5
I:	II:	III:	IV:	V: VI: \$ 50,000.00
WILLIAMSBURG WATER DEPT. 305 EAST SECOND STREET WILLIAMSBURG	BLAIR PA 16693	III-HARRISBURG	WS, DS 4070022	07069019609-CW 6
I:	II:	III:	IV:	V: VI: \$3,942,000.00
MANOR TWP. JOINT MUN. AUTH. 2310 PLEASANT VIEW DRIVE FORD CITY	ARMSTRONG PA 16226	V-PITTSBURGH	SRC, TRANS, WS, DS 5030006	(To Be Assigned) 7
I:	II:	III:	IV:	V: VI: \$ 238,000.00
SOUTHWESTERN PA WATER AUTH. P. O. BOX 187 JEFFERSON	GREENE PA 15344	V-PITTSBURGH	WS, DS 5260024	(To Be Assigned) 8
I:	II:	III:	IV:	V: VI: \$3,942,000.00
EAST ALLEN TWP. MUN. AUTH. 5344 NOR-BATH BLVD. NORTHAMPTON	NORTH- HAMPTON PA 18067	II-WILKES-BARRE	SRC,TRANS, DS 3480086	48024019609-CW 9
I:	II:	III:	IV:	V: VI: \$ 527,000.00
PA AMERICAN WATER CO. (PV-01) 800 WEST HERSHEY PARK DRIVE HERSHEY	MONROE PA 17033	II-WILKES-BARRE	TRANS, TREAT, WS, DS 2459999	45030069605-CW 10
I:	II:	III:	IV:	V: VI: \$5,863,441.00

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:
				NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
PA AMERICAN WATER CO. (PV-02) 800 WEST HERSHEY PARK DRIVE HERSHEY PA	MONROE 17033	II-WILKES-BARRE	TRANS, SCR, DS 2459999	45009049609-CW 11
I:	II:	III:	IV:	V:
				\$3,000,000.00
LEWISTOWN BOROUGH MUN. AUTH. 70 CHESTNUT STREET LEWISTOWN PA	MIFFLIN 17044	III-HARRISBURG	SRC,TRANS, TREAT, WS 4440010	44030029605-CW 12
I:	II:	III:	IV:	V:
				\$14,977,763.00
CHARLEROI BOROUGH AUTHORITY P. O. BOX 211 325-327 MCKEAN AVE. CHARLEROI PA	WASHINGTON 15022-0211	V-PITTSBURGH	WS, DS 5630039	(To Be Assigned) 37 13
I:	II:	III:	IV:	V:
				\$ 412,645.00
SAINT FRANCIS COLLEGE P. O. BOX 600 LORETTO PA	CAMBRIA 15940	V-PITTSBURGH	TREAT, WS, DS 4110040	11111019605-CW 14
I:	II:	III:	IV:	V:
				\$3,426,670.00
NORTH FAYETTE COUNTY M.A. P. O. BOX 368 DUNBAR PA	FAYETTE 15431	V-PITTSBURGH	DS 5260019	(To Be Assigned) 15
I:	II:	III:	IV:	V:
				\$1,150,000.00
PA AMERICAN WATER CO. 800 WEST HERSHEY PARK DRIVE HERSHEY PA	CLARION 17033	VI-MEADVILE	DS 6160025	(To Be Assigned) 16
I:	II:	III:	IV:	V:
				\$2,200,000.00
SOMERSET TOWNSHIP M. A. 2209 N. CENTER AVE. SOMERSET PA	SOMERSET 15501	V-PITTSBURGH	DS 4560046	(To Be Assigned) 17
I:	II:	III:	IV:	V:
				\$ 469,000.00
BEAVER FALLS MUN. AUTH. P. O. BOX 400 EASTVALE PA	BEAVER 15010	V-PITTSBURGH	SRC,TREAT 5040012	04152019609-CW 18
I:	II:	III:	IV:	V:
				\$1,891,975.00

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:
				NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
BRACKENRIDGE, BOROUGH OF 1000 BRACKENRIDGE AVE. BRACKENRIDGE PA	ALLEGHENY 15014	V-PITTSBURGH	TRANS. TREAT, WS, DS, OTHER (GEN) 5020006	02036049609-CW 19 \$1,280,250.00
I:	II:	III:	IV:	V: VI:
BUFFALO TOWNSHIP, MUN. AUTH. OF 707 S. PIKE STREET SARVER PA	BUTLER 16055	VI-MEADVILLE	DS 5100097	10015059601-CW 20 \$ 283,675.00
I:	II:	III:	IV:	V: VI:
FREDERICKSBURG WATER & SEWER P. O. BOX 161 FREDERICKSBURG PA	LEBANON 17026	III-HARRISBURG	SRC, TRANS, DS 7380035	38006069609-CW 21 \$ 631,042.00
I:	II:	III:	IV:	V: VI:
EAST TAYLOR MUN. AUTH. 430 DONRUTH LANE JOHNSTOWN PA	CAMBRIA 15909	V-PITTSBURGH	TRANS, WS, DS 4110043	(To Be Assigned) 22 \$ 790,000.00
I:	II:	III:	IV:	V: VI:
LITTLESTOWN BOROUGH 46 EAST KING STREET LITTLESTOWN PA	ADAMS 17340	III-HARRISBURG	TREAT 7010022	01066019605-CW 23 \$ 678,650.00
I:	II:	III:	IV:	V: VI:
MANOR TWP. JOINT MUN. AUTH. 2310 PLEASANT VIEW DRIVE FORD CITY PA	ARMSTRONG 16226	V-PITTSBURGH	SRC, TRANS, WS, DS 5030006	(To Be Assigned) 24 \$ 376,000.00
I:	II:	III:	IV:	V: VI:
SHOEMAKERSVILLE, BOROUGH OF P. O. BOX 190 SHOEMAKERSVILLE PA	BERKS 19555	III-HARRISBURG	OTHER (DESIGN TREAT) 3060100	06165019609-AW 25 \$ 150,000.00
I:	II:	III:	IV:	V: VI:
WARMINSTER TWP. MUN. AUTH. 415 GIBSON AVENUE WARMINSTER PA	BUCKS 18976	I-CONSHOCKEN	WS, DS 1090069	09144019601-CW 26 \$1,486,500.00
I:	II:	III:	IV:	V: VI:

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
 FY 1997 PROJECT PRIORITY LIST
 *** Added to PPL 2-4-97 ***

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING	
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:	NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
VINTONDALE	CAMBRIA	V-PITTSBURGH	TRANS, TREAT, DS 4119997	(To Be Assigned) 28	
I:	II: \$790,640.00	III: \$ 99,850	IV:	V: \$1,224,895.00	VI: \$634,615.00 \$2,750,000.00
CARROLLTOWN BOROUGH M. A. P. O. BOX 37 CARROLLTOWN	CAMBRIA PA 15722	V-PITTSBURGH	SRC, DS 4110004	(To Be Assigned) 29	
I: \$ 40,976.00	II:	III:	IV:	V: \$1,474,330.00	VI: \$457,000.00 \$2,000,000.00
FAIRCHANCE BOROUGH WATER 125 WEST CHURCH STREET FAIRCHANCE	FAYETTE PA 15436	V-PITTSBURGH	SRC, TREAT, WS 5260007	(To Be Assigned) 30	
I: \$230,000.00	II:	III: \$50,000.00	IV: \$250,000.00	V:	VI: \$ 86,000.00 \$ 616,000.00
GIRARD TOWNSHIP MUN. AUTH. P. O. BOX 36 LECONTES MILLS	CLEARFIELD PA 16850	IV-WILLIAMSPORT	OTHER (FEAS. STUDY) 6170026	(To Be Assigned) 31	
I:	II:	III:	IV:	V:	VI: \$14,000.00 \$ 14,000.00
HIGHRIDGE WATER AUTHORITY 28 NORTH WALNUT STREET BLAIRSVILLE	WESTMORE- LAND PA 15717	V-PITTSBURGH	DS 5650069	(To Be Assigned) 32	
I:	II:	III:	IV:	V: \$1,832,000.00	VI: \$1,832,000.00
INDIANA CO. MUN. SVCS. AUTH. P. O. BOX 351 INDIANA	INDIANA PA 15701	V-PITTSBURGH	DS 5329994	(To Be Assigned) 33	
I:	II:	III:	IV:	V: \$2,713,000.00	VI: \$2,713,000.00
MOUNTAIN WATER ASSOCIATION P. O. BOX 227 SMITHFIELD	FAYETTE PA 15478	V-PITTSBURGH	SRC, TREAT, WS, DS 5260032	(To Be Assigned) 34	
I: \$50,000.00	II:	III: \$25,000.00	IV: \$250,000.00	V: \$400,000.00	VI: \$145,000.00 \$ 870,000.00

PENNSYLVANIA BULLETIN, VOL. 27, NO. 25, JUNE 21, 1997

NOTICES

3017

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIPCODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING	
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:	NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
NEW KENSINGTON MUN. AUTH. P. O. BOX 577 NEW KENSINGTON	PA 15068	WESTMORE- LAND	V-PITTSBURGH DS 5650070	(To Be Assigned) 35	
I:	II:	III:	IV:	V: \$8,500,000.00	VI: \$8,500,000.00
NICHOLSON TWP. BOARD	PA FAYETTE	FAYETTE	V-PITTSBURGH DS 5269997	(To Be Assigned) 36	
I:	II:	III:	IV:	V: \$300,000.00	VI: \$ 300,000.00
PERRY TWP. BOARD P. O. BOX 183 STAR JUNCTION	PA 15482	FAYETTE	V-PITTSBURGH DS 5260028	(To Be Assigned) 37	
I:	II:	III:	IV:	V: \$302,470.00	VI: \$106,269.00 \$ 408,739.00
SALTSBURG BOROUGH BOX 104, POINT ST. SALTSBURG	PA	INDIANA	V-PITTSBURGH TRANS, DS 5320035	(To Be Assigned) 38	
I:	II:	III:	IV:	V:	VI:

[Pa.B. Doc. No. 97-1004. Filed for public inspection June 20, 1997. 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by Pennsylvania Municipal Retirement Code (53 Pa.C.S. §§ 881.101—881.501) relating to Pennsylvania Municipal Retirement Board, in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

July 21, 1997	Glen W. Elfner (Disability Benefit)	1:30 p.m.
July 28, 1997	Victor Lee Alli (Disability Retirement Benefits)	1:30 p.m.

Persons with a disability who wish to attend the above-listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Helen Willis at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251 unless specific exemption is granted.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 97-1005. Filed for public inspection June 20, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

A-0011325. Consolidated Rail Corporation. An application has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code, for approval of: Abandonment of seven crossings where Conrail's Weirton Secondary from MP 26.7 to MP 35.7 intersects various roadways with four at-grade crossings and three under-grade separated crossings, Sub. No.

1132X, LC 402206, Washington County.

A public hearing on this application will be held Tuesday, August 19, 1997 at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1007. Filed for public inspection June 20, 1997, 9:00 a.m.]

Railroad With Hearing

A-00113589. County of Lebanon Transit Authority; C-00970106. South Lebanon Township Board of Supervisors v. Consolidated Rail Corporation; C-00970107. City of Lebanon v. Consolidated Rail Corporation; C-00970126. Pennsylvania Department of Transportation v. Consolidated Rail Corporation. An application and three complaints have been made to the Pennsylvania Public Utility Commission (Commission) under the provisions of the Public Utility Code, requesting that the Commission approve the suspension of a series of crossings involving the Cornwall Industrial Track of Consolidated Rail Corporation (CONRAIL) located in the City of Lebanon, Lebanon County (**A-00113589**). A complaint stating the South Lebanon Township Board of Supervisors has received numerous complaints about the crossing at South Lincoln Avenue mainly regarding ruts and deep holes causing damage to vehicles (**C-00970106**). A complaint stating the City of Lebanon is concerned about the condition of crossings on the Cornwall Industrial Track of CONRAIL at the following locations in the City of Lebanon: Willow Street; Cumberland Street; Chestnut Street; Walnut Street; 12th Street; 10th Street; 8th Street. Complainant states it has received complaints from the public that crossings are causing damage to their vehicles (**C-00970107**).

A complaint stating that the Department of Transportation is concerned about the safety of at-grade crossing at State Route 2003, L. R. 38016 at State Drive. Complainant says crossing is sunken with rotting timbers breaking out. Due to location on an over vertical curb, a driver is not aware of crossing's poor condition until it is too late (**C-00970126**).

A public hearing on this application will be held Tuesday, August 5, 1997 at 10 a.m. in an available Hearing Room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when and where persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1008. Filed for public inspection June 20, 1997, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 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 amendment to the contract carrier permit approving the operation of motor vehicles as *contract carriers* for transportation of *persons* as described under each application.

A-00109365. F. 1, Am-C. Milepost Inns, Inc., t/d/b/a Milepost Industries (775 Baywood Drive, Suite 215, Petaluma, Sonoma County, CA 94954), a corporation of the State of Nevada—inter alia, to transport, as a contract carrier, by motor vehicle, rail carrier employes and their equipment and baggage for Consolidated Rail Corporation (CONRAIL), between points in Pennsylvania: *So As To Permit* the transportation of rail carrier employes and their equipment and baggage, as a contract carrier, for Norfolk Southern Corporation, between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *household goods* as described under each application.

A-00114027. Weleski Transfer of Johnstown, Inc. (161 Horner Street, Johnstown, Cambria County, PA 15902), a corporation of the Commonwealth of Pennsylvania—(1) as a Class D carrier, household goods and office furnishings, in use, between points in the city of Johnstown, Cambria County, and within 25 miles by the usually traveled highways of the limits of said city; (2) as a Class D carrier, household goods and office furnishings, in use, from points in the city of Johnstown, Cambria County, and within 25 miles by the usually traveled highways of the limits of the said city, to other points in Pennsylvania, and vice versa; (3) as a Class C carrier, new uncrated furniture from points in the city of Johnstown, Cambria County, to other points in Pennsylvania, and vice versa; rights 1, 2 and 3 subject to the following condition: that no right, power or privilege is granted to transport household goods in use between points in any municipality more than 5 miles distant by the usually traveled highways from the limits of the city of Johnstown, Cambria County; (4) as a Class B carrier, property between points in the city of Johnstown, Cambria County, and within 5 miles by the usually traveled highways of the limits of said city; (5) as a Class D carrier, new furniture, for Fine Furniture, Inc., from the Pennsylvania facilities owned or leased by Family Furniture, Inc., to points in Pennsylvania, and vice versa; which is to be a transfer of all of the rights issued to Replogle Storage Company under the certificate issued at A-00025914, F. 2, subject to the same limitations and conditions. *Attorney:* Richard A. Franklin, 1700 Sansom Street, 12th Floor, Philadelphia, PA 19103.

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-00114036. 7th Ward Civic Association (404 Cedar Street, Johnstown, Cambria County, PA 15902)—persons in paratransit service, between points in the city of Johnstown, Cambria County, and within an airline distance of 70 statute miles of the limits of the said city, and from points in the said territory, to points in Pennsylvania, and return.

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before July 7, 1997.

- | | |
|------------|--|
| A-00113928 | Drug Transport, Inc.
1939 Forge Street, P. O. Box 1678,
Tucker, GA 30085-1678; Charles D.
Ganz, One Atlantic Center, 1201
Peachtree Street, N. W. Suite 2000,
Atlantic, GA 30309 |
| A-00114001 | Kenneth M. Dillenburg, t/d/b/a KMD
Enterprises
11657 Newell Road, Dunkirk, NY
14048 |
| A-00114026 | Tuscarora Hardwoods Trucking, Inc.
R. D. # 1, Box 64, Elliotsburg, PA
17024; Christopher Zettlemyer,
P. O. Box 11844, Harrisburg, PA
17108-1844 |
| A-00114031 | Glen M. Hurst
6049 Buena Vista Road, Gap, PA
17527 |
| A-00114032 | Ace Doran Hauling & Rigging, Inc.,
1601 Blue Rock, Cincinnati, OH
45223; Norman R. Gavin, 10 West
Market Street, Suite 1777, India-
napolis, IN 46204-2971 |
| A-00114028 | George M. Hebda, t/d/b/a G H
Construction
One West Wall Street, Plymouth, PA
18651 |
| A-00114029 | Jeffrey D. Larock, t/d/b/a J. D. Larock
Trucking
R. D. 2, Box 102, Reynoldsville, PA
15851; Dwight L. Koerber, Jr., 110
North Second Street, P. O. Box
1320, Clearfield, PA 16830 |
| A-00114030 | D and L Yerger, Ltd.
282 Chapel Hill Road, Sinking
Spring, PA 19608; J. Bruce Walter,
Esquire, One South Market Square,
P. O. Box 1146, Harrisburg, PA
17108-1146 |
| A-00114033 | C. L. Smith, t/d/b/a C. L. Smith
Trucking
2062 East Maiden Street, Washing-
ton, PA 15301 |

- A-00114034 Ernie's Transport Services, Inc.
144 Church Road, Davidsville, PA
15928; Matthew G. Melvin, Esquire,
146 West Main Street, P. O. Box
775, Somerset, PA 15501-0075
- A-00114035 William Krempasky
312 Wilmore Road, Portage, PA
15946
- A-00114037 Gerald B. Benner
R. D. 6, Box 303 Franklin Road,
Boyertown, PA 19512
- A-00114038 Q. R. Distribution Systems, Inc.
224 Cherry Valley Road, McDonald,
PA 15057
- A-00114039 Central Transport, Inc.
P. O. Box 7007, High Point, NC
27263; Thomas H. Bilodeau, Es-
quire, 194 Washington Street, Bos-
ton, MA 02108-1360
- A-00112026, F. 2 Clayton R. Christian, t/d/b/a Christian
Trucking & Repair
151 Tracey Dale Road, Howard, PA
16841

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1009. Filed for public inspection June 20, 1997, 9:00 a.m.]

Telecommunications Service

Doc. No. A-310534. Bell Atlantic-Pennsylvania, Inc. and WirelessCo, L. P. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and WirelessCo, L. P. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and WirelessCo, L. P., by its counsel, filed on June 3, 1997, at the Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and WirelessCo, L. P. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1010. Filed for public inspection June 20, 1997, 9:00 a.m.]

**Transfer by Sale
Without Hearing**

A-230240F0002. Little Washington Wastewater Company and Peddler's View Utility Company, Inc. Application of Little Washington Wastewater Company

and Peddler's View Utility Company, Inc. for the transfer, by sale, of the wastewater system assets of Peddler's View Utility Company, Inc. to Little Washington Wastewater Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 7, 1997, under 52 Pa. Code (relating to public utilities).

Applicants: Little Washington Wastewater Co., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Peddler's View Utility Co., Inc., 842 Durham Road, Suite 200, Newtown, PA 18940.

Through and By Counsel: Mary J. Kropilak, Esquire, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Edward F. Murphy, Esquire, McBride & Murphy, Village at Anchor Crossing, Suite 22, NW Corner Rts. 413 and 232, P. O. Box 1186, Newtown, PA 18940.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1011. Filed for public inspection June 20, 1997, 9:00 a.m.]

**Transfer by Sale
Without Hearing**

A-212370F0030. Philadelphia Suburban Water Company and Peddler's View Utility Company, Inc. Application of Philadelphia Suburban Water Company and Peddler's View Utility Company, Inc. for approval of the transfer, by sale, of the water system assets of Peddler's View Utility Company, Inc., to the Philadelphia Suburban Water Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 7, 1997, under 52 Pa. Code (relating to public utilities).

Applicants: Philadelphia Suburban Water Co., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Peddler's View Utility Co., Inc., 842 Durham Road, Suite 200, Newtown, PA 18940.

Through and By Counsel: Mary J. Kropilak, Esquire, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Edward F. Murphy, Esquire, McBride & Murphy, Village at Anchor Crossing, Suite 22, NW Corner Rts. 413 and 232, P. O. Box 1186, Newtown, PA 18940.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1012. Filed for public inspection June 20, 1997, 9:00 a.m.]

**Wastewater Service
Without Hearing**

A-230240F0003. Little Washington Wastewater Company. Application of Little Washington Wastewater Company for the right to furnish wastewater service to the public in the service area of Peddler's View Utility Company, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 7, 1997, under 52 Pa. Code (relating to public utilities).

Applicants: Little Washington Wastewater Co., 762 W. Lancaster Avenue, Bryn Mwr, PA 19010-3489; Peddler's View Utility Co., Inc., 842 Durham Road, Suite 200, Newtown, PA 18940.

Through and By Counsel: Mary J. Kropilak, Esquire, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Edward F. Murphy, Esquire, McBride & Murphy, Village at Anchor Crossing, Suite 22, NW Corner Rts. 413 and 232, P. O. Box 1186, Newtown, PA 18940.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1013. Filed for public inspection June 20, 1997, 9:00 a.m.]

Wastewater Service Without Hearing

A-230038F2000. Peddler's View Utility Company, Inc. Application of Peddler's View Utility Company, Inc. for approval of the abandonment of wastewater service to the public in its current service territory which is located in a portion of Solebury Township, Bucks County, Pennsylvania, known as the Peddler's View Development.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 7, 1997, under 52 Pa. Code (relating to public utilities).

Applicants: Little Washington Wastewater Co., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Peddler's View Utility Co., Inc., 842 Durham Road, Suite 200, Newtown, PA 18940.

Through and By Counsel: Mary J. Kropilak, Esquire, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Edward F. Murphy, Esquire, McBride & Murphy, Village at Anchor Crossing, Suite 22, NW Corner Rts. 413 and 232, P. O. Box 1186, Newtown, PA 18940.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1014. Filed for public inspection June 20, 1997, 9:00 a.m.]

Water Service Without Hearing

A-210053F2000. Peddler's View Utility Company, Inc. Application of Peddler's View Utility Company, Inc. for the abandonment of water service to the public in its current territory which is located in a portion of Solebury Township, Bucks County, Pennsylvania, known as the Peddler's View Development.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 7, 1997, under 52 Pa. Code (relating to public utilities).

Applicants: Philadelphia Suburban Water Co., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Peddler's View Utility Co., Inc., 842 Durham Road, Suite 200, Newtown, PA 18940.

Through and By Counsel: Mary J. Kropilak, Esquire, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Edward F. Murphy, Esquire, McBride & Murphy, Village at Anchor Crossing, Suite 22, NW Corner Rts. 413 and 232, P. O. Box 1186, Newtown, PA 18940.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1015. Filed for public inspection June 20, 1997, 9:00 a.m.]

Water Service Without Hearing

A-212370F0031. Philadelphia Suburban Water Company. Application of Philadelphia Suburban Water Company for the right to furnish water service to the public in the service area of Peddler's View Utility Company, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 7, 1997, under 52 Pa. Code (relating to public utilities).

Applicants: Philadelphia Suburban Water Co., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Peddler's View Utility Co., Inc., 842 Durham Road, Suite 200, Newtown, PA 18940.

Through and By Counsel: Mary J. Kropilak, Esquire, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489; Edward F. Murphy, Esquire, McBride & Murphy, Village at Anchor Crossing, Suite 22, NW Corner Rts. 413 and 232, P. O. Box 1186, Newtown, PA 18940.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1016. Filed for public inspection June 20, 1997, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project No. 9627.1a, Rehabilitation of Fender System at Pier 82 South until 2 p.m. on Thursday, July 10, 1997.

The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Sq., 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be

available June 24, 1997. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held July 3, 1997, 10 a.m. at Pier 82 South, Southside.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 97-1006. Filed for public inspection June 20, 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 Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 9, 1997	Linda G. Yarnell (Disability Eligibility) Alfreda J. Armstrong (Change of Retirement Plan)	1 p.m. 2:30 p.m.
July 23, 1997	Joan M. Saxman (Purchase of Maternity Leave) Thomas E. Reese (Membership Eligibility)	1 p.m. 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 Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JAMES A. PERRY,
Secretary

[Pa.B. Doc. No. 97-1017. Filed for public inspection June 20, 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

1035117 Agricultural machinery and supplies—1 each sprayer, pull behind.

Department: Corrections
Location: Bellefonte, Centre County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

0006-05 Annual Contract—Bookbinding.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

0089-04 Annual Contract—Civil Service Applications

Department: Civil Service Commission
Location: Various Locations
Duration: October 15—October 14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

3825-01 Annual Contract—Brooms, sweeper—complete and refills.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6505-05 Annual Contract—Hematology test equipment and reagents.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6545-01 Annual Contract—First Aid kits and supplies.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6640-01 Annual Contract—Equine urinalysis.

Department: All Using Agencies
Location: Various Locations
Duration: October 15—September 14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6750-02 Annual Contract—Cameras and lens.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6750-03 Annual Contract—Film, paper, chemicals, photographic supplies.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6810-01 Annual Contract—Calcium and magnesium chloride—liquid.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6810-07 Annual Contract—Salt-water softener and snow and ice removal.

Department: All Using Agencies
Location: Various Locations
Duration: October 15—October 14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7350-09 Annual Contract—Paper cups and cups, disposal/general.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7430-01 Annual Contract—Typewriters—electric.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7450-02 Annual Contract—Dictation equipment—desktop and portable.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7920-05 Annual Contract—Janitorial supplies.

Department: All Using Agencies
Location: Various Locations
Duration: November 11—October 31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

9120-01 Annual Contract—Propane—cylinders.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

9120-02 Annual Contract—Gas propane—bulk.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

9130-03 Annual Contract—Gasoline—unleaded.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

9140-03 Annual Contract—Kerosene.

Department: All Using Agencies
Location: Various Locations
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

9905-03 Annual Contract—Material—registration plate.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: October 1—September 30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970140 Construction, mining, excavating and highway maintenance equipment—2 each latest model paver, maintainer.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970150 Construction, mining, excavating and highway maintenance equipment—2 each latest model paver finisher 10'.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970380 Construction, mining, excavating and highway maintenance equipment—2 each latest model roller, articulated, double drum, walk behind.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970390 Construction, mining, excavating and highway maintenance equipment—12 each latest model roller, walk behind, double drum w/trailer and diesel engine; 6 each latest model roller, walk behind, single drum.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970400 Construction, mining, excavating and highway maintenance equipment—2 each latest model roller 3 ton, vibratory w/wheels.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970450 Construction, mining, excavating and highway maintenance equipment—2 each latest model sweeper, loader mounted.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1049157 Paper and printing—2,700 each calendar base size 3-5/8" x 6"; 40,300 calendar refills size 3-5/8" x 6"; 400 each calendar base size 5" x 8"; 2,200 each calendar refills size 5" x 8"; 34,416 each dated monthly calendar desk pad size 22 x 17; 2,244 each calendar, diary and date book, standard half hour appointments; 4,302 each calendar, standard diaries and date book; 1,344 each calendar diaries and date book, size 8" x 9-3/4" hardbound; 22,560 each calendar diaries and date book, week at a glance size 5" x 8" with tabs; 25,428 each calendar, diaries and date book month at a glance size 7" x 9"; 5292 each calendar, wall, one full year, heavy white paper, blue ink size 24 x 36.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1071227 Paper and printing—125 each printing of 1998-99 Boating Handbook.

Department: Fish and Boat Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1072127 Paper and printing—print 1997 edition tabloid: Pennsylvania Career Guide.

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1067047 Promotional Items—1,223,300 each 1998 Individual Dog Tags; 318,000 each 1998 Senior Citizen Dog Tags; 15,100 1998 Lifetime Dog Tags; 13,460 each 1998 Blank (Duplicate) Dog Tags; 33,450 each 1998 Kennel Tags; 1,132 rivets (1,000 per box); 1,230 each "S" hooks (1,000 per box).

Department: County Treasurers Office
Location: Various
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Advertising—1

RFP No. 96-38 "PennDOT Baldrige Based Organizational Quality Assessment." the objective of this project is to provide an organizational assessment process for PennDOT to evaluate itself on the Malcolm Baldrige National Quality Award. Detailed requirements and a RFP are available upon request. FAX request to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: PennDOT, Bureau of Office Services, Harrisburg, Dauphin County, PA
Duration: 27 months
Contact: Suhel Wajihuddin, (717) 787-9213

Audio/Video—4

SP275121 Purchase 17 telephones and cellular service including access fees, airtime and roaming charges. Provide access, airtime and roaming charges for 7 cellular phones—DEP owned.

Department: Environmental Protection
Location: Southcentral Region, Harrisburg, PA
Duration: July 1, 1997—June 30, 1999
Contact: Mary Moody, (717) 540-7465

4620 The Department of Transportation will be soliciting bids for the maintenance and repair of its two-way mobile radio system. The purpose is to have the entire Department's radio system supplied and serviced under this service maintenance agreement. The system consists of 11 Engineering Districts with a total of 55 Maintenance Districts, (67 counties), 3 highway tunnels in Allegheny County and the Motor Carrier Enforcement Division. Bid opening date: August 1, 1997.

Department: Transportation
Location: Contract Admin. Unit, BOMO, Statewide
Duration: January 01, 1998 to December 31, 2002
Contact: John P. Lane, BOMO, (717) 787-6248

1000-063 Cellular telephone services including cellular telephone equipment for approximately 26 Department of Transportation users. All requests for bid packages must be received by FAX at (412) 357-2872 (Attn: Diane Spence).

Department: Transportation
Location: Armstrong, Butler, Clarion, Indiana and Jefferson Counties
Duration: 2 years with one 2-year renewal
Contact: Pete Paulina, (412) 357-2808

97-15-2580-007 The Department of General Services will be issuing a RFP for electronic key telephone systems. The State is divided into three zones. Each zone is defined by County borders. Interested vendors may propose to serve any combination of one zone, two zones, or all three zones (Statewide). The winning vendor must have the capability of installing and serving all counties within the zones proposed, and must carry product lines that can handle requirements for systems up to 75 trunks and 125 stations with both voice mail and ACD capability.

Department: General Services
Location: Purchases Telecommunications Division, Statewide
Duration: One year with 2 1-year renewal options
Contact: Georgia Baer, (717) 787-9688

Cartography Services—6

Project No. 96-33 "Construction Map Redesign." The objective of this project is to satisfy a need to design a visually appealing construction advisory map which provides valuable information to motorists and the trucking industry. (PennDOT currently produces a construction advisory map; therefore, we need to retain the basic information, but improve the clarity and "readability" that will attract a customer's attention. Detailed requirements and a RFP are available upon request. FAX requests to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, 555 Walnut Street, Forum Place, Harrisburg, PA
Duration: 12 months w/option to renew
Contact: Mary Sharp, (717) 787-2491

Construction—9

080711 District 8-0; Adams County—SR 1007-007, SR 3015-007, SR 2001-002; Cumberland County—SR 3005-002, SR 3007-002, SR 4003-004, SR 1004-003, SR 1007-006; Dauphin County—SR 0209-006, SR 0441-006; Franklin County—SR 3001-009, SR 0641-010; Lancaster County—SR 3030-003, SR 0772-009, SR 0743-012, SR 4008-007, SR 4025-002, SR 0324-004, SR 1002-004, SR 2036-002, SR 2043-001, SR 3028-001, SR 4007-003; Lebanon County—SR 1014-002, SR 4001-003; Perry County—SR 1007-008, SR 1024-002; York County—SR 0851-007, SR 0234-007, SR 3042-001, SR 3044-001, SR 4003-005, SR 0214-003, SR 0216-005, SR 2031-004.

Department: Transportation
Location: District 8-0
Duration: FY 1997-98
Contact: V. C. Shah, (717) 787-5241

080977 Berks County Group 5-97-POC1B.

Department: Transportation
Location: District 5-0
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

111522 Allegheny County SR 0130 (12M). This project is for widening of existing concrete pavement to provide a right turn lane and full width bituminous reconstruction including drainage, guide rail, traffic signals and pavement markings OMS No. 111522. Allegheny County SR 0376 (A17). This project is for milling and resurfacing, pavement markings, minor drainage and signal work OMS No. 111525.

Department: Transportation
Location: Engineering District 11-0, Allegheny County, PA
Duration: FY 1997-98
Contact: V. C. Shaw, (412) 429-5061

111523 Allegheny County S. R. 22 (A13) and S. R. 60 (A22).

Department: Transportation
Location: District 11-0
Duration: FY 1997-98
Contact: V. C. Shah, (717) 787-5914

Environmental Maintenance Services—15

BOGM 97-1 Clean out and plug one abandoned oil well on Sirich property. Estimated to be 1,500 feet deep.

Department: Environmental Protection
Location: Perry Township, Armstrong County
Duration: 45 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Financial and Insurance Consulting—17

015 Request for Proposal to provide consultation and evaluation to analyze the Commonwealth's self-insurance program; consisting of: Underwriting, Safety and Loss Prevention, Tort claims and Pre-litigation, Group Life Insurance and Annuity program. The selected vendors will waive the right to participate in recommended contracting solutions. (This is a repeat advertisement, contact number corrected.)

Department: General Services
Location:
Duration: 3 months
Contact: Michael Adams, (717) 772-0274

Food—19

695-97 Prepared salads, various types for delivery August through November 1997. For more specified listings and instructions, request bid proposal No. 695-97.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: August—November 1997
Contact: Sue Brown, Purchasing Agent, (610) 270-1026

696-97 Frozen vegetables, various items for delivery September through December 1997. For more specified listings and instructions, request bid proposal No. 696-97.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: September—December 1997
Contact: Sue Brown, Purchasing Agent, (610) 270-1026

Inquiry No. 30201 Poultry and poultry products. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3255

Inquiry No. 30202 Ice cream, sherbet and related items. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Inquiry No. 30203 Frozen fruits and vegetables. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Inquiry No. 30204 Fresh fruits and vegetables. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Inquiry No. 30205 Prepared fresh vegetables. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Inquiry No. 30206 Meat and meat products. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Inquiry No. 30207 Fish and fish products. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Inquiry No. 30208 Juices frozen and juice drinks/unsweetened. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Inquiry No. 30209 Miscellaneous foods/baked items/frozen goods/egg products/milkshakes. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Inquiry No. 30210 Bread and rolls. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3255

Inquiry No. 30211 Dairy and dairy products. Dates, specifications, quantities and special delivery instructions available upon request. For period: October—December 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: October—December 1997
Contact: Ginny Stinespring, Acting Purchasing Agent I, (412) 873-3256

Heating—22

SP-298414 Complete installation of up to 38 campground electrical hookups at Codorus State Park, York County.

Department: Conservation and Natural Resources
Location: State Parks Region 3, Codorus State Park, 1066 Blooming Grove Road, Hanover, PA 17331-9545
Duration: Completion time—60 days after notice to proceed
Contact: Gene Strick, (814) 733-9123

Janitorial Services—23

JC-24-97 Janitorial services: to be provided daily Monday through Friday, except State holidays. Involves 12,250 square feet of office space.

Department: Labor and Industry
Location: Bethlehem Job Center, 55-61 West Walnut Street, Bethlehem, Northampton County, PA 18018
Duration: October 1, 1997 through September 30, 1999
Contact: Theodore L. Colarusso, Jr., Manager, (610) 861-2050

JC-29-97 Janitorial services: to be provided on a daily basis, Monday through Friday, except Commonwealth holidays, after 5 p.m. Involves approximately 4,400 square feet of office space.

Department: Labor and Industry
Location: Clarion Job Center, 420 Wood Street, Clarion, Clarion County, PA 16214
Duration: October 1, 1998 through September 30, 2001
Contact: DoraLee Smathers, Manager, (814) 226-1600

Medical Services—29

No. 179 Provide drug/alcohol counseling services to the youths at Southeast Secure Treatment Unit, 1824 West Strasburg Road, West Chester, PA 19382.

Department: Public Welfare
Location: Loysville Youth Development Center, 1824 West Strasburg Road, West Chester, PA 19382
Duration: July 1, 1997 through June 30, 1998
Contact: Mary Lou Auman, Purchasing Agent, (717) 789-5508

Property Maintenance—33

FM-46 Furnish all labor, materials and equipment to cut, trim and maintain grass area, trimming of shrubs and fertilization at the PA State Police, Selingsgrove Station, Route 522, Box 131, Selingsgrove, PA 17870. Supply all equipment to perform service and remove all clippings, trimmings and debris from premises. Detailed work schedule and bid specifications must be obtained from Facility Management Division at (717) 783-5484.

Department: State Police
Location: Facility Management Division, Selingsgrove Station, Route 522, Box 131, Selingsgrove, PA 17870
Duration: April 1, 1998 to June 30, 2000
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

MI-703 Project title: Burrowes Hall Kitchen Renovation. Scope of work: Remove cabinets, counter shelves, flooring and sink; install new wall cabinets, base cabinets, sink and sink cabinet and flooring; new countertop and doors for service window. Plans cost: \$15,00.

Department: State System of Higher Education
Location: Millersville University, Burrowes Hall, Millersville, Lancaster County, PA 17551-0302
Duration: 2 weeks from Notice to Proceed
Contact: Bernadette J. Wendler, (717) 872-3829

Real Estate Services—35

991A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 2,485 useable square feet of new or existing office space in Mercer County, PA with parking for five vehicles within the following boundaries: North: Lamor Road (Route 518); South: Business Route 62; East: State Street; East: North Keel Ridge Road; West: North Buhl Farm Drive. In areas where street or public parking is not available, an additional 15 parking spaces are required. Proposals due: August 11, 1997. Solicitation No.: 92494.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1996-97
Contact: Doris Deckman or John A. Hocker, (717) 787-4394

922A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 3,794 useable square feet of new or existing office/clinic space in Centre County; parking for 20 vehicles within the Borough of State College, Bellefonte or within College Township. In areas where street or public parking is not available, an additional 10 parking spaces are required. Proposals due: August 18, 1997. Solicitation No.: 92498.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1996-97
Contact: Doris Deckman or John A. Hocker, (717) 787-4394

Right of Way Title Searches/Settlements in Berks County The contract is intended to provide title search and settlement services for right-of-way acquisition claims in Berks County. This contract must be performed by qualified and reputable Title Abstract Companies who are capable of meeting the necessary insurance requirements of \$250,000.00 per claim for negligence, errors and omissions. a.) The contractor will examine titles on properties designated by the district office and prepare and submit a report of findings; b.) The contractor will hold settlements on designated properties and distribute monies to property owners and lienholders in accordance with title reports; c.) The contract bid price is to cover an estimated 200 claims.

Department: Transportation
Location: Right of Way, District 5-0, 2460 Parkwood Drive, Allentown, PA 18103
Duration: 1997-1997 (18 months)
Contact: Paul J. Goida, (610) 791-6011

Vehicle, Heavy Equipment—38

030-0286 This contract is to provide a vehicle wash for State vehicles. Minimum height of facility must be 12'6" and must be large enough to accommodate 10 wheel trucks. Hours of operation: 7 a.m. through 7 p.m. Monday through Friday. Location must be within a 10 mile radius of the Lycoming County Maintenance Garage. All requests for bid packages must be received by FAX at (717) 368-5675 (Attn: C. Hohman).

Department: Transportation
Location: Montoursville/Williamsport Area
Duration: 1 year with three 1-year renewals
Contact: Christine H. Hohman, (717) 368-4392

1000-062 Rental of trucks with plows and spreaders—38,001 G.V.W. to 73,280 G.V.W. for snow removal during winters of 1997—1998, 1998—1999, and 1999—2000. One loader, wheel mounted, 4 wheel drive, minimum 5 cubic yard S.A.E. bucket capacity, during winters of 1997—1998, 1998—1999 and 1999—2000.

Department: Transportation
Location: Butler and Indiana Counties (various locations)
Duration: Winters of 1997-98, 1998-99, 1999-2000
Contact: Joe Boyer, (412) 357-2816

Miscellaneous—39

1191-W The contractor shall provide all labor, equipment, tools and protective clothing necessary to install approximately 13,264 lineal feet of installed-length double coil 30"/24" type II general purpose barbed tape obstacle (razor ribbon) and 3,316 lineal feet of installed-length single coil 60" concertina (razor ribbon) on perimeter security fences and/or rooftop security perimeter fence lines at the State Correctional Institution at Greensburg.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: September 29, 1997 to June 30, 1998
Contact: Jack Loughry, (412) 837-4397, ext. 339

517001 1) Calibration/accuracy testing/preventative maintenance of Department's Weigh-in-Motion (WIM) Systems at eight sites twice a year. 2) Repair, as required and approved by the Department of Transportation, of Weigh-in-Motion (WIM) Systems at eight sites. Detailed work schedule and bid package can be obtained from David Ori at (717) 772-2736 or fax requests to David Ori at (717) 783-9152.

Department: Transportation
Location: Bureau of Planning and Research, various locations throughout the Commonwealth
Duration: March 1, 1998 to February 28, 1999 with two 1-year renewal options
Contact: David Ori, (717) 772-2736

HUN-312 Supplemental chaplaincy services—to assist the Institution Protestant Chaplain in religious duties within the Institution. (10 hours per week) Details and specifications for duties and qualifications are on file in the Purchasing Department of the requesting agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: October 01, 1997 to June 30, 2000
Contact: Gloria Morder, Purchasing Agent I, (814) 643-2400

IFB 97-004 Statewide auditing of campaign expense reports and statements of candidates and their political committees who are supervised by the Department of State after each primary, general and municipal election.

Department: State
Location: Harrisburg, PA
Duration: 2 year contract: July 1, 1997 to June 30, 1999
Contact: Kathye Bilyou, (717) 783-7202

L&I-8-97 Testing services: develop/provide administration, testing, grading and reporting of exams and maintain records of Lead Certification examinations. Contractor to furnish all labor, materials and resources necessary to provide services. Services to include all aspects of examination development, i.e., job analysis, test specification, item bank development, test construction, form generation and reliability, security, validity procedures and the like, material printing, administration, grading and reporting for the Lead Certification Examinations.

Department: Labor and Industry
Location: Bureau of Occupational and Labor and Industry/Industrial Safety, Statewide
Duration: 1 year with four 1-year renewal options
Contact: Sharon Lawson, Administrator, (717) 772-3396

SP295282 Site preparation, installation and all materials for woven fencing around all or a portion of each timber sale at three locations on the Tioga State Forest. The sites are located (1) off T-780 (Taylor Run Road), Liberty Township, Tioga County approximately 7000 ft. perimeter; (2) off SR 2017, Liberty Township, Tioga County approximately 6100 ft. perimeter; (3) off Ridge (State Forest) Road, Elk Township, Tioga County 9000 ft. perimeter. Prebid inspection June 30, 1997.

Department: Conservation and Natural Resources
Location: Tioga State Forest No. 16, P. O. Box 94, Route 287 South, Wellsboro, PA 16901
Duration: September 15, 1997 through May 30, 1998
Contact: William C. Beacom, (717) 724-2868

[Pa.B. Doc. No. 97-1018. Filed for public inspection June 20, 1997, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 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

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1006357-01	06/04/97	Harrisburg Dairies, Inc.	21,294.00
1063157-01	06/09/97	A. T. Chadwick Co., Inc.	10,542.79
1649116-01	06/04/97	Penn Jersey Products, Inc.	60,495.00
1751236-01	06/04/97	Reinhart Institutional Foods	9,950.00
1763356-01	06/09/97	Medical and Surgical Center, Inc.	13,185.00
1793116-01	06/04/97	Todd Devin Food Equip.	17,268.00
1801226-01	06/04/97	Midland International Corp.	12,998.00
1863076-01	06/04/97	APR Industries	34,116.00
1918206-01	06/09/97	Statewide Office Products, Inc.	19,656.00

Requisition or Contract #	Awarded On	To	In the Amount Of
1919116-01	06/04/97	Safemasters Company, Inc.	21,218.06
1946206-01	06/09/97	Safety League, Inc.	7,015.68
1967186-01	06/04/97	Calico Industries, Inc.	24,980.00
1968186-01	06/04/97	Double Envelope Co.	9,187.50
1994216-01	06/09/97	Pace Tech	6,800.00
1996076-01	06/04/97	Moore Business Forms, Inc.	28,650.00
2003196-01	06/04/97	Standard Register Co.	22,900.00
8205620-01	06/09/97	Cleveland Brothers Equipment Company, Inc.	279,331.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-1019. Filed for public inspection June 20, 1997, 9:00 a.m.]