

# PENNSYLVANIA BULLETIN

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Agriculture's Agricultural  
Conservation Easement  
Purchase Program

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State Transportation Advisory Committee

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

**No. 272, July 1997**

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**PENNSYLVANIA**

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## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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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.

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## **Part II**

This part contains the  
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# THE COURTS

## Title 255—LOCAL COURT RULES

### CHESTER COUNTY

#### Amendment of Tax Assessment Rules

##### Order

*And Now*, July 8, 1997, the following Local Rules concerning appeals from real estate assessments is adopted by this Court, effective thirty (30) days after publication in the Pennsylvania Bulletin, in accordance with Pennsylvania Rule of Civil Procedure 239(d). It shall replace current Chester County Rules of Civil Procedure 5003.

THOMAS G. GAVIN,  
*President Judge*

#### AMENDMENT TO LOCAL RULES

##### Rule 5003. Appeals from Real Estate Assessment

The following rules shall apply to all appeals from a real estate assessment determined by the Board of Assessment Appeals (Board) of Chester County. These rules apply to all appeals taken following their effective date, and may be applied as appropriate to current appeals ninety (90) days after their effective date.

##### Definitions

*Board*—the Chester County Board of Assessment Appeals

*Taxing Authority*—municipalities, such as school districts, boroughs, townships, and the County of Chester.

*Party*—appellant, the Board, and any other person or entity entitled to notice who shall enter an appearance.

*Property Owner*—the taxpayer, whether singular or plural, that owns the property which is the subject of an appeal.

*Appraisal*—an opinion of a qualified expert as the value of property.

*Date of Notification*—date which is stamped on the decision of the Board.

*Commercial Property*—any property whose purpose is to generate income for its owner.

##### (a) Filing Instructions:

1. An appeal from the decision of the Board shall be filed within thirty (30) days from the date of notification by the Board.

2. Ten (10) days after filing the appeal the appellant shall serve a copy of the appeal on the Board and all affected taxing authorities or property owners by certified mail to the Board, to the property owner at his, her, its, or their registered address as shown on the tax records, and on the taxing districts at their business address.

3. Within twenty (20) days of service of the appeal, the appellant shall file an affidavit of service.

4. For purposes of service or notice, an appellant or party may use the address provided to the Board as part of its proceedings.

5. The Board shall automatically be a party to any appeal unless it specifically declines that status in writing. Any taxing authority or property owner entitled to be notified of an appeal may become a party to the proceeding by filing an entry of appearance within one hundred twenty (120) days of the filing of the appeal. The entry of appearance shall be considered to deny the allegations in the appellant's petition, except for the names of the parties and the location of the taxable property. However, any party may plead additional material by way of answer or new matter, as appropriate, within thirty (30) days of becoming a party.

##### (b) Contents of Appeal:

1. Names and addresses of the taxpayer and the taxing districts;

2. Identification of the property, including street address and tax parcel number;

3. Reason(s) for the appeal. For the purposes of this section, where a challenge is based on fair market value, it shall be sufficient to state that the assessment pursuant to the applicable State Tax Equalization Board, common level or predetermined ratio, is excessive. Where the challenge is based on uniformity, it shall be sufficient to state lack of uniformity as the basis for the appeal. Where a challenge is based on class certification for the purposes of a class action suit, the appellant shall state with specificity the alleged error of law or abuse of discretion committed by the Board of Assessment Appeals.

4. Photocopy of the decision of the Board, if any.

##### (c) Discovery Procedures:

1. The appellant shall provide the Board and the other parties entitled to notice of the appeal with a copy of his, her, its, or their appraisal within sixty (60) days of filing the appeal. The other parties shall then have ninety (90) days from the receipt of the appellant's appraisal to provide the appellant with a counter-appraisal. Any party may designate an appraisal submitted to the Board as its appraisal for the purposes of appeal. Appraisals must certify that the appraiser's fee is not contingent upon the results of the appeal.

2. Any party who fails to provide an appraisal within the time frame provided by this rule or by leave of court or within such time as may be agreed to by the parties will not be allowed to present evidence of valuation at trial. This rule shall not preclude the Board from presenting County records in support of its valuation. Such records shall be admissible in evidence as official records in accordance with the requirements of the Judicial Code, 42 Pa.C.S.A. § 6103. Further, this rule shall not preclude a homeowner from presenting his own opinion as to his property's value.

3. In cases involving commercial properties, the taxpayer shall provide the following to all other parties within thirty (30) days of the filing of the appeal:

(A) Income and expense statements for three (3) years prior to the appeal year;

(B) A current rent roll, including a list of tenants, rental amounts, lease periods and a sample lease with any special terms or renewal options;

(C) The right to inspect the property at a reasonable time with notice.

4. The names of all witnesses to be called at trial by any party, other than rebuttal witnesses later determined, shall be provided to all other parties within one hundred fifty (150) days of the appeal date.

5. Additional discovery shall be by leave of court only.

6. The matter shall be scheduled for trial before the assigned judge after the lapse of one hundred fifty (150) days from the appeal date. Any party may request an administrative conference at any time up to one hundred twenty (120) days after the appeal date.

7. Masters may be appointed in cases involving a voluminous record or particularly complex issues.

8. Time periods may be extended for cause shown.

(d) *Class Action Appeal*:

In all cases involving an appeal from class action certification, a full record shall be made before the Board of Assessment Appeals.

(e) *Discontinuance*:

The party filing the appeal may discontinue the appeal prior to the time set for the first exchange of appraisals. Thereafter, the appeal may be discontinued only with the agreement of all parties, or by leave of court.

(f) *Tax Exemption Cases*:

1. All appeals to court from a determination of the Board of Tax Assessment Appeals involving a claimed exemption from real estate tax shall be accompanied by the full and complete transcript of the hearing before the Board, together with all documentary evidence entered as part of that record and the Board's Findings of Fact and Conclusions of Law in support of its decision.

2. In any appeal to the Board or to court involving a claimed exemption from real estate taxation, the property owner claiming tax exemption shall be subject to such relevant discovery by written interrogatories, deposition and production of documentary evidence as reasonably bears on the property owner's claim of tax exemption. Discovery shall be requested and completed within one hundred twenty (120) days from the requesting party's receipt of notice of the initial application to the Board. Except in cases where such discovery request has not been complied with prior to the Board's hearing, no additional discovery shall be permitted on appeal to court from the Board's decision, except by leave of court.

*Comment*

This rule specifically does not require simultaneous exchange of information; instead the entity filing an appeal should bear the initial expense and burden of producing an appraisal. This rule should then conserve resources by giving the respondent the opportunity to accept the appellant's appraisal as satisfactory before ordering his or its own appraisal.

[Pa.B. Doc. No. 97-1178. Filed for public inspection July 25, 1997, 9:00 a.m.]

**DELAWARE COUNTY**  
**Orphans' Court Rule 14, No. 406-1997**

**Decree**

*And Now*, to wit, this 8th day of July, 1997, it is hereby *Ordered* and *Decreed* that this Court's Decree dated June 20, 1997 is hereby *Vacated*;

*Further*, it is hereby *Ordered* and *Decreed* that:

(1) Delaware County Orphans' Court Rules 14-2-1 and 14-2-2 are hereby *Repealed* effective July 1, 1997;

(2) Rules 14-2-1, 14-2-2, 14-2-3 and 14-2-4, as follows hereto, are approved and adopted, effective July 1, 1997; and

(3) The forms, set forth at the conclusion of these new Rules, designated "Deposition By Individual Qualified in Evaluation of Incapacitated Persons" shall be made available to practitioners by the Clerk of Orphans' Court.

*By the Court*

A. LEO SERENI,  
*President Judge*

**RULE 14-2-1. Testamentary Writings.**

All testamentary writings of the incapacitated person found by the guardian or in the possession of any other person shall at the time of the filing of the inventory be submitted by the guardian or such other person to the court for its inspection, together with a photographic type copy to be retained by the judge for his private file.

**Committee Comment:** Neither the will nor a copy thereof nor any description of its provisions should be permitted to become part of a file available for public inspection. See *Widener Estate*, 437 Pa. 294 (1970).

**RULE 14-2-2. Allowances from Incapacitated Person's Estates.**

(a) *Petitions*. Petitions for allowances from an incapacitated person's estate or for the payment of counsel fees shall be governed by the appropriate provisions of Rule 12-5-4 and shall set forth:

(1) The name of the guardian, the date of his appointment; if the petitioner is not the guardian, his relationship to the incapacitated person, and, if not related, the nature of his interest.

(2) A summary of the inventory, the date it was filed, and the nature and present value of the estate.

(3) The address and the occupation, if any, of the incapacitated person.

(4) The names and addresses of the incapacitated person's dependents, if any.

(5) A statement of all claims of the incapacitated person's creditors known to petitioner.

(6) A statement of the requested distribution and the reasons therefor; a statement of all previous distributions allowed by the court.

(b) *Notice to Veterans' Administration*. If any portion of the incapacitated person's estate is received from the United States Veterans' Administration or its successor, notice of the request for allowance shall be given to this agency.

**Note:** The following Delaware County Orphans' Court Rule 14 with proposed changes appears with the applicable Supreme Court Orphans' Court Rules as they would appear in the printed version of the rules. The Supreme Court rules are denoted with decimals (14.1; 14.2) and the local rules with hyphen (14-2-1; 14-2-2). The proposed changes are "highlighted" in gray for identification purposes. Of course, the Delaware County Common Pleas Court has no authority to change the Supreme Court Rules and no changes are proposed. Please note that the local rule changes utilize the term "incapacitated person" as that term is utilized in the statute. The Supreme Court Rules continue to use the term "incompetent".

**RULE 14-2-3. Certification.**

In any petition filed pursuant to 20 Pa.C.S. § 5511, Counsel for petitioner shall file with the Clerk of Orphans' Court at least seven (7) days prior to the Hearing a Certification substantially in compliance with the form set forth in Rule 14-2-4 that provides the following information to the best of counsel's knowledge, information and belief:

1. Whether counsel has been retained by or on behalf of the alleged incapacitated person.
2. Whether the issue of capacity is or is not contested.
3. Whether the testimony on the issue of capacity shall be presented in one or more of the following manners:
  - a. Deposition by written interrogatory;
  - b. By videotape deposition;
  - c. Live testimony in court.
4. Whether the issue relating to the choice of guardian is contested.
5. Whether the alleged incapacitated person will or will not be present at the Hearing pursuant to 20 Pa.C.S. § 5511(a)1 and 2.

**Note:** Counsel is advised to carefully review the requirements of 20 Pa.C.S. § 5511 in completing the Certification required.

**Committee Comment:** In uncontested matters the medical or psychological testimony may be provided via verified deposition by written interrogatories. Forms of such written interrogatories approved by the court are available at the Office of the Clerk of Orphans' Court.

**RULES 14-2-4. Compliance.**

14-2-4 The requirements of Rule 14-2-3 shall be met by the filing of a Certification substantially in compliance with the following:

CAPTION  
CERTIFICATION

The undersigned, \_\_\_\_\_, Counsel for the Petitioner in the above captioned matter, hereby certifies that:

1. Counsel has/has not been retained by or on behalf of the alleged incapacitated person.
2. The issue of capacity is/is not contested.
3. The testimony on the issue of capacity shall be presented in one or more of the following manners; as checked below:
  - a. (\_\_\_) Deposition by written interrogatory;
  - b. (\_\_\_) Videotape deposition;
  - c. (\_\_\_) Live testimony in court.
4. The issue of the choice of guardian is/is not contested.
5. It is expected that the alleged incapacitated person will/will not be present at the Hearing in compliance with 20 Pa.C.S. § 5511(a)1 and 2.

I hereby certify that the foregoing statements are true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
Attorney for Petitioner

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ :  
AN ALLEGED INCAPAITATED PERSON : NO.

*DEPOSITION BY INDIVIDUAL QUALIFIED IN EVALUATION OF INCAPACITATED PERSON*

The deposition of \_\_\_\_\_, a witness in this matter, made on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, Pennsylvania.

1. What is your name and your professional address?

A. My name is \_\_\_\_\_, my professional address is \_\_\_\_\_.

2. Please describe your education, training and background with particular emphasis on your expertise in evaluating individuals with incapacities. If you prefer to do so, please attach a curriculum vitae to those interrogatories that details this information.

A. (Cross out that answer that does not apply.)

(a) My curriculum vitae detailing this information is attached or

(b) I received my college degree at \_\_\_\_\_ and my post graduate training at \_\_\_\_\_, and I have practiced \_\_\_\_\_ (e.g. medicine, psychiatry, psychology, gerontological social work, etc.) since 19\_\_\_\_. My special qualifications and training with respect to evaluating persons with incapacities consists of \_\_\_\_\_

3. In what states are you licensed to practice medicine?

A. I am licensed to practice medicine in the following states: \_\_\_\_\_

4. In your capacity as (e.g. physician, psychologist, social worker, etc.) have you had the opportunity to meet with, examine, speak with and otherwise become acquainted with \_\_\_\_\_ (Name) and if so, upon what occasions and in what fashion have you been able to do so?

A. I first became acquainted with \_\_\_\_\_ (Name) the month of \_\_\_\_\_, 19\_\_\_\_, when she/he was brought to my attention by means of \_\_\_\_\_. I have since that time (visited/spoken with/examined/treated) her/him on \_\_\_\_\_ other occasions with an average frequency of \_\_\_\_\_ times per \_\_\_\_\_ (day/week/month/year)

5. To a reasonable degree of medical certainty, do you have an opinion as to whether the ability of \_\_\_\_\_ (name) to receive and evaluate information effectively and to communicate decisions is in any way impaired to such significant extent that she/he is:

- (a) partially unable to manage her/his financial resources, or
- (b) totally unable to manage her/his financial resources.

A. \_\_\_\_\_

6. To a reasonable degree of medical certainty, do you have an opinion as to whether the ability of \_\_\_\_\_ (name) to receive and evaluate information effectively and to communicate decisions is in any way impaired to such significant extent that she/he is:

- (a) partially unable to meet essential requirements for her/his physical health and safety, or
- (b) totally unable to meet essential requirements for her/his physical health and safety?

A. \_\_\_\_\_

7. Please describe the type and severity of any impairments of \_\_\_\_\_ (name)

A. The impairments of \_\_\_\_\_ (name) are as follows:

—Check one—

Impairment	None	Mild	Moderate	Severe
a)	[ ]	[ ]	[ ]	[ ]
b)	[ ]	[ ]	[ ]	[ ]
c)	[ ]	[ ]	[ ]	[ ]
d)	[ ]	[ ]	[ ]	[ ]
e)	[ ]	[ ]	[ ]	[ ]
f)	[ ]	[ ]	[ ]	[ ]
g)	[ ]	[ ]	[ ]	[ ]
h)	[ ]	[ ]	[ ]	[ ]

8. To a reasonable degree of medical certainty, can you express an opinion as to whether \_\_\_\_\_ (name) is partially or totally unable to manage her/his financial resources?

A. The ability of \_\_\_\_\_ (name) to manage her/his financial resources is impaired (not at all, partially, totally) as follows:

9. To a reasonable degree of medical certainty, can you express an opinion as to whether \_\_\_\_\_ (name) is able to meet essential requirements for her/his physical health and safety?

A. The ability of \_\_\_\_\_ (name) to meet essential requirements for her/his physical health and safety is impaired (not at all, partially, totally) as follows:

10. Can you please evaluate the present condition of \_\_\_\_\_ (name) with respect to incapacities of the type alleged in the Petition. In particular, could you please comment on the nature and extent of the alleged incapacities and disabilities and also, insofar as you are able, the mental, emotional and physical condition of \_\_\_\_\_ (name) , her/his adaptive behavior, and her/his social skills?

A. Based upon my education, training and experience, as well as my acquaintance with \_\_\_\_\_ (name) as stated above, it is my opinion that her/his incapacities and disabilities are \_\_\_\_\_

Her/His mental condition is \_\_\_\_\_

Her/His emotional and physical condition are \_\_\_\_\_

11. Is the condition of \_\_\_\_\_ (name) such as would make her/him susceptible to be taken advantage of by unscrupulous or designing persons?

A. Her/His adaptive behavior is \_\_\_\_\_

Her/His social skills are \_\_\_\_\_

12. What recommendations would you make concerning services necessary to meet the essential requirements for the physical health and safety of \_\_\_\_\_ (name) .

A. I would recommend that her/his physical health and safety be protected by \_\_\_\_\_

13. What recommendations would you make concerning management of the financial resources of \_\_\_\_\_ (name)?

A. I would recommend \_\_\_\_\_

14. What recommendations would you make concerning the development or regaining of physical or mental abilities of \_\_\_\_\_ (name) ?

A. I would recommend the following: \_\_\_\_\_

15. What types of assistance do you think are required by \_\_\_\_\_ (name) ?

A. I believe she/he needs assistance with \_\_\_\_\_

16. Why is it that no less restrictive alternatives would be appropriate?

A. Less restrictive alternatives would not be appropriate because \_\_\_\_\_

17. What is the probability that the extent of incapacities of \_\_\_\_\_ (name) may significantly lessen or change?

A. In my judgment, and based upon my training, experience and acquaintance with \_\_\_\_\_ (name) I believe the probability that her/his incapacities may significantly lessen or change is: \_\_\_\_\_



18. Would the physical or mental condition of \_\_\_\_\_ (name) be harmed by her/his persence in open Court?

A. I believe that the presence of \_\_\_\_\_ (name) in open Court would (not) be harmful to her/him because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NOTE: Pennsylvania law (20 Pa.C.S. § 5511(a)(1) requires that the alleged incapacitated person must be present at the hearing unless a physician or licensed psychologist provides by testimony or statement, an opinion that her/his physical or mental condition would be harmed by her/his presence.

*VERIFICATION*

I, \_\_\_\_\_, verify that the statements made in the foregoing Deposition are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Deponent

[Pa.B. Doc. No. 97-1179. Filed for public inspection July 25, 1997, 9:00 a.m.]

\_\_\_\_\_

# RULES AND REGULATIONS

## Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
[52 PA. CODE CHS. 29—31]

[L-950111]

### Rescission of Obsolete Regulations Regarding Motor Carriers; Amendment of Medallion Program

The Pennsylvania Public Utility Commission (Commission) on January 16, 1997, adopted a final order to rescind obsolete regulations regarding motor carriers and to supplement regulations regarding taxi service in cities of the first class. The contact person is John Herzog, Assistant Counsel, Bureau of Transportation and Safety, Legal Division, (717) 783-3713.

#### *Executive Summary*

By Order entered February 5, 1996, the Commission initiated a proposed rulemaking to rescind obsolete regulations regarding motor carriers. The Commission also proposed amending two regulations. The first amendment prohibited taxi drivers in cities of the first class from discriminating against a person with a disability. The second amendment required motor carriers of property to ensure that the equipment they are using has a valid inspection decal or complies with Federal inspection requirements.

The Independent Regulatory Review Commission (IRRC) was the sole commentator. In response to those comments, the Commission amended its proposed amendments by more clearly delineating a taxi driver's responsibilities when called upon to render service to a person with a disability. Also, the Commission rescinded its original proposal to delete its hazardous materials regulation. This regulation has no substantive content, but rather requires carriers to comply with United States Department of Transportation and Pennsylvania Department of Transportation regulations in transporting hazardous materials. The Commission retained this regulation since it provides it with an independent basis for prosecution of hazardous materials violations.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 4, 1997, 1997, the Commission submitted a copy of the final rulemaking, which was published as proposed at 26 Pa.B. 2808 (June 15, 1996) to IRRC and the Chairpersons of House Committee Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on Consumer Affairs on April 24, 1997, were approved by the Senate Committee on Consumer Protection and Professional Licensure on April 15,

1997, and were approved by IRRC on May 1, 1997, in accordance with section 5(c) of the Regulatory Review Act.

*Commissioners Present:* John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; David W. Rolka; Robert K. Bloom

Public meeting held  
January 16, 1997

#### **Order**

By Order entered February 5, 1996, the Commission initiated a proposed rulemaking to rescind obsolete regulations regarding motor carriers and to supplement its regulations regarding taxi service in cities of the first class. The purpose of the rulemaking was to clarify, simplify and remove excessive and burdensome requirements from our motor carrier regulations. Also, we proposed amending our regulations regarding taxi service in cities of the first class to include a prohibition against drivers refusing service to persons with disabilities.

On April 29, 1996, the Office of Attorney General issued its approval of the proposed regulations as to form and legality. On May 30, 1996, copies of the proposed regulations were delivered for review and comment to the designated standing committees of both houses of the General Assembly and IRRC. The proposed rulemaking was published in the June 15, 1996 edition of the *Pennsylvania Bulletin*, 26 Pa.B. 2808.

The only comments to the proposed rulemaking were filed by IRRC. First, IRRC comments that the Americans with Disabilities Act (ADA), 42 U.S.C.A. §§ 12101—12213, prohibits providers of taxi service from discriminating against persons with disabilities. IRRC suggests that the Commission add language to the proposed regulation to detail the requirements that will be imposed on taxicab operators. Specifically, IRRC proposes that the Commission require a taxicab operator to stop and determine if the service requested by a disabled person can be reasonably accommodated by that driver's vehicle. If not, IRRC proposes excusing the operator from providing service but requiring the operator to immediately call a dispatcher to arrange for service by the closest vehicle equipped to handle the customer's request and to advise the customer of the status before departing. Further, IRRC suggests the Commission expand the nondiscrimination provision to taxicab operators in other areas of this Commonwealth and to other types of transportation providers; for example, group and party carriers and limousine carriers.

In Chairperson Quain's Motion which resulted in the inclusion of the antidiscrimination provision in this rulemaking, the applicability of the ADA to taxi service was recognized. Specifically, the ADA prohibits taxicab operators from discriminating against an individual on the basis of a disability. 42 U.S.C.A. § 12184. Pursuant to the directives of Congress, 42 U.S.C.A. § 12186, the Secretary of Transportation promulgated regulations to carry out the prohibition against discrimination. Specifically, 49 CFR 37.29 sets forth requirements under the ADA for private entities providing taxi service. That provision provides, in relevant part, that providers of taxi service are not required to purchase or lease accessible automobiles. However, when a taxi company purchases or leases a vehicle other than an automobile, that vehicle is required to be accessible, unless the provider demonstrates equivalency as provided at 49 CFR 37.105. A taxi

company is not required to purchase vehicles other than automobiles in order to have a number of accessible vehicles in its fleet. Further, 49 CFR 37.29 provides that a taxi company may not discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals who can use taxicabs, refusing to assist in the stowing of mobility devices or charging higher fees for carrying individuals with disabilities. See also, 49 CFR Part 37, App.D.

In the proposed rulemaking, we generically prohibited refusal of service to a person with a disability. We are cognizant of the ADA's impact on this issue and we agree with IRRC that a more detailed explanation of our intent is appropriate. Therefore, we will modify the regulation accordingly.

IRRC also comments on our proposed deletion of § 31.13 concerning transportation of explosives and dangerous commodities. IRRC comments that it was unable to locate any other Commission regulation on this subject and, therefore, deletion of the regulation is inappropriate.

IRRC is correct that the only Commission regulation addressing the transportation of explosives and other dangerous materials is § 31.13. In its current form, § 31.13 does not provide any substantive guidance for transportation of explosives or hazardous materials. Rather, the Commission's regulation requires carriers transporting explosives or hazardous materials to comply with the "laws of the Commonwealth and the regulations of the Interstate Commerce Commission not inconsistent with those laws." Carriers transporting explosives and other hazardous materials must comply with regulations of the United States Department of Transportation, 49 CFR Part 397, and the Department of Transportation, 67 Pa. Code Chapter 403. Therefore, our deletion of § 31.13 would not affect the manner in which carriers must transport hazardous commodities since, regardless of our regulations, carriers must still comply with the regulations of other governmental bodies.

Notwithstanding its lack of substantive content, we have reconsidered our proposed deletion of § 31.13 and have determined to retain this provision, albeit in modified form.<sup>1</sup> Our rationale for retention is that this provision provides the Commission with an independent basis for prosecution. Without this provision, the Commission's regulations would be silent on the transportation of hazardous materials and, therefore, prosecution of a carrier before the Commission for violations of existing hazardous material regulations would be tenuous. We agree with IRRC that this provision should be retained.

Having considered all comments filed to the proposed rulemaking, we believe the regulations as set forth in Annex A should be adopted as the final rulemaking. Accordingly, under sections 501, 504—506, 1301 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501, and the Commonwealth Documents Law (45 P. S. § 1201 et seq.), and the regulations promulgated thereunder, we amend 52 Pa. Code Chapters 29—31; *Therefore,*

*It Is Ordered That:*

1. The regulations of the Commission, 52 Pa. Code Chapters 29—31, are amended by amending §§ 29.71, 30.75, 31.13 and 31.32 and by deleting § 31.14 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

<sup>1</sup> Modification is necessary to accurately reflect changes in nomenclature and the abolition of the Interstate Commerce Commission.

2. The Secretary shall submit this Order and Annex A to the Office of Attorney General for approval as to legality.

3. The Secretary shall submit this Order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this Order and Annex A for formal review by the designated standing committees of both Houses of the General Assembly, and for formal review by the IRRC.

5. The Secretary shall deposit this Order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. The Secretary shall serve copies of this Order and Annex A upon the commentator.

7. These amendments shall become effective August 25, 1997.

JOHN G. ALFORD,  
*Secretary*

**Fiscal Note:** Fiscal Note 57-167 remains valid for the final adoption of the subject regulations.

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2490 (May 17, 1997).)

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart B. CARRIERS OF PASSENGERS OR PROPERTY**

**CHAPTER 29. MOTOR CARRIERS OF PASSENGERS**

**Subchapter B. COMMON CARRIERS MARKINGS AND POSTING NOTICE**

**§ 29.71. Marking of vehicles.**

(a) *Identification.* A common carrier shall paint or affix on each side of each motor vehicle operated in certificated service by him in letters of at least 2 inches in height and at least 1/2 inch in width, the name or registered insignia, if approved by the Commission, of the carrier and the number of the certificate of public convenience as follows:

"Pa.P.U.C. No. A—"

(b) *Exceptions.*

(1) Subsection (a) does not apply to vehicles owned by another carrier which may be used temporarily in situations arising from accident, breakdown or peak demand.

(2) Subsection (a) does not apply to vehicles operated in luxury limousine service as provided in § 29.333c (relating to vehicle and equipment requirements).

(c) *Numbers.* A common carrier of passengers by taxicab operating more than one taxi shall cause to be painted or affixed a distinguishing number of at least 4 inches in height and at least 1/2 inch in width, in numerical sequence beginning with No. 1, in a conspicuous location on the rear and on each front side where it is clearly distinguishable from the rear and front side of each motor vehicle. If the common carrier operates under the name of an association not certificated by the Commission, there shall also be, in lieu of a separate numbering system, a single numerical sequence for an association and there shall be painted on the taxicab the name

of the association, and the sequential number assigned by the association. The association shall supply the Commission with a current listing of the numbers assigned to each certificated carrier.

**CHAPTER 30. MEDALLION PROGRAM**

**Subchapter F. DRIVER REGULATIONS**

**§ 30.75. Driver standards.**

\* \* \* \* \*

(f) *Discrimination prohibited.* A driver may not refuse service to a member of the public on the basis of sex, race, religious preference, nationality, age, point of origin, point of destination or to a person with a disability. A driver shall, when on duty and not engaged, furnish trip service on demand to an orderly person for lawful purposes.

(1) A taxi driver shall stop his vehicle, if not engaged, when hailed by a person with a disability. The driver shall determine if the services requested by the person can be reasonably accommodated by the vehicle.

(i) If the service request can be reasonably accommodated, the driver shall provide the service.

(ii) If the service request cannot be reasonably accommodated, the driver shall call a dispatcher immediately to arrange for service by the closest vehicle available that can accommodate the person's request. The driver shall advise the person of the status before departing.

\* \* \* \* \*

**CHAPTER 31. MOTOR CARRIER PROPERTY TRANSPORTATION**

**GENERAL PROVISIONS**

**§ 31.13. Transportation of hazardous materials.**

(a) A common carrier by motor vehicle, and forwarder, when transporting an article or commodity now classified, or which may be classified as a hazardous material under the regulations of the United States Department of

Transportation shall transport the material as provided by the laws of the Commonwealth and the regulations of the Department of Transportation not inconsistent with those laws.

(b) Subsection (a) is subject to changes and modifications that the laws of the Commonwealth or the regulations of the Department of Transportation may provide.

**§ 31.14. (Reserved).**

**COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE**

**§ 31.32. Equipment.**

\* \* \* \* \*

(c) *Augmenting equipment.* The augmenting of equipment shall conform with the following:

\* \* \* \* \*

(4) *Safety inspection of equipment.* It is the duty of the motor carrier, before taking possession of equipment, to ensure that the equipment has a valid State inspection decal or complies with the periodic inspection requirements in § 37.204(7) (relating to adoption of portions of 49 CFR by reference), or to inspect or to have the equipment inspected by a person who is competent and qualified to make an inspection and who has been authorized by the carrier to make the inspection as a representative of the carrier, to ensure that the equipment is in a safe condition to be operated on the highways. The inspection report shall be retained by the motor carrier for at least 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the motor carrier. The person making the inspection shall certify the results on a report in the form which follows:

\* \* \* \* \*

[Pa.B. Doc. No. 97-1180. Filed for public inspection July 25, 1997, 9:00 a.m.]

\_\_\_\_\_

# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 155]

### Enumeration

The Department of Public Welfare (Department), under the authority of sections 201(2) and 403(b) of the Public Welfare Code (code) (62 P. S. §§ 201(2) and 403(b)) proposes to amend Chapter 155 (relating to enumeration) to read as set forth in Annex A.

#### *Purpose*

The Department proposes to delete §§ 155.1, 155.3, 155.4, 155.41, 155.44, 155.61, 155.64, 155.74 and 155.84 which delineate the enumeration requirements in detail. The Department is replacing it with § 155.2 (relating to general) which provides that applicants for and recipients of assistance benefits must comply with Federal enumeration requirements. Federal regulations require that applicants and recipients of Medical Assistance, Food Stamps and Aid to Families with Dependent Children (AFDC) must, as a condition of eligibility, disclose or apply for a Social Security Number (SSN). Federal statutes and regulations relating to enumeration are applicable to all programs in which Federal funding is received (for example, Medical Assistance, Food Stamps and AFDC). Further, section 432.2(b)(3) of the code (62 P. S. § 432.2(b)(3)), requires that applicants or recipients of State funded programs also provide SSNs. As a practical matter, the Department has adopted the same practice for State funded programs as for those in which Federal funding is received.

#### *Background*

42 U.S.C.A. § 1320b-7, added to the Social Security Act by section 2651 of the Deficit Reduction Act of 1984 (Pub. L. No. 98-369), provides the authority by which the Department requires all persons applying for or receiving AFDC, Medical Assistance Nonmoney Payment (NMP) and Medical Assistance Medically Needy Only (MNO) to disclose or apply for an SSN. Federal enumeration requirements for the Food Stamp Program are adopted by reference at § 501.1 and are not included in Chapter 155. Section 432.2(b)(3) of the code, as amended, further provides the authority by which the Department requires that persons applying for or receiving General Assistance (GA), State Blind Pension (SBP) or MNO in a related category must disclose or apply for SSNs. In addition, the Federal regulations require the Department to verify all SSNs with the Social Security Administration (SSA).

#### *Need for the Amendment*

Section 155.2 will enable the Department to use, by reference, the enumeration regulations in the *Code of Federal Regulations*. It will also facilitate the issuance of instructional material to county assistance offices (CAOs) for the operation of the program. This eliminates any need for the Department to promulgate its own regulations to implement a new change in Federal regulations.

#### *Requirements*

42 U.S.C.A. § 1320b-7, section 1137 of the Social Security Act, requires applicants and recipients to provide their SSN or apply for one if they do not have a number.

These proposed amendments make no substantive changes to enumeration requirements already in effect and accordingly will have no additional impact on applicants for or recipients of public assistance programs.

Section 155.2 sets forth the Department's intention to be governed by Federal regulations through reference.

#### *Affected Persons and Organizations*

The proposed changes to Chapter 155 will not change enumeration requirements which currently exist.

#### *Accomplishments/Benefits*

The proposed changes to Chapter 155 will ensure immediate compliance with Federal regulation changes and simplify administration of the program by eliminating the need to constantly revise 55 Pa. Code to reflect changes in Federal regulations.

#### *Fiscal Impact*

The proposed amendments will have no fiscal impact on State or local government or private entities.

#### *Paperwork Requirements*

The proposed changes to Chapter 155 will reduce paperwork requirements associated with administration of the program by eliminating the need to revise 55 Pa. Code to reflect any changes in Federal regulations.

#### *Effective Date*

The amendments will become effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### *Sunset Date*

A sunset date is not applicable. The Department continuously reviews the enumeration regulations through the Federally monitored quality control process. Also, the Department of Health and Human Services' staff conducts audits periodically on specific aspects of the enumeration program.

#### *Public Comment Period*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Department of Public Welfare, Patricia H. O'Neal, Director, Bureau of Policy, Room 431, Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105, (717) 787-4081, within 30 days of the date of publication of this notice in the *Pennsylvania Bulletin*. All comments received within 30-calendar days will be reviewed and considered in the preparation of the final regulations. Comments received after the 30-day comment period will be considered for any subsequent revisions of these regulations.

#### *Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 16, 1997, the Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Welfare and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-425. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART II. PUBLIC ASSISTANCE MANUAL**

**Subpart C. ELIGIBILITY REQUIREMENTS**

**CHAPTER 155. ENUMERATION**

*(Editor's Note:* The Department is proposing to delete the current versions of §§ 155.1, 155.3, 155.4, 155.41, 155.44, 155.61, 155.64, 155.74 and 155.84 as they currently appear in the *Pennsylvania Code* at pages 155-1—155-6 (serial pages 175227, 175228 and 165931—165934) and replace them with § 155.2 (relating to general).)

§ 155.1. [Reserved].

§ 155.3. [Reserved].

§ 155.4. [Reserved].

§ 155.41. [Reserved].

§ 155.44. [Reserved].

§ 155.61. [Reserved].

§ 155.64. [Reserved].

§ 155.74. [Reserved].

§ 155.84. [Reserved].

§ 155.2. **General.**

Applicants for and recipients of cash or Medical Assistance benefits are required to disclose or apply for a Social Security Number (SSN) as required by Federal regulations found in 42 CFR 435.910, 435.920 and 45 CFR 205.52 (relating to use of social security number; verification of SSNs; and furnishing of social security numbers) and section 432.2(b)(3) of the Public Welfare Code (62 P. S. § 432.2(b)(3)). Enumeration (disclosure of or application for an SSN) is also required by persons applying for or receiving General Assistance or State Blind Pension in accordance with section 432.2(b)(3) of the Public Welfare Code. The Federal regulations and State statute cited in this section are incorporated by reference.

[Pa.B. Doc. No. 97-1181. Filed for public inspection July 25, 1997, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective July 9, 1997.

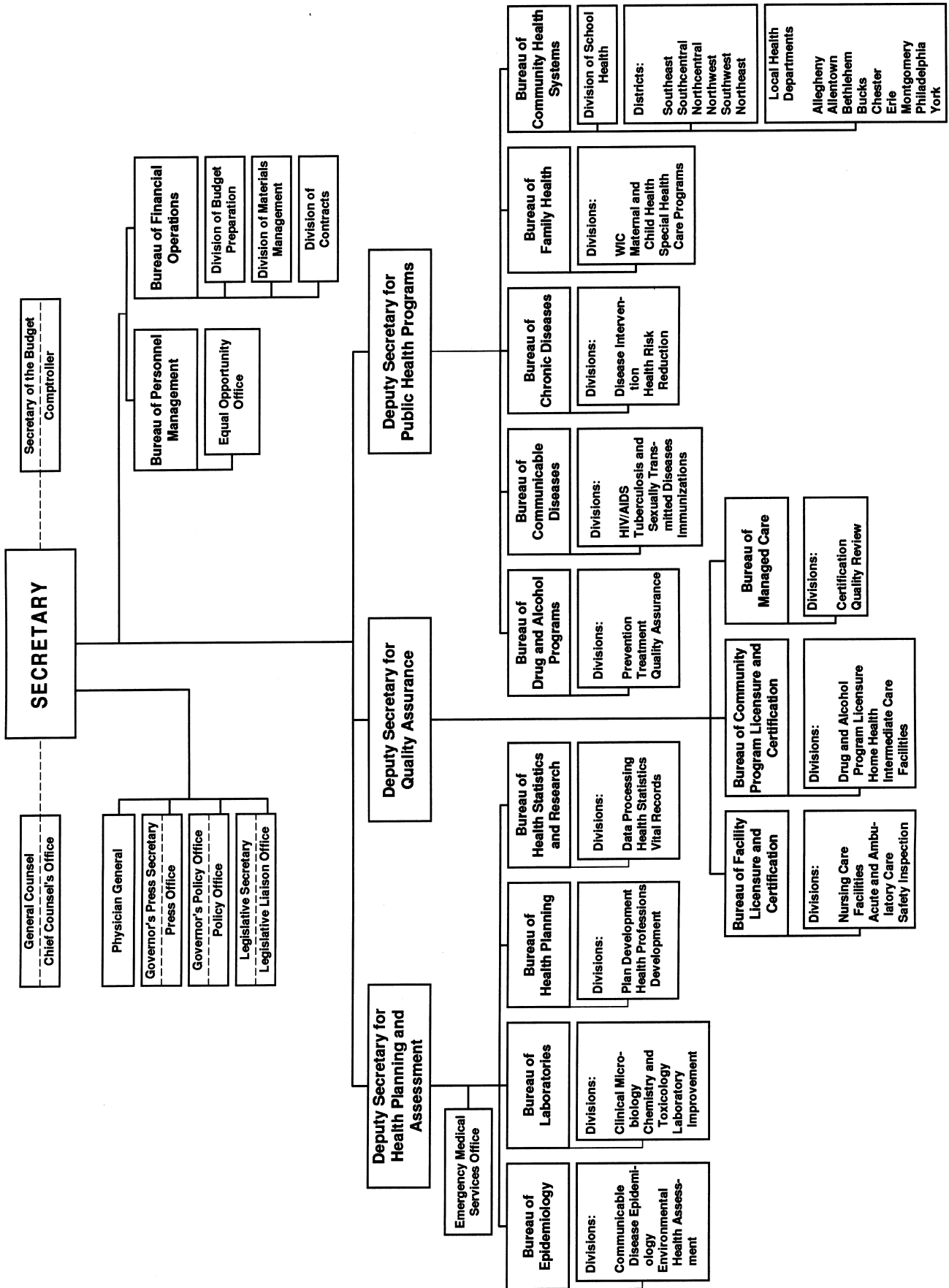
The organization chart at 27 Pa.B. 3682 (July 26, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to content of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. The document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 97-1182. Filed for public inspection July 25, 1997, 9:00 a.m.]

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DEPARTMENT OF HEALTH





# Title 61—REVENUE

## DEPARTMENT OF REVENUE

### [61 PA. CODE CH. 60]

#### Commercial Racing Activities

The Department of Revenue (Department) has adopted a statement of policy under the authority contained in § 3.2 (relating to statements of policy) regarding commercial racing activities which follows in Annex A.

This statement of policy adds § 60.21 (relating to commercial racing activities) and will take effect upon publication in the *Pennsylvania Bulletin*.

The Department is setting forth its interpretation of section 4 of Act 1996-105 which added section 2508 (71 P. S. § 668) regarding the sales and use tax exclusion for commercial racing activities.

In accordance with 71 P. S. § 668(b), subsection (a) sets forth the definition of "commercial racing activities" for use in § 60.21. Subsection (b) details the scope of the exclusions for commercial racing activities as established in 71 P. S. § 668(a). Subsection (c) describes the procedure for claiming an exemption under § 60.21.

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

ROBERT A. JUDGE, Sr.,  
*Secretary*

*(Editor's Note: The regulations of the Department, 61 Pa. Code Chapter 60, are amended by adding a statement of policy in § 60.21 (relating to commercial racing activities) to read as set forth in Annex A.)*

**Fiscal Note:** 15-387. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 61. REVENUE

#### PART I. DEPARTMENT OF REVENUE

#### Subpart B. GENERAL FUND REVENUES

#### ARTICLE II. SALES AND USE TAX

#### CHAPTER 60. SALES AND USE TAX

#### PRONOUNCEMENTS—STATEMENTS OF POLICY

#### § 60.21. Commercial racing activities.

(a) *Definitions.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

#### *Commercial racing activities—*

(i) A thoroughbred and harness racing event at which parimutuel wagering is conducted under the Racehorse Industry Reform Act (4 P. S. §§ 325.101—325.402).

(ii) A fair harness racing event approved by the Pennsylvania State Harness Racing Commission.

#### (b) *Scope.*

(1) Effective July 11, 1996, the sale at retail or use of the following items of tangible personal property or services thereto is not subject to tax:

(i) Horses to be used exclusively for commercial racing activities. The exemption applies to interests acquired by individuals in syndicated or corporate-owned horses.

(ii) Feed, bedding, grooming supplies, riding tack, farrier services, portable stalls and sulkies solely for horses that are used exclusively for commercial racing activities.

(2) Items such as horse vans; motor vehicles; jockey or sulky driver uniforms; whips and accessories; and similar items remain subject to tax.

#### *Example.*

"A" purchased a thoroughbred horse at a claiming race. "A" purchased the horse solely for racing at United Race Track, at which parimutuel wagering is conducted. The purchase of a horse by "A" is not subject to tax. "A" also purchased a specially designed trailer to transport the horse from "A's" home to the race track and a sulky to carry the driver at the horse race meeting. The purchase of the sulky by "A" is not subject to tax. However, the purchase of the trailer by "A" is subject to tax because it does not represent one of the enumerated exempt items in the statute.

(3) Effective July 11, 1996, the propagation and raising of horses to be used exclusively for commercial racing activities when engaged in as a business qualifies as farming under the provisions of the sales and use tax law. Persons engaged in the business of farming are entitled to the limited exemption from sales and use tax as set forth in § 32.33 (relating to farming).

#### *Example.*

"B" operates a riding stable at which persons may lease horses for riding purposes. "B" also operates a farm where riding horses (but not racing horses) are propagated and raised. "B" is not engaged in the business of farming because the horses are not exclusively used for commercial racing activities.

#### (c) *Procedure for claiming exemption.*

(1) Persons entitled to claim an exemption under this section are required to tender to the vendor a completed REV-1220 form in lieu of the tax.

(2) Persons claiming an exemption under subsection (b)(1) shall annotate Form REV-1220 at block "other" by inserting the following wording: "Horse/property will be exclusively used for commercial racing activities."

(3) Persons claiming an exemption under subsection (b)(3) shall annotate Form REV-1220 at block 1 by inserting the word "farming."

(4) If Form REV-1220 is properly annotated, the same form may be used in claiming exemption under subsection (b)(1) and (3).

[Pa.B. Doc. No. 97-1183. Filed for public inspection July 25, 1997, 9:00 a.m.]

# NOTICES

## AUTOMOBILE THEFT PREVENTION AUTHORITY

### Meeting Notice

A public meeting of the Pennsylvania Automobile Theft Prevention Authority will be held August 4, 1997, at 10 a.m. at the Harrisburg Hilton and Towers, located on Second Street in Harrisburg.

Any interested member of the public is invited to attend. Seating may be limited, and advance notice of attendance is requested. Contact the Authority at (717) 975-9074 to request seating.

RONALD L. PRICE,  
*Chairperson*

[Pa.B. Doc. No. 97-1184. Filed for public inspection July 25, 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 July 15, 1997.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-8-97	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	Effective
7-15-97	F.N.B. Corporation, Hermitage, to acquire up to 20.0% of the voting shares of Sun Bancorp, Inc., Selinsgrove	Hermitage	Filed

#### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-9-97	Peoples Home Savings Bank Beaver Falls Beaver County	Beaver Falls	Effective

Represents reorganization into a mutual holding company to be known as "PHS Bancorp, M.H.C.," Beaver Falls

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-9-97	Chambersburg Trust Company, Chambersburg, and Financial Trust Company, Carlisle Surviving Institution— Chambersburg Trust Company, Chambersburg, With a Change in Corporate Title to "Financial Trust Company"	Chambersburg	Filed
7-10-97	First Sterling Bank, Devon, and Prime Bank, a Savings Bank, Philadelphia Surviving Institution—First Sterling Bank, Devon	Devon	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-14-97	The Madison Bank Blue Bell Montgomery County	8000 Verree Road Philadelphia Philadelphia County	Approved
7-15-97	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Morrell Plaza Shopping Center 9910 Frankford Ave. Philadelphia Philadelphia County	Approved
7-15-97	Farmers First Bank Lititz Lancaster	Weis Market 5360 Lincoln Highway Gap Salisbury Township Lancaster County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-14-97	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	<i>To:</i> 729 Locust Street West Cornwall Twp. Lebanon County	Approved
		<i>From:</i> 36 Burd Coleman Road Cornwall Lebanon County	

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-15-97	Mid-State Bank and Trust Company Altoona Blair County	The Bookstore Pennsylvania State University State College Centre County	Approved

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-1185. Filed for public inspection July 25, 1997, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 1997**

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 August is 9 1/4%.

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

individual occupies or has occupied as 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 this Commonwealth. 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 United States Treasury. The latest yield rate on long-term government securities is 6.82 to which was added 2.50 percentage points for a total of 9.32 that by law is rounded off to the nearest quarter at 9 1/4%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-1186. Filed for public inspection July 25, 1997, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## Community Revitalization Program

The Department of Community and Economic Development (Department) gives notice that the telephone num-

ber for the Department's Customer Service Center listed in the Community Revitalization Program guidelines published in the *Pennsylvania Bulletin* was in error. The correct telephone number for the Department's Customer Service Center is (800) 379-7448.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 97-1187. Filed for public inspection July 25, 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 his right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

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

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

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

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

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

**PA 0062723.** Industrial waste, SIC: 5171, **Sun Company, Inc.**, Attention: Lisa E. Messer, 1801 Market Street, Philadelphia, PA 19103-1699.

This proposed action is for renewal of an NPDES permit to discharge stormwater into the Lehigh River in Whitehall Township, **Lehigh County**.

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

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	monitor only		

The EPA waiver is in effect.

**PA 0063657.** Sewerage, **Wyoming Area School District**, 20 Memorial Street, Exeter, PA 18643-2698. This proposed action is for issuance of an NPDES permit to discharge treated sewage into an unnamed tributary to Sutton Creek in Exeter Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Authority on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0068 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	6.1	12.2
(11-1 to 4-30)	18.3	36.6
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	0.7	1.6

The EPA waiver is in effect.

**PA 0062979.** Sewerage. **Gem Corporation & Pocono Insalaco, Inc.**, t/a Outletter Associates, 490 North Main Street, Pittston, PA 18640.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Pocono Creek in Pocono Township, **Monroe County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.024 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
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—24th Month	monitor and report	
25th Month—Expiration	1.2	2.8

The EPA waiver is in effect.

**PA 0012742.** Industrial waste, SIC: 2892 and 2834, **ICI Explosives USA, Inc.**, Route 443, P. O. Box 271, Tamaqua, PA 18443.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater, treated sewage and stormwater into the Little Schuylkill River in Walker Township, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Authority located on the Schuylkill River.

The proposed effluent limits are as follows:

*Outfall 011 (Treated Process Wastewater and Sewage, Design Flow—0.0255 mgd)*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	35	70	
Total Suspended Solids	42	93	
COD	110	218	
Oil and Grease	15.0	30.0	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine 1st Month—24th Month 25th Month—Expiration	monitor and report 1.2		2.8
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average		
pH	6.0—9.0 standard units at all times		
<i>Outfall 008 (Design flow 0.046 mgd)</i>			
Oil and Grease	15.0	30.0	
pH	6.0—9.0 standard units at all times		
<i>Outfall SW III (Stormwater)</i>			
Total Suspended Solids	monitor and report		
NH <sub>3</sub> -N	monitor and report		
NO <sub>2</sub> +NO <sub>3</sub> as N	monitor and report		
pH	monitor and report		

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager, Water Management, 200 Pine Street, Williamsport, PA 17701-6510, (717) 327-3666.*

**PA 0112771.** SIC: 4952, **Port Matilda Borough Authority**, P. O. Box 519, Port Matilda, PA 16870.

This proposed action is for an amendment of an NPDES permit for an existing discharge of treated sewage to Bald Eagle Creek in Worth Township, **Centre County**. The sewage treatment plant has been recently rerated to accept an increased flow to 0.8 mgd from 0.059 mgd, making this action necessary.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is located at Lock Haven on Bald Eagle Creek, 46.9 miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.08 mgd, are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	report			
Dissolved Oxygen	minimum of 5.0 mg/l at all times			
pH (Std. Units)	within the range 6.0—9.0			
Fecal Coliform (5-1 to 10-31) (11-1 to 4-30)	200 lb./100 ml as a geometric mean 2,000 lb./100 ml as a geometric mean			
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Ammonia-N (6-1 to 10-30) (11-1 to 5-31)	8 24	12 36		16 48
Total Dissolved Phosphorous	2.0	3.0		4.0

*Other Conditions:* none

The EPA waiver is in effect.

**PA 0027553.** SIC: 4952, **Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to the West Branch Susquehanna River in Pine Creek Township, **Clinton County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 1.3 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Total Chlorine Residual	0.5		1.6
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 SU at all times		

*Other Conditions:*

(1) Total Chlorine Residual limits effective 3 years from permit issuance date. Monitoring and reporting required in the interim.

The EPA waiver is not in effect.

**PA 0209481. John Glenn Sanitation**, P. O. Box 683, Philipsburg, PA 16866, SIC: 4952, Decatur Township, Clearfield County.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage to Shimel Run in Decatur Township, Clearfield County.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is located at Lock Haven on the West Branch of the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of 0.00081 mgd, are:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	report	
pH (Std. Units)	within the range 6.0—9.0	
Fecal Coliforms	200/100 ml as a geometric mean	
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
Total Cl <sub>2</sub> Residual	2.0	4.6
Oil and Grease	15	30

*Other Conditions:* none

The EPA waiver is in effect.

**PA 0112372. Sewerage**, SIC: 4952, **Shamokin Street Corp.**, 612 North Shamokin Street, Shamokin, PA 17872.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Shamokin Creek in Shamokin Township, **Northumberland County**.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50	
TSS	30	60	
Ammonia-N (5-1 to 10-31)	7.5	15	
(11-1 to 4-30)	22.5		
Total Cl <sub>2</sub> Residual	1.0	2.3	
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

**PA 0031844.** Sewage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690.

This application is for renewal of an NPDES permit to discharge treated sewage from the North Washington Elementary School STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Pine Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company.

*Outfall 001:* existing discharge, design flow of .0058 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.4			8.8
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			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	.20			.48
pH	not less than 6.0 nor greater than 9.0			
Dissolved Oxygen	not less than 5.0 mg/l			

The EPA waiver is in effect.

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

**PA 0037117.** Sewage, **Abraxas Group, Inc.**, 5th Floor, One Gateway Center, Pittsburgh, PA 15222.

This application is for a renewal of an NPDES Permit to discharge treated sewage to the Unnamed Tributary to the Branch in Howe Township, **Forest County**. This is an existing discharge.

The receiving water is classified for the following uses: high quality-cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is at the discharge point since the discharge is to a High Quality Stream.

The proposed effluent limits, based on a design flow of 0.022 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
TSS	10	20
Ammonia-Nitrogen (5-1 to 10-31)	1.9	3.8
(11-1 to 4-30)	5.7	11.4
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	.5	1.2
Dissolved Oxygen	minimum of 7.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0033367.** Industrial waste, SIC: 3111, **B & B Leather, Inc.**, 9041 Tannery Road, Girard, PA 16417.

This application is for renewal of an NPDES permit to discharge industrial waste from a leather tanning and finishing plant to Brandy Run in Girard Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, there are no potable water supplies (PWS) downstream until it reaches Lake Erie.



The proposed effluent limits for Outfall 001, based on average design flow of 0.0459 mgd are:

<i>Parameter</i>	<i>Mass Units (lbs./day)</i>		<i>Effluent Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50	65	130	160
Total Suspended Solids	40	99			
Oil and Grease	5.5		15		30
NH <sub>3</sub> -N					
(January)	6.0	12.1	16.5	33	41.25
(February)	14.6	22	40	80	100
(March)	22	33	60	120	150
(April, May, June)	29.3	44	80	160	200
(July)	22	33	60	120	150
(August)	14.6	22	40	80	100
(November, December)	6	12	16.5	33	41.25
Phosphorus as "P"			2.0		
Chromium Total	0.51	1.01	1.38	2.76	3.45
Mercury					
(interim)	XX	XX	XX	XX	
(final)	0.000018	0.000036	0.000048	0.000096	0.00012
Phenols—total					
(interim)	XX	XX	XX	XX	
(final)	0.03	0.06	0.08	0.16	0.2
Aluminum					
(interim)	XX	XX	XX	XX	
(final)	0.73	1.47	2.0	4.0	5.0
Zinc					
(interim)	XX	XX	XX	XX	
(final)	0.1	0.21	0.29	0.58	0.72
Boron					
(interim)	XX	XX	XX	XX	
(final)	2.34	4.68	6.4	12.8	16
pH	between 6.0 and 9.0 standard units at all times				

XX—Values to be reported during interim monitoring period.

#### Outfall 101

<i>Parameter</i>	<i>Mass Units (lbs./day)</i>		<i>Effluent Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30		60
NH <sub>3</sub> -N			monitor only		
Fecal Coliform					
(5-1 to 9-30)			200/100 ml		
(10-1 to 4-30)			100,000/100 ml		

#### Outfall 201

<i>Parameter</i>	<i>Mass Units (lbs./day)</i>		<i>Effluent Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor only				
NH <sub>3</sub> -N			monitor only		

#### Outfalls 002, 003, 004, 005, 006, 007

<i>Parameter</i>	<i>Mass Units (lbs./day)</i>		<i>Effluent Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	These discharges shall contain stormwater runoff only				

This permit also contains special conditions for future permit modification, a Chapter 95.4 time extension for ammonia and toxics reduction evaluations for zinc, total phenols, aluminum, boron and mercury.

The EPA waiver is not in effect.

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their

current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

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

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

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

<i>NPDES</i>	<i>Facility</i>	<i>County and</i>	<i>Tributary</i>	<i>New Permit</i>
No.	Name and Address	Municipality	Stream	Requirements
PA0062979	Gem Corporation and Pocono Insalaco, Inc. t/a Outletter Associates 490 North Main Street Pittston, PA 18640	Monroe Pocono Township	Pocono Creek	TRC
PA0061301	Starlight Inn Corporation Box 27 Starlight, PA 18461-0027	Wayne Buckingham Township	Unnamed Tributary of Shehawken Creek	TRC

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

#### **Applications under the Pennsylvania Clean Streams Law**

#### **(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

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

**A. 0297407. Sewerage. George Williams**, Box 280A, Route 910, Cheswick, PA 15024. Application for the construction of a single residence sewage treatment plant located in the Township of Indiana, **Allegheny County** to serve the Williams residence.

**A. 2683406, Amendment No. 1. Sewerage, Fayette County Housing Authority**, 624 Pittsburgh Road, P. O. Box 1007, Uniontown, PA 15401. Application for the upgrading of the existing Marion Villa Sewage Treatment Plant located in the Township of Washington, **Fayette County**.

**A. 3297403. Sewerage. Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701. Application for the construction and operation of sewers and appurtenances, sewage treatment plant, and outfall and headwall located in the Township of South Mahoning, **Indiana County** to serve the Plumville STP.

**A. 3297404.** Sewerage, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701. Application for the construction and operation of sewers and appurtenances, sewage treatment plant, and outfall and headwall located in the Township of Black Lick, **Indiana County** to serve the Jacksonville STP.

**A. 3297405.** Sewerage, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701. Application for the construction and operation of sewers and appurtenances, sewage treatment plant, and outfall and headwall located in the Township of Armstrong County, **Indiana County** to serve the Shelocta STP.

**A. 3297406.** Sewerage, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701. Application for the construction and operation of sewers and appurtenances, sewage treatment plant, and outfall and headwall located in the Township of Canoe, **Indiana County** to serve the Rossiter STP.

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

**WQM Permit No. 4297201.** Industrial waste, **McKean County Solid Waste Authority**, P. O. Box 448, Mount Jewett, PA 16740. This project is for the construction of a 30,000 gpd landfill leachate treatment facility in Sergeant Township, **McKean County**.

**WQM Permit No. 4397409.** Sewage, **Mark A. Stanek, SRSTP**, 6760 Seneca Rd., Sharpsville, PA 16150. This project is for the construction of a Single Residence Sewage Treatment Plant in Pymatuning Township, **Mercer County**.

**WQM Permit No. 2097407.** Sewage, **Mark and Karen Temel**, 7786 U. S. Highway 6, Conneaut Lake, PA 16316. This project is for the construction of a Single Residence Sewage Treatment Plant in Sadsbury Township, **Crawford 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 the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

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

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

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

*Northeast Regional Office: Regional Water Management Program Manager, Public Square, Wilkes-Barre, PA 18701, (717) 826-2553.*

*Southeast Regional Office: Regional Water Management Program Manager, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6131.*

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4028.*

*Bedford County Conservation District, District Manager, 702 W. Pitt Street, Bedford, PA 15222, (814) 623-6706.*

**NPDES Permit PAS100413.** Stormwater. (Correction) **Walmart Stores**, 701 South Walton Boulevard, Bentonville, AR 72716 has applied to discharge stormwater from a construction activity located in Bedford Township, **Bedford County**, to Dunning Creek.

*Bucks County Conservation District, District Manager, 924 Town Center, New Britain, PA 18901, (215) 345-7577.*

**NPDES Permit PAS10D101.** Stormwater. **Toll Brothers**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006 has applied to discharge stormwater from a construction activity located in Lower Makefield Township, **Bucks County**, to Core Creek.

*Cambria County Conservation District, District Manager, P. O. Box 187, Ebensburg, PA 15931, (814) 472-2120.*

**NPDES Permit PAS101020.** Stormwater. **Forest Hills Municipal Authority Sanitary Sewer Collection System**, P. O. Box 111, South Fork, PA 15956 has applied to discharge stormwater from a construction activity located in Adams, Croyle, Richland, Sumerhill Townships, and Ehrenfeld, Southfork, Summerhill and Wilmore Boroughs, **Cambria County**, to Little Conemaugh River and UNT to the Conemaugh River, Sandy Run, South Fork, Sulphur Creek and UNT to Sulphur Creek, South Fork UNT and Laurel Run.

*Lackawanna County Conservation District, District Manager, 395 Bedford Street, Clarks Summit, PA 18411, (412) 587-2607.*

**NPDES Permit PAS10N026.** Stormwater. **Theta Land Corporation**, 1 PEI Center, Wilkes-Barre, PA 18711 has applied to discharge stormwater from a con-

struction activity located in the City of Scranton, **Lackawanna County**, to Stafford Meadow Brook.

*Lehigh County Conservation District, District Manager, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q143.** Stormwater. **Bellgate Associates**, 232 Main Street, Emmaus, PA 18049 has applied to discharge stormwater from a construction activity located in Lower Milford Township, **Lehigh County**, to Perkiomen Creek.

*Luzerne County Conservation District, District Manager, Smith Pond Road, Lehman, PA 18627, (717) 674-7991.*

**NPDES Permit PAS10R030.** Stormwater. **TFP Limited**, Robert Tambur, 1140 Route 315, Wilkes-Barre, PA 18711 has applied to discharge stormwater from a construction activity located in Wilkes-Barre Township, **Luzerne County**, to Coal Brook.

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

**NPDES Permit PAS10Y067.** Stormwater. **Thomas Crabtree**, 20 N. Market Square, Harrisburg, PA 17101 has applied to discharge stormwater from a construction activity located in Newberry Township, **York County**, to Conewago Creek.

## SAFE DRINKING WATER

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

*Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511*

**4097503.** Public water supply. **Bryant's Mobile Home Park**, David Bryant, Owner, Rt. 415, Box 121-B, Dallas, PA 18612. This proposal involves the installation of valves, meters, disinfection, treatment and corrosion control equipment on an existing system. It is located in Lehman Township, **Luzerne County**.

*Engineer: James Palumbo, P. E., Quad Three Group, Inc.*

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

**A. 5097501.** Public water supply. **Bloomfield Borough Water Authority**, New Bloomfield Borough, **Perry County**, (Responsible Official: David A. Ulsh, Authority Chairperson, P. O. Box 293, New Bloomfield, PA 17068), construction permit for well no. 2 at a withdrawal rate of 120 gallons per minute. Ancillary facilities will include chlorine disinfection, a well house and transmission main, (Julia Schiefer, P. E., Herbert, Rowland and Grubic, Inc., 369 E. Park Drive, Harrisburg, PA 17111).

## 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 (Depart-

ment) 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 filled 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, please contact the Department's 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.*

**Crown American—Wyoming Valley Mall**, Wilkes-Barre Township, **Luzerne County**. Timothy M. Rea, President of Mountain Research, Inc., 825 25th Street, Altoona, PA 16601 (on behalf of his client, Crown American Properties, L. P., Pasquerilla Plaza, Johnstown, PA 15907) has submitted a Notice of Intent to Remediate concerning the remediation of site soils and groundwater suspected of being contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds, metals, solvents, and polyaromatic hydrocarbons. The applicant proposes to meet the background and/or Statewide health standards.

**Crown American—Viewmont Mall**, Dickson City, **Lackawanna County**. Timothy M. Rea, President of Mountain Research, Inc., 825 25th Street, Altoona, PA 16601 (on behalf of his client, Crown American Properties, L. P., Pasquerilla Plaza, Johnstown, PA 15907) has submitted a Notice of Intent to Remediate concerning the remediation of site soils and groundwater suspected of being contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polyaromatic hydrocarbons. The applicant proposes to meet the background and/or Statewide health standards.

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

**Crown Logan Valley Mall**, Logan Township, **Blair County**. Crown American Properties, L. P., Pasquerilla Plaza, Johnstown, PA 15907, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard.

A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on June 24, 1997.

**DeGol Carpet**, Duncansville Borough, **Blair County**. DeGol Carpet, 851 Old Route 220 North, Duncansville, PA 16635, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on June 24, 1997.

**Fiore Pontiac GMC Truck**, Allegheny Township, **Blair County**. Fiore Pontiac GMC Truck, Route 36 Logan Boulevard, Hollidaysburg, PA 16648, has submitted a Notice of Intent to Remediate site soils and surface water contaminated with heavy metals and PAHs, and groundwater contaminated with BTEX, heavy metals and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on June 24, 1997.

**Cole Office Environments**, Whiteford Road Facility, Springettsbury Township, **York County**. Cresticon, Inc., c/o Litton Systems, Inc., One Gatehall Drive, Parsippany, NJ 07054, has submitted a Notice of Intent to Remediate site soils contaminated with solvents and groundwater contaminated with solvents and heavy metals. The applicant proposes to remediate the site to meet a combination of Statewide health and background standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record* on July 7, 1997.

*Northcentral Regional Office: Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.*

**Agway, Inc.—Dalmatia Fertilizer**, Lower Mahonoy Township, **Northumberland County**. Agway Agricultural Products, P. O. Box 4741, Syracuse, NY 13221-4741 has submitted a Notice of Intent to Remediate soil contaminated with PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Item* on June 12, 1997.

**Distribution Pole #34718N21269**, East Cameron Township, **Northumberland County**. PP&L, Two North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Shamokin New Item* on July 3, 1997.

*Northwest Regional Office: Craig Lobins, Acting Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**Crown-Shenango Valley Mall**, City of Hermitage, **County of Mercer**, 3303 East State Street, has submitted a Notice of Intent to Remediate soil and groundwater. The site has been found to be contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate has been published on June 27, 1997 in the *Sharon Harold*.

**Pennsylvania Electric Company (d/b/a GPU Energy**, for the Brockway Subdistrict Facility, Borough of Brockway, **Jefferson County**, James Street and Ever-

green Avenue Intersection, has submitted a Notice of Intent to Remediate soil. The site has been found to be contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate has been published on July 2, 1997 in the *Courier Express*.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Department's 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:

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

**Cole Office Environments**, Whiteford Road Facility, Springettsbury Township, **York County**. Cresticon, Inc., c/o Litton Systems, Inc., One Gatehall Drive, Parsippany, NJ 07054, has submitted a Notice of Intent to Remediate site soils contaminated heavy metals. 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 *York Daily Record* on July 7, 1997.

## SOLID AND HAZARDOUS WASTE

### BENEFICIAL USE DETERMINATIONS

**Applications received 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 municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit No. WMGM003. American Ash Recycling Corp. of Pennsylvania**, 6622 Southpoint Drive South, Suite 310, Jacksonville, FL 32216.

An application for the construction and operation of a municipal waste combustor ash processing facility. The treated ash will be blended with quarry material to produce various specification grade construction products.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**A. 400633. Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville, PA 19067. Application was received for an amendment request to allow the processing

of municipal wastelike residual waste. Facility located in Falls Township, **Bucks County**. Application received in the Southeast Regional Office on July 8, 1997.

**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.**

*Southcentral Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**A. 300983. Gem Chem, Inc.** (53 North Cedar Street, P. O. Box 384, Lititz, PA 17543). Application for residual waste processing facility repermitting of a site in Lititz Borough, **Lancaster County**. Application determined to be administratively complete in the Regional Office June 30, 1997.

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

**A. 101375. Forestlawn Disposal Sanitary Landfill**, BFI Waste Systems of North America, Inc. (757 N. Eldridge Road, Houston, TX 77079). Application for permit reissuance for a landfill located in Boggs Township, **Clearfield County**, received in the regional office on July 7, 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).**

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

**06-1069A:** The Department intends to issue an Air Quality Operating Permit to **East Penn Manufacturing Company, Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for ten lead oxide mills, each controlled by a cyclone and fabric collector, in Richmond Township, **Berks County**. Seven of the mills are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**06-319-001B:** The Department intends to issue an Air Quality Operating Permit to **East Penn Manufacturing Company, Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for ten lead oxide mills, each controlled by a cyclone and fabric collector, in Richmond Township, **Berks County**. Seven of the mills are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**28-311-015:** The Department intends to issue an Air Quality Operating Permit to **Nitterhouse Concrete Products, Inc.** (P. O. Box N, Chambersburg, PA 17201) for two cement storage silos in Guilford Township, **Franklin County**.

**36-399-037:** The Department intends to issue an Air Quality Operating Permit to **A. H. Hoffman, Inc.** (77 Cooper Avenue, Landisville, PA 17538) for the vermiculite expansion process located at their Greenfield Road plant in East Lampeter Township, **Lancaster County**.

**67-309-070C:** The Department intends to issue an Air Quality Operating Permit to **Global Stone PenRoc, Inc.** (P. O. Box 1967, York, PA 17405-1967) for limestone processing operations located at their West Filler plant in West Manchester Township, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**67-320-026:** The Department intends to issue an Air Quality Operating Permit to **GTY, Inc.** (2075 Loucks Road, York, PA 17404) for their printing facility located in West Manchester Township, **York County**. The source is subject to 40 CFR 60, Subpart FFF, Standards of Performance for New Stationary Sources.

**67-323-050:** The Department intends to issue an Air Quality Operating Permit to **AMP, Inc.** (P. O. Box 3608, Harrisburg, PA 17105) for the installation of a control device on existing chrome electroplating tanks #1 and #2 located at Building #12 in Shrewsbury Borough, **York County**.

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### Notice of Intent to Issue

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#### Title V Operating Permit No. 18-00003

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Pennsylvania Power and Light Company (PP&L), Lock Haven combustion turbine site. The Lock Haven site is located in Bald Eagle Township, Clinton County. The PP&L representative to contact regarding this application is Linda Boyer, CEM System Administrator, PP&L Company, Two North Ninth St., Allentown, PA 18101.

PP&L operates a #2 oil-fired combustion turbine generator as a peaking unit. As a result of the sulfur oxides and nitrogen oxides emitted, PP&L is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. 18-00003).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is

sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### Title V Operating Permit No. 18-00004

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Armstrong World Industries Incorporated. Armstrong is located in Beech Creek Township, Clinton County. The Armstrong representative to contact regarding this application is Roy A. Chambers, Environmental Coordinator, P. O. Box 405, Beech Creek, PA 16822.

Armstrong operates nine Cerutti rotogravure printing presses and associated solvent mixing operations. As a result of the volatile organic compounds and sulfur oxides emitted, Armstrong is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. 18-00004).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### Title V Operating Permit No. 19-00004

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Strick Corporation for its Berwick plant. The Berwick plant is located in Berwick Boro, Columbia County. The Strick Corporation representative to contact regarding this application is Gerry Mattive, Manager, Environmental Affairs, Strick Corporation, P. O. Box 388, 9th and Oak Streets, Berwick, PA 18603.

The Berwick plant is primarily used for the manufacture of truck trailer chassis. As a result of the volatile organic compounds emitted, the Berwick plant is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. 19-00004).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### **Title V Operating Permit No. 41-00001**

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Transcontinental Gas Pipe Line Corporation for the Salladasburg compressor station. The Salladasburg compressor station is located in Mifflin Township, Lycoming County. The Transcontinental Gas Pipe Line Corporation representative to contact regarding this application is Mary Beth Whitfield, Environmental Scientist, Transcontinental Gas Pipeline Corporation, P. O. Box 1396, Houston, TX 77251.

The Salladasburg compressor station is primarily used for the distribution of natural gas. As a result of the nitrogen oxides, volatile organic compounds and carbon monoxide emitted, the Salladasburg station is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. 41-00001).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### **Title V Operating Permit No. 41-00003**

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Pennsylvania Power and Light Company (PP&L), Williamsport combustion turbine site. The Williamsport site is located in Williamsport, Lycoming County. The PP&L representative to contact regarding this application is Linda Boyer, CEM System Administrator, PP&L Company, Two North Ninth St., Allentown, PA 18101.

PP&L operates two #2 oil-fired combustion turbine generators which are used in peaking units. As a result of the sulfur oxides and nitrogen oxides emitted, PP&L is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. 41-00003).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.



A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### **Title V Operating Permit No. 47-00002**

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Strick Corporation for its Danville plant. The Danville plant is located in Limestone Township, Montour County. The Strick Corporation representative to contact regarding this application is Mark Shultz, Environmental Safety Coordinator, Strick Corporation, P. O. Box 281, R. R. 8, Danville, PA 17821.

The Danville plant is primarily used for the manufacture of van chassis. As a result of the volatile organic compounds emitted, the Danville plant is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. 47-00002).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### **Title V Operating Permit No. 17-00002**

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department)

intends to issue a Title V Operating Permit for the CNG Corporation's Helvetia station. The Helvetia station is located in Brady Township, Clearfield County. The CNG Corporation representative to contact regarding this application is Sam S. Mathew, Engineer, Environmental Services, CNG Corporation, P. O. Box 2450, 445 West Main Street, Clarksburg, WV 26302-2450.

The Helvetia plant takes product from natural gas wells, increases its pressure and puts it into the interstate gas transmission line. As a result of the volatile organic compound air contaminants emitted from the facility, the Helvetia facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. TVOP#17-00002).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### **Title V Operating Permit No. 17-00003**

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit for the CNG Corporation's Luther station. The Luther station is located in Brady Township, Clearfield County. The CNG Corporation representative to contact regarding this application is Sam S. Mathew, Engineer, Environmental Services, CNG Corporation, P. O. Box 2450, 445 West Main Street, Clarksburg, WV 26302-2450.

The Luther plant takes product from natural gas wells, increases its pressure and puts it into the interstate gas transmission line. As a result of the volatile organic compound air contaminants emitted from the facility, the Luther facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The

facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, Pa 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. TVOP-17-00003).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### **Title V Operating Permit No. 53-00008**

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the National Fuel Gas Supply Corporation for the East Fork compressor station. The East Fork compressor station is located in Wharton Township, Potter County. The National Fuel Gas Supply Corporation representative to contact regarding this application is Gary Young, Associate Engineer, National Fuel Gas Supply Corporation, P. O. Box 2081, Erie, PA 16512.

The East Fork compressor station is primarily used for the distribution of natural gas. As a result of the carbon monoxide emitted, the East Fork station is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from

the date of this publication will exist for the submission of comments. Each written comment must contain the following:

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

Identification of the proposed permit (specify Permit No. 53-00008).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### **PLAN APPROVALS**

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

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

**OP-60-0001A.** Construction of a natural gas-fired turbine, duct burner, two package boilers and an emergency generator by **Bucknell University** (Lewisburg, PA 17837) in East Buffalo Township, **Union County**. The turbine and two package boilers are subject to Subparts GG and Dc, respectively, of the Federal Standards of Performance for New Stationary Sources.

**17-329-001.** Construction of a 750 HP natural gas-fired reciprocating engine by **Angerman Associates, Inc.** (109 Zeta Drive, Pittsburgh, PA 15238) at the South Station in Brady Township, **Clearfield County**.

**14-309-026B.** Construction of a lime crusher and conveyor by **Bellefonte Lime Company, Inc.** (P. O. Box 448, Belletone, PA 16823), at the Pleasant Gap Plant in Spring Township, **Centre County**.

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

**21-2013B:** Installation of a sheetfed non-heatset printing press in Building #1 by **Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) in Mechanicsburg Borough, **Cumberland County**.

**28-309-003:** Construction of a new asphalt-saturated felt manufacturing facility by **Tarco Roofing Materials, Inc.** (8650 Molly Pitcher Highway, Greencastle, PA 17225) in Antrim Township, **Franklin County**. The source is subject to 40 CFR 60, Subpart UU, Standards of Performance for New Stationary Sources.

**36-320-029:** Construction of a new 6-color lithographic printing press with inline coater by **The Continental Press, Inc.** (520 East Bainbridge Street, Elizabethtown, PA 17022) in Elizabethtown Borough, **Lancaster County**.

**38-323-007:** Construction of a fabric filter collector to control particulate emissions generated from a sand blasting operation by **Bressler Metal Works** (1500 Chestnut Street, Lebanon, PA 17042) at their facility located in the City of Lebanon, **Lebanon County**.

## MINING

### CONDUCT COAL AND NONCOAL ACTIVITIES

#### Mining Activity Applications

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code § 77.121—23 and § 86.31—34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52, and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity, and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code 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:*

**17920108, Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), revision to an existing bituminous surface mine permit for an increase in the surface mine permit acreage from 51.9 to 60.2 acres, Penn Township, **Clearfield County**. Receiving streams: unnamed stream to Kratzer Run to Anderson Creek to West Branch Susquehanna River, application received June 25, 1997.

**17960112, Cougar Contracting, Inc.** (P. O. Box 217, Houtzdale, PA 16651), revision to an existing bituminous surface mine permit to change the permit acreage from 3.1 acres to 5.1 acres, Beccaria Township, **Clearfield County**. Receiving streams: Muddy Run, application received July 2, 1997.

**17970111, Johnson Brothers Coal Co., Inc.** (R. D. 1, Box 580, Mahaffay, PA 15757), commencement, operation and restoration of a bituminous surface mine-auger permit in Newburg Borough, **Clearfield County** affecting 49.4 acres, receiving streams: Chest Creek, Wilson Run, application received July 2, 1997.

**17910128, Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), transfer of an existing bituminous surface mine permit from Mary Louise Coal, Inc., Bigler Township, **Clearfield County** affecting 160.5 acres, receiving streams: unnamed tributary to Upper Morgan Run and unnamed tributary to Clearfield Creek, application received July 2, 1997.

**17910122, Hamilton Bros. Coal, Inc.**, (R. R. 2, Box 563, Clymer, PA 15728), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 137 acres, receiving streams: tributaries to South Witmer Run to North Witmer Run to Clearfield Creek to West Branch of the Susquehanna River, application received July 7, 1997.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**33970105, Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface strip operation in Washington Township, **Jefferson County** affecting 84.0 acres. Receiving streams: Two unnamed tributaries to Five Mile Run and an unnamed tributary to Horm Run. Application to include a stream encroachment to mine through and relocate an unnamed tributary to Five Mile Run for the purpose of mining through the unnamed tributary. Application received July 2, 1997.

*McMurray District Office*

**63841304, Vesta Mining Co.** (P. O. Box 409, Fredricktown, PA 15333), to renew the permit for the Vesta Mine in North Bethlehem Township, **Washington County**, no additional discharges. Application received July 1, 1997.

**63831302. Eighty Four Mining Co.** (P. O. Box 729, Indiana, PA 15701), to renew the permit for Mine 84 in Somerset Township, **Washington County** to revise the subsidence control plan, no additional discharges. Application received June 6, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454*

**54901302R. E & E Fuels** (Box 322, Hegins, PA 17938), renewal of an existing underground mine operation in Hegins Township, **Schuylkill County** affecting 5.0 acres, receiving stream—West Branch Rausch Creek. Application received July 1, 1997.

**54753035C3. N & L Coal Company** (5 Woodland Drive, Mt. Carmel Estates, Mr. Carmel, PA 17851), correction to an existing anthracite surface mine operation to add coal refuse disposal in West Mahanoy Township, **Schuylkill County** affecting 103.16 acres, receiving stream—Mahanoy Creek. Application received July 1, 1997.

**49910202C. Split Vein Coal Company, Inc.** (RR 1, Box 1027, Paxinos, PA 17860), correction to an existing coal refuse reprocessing operation to add strip mining in Coal Township, **Northumberland County** affecting 16.8 acres, receiving stream—Shamokin Creek. Application received July 1, 1997.

**54970103. Harriman Coal Corporation** (P. O. Box 127, Valley View, PA 17983), commencement, operation and restoration of a surface mine operation in Porter Township, **Schuylkill County** affecting 213.0 acres, receiving stream—Wiconisco Creek. Application received June 26, 1997.

**54970204. Jeddo—Highland Coal Company** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), commencement, operation and restoration of a coal refuse reprocessing operation in Frailey and Reilly Townships, **Schuylkill County** affecting 265.0 acres, receiving stream—Middle Creek and Gebhard Run. Application received July 1, 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** on an existing limestone operation. Application received May 30, 1997.

**10960301. Quality Aggregates, Inc.** (P. O. Box 9347, Neville Island, PA 15225). Revision to an existing limestone 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 Slippery Rock Creek. Application received May 30, 1997.

**43910304. Meadville Redi Mix Concrete, Inc.** (P. O. Box 418, Meadville, PA 16335). Renewal of an existing sand and gravel operation in French Creek Township, **Mercer County** affecting 12.0 acres. Receiving streams: Two unnamed tributaries to Powdermill Run. Renewal of existing NPDES Permit #PA0208361. Application received July 7, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454*

**01870301C2. TARMAC America**, (P. O. Box 468, 875 Oxford Road, Hanover, PA 17331), renewal of NPDES Permit #PA0593931 in Berwick and Conewago Townships, **Adams County**, receiving streams—North Stream, Beaver Creek and Conewago Creek. Application received June 30, 1997.

**8074SM2T. Highway Materials, Inc.**, (1750 Walton Road, Blue Bell, PA 19422-0465), transfer of an existing quarry operation from Corson Lime Company in Whitemarsh Township, **Montgomery County** affecting 395.3 acres, receiving stream—Lorraine Run. Application received June 27, 1997.

#### ABANDONED MINE RECLAMATION

*Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476*

Under Act 181 of 1984, the Department of Environmental Protection gives notice of an unsolicited proposal received from Al Hamilton Contracting, Woodland, PA, to reclaim an abandoned surface mine in Goshen Township, Clearfield County. The Department intends to enter into negotiations with Al Hamilton Contracting to contract for site reclamation, if funding is available.

The project, BF 342-101.1, involves reclamation of the area mined by Shawville Coal Company where bonds were forfeited by the Department under Permit Number MDP 3266BSM108.

Al Hamilton Contracting proposes to backfill, regrade and revegetate 46.2 acres. All areas will be regraded to promote surface drainage and provide integration with surrounding unmined areas.

Interested parties should send comments to Richard L. Joyce, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA no later than 4 p.m., August 25, 1997.

### APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

#### ENCROACHMENTS

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

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

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

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

**E46-777.** Encroachment. **Mr. Schaeffer**, Greater Philadelphia Junior Academy, 1845 Byberry Road, Huntingdon Valley, PA 19006. To maintain an existing fill which was placed during previous recreational field construction located in and along the 100-year floodway of the Southampton Creek. The site is located approximately 800 feet east of the intersection of Byberry Road and Pioneer Road (Hatboro, PA Quadrangle N: 6.2 inches; W: 10.2 inches) in Upper Moreland Township, **Montgomery County**.

**E23-257.** Encroachment. **PA DOT**, 200 Radnor-Chester Rd., St. Davids, PA 19087-5178. To reissue Permit #E23-257 which authorized replacement of the superstructure and to maintain a bridge having a clear span of 31 feet 11 5/8 inches with an underclearance of 17 feet 6 inches across Cobbs Creek on SR 1005 (Eagle Rd), Segment 0080, Offset 3292, Section 06S, Station 154+94 (Lansdowne, PA Quadrangle N: 21.5 inches; W: 6.95 inches) in Haverford Township, **Delaware County**.

**E23-364.** Encroachment. **Concord Twp Sewer Authority**, P. O. Box 171, Concordville, PA 19331. To construct and maintain the Cheyney Road Pump Station within the floodplain of an unnamed tributary to the West Branch of Chester Creek located approximately 600 feet northeast of the intersection of Cheyney Road and Baltimore Pike (SR1) (West Chester Quadrangle N: 3.3 inches; W: 0.7 inch) in Concord Township, **Delaware County**.

**E09-755.** Encroachment. **Middletown Township**, 2140 Trenton Road, Levittown, PA 19056-1483. To relocate a portion of an unnamed tributary of Queen Anne Creek (WWF) into a stormwater management basin, to excavate within its assumed 100-year floodway to provide storage capacity and to construct and maintain a 45-foot extension of an existing 36-inch reinforced concrete stream enclosure. This application is also a request to approve an Environmental Assessment to construct an in-stream nonscope dam and to disturb a total of approximately 255 feet of stream and 0.28 acre of wetland. The site is located just north of the intersection of Terrace Road and Trim Road, approximately 1,000 feet southeast of the intersection of Woodbourne Road (SR 2033) and Lincoln Highway (SR 2037) (Langhorne USGS Quadrangle N: 9.1 inches; W: 1.1 inches) in Middletown Township, **Bucks County**.

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

**EA40-003NE.** Encroachment. **Earth Conservancy**, 101 South Main Street, Ashley, PA 18706. To excavate within 0.7 acre of wetlands, within the drainage basin of Nanticoke Creek (CWF), for the purpose of creating a 2.2-acre wetland to treat acid mine drainage. The project is located on the east side of Dundee Road, immediately north of the S. R. 0029 overpass (Wilkes-Barre West, PA Quadrangle N: 13.8 inches; W: 12.5 inches), in Hanover Township, **Luzerne County** (Baltimore District, United States Army Corps of Engineers).

**Permit No. E45-331.** Encroachment. **Blue Ridge Peat Farms, Inc.**, R. R. 1, Box 292A, White Haven, PA 18661. To operate and maintain a peat extraction operation in approximately 2.6 acres of PFO wetlands. The project is located on the south side of S. R. 1008, approximately 0.5 mile east of the intersection of S. R. 0191 and S. R. 1008 (Buckhill Falls, PA Quadrangle N: 5.0 inches; W: 3.2 inches) in Barrett Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

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

**E01-182.** Encroachment. **Seward, Inc.**, John Wolfe, 47 W. High Street, Gettysburg, PA 17325. To fill 0.76 acre of wetland and to construct and maintain a 995 foot long stream enclosure in order to construct a retail store and associated improvements located along the southside of US 30 about 0.6 mile west of the US 15 and US 30 interchange (Gettysburg, PA Quadrangle N: 16.6 inches; W: 11.35 inches) in Straban and Cumberland Townships, **Adams County**.

**E44-086.** Encroachment. **Kim Bartoo**, PA Dept. of Transportation, Engineering District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830. To construct and maintain nine bridges, one culvert stream enclosure and to relocate about 245 feet of stream channel and place fill in about 6.4 acres of associated wetlands in Tea Creek, Lingle Creek, Laurel Creek and an unnamed tributary to these creeks as part of Contract No. 2 of the construction of 5.5 miles of SR 0322 (Burnham, PA Quadrangle N: 10.3 inches; W: 14.9 inches) in Brown and Armagh Townships, **Mifflin County**.

**E44-087.** Encroachment. **Menno Township Board of Supervisors**, Harold Johnson, 177 W. Main St., P. O. Box 181, Allensville, PA 17002. To remove an existing culvert and to construct and maintain a 4-foot high by 6-foot wide elliptically shaped corrugated metal pipe in an unnamed tributary to Saddler Creek for highway maintenance purposes located on Mill Road about 0.4 mile north west of its intersection with SR 0655 at Allensville (Allensville, PA Quadrangle N: 7.05 inches; W: 10.18 inches) in Menno Township, **Mifflin County**.

**E44-088.** Encroachment. **Decatur Township**, Rodney Goss, R. D. 2, Box 1130, McClure, PA 17844. To maintain an existing bridge across Jacks Creek by resetting the stone and repairing the cracks in the stone masonry abutments and placing concrete in the scour areas beneath the abutments and center pier located on Township Road T-737 near the Village of Paintersville (Alfarata PA Quadrangle N: 4.8 inches; W: 11.1 inches) in Decatur Township, **Mifflin County**.

*Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E08-318.** Encroachment. **Pa. Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To construct and maintain 7-inch thick stream bed paving 44 feet in length and 7.58 feet in width to repair scour and to construct and maintain cutoff walls and partial height adjustment jackets under the SR 514 bridge over Mud Creek approx. 1.5 miles southeast of SR 014 (Canton, PA Quadrangle N: 20.0 inches; W: 4.2 inches) in Granville Township, **Bradford County**. Estimated stream disturbance is less than 250 feet; stream classification is TSF.

**E08-322.** Encroachment. **Howard H. Shaw**, R. R. 1, Box 80, Monroeton, PA 18832. To construct and maintain an earthen dike about 200 feet along Schrader Creek just downstream of Bradford County Bridge #23 (Powell, PA Quadrangle N: 14.0 inches; W: 0.7 inch) in Monroe Township, **Bradford County**. Estimated stream disturbance is 200 feet with no wetland impact, stream classification is HQ-CWF.

**E08-323.** Encroachment. **Josephine A. Saxon**, R.R 1, Box 94, Monroeton, PA 18832. To construct and maintain an earthen dike about 340 feet long along Schrader Creek just downstream of Bradford County bridge #23 (Powell, PA Quadrangle N: 14.0 inches; W: 0.7 inch) in Monroe Township, **Bradford County**. Estimated stream disturbance is 340 feet,; stream classification is HQ-CWF.

**E41-406.** Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To construct and maintain a 6 inch thick reinforced concrete stream bed paving 20 feet long and 13 feet wide to repair scour and to construct and maintain cutoff walls and partial heights adjustment jackets under SR 4002 bridge over an unnamed tributary to Hughes Run which is a tributary to Texas Creek located approximately 2 miles south of the village of Lorenton (Morris, PA Quadrangle N: 4.6 inches; W: 4.7 inches) in Pine Township, **Lycoming County**. Estimated stream disturbance is less than 250 linear feet; stream classification is HQ-CWF.

**E47-061.** Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a prestressed adjacent box beam bridge having a normal span of 37.9 feet and an average underclearance of 6.0 feet over County Line Branch on SR 4001 approximately 0.1 mile west of the village of Comly (Washingtonville, PA Quadrangle N: 22.5 inches; W: 14.5 inches) in Anthony Township, **Montour County**.

**E55-146.** Encroachment. **Middleburg Borough**, 13 N. Main St., Middleburg, PA 17842-0415. To construct and maintain walls and roofing for replacement of dugouts and a new picnic pavilion, all located within the floodway of Middle Creek in the Charles Park Playground on South Market St. (Middleburg, PA Quadrangle N: 6.9 inches; W: 6.2 inches) in the Borough of Middleburg, **Snyder County**.

**E59-341.** Encroachment. **Richmond Township**, 563 Valley Rd., Mansfield, PA 16933. To remove on an as-needed basis for a period of 5 years built up gravel deposits from a section approximately 450 feet in length of Canoe Camp Creek on the south side of T-493 between old RT. 15 and the Tioga River (Mansfield, PA Quadrangle N: 5.8 inches; W: 9.6 inches) Richmond Township, **Tioga County**. Estimated stream disturbance is approximately 450 feet with no wetland impact; stream classification is Cold Water Fisheries.

**E60-129.** Encroachment. **Mifflinburg Borough**, 333 Chestnut St., Mifflinburg, PA 17844. To construct, operate and maintain a channel for the realignment of Buffalo Creek to improve roadway safety. The work shall consist of constructing 320.0 linear feet of channel, installing 300.0 linear feet of R-4 riprap streambank protection and providing R-4 riprap for abutment and center pier scour protection for the covered bridge that carries Fourth Street across Buffalo Creek. The proposed project is

located along the western right-of-way of SR 0045 approximately 2,640 feet west of the intersection of Fourth St. and SR 0045 (Mifflinburg, PA Quadrangle N: 8.8 inches; W: 6.9 inches) in Mifflinburg Borough, **Union County**. Estimated stream disturbance is 370 linear feet of stream with no wetland impacts; stream classification is Cold Water Fishery.

*Southwest Regional Office: Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**E03-342R.** Encroachment. **Robert Vincler**, 445 Ft. Pitt Blvd., Ste. 100, Pittsburgh, PA 15219. To remove silt and debris from an area 200 feet long, 15-30 feet wide and 4.5 feet deep in Crooked Creek (WWF) for the purpose of allowing access of property owners to their existing private docks at a point approximately 1.9 miles from its confluence with the Allegheny River (Leechburg, Pa Quadrangle N: 21.8 inches; W: 6.2 inches) in Bethel Township, **Armstrong County**.

**E03-365.** Encroachment. **Sewage Authority of Township of Fawn**, P. O. Box 525, Natrona Heights, PA 15065. To construct a concrete encased, 18-inch diameter ductile iron sanitary sewerline for a distance of 900 feet in Bull Creek (TSF) for the purpose of connecting sanitary sewer facilities in Fawn Township to the existing system in the Borough of Tarentum. The sewerline will be within an existing arch culvert being maintained by the PA Department of Transportation under SR 0028. The project is located along SR 0028 at the Tarentum Exit (14) (New Kensington West, PA Quadrangle N: 20.5 inches; W: 1.1 inches) in Fawn Township and Tarentum Borough, **Allegheny County**.

**E04-247.** Encroachment. **Beaver County Commissioners**, 469 Constitution Blvd., New Brighton, PA 15066. To remove the existing 10th Street Bridge over the Beaver River (WWF); to maintain the remaining six piers; and to construct and maintain a temporary causeway to perform the removal of the bridge. The project is located approximately 1,800 feet upstream of the SR 18 bridge (Beaver, PA Quadrangle N: 9.1 inches; W: 21.8 inches) in the City of Beaver Falls, **Beaver County**.

**E63-431.** Encroachment. **Washington County Commissioners**, 701 Courthouse Square, Washington, PA 15301. To construct and maintain a bridge (Wyit Sprowls Bridge) having a span of 43.0 feet with an underclearance of 9.54 feet across Templeton Fork located on the east side of T-414 (approximately 500 feet east from the intersection of T-410 and T-414 (Claysville, PA Quadrangle N: 7.0 inches; W: 4.0 inches) in East Finley Township, **Washington County**.

**E63-436.** Encroachment. **All-Clad Metal Crafters, Inc.**, 424 Morganza Road, Canonsburg, PA 15317. To place and maintain fill in approximately 0.16 acre of wetlands (PEM) on the right bank of an unnamed tributary to Chartiers Creek (WWF) for the purpose of expanding an existing facility east of Morganza Road, approximately 6,000 feet south of intersection of Hahn Road and SR 519 (Canonsburg, PA Quadrangle N: 5.9 inches; W: 3.9 inches) in Cecil Township, **Washington County**.

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

**E25-553. Encroachment. PA Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove existing 18-foot single span multi-beam wooded deck bridge and to construct and maintain a precast reinforced concrete channel beam bridge with a 30-foot clear span with 6.4-foot underclearance on a 90 degree skew across Horton Run (WWF). The project is located on S.R. 2008 across Horton Run approximately 1,100 feet east of the intersection of S.R. 2008 and Union/LeBoeuf Road (Waterford, PA Quadrangle N: 4.0 inches; W: 1.1 inches) located in Union Township, **Erie County**.

**ACTIONS**

**FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

[National Pollution Discharge Elimination System Program (NPDES)]

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

(Part I Permits)

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to

the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

*Permits Issued*

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

**NPDES Permit No. PA-0063631.** Sewerage. **Penn Lake Park Borough Sewage Authority**, 190 Lakeview Drive, White Haven, PA 18661 is authorized to discharge from a facility located in Penn Lake Park Borough, **Luzerne County** to Wright Creek.

*Northcentral Regional Office: Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**Permit No. NPDES PA0209431.** Sewerage. **William A. Marion**, 640 Berkshire Drive, State College, PA 16801. Applicant was granted a permit to correct a malfunctioning onlot system, discharging to a HQ-CWF, unnamed tributary to Halfmoon Creek. Facility is located at Halfmoon Township, **Centre County**.

**Permit No. WQM No. 4197404.** Sewerage. **Marilyn Lenker**, 120 South Sixth Sreet, Shamokin, PA 17872. Applicant has been granted approval to construct a single residence sewage treatment facility, located in Hepburn Township, **Lycoming County**.

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

**NPDES Permit No. PA0204854.** Sewage, **Knob Vue Estates, Inc.**, 40 Metz Hill Road, Freedom, PA 15042 is authorized to discharge from a facility located at Knob Vue Estates STP, New Sewickley Township, **Beaver County** to Unnamed tributary of Pine Run.

**NPDES Permit No. PA0216216—Amendment No. 1.** Sewage. **Burgettstown—Smith Township Joint Sewerage Authority**, P. O. Box 207, Burgettstown, PA 15021.

This notice reflects changes from the notice published in the September 4, 1993 *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Add the following parameters:						
NH3-N						
(6-1 to 10-31)	20	30	3	4.5		6
(11-1 to 5-31)	47	70	7	10.5		14

**NPDES Permit No. PA0216216-Amendment No. 1.** Sewage, **Burgettstown-Smith Township Joint Sewerage Authority**, P. O. Box 207, Burgettstown, PA 15021 is authorized to discharge from a facility located in the Township of Smith, **Washington County**.

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

**WQM Permit No. 2097404.** Sewage. **PA DCNR—Bureau of State Parks, Pymatuning State Park, Linesville Sewage Treatment Facility**, P. O. Box 425, Jamestown, PA 16134-0425. This project is for permit modifications to the sewage treatment facility in Pine Township, **Crawford County**.

**WQM Permit No. 2097405.** Sewage. **PA DCNR—Bureau of State Parks, Pymatuning State Park, Jamestown Sewage Treatment Facility**, P. O. Box

425, Jamestown, PA 16134-0425. This project is for permit modifications to the sewage treatment facility in West Shenango Township, **Crawford County**.

**INDIVIDUAL PERMITS  
(PAS)**

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

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483 by any aggrieved person under The Environmental Hearing

Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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 No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D085	Faulkner-Ciocca Management 321 South West End Boulevard Quakertown, PA 18951	Richland Township Bucks County	Morgan Creek
PAS10-D097	Bucks County Technical School Authority 610 Wistar Road Fairless Hills, PA 19030	Bristol Township Bucks County	Mill Creek
PAS10-G268	The Drury Group II, Inc. 20 Hagerty Boulevard Suite 8 West Chester, PA 19380	West Goshen Township Chester County	Unnamed Tributary to East Branch Chester Creek
PAS10-J039	Pulte Homes Corporation 1210 Northbrook Drive Suite 150 Trevose, PA 19053	Bethel Township Delaware County	West Branch Naaman's Creek
PAS10-G193	Valley Forge Meadows Company, Inc. 950 West Valley Forge Road King of Prussia, PA 19406	Schuylkill Township Chester County	Pickering Creek Schuylkill River
PAS10-G222	BHC Venture, Inc. 909 Delaware Avenue Wilmington, DE 19899	New Garden Township Chester County	Tributary to Bucktoe Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10R026	Department of Environmental Protection, Bureau of Abandoned Mine Reclamation	Luzerne Co. Hazle Twp.	Tributary to Stoney Creek and Tomhicken Creek
PAS10R025	Luzerne County Flood Protection Authority	Luzerne Co. Forty Fort, Swoyersville and Wyoming Boroughs	Susquehanna River
PAS10R027	Department of Environmental Protection, Bureau of Abandoned Mine Reclamation	Luzerne Co. Butler Twp.	Nescopeck Creek

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

**PAS-10-0609.** Individual NPDES. **R&M Family Limited Partnership**, 515 South Terrace Drive, Altoona, PA

16602. To implement an Erosion and Sedimentation Control Plan for the development of a subdivision to include 70 single residential lots and 48 townhouse unit lots including site work, utilities and roadways, on 27 acres in Blair Township, **Blair County**. The project is



located along the north side of Newry Lane (SR 2012), 1.6 miles east of Hollidaysburg (Hollidaysburg, PA Quadrangle N: 8.6 inches; W: 4.4 inches). Drainage will be to an unnamed tributary to Beaverdam Branch of the Juniata River.

**PAS-10-H066.** Individual NPDES. **Otterbein United Methodist Church Dev.**, 2 Forge Road, Boiling Springs, PA 17007. To implement an Erosion and Sedimentation Control Plan for the construction of a church on 6.908 acres in South Middleton Township, **Cumberland County**. The project is located on the east side of Forge

Road (L. R. 21008) about 1.9 miles north of Boiling Springs Borough (Carlisle, PA Quadrangle N: 8.93; W: 3.2 inches). Drainage will be to Yellow Breeches Creek.

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

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 422-4000.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A052-2	Metro Property Developers 300 Park Manor Dr. Pittsburgh, PA 15205  Independent Enterprises, Inc. 5020 Thoms Run Rd. Oakdale, PA 15071  Wal-Mart Stores, Inc. Mitchell Bldg. 701 S. Walton Blvd. Bentonville, AR 72716-0095  Home Depot USA 2727 Paces Ferry Rd. Atlanta, GA 30339	N. Fayette Twp. Allegheny County	Montour Run UNT
PAS10A095	The Home Depot USA Inc. 2455 Paces Ferry Rd. 11th Fl. Atlanta, GA 30339	Ohio Twp. Allegheny	Lowries Run
PAS10A098	PA Dept. of Transportation 45 Thoms Run Rd. Bridgeville, PA 15017	Bridgeville Boro, Collier, S. Fayette and Cecil Twps. Allegheny	McPherson Creek
PAS100238	Fourway Properties, L. P. 1198 Mulberry St. Bridgewater, PA 15009-3098	Chippewa Twp. Beaver	N. Br. Brady Run
PAS100237	DEP Bur. of Aband. Mine Rec. P. O. Box 8476 Harrisburg, PA 17105-8476	S. Beaver Twp. Beaver	UNT to Brush Run N. Fork Little Beaver Creek
PAS10L014	Fay-Penn Fiber, Inc. 7505 Waters Ave. Ste. F5 Savannah, GA 31406	Georges Twp. Fayette	UNT Georges Creek
PAS10L105	Fayette Industrial Fund P. O. Box 2101 Uniontown, PA 15401	Georges Twp. Fayette	Georges Creek
PAS102908	Texas Eastern Trans. Corp. 5444 Westheimer St. Ste. 478 Houston, TX 77056	Franklin Twp. Greene	Various
PAS106108	Texas Eastern Trans. Corp. 5444 Westheimer St. Ste 478 Houston, TX 77056	Brothersvalley Twp. Somerset	Various
PAS10W059	Donald C. Wendel 1333 Plantation Dr. Bethel Park, PA 15102	N. Strabane Twp. Washington	Little Chartiers Creek
PAS10W057	Bernard Crumrine 210 Caldwell Rd. Eighty Four, PA 15330-9452	Somerset Twp. Washington	Pigeon Creek
PAS120X075	Franklin Regional School Dist. 3210 School Rd. Murrysville, PA 15668	Murrysville Washington	Turtle Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10X076	Hannastown Golf Club 121 Blank School Rd. Greensburg, PA 15601	Hempfield Twp. Westmoreland	UNT Jacks Run
PAS10X070	GES Family Partnership LP 1419 Highview Place Greensburg, PA 15601	Hempfield Twp. Westmoreland	Jacks 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.

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:

*NPDES General  
Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Northampton County Upper Nazareth Borough	PAR322203	C. F. Martin & Company, Inc. 510 Sycamore Street Nazareth, PA 18064	Shoemeck Creek	Northeast Regional Office, 2 Public Square, Wilkes- Barre, PA 18711- 0790, (717) 826-2554
Clearfield Bradford Twp.	PAR214817	Glen Gery Corporation Bigler Plant P. O. Box 338 Bigler, PA 16825	Roaring Run	Northcentral 717-327-3664
Lycoming, Williamsport	PAR204825	Williamsport Wirerope Works, Inc. P. O. Box 3188 Williamsport, PA 17701	West Branch of Susquehanna River (Via Graifus Run) WWF	Northcentral 717-327-3664
Montour Danville	PAR114805	TRW Valve Division 601 E. Market St. Danville, PA 17821	Sechlers Run CWF	Northcentral 717-327-3664
Northumberland, Northumberland Boro.	PAR224822	Schult Homes Corpora- tion (Crest Homes) 30 N. Industrial Park Road Milton, PA 17847	West Br. Susquehanna WWF	Northcentral 717-327-3664
Lycoming Limestone Twp.	PAR324804	Milestone Materials Inc. (Pine Creek Quarry) R. D. 2 Jersey Shore, PA 17740	Antes Creek	Northcentral 717-327-3664
Lycoming Montoursville B	PAR204818	General Cable Company 1050 East Broad Street Montoursville, PA 17754	Coffee Town Run CWF	Northcentral 717-327-3664

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Westmoreland County North Huntingdon Town- ship	PAR806179	CNF Transportation, Inc. 3240 Hillview Avenue Palo Alto, CA 90304	Turtle Creek to Monongahela River	Southwest Regional Of- fice: Water Management Pro- gram Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Washington County Chartiers Township	PAR116116	Mine Technik America, Inc. 2045 West Pike Street Houston, PA 15342	Drainage ditch that discharges to Chartiers Creek	Southwest Regional Of- fice Water Management Pro- gram Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Punxsutawney Bor- ough, Jefferson County	PAR118317	NAC Carbon Products, Inc. Elk Run Avenue P. O. Box 436 Punxsutawney, PA 15767	Elk Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Cambridge Springs Bor- ough, Crawford County	PAR218309	Mr. Dennis Robbins A. A. Robbins, Inc. Bolland Avenue Cambridge Springs, PA 16403	Unnamed Tributary to French Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Beaver Township, Jef- ferson County	PAR118324	Miller Welding & Ma- chine Co. Railroad & 2nd Streets Brookville, PA 15825	Beaver Run Below Rte. 36	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Pine Township, Mercer County	PAR808328	Tri County Landfill, Inc. 156 Landfill Road Grove City, PA 16127	Unnamed Tributary to Wolf Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Lycoming Hepburn Twp.	PAG044950	Marilyn Lenker 120 South Sixth Street Shamokin, PA 17872	Mill Creek	Northcentral (717) 327-3664

### SAFE DRINKING WATER

#### **Actions taken under the Pennsylvania Safe Drink- ing Water Act (35 P. S. §§ 721.1—721.17).**

*Northeast Regional Office: Sanitarian Regional Man-  
ager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717)  
826-2511.*

**Permit No. 4596509. Sullivan Trail Village**, Carolyn Yetter, R. R. 5, Box 5308, East Stroudsburg, PA 18301. This proposal involves an application for permit for an existing water supply and distribution system consisting of one well with chlorination and distribution storage. This is a mobile home park which has 24 units. It is located in Pocono Township, **Monroe County**.

*Permit to Operate: June 30, 1997.*

**Permit No. 5294503. Waterflow Pike, Inc.—B. F. Killam Tract**, c/o Barry Newcomer, President, HCR Box 202, Paupack, PA 18451. This proposal involves the permitting of a PWS system which consists of a well, 500 gallon storage tank and distribution system serving 50 homes. It is located in Palmyra Township, **Pike County**.

*Permit to Operate: June 25, 1997.*

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

**Permit No. 6597502.** Public water supply. **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601.

*Type of Facility: Truxall storage tank.*

*Permit to Construct Issued: July 1, 1997.*

**Permit No. 0496502.** Public water supply. **Ambridge Water Authority**, 1001 Merchant Street, Ambridge, PA 15003.

*Type of Facility:* Corrosion control treatment installation.

*Permit to Operate Issued:* July 7, 1997.

**Permit No. 0496502.** Public water supply. **Borough of Salisbury**, Smith Avenue, Salisbury, PA 15558.

*Type of Facility:* Salisbury Borough water system improvements.

*Permit to Construct Issued:* July 1, 1997.

**Permit No., 5689504-A1.** Public water supply. **Hidden Valley Resort, L. P.**, 1 Craighead Drive, Hidden Valley, PA 15502.

*Type of Facility:* Corrosion control treatment.

*Permit to Construct Issued:* July 1, 1997.

**Permit No. 0481502-A2.** Public water supply. **Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009.

*Type of Facility:* Fluoride facilities and existing 2.0 mg storage tank.

*Permit to Construct Issued:* June 30, 1997.

**Permit No. 0297501.** Public water supply. **Pittsburgh Water & Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222.

*Type of Facility:* Highland #2 Reservoir cover.

*Permit to Construct Issued:* July 1, 1997.

**Permit No. 6593502-A1.** Public water supply. **New Florence Water Authority**, P. O. Box 263, New Florence, PA 15944.

*Type of Facility:* Well #1.

*Permit to Construct Issued:* July 1, 1997.

**Permit No. 1194503.** Public water supply. **Department of Conservation and Natural Resources**, Bureau of State Parks, P. O. Box 8767, Harrisburg, PA 17105-8767.

*Type of Facility:* Prince Gallitzin State Park water treatment plant.

*Permit to Operate Issued:* July 1, 1997.

**Permit No. 3272501-A2.** Public water supply. **Central Indiana County Water Authority**, 30 East Wiley Street, Homer City, PA 15748.

*Type of Facility:* Addition of Stern PAC, 572,000 gallon storage tank and installation of potassium permanganate equipment.

*Permit to Construct Issued:* July 3, 1997.

*Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA (814) 332-6899.*

**Permit No. 1097503.** Public water supply. **Luthern Welfare Concordia Home**, 615 North Pike Road, Cabot, PA 16023. A permit has been issued for a new drilled well (Well "C"), replacement of iron and manganese filters and several minor changes including three pressure tanks and two finished water pumps in Jefferson Township, **Butler County**.

*Type of Facility:* Community Water Supply

*Consulting Engineer:* Daniel Slomers, Olsen Engineering & Associates, 126 S. Main St., Butler, PA 16006.

*Permit to Construct Issued:* July 8, 1997.

**Permit No. 4396508.** Public water supply. **Reynolds Home Center**, c/o 322/Reynolds Co. Ltd., 4090 Greenwood Oval, North Royalton, OH 44133 has been issued a permit to operate the existing facility as a consecutive water system. Service will be provided by the Reynolds Water Company in Pymatuning Township, **Mercer County**.

*Type of Facility:* Consecutive Water Supply.

*Consulting Engineer:* P. Eldon Bauer, P. E., Makeever & Associates, Inc., 207B South Sandusky Ave., Bucyrus, OH 44820

*Permit to Construct Issued:* July 8, 1997.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 3

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

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

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

The Department has received the following final reports:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**American Trading and Production Corp.**, Bristol Township, **Bucks County**. Gary R. Brown, P. E., RT Environmental Services, Inc., 215 West Chester Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals and thallium; and groundwater contaminated with heavy metals, solvents, thallium and trichloroethylene. The report is intended to document remediation of the site to meet site-specific standards.

*Northcentral Regional Office: Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.*

**Distribution Pole #26440N25127**, City of Sunbury, **Northumberland County**. PP&L, Two North Ninth Street, Allentown, PA 18101 has submitted a Final Report addressing soil contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

## **SOLID AND HAZARDOUS WASTE LICENSE TO TRANSPORT HAZARDOUS WASTE**

### **Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**Heritage Transport, Inc.**, 7901 West Morris Street, Indianapolis, IN 46231; License No. **PA-AH0200**; renewal license issued July 10, 1997.

**LWD Trucking, Inc.**, P. O. Box 327, Calvert City, KY 42029; License No. **PA-AH 0569**; renewal license issued July 8, 1997.

**NHD, Inc.**, Rt. 309 North, Box 398, Drums, PA 18222; License No. **PA-AH 0365**; renewal license issued July 10, 1997.

**Safety-Kleen Corp.**, One Brinckman Way, Elgin, IL 60123; License No. **PA-AH 0172**; renewal license issued July 10, 1997.

**Wade Salvage, Inc.**, t/a Wade Environmental Industries, 382 Jackson Road, Atco, NJ 08004; renewal license issued July 8, 1997.

### **License expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—6018.1003) and regulations for license to transport hazardous waste.**

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

**REMAC USA, Inc.**, 1010 Wayne Avenue, Silver Spring, MD 20910; License No. **PA-AH 0316**; license expired on June 30, 1997.

## **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. 101494. Waste Management of PA Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067, was issued a permit approving use of municipal waste incinerator ash as an alternate daily cover material under the Department's equivalency review procedures for Tullytown Resources Recovery Facility. This action was taken to close out the demonstration permit previously issued for this facility on May 3, 1995. Several

other alternate daily cover materials which are contained on the Statewide equivalency list were also approved for this facility in this action. Facility located in Tullytown Borough, Falls Township, **Bucks County**. Permit was issued in the Southeast Regional Office on July 3, 1997.

*Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2516.*

**Permit I. D. No. 101427. Pine Grove Landfill**, R. R. 4, Box 447, Pine Grove, PA 17963. A permit modification authorizing the construction and operation of landfill expansion at the existing Pine Grove Landfill, located in Pine Grove Township, **Schuylkill County**. A comment response document was developed from Public Hearing comments received on April 17, 1997. The document is available upon request by contacting the Waste Management Program at the above listed telephone number. The permit was issued in the Regional Office on July 1, 1997.

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

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

**Permit No. 101494. Waste Management of PA, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. The permit modification issued May 3, 1995 for demonstration of various alternate daily cover materials at the Tullytown Resource Recovery Facility was revoked. A permit action was taken on July 3, 1997 approving the only cover material actually demonstrated under the May 3, 1995 permit. With the issuance of the July 3, 1997 permit and the inclusion of other cover materials on the Statewide equivalent list subsequent to the issuance of the demonstration permit, the demonstration permit is no longer necessary. Facility located in Tullytown Borough, Falls Township, **Bucks County**. The May 3, 1995 permit modification was revoked in the Southeast Regional Office on July 3, 1997.

### **Permit Modification (Form R) granted to authorize the management of previously unpermitted class of residual solid waste at municipal and residual solid waste management facilities.**

*Northeast Regional Office: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Permit No. 101615-001. Commonwealth Sanitary Landfill**, Commonwealth Environmental Systems, L. P., P. O. Box 249, Dunmore, PA 18512. A permit modification to reflect the management of previously unpermitted classes of residual and municipal-like residual waste at this municipal waste landfill, located in Foster Township, **Schuylkill County**. The waste streams proposed for disposal are described by the applicant in a detailed waste analysis and classification plan, as required in the regulations regarding residual waste. The permit modification was approved in the Regional Office on June 30, 1997.

**PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE**

**INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

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

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

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15204; License No. **PA-HC 0015**; renewal license issued July 11, 1997.

**John Pfrommer, Inc.**, 1320 Ben Franklin Highway, East, Douglassville, PA 19518; License No. **PA-HC 0022**; renewal license issued July 8, 1997.

**Lancaster General Services Business Trust, d/b/a Enviro-Tech Disposal**, 607 North Duke Street, Lancaster, PA 17602; License No. **PA-HC 0046**; renewal license issued July 11, 1997.

**AIR POLLUTION**

**OPERATING PERMITS**

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

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

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

**GP5-14-02.** On June 6, 1997, **Eastern States Exploration Company** (P. O. Box 178, Snow Shoe, PA 16874) was granted authorization to operate two 730 horsepower natural gas fired reciprocating engines under the Department's General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP5) at the Red Buck Station in Snow Shoe Township, **Centre County**.

**GP5-14-01.** On June 12, 1997, **Eastern States Exploration Company** (P. O. Box 178, Snow Shoe, PA 16874) was granted authorization to operate a 640 horsepower natural gas fired reciprocating engine and associated air cleaning device (catalytic converter), a 120 horsepower natural gas fired reciprocating engine and associated air cleaning device (a catalytic converter) and a 730 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 Dehass Station in Curtin Township, **Centre County**.

**GP4-41-02.** On June 27, 1997, **Jersey Shore Steel Company** (P. O. Box 5055, Jersey Shore, PA 17740) was denied authorization to operate a burn off oven under the Department's General Plan Approval and General Operating Permit for Burn Off Ovens (BAQ-GPA/GP4) at the Met-Fab Facility in Loyalsock Township, **Lycoming County**.

**PLAN APPROVALS**

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

**49-320-001.** On June 2, 1997 plan approval was issued to **Celotex Corporation** (P. O. Box 267, Sunbury, PA 17801) for the construction of an offset printing press in the City of Sunbury, **Northumberland County**.

**19-322-002A.** On June 6, 1997, plan approval was issued to **White Pines Corporation** (RR 1, Box 69, Millville, PA 17846) for the construction of a stone crushing and screening operation and associated air cleaning device (a waterspray dust suppression system) at the White Pines Landfill in Pine Township, **Columbia County**. This crushing and screening operation is subject to Subpart OOO of the Federal Standards of Performance For New Stationary Sources.

**55-302-013.** On June 6, 1997, plan approval was issued to **Cherry Hill Hardwoods, Inc.** (R. R. 1, Box 900, Richfield, PA 17086) for the construction of a wood fired boiler and associated air cleaning device (a multi-cyclone) in West Perry Township, **Snyder County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance For New Stationary Sources.

**60-303-001B.** On June 17, 1997, plan approval was issued to **Eastern Industries, Inc.** (P. O. Box 177, Windfield, PA 17889) for the installation of an air cleaning device (a fabric collector) on a batch asphalt concrete plant in Union Township, **Union County**. This asphalt plant is subject to Subpart I of the Federal Standards of Performance For New Stationary Sources.

**60-302-019A.** On June 20, 1997 plan approval was issued to **Bucknell University** (Lewisburg, PA 17837) for the construction of a natural gas/number 2 fuel oil fired boiler and the modification of a second natural gas/number 2 fuel oil fired boiler in Lewisburg Borough, **Union County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance For New Stationary Sources.

**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).

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

*Coal Permits Issued:*

**17910131. Ecklund Coal Co., Inc.** (R. D. 1, Box 109, Irvona, PA 16656), revision to an existing bituminous surface mine permit for a change in surface mine permit acreage from 137.6 to 165.9 acres, Bigler Township, **Clearfield County**, receiving streams: Porter Run and unnamed tributary to Clearfield Creek, application received February 11, 1997, permit issued July 2, 1997.

**17850133. Hepburnia Coal Company**, (P. O. Box I, Grampian, PA 16838), revision to an existing bituminous surface mine permit for a postmining land use change from woodland to pastureland or land occasionally cut for hay, Greenwood Township, **Clearfield County** affecting 15 acres, application received April 29, 1997, permit issued July 2, 1997.

**17773155. Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), revision to an existing bituminous surface mine permit for a change in land use from forestland to fish and wildlife habitat, Covington Township, **Clearfield County**, application received May 13, 1997, permit issued July 9, 1997.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**101244-24930102-E-2. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853), application for a stream encroachment to mine through, reconstruct and construct a prototype "Caylor Alkalinity Producer" within a section of Brandy Camp Creek in Horton Township, **Elk County**. Receiving streams: Unnamed tributary to Johnson Run and Unnamed tributary to Brandy Camp Creek. Application received April 4, 1997. Permit issued June 30, 1997.

**10910107. Big "B" Mining Company, Inc.** (R. D. 1, West Sunbury, PA 16061), renewal of an existing bituminous strip operation in Center Township, **Butler County** affecting 193.6 acres. Receiving streams: Three unnamed tributaries to Stony Run and one unnamed tributary to Pine Run. Application received May 12, 1997. Permit issued July 7, 1997.

**100435-10920112-E-4. State Industries, Inc.**, (P. O. Box 1022, Kittanning, PA 16201), application for a stream encroachment to mine through and reconstruct unnamed tributary No. 4 to Bear Creek extending 1,000 feet downstream from the headwater to Sediment Pond F. Sediment Pond F will be constructed as a permanent structure within the channel. Receiving streams: Four unnamed tributaries of Bear Creek and Bear Creek. Application received May 12, 1997. Permit issued July 7, 1997.

**16860106. Ancient Sun, Inc.** (P. O. Box 129, Main St., Shippensburg, PA 16254), renewal of an existing bituminous strip operation in Porter Township, **Clarion County** affecting 133.5 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to Leisure Run. Application received May 5, 1997. Permit issued July 3, 1997.

*McMurray District Office*

**32851301. Valley Coal Company** (P. O. Box 86, Alverda, PA 15710), to renew the permit for the Leonard Run No. 1 Mine in Pine and Cherry Township, **Indiana County** to revise to add permit and Subsidence Control Plan Acres, no additional discharges. Permit issued July 8, 1997.

**26961602. Bullskin Tipple Company** (509 15th St., Windber, PA 15963), to operate the Bullskin Tipple in Connellsville Township, **Fayette County**, new prep plant, Mounts Creek. Permit issued July 9, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54860110R2. Reading Anthracite Company** (200 Mahantogo Street, Pottsville, PA 17901), renewal of an existing surface mine operation in Foster Township, **Schuylkill County** affecting 99.0 acres, receiving stream—none. Renewal issued July 11, 1997.

*Knox District Office, P. O. Box 669, Knox, PA 16232*

**37900303. Russell Minerals (Pennsylvania), Inc.** (P. O. Box 510, Darlington, PA 16115). Transfer of an existing sand and gravel operation from A. Medure Sand & Gravel Company, Inc. in Taylor Township, **Lawrence County** affecting 53.5 acres. Receiving streams: None. Application received April 14, 1997. Permit issued July 2, 1997.

**43910308. Hall's Excavating** (2416 McCartney Road, Cochranon, PA 16314). Transfer of an existing sand and gravel operation from Wood Gravel Company in French Creek Township, **Mercer County** affecting 26.9 acres. Receiving streams: None. Application received May 16, 1997. Permit issued July 3, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**8074SM2C2. Corson Lime Company** (500 Stenton Avenue, Plymouth Meeting, PA 19462-1295; renewal of NPDES Permit #PA0012904 in Whitemarsh Township, **Montgomery County**, receiving stream—Lorraine Run. Renewal issued July 11, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*General Small Noncoal Authorizations Granted*

**58970827. Robert Fessenden** (R. R. 5, Box 134K, Montrose, PA 18801), commencement, operation and restoration of a small bluestone quarry operation in Forest Lake Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Authorization granted July 7, 1997.

**58970828. Raymond Stone** (R. R. 3, Box 245, Meshoppen, PA 18630), commencement, operation and restoration of a small bluestone quarry operation in Springville Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Authorization granted July 9, 1997.

**58970832. John O. Gage**, (R. R. 1, Box 60J, Rushville, PA 18839), commencement, operation and restoration of a small bluestone quarry operation in Dimock Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Authorization granted July 11, 1997.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson

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

**Actions on applications filed under the Dam Safety and Encroachment 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 Certifications:*

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

**E15-522.** Encroachment Permit. **Valley Forge Meadows Company, Inc.**, 950 West Valley Road, King of Prussia, PA 19406. To place fill in 0.98 acre of wetlands to facilitate construction of eight residential units associated with the Meadows at Valley Forge Subdivision, located approximately 3,000 feet northwest from the intersection of Route 23 and Pawling Road (Valley Forge, PA Quadrangle, N: 22.2 inches; W: 14.7 inches), in Schuylkill Township, **Chester County**. Issuance of this permit constitutes approval of the Environmental Assessment for a nonjurisdictional dam. Applicant will construct 1.0 acre of replacement wetland on this site.

**E46-750.** Encroachment Permit. **Plymouth Industrial Center**, 839 Germantown Pike, Norristown, PA 19401. To construct and maintain approximately 3,025 linear feet of triple 20.42-foot by 13.0-foot corrugated metal plate arch pipe stream enclosure associated with the Plymouth Industrial Center commercial development in and along a segment of Plymouth Creek (WWF), which is intermittent. The site is situated just southwest and adjoining to interchange No. 7 (Ridge Pike) of Interstate 476 (Norristown, USGS Quadrangle N: 17.4 inches; W: 7.8 inches) in Plymouth Township, **Montgomery County**.

**E09-731.** Encroachment Permit. **Faulkner-Ciocca Management**, 321 South Westend Boulevard, Quakertown, PA 18951. To place and maintain fill in 6.50 acres of wetlands for the purpose of constructing an automotive sales and service center (autoplex) located on the southwest corner of the intersection of Tollgate Road and Route 309 (Quakertown, PA Quadrangle N: 7.35 inches; W: 13.5 inches) in Richland Township, **Bucks County**. This permit requires the construction of 7.6 acres of replacement wetlands onsite and offsite.

**E23-345.** Encroachment Permit. **Marple Associates**, 1604 Walnut Street, Philadelphia, PA 19103. To modify and maintain an existing 340-foot long, 18-foot wide by 9-foot high reinforced concrete box stream enclosure located in and along Langford Run (CWF-MF) beneath

Interstate Route 476 (project was previously authorized by Permit No. E23-134 issued to the PA DOT on April 9, 1987). The proposed 30-foot long extension consists of an 18-foot wide by 9-foot high reinforced concrete box culvert attached to the upstream end of the existing enclosure. A new reinforced concrete headwall, approximately 125 feet in length with 30-foot and 20-foot long wingwalls will be constructed at the upstream end of the enclosure. The headwall will have a maximum height of approximately 25 feet. Also included in this project is the placement of fill material in 0.43 acre of adjacent wetlands. The project is associated with the proposed roadway which will provide a connection between West Chester Pike and Langford Road and also be used as access for an office complex proposed by Marple Associates. The site is partially located within the Interstate Route 476 right-of-way at a point approximately 1,800 feet southwest of the intersection of West Chester Pike (S. R. 003) and Lawrence Road (Lansdowne, PA Quadrangle N: 18.0 inches; W: 13.0 inches) in Marple Township, **Delaware County**. The permittee will provide 0.43 acre of replacement wetland.

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

**E35-282.** Encroachment. **Keystone Sanitary Landfill, Inc.**, P. O. Box 249, Dunmore, PA 18512-0249. To fill in 0.29 acre of wetlands as part of the development of the Phase II landfill expansion of the Keystone Sanitary Landfill. The project is located at the Keystone Sanitary Landfill immediately northeast of the intersection of S. R. 0081 and S. R. 0380 (Olyphant, PA Quadrangle N: 10.1 inches; W: 11.6 inches) in Dunmore and Throop Boroughs, **Lackawanna County**. The permittee is required to provide 0.30 acre of replacement wetlands.

**E39-324.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699. To rehabilitate and maintain an existing 5-span steel plate girder bridge having a total length of 400 feet, 10 inches with an underclearance of approximately 42 feet over Little Lehigh Creek with work consisting of widening the superstructure 3.25 feet to accommodate an additional sidewalk, expanding the pier caps and abutments to accommodate the widened superstructure and the placement of R6 riprap for scour protection at Piers No. 3 and 4. The project, locally known as the Ward Street bridge (S. R. 96218, Section WRD), is located at the point where Ward Street crosses the Little Lehigh Creek (Allentown East, PA Quadrangle N: 16.5 inches; W: 14.9 inches) in the City of Allentown, **Lehigh County**.

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

**E31-137.** Encroachment. **PA Dept. of Transportation**, Engineering District 9-0, 1620 N. Juniata Street, Holidaysburg, PA 16648. To construct and maintain a 562-foot long, four span bridge across the Juniata River and a 72-foot long single span bridge across Hill Valley Creek and a 50-foot extension of an existing 250-foot long stream enclosure in Long Hollow Run and a 560-foot long fisherman's access road in the floodway of the Juniata River along with fill and excavation in the floodplain of the Juniata River and 0.56 acre of associated wetlands for the purpose of constructing about 1.6 miles of State Route 6522, Section 001 from Allenport in Shirley Township north around the eastern side of Mount Union Borough to the Huntingdon/Mifflin County boundary line. (Newton Hamilton, PA Quadrangle N: 3.0 inches; W: 17.0 inches)



in Shirley Township, **Huntingdon County** and Wayne Township, **Mifflin County**. The permittee is required to provide 0.64 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

**E22-364.** Encroachment. **Dauphin County Board of Commissioners**, Sally Klein, P. O. Box 1295, Harrisburg, PA 17108. To replace an existing structure with a bridge having a clear span of 65.0 feet and an underclearance of 8.17 feet and to fill 0.01 acre of wetlands across the channel of Stony Creek at a point at Singer Lane (T-686) (Halifax, PA Quadrangle N: 0.5 inch; W: 5.13 inches) in Middle Paxton Township, **Dauphin County**. The wetland impacts are de minimis and no replacement is required.

This permit also includes 401 Water Quality Certification.

**E34-086.** Encroachment. **Leslie J. Stottle**, R. R. 1, Box 51, Honey Grove, PA 17035-9701. To repair the abutments and to maintain an existing bridge and to remove the concrete abutments at an abandoned railroad embankment across the channel at Laurel Run at a point just upstream of Route 850 (McCoysville, PA Quadrangle N: 5.3 inches; W: 7.8 inches) in Tuscarora Township, **Juanita County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E44-085.** Encroachment. **Granville and Oliver Townships**, Edward Fike, 1 Helen Street, Lewistown, PA 17044. To remove an existing structure and to construct and maintain a single span composite prestressed concrete spread box beam bridge in Strodes Run having a clear normal span of 30.0 feet and a minimum underclearance of about 5.8 feet located on Strodes Run Road (T-710) about 1,400 feet north of its intersection with US Route 22/522 (Belleville, PA Quadrangle N: 9.5 inches; W: 7.0 inches) in Granville and Oliver Townships, **Mifflin County**. This permit also includes 401 Water Quality Certification.

**E50-182.** Encroachment. **Robert Mumper**, Toboyne Township, R. D. 1, Box 168, Blain, PA 17006. To remove a damaged existing bridge and to construct and maintain a bridge having a clear span of 37 feet and an underclearance of 6 feet across the channel of Shaeffer Run at a point at Buck Hollow Road (Blain, PA Quadrangle N: 5.0 inches; W: 5.5 inches) in Toboyne Township, **Perry County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-581.** Encroachment. **Steas Corporation**, Daniel Stees, 2510 East Market Street, York, PA 17402. To construct and maintain three timber pedestrian golf cart bridges across Tributary No. 3 to Mill Creek for the purpose of providing through access in the proposed Springwood Golf Course. Bridge No. 1 having a total span of 74 feet, 2 inches, underclearance of 4.8 feet. Bridge No. 2 having a total span of 49 feet, 6 inches underclearance of 4.3 feet. Bridge No. 3 having a total span of 40 feet, 7.5 inches underclearance of 4.6 feet. Project is located north of Duquesne and Springwood Roads (York, PA Quadrangle N: 11.0 inches; W: 6.5 inches) in York Township, **York 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.*

**Permit No. E14-300.** Encroachment. **Jerry B. Haney**, 15009 South 24th Way, Phoenix, AZ 85048. To remove the

existing structure and to construct and maintain a concrete box culvert with a 3 foot rise, an 18-foot span and a 26-foot length with associated R-4 riprap in an unnamed tributary to Halfmoon Creek located approximately 1 mile south of the SR 0550 and T-309 intersection of the left hand side of T-309 (Port Matilda, PA Quadrangle N: 0.25 inch; W: 7.5 inches) in Halfmoon Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**Permit No. E49-206.** Encroachment. **County of Northumberland**, 50 South Second St., Sunbury, PA 17801. Remove the existing structure and to construct and maintain a single span precast concrete beam bridge with a span of 46-feet and average underclearance of 7.85 feet over Limestone Run located on Ridge Avenue 80 feet north of Race Street (Milton PA Quadrangle N: 3.0 inches; W: 13.8 inches) in Milton Borough, **Northumberland County**.

**Permit No. E49-209.** Encroachment. **City of Sunbury**, 225 Market St., Sunbury, PA 17801. To construct and maintain chain link fencing 8-feet high surrounding the softball field except 24-feet high fencing at the backstop area and a lighting system consisting of six metal poles 60-feet high on concrete bases for recreational purposes within the floodplain of Shamokin Creek on SR 61 just north of the bridge over Shamokin Creek (Sunbury, PA Quadrangle N: 20.1 inches; W: 3.4 inches) in the City of Sunbury, **Northumberland County**. This permit was issued under Section 105.13(e) "Small Projects."

**Permit No. E57-077.** Encroachment. **Kay M. Wienecke**, P. O. Box 85, Hillsgrove, PA 18619. To remove a 300 foot unvegetated gravel bar and to restore, protect with riprap, and maintain the opposite streambank along Elk Creek located next to Elk Creek Road about 1.25 miles north of Route 87 (Hillsgrove, PA Quadrangle N: 17.6 inches; W: 8.9 inches) in Hillsgrove Township, **Sullivan County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**Permit No. E59-339.** Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a single span prestressed concrete box beam bridge with a normal span of 40 feet and average underclearance of 7.5 feet over Asaph Run on Left Asaph Run Road just west of the intersection with Right Asaph Road (Asaph, PA Quadrangle N: 7.23 inches; W: 9.68 inches) in Shippen Township, **Tioga 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.*

**D19-106.** Dam. **R. Gordon Matthews & Associates** (1700 North Highland Road, Suite 302, Pittsburgh, PA

15241). To modify, operate and maintain an existing dam at Ehrman Farms P.R.D. across Wolfe Run located in Cranberry Township, **Butler County**.

## SPECIAL NOTICES

### Availability of Grants to County and Municipal Governments for the Remediation of Waste Tire Piles

The Department of Environmental Protection (Department) hereby announces the availability of grants for the remediation of waste tire piles. The Governor's 1997-98 budget includes \$2 million dollars targeted specifically to county and municipal governments for the remediation of waste tire piles containing an estimated 5,000 or more waste tires.

In order to be considered for a grant, a county or municipality must: 1) propose to remediate a waste tire pile that has been verified by the Department regional office in your area 2) not have contributed, in any manner, to the creation of the tire pile, 3) must have an identifiable end-use for the remediated waste tires detailed in the application and 4) must have access to the waste tire pile site. Note that the Department will continue efforts to recover costs associated with noncompliant waste tire piles and take appropriate actions for sites in which individuals or organizations responsible for the creation of a waste tire pile have been identified.

Grant funds are intended to be used for activities directly related to the remediation of waste tire sites (such as employe wages, operation of equipment, transportation, processing costs, and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by the Department. In some circumstances, the Department may be able to work with applying counties and municipalities in cooperation with other State agencies to work out agreements concerning the possible lend-lease of State owned and operated equipment in order to expedite the remediation process and to reduce overall project costs.

All applicants must complete and submit an official application for each proposed tire pile remediation. The application includes all the materials and instructions necessary for applying for a grant. Copies are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department Internet site on the world wide web at: <http://www.dep.state.pa.us>. Applications must be completed and submitted by 4 p.m. on September 5, 1997 to Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301. Applications which are incomplete or arrive after the deadline will not be considered.

If there are questions about this grant program, please contact the Division of Municipal and Residual Waste at (717) 787-7381.

### Registered and Certified Emission Reduction Credits

The following emission reduction credits (ERCs) have been approved, registered and certified by the Department of Environmental Protection (Department). ERCs are surplus, permanent, quantified and Federally enforceable emission reductions which may be used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors. The certified NOx and VOCs credits shown below, expressed in tons per year (tpy), satisfy the applicable requirements in 25 Pa. Code §§ 127.206—127.209.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs amount (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
American Home Foods, Incorporated Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact Person: Michael West (717) 742-6639	NOx VOCs PM-10 SOx	94.15 12.88 36.79 228.29	4/1/2006	Trading
3M Minnesota Mining & Manufacturing Source Name: 1E Coater Source Name: 2E Coater Source Name: 3E Coater Source Name: 4E Coater Source Name: 5E Coater Source Name: 3W Coater Source Name: 4W Coater Source Location: Bristol Plant, Bucks Ozone nonattainment status: Severe Contact Person: Belinda Wirth (612) 778-6014	VOCs VOCs VOCs VOCs VOCs VOCs VOCs	0.10 0.25 44.80 0.10 17.90 303.65 275.10	5/02/2001 5/06/2001 4/18/2001 4/16/2001 4/26/2001 10/18/2001 5/13/2001	Trading
Leggett & Platt, Inc.	VOCs	30	10/01/2004	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs amount (typ)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Source Location: Harris Hub-Columbia County: Lancaster Ozone nonattainment status: Moderate Contact Person: Bob Anderson (417) 358-8131				
Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone nonattainment status: Moderate Contact Person: John M. Arnold (717) 939-0466	VOCs	18.36	1/1/2003	Trading

### **Alternative Fuels Incentive Grant Program (AFIG) Program Opportunity Notice**

The Department of Environmental Protection (Department), Office of Pollution Prevention and Compliance Assistance announces Cycle 5 of a program to promote and expand the use of alternative transportation fuels and fuel systems such as compressed natural gas (CNG), liquefied natural gas (LNG), propane (LPG), ethanol (E85), and methanol (M85) (85% alcohol and 15% gasoline mixture) and advanced electric vehicle systems in private and public sector vehicles. The Department will provide a portion of the cost for the purchase and installation of equipment necessary to retrofit existing vehicles, the purchase of Original Equipment Manufacturer produced vehicle technologies or applications that build or improve refueling and recharging facilities are eligible for funding. Eligible applicants for incentive grants are schools and vocational school districts; municipal authorities; counties; cities; boroughs; incorporated towns; townships; county institution districts; corporations; partnerships; nonprofit entities; and Commonwealth residents. An application package, which provides more details on the program, can be obtained from the Department of Environmental Protection, Office of Pollution Prevention and Compliance Assistance, (AFIG-97), P. O. Box 8772, 13th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8772, or by contacting the office at (717) 783-9981 to provide your mailing address. You may also fax your request to (717) 783-2703, Attn: AFIG. The deadline for submitting a Cycle 5 application to the Department is October 1, 1997.

[Pa.B. Doc. No. 97-1188. Filed for public inspection July 25, 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 nonregulatory 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 is on DEP's World Wide Web site now in two forms: 1) As a list and 2) In the form of a data base. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the

Inventory List once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance/June 1997 Inventory. To go to the location of the Inventory data base once on the DEP page, persons should choose the Public Participation Center/Technical Guidance/Search the Inventory of Technical Guidance Documents.

Bound paper copies of the June 1997 Inventory are now available 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 the 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 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 or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

#### *Final Technical Guidance—New Guidance*

DEP ID: 580-2200-003 Title: Section 316(h): Use of Electronic Methane Detectors in Lieu of Approved Flame Safety Lamps. Description: This document outlines when a machine operator can use an electronic methane detector in lieu of the flame safety lamp in Pennsylvania bituminous coal mines. Page Length: 2 pages Location: Volume 9, Tab 8 Contact: Matt Bertovich at (412) 439-7304.

#### *Final Technical Guidance—Minor Revisions to Existing Guidance*

The Bureau of Watershed Conservation has made format changes to the following documents. Persons who have questions should contact Pat Phillipy at (717) 787-5267.

<i>DEP ID</i>	<i>Title</i>	<i>Pages</i>	<i>Location</i>
393-0900-006	Stationary/Non-Stationary Tanks	3	Vol 32, Tab 06
393-0900-009	Exemption from Registration Fees for Volunteer Fire Companies or Volunteer Emergency Medical Services (EMS) Organizations	3	Vol 32, Tab 09
393-0900-011	Modification and Maintenance Issues	7	Vol 32, Tab 11
393-0900-012	Storage Tank Cleaning Activities	3	Vol 32, Tab 12
393-0900-015	Implementation of Act 16	2	Vol 32, Tab 14A
393-0900-016	Implementation of Act 34	4	Vol 32, Tab 14B
393-0900-017	Requirements for Registration of ASTs and USTs	4	Vol 32, Tab 14C
393-2300-001	Final Rulemaking: Chapter 245, Subchapters A and B (Storage Tanks Certification Program)	6	Vol 32, Tab 14D
393-3300-002	Permeability of Secondary Containment and Emergency Containment	3	Vol 32, Tab 19

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-1189. Filed for public inspection July 25, 1997, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$20,000 High Stakes Instant Lottery Game Notice

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$20,000 High Stakes.

2. *Price:* The price of a Pennsylvania \$20,000 High Stakes instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania \$20,000 High Stakes instant lottery game ticket will contain one play area featuring one "Dealer's Card" area and four "Your Card" areas. The play symbols and their captions located in the "Dealer's Card" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10

(TEN), J (JCK), Q (QUN) and K (KNG). The play symbols and their captions located in the "Your Card" areas are: 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN), K (KNG) and A (ACE). Aces are high.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOUR DOL), \$5.<sup>00</sup> (FIVE DOL), \$8.<sup>00</sup> (EGT DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$2,000 (TWO THOU) and \$20,000 (TWY THOU).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$100, \$200, \$400, \$500, \$2,000 and \$20,000. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania \$20,000 High Stakes instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$20,000 (TWYTHOU) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$2,000 (TWO THOU) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$500 (FIV HUN) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$400 (FOR HUN) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$200 (TWO HUN) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$100 (ONE HUN) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$40 (FORTY) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$20 (TWENTY) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol beats the "Dealer's Card" play symbol and a prize play symbol of \$10 (TEN DOL) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$8 (EGT DOL) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(k) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$5 (FIVE DOL) appears under the

"Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets where any one of the "Your Card" play symbols beat the "Dealer's Card" play symbol and a prize play symbol of \$4 (FOUR DOL) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$2 (TWO DOL) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets where any one of the "Your Card" play symbols beats the "Dealer's Card" play symbol and a prize play symbol of \$1 (ONE DOL) appears under the "Your Card" play symbol that beats the "Dealer's Card" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>In Any of Your Cards Beat The Dealer's Card With Prizes(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
\$1	\$1	1:9.68	843,200
\$1 + \$1	\$2	1:30	272,000
\$2	\$2	1:50	163,200
\$2 + \$2	\$4	1:300	27,200
\$1 x 2 + \$2	\$4	1:1,000	8,160
\$4	\$4	1:1,000	8,160
\$1 x 4	\$4	1:230.77	35,360
\$2 x 4	\$8	1:375	21,760
\$4 x 2	\$8	1:1,500	5,440
\$2 x 2 + \$4	\$8	1:600	13,600
\$8	\$8	1:1,000	8,160
\$2 x 3 + \$4	\$10	1:500	16,320
\$2 + \$4 x 2	\$10	1:428.57	19,040
\$5 x 2	\$10	1:750	10,880
\$10	\$10	1:1,500	5,440
\$10 x 2	\$20	1:1,000	8,160
\$5 x 4	\$20	1:600	13,600
\$5 x 2 + \$10	\$20	1:1,500	5,440
\$20	\$20	1:1,500	5,440
\$2 + \$8 + \$10 + \$20	\$40	1:3,529	2,312
\$10 x 4	\$40	1:2,000	4,080
\$10 x 2 + \$20	\$40	1:3,529	2,312
\$20 x 2	\$40	1:4,000	2,040
\$40	\$40	1:5,000	1,632
\$40 x 2	\$80	1:20,000	408
\$20 x 4	\$80	1:20,000	408
\$10 x 2 + \$20 + \$40	\$80	1:20,000	408
\$100 x 4	\$400	1:50,061	163
\$200 x 2	\$400	1:50,061	163
\$100 x 2 + \$200	\$400	1:50,061	163
\$400	\$400	1:50,061	163
\$500 x 4	\$2,000	1:480,000	17
\$2,000	\$2,000	1:480,000	17
\$20,000	\$20,000	1:1,020,000	8

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$20,000 High Stakes instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$20,000 High Stakes, prize money on winning Pennsylvania \$20,000 High Stakes instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$20,000 High Stakes instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania \$20,000 High Stakes or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 97-1190. Filed for public inspection July 25, 1997, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Certification of the Decentralized, Enhanced I/M Program for Designated Areas to Comply with Federal Law

The Secretary of the Department of Transportation, in accordance with the authority contained in the Act of December 16, 1992, P.L. 1250, No. 166, 75 Pa.C.S. § 4706(b) and (b.1)(1) and (2), hereby certifies the establishment and implementation of a decentralized, enhanced vehicle emission inspection program (Enhanced I/M) is required to comply with Federal Law.

The counties certified for inclusion in the enhanced I/M Program are Allegheny, Beaver, Berks, Blair, Bucks, Cambria, Centre, Chester, Cumberland, Dauphin, Delaware, Erie, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, Montgomery, Northampton, Philadelphia, Washington, Westmoreland and York Counties.

The Secretary of Transportation certifies that the Enhanced I/M Program will commence on October 1, 1997, in the counties of Allegheny, Beaver, Washington, Westmoreland, Bucks, Montgomery, Philadelphia, Delaware and Chester. The remaining counties will commence implementation of the Enhanced I/M Program no later than November 15, 1999.

Questions or comments regarding this notice may be directed to Audrey Miner, Assistant, Department of

Transportation, Office of Chief Counsel, 555 Walnut Street-9th Floor, Harrisburg, Pennsylvania 17101-1900, (717) 787-5299.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1191. Filed for public inspection July 25, 1997, 9:00 a.m.]

### Retention of Engineering Firms

#### Mifflin County Project Reference No. 08430AG2091

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately seventeen (17) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S.R. 0322, Section B02, Mifflin County, Milroy Bypass, the construction of a four lane limited access highway on new alignment approximately four miles in length with seven structures.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

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

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- b. Past Performance.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.

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

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

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

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector— Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (6)*
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

\* One TCI must be CDS certified.

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$43.61
(TCIS)	\$38.21
(TCI-Materials)	\$34.52
(TCI)	\$33.44
(TA)	\$22.98

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; attending partnering meetings and perform other duties as may be required.

Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauges/License (at point of need when needed)
- 5 Cellular Phones

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	3
TCI-M	2
TCI	12

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. George M. Khoury, District Engineer, District 2-0, 1924-30 Daisy Street, P.O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

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

**Bradford, Columbia, Lycoming, Montour,  
Northumberland,  
Snyder, Sullivan, Tioga and Union Counties  
Project Reference No. 08430AG2092**

The Department of Transportation will retain an engineering firm for an Open-End Contract for various engineering and/or environmental services on various projects located in Engineering District 3-0, that is Bradford, Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga and Union Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects having short completion schedules. The maximum amount of the Open-End Contract will be for \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

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

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firms shall be considered.
- c. Location of Consultant in respect to the District.
- d. Current Workload.
- e. Available staffing for this assignment.
- f. Relative size of firm to size of projects that may be completed under this Contract.
- g. Resumes of all key personnel.
- h. Capability for fast response time.
- i. Demonstration of experience and knowledge of state and federal environmental regulations applicable to PennDOT.

The selected firm will be required to provide necessary professional environmental and engineering services, material and equipment necessary to collect, analyze, map and organize data; conduct preliminary engineering alternative analyses; assess impacts; conduct agency and public involvement activities; prepare reports; design mitigation plans; and prepare engineering and environmental analyses.

All engineering services will encompass a wide range of design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects include bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type), minor capital improvement projects (bridges or roadway), railroad grade crossing projects and minor location studies, etc.

The engineering firm may be required to perform field surveys, plot topography and cross sections, prepare submission for utility verification and relocations engineering, prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; evaluate alternatives using benefit/cost analysis; document engineering study findings and activities; develop design review submissions as per applicable Department manuals, procedures and policies; prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to, air quality; noise; energy; vibration; hazardous waste, surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; and Section 4(f) Determinations and Evalua-

tions. The environmental studies will be conducted in accordance with currently accepted analysis techniques and methodologies.

The preliminary engineering alternative analyses required under the Contract may include, but are not limited to, engineering required to assess impacts and mitigation; avoid and/or minimize impacts; assess the condition of historic structures; and avoid impacts to Section 4(f) properties and waters of the United States.

The reports and other written and graphic materials to be prepared may include, but are not limited to, early coordination and scoping correspondence; plans of study; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs); NEPA environmental documents; Section 106 documents; Section 4(f) Evaluations; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, remote sensing/mapping innovations, policies, procedures and guidelines and training materials. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related scope of work will be outlined for each individual Work Order developed under this Open-End Contract.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E. District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754-0218.

Any technical questions concerning the requirements for this project should be directed to Mr. Christopher D. King, District 3-0, at (717) 368-4255.

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

#### **General Requirements and Information**

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the Letter of Interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm or corporation



may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information *must be* packaged and presented in the following order:

1. Transmittal Letter (Maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and *each* subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graph should be submitted for the office(s) where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertise-

ment must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

#### 8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

#### 9. Additional Information

Additional information, not to exceed ten (10) one sided pages or five (5) double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1192. Filed for public inspection July 25, 1997, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Elizabeth Kane under The Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF97-07-011

A telephone prehearing conference initiated by this office shall be conducted on July 30, 1997, at 10 a.m. The parties shall have exchanged and filed prior to July 30, 1997, all exhibits intended for use at the hearing, a witness list identifying the names, addresses and telephone numbers for the proposed witnesses, the identity of all experts along with their curriculum vitae and proposed testimony, an estimate of time for the respective party's case-in-chief, a listing of all legal issues and the supportive citation for the respective party's position pertaining to the legal issues and all joint factual stipulations.

The hearing shall occur on August 19, 1997, at 10 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh 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 Coordinator at (717) 787-4298.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1193. Filed for public inspection July 25, 1997, 9:00 a.m.]

### Deadline For Submission of Merger, Consolidation, Acquisition, Redomestication and Recapitalization Filings and Public Availability of Filed Documents

Merger, consolidation, acquisition of voting stock, redomestication and recapitalization filings requiring the approval of the Insurance Commissioner as mandated by The Insurance Company Law of 1921 (40 P.S. §§ 341—991) or the Business Corporation Law (15 Pa.C.S. § 21101 et seq.), should be submitted to the Insurance Department (Department) on or before October 1 if the filer requires approval on or before December 31. Filings made after October 1 cannot be guaranteed appropriate review and disposition by the Department by December 31.

This notice advises the insurance industry and other filers of the Department's practices regarding the availability of filed documents. In some instances, a public filing may include or reference materials which are entitled to confidential treatment under statute, regulation, case law, administrative or court order, or other such authority. For example, the Department declines to release personal information, such as Social Security numbers or home addresses of persons submitting Biographical Affidavits. In addition, documents may be nonpublic because they contain proprietary or privileged information or trade secrets. For example, the Department historically has not released business plans or financial projections which include analyses and underlying assumptions.

If a filer wishes to assert the confidentiality of documents, reports or other materials which are included or referenced within a "filing," the filer should alert the Department to this issue at the time of submission as follows:

- Submit the confidential materials physically separate from the remainder of the filing, submit a redacted version of the materials, or highlight the location of the confidential information in the filing.
- Identify the basis upon which the assertion of confidentiality, privilege or trade secret is premised.
- Identify the person to whom inquiries regarding the issue of confidential treatment should be directed.

Questions on the issues of submission deadlines or public access to filed documents may be addressed to the analyst handling the filing or to Steve Harman, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1194. Filed for public inspection July 25, 1997, 9:00 a.m.]

### Emanuel L. Sarris, Sr.; Doc. No. SC96-08-001

A hearing is scheduled for Wednesday, August 27, 1997, at 10 a.m. in the Administrative Hearing Office at 901 North Seventh Street, Suite 200, Harrisburg, PA 17102.

A Prehearing Conference is scheduled for August 14, 1997, at 2 p.m. in the Administrative Hearing Office, 901 North Seventh Street, Suite 200, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protest petitions to intervene, or notices of intervention, if any, must be filed with the Docket Clerk on or before August 14, 1997.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1195. Filed for public inspection July 25, 1997, 9:00 a.m.]

### Interim Use of Federal Health Reform Regulations

On June 25, 1997, Act 29 of 1997, The Pennsylvania Health Care Insurance Portability Act (Act 29) was signed into law effective July 1, 1997. Act 29 implements health insurance reform requirements of the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (P. L. 104-191, 110 Stat. 1936) in Pennsylvania. The Insurance Department has begun the process of developing regulations (under the authority of section 6 of Act 29) to implement Act 29. Until these regulations are promulgated, the Department intends to utilize the Federal interim rules for HIPAA published April 8, 1997 in the *Federal Register* (Vol. 62, No. 67, pages 16894 to 17005), and the final Federal regulations as adopted, as a guideline for the Department and industry. Upon promulgation of the Department's regulations under Act 29, this notice will be deemed withdrawn and become ineffective.

Written questions or comments regarding this matter can be directed to Geoffrey Dunaway, Director, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1196. Filed for public inspection July 25, 1997, 9:00 a.m.]

## INSURANCE FRAUD PREVENTION AUTHORITY

### Meeting Notice

A public meeting of the Pennsylvania Insurance Fraud Prevention Authority will be held August 5, 1997, at 10 a.m. at the Harrisburg Hilton and Towers, located on Second Street in Harrisburg.

Any interested member of the public is invited to attend. Seating may be limited, and advance notice of attendance is requested. Contact the Authority at (717) 975-9074 to request seating.

DAVID A. BANO,  
*Chairperson*

[Pa.B. Doc. No. 97-1197. Filed for public inspection July 25, 1997, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Interconnection Agreement

**A-310236F002. Joint Application of Bell Atlantic-Pennsylvania, Inc. and MCImetro Access Transmission Services, Inc.** Bell Atlantic-Pennsylvania, Inc. and MCImetro Access Transmission Services, Inc., by its counsel, filed on July 9, 1997, at the Public Utility Commission, a Joint Application for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and MCImetro Access Transmission Services, Inc. Joint Application 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) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1198. Filed for public inspection July 25, 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 August 18, 1997 as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00114064 (Corrected). Melvin E. Hart** (R. R. 2, Box 2970, McAlisterville, Juniata County, PA 17049)—persons in group and party service, between points in the county of Juniata and the townships of Perry and West Perry, Snyder County, and from points in said area, to

points in Pennsylvania, and return, limited to the use of school bus type equipment for the transportation of nonprofit groups and Amish and Mennonite Churches. *Attorney:* Ralph A. Germak, Box 249, McAlisterville, PA 17049.

**A-00114128. Jay Seigfried, t/d/b/a Jay's Limo Service** (202 2nd Street, Bernville, Berks County, PA 19506)—persons, in limousine service, between points in the counties of Berks, Schuylkill, Lehigh and Lebanon, and from points in the said counties to points in Pennsylvania, and return. Temporary authority filed seeking the right cited above.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00113003, F. 1, Am-A. Professional Transportation, Inc., t/d/b/a Professional Carriers** (1700 Theater Drive, Evansville, IN 47715), a corporation of the State of Indiana—railroad crews, in paratransit service, for CSX Transportation, Inc., between points in Pennsylvania: *so as to permit* the transportation of rail carrier employes and their equipment and baggage, in paratransit service, for Norfolk Southern Corporation, between points in Pennsylvania. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

**Applications of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00113647, F. 1, AM-A (Corrected). Geo. W. Weaver & Son, Inc.** (165 Lamont Street, New Cumberland, Cumberland County, PA 17070), a corporation of the Commonwealth of Pennsylvania—inter alia, household goods, in use, between points in the city of Harrisburg, Dauphin County, and within 15 miles by the usually traveled highways of the limits of said city: *so as to permit* (1) the transportation of household goods and office furniture, in use, between points in Hershey, Dauphin County, and within 9 miles by the usually traveled highways of the limits of Hershey; (2) household goods and office furnishings, in use, from points in Hershey, Dauphin County, and within 9 miles by the usually traveled highways of the limits of Hershey, to other points in Pennsylvania, and vice versa; and (3) property, between points, in Hershey, Dauphin County, and within 5 miles by the usually traveled highways of the limits of Hershey; which is to be a transfer of the rights authorized to Penn-Hershey Transfer, Inc., under the certificate issued at A-00092827, subject to the same limitations and conditions. *Attorney:* Lloyd R. Person, P. O. Box 5950, Harrisburg, PA 17110-0950.

**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 August 11, 1997.

A-00113503, F. 2, Stephen M. Paladino, t/d/b/a S. Paladino Trucking & Excavation  
Box 143 Oakmont Acres, Ebervale, PA 18223

A-00114127 Customized Integrated Systems For Logistics, Inc. t/d/b/a Cisl, Inc.  
2955 East Market Street, York, PA 17402: Dean Haskell, 2955 East Market Street, York, PA 17402

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1199. Filed for public inspection July 25, 1997, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYES' RETIREMENT BOARD

### Actuarial Tables and Computational Procedures

The act of December 20, 1995, P. L. 689, No. 77 (Act 1995-77), amended subsections 8502(h) and (j) of the Public School Employes' Retirement Code, 25 Pa.C.S. § 8101—8535, to require the Board to publish in the *Pennsylvania Bulletin* the actuarial tables and computational procedures used by the System in calculating annuities and other benefits. The Board adopted the following actuarial tables and computational procedures by resolution at its June 27, 1997 meeting. Accordingly, these actuarial tables and computational procedures are being published as Annex A within 30 days of their adoption as required by Act 1995-77.

JAMES A. PERRY,  
*Secretary*

The following material provides general information, examples and actuarial tables for computing an estimated retirement benefit from the Public School Employes' Retirement System (PSERS).

#### General Information

A key component in the computation of a PSERS' retirement benefit is the *final average salary*. PSERS' retirement code defines final average salary as the highest compensation received as an active member for any three nonoverlapping periods of 12 consecutive months. Compensation for part-time service is annualized on the basis of the fractional portion of the school year for which credit is received. This period is frequently the most recent 3-year period.

*Years of credited service* are the number of years of school or creditable nonschool service for which eligible contributions have been made or for which salary deductions or other payment arrangements have been made.

*Accumulated deductions* are the total of a member's contributions (including contributions for purchase of service) and interest.

Actuarial tables which provide the factors to compute certain retirement benefits follow. It should be noted that gender distinctions are shown on various tables because certain retirement benefits are computed differently for males and females for credited service before July 1, 1983. The factors were determined actuarially based on

the life expectancies for both males and females. The portion of the benefit for credited service earned prior to July 1, 1983 is computed using gender-distinct factors for males and females. The portion of the benefit for credited service on or after July 1, 1983 is computed using gender-neutral factors (both males and females use the more favorable factor which is most often the female factor).

**Retirement Benefit Calculation Examples**

The following data will be used for all option calculations, unless otherwise noted.

Final Average Salary	—	\$30,000
Years of Credited Service	—	30 years
Member Sex and Age	—	Female, Age 60
Beneficiary Sex and Age	—	Male, Age 60
Accumulated Deductions	—	\$38,000

**Maximum Option**

The Maximum Option is a single life annuity and will provide the highest monthly amount to the member. If you die and have not received in retirement benefits your accumulated deductions, the total value protected remaining will be paid in a lump sum to your designated beneficiary.

**Formula:**

Final Average Salary	X	2%	X	Years of Credited Service	=	<b>Maximum Option Annual Benefit</b>
Accumulated Deductions					=	<b>Total Value Protected</b>
<b>Example:</b>						
<b>\$30,000</b>	X	<b>.02</b>	X	<b>30</b>	=	<b>\$18,000</b> <i>(\$1,500 monthly)</i>
<b>Total Value Protected</b>					=	<b>\$38,000</b>

**Option 1**

Option 1 provides a reduced lifetime annuity to the member with a guaranteed total payment equal to the present value of the maximum option single life annuity. If at the time of your death you have not received in retirement benefits an amount equal to the total value protected, the unpaid balance will be paid to your designated beneficiary.

**Formula:**

Final Average Salary	X	2%	X	Years of Credited Service	X	Reducing Factor for Option 1*	=	<b>Option 1 Annual Benefit</b>
Maximum Single Life Annuity	X	Present Value of \$1 Annuity**					=	<b>Total Value Protected</b>
<b>Example:</b>								
<b>\$30,000</b>	X	<b>.02</b>	X	<b>30</b>	X	<b>.8671*</b>	=	<b>\$15,607</b> <i>(\$1,300 monthly)</i>
<b>\$18,000</b>	X	<b>13.924**</b>					=	<b>\$250,632</b>

\* From Table 2

\*\* From Table 1

**Note:** To compute the retirement benefit for male members selecting Option 1, a combination of Male Tables (for years of credited service prior to 7/1/83) and Female Tables (for years of credited service on or after 7/1/83 will be used. To compute the retirement benefit for female members, Female Tables will be used for all years of credited service.

**Option 2**

Option 2 is a joint and 100% survivor annuity with a reduced monthly benefit payable during the lifetime of the member. After the member's death, the same amount is payable for the designed beneficiary's lifetime. Under this Option there is no Total Value Protected.

**Formula:**

Final Average Salary	X	2%	X	Years of Credited Service	X	Reducing Factor for Option 2*	=	<b>Option 2 Annual Member Benefit</b>
Option 2 Annual Member Benefit	X	100%					=	<b>Option 2 Annual Beneficiary Benefit</b>

**Example:**

<b>\$30,000</b>	X	<b>.02</b>	X	<b>30</b>	X	<b>.8581*</b>	=	<b>\$15,445 to Member (\$1,287 monthly)</b>
<b>\$15,445</b>	X	<b>100%</b>					=	<b>\$15,445 to Beneficiary (\$1,287 monthly)</b>

\*From Table 8

**Note:** To compute a retirement benefit under Option 2, the appropriate ages and gender-based factor from Tables 5, 6, 7 and 8 based upon the specific genders of the member and beneficiary are used for credited service earned before 7/1/83. To compute the portion of the retirement benefit for credited service on or after 7/1/83, the appropriate ages and the **higher** factor from Tables 5, 6, 7 and 8 are used (most often the female with a male beneficiary factor).

**Option 3**

Option 3 is a joint and 50% survivor annuity with a reduced amount payable during the lifetime of the member. After the member's death, one-half of the annuity is payable for the designated beneficiary's lifetime. Under this Option there is no Total Value Protected.

**Formula:**

Final Average Salary	X	2%	X	Years of Credited Service	X	Reducing Factor for Option 3*	=	<b>Option 3 Annual Member Benefit</b>
Option 3 Annual Member Benefit	X	50%					=	<b>Option 3 Annual Beneficiary Benefit</b>

**Example:**

<b>\$30,000</b>	X	<b>.02</b>	X	<b>30</b>	X	<b>.9236*</b>	=	<b>\$16,624 to Member (\$1,385 monthly)</b>
<b>\$16,624</b>	X	<b>50%</b>					=	<b>\$8,312 to Beneficiary (\$692 monthly)</b>

\*From Table 12

**Note:** To compute a retirement benefit under Option 3, the appropriate ages and gender-based factor from Tables 9, 10, 11 and 12 based upon the specific genders of the member and beneficiary are used for credited service earned before 7/1/83. To compute the portion of the retirement benefit for credited service on or after 7/1/83, the appropriate ages and the higher factor from Tables 9, 10, 11 and 12 are used (most often the female with a male beneficiary factor).

**Option 4—Special Option**

Special Option provides for some other payment plan that may better fit your needs. This option is subject to the approval of the Retirement Board and all computations are made by the consulting actuary

**Example:**

Member receives reduced benefit.

Beneficiary receives 75% of member's reduced benefit.

All computations will be made by the actuary.

**Option 4—withdrawal of contributions & interest**

A portion of the benefit, limited to an amount equal to the member's accumulated deductions, may be withdrawn as a lump sum. The present value of the maximum single life annuity less the portion withdrawn will be paid in the form of a single life annuity, an annuity with a guaranteed total payment, or a joint and survivor annuity. This option may be selected in addition to Options 1, 2, 3 and 4 (Special).

**Formula:**

Final Average Salary	X	2%	X	Years of Credited Service	=	<b>Maximum Single Life Annuity (MSLA)</b>
Lump Sum Payment at Retirement	÷	Present Value of \$1 Annuity			=	<b>Reduction in Annuity</b>
Maximum Single Life Annuity	-	Reduction in Annuity			=	<b>Reduced Single Life Annuity (RSLA)</b>
Reduced Single Life Annuity	X	Reducing Factor for Option 1			=	<b>Option 1 Benefit</b>
Reduced Single Life Annuity	X	Reducing Factor for Option 2			=	<b>Option 2 Member and Beneficiary Benefit</b>
Reduced Single Life Annuity	X	Reducing Factor for Option 3			=	<b>Option 3 Member Benefit (50% to Beneficiary)</b>

**Example:**

<b>\$30,000</b>	X	<b>.02</b>	X	<b>30</b>	=	<b>\$18,000 (MSLA)</b>
<b>\$38,000</b>	÷	<b>13.924*</b>			=	<b>\$2,729</b>
<b>\$18,000</b>	-	<b>\$2,729</b>			=	<b>15,271 (RSLA) (\$1,272 monthly)</b>
<b>\$15,271</b>	X	<b>.8671**</b>			=	<b>\$13,241 (Option 1) (\$1,103 monthly)</b>
<b>\$15,271</b>	X	<b>.8581***</b>			=	<b>\$13,104 (Option 2) (\$1,092 monthly, \$1,092 monthly to beneficiary)</b>
<b>\$15,271</b>	X	<b>.9236****</b>			=	<b>14,104 (Option 3) (\$1,175 monthly, \$587 monthly to beneficiary)</b>

\* From Table 1 (Gender-distinct factors are used to calculate the reduction in annuity due to partial lump sum withdrawal of pre July 1, 1983 accumulated deductions. The **higher**, gender-neutral (usually female) factors are used to calculate the reduction in benefit due to partial lump sum withdrawal of post July 1, 1983 accumulated deductions).

\*\* From Table 2

\*\*\* From Table 8

\*\*\*\* From Table 12

**Vested Benefits**

If you leave service anytime after completing 10 years of credited service and before you become eligible for normal retirement benefits, and do not wish to retire at that time, it will be necessary for you to complete an application to vest. Once your application is received by the Retirement System you are then automatically covered by the death benefit provisions. Approximately 1 year after the receipt of your application, the Retirement System will notify you of the accumulated deductions credited to your account, the total number of years of service, and maximum single life annuity available to you when you reach retirement age. As a vestee, normal retirement age is:

when you reach age 62 if you have fewer than 30 years of credited service, or

when you reach age 60 if you have 30 or more years of credited service.

Approximately 90 days prior to your eligibility for a monthly benefit as a vestee, you should contact PSERS and request an estimate under all the various options available and the necessary application for you to complete. This application must be returned to the Retirement System no later than 90 days after your eligibility date. As a vestee, it will be necessary for you to keep your mailing address current.

**Formula:**

Same as prior illustrations under Options Maximum, 1, 2, 3 and 4

**Example:**

See prior illustrations.

**Early Retirement  
(withdrawal allowance)**

After 10 years of credited service, you may apply for an early (withdrawal) retirement benefit. This benefit will be based on your age to the nearest year and month when you apply, the number of years of service, and actuarial reduction factor applicable to your age.

**Formula:**

Final Average Salary	X	2%	X	Years of Credited Service	X	Early Retirement Factor (From Table 3 or 4)	=	<b>Annual Reduced Early Retirement Benefit</b>
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**Example:**

Male, age 49 with 10 years of service (earned after 7/1/83) and normal retirement age of 62.

<b>\$30,000</b>	X	<b>.02</b>	X	<b>10</b>	X	<b>.462186*</b>	=	<b>\$2,773 (\$231 monthly)</b>
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\*From Table 4 (**higher** of the factors from Table 3 and 4 for post 7/1/83 service)

**Early Retirement  
(3% formula)**

Minimum Requirement—25 years of service and 55 years of age

If you have attained age 55 and have 25 or more years of credited service, you may retire with an annuity reduced by a percentage. The percentage is determined by multiplying the number of months between the effective date of retirement and the date on which you would be eligible for a normal retirement by 1/4% (3% per year).

**Formula:**

3%	X	Number of Years Below Normal Retirement Age					=	<b>Early Retirement Reduction</b>
100%	-	Early Retirement Reduction					=	<b>Early Retirement Factor</b>
Final Average Salary	X	2%	X	Years of Credited Service	X	Early Retirement Factor	=	<b>Early Retirement Annual Benefit</b>

**Examples:**

A. Member age 55 with 25 years of service. Normal Retirement Age 60 (5 year reduction).

<b>3%</b>	X	<b>5 years</b>					=	<b>15% Reduction</b>
<b>100%</b>	-	<b>15%</b>					=	<b>85% Early Retirement Factor</b>
<b>\$30,000</b>	X	<b>.02</b>	X	<b>25</b>	X	<b>85%</b>	=	<b>\$12,750 (\$1,062 monthly)</b>

B. Member age 57 with 27 years of service. Normal Retirement Age 60 (3 year reduction).

<b>3%</b>	X	<b>3 years</b>					=	<b>9% Reduction</b>
<b>100%</b>	-	<b>9%</b>					=	<b>91% Early Retirement Factor</b>
<b>\$30,000</b>	X	<b>.02</b>	X	<b>27</b>	X	<b>91%</b>	=	<b>\$14,742 (\$1,228 monthly)</b>



C. Member age 56 with 33 years of service. Normal Retirement Age 58 (with 35 years of service) (2 year reduction).									
<b>3%</b>	X	<b>2 years</b>					=	<b>6% Reduction</b>	
<b>100%</b>	–	<b>6%</b>					=	<b>94% Early Retirement Factor</b>	
<b>\$30,000</b>	X	<b>.02</b>	X	<b>33</b>	X	<b>94%</b>	=	<b>\$18,612</b>	<b>(\$1,551 monthly)</b>
D. Member age 55 with 29 years of service. Normal Retirement Age 60 (5 year reduction).									
<b>3%</b>	X	<b>5 years</b>					=	<b>15% Reduction</b>	
<b>100%</b>	–	<b>15%</b>					=	<b>85% Early Retirement Factor</b>	
<b>\$30,000</b>	X	<b>.02</b>	X	<b>29</b>	X	<b>85%</b>	=	<b>\$14,790</b>	<b>(\$1,232 monthly)</b>
E. Member age 61 with 27 years of service. Normal Retirement Age 62 (1 year reduction).									
<b>3%</b>	X	<b>1 year</b>					=	<b>3% Reduction</b>	
<b>100%</b>	–	<b>3%</b>					=	<b>97% Early Retirement Factor</b>	
<b>\$30,000</b>	X	<b>.02</b>	X	<b>27</b>	X	<b>97%</b>	=	<b>\$15,714</b>	<b>(\$1,309 monthly)</b>

**ACTUARIAL TABLES**

• **Table 1**

*Present Value of \$1 Annuity* is an actuarial factor used to determine the amount of reserve needed to fund the member's retirement benefit.

• **Table 2**

*Service Option 1 Reducing Factors* are used to reduce the member's monthly benefit in order to provide a higher death benefit.

• **Tables 3 and 4**

*Early Retirement Factors—Men and Women* are used to reduce the monthly benefit because normal retirement qualifications are not met.

• **Table 5-8**

*Factors for Obtaining Annuities and Pensions Under Option 2* are used to determine the reduction to be able to provide a lifetime benefit for both the member and the beneficiary. Factors consider both the member's age and sex and the beneficiary's age and sex. Option 2 guarantees the beneficiary the same monthly benefit for life after the member's death.

• **Tables 9-12**

*Factors For Obtaining Annuities and Pensions Under Option 3* are used to determine the reduction to be able to provide a lifetime benefit for both the member and the beneficiary. Factors consider both the member's age and sex and the beneficiary's age and sex. Option 3 guarantees the beneficiary an amount equal to 50% of the member's monthly benefit for life after the member's death.

**Table 1  
PRESENT VALUE OF \$1 ANNUITY**

<i>Age</i>	<i>Men</i>	<i>Women</i>	<i>Age</i>	<i>Men</i>	<i>Women</i>	<i>Age</i>	<i>Men</i>	<i>Women</i>
30	20.304	21.220	45	16.851	18.250	60	12.099	13.924
31	20.116	21.061	46	16.571	18.004	61	11.751	13.593
32	19.923	20.898	47	16.285	17.751	62	11.401	13.258
33	19.723	20.729	48	15.993	17.492	63	11.050	12.919
34	19.518	20.554	49	15.695	17.227	64	10.697	12.577
35	19.307	20.374	50	15.392	16.956	65	10.345	12.232
36	19.089	20.189	51	15.083	16.678	66	9.992	11.885
37	18.865	19.997	52	14.769	16.395	67	9.641	11.535
38	18.636	19.800	53	14.450	16.105	68	9.290	11.184
39	18.399	19.597	54	14.126	15.810	69	8.942	10.832
40	18.157	19.388	55	13.798	15.509	70	8.596	10.479
41	17.908	19.173	56	13.465	15.202	71	8.253	10.127
42	17.653	18.952	57	13.129	14.890	72	7.913	9.775

## NOTICES

<i>Age</i>	<i>Men</i>	<i>Women</i>	<i>Age</i>	<i>Men</i>	<i>Women</i>	<i>Age</i>	<i>Men</i>	<i>Women</i>
43	17.392	18.724	58	12.788	14.573	73	7.578	9.424
44	17.124	18.490	59	12.445	14.251	74	7.247	9.075

**Table 2**  
**SERVICE OPTION 1 REDUCING FACTORS**

<i>Age</i>	<i>Men</i>	<i>Women</i>	<i>Age</i>	<i>Men</i>	<i>Women</i>	<i>Age</i>	<i>Men</i>	<i>Women</i>
30	0.9377	0.9428	45	0.9078	0.9221	60	0.8338	0.8671
31	0.9366	0.9420	46	0.9045	0.9198	61	0.8265	0.8616
32	0.9354	0.9411	47	0.9010	0.9173	62	0.8190	0.8559
33	0.9339	0.9403	48	0.8974	0.9147	63	0.8114	0.8495
34	0.9325	0.9392	49	0.8935	0.9119	64	0.8033	0.8431
35	0.9310	0.9382	50	0.8894	0.9090	65	0.7948	0.8364
36	0.9293	0.9371	51	0.8850	0.9058	66	0.7861	0.8294
37	0.9274	0.9358	52	0.8804	0.9024	67	0.7772	0.8219
38	0.9256	0.9345	53	0.8757	0.8988	68	0.7677	0.8143
39	0.9234	0.9331	54	0.8704	0.8950	69	0.7582	0.8065
40	0.9213	0.9315	55	0.8650	0.8910	70	0.7486	0.7980
41	0.9189	0.9299	56	0.8594	0.8867	71	0.7381	0.7894
42	0.9164	0.9282	57	0.8535	0.8822	72	0.7276	0.7808
43	0.9137	0.9263	58	0.8471	0.8775	73	0.7173	0.7714
44	0.9108	0.9242	59	0.8405	0.8725	74	0.7060	0.7618

**Table 3**  
**EARLY RETIREMENT FACTORS - MEN**

Age at With- drawal	Normal Retirement Age												
	50	51	52	53	54	55	56	57	58	59	60	61	62
30	0.345975	0.325994	0.306929	0.288748	0.271418	0.254912							
33	0.400633	0.377496	0.355419	0.334365	0.314298	0.295183	0.276987	0.259677	0.243223				
36	0.465630	0.438739	0.413080	0.388611	0.365288	0.343073	0.321925	0.301807	0.282682	0.264515	0.247272		
39	0.543403	0.512021	0.482076	0.453519	0.426301	0.400375	0.375695	0.352217	0.329898	0.308696	0.288573		
42	0.637096	0.600303	0.565195	0.531715	0.499804	0.469407	0.440472	0.412945	0.386778	0.361921	0.338328	0.315956	0.294754
45	0.750779	0.707420	0.666048	0.626593	0.588988	0.553168	0.519069	0.486631	0.455794	0.426502	0.398699	0.372335	0.347349
46	0.793997	0.748142	0.704388	0.662662	0.622893	0.585010	0.548949	0.514643	0.482032	0.451054	0.421650	0.393768	0.367344
47	0.840255	0.791728	0.745426	0.701269	0.659182	0.619093	0.580930	0.544626	0.510115	0.477332	0.446215	0.416709	0.388746
48	0.889813	0.838425	0.789392	0.742630	0.698061	0.655607	0.615194	0.576749	0.540202	0.505485	0.472533	0.441287	0.411674
49	0.942956	0.888498	0.836536	0.786982	0.739751	0.694762	0.651935	0.611194	0.572464	0.535674	0.500755	0.467642	0.436260
50		0.942248	0.887142	0.834590	0.784502	0.736792	0.691374	0.648168	0.607095	0.568080	0.531048	0.495932	0.462652
51			0.941517	0.885744	0.832586	0.781951	0.733749	0.687895	0.644305	0.602898	0.563596	0.526328	0.491009
52				0.940762	0.884302	0.830522	0.779326	0.730624	0.684327	0.640348	0.598604	0.559021	0.521508
53					0.939984	0.882818	0.828398	0.776629	0.727417	0.680668	0.636297	0.594222	0.554346
54						0.939183	0.881289	0.826215	0.773860	0.724127	0.676923	0.632161	0.589739
55							0.938357	0.879716	0.823971	0.771018	0.720756	0.673096	0.627927
60								0.937507	0.878100	0.821668	0.768105	0.717313	0.669178
57									0.936633	0.876439	0.819306	0.765129	0.713784
58										0.935733	0.874735	0.816892	0.762074
59											0.948811	0.872997	0.814413
60												0.933874	0.871206
61													0.932894

Note: Appropriate factors have been developed for intervening ages at the beginning of the table.

**Table 4**  
**EARLY RETIREMENT FACTORS - WOMEN**

Age at With- drawal	Normal Retirement Age												
	50	51	52	53	54	55	56	57	58	59	60	61	62
30	0.364684	0.344918	0.326012	0.307937	0.290611	0.274158							
33	0.419938	0.397177	0.375407	0.354593	0.334700	0.315696	0.297551	0.280233	0.263715				
36	0.485005	0.458718	0.433575	0.409536	0.386560	0.364612	0.343655	0.323655	0.304577	0.286389	0.269060		
39	0.562034	0.531572	0.502435	0.474578	0.447954	0.422520	0.398234	0.375057	0.352950	0.331873	0.311793		
42	0.653747	0.618314	0.584423	0.552020	0.521051	0.491467	0.463219	0.436260	0.410544	0.386029	0.362671	0.340431	0.319268
45	0.763634	0.722245	0.682657	0.644808	0.608633	0.574076	0.541080	0.509589	0.479552	0.450915	0.423632	0.397653	0.372933
46	0.805044	0.761410	0.719676	0.679774	0.641638	0.605207	0.570422	0.537223	0.505557	0.475368	0.446604	0.419217	0.393157
47	0.849160	0.803135	0.759114	0.717026	0.676800	0.638372	0.601681	0.566663	0.533261	0.501417	0.471078	0.442190	0.414701
48	0.896197	0.847623	0.801163	0.756744	0.714290	0.673734	0.635009	0.598052	0.562800	0.529192	0.497173	0.466684	0.437673
49	0.946391	0.895096	0.846034	0.779127	0.754295	0.711468	0.670574	0.631547	0.594321	0.558831	0.525018	0.492821	0.462186
50		0.945800	0.893958	0.844394	0.797022	0.751769	0.708559	0.667321	0.627986	0.590486	0.554758	0.520738	0.488366
51			0.945187	0.892783	0.842697	0.794850	0.749164	0.705563	0.663974	0.624325	0.586549	0.550579	0.516353
52				0.944556	0.891565	0.840944	0.792609	0.746479	0.702478	0.660530	0.620563	0.582508	0.546297
53					0.943899	0.890306	0.839134	0.790296	0.743712	0.699302	0.656989	0.616700	0.578363
54						0.943221	0.889008	0.837268	0.787915	0.740865	0.696037	0.653353	0.612738
55							0.942522	0.887668	0.835344	0.785462	0.737936	0.692683	0.649623
56								0.941800	0.886285	0.833361	0.782937	0.734924	0.689238
57									0.941054	0.884860	0.831320	0.780340	0.731831

Age at With- drawal	Normal Retirement Age													
	50	51	52	53	54	55	56	57	58	59	60	61	62	
58											0.940285	0.883391	0.829218	0.777670
59												0.939492	0.881879	0.827058
60													0.938675	0.880323
61														0.937836

Note: Appropriate factors have been developed for intervening ages at the beginning of the table.

**Table 5**  
**FACTORS FOR OBTAINING ANNUITIES AND PENSIONS UNDER OPTION 2 - MALE MEMBER WITH FEMALE BENEFICIARY**

Age of Bene- ficiary	Age of Member															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
30	0.8009	0.7916	0.7819	0.7718	0.7613	0.7505	0.7394	0.7279	0.7161	0.7040	0.6915	0.6787	0.6656	0.6523	0.6386	0.6247
35	0.8209	0.8119	0.8025	0.7927	0.7825	0.7720	0.7610	0.7497	0.7380	0.7259	0.7134	0.7006	0.6875	0.6740	0.6602	0.6461
40	0.8423	0.8339	0.8251	0.8158	0.8061	0.7960	0.7854	0.7744	0.7630	0.7511	0.7388	0.7262	0.7131	0.6996	0.6858	0.6716
45	0.8644	0.8568	0.8488	0.8403	0.8313	0.8219	0.8120	0.8016	0.7907	0.7794	0.7676	0.7553	0.7425	0.7293	0.7157	0.7016
50	0.8862	0.8796	0.8726	0.8652	0.8572	0.8488	0.8398	0.8304	0.8204	0.8099	0.7989	0.7873	0.7752	0.7626	0.7494	0.7358
55	0.9067	0.9013	0.8955	0.8892	0.8825	0.8753	0.8676	0.8594	0.8506	0.8413	0.8315	0.8210	0.8100	0.7984	0.7861	0.7733
60	0.9252	0.9209	0.9163	0.9114	0.9060	0.9002	0.8939	0.8871	0.8798	0.8720	0.8636	0.8547	0.8451	0.8349	0.8241	0.8127
65	0.9413	0.9381	0.9347	0.9309	0.9268	0.9223	0.9175	0.9122	0.9065	0.9003	0.8936	0.8864	0.8786	0.8702	0.8612	0.8515
70	0.9549	0.9526	0.9502	0.9475	0.9445	0.9413	0.9377	0.9338	0.9296	0.9250	0.9200	0.9145	0.9085	0.9020	0.8950	0.8874
75	0.9661	0.9646	0.9629	0.9610	0.9590	0.9568	0.9543	0.9516	0.9487	0.9454	0.9419	0.9380	0.9337	0.9291	0.9240	0.9184
	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	
30	0.6105	0.5961	0.5814	0.5666	0.5516	0.5364	0.5211	0.5057	0.4901	0.4745	0.4589	0.4433	0.4276	0.4120	0.3965	
35	0.6317	0.6170	0.6021	0.5870	0.5716	0.5561	0.5404	0.5245	0.5086	0.4925	0.4764	0.4603	0.4441	0.4280	0.4120	
40	0.6571	0.6423	0.6271	0.6117	0.5960	0.5801	0.5640	0.5478	0.5313	0.5148	0.4981	0.4814	0.4647	0.4480	0.4313	
45	0.6871	0.6722	0.6570	0.6414	0.6255	0.6093	0.5929	0.5762	0.5593	0.5422	0.5250	0.5077	0.4904	0.4730	0.4556	
50	0.7216	0.7070	0.6919	0.6764	0.6605	0.6442	0.6275	0.6106	0.5933	0.5758	0.5581	0.5402	0.5222	0.5041	0.4860	
55	0.7600	0.7460	0.7315	0.7164	0.7009	0.6848	0.6682	0.6513	0.6339	0.6162	0.5981	0.5798	0.5612	0.5425	0.5236	
60	0.8006	0.7878	0.7744	0.7604	0.7457	0.7304	0.7144	0.6980	0.6809	0.6634	0.6454	0.6269	0.6081	0.5890	0.5696	
65	0.8412	0.8302	0.8185	0.8060	0.7929	0.7790	0.7644	0.7491	0.7331	0.7164	0.6991	0.6812	0.6627	0.6437	0.6242	
70	0.8792	0.8703	0.8607	0.8504	0.8394	0.8276	0.8151	0.8017	0.7876	0.7726	0.7568	0.7403	0.7230	0.7050	0.6863	
75	0.9123	0.9056	0.8984	0.8905	0.8820	0.8727	0.8627	0.8519	0.8403	0.8279	0.8146	0.8004	0.7853	0.7694	0.7526	

**Table 6**  
**FACTORS FOR OBTAINING ANNUITIES AND PENSIONS UNDER OPTION 2 - MALE MEMBER WITH MALE BENEFICIARY**

Age of Bene- ficiary	Age of Member															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
30	0.8225	0.8135	0.8042	0.7944	0.7843	0.7737	0.7628	0.7515	0.7398	0.7277	0.7152	0.7024	0.6893	0.6758	0.6620	0.6479
35	0.8440	0.8356	0.8268	0.8176	0.8080	0.7979	0.7874	0.7764	0.7650	0.7532	0.7409	0.7283	0.7152	0.7019	0.6879	0.6738
40	0.8661	0.8586	0.8506	0.8422	0.8333	0.8239	0.8141	0.8038	0.7930	0.7817	0.7699	0.7576	0.7449	0.7317	0.7181	0.7041
45	0.8878	0.8814	0.8744	0.8670	0.8592	0.8508	0.8420	0.8326	0.8227	0.8123	0.8013	0.7898	0.7778	0.7652	0.7521	0.7385
50	0.9082	0.9029	0.8971	0.8910	0.8844	0.8773	0.8697	0.8616	0.8529	0.8437	0.8340	0.8236	0.8127	0.8012	0.7890	0.7763
55	0.9265	0.9224	0.9178	0.9130	0.9077	0.9020	0.8958	0.8891	0.8820	0.8743	0.8660	0.8572	0.8478	0.8377	0.8270	0.8157
60	0.9424	0.9393	0.9359	0.9323	0.9283	0.9239	0.9191	0.9140	0.9084	0.9023	0.8958	0.8887	0.8810	0.8728	0.8639	0.8544
65	0.9558	0.9536	0.9512	0.9486	0.9457	0.9426	0.9391	0.9353	0.9312	0.9267	0.9218	0.9165	0.9106	0.9043	0.8974	0.8900
70	0.9669	0.9654	0.9637	0.9619	0.9600	0.9578	0.9554	0.9528	0.9500	0.9468	0.9434	0.9396	0.9354	0.9309	0.9259	0.9205

Age of Beneficiary	Age of Member															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
75	0.9758	0.9748	0.9737	0.9726	0.9713	0.9699	0.9683	0.9666	0.9647	0.9626	0.9604	0.9579	0.9551	0.9520	0.9487	0.9450
	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	
30	0.6335	0.6189	0.6039	0.5887	0.5733	0.5577	0.5420	0.5261	0.5101	0.4940	0.4779	0.4617	0.4455	0.4294	0.4133	
35	0.6592	0.6444	0.6292	0.6138	0.5981	0.5822	0.5660	0.5497	0.5333	0.5167	0.5000	0.4833	0.4665	0.4497	0.4330	
40	0.6896	0.6747	0.6595	0.6439	0.6280	0.6118	0.5953	0.5786	0.5617	0.5446	0.5273	0.5100	0.4926	0.4751	0.4577	
45	0.7244	0.7098	0.6948	0.6793	0.6634	0.6471	0.6304	0.6134	0.5962	0.5786	0.5609	0.5430	0.5249	0.5068	0.4886	
50	0.7630	0.7491	0.7347	0.7197	0.7041	0.6881	0.6716	0.6546	0.6373	0.6195	0.6015	0.5831	0.5645	0.5457	0.5268	
55	0.8037	0.7911	0.7778	0.7638	0.7492	0.7340	0.7182	0.7017	0.6848	0.6672	0.6493	0.6308	0.6120	0.5929	0.5734	
60	0.8442	0.8334	0.8218	0.8095	0.7965	0.7828	0.7683	0.7531	0.7372	0.7206	0.7034	0.6855	0.6671	0.6481	0.6287	
65	0.8819	0.8732	0.8638	0.8537	0.8429	0.8313	0.8189	0.8057	0.7917	0.7769	0.7613	0.7449	0.7278	0.7099	0.6913	
70	0.9145	0.9081	0.9010	0.8933	0.8850	0.8759	0.8661	0.8555	0.8442	0.8319	0.8189	0.8049	0.7900	0.7743	0.7576	
75	0.9409	0.9365	0.9315	0.9261	0.9202	0.9137	0.9066	0.8988	0.8904	0.8811	0.8711	0.8602	0.8485	0.8358	0.8222	

**Table 7**  
**FACTORS FOR OBTAINING ANNUITIES AND PENSIONS UNDER OPTION 2 - FEMALE MEMBER WITH FEMALE BENEFICIARY**

Age of Beneficiary	Age of Member															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
30	0.8453	0.8378	0.8300	0.8218	0.8133	0.8044	0.7952	0.7856	0.7757	0.7654	0.7547	0.7437	0.7324	0.7207	0.7087	0.6963
31	0.8628	0.8558	0.8485	0.8408	0.8327	0.8242	0.8154	0.8061	0.7965	0.7865	0.7760	0.7652	0.7540	0.7425	0.7305	0.7182
40	0.8806	0.8744	0.8678	0.8607	0.8533	0.8454	0.8372	0.8285	0.8194	0.8099	0.7999	0.7895	0.7786	0.7674	0.7557	0.7436
45	0.8981	0.8927	0.8869	0.8808	0.8742	0.8672	0.8598	0.8519	0.8436	0.8348	0.8256	0.8158	0.8056	0.7949	0.7838	0.7721
50	0.9146	0.9101	0.9053	0.9001	0.8946	0.8886	0.8822	0.8754	0.8681	0.8603	0.8521	0.8433	0.8341	0.8243	0.8140	0.8031
55	0.9296	0.9260	0.9222	0.9180	0.9135	0.9086	0.9034	0.8977	0.8917	0.8851	0.8781	0.8706	0.8626	0.8540	0.8450	0.8353
60	0.9428	0.9401	0.9372	0.9340	0.9305	0.9267	0.9226	0.9181	0.9133	0.9081	0.9024	0.8963	0.8897	0.8827	0.8751	0.8669
65	0.9543	0.9523	0.9502	0.9478	0.9452	0.9424	0.9394	0.9360	0.9324	0.9284	0.9241	0.9194	0.9143	0.9087	0.9027	0.8962
70	0.9641	0.9627	0.9612	0.9595	0.9577	0.9557	0.9535	0.9511	0.9485	0.9457	0.9425	0.9391	0.9354	0.9313	0.9268	0.9219
75	0.9724	0.9714	0.9704	0.9693	0.9680	0.9667	0.9652	0.9635	0.9618	0.9598	0.9576	0.9553	0.9527	0.9498	0.9467	0.9433
	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	
30	0.6837	0.6707	0.6574	0.6439	0.6300	0.6160	0.6016	0.5871	0.5723	0.5574	0.5422	0.5270	0.5116	0.4961	0.4805	
35	0.7056	0.6925	0.6792	0.6655	0.6515	0.6372	0.6227	0.6078	0.5928	0.5775	0.5620	0.5464	0.5306	0.5147	0.4986	
40	0.7311	0.7181	0.7048	0.6911	0.6771	0.6628	0.6480	0.6330	0.6176	0.6021	0.5862	0.5702	0.5540	0.5376	0.5211	
45	0.7600	0.7474	0.7344	0.7209	0.7070	0.6927	0.6780	0.6629	0.6474	0.6316	0.6156	0.5992	0.5826	0.5658	0.5488	
50	0.7918	0.7799	0.7675	0.7545	0.7411	0.7271	0.7127	0.6977	0.6824	0.6666	0.6505	0.6339	0.6171	0.5999	0.5825	
55	0.8251	0.8143	0.8029	0.7909	0.7783	0.7652	0.7514	0.7371	0.7223	0.7069	0.6910	0.6746	0.6578	0.6406	0.6230	
60	0.8582	0.8488	0.8389	0.8283	0.8171	0.8053	0.7928	0.7796	0.7658	0.7514	0.7363	0.7206	0.7043	0.6875	0.6701	
65	0.8892	0.8816	0.8735	0.8647	0.8553	0.8452	0.8345	0.8230	0.8109	0.7980	0.7844	0.7701	0.7550	0.7393	0.7229	
70	0.9166	0.9109	0.9046	0.8978	0.8904	0.8824	0.8738	0.8645	0.8545	0.8437	0.8322	0.8200	0.8069	0.7931	0.7784	
75	0.9395	0.9354	0.9309	0.9260	0.9206	0.9147	0.9082	0.9012	0.8936	0.8853	0.8763	0.8666	0.8561	0.8449	0.8327	

**Table 8**  
**FACTORS FOR OBTAINING ANNUITIES AND PENSIONS UNDER OPTION 2 - FEMALE MEMBER WITH MALE BENEFICIARY**

Age of Beneficiary	Age of Member															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
30	0.8641	0.8572	0.8499	0.8423	0.8342	0.8258	0.8170	0.8078	0.7982	0.7882	0.7778	0.7670	0.7558	0.7443	0.7323	0.7200

Age of Beneficiary	Age of Member															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
35	0.8820	0.8758	0.8692	0.8622	0.8549	0.8471	0.8389	0.8303	0.8212	0.8117	0.8018	0.7914	0.7806	0.7694	0.7577	0.7457
40	0.8994	0.8941	0.8884	0.8823	0.8758	0.8689	0.8615	0.8537	0.8455	0.8368	0.8276	0.8179	0.8078	0.7971	0.7860	0.7744
45	0.9158	0.9114	0.9067	0.9016	0.8961	0.8902	0.8839	0.8771	0.8699	0.8622	0.8541	0.8454	0.8363	0.8266	0.8163	0.8056
50	0.9307	0.9272	0.9234	0.9193	0.9149	0.9101	0.9049	0.8994	0.8934	0.8869	0.8800	0.8726	0.8647	0.8563	0.8473	0.8378
55	0.9438	0.9411	0.9382	0.9351	0.9317	0.9280	0.9240	0.9196	0.9149	0.9097	0.9042	0.8982	0.8917	0.8848	0.8773	0.8692
60	0.9551	0.9532	0.9511	0.9488	0.9463	0.9435	0.9405	0.9373	0.9337	0.9298	0.9256	0.9210	0.9160	0.9106	0.9047	0.8983
65	0.9648	0.9634	0.9620	0.9603	0.9586	0.9566	0.9545	0.9522	0.9496	0.9468	0.9438	0.9405	0.9368	0.9328	0.9285	0.9237
70	0.9730	0.9720	0.9710	0.9699	0.9687	0.9674	0.9660	0.9644	0.9627	0.9608	0.9587	0.9564	0.9539	0.9511	0.9481	0.9447
75	0.9797	0.9791	0.9785	0.9778	0.9770	0.9761	0.9752	0.9742	0.9730	0.9718	0.9704	0.9689	0.9673	0.9655	0.9635	0.9613
	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	
30	0.7074	0.6944	0.6810	0.6673	0.6533	0.6390	0.6244	0.6096	0.5945	0.5792	0.5637	0.5480	0.5322	0.5163	0.5002	
35	0.7332	0.7203	0.7070	0.6933	0.6792	0.6648	0.6501	0.6351	0.6197	0.6041	0.5883	0.5722	0.5560	0.5396	0.5230	
40	0.7624	0.7498	0.7368	0.7234	0.7095	0.6952	0.6805	0.6654	0.6499	0.6341	0.6180	0.6016	0.5850	0.5682	0.5511	
45	0.7943	0.7825	0.7701	0.7572	0.7438	0.7299	0.7155	0.7006	0.6853	0.6695	0.6534	0.6368	0.6200	0.6028	0.5854	
50	0.8276	0.8169	0.8056	0.7937	0.7813	0.7682	0.7545	0.7403	0.7255	0.7101	0.6943	0.6780	0.6612	0.6439	0.6263	
55	0.8606	0.8514	0.8416	0.8312	0.8201	0.8084	0.7960	0.7830	0.7692	0.7549	0.7399	0.7243	0.7081	0.6913	0.6740	
60	0.8914	0.8840	0.8760	0.8674	0.8581	0.8482	0.8376	0.8263	0.8143	0.8016	0.7881	0.7739	0.7590	0.7434	0.7270	
65	0.9186	0.9129	0.9068	0.9001	0.8929	0.8851	0.8766	0.8675	0.8576	0.8471	0.8358	0.8237	0.8108	0.7972	0.7827	
70	0.9411	0.9371	0.9327	0.9279	0.9226	0.9169	0.9106	0.9038	0.8963	0.8882	0.8795	0.8699	0.8597	0.8486	0.8367	
75	0.9588	0.9562	0.9532	0.9500	0.9464	0.9425	0.9382	0.9335	0.9283	0.9225	0.9163	0.9094	0.9019	0.8937	0.8848	

**Table 9  
FACTORS FOR OBTAINING ANNUITIES AND PENSIONS UNDER OPTION 3 - MALE MEMBER WITH FEMALE BENEFICIARY**

Age of Beneficiary	Age of Member															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
30	0.8895	0.8837	0.8776	0.8712	0.8645	0.8575	0.8502	0.8426	0.8346	0.8263	0.8176	0.8086	0.7993	0.7895	0.7795	0.7690
35	0.9016	0.8962	0.8904	0.8844	0.8780	0.8713	0.8643	0.8569	0.8492	0.8412	0.8327	0.8240	0.8148	0.8052	0.7953	0.7850
40	0.9144	0.9094	0.9041	0.8986	0.8926	0.8864	0.8798	0.8728	0.8655	0.8579	0.8498	0.8414	0.8325	0.8233	0.8136	0.8036
45	0.9273	0.9229	0.9182	0.9132	0.9079	0.9022	0.8962	0.8899	0.8831	0.8760	0.8685	0.8606	0.8522	0.8435	0.8343	0.8246
50	0.9397	0.9360	0.9320	0.9277	0.9231	0.9182	0.9129	0.9073	0.9013	0.8950	0.8882	0.8810	0.8734	0.8653	0.8568	0.8478
55	0.9511	0.9481	0.9448	0.9414	0.9376	0.9335	0.9291	0.9244	0.9193	0.9138	0.9080	0.9017	0.8950	0.8879	0.8803	0.8722
60	0.9611	0.9588	0.9563	0.9536	0.9507	0.9474	0.9440	0.9402	0.9361	0.9316	0.9268	0.9216	0.9161	0.9100	0.9036	0.8967
65	0.9697	0.9681	0.9662	0.9642	0.9620	0.9596	0.9570	0.9541	0.9510	0.9475	0.9438	0.9398	0.9354	0.9306	0.9254	0.9198
70	0.9769	0.9757	0.9744	0.9730	0.9714	0.9697	0.9678	0.9658	0.9635	0.9610	0.9583	0.9553	0.9521	0.9485	0.9446	0.9403
75	0.9828	0.9820	0.9811	0.9801	0.9791	0.9779	0.9766	0.9752	0.9737	0.9720	0.9701	0.9680	0.9657	0.9632	0.9605	0.9574
	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	
30	0.7582	0.7469	0.7353	0.7234	0.7110	0.6983	0.6852	0.6717	0.6578	0.6436	0.6291	0.6143	0.5991	0.5836	0.5679	
35	0.7743	0.7632	0.7517	0.7397	0.7274	0.7147	0.7016	0.6881	0.6742	0.6600	0.6454	0.6304	0.6151	0.5995	0.5835	
40	0.7931	0.7822	0.7708	0.7591	0.7469	0.7343	0.7213	0.7078	0.6939	0.6797	0.6650	0.6500	0.6346	0.6188	0.6027	
45	0.8145	0.8040	0.7930	0.7815	0.7696	0.7573	0.7444	0.7311	0.7174	0.7032	0.6886	0.6735	0.6581	0.6422	0.6260	
50	0.8383	0.8284	0.8179	0.8070	0.7955	0.7836	0.7712	0.7582	0.7448	0.7308	0.7164	0.7015	0.6861	0.6703	0.6541	
55	0.8636	0.8545	0.8449	0.8348	0.8241	0.8129	0.8011	0.7888	0.7759	0.7625	0.7485	0.7340	0.7190	0.7034	0.6873	
60	0.8893	0.8813	0.8729	0.8639	0.8543	0.8442	0.8334	0.8221	0.8102	0.7976	0.7845	0.7707	0.7563	0.7413	0.7258	
65	0.9138	0.9072	0.9002	0.8926	0.8845	0.8758	0.8665	0.8566	0.8460	0.8348	0.8229	0.8103	0.7971	0.7832	0.7686	
70	0.9357	0.9307	0.9252	0.9192	0.9127	0.9057	0.8981	0.8900	0.8812	0.8717	0.8616	0.8508	0.8393	0.8270	0.8140	
75	0.9541	0.9505	0.9465	0.9421	0.9373	0.9320	0.9263	0.9200	0.9132	0.9058	0.8978	0.8891	0.8798	0.8697	0.8588	

**Table 10**  
**FACTORS FOR OBTAINING ANNUITIES AND PENSIONS UNDER OPTION 3 - MALE MEMBER WITH MALE BENEFICIARY**

<i>Age of Beneficiary</i>	<i>Age of Member</i>															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
30	0.9026	0.8972	0.8914	0.8854	0.8791	0.8724	0.8654	0.8581	0.8504	0.8424	0.8340	0.8252	0.8161	0.8065	0.7966	0.7863
35	0.9154	0.9105	0.9052	0.8997	0.8938	0.8876	0.8810	0.8741	0.8668	0.8592	0.8512	0.8428	0.8340	0.8248	0.8151	0.8051
40	0.9283	0.9239	0.9193	0.9143	0.9091	0.9035	0.8975	0.8912	0.8845	0.8774	0.8700	0.8621	0.8538	0.8451	0.8359	0.8263
45	0.9406	0.9369	0.9330	0.9288	0.9243	0.9194	0.9142	0.9087	0.9027	0.8964	0.8897	0.8826	0.8750	0.8670	0.8585	0.8496
50	0.9519	0.9490	0.9458	0.9423	0.9386	0.9346	0.9303	0.9256	0.9206	0.9152	0.9095	0.9033	0.8967	0.8896	0.8821	0.8741
55	0.9618	0.9596	0.9572	0.9545	0.9516	0.9484	0.9450	0.9413	0.9373	0.9329	0.9282	0.9231	0.9176	0.9117	0.9053	0.8985
60	0.9703	0.9687	0.9669	0.9649	0.9628	0.9604	0.9579	0.9551	0.9520	0.9487	0.9450	0.9411	0.9367	0.9321	0.9270	0.9215
65	0.9774	0.9763	0.9750	0.9736	0.9721	0.9704	0.9686	0.9666	0.9644	0.9620	0.9593	0.9564	0.9532	0.9497	0.9459	0.9418
70	0.9832	0.9824	0.9815	0.9806	0.9796	0.9784	0.9772	0.9758	0.9743	0.9727	0.9709	0.9689	0.9666	0.9642	0.9615	0.9586
75	0.9877	0.9872	0.9867	0.9861	0.9854	0.9847	0.9839	0.9830	0.9820	0.9810	0.9798	0.9785	0.9770	0.9754	0.9737	0.9717
	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	
30	0.7756	0.7645	0.7530	0.7411	0.7288	0.7161	0.7030	0.6895	0.6756	0.6614	0.6467	0.6318	0.6164	0.6008	0.5849	
35	0.7946	0.7837	0.7724	0.7607	0.7485	0.7359	0.7229	0.7095	0.6956	0.6813	0.6667	0.6516	0.6362	0.6204	0.6044	
40	0.8163	0.8058	0.7948	0.7834	0.7715	0.7591	0.7463	0.7331	0.7193	0.7052	0.6905	0.6755	0.6601	0.6442	0.6280	
45	0.8402	0.8303	0.8199	0.8090	0.7976	0.7857	0.7733	0.7604	0.7470	0.7331	0.7187	0.7038	0.6885	0.6727	0.6565	
50	0.8656	0.8566	0.8470	0.8370	0.8264	0.8152	0.8035	0.7913	0.7785	0.7651	0.7511	0.7367	0.7217	0.7061	0.6901	
55	0.8912	0.8834	0.8750	0.8661	0.8566	0.8466	0.8360	0.8247	0.8129	0.8004	0.7873	0.7736	0.7593	0.7444	0.7289	
60	0.9155	0.9091	0.9022	0.8947	0.8867	0.8782	0.8690	0.8592	0.8487	0.8376	0.8259	0.8134	0.8003	0.7865	0.7720	
65	0.9372	0.9323	0.9269	0.9211	0.9147	0.9079	0.9004	0.8924	0.8838	0.8745	0.8645	0.8538	0.8424	0.8303	0.8175	
70	0.9554	0.9518	0.9479	0.9436	0.9390	0.9339	0.9283	0.9222	0.9155	0.9083	0.9004	0.8919	0.8827	0.8728	0.8621	
75	0.9696	0.9672	0.9646	0.9617	0.9584	0.9549	0.9510	0.9467	0.9420	0.9368	0.9311	0.9249	0.9180	0.9106	0.9024	

**Table 11**  
**FACTORS FOR OBTAINING ANNUITIES AND PENSIONS UNDER OPTION 3 - FEMALE MEMBER WITH FEMALE BENEFICIARY**

<i>Age of Beneficiary</i>	<i>Age of Member</i>															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
30	0.9162	0.9117	0.9071	0.9022	0.8970	0.8916	0.8859	0.8799	0.8737	0.8671	0.8602	0.8530	0.8455	0.8377	0.8295	0.8210
35	0.9263	0.9223	0.9180	0.9135	0.9087	0.9036	0.8983	0.8927	0.8867	0.8805	0.8739	0.8670	0.8598	0.8522	0.8443	0.8360
40	0.9365	0.9330	0.9292	0.9251	0.9208	0.9162	0.9114	0.9062	0.9007	0.8949	0.8888	0.8824	0.8755	0.8684	0.8608	0.8529
45	0.9463	0.9433	0.9401	0.9366	0.9329	0.9289	0.9246	0.9200	0.9155	0.9100	0.9044	0.8986	0.8924	0.8858	0.8788	0.8714
50	0.9554	0.9529	0.9503	0.9474	0.9443	0.9410	0.9374	0.9335	0.9294	0.9249	0.9201	0.9150	0.9095	0.9037	0.8975	0.8908
55	0.9635	0.9616	0.9595	0.9573	0.9548	0.9521	0.9492	0.9461	0.9427	0.9391	0.9351	0.9308	0.9262	0.9213	0.9160	0.9103
60	0.9706	0.9691	0.9676	0.9659	0.9640	0.9620	0.9597	0.9573	0.9547	0.9518	0.9487	0.9453	0.9417	0.9377	0.9334	0.9287
65	0.9766	0.9756	0.9744	0.9732	0.9718	0.9704	0.9687	0.9669	0.9650	0.9629	0.9605	0.9580	0.9552	0.9522	0.9489	0.9453
70	0.9817	0.9810	0.9802	0.9793	0.9784	0.9773	0.9762	0.9749	0.9736	0.9721	0.9704	0.9686	0.9666	0.9644	0.9620	0.9594
75	0.9860	0.9855	0.9850	0.9844	0.9837	0.9830	0.9823	0.9814	0.9805	0.9795	0.9784	0.9771	0.9758	0.9743	0.9726	0.9708
	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	
30	0.8121	0.8029	0.7933	0.7834	0.7730	0.7623	0.7513	0.7398	0.7280	0.7158	0.7032	0.6902	0.6769	0.6632	0.6491	
35	0.8274	0.8183	0.8089	0.7992	0.7890	0.7784	0.7675	0.7561	0.7443	0.7322	0.7196	0.7067	0.6933	0.6796	0.6655	
40	0.8446	0.8360	0.8269	0.8174	0.8075	0.7971	0.7864	0.7752	0.7636	0.7516	0.7392	0.7263	0.7130	0.6993	0.6852	
45	0.8637	0.8555	0.8469	0.8378	0.8284	0.8185	0.8081	0.7973	0.7860	0.7742	0.7620	0.7494	0.7363	0.7227	0.7087	
50	0.8838	0.8763	0.8684	0.8601	0.8513	0.8420	0.8322	0.8220	0.8112	0.8000	0.7882	0.7760	0.7632	0.7499	0.7362	
55	0.9042	0.8976	0.8907	0.8832	0.8753	0.8670	0.8581	0.8487	0.8387	0.8283	0.8173	0.8057	0.7936	0.7809	0.7677	
60	0.9237	0.9182	0.9124	0.9061	0.8994	0.8921	0.8844	0.8762	0.8674	0.8580	0.8481	0.8376	0.8265	0.8148	0.8025	

<i>Age of Beneficiary</i>	<i>Age of Member</i>														
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54
65	0.9414	0.9371	0.9325	0.9274	0.9220	0.9161	0.9098	0.9029	0.8956	0.8877	0.8792	0.8701	0.8604	0.8501	0.8391
70	0.9565	0.9534	0.9499	0.9461	0.9420	0.9375	0.9326	0.9273	0.9215	0.9152	0.9084	0.9011	0.8932	0.8846	0.8754
75	0.9688	0.9666	0.9642	0.9616	0.9586	0.9554	0.9519	0.9480	0.9438	0.9392	0.9341	0.9286	0.9225	0.9159	0.9087

**Table 12**  
**FACTORS FOR OBTAINING ANNUITIES AND PENSIONS UNDER OPTION 3 - FEMALE MEMBER WITH MALE BENEFICIARY**

<i>Age of Beneficiary</i>	<i>Age of Member</i>															
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
30	0.9271	0.9231	0.9189	0.9144	0.9096	0.9046	0.8993	0.8937	0.8878	0.8815	0.8750	0.8681	0.8609	0.8534	0.8455	0.8372
35	0.9373	0.9338	0.9300	0.9260	0.9217	0.9172	0.9124	0.9073	0.9018	0.8961	0.8900	0.8836	0.8768	0.8697	0.8622	0.8543
40	0.9470	0.9441	0.9409	0.9375	0.9338	0.9298	0.9256	0.9211	0.9163	0.9111	0.9056	0.8998	0.8937	0.8871	0.8802	0.8729
45	0.9561	0.9536	0.9510	0.9482	0.9452	0.9419	0.9383	0.9345	0.9304	0.9260	0.9213	0.9162	0.9108	0.9050	0.8989	0.8923
50	0.9641	0.9622	0.9602	0.9580	0.9555	0.9529	0.9501	0.9470	0.9437	0.9401	0.9362	0.9320	0.9275	0.9226	0.9173	0.9117
55	0.9711	0.9697	0.9681	0.9665	0.9646	0.9626	0.9605	0.9581	0.9555	0.9527	0.9497	0.9464	0.9428	0.9389	0.9346	0.9300
60	0.9770	0.9760	0.9749	0.9737	0.9724	0.9709	0.9693	0.9676	0.9657	0.9636	0.9614	0.9589	0.9562	0.9532	0.9500	0.9464
65	0.9821	0.9814	0.9806	0.9798	0.9788	0.9778	0.9767	0.9755	0.9742	0.9727	0.9711	0.9693	0.9674	0.9652	0.9629	0.9603
70	0.9863	0.9858	0.9853	0.9847	0.9841	0.9834	0.9827	0.9819	0.9810	0.9800	0.9789	0.9777	0.9764	0.9749	0.9733	0.9716
75	0.9898	0.9895	0.9891	0.9888	0.9884	0.9879	0.9874	0.9869	0.9863	0.9857	0.9850	0.9842	0.9834	0.9824	0.9814	0.9802
	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	
30	0.8286	0.8196	0.8102	0.8005	0.7903	0.7798	0.7688	0.7575	0.7457	0.7336	0.7210	0.7081	0.6947	0.6810	0.6668	
35	0.8460	0.8374	0.8283	0.8189	0.8090	0.7987	0.7880	0.7768	0.7652	0.7532	0.7408	0.7279	0.7146	0.7009	0.6868	
40	0.8652	0.8570	0.8485	0.8395	0.8301	0.8202	0.8098	0.7991	0.7878	0.7761	0.7639	0.7513	0.7382	0.7246	0.7106	
45	0.8854	0.8780	0.8701	0.8618	0.8531	0.8439	0.8341	0.8239	0.8133	0.8021	0.7904	0.7781	0.7654	0.7522	0.7385	
50	0.9057	0.8992	0.8924	0.8850	0.8772	0.8689	0.8601	0.8508	0.8409	0.8305	0.8196	0.8081	0.7960	0.7834	0.7703	
55	0.9251	0.9198	0.9140	0.9078	0.9012	0.8940	0.8864	0.8783	0.8696	0.8603	0.8505	0.8401	0.8291	0.8175	0.8053	
60	0.9426	0.9384	0.9339	0.9290	0.9236	0.9179	0.9116	0.9049	0.8976	0.8899	0.8815	0.8726	0.8630	0.8528	0.8420	
65	0.9575	0.9545	0.9511	0.9474	0.9434	0.9390	0.9342	0.9290	0.9234	0.9172	0.9106	0.9033	0.8955	0.8871	0.8781	
70	0.9696	0.9675	0.9652	0.9626	0.9598	0.9566	0.9532	0.9495	0.9453	0.9408	0.9359	0.9305	0.9245	0.9181	0.9111	
75	0.9790	0.9776	0.9761	0.9744	0.9725	0.9704	0.9681	0.9656	0.9628	0.9597	0.9563	0.9526	0.9484	0.9439	0.9389	



**Table 13**  
**4% COMPOUND INTEREST FACTORS**

<i>Years</i>		<i>Years</i>	
1.	1.0400	19.	2.1068
2.	1.0816	20.	2.1911
3.	1.1248	21.	2.2787
4.	1.1698	22.	2.3699
5.	1.2166	23.	2.4647
6.	1.2653	24.	2.5633
7.	1.3159	25.	2.6658
8.	1.3685	26.	2.7724
9.	1.4233	27.	2.8833
10.	1.4802	28.	2.9987
11.	1.5394	29.	3.1186
12.	1.6010	30.	3.2433
13.	1.6650	31.	3.3731
14.	1.7316	32.	3.5080
15.	1.8009	33.	3.6483
16.	1.8729	34.	3.7943
17.	1.9479	35.	3.9460
18.	2.0258		

[Pa.B. Doc. No. 97-1200. Filed for public inspection July 25, 1997, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

### Basic Fee and Tuition Schedule for the 1997/98 Academic Year

Notice is hereby given to all students that the Board of Governors of the State System of Higher Education, acting under section 2006-A of the act of November 12, 1982 (P. L. 660, No. 188), has established the following schedule for assessment of basic fees and tuition to be effective fall semester 1997 at the System's 14 universities: Bloomsburg, California, Cheyney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Shippensburg, Slippery Rock and West Chester Universities of Pennsylvania.

<b>Undergraduate Students</b>		
<i>Residency Status</i>	<i>Full-time</i>	<i>Part-time</i>
Pennsylvania Residents	\$3,468 per academic year	\$144 per credit hour
Nonresidents	\$8,824 per academic year	\$368 per credit hour
<b>Graduate Students</b>		
<i>Residency Status</i>	<i>Full-time</i>	<i>Part-time<sup>1</sup></i>
Pennsylvania Residents	\$3,468 per academic year	\$193 per credit hour
Nonresidents	\$6,236 per academic year	\$346 per credit hour

JAMES H. MCCORMICK,  
*Chancellor*

<sup>1</sup> The part-time rates per credit hour shall pertain to all summer session and interim session course offerings.

[Pa.B. Doc. No. 97-1201. Filed for public inspection July 25, 1997, 9:00 a.m.]

## STATE TRANSPORTATION ADVISORY COMMITTEE

### Notice of Scheduled Meeting

The State Transportation Advisory Committee will hold a scheduled business meeting on Thursday, August 7, 1997. This meeting is open to the public to attend and will begin at 9 a.m. at the following location: Executive Conference Room 9B, Forum Place, 555 Walnut Street—9th Floor, Harrisburg, PA 17101. H. Michael Liptak, Chairperson will preside.

The meeting is open to the public to attend. Attendees are to enter Forum Place and proceed to the 6th Floor Reception Area.

The meeting location is accessible to persons having disabilities. Persons having special needs or requiring special aides are requested to contact the State Transportation Advisory Committee Office at (717) 787-2913 in order that special disability needs may be accommodated.

H. MICHAEL LIPTAK,  
*Chairperson*

[Pa.B. Doc. No. 97-1202. Filed for public inspection July 25, 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.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET THAT COMPETITIVE EDGE—FOR FREE!**

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,  
State Treasurer

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

**Commodities**

**8503970** Agricultural machinery and supplies—400 each spray tanks, asphalt release, 3 gallon.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8139280** Construction, mining, excavating and highway maintenance equipment—22 each microprocessor-ground control speed spreader control automated winter material regulating device.

**Department:** Transportation  
**Location:** Uniontown, Fayette County, PA

**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**7313860** Containers, packaging and packing supplies—film, shrink wrap, 3 mil thick, 24" wide, single wound, low slip.

**Department:** Liquor Control  
**Location:** Various  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8177130** Containers, packaging and packing supplies—1 each liquid magnesium chloride tank system.

**Department:** Transportation  
**Location:** Lancaster, Lancaster County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8211760** Laboratory instruments and equipment—12 each portable retro-reflectometer for pavement markings.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1102237** Paper and printing, 50,000 brown Kraft envelopes with top open, booklet style, extra heavy gummed flap No. 28 Kraft.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**SERVICES****Construction Services—4**

**SP322461** To provide an auditing service for telecommunications network costs under the jurisdiction of the Department of General Services. These auditing services will be provided with the express intent of finding billing errors and recovering the appropriate refunds for the Commonwealth.

**Department:** General Services  
**Location:** Room G-13, 2221 Forster St., Harrisburg, PA  
**Duration:** 1 year w (2) one year renewals  
**Contact:** Richard Jacobs, (717) 705-0304

**Computer Related Services—8**

**46-7-001** To retrofit two Department paint trucks to monitor the following functions: geo-positioning data, ambient air temperature, road surface temperature, humidity or dew point of the ambient air, paint flow rate and temperature at each individual paint gun nozzle, speed the vehicle is traveling, line type being painted and the time at which painted. The display shall be mounted in the rear cabin and with the operator programmable features, the VTL shall be automatic and shall require no operation by the driver or crew member.

**Department:** Transportation  
**Location:** Erie and Dauphin Counties, PA  
**Duration:** 1 year  
**Contact:** Carla L. Crist, (717) 787-2335

**Construction Maintenance—9**

**1000-061** Clarion County, Group No. 103-96-FL04; Jefferson County, Group No. 105-96-FL06.

**Department:** Transportation  
**Location:** District 10-0  
**Duration:** FY 1997/1998  
**Contact:** Richard H. Hogg, (412) 357-2852

**080985** Crawford County Jefferson Street Bridge; Clinton County SR 144 (A01); Lehigh County SR 1017 (10T); Schuylkill County Group 5-97-POC6D; Fayette County SR 4006 (E01); Delaware County Group 6-97-SP7.

**Department:** Transportation  
**Location:** Districts 1-0, 6-0, 5-0, 12-0  
**Duration:** FY 1997-98  
**Contact:** V. C. Shah, (717) 787-5914

**Engineering Services—14**

**08430AG2091** Construction inspection and documentation services for S. R. 0322, Section B02, Mifflin County.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2092** Open-end contract for various engineering and environmental services on various projects in Engineering District 3-0, that is, Bradford, Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga and Union Counties.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Food—19**

**4198** Dairy products and drinks: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4199** Prepared vegetables: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4200** Frozen juice: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4201** Poultry and poultry products: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4202** Fresh fruits and vegetables: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4203** Pastries, pies and cakes, fresh: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4204** Frozen vegetables: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4205** Fish and fish products, frozen: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4206** Ice cream and sherbet: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4207** Meat and meat products: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4208** Miscellaneous frozen foods: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4209** Bread, rolls and related products, fresh: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4210** Prepared salads: various deliveries for the period beginning October 1, 1997 through December 31, 1997.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 10/1/97—12/31/97  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**5441** Fresh meats—for a 3 month period beginning October 1, 1997 through December 31, 1997. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041  
**Duration:** October 1, 1997—December 31, 1997  
**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2627

**5442** Dairy products—for a 3 month period beginning October 1, 1997 through December 31, 1997. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041  
**Duration:** October 1, 1997—December 31, 1997  
**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2627

**5443** Poultry—for a 3 month period beginning October 1, 1997 through December 31, 1997. More detailed information can be obtained from the hospital.

**Department:** Public Welfare

**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041

**Duration:** October 1, 1997—December 31, 1997

**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2627

**5444** Miscellaneous frozen foods—for a 3 month period beginning October 1, 1997 through December 31, 1997. More detailed information can be obtained from the hospital.

**Department:** Public Welfare

**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041

**Duration:** October 1, 1997—December 31, 1997

**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2627

**5445** Frozen foods—for a 3 month period beginning October 1, 1997 through December 31, 1997. More detailed information can be obtained from the hospital.

**Department:** Public Welfare

**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041

**Duration:** October 1, 1997—December 31, 1997

**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2627

**5446** Shell eggs—for a 3 month period beginning October 1, 1997 through December 31, 1997. More detailed information can be obtained from the hospital.

**Department:** Public Welfare

**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041

**Duration:** October 1, 1997—December 31, 1997

**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2627

**5447** Seafood—for a 3 month period beginning October 1, 1997 through December 31, 1997. More detailed information can be obtained from the hospital.

**Department:** Public Welfare

**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041

**Duration:** October 1, 1997—December 31, 1997

**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2627

**5448** Breakfast and baked items—for a 3 month period beginning October 1, 1997 through December 31, 1997. More detailed information can be obtained from the hospital.

**Department:** Public Welfare

**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041

**Duration:** October 1, 1997—December 31, 1997

**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2627

**8943** Meat and meat products.

**Department:** Public Welfare

**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870

**Duration:** October—December 1997

**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**8944** Poultry and poultry products.

**Department:** Public Welfare

**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870

**Duration:** October—December 1997

**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**8945** Bakery and entree items.

**Department:** Public Welfare

**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870

**Duration:** October—December 1997

**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**0882-2818** Frozen fruits, vegetables, portion control juices, and miscellaneous foods (biscuits, French toast, pancakes, waffles, Danish sweet rolls, muffins, pies.) Different amounts to be delivered weekly throughout the months of October, November, and December 1997. Additional information/specifications may be obtained by contacting the Center.

**Department:** Public Welfare

**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261

**Duration:** October 1 through December 31, 1997

**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**0882-2819** Meat and meat products: No. 1—beef for stew (cubes)—300 lbs.; No. 3—ground beef, fine grind—3,060 lbs.; No. 5—ground beef patties (fine grind) 4 oz.—280 lbs.; No. 7—beef round, top (inside), cap off, uncooked, boneless—250 lbs.; No. 12—seasoned beef for Salisbury steak (w/o gravy)—90 lbs.; No. 14—veal, ground, fine grind—780 lbs.; No. 15—veal and beef patties (unbreaded) 4 oz.—240 lbs.; No. 18—ground pork, fine grind—520 lbs.; No. 19—ground pork patties, fine grind 4 oz.—110 lbs.; No. 24—ham, boneless (cured and smoked) fully cooked—60 lbs.; No. 25—ground ham—90 lbs.; No. 28—bacon, sliced, cured and smoked, skinless—15 lbs.; No. 33—bologna, formula D, all beef—80 lbs.; No. 34—pork sausage, style F, bulk—450 lbs.; No. 36—pork sausage, patties, precooked, 2 oz.—230 lbs.; No. 38—Lebanon bologna—60 lbs.; pickle and pimento loaf—60 lbs.; No. 803—liver sausage, liverwurst—150 lbs.; No. 1136—ground beef patties, 3 oz.—80 lbs.; No. 1496—ground pork patties, 3 oz.—80 lbs. Miscellaneous foods: No. 3E—beef patties, Salisbury, oval, 3 oz.—60 lbs.; No. 22E—veal and beef patties, unbreaded, 3 oz.—80 lbs.; No. 9E—pizza patties with cheese slice, 4 oz.—50 lbs.; No. 30E—vegetarian burger, pre-cooked—2 cases (48/cs.). Various amounts on each item delivered bi-weekly.

**Department:** Public Welfare

**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261

**Duration:** October 1 through December 31, 1997

**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**0882-2820** Miscellaneous foods: frozen entrees (various amounts to be delivered bi-weekly). No. 3—broccoli and cheese souffle—21 cases; No. 5—macaroni and cheese, reduced fat and sodium—72 cases; No. 10—creamed spinach—24 cases; No. 11—tuna noodle casserole—45 cases; No. 17—chicken croquettes—25 cases; No. 3E—cheese stuffed shells—240 lbs.; No. 5E—vegetable lasagna—432 lbs.; No. 10E—pizza slices—140 each; No. 19E—meat lasagna w/sauce—18 cases.

**Department:** Public Welfare

**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261

**Duration:** October 1 through December 31, 1997

**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**0882-2821** Frozen purees, desserts, vegetables, and meats: (3 separate awards). Desserts 3 oz. serving, 4/4 lb. pans/case, Ref: Cliffdale Farms: No. 1—apple cinnamon custard—34 cases; No. 2—vanilla custard—4 cases; No. 3—banana custard—14 cases; No. 4—orange custard—10 cases; No. 5—peach custard—18 cases. Vegetables, 6/3 lb. cartons/case. Ref: National Frozen Foods: No. 1—green beans—44 cases; No. 2—carrots—35 cases; No. 3—peas—19 cases; No. 4—broccoli—21 cases; No. 5—corn—17 cases. Meats, 3 oz. portion patty, 48/case, 9 lb./case, Ref: Thick & Easy, American Institutional Products: No. 1—chicken—36 cases; No. 2—ham—8 cases; No. 4—turkey—16 cases; No. 5—roast beef—24 cases; No. 6—fish fillet—26 cases. Various amounts to be delivered bi-weekly for months of October, November, and December 1997.

**Department:** Public Welfare

**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261

**Duration:** October 1 through December 31, 1997

**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

## Fuel Related Services—20

**205540** Vendor to provide all labor, materials and equipment and perform all operations for removal of an underground gasoline storage tank from the grounds of the Youth Development Center at New Castle, PA. Call the YDCNC Purchasing Department for contract specifications, (412) 656-7310.

**Department:** Public Welfare

**Location:** Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101

**Duration:** 8-15-97 through 12-31-97

**Contact:** T. Mateja, (412) 656-7310

**Project No. 051-151** Project title: Install UST. Project description: install an underground fuel tank (UST). Tank to be provided by Game Commission as follows: 2,000 gallon, double wall, FRP coated tank bulk headed to provide 1,000 gallon gasoline compartment and 1,000 gallon diesel fuel compartment. Installation to be complete including excavation, installation, appurtenances, pumps, concrete paving and testing. Bid opening August 8, 1997.

**Department:** Game Commission

**Location:** State Game Lands No. 051, Dunbar Township, Fayette County, PA

**Duration:** 90 calendar days after issuance of contract

**Contact:** Engineering and Contract Management Division, (717) 787-9620

**Contract No. FDC-011-90** Removal and disposal of a 1,000 gallon underground gasoline tank and appurtenances; provide and install a 1,000 gallon gasoline and a 250 gallon diesel aboveground tanks with appurtenances; backfilling; contaminated soil disposal; and testing. Work is located at the Thornhurst Maintenance Shop in Forest District 11.

**Department:** Conservation and Natural Resources

**Location:** Lehigh Township, Lackawanna County, PA

**Duration:** 120

**Contact:** Construction Management Section, (717) 787-5055

## HVAC—22

**Project No. 508** Provide total HVAC service as required by contract. Includes replacement as necessary of components. Buildings 19-101, 19-102, 19-105 and Building 0-47B and Building 19-115.

**Department:** Military and Veterans Affairs

**Location:** Ft. Indiantown Gap, Annville, Lebanon County, PA

**Duration:** 1 October 97—30 September 2000

**Contact:** Emma Schroff, (717) 861-8518

**090-000220** Contractor to furnish all equipment, qualified labor, and materials necessary to complete "as needed" plumbing repairs, maintenance and/or servicing at I-70 Fulton County Rest Area sites in Bethel and Brush Creek Townships (2 year contract).

**Department:** Transportation  
**Location:** Engineering District 9-0, Fulton County, I-70 Rest Area Sites "B" and "3"; Welcome Center; Bethel and Brush Creek Townships  
**Duration:** 10/31/97 to 10/30/99 (2 years)  
**Contact:** Joseph S. Demko, 9-0 Roadside Specialist, (814) 696-7116

### Janitorial Services—23

**JC-33-97** Janitorial service—(performed Monday through Friday starting after 5 p.m.) Scranton Job Center, 18,290 square feet of space.

**Department:** Labor and Industry  
**Location:** Scranton Job Center, 135 Franklin Avenue, Scranton, Lackawanna County, PA 18503  
**Duration:** 10/01/97 through 09/30/99  
**Contact:** Rebecca Yoskoski, Manager, (717) 963-3110

### Mailing Services—28

**7100-01-97** Provide air and/or ground delivery service for all items, consisting of flats, parcels and packages, from the Pennsylvania Department of Transportation, Safety Administration's Mailroom, located at 1101 South Front Street, Harrisburg, PA 17104, to any address in the continental United States. State of the Art manifesting, tracking and security systems are essential. Daily pickups with guaranteed 1 and/or 2 day delivery are essential. The Commonwealth and the vendor will have the option to renew the contract for 4 additional years.

**Department:** Transportation  
**Location:** From Harrisburg to any address in the continental United States  
**Duration:** 11-1-97 to 10-31-98  
**Contact:** Noreen Kline, (717) 772-3445

### Medical Services—29

**300780** Psychological rehabilitation specialist—to provide expert training for patients and staff to assist the chronically mentally ill patients with a multitude of dysfunctional behaviors to prepare to leave the hospital and reside successfully in the community.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** September 1, 1997 to June 30, 2000, a period of 34 months  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

### Property Maintenance—33

**46-7-002** Partitioning of existing file room, removal of interior brick wall and closing of doorway, installation of wire fence, and reinstallation of ceiling tiles.

**Department:** Transportation  
**Location:** Harrisburg, Equipment Division  
**Duration:** 60 days  
**Contact:** Carla L. Crist, (717) 787-2335

### Real Estate Services—35

**1A** State Owned Property for Sale—Warren Armory. The Department of General Services will accept sealed bids for the purchase of the Warren Armory. Persons wishing to make a bid should contact Lloyd Colegrove. Requests for bids will be accepted until August 11, 1997.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1997-98  
**Contact:** Lloyd Colegrove, (717) 772-0538

**2A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of General Services with a minimum of 18,000 and a maximum of 22,000 useable square feet of existing office space in Dauphin County, PA, with minimum parking for 50 vehicles, within a 3 mile radius, by road, of the Health and Welfare Building, Forster Street and Commonwealth Avenue. If parking is not available onsite, offsite parking for 50 vehicles must be available within a reasonable walking distance. Proposals due: August 11, 1997. Solicitation No.: 92526.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1997-98  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

### Vehicle, Heavy Equipment—38

**030-0289** Rental of trucks 38,001 to 58,400 GVW with plow and spreader. Rental of loaders with minimum bucket capacity of 5 cubic yards. All pieces of equipment are to be supplied with an operator. Loaders will be used on an emergency basis only.

**Department:** Transportation  
**Location:** Columbia, Montour, Northumberland, Snyder, Tioga, Union, Bradford Counties, PA  
**Duration:** 11/01/97—04/30/2000  
**Contact:** Marie Stump, (717) 368-4339

**0600** Trucks with plow, chemical spreader and operator. GVW minimum 30,000 to 73,280 GVW. Loaders—with operator 1 1/2 cubic yard minimum. Graders—with operator—minimum 18,000. Snow blower with operator.

**Department:** Transportation  
**Location:** District 6-0: Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, PA  
**Duration:** 11/01/97 to 4/30/2000  
**Contact:** Gary L. Noll, Acting District Equipment Manager, (610) 964-6508

**Miscellaneous—39**

**304-07402** Contractor shall furnish the labor, materials and equipment for the removal of all bird nests and debris on all air conditioners, window ledges, and balconies and areas wherever debris and/or excrement is present; these areas are to be cleaned and treated with an appropriate neutral disinfectant. Per specifications this should be two times per year as scheduled by the Contract Officer.

**Department:** General Services  
**Location:** Buildings and Grounds, Harrisburg Capitol Complex Buildings,  
Room 403 North Office Building, Harrisburg, PA 17125  
**Duration:** October 1, 1997 through June 30, 2000  
**Contact:** Marc Waxman, (717) 787-2155

**IFB No. 97-001** Consultants to provide various training sessions, covering specific courses required by the Department of the Auditor General. All requests must be in writing and faxed to Andrea Quigley at (717) 787-2518.

**Department:** Auditor General  
**Location:** Statewide  
**Duration:** 8/97 through 6/30/98  
**Contact:** Andrea Quigley, (717) 787-4993

[Pa.B. Doc. No. 97-1203. Filed for public inspection July 25, 1997, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*



**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1004187-01	07/10/97	Meyercord Company	1,023,000.00
1025127-01	07/11/97	Moore Business Forms, Inc.	8,504.40
1699156-01	07/11/97	Clear Sound, Inc.	48,500.00
1986046-01	07/10/97	Neogen Corporation	22,786.00
8119200-01	07/11/97	Consolidated Steel Services, Inc.	12,528.43
8126980-01	07/10/97	Three Rivers Fluid Power, Inc.	70,000.00
8970010-01	07/10/97	Mack Trucks, Inc.	3,114,894.00
8970020-01	07/10/97	Manheim Chrysler Plymouth GMC Truck	544,648.00
8970030-01	07/10/97	Commonwealth International Trucks, Inc.	91,244.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
8970090-01	07/10/97	Falchini Motors, Inc.	34,991.00
8970110-01	07/10/97	Highway Equipment and Supply Co.	32,682.00
8970160-01	07/10/97	Gencor Industries	54,439.00
8970230-01	07/10/97	Sansone Chevrolet/Motors Fleet	506,259.00
8970240-01	07/10/97	Winner Group, Inc.	709,809.00
8970280-01	07/10/97	Fleming's Parking Area Maintenance, Inc.	25,500.00
8970360-01	07/10/97	Sansone Chevrolet/Motors Fleet	32,792.00
8970420-01	07/10/97	Valk Mfg. Co.	81,242.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 97-1204. Filed for public inspection July 25, 1997, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 138e]

### Agricultural Conservation Easement Purchase Program

The Department of Agriculture (Department), Bureau of Farmland Protection, proposes to amend Chapter 138e (relating to agricultural conservation easement purchase program).

The proposed amendments are offered under authority of section 15 of the Agricultural Area Security Law (act)(3 P. S. § 915), which requires the Department to promulgate regulations necessary for the efficient, uniform and Statewide enforcement of the act. That same section of the act allows for the use of "interim guidelines" by the Department until no later than December 31, 1997, by which time the Department is to have regulations in place to supplant the interim guidelines.

The interim guidelines permitted under section 15 of the act were published at 25 Pa.B. 5253 (November 25, 1995) as the "Interim Guidelines for Implementation of the Agricultural Area Security Law" (Interim Guidelines), and have been used by the Department to effectively implement various provisions of the act with respect to which there were no attendant regulations or with respect to which regulations had been rendered inadequate as a result of statutory amendment.

The proposed amendments are intended to accomplish two objectives: 1) supplant the various provisions of the Interim Guidelines with identical regulatory provisions; and 2) accomplish an updating and streamlining of the regulations to reflect changes in the act and the experience of the Department in administering the Agricultural Conservation Easement Purchase Program to date.

#### *Overview of Major Provisions*

An overview of some of the major provisions of the proposed amendments follows:

Proposed § 138e.3 (relating to definitions) includes virtually all of the definitions used in the Interim Guidelines, and refines current definitions.

Proposed § 138e.15 (relating to farmland ranking system) restates the system set forth in the Interim Guidelines, under which a county agricultural conservation easement purchase program (county program) evaluates and assigns a numerical ranking to prospective agricultural conservation easement purchases based upon factors which relate to the considerations for easement purchase set forth in section 14.1(d)(1)(i)—(iv) of the act (3 P. S. § 914.1(d)(1)(i)—(iv)). This system was developed and approved by the State Agricultural Land Preservation Board (State Board), in consultation with county program administrators.

Proposed §§ 138e.44 and 138e.92(c) (relating to periodic recertification of county programs; and review and decision), respectively, describe the county program review requirements and the consequences of failing to comply with these requirements, which were added to section 14.1(b)(4) of the act by the act of November 23, 1994 (P. L. 621, No. 96).

Proposed § 138e.63 (relating to order of appraisal) requires a county program to select farmland tracts for appraisal in descending order of farmland ranking score. This is intended to cause a county program to focus its appraisal efforts on those farmland tracts that are the most worthy subjects of agricultural conservation easement.

Proposed § 138e.64 (relating to appraisal) requires appraisals be performed in accordance with the *Uniform Standards of Professional Appraisal Practice*, published by the Appraisal Standards Board of the Appraisal Foundation. These are the standards to which State-certified general real estate appraisers are required to adhere under 49 Pa. Code § 36.51 (relating to Uniform Standards of Professional Appraisal Practice). Other provisions of this section are revised for the purposes of establishing Statewide uniformity in appraisals and ensuring that appraisals of prospective agricultural conservation easement purchases accurately reflect the value of the easement.

Proposed § 138e.66 (relating to offer of purchase by county board) allows a county board to bypass a farmland tract with a relatively higher farmland ranking score in favor of making an offer to purchase an agricultural conservation easement on a farmland tract with a relatively lower farmland ranking score if the the circumstances under which this would be done are in the county program itself, or if the decision to bypass the higher-ranked farmland is based upon the availability of funds.

Proposed § 138e.70 (relating to notification of owners of land adjoining proposed easement purchases) formalizes a notification procedure that was implemented by the Department and county programs as a result of the Commonwealth Court's decision in *Lenzi v. Agricultural Land Preservation Board*, 602 A.2d 396 (Pa. Cmwlth. 1992).

Proposed § 138e.102 (relating to allocation of funds to counties) reflects the current requirement of the act that allocated funds be available to an eligible county for 2 consecutive county fiscal years.

Proposed § 138e.104 (relating to installment sales) clarifies the installment sales procedures permitted under section 14.1(h)(11) of the act.

Proposed § 138e.224 (relating to construction of one additional residential structure) is restated verbatim from the Interim Guidelines. As was the case with all of the provisions of the Interim Guidelines, this language was developed by the State Board, in consultation with county program directors.

Proposed § 138e.226 (relating to procedure for review of request to subdivide restricted land) expands upon the procedure described in section 14.1(i)(2) of the act.

#### *Statement of Need*

The amendments are needed for the Department to comply with the statutory requirement that it supplant the Interim Guidelines with regulations by December 31, 1997, to update its regulatory authority to reflect changes to the act and to further the efficient, uniform and Statewide administration of the act.

*Fiscal Impact**Commonwealth*

The proposed amendments would impose no costs and have no fiscal impact upon the Commonwealth.

*Political Subdivisions*

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

*Private Sector*

The proposed amendments would impose no costs and have no fiscal impact upon the private sector.

*General Public*

The proposed amendments would impose no costs and have no fiscal impact upon the general public.

*Paperwork Requirements*

The proposed amendments would not result in an appreciable increase in paperwork.

*Regulatory Review*

The Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs on July 16, 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. A copy of this material is available to the public upon request.

If IRRC has an objection to any portion of the proposed amendments, it must 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 amendments.

*Contact Person*

All interested persons are invited to submit written comments regarding the proposed amendments within 30 days of publication in the *Pennsylvania Bulletin*. Comments are to be submitted to the Department of Agriculture, Bureau of Farmland Protection, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Raymond C. Pickering, Director.

*Effective Date*

The proposed amendments will become effective upon final adoption.

SAMUEL E. HAYES,  
*Secretary*

*(Editor's Note: The Department is proposing to delete the current version of Chapter 138e, §§ 138e.1—138e.3, 138e.11—138e.20, 138e.41—138e.43, 138e.61—138e.69, 138e.91, 138e.92, 138.101—138e.103, 138e.201—138e.206, 138e.221—138e.226 and 138e.241 as they currently appear in the Pennsylvania Code at the pages 138e-1—138e-42 (serial pps. (202897)—(202938) and replace it with the version which appears in Annex A.)*

**Fiscal Note:** 2-97. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 7. AGRICULTURE****PART V-C. FARMLAND AND FOREST LAND****CHAPTER 138e. AGRICULTURAL CONSERVATION EASEMENT PURCHASE PROGRAM****GENERAL**

- Sec. —  
138e.1. Purpose.  
138e.2. Eligibility.  
138e.3. Definitions.

**REQUIREMENTS FOR CERTIFICATION OF COUNTY PROGRAM**

- 138e.11. General requirements.  
138e.12. Authorization of program by county governing body.  
138e.13. County board; membership; occupations.  
138e.14. County statement of purpose.  
138e.15. Farmland ranking system.  
138e.16. Minimum criteria for applications.  
138e.17. Planning and development map.  
138e.18. Schedule for submission of applications.  
138e.19. Purchasing procedures.  
138e.20. Public information.  
138e.21. Inspection and enforcement of an easement.

**STATE BOARD REVIEW OF COUNTY PROGRAM**

- 138e.41. Application for review of county program.  
138e.42. Review, certification and approval of a county program.  
138e.43. Revision of county program.  
138e.44. Periodic recertification of county programs.

**PROCEDURE FOR PURCHASING AN EASEMENT**

- 138e.61. Application.  
138e.62. Evaluation of application.  
138e.63. Order of appraisal.  
138e.64. Appraisal.  
138e.65. Easement value and purchase price.  
138e.66. Offer of purchase by county board.  
138e.67. Requirements of the agricultural conservation easement deed.  
138e.68. Title insurance.  
138e.69. Statement of costs.  
138e.70. Summary report.  
138e.71. Notification of owners of land adjoining proposed easement purchase.

**STATE BOARD REVIEW OF A PURCHASE RECOMMENDATION**

- 138e.91. Application for review.  
138e.92. Review and decision.

**ALLOCATION OF FUNDS**

- 138e.101. Annual easement purchase threshold.  
138e.102. Allocation of funds to counties.  
138e.103. Expenditure of matching funds.  
138e.104. Installment sales.

**PROCEDURES FOR MONITORING, INSPECTING AND ENFORCING AN EASEMENT**

- 138e.201. Responsibility.  
138e.202. Inspections.  
138e.203. Annual report.  
138e.204. Enforcement.  
138e.205. Notification to owner.  
138e.206. Enforcement actions.  
138e.207. County board's duties with respect to change of ownership.

**RESPONSIBILITY OF OWNER**

- 138e.221. Permitted acts.  
138e.222. Conservation plan.  
138e.223. Construction of buildings; changes in use.  
138e.224. Construction of one additional residential structure.  
138e.225. Subdivision of restricted land.  
138e.226. Procedure for review of request to subdivide restricted land.  
138e.227. Landowner's duties with respect to change in ownership.

**DEED OF AGRICULTURAL CONSERVATION EASEMENT**

- 138e.241. Deed clauses.

**GENERAL****§ 138e.1. Purpose.**

(a) It is the policy of the Commonwealth to conserve and protect agricultural lands. A sound, Statewide farmland preservation program will assure that farmers in

this Commonwealth have sufficient agricultural lands to provide farm products for the people of this Commonwealth and the Nation.

(b) Agricultural conservation easements restrict and limit the conversion of farmland to nonagricultural use. Easements may be purchased when they are offered voluntarily by the landowner and shall be purchased only in perpetuity.

**§ 138e.2. Eligibility.**

Only a county board that has a county program is eligible to submit recommendations for the purchase of easements to the State Board.

**§ 138e.3. Definitions.**

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

*Act*—The Agricultural Area Security Law (3 P. S. §§ 901—915).

*Agreement or agreement of sale*—A document executed by a landowner and the county board to purchase a specific agricultural conservation easement as part of the county board's recommendation for purchase, and that includes all of the materials referenced and incorporated into the agreement, in accordance with section 14.1(h)(8.2) of the act (3 P. S. § 914.1(h)(8.2)).

*Agricultural conservation easement or easement*—An interest in land, less than fee simple, which interest represents the right to prevent the development or improvement of the land for a purpose other than agricultural production. The easement may be granted by the owner of the fee simple to a third party or to the Commonwealth, to a county governing body or to a unit of local government. It shall be granted in perpetuity, as the equivalent of covenants running with the land. The exercise or failure to exercise any right granted by the easement will not be deemed to be management or control of activities at the site for purposes of enforcement of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305).

*Agricultural production*—The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of the crops, livestock or livestock products if more than 50% of the processed or merchandised products are produced by the farm operator.

*Agricultural value*—The sum of the following:

(i) The farmland value determined by the applicant's appraisal.

(ii) One-half of the difference between the farmland value determined by the State or county board's appraiser and the farmland value determined by the applicant's appraiser if the farmland value determined by the State or county board's appraiser exceeds the farmland value determined by the applicant's appraiser.

*Allocation*—The State Board's designation of funds to eligible counties under section 14.1 of the act. An allocation is an accounting procedure only and does not involve certifying, reserving, encumbering, transferring or paying funds to eligible counties.

*Annual easement purchase threshold*—An amount annually determined by the State Board which equals at least \$10 million to be allocated among eligible counties.

*Applicant*—A person offering to sell an easement on a farmland tract.

*Appropriation*—The irrevocable commitment of a specific amount of money by the county governing body exclusively for the purchase of easements.

*Comparable sales*—Market sales of similar land. In locating comparable sales, first priority will be given to farms within the same municipality as the subject land. The second priority will be farms located within other municipalities in the same county as the subject land. The lowest priority will be given to farms located outside the same county as the subject land.

*Conservation plan*—A plan describing land management practices, including an installation schedule and maintenance program and a nutrient management component, which when completely implemented, will improve and maintain the soil, water and related plant and animal resources of the land.

*Contiguous acreage*—All portions of one operational unit as described in the deed whether or not the portions are divided by streams, public roads, bridges, and whether or not described as multiple tax parcels, tracts, purparts or other property identifiers. The term includes supportive lands such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams.

*Contract of sale*—A legally enforceable agreement in a form provided by the State Board obligating the landowner to sell, and the Commonwealth or a county, or both, to purchase an agricultural conservation easement on a specific farmland tract.

*County board*—The county agricultural land preservation board as appointed by the county governing body under the act.

*County fiscal year*—The period running from January 1 through December 31 of a particular calendar year.

*County governing body*—The county board of commissioners or, under home rule charters, another designated council of representatives.

*County matching funds*—Money appropriated by the county governing body for the purchase of easements.

*County program*—A county agricultural land preservation program for the purchase of easements authorized and approved by the county governing body, and approved by the State Board under section 14.1(a)(3)(xi) and (xiv) of the act.

*Crops, livestock and livestock products*—The term includes:

(i) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.

(ii) Fruits, including apples, peaches, grapes, cherries and berries.

(iii) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.

(iv) Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers.

(v) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

(vi) Timber, wood and other wood products derived from trees.

(vii) Aquatic plants and animals and their by-products.

*Crops unique to the area*—The term includes crops which historically have been grown or have been grown

within the last 5 years in the region, and which are used for agricultural production in the region. For example, orchard or vineyard crops that have historically been produced in a particular county might be considered crops unique to the area.

*Curtilage*—The area surrounding a residential structure used for a yard, driveway, onlot sewerage system or other nonagricultural purposes.

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

*Easement value*—The difference between the nonagricultural value and agricultural value of a farm. If solely the county or State appraisal is used, nonagricultural value and agricultural value are equal to market value and farmland value, respectively. If the landowner obtains an independent appraisal, nonagricultural value and agricultural value shall be calculated according to section 14.1(f) of the act.

*Economic viability of farmland for agricultural production*—The capability of a particular tract of restricted land, other than a tract of 2 acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employes is permitted under section 14.1(c)(6)(iv) of the act, to meet the criteria in § 138e.16(a) (relating to minimum criteria for applications).

*Eligible counties*—Counties whose county programs have been approved by the State Board. For the purpose of annual allocations, an eligible county shall have its county program approved by the State Board by January 1 of the year in which the annual allocation is made. Counties of the first class are not eligible.

*Encumber*—The reservation by the Commonwealth or a county of previously-allocated funds to pay all or part of the costs of purchasing a specific easement under a specific agreement of sale.

*Farm*—Land in this Commonwealth which is being used for agricultural production as defined in the act.

*Farmland tract*—Land constituting all or part of a farm with respect to which an easement purchase is proposed. A farmland tract may consist of multiple tracts of land that are identifiable by separate tax parcel numbers, separate deeds or other methods of property identification.

*Farmland value*—The price as of the valuation date for property used for normal farming operations which a willing and informed seller who is not obligated to sell would accept for the property, and which a willing and informed buyer who is not obligated to buy would pay for the property.

*Fund*—The Agricultural Conservation Easement Purchase Fund established by section 7.2 of the act of June 15, 1982 (P. L. 549, No. 159) (3 P. S. § 1207.2).

*Grant funds*—Funds allocated to a county by the State Board under section 14.1(h)(2) and (5)(ii) of the act, the expenditure of which is not contingent upon the appropriation and expenditure of county matching funds.

*Grantee*—The person or entity to whom an easement is conveyed under the act.

*Grazing or pasture land*—Land, other than land enrolled in the USDA Conservation Reserve Program, used primarily for the growing of grasses and legumes which are consumed by livestock in the field and at least 90% of which is clear of trees, shrubs, vines or other woody growth not consumed by livestock.

*Harm the economic viability of the farmland for agricultural production*—To cause a particular tract of restricted land to fail to meet the criteria in § 138e.16(a) or to create, through subdivision, a tract of restricted land, other than a tract of 2 acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employes is permitted under section 14.1(c)(6)(iv) of the act, that would fail to meet the criteria in § 138e.16(a).

*Harvested cropland*—Land, other than land enrolled in the USDA Conservation Reserve Program, used for the commercial production of field crops, fruit crops, vegetables and horticultural specialties, such as Christmas trees, flowers, nursery stock, ornamentals, greenhouse products and sod. The term does not include land devoted to production of timber and wood products.

*Immediate family member*—A brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father or mother of the landowner.

*LCC—Land capability class*—A group of soils designated by either the county soil survey, as published by USDA-NRCS in cooperation with the Pennsylvania State University and the Department, or the Soil and Water Conservation Technical Guide maintained and updated by USDA-NRCS.

*Land development*—One of the following activities:

(i) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential buildings, whether proposed initially or cumulatively.

(ii) A subdivision of land.

*Land which has been devoted primarily to agricultural use*—Acreage which is a part of restricted land and is harvested cropland, grazing or pasture land, land used for the production of timber and wood products, land containing nonresidential structures used for agricultural production, or other acreage immediately available for agricultural production, and which excludes any acreage upon which immediate agricultural production is impracticable due to residential structures and their curtilages, wetlands, soil quality, topography or other natural or manmade features, and which further excludes any tract of 2 acres or less designated as the site upon which the landowner's principal residence or housing for seasonal or full-time employes is permitted under section 14.1(c)(6)(iv) of the act.

*Landowner*—The person holding legal title to a particular farmland tract.

*Market value*—The price as of the valuation date for the highest and best use of the property which a willing and informed seller who is not obligated to sell would accept for the property, and which a willing and informed buyer who is not obligated to buy would pay for the property.

*Nonagricultural value*—The sum of the following:

(i) The market value determined by the State or county board's appraiser.

(ii) One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the State or county board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the State or county board's appraiser.

*Nonprofit land conservation organization*—A nonprofit organization dedicated to land conservation purposes

recognized by the Internal Revenue Service as a tax-exempt organization under the Internal Revenue Code (26 U.S.C.A. §§ 1—7872).

*Normal farming operations*—The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of crops, livestock and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes the storage and utilization of agricultural and food processing wastes for animal feed and the disposal of manure, other agricultural waste and food processing waste on land where the materials will improve the condition of the soil or the growth of crops or will aid in the restoration of the land for the same purposes.

*Nutrient management plan*—A written site-specific plan which incorporates best management practices to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria established in the Nutrient Management Act (3 P. S. §§ 1701—1718).

*Pennsylvania Municipalities Planning Code*—53 P. S. §§ 10101—11201.

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

*Restricted land*—Land which is subject to the terms of an agricultural conservation easement acquired under the act.

*Secretary*—The Secretary of the Department.

*Soils available for agricultural production*—Soils on land that is harvested cropland, pasture or grazing land, or land upon which no structure, easement, roadway, curtilage or natural or manmade feature would impede the use of that soil for agricultural production.

*Soils report*—A report which identifies and sets forth the amount of each land capability class found on a farmland tract.

*State Board*—The State Agricultural Land Preservation Board.

*State matching funds*—Funds allocated to a county by the State Board under section 14.1(h)(3), (4) or (5)(i) of the act, the expenditure of which is contingent upon the appropriation and expenditure of county matching funds.

*State-certified general real estate appraiser*—A person who holds a current general appraiser's certificate issued to him under the Real Estate Appraisers Certification Act (63 P. S. §§ 457.1—457.19).

*Subdivision*—The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

*Title report*—A report prepared by a person authorized by the Insurance Department to engage in the sale of title insurance or an attorney setting forth the existence of any liens, restrictions or other encumbrances on a farmland tract. A title report does not include the title search, but must include the title binder or the title commitment, or both.

*USDA*—The United States Department of Agriculture.

*USDA-NRCS*—The Natural Resources Conservation Service of the USDA. This entity was formerly known as the Soil Conservation Service.

## REQUIREMENTS FOR CERTIFICATION OF COUNTY PROGRAM

### § 138e.11. General requirements.

(a) A county program shall demonstrate that the county has fair, equitable, objective, nondiscriminatory procedures for determining easement purchase priorities.

(b) A county program shall contain written policies and procedures for determining easement purchase priorities and written procedures for purchasing easements. For example, a county program that would allow a farmland tract with a higher farmland ranking score (as described in § 138e.15 (relating to farmland ranking system)) to be bypassed in favor of making an offer to purchase an easement on a farmland tract with a relatively lower farmland ranking score shall set forth the priorities and procedures under which this determination is made.

(c) A county program shall address and meet the standards, criteria and requirements in §§ 138e.12—138e.21. A county program may propose additional standards, criteria and requirements for approval by the State Board. Additional provisions shall be designed to assure that selection of land for easement purchase is consistent with the purposes of the act.

### § 138e.12. Authorization of program by county governing body.

The county governing body shall submit to the State Board a certified copy of the resolution or other official action authorizing administration of the county program by the county board.

### § 138e.13. County board; membership; occupations.

(a) The county governing body shall submit to the State Board a list of the members of the county board which shall contain the following information concerning the composition of the county board:

- (1) The name of each member.
- (2) The address of each member.
- (3) The occupation of each member.
- (4) The length of the term of each member.
- (5) The name of the chairperson.

(b) A county board shall be comprised of five, seven or nine members. Annually, the chairperson of the county governing body shall designate one member of the county board to act as chairperson of the county board. Members of the county board shall be appointed by the county governing body as follows:

- (1) One less than the majority shall be active resident farmers of the county and shall serve initial terms of 3 years.
- (2) One member shall be a current member of the governing body of a township or borough located within the county and shall serve an initial 2-year term.
- (3) One member shall be a commercial, industrial or residential building contractor and shall serve an initial 1-year term.
- (4) The remaining members shall be selected at the discretion of the county governing body and shall serve initial terms of 1 year.

(c) Upon expiration of the initial terms in subsection (b), the term of members shall be 3 years.

(d) Members of a county board shall comply with the act of October 4, 1978 (P. L. 883. No. 170) (65 P. S. §§ 401—413), known as the Public Official and Employee Ethics Law.

**§ 138e.14. County statement of purpose.**

The county program shall contain a statement which defines the purpose of the easement purchase program. It shall state the objectives of the program and include the following as the county program's purposes:

- (1) To protect viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production.
- (2) To encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
- (3) To protect normal farming operations in agricultural security areas from incompatible nonfarmland uses that may render farming impracticable.
- (4) To protect normal farming operations from complaints of public nuisance against normal farming operations.
- (5) To assure conservation of viable agricultural lands to protect the agricultural economy of this Commonwealth.
- (6) To provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
- (7) To maximize agricultural conservation easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.

**§ 138e.15. Farmland ranking system.**

(a) *System required.* The county board shall adopt a farmland ranking system meeting the requirements of this section, for use in prioritizing applications for the appraisal of properties meeting the minimum criteria in § 138e.16 (relating to minimum criteria for applications). This farmland ranking system may include additional or substitute criteria as approved by the State Board.

(b) *Review and approval of system.* The county board shall set forth its farmland ranking system in its county program and submit the county program to the State Board for review and approval in accordance with the act.

(c) *Land Evaluation and Site Assessment (LESA) system.* The farmland ranking system shall evaluate tracts being considered for appraisal on a 100-point scale, using the two-part LESA system described in this section. The weighted Land Evaluation (LE) score shall be calculated in accordance with subsection (d). The weighted Site Assessment (SA) score shall be calculated in accordance with subsection (e). The total of the weighted LE and weighted SA scores equals the farmland ranking score. The county board shall establish in the county program the weighted values to be given the LE score and the SA score, as well as the weighted values to be given the three general categories—development potential (DP), farmland potential (FP) and clustering potential (CP)—of factors to be considered in calculating the SA score. The weighted values in the county program shall total 100%, and shall be within the following ranges:

	<i>Minimum Weighted Value</i>	<i>Maximum Weighted Value</i>
Land Evaluation (LE) Site Assessment (SA)	40%	70%
Development Potential Site Assessment	10%	40%
Farmland Potential Site Assessment	10%	40%
Clustering Potential	10%	40%

A flow chart summarizing the farmland ranking system is set forth in Appendix A.

(d) *LE.*

(1) *Source of soils data.* A farmland ranking system shall designate either or both of the following as the source of the soils data used in LE:

(i) The county soil survey, as published by the USDA-NRCS in cooperation with the Pennsylvania State University and the Department.

(ii) *The Soil and Water Conservation Technical Guide* published and updated by the USDA-NRCS.

(2) *Relative value of soil.* The county program shall set forth a relative value for each soil mapping unit in the county. The relative value shall be on a 100-point-scale, with 100 points assigned to the best soils for agricultural production and all other soils assigned relative values of less than 100 points.

(3) *Calculation of average relative value.* The average relative value of the soils on a tract being considered for appraisal shall be calculated by multiplying the relative value of each soil mapping unit within the tract by the total acreage of the soil mapping unit within the tract, adding these products and then dividing that sum by the total acreage of the tract.

*Example:* A 60-acre tract has 10 acres within soil mapping units with relative values of 95, 20 acres within soil mapping units with relative values of 90 and 30 acres within soil mapping units with relative values of 80. The sum of the relative values is calculated as follows:

- 10 acres x 95 = 950 acres
- 20 acres x 90 = 1,800 acres
- 30 acres x 80 = 2,400 acres
- Total 5,150 acres

The 5,150 acre sum is then divided by the total acreage of the tract (60 acres) to determine the average relative value:

$$5,150 \text{ acres divided by } 60 \text{ acres} = 85.83$$

In this example, the average relative value of the soils on the tract is 85.83.

(4) *Calculation of weighted LE score.* The weighted LE score of a tract being considered for appraisal shall be the product of the average relative value of the soils on the tract multiplied by the weighted value assigned to the LE score under the county program.

*Example:* The average relative value of the soils on the tract described in the example in paragraph (3) is 85.83. The county program assigns a weighted value to the LE

score of 60% (.60) of the farmland ranking score. The weighted LE score for this tract would be 51.5, calculated as follows:

$$85.83 \times .60 = 51.5$$

(e) *SA*.

(1) *General categories of factors*. The county program shall require the evaluation of three general categories of factors in determining the SA score, and shall specify the individual factors to be considered under each of these general categories. These categories are as follows:

(i) *DP factors*. Factors that identify the extent to which development pressures are likely to cause conversion of agricultural land to nonagricultural uses.

(ii) *FP factors*. Factors that measure the potential agricultural productivity and farmland stewardship practiced on a tract.

(iii) *CP factors*. Factors that emphasize the importance of preserving blocks of farmland to support commercial agriculture and help to shield the agricultural community from conflicts with incompatible land uses.

(2) *Scoring scale*. The county program shall require that each of the three general categories of factors described in paragraph (1) ranks tracts on a 100-point scale. The total combined maximum score under these categories shall be 300 points.

(3) *DP factors*.

(i) *Number*. The county program shall specify no less than 3 and no more than 10 factors to be considered in scoring the DP of a tract being evaluated for appraisal. Three of these factors shall be the factors described in subparagraphs (ii)—(iv), unless substitute factors are approved by the State Board in accordance with subparagraph (v).

(ii) *Required factor: availability of sanitary sewer and public water*. The county program shall require that the availability of sanitary sewer and public water to a tract be considered in scoring its DP. A farmland tract is more likely to be surrounded by incompatible land uses or be converted to nonagricultural use if it is in an area which is suitable for onlot sewage disposal or if it is in an area which has access to public sewer and water service or is expected to have access to the service within 20 years. The tract shall receive a relatively higher score than a tract that does not have sanitary sewer and public water.

(iii) *Required factor: road frontage*. The county program shall require that the public road frontage of a tract be considered in scoring DP. Frontage on public roads increases the suitability of a tract for subdivision or development, and is a measure of the capability of a tract to be developed or improved for nonagricultural use. A tract with extensive road frontage shall receive a relatively higher score than a tract with less public road frontage.

(iv) *Required factor: extent of nonagricultural use in area*. The county program shall require that the extent of nonagricultural use adjoining or in the area of a tract be considered in scoring DP. Consideration shall be given to whether adjacent land uses affect normal farming operations and whether surrounding, but not necessarily adjoining, land uses affect the ability of the landowner to conduct normal farming operations on the tract, or whether the impacts are likely to occur within the next 20 years. Urban uses are generally considered incompatible with agricultural uses. A tract with extensive

nonagricultural uses in the area shall receive a relatively higher score than a tract that is more distant from the nonagricultural uses.

*Example*: A county program may require that the percentage of adjacent land in nonagricultural use or the distance to urban centers or growth areas, or both, be considered in scoring DP.

(v) *Substitute or additional factors*. Subparagraphs (ii)—(iv) notwithstanding, a county program may set forth substitute or additional factors to be considered in scoring development potential, if the factors are reviewed and approved by the State Board.

(vi) *Weight of individual factors*. The county board shall establish and set forth in its county program the number of points that may be awarded under any individual factor in scoring DP. The number of points may vary from factor to factor.

(4) *FP factors*.

(i) *Number*. The county program shall specify no less than 4 and no more than 10 factors to be considered in scoring the FP of a tract being evaluated for appraisal. Four of these factors shall be the factors described in subparagraphs (ii)—(v), unless substitute factors are approved by the State Board in accordance with subparagraph (vi).

(ii) *Required factor: Percentage of certain types of land*. The county program shall require that the percentage of harvested cropland, pasture and grazing land on a tract be considered in scoring FP. Large amounts of productive farmland—harvested cropland, pasture and grazing land—make a farm more viable. If a large percentage of a tract is not used as productive farmland, the tract should receive a lower farmland potential score.

(iii) *Required factor: stewardship of land*. The county program shall require that the stewardship of the land and the use of conservation practices and land management practices be considered in scoring the FP of a tract. A score will not be awarded under this factor unless sound soil and water conservation practices are in place with respect to at least 50% of the tract. The implementation of soil erosion control, sedimentation control, nutrient management and other practices demonstrating good stewardship of the tract shall be considered under this factor.

(iv) *Required factor: size of tract on application*. The county program shall require that the size of a tract described in the easement purchase application be considered in scoring the FP of the tract. A farm tract at or above the optimum acreage in the county should be assigned a relatively higher value than a tract having less than the optimum acreage.

(v) *Required factor: historic, scenic and environmental qualities*. The county program shall require that the designation or listing of a tract by local/State/Federal authorities as an historically or culturally significant location, or a scenic area or open space be considered in scoring the FP of a tract. Tracts adjoining designated protected areas such as flood plains, wildlife habitat, parks, forests and educational sites shall also be considered under this factor. The county program shall specify whether a tract shall receive a relatively higher or relatively lower score based upon its historic, scenic or environmental qualities.

(vi) *Substitute or additional factors*. Subparagraphs (ii)—(v) notwithstanding, a county program may set forth substitute or additional factors to be considered in scoring



FP, if the factors are reviewed and approved by the State Board. The additional factors may include a factor that awards points based upon the landowner's offer to sell the easement at a reduced price.

(vii) *Weight of individual factors.* The county board shall establish and set forth in its county program the number of points that may be awarded under any individual factor in scoring FP. The number of points may vary from factor to factor.

(5) *CP factors.*

(i) *Number.* The county program shall specify no less than 3 and no more than 10 factors to be considered in scoring the CP of a tract being evaluated for appraisal. Three of these factors shall be the factors described in subparagraphs (ii)—(iv), unless substitute factors are approved by the State Board in accordance with subparagraph (v).

(ii) *Required factor: consistency with planning map.* The county program shall require that the location of a tract with respect to those areas of the county identified as important agricultural areas of the county in the planning map described in § 138e.17 (relating to planning and development map) be considered in scoring the CP of the tract. A tract that is within an identified important agricultural area shall receive a higher score than tracts that are distant from these areas. Tracts located within the designated areas are more viable for agricultural use; and are more likely to be compatible with county and local comprehensive plans.

(iii) *Required factor: proximity to restricted land.* The county program shall require that the proximity of a tract to land already under agricultural conservation easement, whether held by a county, the State, jointly by the county and State, or by a nonprofit land conservation organization, be considered in scoring the CP of the tract. A tract that is close to the restricted land shall receive a higher score than tracts that are more distant from the restricted land. Clustering easement purchases will develop a mass of farmland which supports commercial agriculture and reduces conflicts with incompatible land uses.

(iv) *Required factor: percentage of adjoining land in an agricultural security area.* The county program shall require that the percentage of a tract's boundary that adjoins land in an agricultural security area be considered in scoring the CP of the tract. The higher the percentage, the higher the score shall be. Areas where agriculture has been given protection by the municipality, at the request of the landowners, provides an environment conducive to farming.

(v) *Substitute or additional factors.* Subparagraphs (ii)—(iv) notwithstanding, a county program may set forth substitute or additional factors to be considered in scoring clustering potential, if the factors are reviewed and approved by the State Board. The additional factors may include a factor that awards points for the establishment of new clustering areas.

(vi) *Weight of individual factors.* The county board shall establish and set forth in its county program the number of points that may be awarded under any individual factor in scoring CP. The number of points may vary from factor to factor.

(6) *Calculation of weighted SA score.* The SA score of a tract being considered for appraisal shall be calculated as follows: the product of the DP score multiplied by the weighted value for that category is the weighted DP score. The product of the FP score multiplied by the

weighted value for that category is the weighted FP score. The product of the CP score multiplied by the weighted value for that category is the weighted CP score. The sum of these three weighted scores is the weighted SA score.

*Example:* A county program assigns weighted values of 10% to DP, 20% to FP and 30% to CP. The DP, FP and CP scores for a particular tract are 92, 85 and 80, respectively. The weighted DP score equals the DP score (92) multiplied by its weighted value (10%): 9.2. The weighted FP score equals the FP score (85) multiplied by its weighted value (20%): 17. The weighted CP score equals the CP score (80) multiplied by its weighted value (30%): 24. The weighted SA score is the sum of these three weighted scores (9.2 + 17 + 24): 50.2.

(f) *Calculation of farmland ranking score.* The sum of the weighted LE score and the weighted SA score equals the farmland ranking score.

(g) *Use of farmland ranking score.* The farmland ranking score shall determine the order in which tracts are selected by the county board for appraisal. Selection for appraisal shall be made in descending order of farmland ranking score.

**§ 138e.16. Minimum criteria for applications.**

(a) The county program shall consider the quality of the farmland tract, including the USDA soil classification and productivity. The farmland tract shall:

(1) Be located in an agricultural security area consisting of 500 acres or more.

(2) Be contiguous acreage of at least 50 acres in size unless the tract is at least 10 acres in size and is either utilized for a crop unique to the area or is contiguous to a property which has a perpetual conservation easement in place which is held by a "qualified conservation organization," as that term is defined in section 170(h)(3) of the Internal Revenue Code (26 U.S.C.A. § 170(h)(3)).

(3) Contain at least 50% of soils which are both available for agricultural production and of land capability classes I—IV, as defined by the USDA-NRCS.

(4) Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing land.

(b) The county program may contain additional criteria to evaluate farmland tracts if the criteria are fair, objective, equitable, nondiscriminatory and emphasize the preservation of viable agricultural land which will make a significant contribution to the agricultural economy, and are approved by the State Board. For example, a county program might require crop yields from a farmland tract to meet or exceed county crop yield averages, or might require the farmland tract to generate annual gross receipts of a particular sum, or might require that structures and their curtilages not occupy more than a certain percentage of the total acreage of the farmland tract.

**§ 138e.17. Planning and development map.**

(a) The county board shall, in consultation with the county planning commission, prepare a map identifying the important agricultural areas of the county. The scale of the map shall be such that it can be used to locate specific land proposed for easement purchase.

(b) The county board shall encourage the formation of agricultural security areas in the important agricultural areas identified in the map described in subsection (a).

(c) The planning and development map shall identify areas in the county devoted primarily to agricultural use where development is occurring or is likely to occur in the next 20 years. The identification of these areas shall be made in consultation with the county planning commission, and any other body the county board deems appropriate.

**§ 138e.18. Schedule for submission of applications.**

The county program shall contain a schedule for the submission of applications to the county board.

**§ 138e.19. Purchasing procedures.**

The county program shall contain or incorporate by reference the procedures in §§ 138e.61—138e.65 (relating to procedure for purchasing an easement) and additional consistent procedures as approved by the State Board.

**§ 138e.20. Public information.**

(a) The county board shall publicize the county program.

(b) The county program shall set forth the manner in which the county board will publicize the county program.

(c) The county board shall be subject to the Sunshine Act (65 P. S. §§ 271—286) and the act of June 21, 1957 (P. L. 390, No. 212) (65 P. S. §§ 66.1—66.4), known as the Right-To-Know Law, relating to the inspection and copying of public records.

**§ 138e.21. Inspection and enforcement of an easement.**

The county program shall contain or incorporate by reference the procedures for inspecting and enforcing an easement in §§ 138e.201—138e.207 (relating to procedure for inspecting and enforcing an easement) and additional, consistent procedures as approved by the State Board.

**STATE BOARD REVIEW OF COUNTY PROGRAM**

**§ 138e.41. Application for review of county program.**

A county board seeking State Board review, certification and approval of its county program shall submit one copy of its county program and its bylaws to the State Board at the following address: Director, Bureau of Farmland Protection, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

**§ 138e.42. Review, certification and approval of a county program.**

(a) The State Board will acknowledge receipt of the county program and may request additional information.

(b) Within 60 days of receipt of a complete county program, the State Board will approve or disapprove the county program.

(1) The State Board will approve the county program if it finds that the standards, criteria and requirements in the act and §§ 138e.11—138e.21 (relating to requirements for certification of county program) have been satisfied, and will immediately notify the county board in writing that the county program has been approved.

(2) The State Board will disapprove the county program if it is not in accordance with the act and §§ 138e.11—138e.21 and will immediately notify the county board in writing of the reasons for the disapproval. The county board may submit a revised county program to the State Board. The revised county program shall be treated as a new request for certification and approval.

(3) The county board may withdraw its county program from the State Board prior to action by the State Board. The county board may resubmit the county program for review. The State Board has 60 days from resubmittal to act on the county program.

(c) A decision of the State Board to disapprove a county program shall be an adjudication subject to 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). An appeal from a decision of the State Board to disapprove a county program may be made by the county board to the Secretary of Agriculture and shall be filed in writing with the Secretary within 30 days of the State Board's action. An appeal from a decision of the State Board will be governed by 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

**§ 138e.43. Revision of county program.**

(a) Following initial approval by the State Board, a county program may be revised in accordance with this section.

(b) A county board seeking review of a proposed revision to its county program shall submit one copy of the proposed revision to the State Board at the following address: Director, Bureau of Farmland Protection, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

(c) A county board's request for review of a proposed revision to a county program shall set forth the following:

(1) The text of the existing provisions of the county program to be revised.

(2) The text of all proposed revisions to the county program.

(3) A brief narrative explaining the reasons for, and the benefits from, the proposed revisions.

(4) Other supporting documentation or information deemed relevant by the county board or requested by the State Board.

(d) A proposed revision to the county program shall comply with the act and this chapter and may not conflict with another provision of the county program.

(e) The State Board will follow the procedures in § 138e.42 (relating to review, certification and approval of a county program) in reviewing a proposed revision to a county program.

**§ 138e.44. Periodic recertification of county programs.**

(a) *Responsibilities of the State Board.*

(1) The State Board will review a county program and approve or disapprove the recertification of that county program in accordance with this section and section 14.1(b)(4) of the act (3 P. S. § 914.1(b)(4)).

(2) A county program that was approved by the State Board on or before December 31, 1994, will be reviewed by the State Board and approved or disapproved for recertification by December 31, 1996, and by December 31 of every 7th year thereafter.

(3) A county program that was approved by the State Board after December 31, 1994, will be reviewed by the State Board and approved or disapproved for recertification by December 31 of the 7th year after the date of original approval and by December 31 of every 7th year thereafter.

(4) The State Board's approval or disapproval of recertification need not be granted within the times specified in paragraphs (1)—(3) if the county board fails to submit its county program to the State Board by the applicable deadline in subsection (c), or if the State Board postpones the deadline in accordance with subsection (e).

(b) *Standard of review.* The State Board will approve the recertification of a county program if it determines that the county program is in compliance with section 14.1(b)(4) and (d) of the act (3 P. S. § 914.1(b)(4) and (d)) and otherwise complies with the act and this chapter.

(c) *Responsibilities of the county board.*

(1) If a county board seeks State Board review and recertification of a county program that does not contain proposed revisions, it shall submit the county program to the State Board September 1 of the year within which recertification must be completed.

(2) If a county board seeks State Board review and recertification of a county program that contains proposed revisions, it shall submit the county program, including proposed revisions, to the State Board by July 1 of the year within which recertification must be completed. Proposed revisions to county programs shall comply with § 138e.43 (relating to revision of county programs).

(d) *Consequence of noncompliance.* The State Board will not approve a county board's recommendation for purchase unless the county program has been approved for recertification in accordance with the schedule set forth in section 14.1(b)(4) of the act and this section.

(e) *Discretionary extension of time.* Subsection (d) notwithstanding, the State Board may postpone the deadline for recertification of a county program by up to 12 months and, during this period of postponement, may approve a county board's recommendation for easement purchase.

#### **PROCEDURE FOR PURCHASING AN EASEMENT**

##### **§ 138e.61. Application.**

(a) A separate application shall be required for each farmland tract offered for easement purchase. The application shall consist of a completed application form, locational maps and a soils report form. A copy of a soils report form is in Appendix B (relating to Form C Soils Report). If the county program contains minimum criteria for easement purchase that vary from those in § 138e.16 (relating to minimum criteria for applications), the application shall also include documentation (such as a production report form contained in a guidebook authorized by the State Board under section 14.1(a)(3)(xv) of the act (3 P. S. § 914.1(a)(3)(xv)) to demonstrate the farmland tract meets these minimum criteria.

(b) The county board shall develop and make available to a county resident an application form which requires the following information:

(1) The printed name, address, telephone number and signature of all owners of the farmland tract.

(2) The county, municipality and agricultural security area in which the farmland tract is located.

(3) The total acreage of the farm as shown on the deed or instruments of record.

(4) The number of acres in the farmland tract proposed for easement purchase.

(5) The street address of the farm, and directions from the nearest State route.

(6) The most current deed reference—book, volume and page—or other reference to the place of record of the deed. In the case of multiple deeds, numbers for all the deeds shall be provided.

(7) County tax map numbers, including tax parcel number, or account number of each parcel.

(8) The date of the conservation plan, if any, which has been approved by the county conservation district or county board.

(9) The date of any nutrient management plan.

(10) The name, address and telephone number of the person to be contacted to view the farmland tract.

(c) The applicant or the county board shall provide both of the following locational maps with the application:

(1) A United States Geological Survey topographical map or a portion of the map showing the location of the farmland tract, with the farmland tract boundaries clearly and correctly delineated and showing the location of acreage being excepted from the easement.

(2) A tax map or official map used for tax assessment purposes showing the farmland tract with all tax parcel numbers clearly indicated.

(d) The applicant or the county board shall provide a soils report and a color-coded soils map for the farmland tract proposed for easement purchase. The soils report shall also contain a list of soil mapping unit names, symbols and land capability classes on the farmland tract. The soils map shall use as a base soil survey maps published by the USDA-NRCS. A county with a digital mapping database system for soils may provide the soils map in digital form in an appropriate scale acceptable to the Department. The soils map shall color code soil types as follows:

Land capability class I = Green

Land capability class II = Yellow

Land capability class III = Red

Land capability class IV = Blue

Land capability class V = Uncolored

Wetlands = Cross-hatch, or shown on a separate map

(e) If the county program requires crop yield data or gross annual receipts to determine whether a farmland tract meets the county program's minimum criteria for easement purchase, the applicant shall provide a production report for the farmland tract for the most recent crop year that comparable statistics are available from the Pennsylvania Agricultural Statistics Service (PASS)

##### **§ 138e.62. Evaluation of application.**

(a) The county board shall review the application to determine if it is complete and meets the minimum criteria in §§ 138e.11—138e.21 (relating to requirements for certification of county program).

(b) If the application is complete and the minimum criteria are met, an agent or member of the county board shall view the farmland tract and discuss the county program with the applicant.

(c) The county board shall evaluate timely applications which meet the minimum criteria and rank them according to the county, farmland ranking system.

##### **§ 138e.63. Order of appraisal.**

Farmland ranking score shall determine the order in which farmland tracts are selected by the county board

for appraisal. Selection for appraisal shall be made in descending order of farmland ranking score.

**§ 138e.64. Appraisal.**

(a) An offer to purchase an easement shall be based upon one or more appraisal reports which estimate the market value and the farmland value of the farmland tract, as those terms are defined in § 138e.3 (relating to definitions).

(b) An appraisal of market value and farmland value shall be based on an analysis of comparable sales, and shall be conducted in accordance with the standards set forth in the most recent edition of the *Uniform Standards of Professional Appraisal Practice*, published by the Appraisal Standards Board of the Appraisal Foundation. If an appraiser cannot practicably conduct an appraisal based on an analysis of comparable sales, the appraiser may conduct an appraisal using another methodology only if that methodology is an acceptable methodology under the Uniform Standards of Professional Appraisal Practice and the appraisal report clearly describes the information considered, the appraisal procedures followed and the reasoning that supports the analyses, opinions and conclusions.

(c) The value of a building or other improvement on the farmland tract will not be considered in determining the easement value.

(d) The appraiser shall be a State-certified general real estate appraiser who is qualified to appraise a property for easement purchase. An appraiser shall be selected by a county board on the basis of experience, expertise and professional qualifications.

(e) The appraiser shall supply a minimum of three copies of a narrative report which contains the following information and is in the following format:

- (1) *Introduction.*
  - (i) A letter of transmittal.
  - (ii) The appraiser's certificate of value as to market value, farmland value and easement value.
  - (iii) A table of contents.
  - (iv) A summary of salient facts and conclusions.
  - (v) The purpose of the appraisal.
  - (vi) The definitions, including definitions of market value, farmland value and easement value.
- (2) *Description of property.*
  - (i) A brief area or neighborhood description.
  - (ii) A description of appraised property.
    - (A) A legal description.
    - (B) Property data and zoning.
    - (C) A brief description of improvements.
    - (D) Color photos of the subject property's fields and improvements.
    - (E) A tax map or official map used for tax assessment purposes showing the subject property and its relationship to neighboring properties.
    - (F) A legible sketch or aerial photograph of subject property showing boundaries, roads, driveways, building locations, rights of way and land use.
    - (G) A location map showing the location of the subject farmland tract in a county or municipality.
    - (H) Soils map showing property boundaries.

(3) *Analyses and conclusions.*

- (i) An analysis of highest and best use.
- (ii) The valuation methodology: market value.
  - (A) Comparable sales data.
  - (B) An adjustment grid.

(C) A locational map of comparable sales showing the location of the subject farmland tract with respect to the comparables. A single locational map shall be submitted with respect to each county from which comparable sales are drawn.

- (iii) The market value estimate.
- (iv) The valuation methodology: farmland value.
  - (A) A comparable sales data.
  - (B) An adjustment grid.

(C) A locational map of comparable sales showing the location of the subject farmland tract with respect to the comparables. A single locational map shall be submitted with respect to each county from which comparable sales are drawn.

- (v) A farmland value estimate.
- (vi) The easement value.

(vii) An appendix containing a brief statement of the appraiser's professional qualifications and a copy of the appraiser's current certification issued in accordance with the Real Estate Appraisers Certification Act (63 P. S. §§ 457.1—457.19).

(f) The appraiser shall supply information concerning comparable sales as follows:

(1) At least three comparable sales shall be used for estimating market value and at least three comparable sales shall be used for estimating farmland value in an appraisal. If the appraiser cannot obtain sufficient comparable sales data within the same county as the subject farmland tract, the appraiser may use comparable sales from other counties, with the approval of the county board. The use of comparable sales which require adjustment of 50% or more is permitted only with the approval of the county board.

(2) Pertinent data for each comparable sale used in the preparation of the appraisal shall be stated in the appraisal report, including date of sale, purchase price, zoning, road frontage in feet (for determining market value) and soil mapping units (for determining farmland value). The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract. This analysis shall be in the form of a narrative statement of the information considered and the reasoning that supports the analyses, opinions and conclusions, and an adjustment grid assigning, when practicable and within the *Uniform Standards of Professional Appraisal Practice* referenced in subsection (b), approximate dollar values to adjustments shown on the adjustment grid.

(3) The location of each market value comparable sale used in the appraisal report shall be shown accurately on a comparable sales map depicting the entire county in which the comparable sale is located, and shall be sufficiently identified and described so it may be located easily. If the comparable sales map depicts the county in which the property that is the subject of the appraisal is located, that property shall also be sufficiently identified and described so it may be located easily.

(4) The location of each farmland value comparable sale used in the appraisal report shall be shown accurately on a comparable sales map depicting the entire county in which the comparable sale is located, and shall be sufficiently identified and described so it may be located easily. If the comparable sales map depicts the county in which the property that is the subject of the appraisal is located, that property shall also be sufficiently identified and described so it may be located easily. If a farmland value comparable sales map and a market value comparable sales map would depict the same county, they may be combined in a single map.

(5) For comparable sales used to estimate the farmland value, the appraiser may use sales of land that are confined to agricultural use because of agricultural conservation easements or other legal restrictions or physical impairments that make the land valuable only for agricultural use. Comparable sales shall be in primarily agricultural use. Data may also be gathered from farm real estate markets when farms have no apparent developmental value.

(6) The appraiser shall set forth the reasons the farmland comparable sales are confined primarily to agricultural use. Examples of these reasons include:

(i) The farmland tract has public or private land use restrictions.

(ii) The farmland tract is within a floodplain or a wetland (in whole or in part).

(iii) The farmland tract is landlocked, subject to additional easements, subject to restrictive zoning or having other physical attributes which limit its developmental capability.

(7) The appraiser shall provide at least one original and two copies of each report to the county board. The original of each report and all copies shall be bound with rigid covers.

(8) The appraisal shall include the entire acreage offered for easement sale. If, following completion of the appraisal, acreage is added to or deleted from the proposed easement sale for any reason, the appraisal shall be revised accordingly or the appraiser shall agree in writing to the use of a per acre value to account for the change in easement value resulting from such a change in acreage.

(9) If acreage is voluntarily withheld from the easement sale by the landowner through subdivision accomplished in accordance with the Pennsylvania Municipalities Planning Code, the appraiser shall, in making the estimate of agricultural conservation easement value, take into account any increase in the value of the subdivided acreage because of the placement of the easement on the remaining farmland.

**§ 138e.65. Easement value and purchase price.**

(a) *Easement value.* An easement shall be purchased in perpetuity. The maximum value of an easement for purposes of making an offer to purchase an easement under § 138e.66(b) (relating to offer of purchase by county board) shall be the difference between the market value and the farmland value contained in the county appraisal report.

(b) *Maximum purchase price.* The purchase price offered for the purchase of an easement under § 138e.66(b) may not exceed, but may be less than, the value of the easement. Regardless of the easement value, the State funds paid toward the purchase price of an easement will not exceed \$10,000 per acre.

**§ 138e.66. Offer of purchase by county board.**

(a) In determining whether to offer to purchase an easement following receipt of the county appraisal report, the county board shall consider the following:

(1) The farmland ranking score, as calculated in accordance with § 138e.15 (relating to farmland ranking system).

(2) The cost relative to total allocations and appropriations.

(3) The factors or considerations in the county program as those factors or conditions under which an offer to purchase would be made in something other than descending order of farmland ranking score. An example of a factor or consideration under which a county program might provide for the making of an offer to purchase in something other than descending order of farmland ranking score would be the landowner being unable to obtain clear title to the farmland tract within a time specified in the county program.

(b) If the county board determines to offer to purchase an easement on the farmland tract, the county board, or a representative of the county board, shall meet with the applicant to review the county appraisal report. An offer to purchase an easement shall be submitted to the applicant in writing and be accompanied by the county appraisal report.

(c) Within 30 days of receipt of the written offer from the county board, an applicant may do one of the following:

(1) Accept the offer, in which case the county board and the applicant shall enter into an agreement of sale. The agreement of sale shall be conditioned upon the approval of the State Board and be subject to the ability of the applicant to provide good title to the premises, free of encumbrances such as liens, mortgages, options, rights of others in surface mineable coal, land use restrictions, adverse ownership interest and other encumbrances which would adversely impact the county and Commonwealth's interest in the farmland tract.

(2) Reject the offer and advise the county board that the application is withdrawn.

(3) Advise the county board that the applicant is retaining, at the applicant's expense, an independent State-certified general real estate appraiser to determine the easement value. The appraiser shall be qualified, and the appraisal shall be completed in accordance with the procedure in § 138e.64 (relating to appraisal). The appraisal shall be submitted to the county board within 120 days of receipt of the county board's offer to purchase. The county board may extend the time within which this appraisal shall be submitted. This extension shall be in writing and shall extend the 120-day deadline by no more than 60 days. Upon completion, three copies of the applicant's appraisal shall be submitted to the county board. The applicant's decision to obtain an independent appraisal under this paragraph does not constitute a rejection of the county board's offer. The county board's offer shall remain open unless increased by the county board under subparagraph (ii) or rejected by the applicant under subparagraph (iii) or (iv).

(i) If the applicant retains an independent appraiser, the easement value shall be the difference between the agricultural value and the nonagricultural value, determined as follows:

(A) The agricultural value shall equal the sum of:

(I) The farmland value determined by the applicant's appraiser.

(II) One-half of the difference between the farmland value determined by the county board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the county board's appraiser exceeds the farmland value determined by the applicant's appraiser.

(B) The nonagricultural value shall equal the sum of:

(I) The market value determined by the county board's appraiser.

(II) One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the county board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the county board's appraiser.

(i) If the easement value determined under subparagraph (i) is less than the easement value determined by the county appraiser, the county board may offer a purchase price equal to the county's offer under subsection (b).

(iii) Regardless of the easement value, the purchase price may not exceed \$10,000 per acre of State funds.

(iv) Within 30 days of receipt of the applicant's appraisal, the county board shall do one of the following:

(A) Submit a written offer to purchase in an amount in excess of the amount offered under subsection (b) to the applicant.

(B) Notify the applicant, in writing, that the offer made under subsection (b) remains open and will not be modified.

(v) The applicant shall, within 15 days of receipt of the county board's written offer under subparagraph (ii)(A) or receipt of the county board's written notice under subparagraph (ii)(B), notify the county board in writing that the applicant does one of the following:

(A) Accepts or rejects the offer made under subparagraph (iv)(A).

(B) Accepts or rejects the offer made under subsection (b).

(vi) The failure of the applicant to act as set forth in subparagraph (v) shall constitute a rejection of the county board's offer.

(vii) If the offer of purchase is accepted, the county board and the applicant shall enter into an agreement of sale containing the same requirements and subject to the same conditions in subsection (c)(1).

(4) The failure by the applicant to act within 30 days of receipt of a written offer under subsection (b) shall constitute rejection of the offer.

(d) An agreement of sale shall be in a form provided by the State Board.

**§ 138e.67. Requirements of the agricultural conservation easement deed.**

(a) The owners of the subject farmland tract shall execute a deed conveying the easement. This deed shall include the provisions of § 138e.241 (relating to deed clauses).

(b) The deed shall be in recordable form and contain:

(1) A legal description setting forth the metes and bounds of the farmland tract subject to the easement.

(2) At least one course and distance referencing a fixed marker or monument of a type commonly placed in the field by a surveyor. Fixed markers may include iron pins, pk nails, spikes, concrete monuments or stones.

(c) The legal description may not contain a closure error greater than 1 foot per 200 linear feet in the survey.

(d) The farmland tract on which an easement is to be purchased shall be surveyed unless the legal description contained in the deed recorded in the land records of the county in which the farmland tract is located satisfies the requirements of subsections (b) and (c). A survey required by this paragraph shall comply with the boundary survey measurement standards for a Class A-2 survey as published by the Pennsylvania Society of Land Surveyors.

(e) For purchases made entirely with State funds, the Commonwealth shall be the sole grantee.

(f) For purchases made using a combination of State and county funds, the grantees shall be the Commonwealth and the county providing the funds under joint ownership as defined in the act.

(1) Neither the Commonwealth nor the county may sell, convey, extinguish, lease, encumber or restrict in whole or in part its interest in the easement for 25 years from the date of the purchase of the easement. This prohibition will not be construed to prevent a public entity, authority or political subdivision from exercising the power of eminent domain and condemning restricted land in accordance with section 14.1(c)(5) of the act (3 P. S. § 914.1(c)(5)).

(2) Upon the sale, conveyance, extinguishment, lease, encumbrance or other disposition of the easement, the Commonwealth and the county shall receive a pro rata share of the proceeds based upon their respective contributions to the purchase price.

(g) A copy of the proposed deed shall be submitted to the State Board for approval prior to execution and delivery.

**§ 138e.68. Title insurance.**

(a) The county board shall provide a title report to the State Board upon submission of its recommendation for the purchase of an easement.

(b) At settlement, the county board shall provide a title insurance policy issued by a title insurance company authorized to conduct business in this Commonwealth by the Insurance Department. A marked up title commitment may serve as a policy until the policy is issued.

**§ 138e.69. Statement of costs.**

(a) For purposes of section 14.1(h)(6) of the act (3 P. S. § 914.1(h)(6)), the county board shall submit, on a form provided by the Department, a statement of costs. This statement of costs shall include the cost of the agricultural conservation easement and the costs incident to the purchase of the easement, and shall be submitted to the State Board along with the application for review described in § 138e.91 (relating to application for review). The incidental costs may include:

(1) The county appraisal costs.

(2) The necessary legal fees for title search, preparation of documents and attendance at the closing.

(3) The recording fees.

(4) The survey costs.

(5) The costs of providing adjoining landowners with required notices and of providing necessary advertisements.

(6) Reimbursements to a nonprofit land conservation organization that has acquired an easement at the request of the county board, for the purpose of transferring the easement to the county or the Commonwealth, or both. These costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees and survey costs.

(7) The cost of the title insurance.

(b) The statement of costs shall specify the amount of funding requested from the Commonwealth for the purchase, and the amount of county funds allocated for the purchase.

(c) After settlement, the county board shall submit a revised statement of costs if actual costs were greater or less than the costs estimated in the initial statement of costs.

(d) If the actual costs are less than the estimated costs, the county board shall promptly refund the difference to the Department by check payable to "Commonwealth of Pennsylvania."

#### § 138e.70. Summary report.

(a) *General.* A recommendation by the county board for the purchase of an easement shall be accompanied by a summary report consisting of a narrative report and an appendix as described in subsections (b) and (c).

(b) *Narrative report.* The narrative report shall consist of the following:

(1) A description of the farm, including the name of all landowners, location in relation to the nearest town, number of acres proposed for purchase and type of agricultural production on the farm.

(2) A description of the quality of the farmland tract, including soil capability classes.

(3) The farmland ranking score, including a statement of the relative ranking of the farmland tract among other tracts considered by the county in the same round of applications.

(4) A description of the likelihood of conversion to other uses if the easement is not purchased.

(5) A description of the nature and scope of developmental pressure in the municipality or area.

(6) A description of the nature and scope of conservation practices and best land management practices, including soil erosion and sedimentation control and nutrient management.

(7) A discussion of the purchase price summarizing the appraisals, including the agricultural and nonagricultural value, negotiations for purchase and the percentage of the appraised easement value accepted by the landowner.

(8) A statement of costs as described in § 138e.69 (relating to statement of costs).

(9) A certification by the county board that the information presented to the State Board is true and correct.

(c) *Appendix.* The appendix of the summary report shall consist of the following:

(1) The application form.

(2) Locational maps, including tax, topographic and soils maps.

(3) A soils report.

(4) A crop report.

(5) A livestock report.

(6) An evaluation of the farmland ranking score, showing how the farm scored in comparison to other farms.

(7) A quitclaim deed, or a subordination, release or letter approving the purchase from a mortgagee, lienholder or owner of rights in surface mineable coal.

(8) Other relevant documents and information.

#### § 138e.71. Notification of owners of land adjoining proposed easement purchase.

(a) *General.* A county board shall provide the owners of land adjoining a farmland tract with respect to which an easement purchase is proposed with notice of the proposed purchase and notice of an opportunity to be heard at the State Board meeting at which the easement purchase recommendation is to be considered. At a minimum, this notice shall identify the property being considered for easement purchase, reference the time and place of the State Board meeting at which the easement purchase recommendation is to be considered and reference the criteria at section 14.1(e)(1) of the act (3 P. S. § 914.1(e)(1)) upon which the State Board could disapprove a recommended easement purchase. Service of this notice may be accomplished by personal service or mail as described in subsections (b) and (c).

(b) *Personal service.* The notice described in subsection (a) may be accomplished by personal service upon the landowners entitled to notice. If service is accomplished by personal service, the county board shall submit verification of service to the State Board in advance of the State Board meeting at which the easement purchase recommendation is to be considered.

(c) *Certified mail.* The notice described in subsection (a) may be accomplished by certified mail, return receipt requested, addressed to the landowner entitled to the notice. If service is accomplished by certified mail, the county board shall submit verification of service, including a copy of the return receipt, to the State Board in advance of the State Board meeting at which the easement purchase recommendation is to be considered.

#### STATE BOARD REVIEW OF A PURCHASE RECOMMENDATION

#### § 138e.91. Application for review.

Application for State Board review of a proposed purchase of an easement is made by submitting the following documents to the Director, Bureau of Farmland Protection, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408:

(1) Twenty-two copies of the summary report prepared in accordance with § 138e.70 (relating to summary report), including the following items:

(i) A cover letter from the county (optional).

(ii) A narrative summary report.

(iii) A legible United States Geological Survey (USGS) topographical map showing the subject property location and boundaries, location of neighboring easements, and exclusions withheld from the subject property.

(iv) The Soil Report Form C (a form provided by the Department), both pages. See Appendix B (relating to Form C Soils Report).

(v) The list of soil mapping unit names, symbols and land capability classes on the subject property.

(vi) A legible, uncolored soil map of the subject property.

(vii) A tax map showing the subject property location and boundaries, exclusions withheld from the subject property, utility rights-of-way and access road rights-of-way.

(viii) A summary table showing the individual farmland ranking scores by category for applications selected for county appraisal, including an indication of the easement purchase status of higher-ranking applicants.

(ix) A copy of Exhibit B, from the agreement of sale, modified to include interest, total acres and per acre easement cost.

(x) Twenty-two copies submitted shall be individually collated and three-hole punched, but not stapled.

(2) The appraisal reports.

(3) The signed agreement of sale, including the proposed legal description, a statement of cost, the proposed deed of agricultural conservation easement, a contractor integrity clause and a nondiscrimination clause.

(4) The title insurance report or commitment.

(5) A letter certifying that the adjoining landowners were provided with notice and opportunity to be heard in a manner consistent with administrative agency law with respect to the proposed easement purchase, including one copy of the notification letter required under § 138e.71 (relating to notification of owners of land adjoining proposed easement purchase) and a list of the adjoining landowners.

(6) A completed and signed IRS Form W-9, Request for Taxpayer Identification Number and Certification for individual grantors.

(7) A letter from the grantors stating the percent of ownership of each grantor for the purpose of issuing IRS Form 1099.

(8) A copy of the approved soil conservation plan that is required to be in place with respect to the land under § 138e.241(2) (relating to deed clauses).

(9) A copy of the nutrient management plan that has been developed, certified, reviewed and approved in accordance with the Nutrient Management Act (3 P. S. §§ 1701—1718), if the nutrient management plan is required under the Nutrient Management Act for any portion of the property that is the subject of the application.

#### **§ 138e.92. Review and decision.**

(a) The State Board will acknowledge receipt of the application for review. The State Board will notify the county board if the application is incomplete or incorrect and request that additional necessary clarification, information or documentation be supplied.

(b) Within 60 days of receipt of a complete application for review, the State Board may approve, disapprove or table the purchase. The State Board may delay its action on a complete application beyond this 60-day deadline if one or more of the conditions excusing the delay, as set forth in section 14.1(e)(2) of the act (3 P. S. § 914.1(e)(2)), occur. If State Board action is delayed as a result of any of these conditions, the 60-day period shall be extended until applicable issues set forth in § 14.1(e)(2) of the act are resolved to the satisfaction of the State Board,

whereupon the State Board will act on the recommendation of the county board at its next scheduled meeting.

(1) If the application is approved, the State Board will execute the agreement of sale.

(2) If the application is disapproved or tabled, the State Board will notify the county board in writing of the reasons for disapproval or tabling. The State Board shall mail this written notification within 10 days of the disapproval or tabling. If the application has been disapproved, the county board may resubmit the application if the purchase recommendation has been revised to address the State Board's reasons for disapproval. The resubmittal shall be treated as a new application.

(3) The county board may withdraw its application from the State Board prior to action by the State Board. The county board may resubmit the application for consideration. The resubmittal will be treated as a new application.

(4) Failure of the State Board to act on an application within 60 days of its receipt constitutes approval by the State Board.

(c) Following the end of each 7-year period within which recertification of a county program is required under section 14.1(b)(4) of the act, the State Board will not approve a county board's recommendation to purchase until the county program has been approved for recertification in accordance with that section and the procedure described in § 138e.44 (relating to periodic recertification of county programs). The State Board may postpone the deadline for recertification of any county's program by up to 12 months and, during the period of postponement, may approve a county board's recommendation to purchase.

(d) A decision of the State Board to disapprove a purchase shall be an adjudication subject to 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). The owner of the farmland tract proposed for easement purchase or the county board may appeal a decision of the State Board to disapprove the purchase of an easement. An appeal shall be made to the Secretary and shall be filed in writing within 30 days of the State Board's action. An appeal from the decision of the State Board shall be governed by 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

#### **ALLOCATION OF FUNDS**

##### **§ 138e.101. Annual easement purchase threshold.**

(a) On or before March 1 of each year in which money is available from the Fund, the State Board will meet and determine the annual easement purchase threshold for the current county fiscal year.

(b) The annual easement purchase threshold shall be at least \$10 million, unless the total amount available in the Fund is less than \$10 million, in which case the annual easement purchase threshold shall be the total amount available in the Fund.

##### **§ 138e.102. Allocation of funds to counties.**

(a) On or before March 1 of each year in which money is available from the Fund, the State Board shall determine and announce an allocation of grant funds and State matching funds to eligible counties

(b) An allocation of grant funds shall be made to all eligible counties.

(c) Grant funds allocated to an eligible county will be available to be expended or encumbered for easement



purchases for 2 consecutive county fiscal years, commencing with the county fiscal year within which the allocation is made.

(d) A county that wishes to participate in the allocation of State matching funds shall:

(1) Appropriate county matching funds to be used exclusively for the purchase of easements.

(2) Submit to the State Board a certified copy of the resolution or other action of the county governing body appropriating county matching funds to be used exclusively for the purchase of easements.

(i) The certified resolution or other action shall be executed by the chief fiscal officer of the county and an authorized official of the county governing body.

(ii) The certified resolution or other action shall be in a form provided by the State Board.

(iii) The certified resolution or other action shall be received by the State Board by January 31 to be considered for an allocation of State matching funds for the year.

(iv) County matching fund appropriations shall be available for the same 2-consecutive-county-fiscal-year period during which grant funds allocated under subsection (c) are available to be expended or encumbered.

(e) State matching funds allocated to an eligible county will be available to be expended or encumbered for easement purchases if the expenditure or encumbrance occurs during the county fiscal year for which the allocation is initially made and for the following county fiscal year.

(f) Allocations will be made on an annual basis, concurrent with the calendar year beginning January 1.

(g) Funds allocated for easement purchases shall be expended or encumbered within the period in subsections (c) and (e). Funds shall be considered encumbered when the county board has submitted to the Department an application to purchase an easement on a specific farm for a specific amount of money expressed on a per acre basis or expressed as a total price based on the acreage contained in the deed of record. The application shall include all of the documents required by § 138e.91 (relating to application for review), except that multiple copies of the summary report and the final legal description are not required. Minor corrections may be made to the application as part of the review and comment process conducted by the Department without affecting the encumbrance of the funds.

(h) Grant funds that have not been expended or encumbered within the period specified in subsection (c) shall be restored to the Fund.

(i) State matching funds that have not been expended or encumbered within the period specified in subsection (e) shall be restored to the Fund.

#### § 138e.103. Expenditure of matching funds.

(a) State matching funds may be expended in a county only upon the recommendation of the county board.

(b) A county board that recommends the expenditure of State matching funds for the purchase of a specific easement shall state the amount of county matching funds that will be used for the purchase of the easement.

(c) County matching funds shall be expended within the periods specified in § 138e.102(e) (relating to allocation of funds to counties).

(d) An easement purchased using solely county funds will be considered an expenditure of county matching funds under sections 14.1(h)(3), (4) and (5)(i) of the act (3 P. S. §§ 914.1(h)(3), (4) and (5)(i)) if:

(1) The easement document recorded in the land records of the county in which the farmland tract is located contains the provisions in § 138e.241 (relating to deed clauses) and any more restrictive provisions required under the county program.

(2) Upon settlement of the purchase of an easement, the county board submits the following to the State Board:

(i) A copy of the signed deed of agricultural conservation easement.

(ii) A copy of the production report with respect to the farmland tract, if the report is required under § 138e.61(e) (relating to application).

(iii) A statement describing the nature and scope of compliance with the conservation plan for the farmland tract.

(iv) The date of approval of the conservation plan.

(e) An easement purchased using solely county funds shall be considered an expenditure of county matching funds unless the State Board notifies the county board in writing within 60 days of receipt of the documentation required by subsection (d)(2) that the purchase will not be considered an expenditure of county matching funds and the reasons for the determination.

(f) If the State Board notifies the county board that the purchase will not be considered an expenditure of county matching funds, the county board shall have 60 days to resubmit documentation. Upon resubmittal of documentation, the State Board shall determine whether the purchase meets the requirements of subsection (d). The county board shall be notified of the State Board's determination within 60 days of the resubmittal.

#### § 138e.104. Installment sales.

(a) *Options.* Payment for an agricultural conservation easement may be made in a lump sum, in installments or in another lawful manner of payment.

(b) *Installment sales with a payment period of 5 years or less.* Installment sales in which the final payment for the easement purchase is to be made no longer than 5 years from the date the contract of sale is fully executed are subject to the following requirements:

(1) Purchases may be made in the name of the Commonwealth, an eligible county or jointly by the Commonwealth and an eligible county.

(2) The Department will provide the agreement of sale for purchases made in the name of the Commonwealth solely or jointly by the Commonwealth and an eligible county.

(3) The installment payment terms, including the dates of payments, payment amounts and interest rate on the outstanding balance shall be negotiated between the landowner and the county board.

(4) The interest rate to be paid on the outstanding balance shall be established by the county board and shall be stated in the agreement of sale.

(c) *Installment sales with a payment period of more than 5 years.* Installment sales in which the final payment for the easement purchase is to be made more than

5 years from the date the contract of sale is fully executed are subject to the following provisions:

(1) Purchases may be made in the name of the Commonwealth, an eligible county or jointly by the Commonwealth and an eligible county.

(2) Notwithstanding the requirement of § 138e.66(d) (relating to offer of purchase by county board), the county board may, subject to approval by the Department, provide the agreement of sale for purchases made under this subsection.

(3) The agreement of sale and the deed of easement shall meet the same requirements and be subject to the same conditions as set forth in § 138e.66(c) and § 138e.67 (relating to requirements of the agricultural conservation easement deed).

(4) The installment payment terms, including the dates of payments, payment amounts and interest rate on the outstanding balance shall be negotiated between the landowner and the county board.

(5) The interest rate paid on the outstanding balance will be established by the county board and shall be stated in the agreement of sale.

(6) The State's share of the easement purchase price, exclusive of interest, shall be transferred to the county board for deposit into an irrevocable escrow account or deposit in another manner provided by law.

(7) Transfer of the Commonwealth's share of the easement purchase price, exclusive of interest, according to the terms of this paragraph shall relieve the Commonwealth of any obligation to pay or assure the payment of the easement purchase price and interest.

**PROCEDURES FOR MONITORING, INSPECTING AND ENFORCING AN EASEMENT**

**§ 138e.201. Responsibility.**

(a) The county board shall have the primary responsibility for inspecting restricted land and enforcing an easement.

(b) The State Board or its designee will have the right to inspect restricted land and enforce an easement on its own behalf or in conjunction with the county board.

**§ 138e.202. Inspections.**

(a) The county board shall inspect all restricted land within the county at least annually to determine compliance with the applicable deed of easement. The first inspection shall be completed within 1 year of the date of easement sale.

(b) Written notice of an inspection to be conducted under subsection (a) shall be mailed by certified mail to the owner at least 10 days prior to the inspection.

(c) An inspection conducted under subsection (a) shall be performed between the hours of 8 a.m. and 5 p.m. on a weekday that is not a legal holiday recognized by the Commonwealth, or a date and time agreeable to the county and the landowner.

(d) Within 10 days of conducting an inspection under subsection (a), the county board shall prepare a written inspection report setting forth the following information:

(1) The identification of the land inspected.

(2) The name of the owner of the farmland at the time the easement was originally acquired and the name of the current owner of the land inspected.

(3) A description of modifications in the number, type, location or use of any structures on the land since the date of the filing of the deed of easement.

(4) A description of deviations from the conservation plan observed on the restricted land.

(5) A statement of whether the provisions of the deed of easement are being observed.

(e) A copy of the inspection report shall be mailed by certified mail to the owner.

(f) The county board and the State Board may inspect the restricted land, jointly or severally, without prior notice if it has reasonable cause to believe that any provision of the easement has been or is being violated.

**§ 138e.203. Annual report.**

The county board shall file with the State board a copy of inspection reports for inspections conducted during the prior year, and compile an annual report which summarizes the number of inspections, violations detected, violations resolved and the circumstances surrounding unresolved violations.

**§ 138e.204. Enforcement.**

(a) The county board shall enforce the terms of each easement purchased within the county under the act, whether it be a county, State or joint purchase.

(b) The State Board may enforce the terms of State or jointly purchased easements.

(c) The right of the State Board to enforce the terms of an easement may be exercised either jointly with the county board or by the State Board acting on its own behalf.

**§ 138e.205. Notification to owner.**

(a) Within 10 days of the discovery of a violation of the terms of an easement, the county board shall send written notice of the violation to the owner of the restricted land, the county governing body and the State Board.

(b) The written notice required by this section shall be sent by certified mail and shall set forth the following information:

(1) A copy of the inspection report.

(2) A copy of the deed of easement.

(3) A description of the action or condition which constitutes the alleged violation.

(4) A statement of the measures necessary to correct the alleged violation.

**§ 138e.206. Enforcement actions.**

(a) Sixty days after the mailing of a notice of violation under § 138e.205 (relating to notification to owner), the county board shall commence and prosecute an action in the court of common pleas of the county in which the restricted land is located seeking an order requiring correction of the violation, enjoining further violation of the terms of the easement, and other appropriate relief, unless the county board does one of the following:

(1) Determines with the State Board that the violation has been corrected.

(2) Completes the following requirements:

(i) Determines that the owner of the restricted land has commenced the necessary corrective measures, or

determines that the necessary corrective measures cannot reasonably be completed within the 60-day period described in this subsection.

(ii) Established a period not to exceed 1 year within which the corrective measures shall be completed.

(b) The county board shall commence and prosecute the enforcement action described in subsection (a) if the violation is not corrected within the time established under subsection (a)(2)(ii).

(c) The owner of the restricted land shall bear the costs associated with the correction of a violation of the easement, including:

(1) Costs of work required and materials used to correct the violation.

(2) Administrative costs incurred by the county board and the State Board.

(3) Court costs and reasonable attorneys' fees incurred by the county board and the State Board in enforcing the easement.

(d) If the county board fails to institute and prosecute a timely enforcement action, the State Board may institute the action and recover costs incurred, including reasonable attorneys' fees, from the county board or the owner of the restricted land, or both.

**§ 138e.207. County board's duties with respect to change of ownership.**

(a) The county board is encouraged to provide the State Board with a copy of any proposed deed under which an ownership interest in restricted land is to be conveyed prior to execution of the deed. The county board shall provide the State Board with a copy of a deed conveying an ownership interest in restricted land no later than 20 days of learning of the change in ownership.

(b) As part of its enforcement responsibility, the county board shall ensure that a deed conveying an interest in the restricted land sets forth the language of the easement restrictions verbatim.

**RESPONSIBILITY OF OWNER**

**§ 138e.221. Permitted acts.**

During the term of the easement, the restricted land shall be used solely for agricultural production or other uses permitted by the act.

**§ 138e.222. Conservation plan.**

(a) To preserve the agricultural viability of the restricted land, the county board shall require, and the owner of the restricted land shall implement, a conservation plan approved by the county conservation district or the county board.

(b) In addition to the requirements established by the county conservation district or the county board, the conservation plan shall meet the definitional requirement of a conservation plan in § 138e.3 (relating to definitions) and also require that:

(1) The use of the land for agricultural production, such as growing sod, nursery stock, ornamental trees and shrubs does not remove excessive soil from the restricted land.

(2) The excavation of soil, sand, gravel, stone or other materials for use in agricultural production on the restricted land is conducted in a location and manner that preserves the economic viability of the restricted land for agricultural production.

(3) The mining of minerals is conducted only through the use of methods authorized in the act.

**§ 138e.223. Construction of buildings; changes in use.**

(a) *New buildings or structures.* The construction or use of a building or other structure on the restricted land other than a building or structure existing on the date of the granting of the easement is prohibited, except that:

(1) The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.

(2) The construction of one additional residential structure is permitted under § 138e.224 (relating to construction of one additional residential structure).

(3) The construction or use of a building or other structure for agricultural production is permitted. The county program may restrict the maximum building coverage.

(4) The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted if the preexisting residential structure is razed or removed and the replacement residential structure is erected within the curtilage of the residential structure it replaces.

(b) *Existing buildings or structures.*

(1) A renovation or modification of an existing residential structure, or an addition to an existing residential structure, is permitted if it would not increase the curtilage of the residential structure.

(2) A renovation or modification of an existing agricultural building or structure, or an addition to an existing agricultural building or structure, is permitted. The county program may restrict the maximum building coverage.

**§ 138e.224. Construction of one additional residential structure.**

(a) *General.* In addition to the structures existing on the restricted land on the date of the granting of the easement, one additional residential structure may be constructed on the restricted land if the following apply:

(1) The residential structure is constructed and used as the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time farm employees.

(2) No other residential structure has been constructed on the restricted land, under authority of section 14.1(c)(6)(iv) of the act (3 P. S. § 914.1(c)(6)(iv)) and this section, after the date of the granting of the easement.

(3) The residential structure and its curtilage occupy no more than 2 acres of the restricted land.

(b) *Replacement of structures.* The replacement of a residential structure constructed under authority of section 14.1(c)(6)(iv) of the act and this section is permitted.

(c) *Reservation of right to construct after subdivision.* If the restricted land is subdivided prior to the construction of a residential structure under authority of section 14.1(c)(6)(iv) of the act and this section, the landowner shall do the following:

(1) Inform the county board of the specific subdivided tract with respect to which the right to construct and use such a residential structure is reserved.

(2) Ensure that the deed to the subdivided tract with respect to which the right to construct and use the residential structure is reserved clearly sets forth the reservation of this right.

(3) Ensure that the deeds to the remaining subdivided tracts recite that no residential structure may be constructed on the remaining subdivided tracts.

**§ 138e.225. Subdivision of restricted land.**

(a) *Authority to prohibit subdivision.* A county program may prohibit the subdivision of restricted land if the landowner can accomplish the construction and use of a principal residence or housing for seasonal or full-time farm employes in accordance with section 14.1(c)(6)(iv) of the act (3 P.S. § 914.1(c)(6)(iv)), under the applicable subdivision and land development ordinance, by a land development other than subdivision.

(b) *Discretion to allow subdivision.* A county program may allow the subdivision of restricted land, and may place restrictions or conditions upon subdivision.

(c) *Preservation of economic viability for agricultural production.* Subsection (b) notwithstanding, a county program may not permit a subdivision which would harm the economic viability of the farmland for agricultural production.

(d) *Prevention of conversion to nonagricultural use; exception.* Subsection (b) notwithstanding, a county program may not permit a subdivision which would convert land which has been devoted primarily to agricultural use to another primary use except that, without regard to this requirement, a county program may permit one tract to be created by subdivision for the purpose of the construction of a principal residence for the landowner or an immediate family member.

(e) *Notice to landowner.* A county board shall do at least one of the following:

(1) File its county program, or that portion setting forth prohibitions or restrictions with respect to subdivision of restricted land, at the Office of Recorder of Deeds for that county, and reference the place of filing of these prohibitions or restrictions in the deed of agricultural conservation easement.

(2) Recite the prohibitions or restrictions with respect to subdivision verbatim in the deed of agricultural conservation easement.

**§ 138e.226. Procedure for review of request to subdivide restricted land.**

A landowner may obtain review of a request for approval to subdivide a tract of restricted land in accordance with the following procedure:

(1) The landowner shall submit an application to the county board, in a form and manner prescribed by the county board, requesting review and approval of the subdivision of a tract of restricted land.

(2) The county board shall note the date upon which the application is received.

(3) Upon receipt of the application, the county board shall forward written notice of the application to the county zoning office (if such an office exists), county planning office and county farmland preservation office. For purposes of this subsection, the offices listed in this paragraph shall be referred to as the "reviewing agencies."

(4) The county board shall note the date upon which each reviewing agency receives the written notice described in paragraph (3).

(5) Each reviewing agency shall have 60 days from receipt of the written notice described in paragraph (3) within which to review, comment and make recommendations on the proposed application to the county board. The county board may not consider comments and recommendations received beyond this deadline unless the landowner agrees in writing.

(6) The county board shall have 120 days from receipt of the application for approval to subdivide within which to review the application, review comments and recommendations submitted by the reviewing agencies and approve or reject the application. This 120-day deadline may be extended by the mutual agreement of the landowner and the reviewing agencies. If the county board fails to approve or reject an application within the 120-day deadline or an extension thereof, the application shall be deemed approved.

(7) If the application is rejected by the county board, the county board shall return the application and a written statement of the reasons for the rejection to the landowner. Within 30 days after receipt of the statement of rejection, the landowner may appeal the rejection in accordance with 2 Pa.C.S. Chapter 5, Subchapter B and Chapter 7, Subchapter B (relating to local agency law) action).

(8) If the application is approved by the county board, the county board shall promptly forward a copy of the application and the comments and recommendations of the reviewing agencies to the State Board for review and approval or disapproval.

(9) The State Board will provide the county board and the landowner with written notice of the date, time and location of the meeting at which the State Board will review and consider the approval or disapproval of the application. This notice will be forwarded by regular mail at least 14 days in advance of the State Board meeting.

(10) In its review of an application requesting approval of the subdivision of a tract of restricted land, the State Board will consider only whether the application complies with the conditions under which subdivisions are permitted by the county program.

(11) The State Board will provide both the county board and the landowner with written notice of its decision regarding the application for approval of the subdivision of a tract of restricted land. If the application is disapproved, the notice shall contain a statement of the reasons the application does not comply with the conditions under which subdivisions are permitted by the county program.

**§ 138e.227. Landowner's duties with respect to change of ownership.**

(a) A deed conveying an interest in the restricted land shall set forth the language of the easement restrictions verbatim.

(b) Within 30 days of a change in ownership of the restricted land, the prior owner shall notify the county board and the Department of the name and address of the new owner, provide each a copy of the deed, provide a statement of the price per acre or portion thereof involved in the transfer and a reference to the volume and page in which the transfer has been recorded by the county recorder of deeds.

**DEED OF AGRICULTURAL CONSERVATION  
EASEMENT**

**§ 138e.241. Deed clauses.**

The Deed of Agricultural Conservation Easement delivered in connection with the purchase of an easement shall identify the owner of the farmland tract as grantor and either the Commonwealth or the county, or both, as grantee and contain the following provisions and additional, consistent provisions approved by the State Board:

(1) A granting clause stating:

NOW THEREFORE, in consideration of the sum of \_\_\_\_\_ Dollars, the receipt and sufficiency of which is hereby acknowledged, Grantor does voluntarily grant, bargain and sell, and convey to the Grantee, its successors and assigns, and Grantee voluntarily accepts, an agricultural conservation easement in the subject land, under and subject to the act and the following terms and conditions:

(2) A clause restricting use of the land to specific permitted acts as follows:

*Permitted Acts*—During the term of the agricultural conservation easement conveyed herein, the subject land shall be used solely for the production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50 percent of such processed or merchandised products are produced by the farm operator (hereinafter “agricultural production”). For purposes of this Deed, “crops, livestock and livestock products” include, but are not limited to:

(i) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans;

(ii) Fruits, including apples, peaches, grapes, cherries and berries;

(iii) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms;

(iv) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;

(v) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs;

(vi) Timber, wood and other wood products derived from trees; and

(vii) Aquatic plants and animals and their byproducts.

Except as permitted in this Deed, neither Grantor nor his agents, heirs, executors, administrators, successors and assigns, nor any person, partnership corporation or other entity claiming title under or through Grantor, or their agents, shall suffer, permit, or perform any activity on the subject land other than agricultural production.

*Construction of buildings and other structures*—The construction or use of any building or other structure on the subject land other than as existing on the date of the delivery of this Deed is prohibited except that:

(i) The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.

(ii) The construction of one additional residential structure is permitted if:

(A) The residential structure is constructed and used as the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time farm employees;

(B) No other residential structure has been constructed on the restricted land at any time since the granting of the easement;

(C) The residential structure and its curtilage occupy no more than 2 acres of the subject land, and;

(D) The location of the residential structure and its driveway will not harm the economic viability of the subject land for agricultural production.

(iii) The construction or use of any building or other structure for agriculture production, or the renovation or modification of an existing agricultural structure, is permitted, but the maximum building coverage may be restricted if the County Agricultural Conservation Easement Purchase Program approved by the State Board (hereinafter “county program”) imposes such a restriction.

(iv) The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted if the preexisting residential structure is razed or removed and the replacement residential structure is erected within the curtilage of the residential structure it replaces.

(v) The renovation or modification of an existing residential structure, or an addition to an existing residential structure, is permitted if it would not increase the curtilage of the residential structure.

*Subdivision*—The subject land may be subdivided if subdividing will not : 1) Harm the economic viability of the subject land for agricultural production; or 2) Convert land which has been primarily devoted to agricultural use to some other use, unless the subdivision is for the purpose of the construction of a principal residence for the landowner or an immediate family member and the county program permits one tract to be created by subdivision for this purpose; or 3) Violate any provision of the county program. If the subject land is subdivided, the deed to the subdivided tract with respect to which the right to construct and use a residential structure is reserved shall clearly set forth the reservation of this right, and the deeds to all other parcels shall recite that no additional residential structure is permitted.

*Utilities*—The granting of rights-of-way by the Grantor, his heirs, executors, administrators, successors and assigns, or any person, partnership, corporation or other entity claiming title under or through Grantor in and through the subject land for the installation of, transportation of, or use of, lines for water, sewage, electric, telephone, coal by underground mining methods, gas, oil or oil products is permitted. The term “granting of rights-of-way” includes the right to construct or install such lines. The construction or installation of utility lines or facilities other than of the type stated in this paragraph is prohibited on the subject land.

*Mining*—The granting of leases, assignments or other conveyances or the issuing of permits, licenses or other authorization for the exploration, development, storage or removal of coal by underground mining methods, oil and gas by the owner of the subject land or the owner of the underlying coal by underground mining methods, oil and gas or the

owner of the rights to develop the underlying coal by underground mining methods, oil and gas, or the development of appurtenant facilities related to the removal of coal by underground mining methods, oil or gas development or activities incident to the removal or development of such coal, oil or gas are permitted.

*Rural Enterprises*—Customary part-time or off-season minor or rural enterprises and activities which are provided for in the county program are permitted.

*Soil and Water Conservation*—All agricultural production on the subject land shall be conducted in accordance with a conservation plan approved by the County Conservation District or the county board. Such plan shall be updated every 10 years and upon any change in the basic type of agricultural production being conducted on the subject land. In addition to the requirements established by the County Conservation District or the county board the conservation plan shall include an installation schedule and maintenance program and a nutrient management component which, when completely implemented, will improve and maintain the soil, water and related plant and animal resources of the land and require that:

(i) The use of the land for growing sod, nursery stock, ornamental trees, and shrubs does not remove excessive soil from the subject land; and

(ii) The excavation of soil, sand, gravel, stone or other materials for use in agricultural production on the land is conducted in a location and manner that does not harm the economic viability of the land for agricultural production.

(3) An enforcement clause stating that:

At intervals of no greater than 1 year the Grantee(s), its/their successor(s), assign(s) or designee(s) shall have the right to enter the subject land for the purpose of inspecting to determine whether the provisions of this Deed are being observed. Written notice of an inspection shall be mailed, by certified mail, to the Grantor, his heirs, executors, administrators, successors or assigns at least 10 days prior to the inspection. An inspection shall be conducted between the hours of 8 a.m. and 5 p.m. on a weekday that is not a legal holiday recognized by the Commonwealth of Pennsylvania or at a date and time agreeable to the county and the landowner.

Grantee(s), its/their successor(s), assign(s) or designee(s) shall also have the right to inspect the subject land at any time, without prior notice, if it/they

has/have reasonable cause to believe the provisions of this Deed have been or are being violated.

Grantor acknowledges that any violation of the terms of this Deed shall entitle Grantee(s), its/their successor(s), assign(s) or designee(s) to obtain injunction against such violation from a court of competent jurisdiction along with an order requiring Grantor, his heirs, executors, administrators, successors or assigns to restore the subject land to the condition it was in prior to the violation, and recover any costs or damages incurred including reasonable attorney's fees. Such relief may be sought jointly, severally, or serially.

(4) A clause stating that: The easement is granted in perpetuity as the equivalent of a covenant running with the land.

(5) A clause stating that: Every provision of this Deed applicable to Grantor shall apply to Grantor's heirs, executors, administrators, successors, assigns, agents, and any person, partnership, corporation or other entity claiming title under or through Grantor.

(6) A clause setting forth the obligation of the Grantor upon conveyance of the farmland tract as follows:

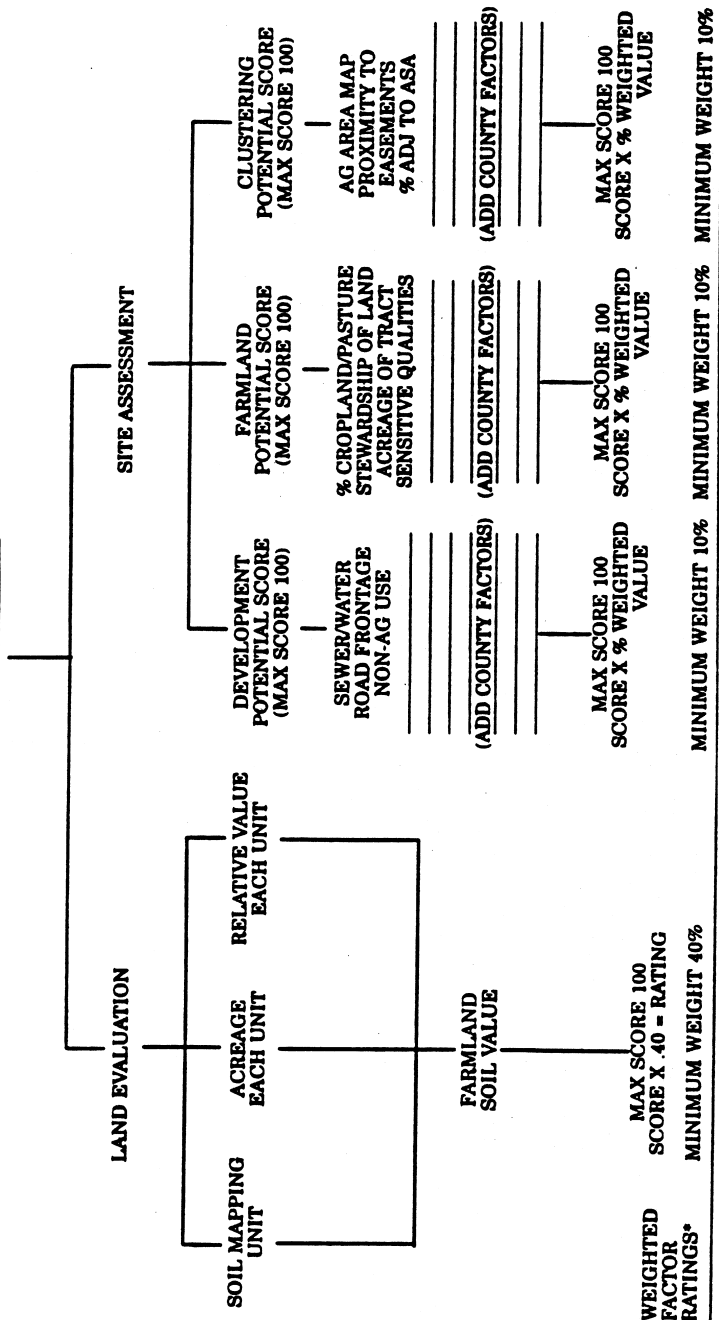
*Conveyance Or Transfer of the Subject Land*—Grantor, his heirs, executors, administrators, successors or assigns, and any person, partnership, corporation, or other entity claiming title under or through Grantor, shall, within thirty days of a change in ownership or within any lesser period prescribed in the county program, notify the county agricultural land preservation board and the Pennsylvania Department of Agriculture in writing of any conveyance of transfer of ownership of the subject land. Such notification shall set forth the name, address and telephone number of the Grantor and the party or parties to whom ownership of the subject land has been conveyed or transferred, and the price per acre or any portion thereof.

This obligation shall apply to any change in ownership of the subject land. Whenever interest in the subject land is conveyed or transferred to another person, the deed conveying or transferring such land shall recite in verbatim the language of the easement as set forth in this deed.

(7) A clause stating that: Terms and provisions of this deed shall be interpreted in accordance with the provisions of the Agricultural Area Security Law, the regulations at 7 Pennsylvania Code Chapter 138e and the county program.

(8) A habendum clause.

APPENDIX A  
FARMLAND RANKING SYSTEM  
LESA RANKING SYSTEM



FARM	SOIL NO.	DEVELOPMENT NO.	LAND NO.	CLUSTERING NO.	TOTAL**	PRIORITY RANKING
1						
2						
3						

\*COUNTIES MAY DISTRIBUTE AN ADDITIONAL 30% WEIGHT AMONG THE FOUR CATEGORIES.  
\*\* MAX RATING SCORE 100

**Appendix B  
FORM C  
SOILS REPORT**

Name: \_\_\_\_\_ Township: \_\_\_\_\_

Total Acres: \_\_\_\_\_ Acres Offered: \_\_\_\_\_

**CAPABILITY CLASSES I-IV**

Capability Class	Cropland Acres	Pasture Acres	Other	Total
I				
II				
III				
IV				
Sub Total I-IV				

**CAPABILITY CLASSES V-VIII**

Capability Class	Cropland Acres	Pasture Acres	Other	Total
V				
VI				
VII				
VIII				
Sub Total V-VIII				

**TOTALS**

Capability Class	Cropland Acres	Pasture Acres	Other	Total
I-IV				
V-VIII				
TOTAL				

**PERCENT OF TOTAL ACRES IN LAND CAPABILITY CLASSES I-IV**

Step 1.

Total Acres Cropland and Pasture in  
Soil Capacity Classes I-IV

x 100 = \_\_\_\_\_ %

\_\_\_\_\_ Total Easement Acres

Step 2.

Is percentage in Step 1. 50%, or greater? (yes/no)

\_\_\_\_\_

Step 3.

If no, document whether 50%, or more, of the total easement acreage is both available for and of soil capability classes I-IV.

**PERCENTAGE OF TOTAL ACRES IN AGRICULTURAL USE**

Total Acres Cropland + Total Acres Pasture

x 100 = \_\_\_\_\_ %

\_\_\_\_\_ Total Easement Acres

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