

PENNSYLVANIA BULLETIN

Volume 27

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Department of Transportation's
Vehicle Equipment and Inspection;
and page 5010 for the
Department of Transportation's
Enhanced Emission Inspection Program

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Department of Banking
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Department of Environmental Protection
Department of General Services
Department of Revenue
Department of Transportation
Housing Finance Agency
Independent Regulatory Review Commission
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Pennsylvania Infrastructure Investment
Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Employees' Retirement Board
State Ethics Commission
State Transportation Advisory Committee
Turnpike Commission

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

No. 274, September 1997

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BULLETIN

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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

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Part II

This part contains the
Department of Transportation's
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STATEMENTS OF POLICY

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 125]

Payments for Employee Welfare Benefit Plans and Cafeteria Plans

The Department of Revenue (Department) has adopted a statement of policy under the authority contained in § 3.2 (relating to statements of policy). This statement of policy adds §§ 125.21—125.33 (relating to payments for employee welfare benefit plans and cafeteria plans) and shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Sections 125.21—125.33 are being added to implement amendments to section 301(d) of the Tax Reform Code of 1971 (72 P. S. § 7306(d)) under Act 7-1997. The sections provide employers and employees with a detailed explanation of how nondiscriminatory employee welfare benefit programs such as self-insured medical reimbursement accounts or cafeteria plans are taxed under the Commonwealth's personal income tax. They also provide a detailed explanation of how programs that discriminate in favor of officers, owners and key employees are taxed.

The sections are also being added in order to notify employers and employees how the provisions of the personal income tax relating to employee compensation in the form of employer-provided facilities or services shall be enforced by the Department, commencing January 1, 1998.

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

ROBERT A. JUDGE, Sr.,
Secretary

(Editor's Note: The regulations of the Department, 61 Pa. Code Chapter 125, are amended by adding a statement of policy at §§ 125.21—125.33 to read as set forth in Annex A).

Fiscal Note: 15-394. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 125. PERSONAL INCOME TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

PAYMENTS FOR EMPLOYEE WELFARE BENEFIT PLANS AND CAFETERIA PLANS

§ 125.21. General.

(a) This section and §§ 125.22—125.33 are intended to provide employers and employees with a detailed explanation of the Pennsylvania Personal Income Tax treatment of:

(1) Payments for employee welfare benefit plans, effective January 1, 1997.

(2) Internal Revenue Code section 125 cafeteria plans, effective January 1, 1997.

(3) Employer-provided day care facilities and services, air flights, cars, athletic, recreational or entertainment facilities and other employer-provided property or services, effective January 1, 1998.

(b) Beyond the scope of this section and §§ 125.22—125.33 are:

(1) Federally qualified medical savings accounts (MSAs).

(2) Old age or retirement benefit programs.

(3) Severance pay plans.

(4) Stock bonus or profit-sharing plans.

(5) Plans under which benefits are payable or subject to anticipation, assignment or pledge upon or after one or more of the following:

(i) Separation from service.

(ii) The completion of a fixed period of participation or employment.

(iii) The lapse of a fixed number of years.

(6) Plans that offer a benefit that defer the receipt of compensation or operate in a manner that enables participants to defer the receipt of compensation.

(7) Accident or health insurance plans whose benefits are taxable in whole or in part for Federal income tax purposes.

(8) Guaranteed pay.

(9) Wage continuation plans.

§ 125.22. Definitions.

The following words and terms, when used in § 121.21 and §§ 121.23—121.33, have the following meanings, unless the context clearly indicates otherwise:

Cafeteria plan—A plan maintained by an employer for the benefit of its employees and under which all participants are employees and may choose among two or more benefits consisting of cash or benefits such as accident and health plans, dependent care assistance plans, group-term life insurance, adoption assistance plans and section 401(k) of the IRC plans. The term includes flexible benefit plans.

Discriminatory plan—An employee welfare benefit plan when excludable employer contributions or the benefits attributable to employer contributions discriminate in favor of highly compensated participants. In determining whether a cafeteria plan is discriminatory, the special rules of section 125(g) of the IRC (26 U.S.C.A. § 125(g)) is applicable.

Employee welfare benefit plan—

(i) A plan established or maintained by an employer or by an employee organization, or by both, in order to provide to eligible employees or their beneficiaries wage or salary supplements, such as:

(A) Medical, surgical or hospital care or benefits in the event of sickness, accident or disability.

(B) Benefits in the event of death.

(C) Benefits in the event of unemployment or a strike.

(D) Vacation benefits and other guaranteed pay.

- (E) Apprenticeship or other training plans.
- (F) Scholarships, tuition reductions or educational assistance.
- (G) Legal, accounting or other professional services or assistance.
- (H) Food, housing, or food or housing allowances.
- (I) Day care centers or dependent care assistance.
- (J) Athletic, recreational, or entertainment facilities, services or assistance.
- (K) The personal use of the employer's property or services.
- (L) Employee discounts.
- (M) Transportation and parking.

(ii) These plans afford eligible plan participants insurance against loss or damage, payment in reimbursement of expenses of, or in discharge of payments required from, these participants, personal use of the employer's property or services, paid leaves of absence or other plan benefit not contingent upon separation from service, the completion of a fixed period of participation or employment or the lapse of a fixed number of years or computed with regard to this period or number.

Highly compensated participant—

- (i) A plan participant who is one of the following:
 - (A) An officer.
 - (B) A shareholder owning more than 5% of the voting power or value of all classes of stock of the employer.
 - (C) An individual who, for the preceding taxable year:
 - (I) Received compensation from the employer in excess of the Federal limitation (after adjustment by the Secretary of the United States Treasury for inflation) set forth in section 414(q)(1)(B) of the IRC (26 U.S.C.A. § 414(q)(1)(B)).
 - (II) Is in the group consisting of the top 20% of all full-time employees of the employer with at least 3 years of service when ranked on the basis of compensation paid during the taxable year.
- (ii) A partner or other self-employed individual.
- (iii) A spouse or dependent of a highly compensated individual.

Plan—The term includes programs or arrangements.

§ 125.23. Taxability of employee welfare benefit plan coverage.

(a) *General rules.* Generally, the taxable compensation of an eligible plan participant includes the cost of employer-provided coverage under an employee welfare benefit plan. Likewise, generally, no deduction from compensation is allowed for the cost of employee-provided coverage.

(b) *Cost of employer-provided coverage.* The cost of employer-provided coverage under an employee welfare benefit plan shall be the total amount of payment made during the year by the employer on account of the plan and plan participant, except in the following situations:

- (1) In the case of tangible property owned or leased by the employer and personally used by a participant or beneficiary after December 31, 1997, the cost shall be its fair rental value.
- (2) In the case of self-insured insurance plans, the cost shall be the annual cost for financial accounting purposes.

(3) The amount of reportable compensation paid in the form of Federally taxable noncash fringe benefits shall be determined in the same manner as is prescribed by the Internal Revenue Service under Federal statutes and regulations.

(4) In the case of section 125 of the IRC (26 U.S.C.A. § 125) cafeteria plans, amounts specified in the plan document as being available to the participant for the purpose of selecting or purchasing benefits, when so used, shall be included in the total amount of payment made during the year by the employer on account of the plan and plan participant.

(c) *Exceptions.* The only exclusions are as follows:

(1) Payments made by an employer or elective contributions made under a cafeteria plan qualifying under section 125 of the IRC for a nondiscriminatory employee welfare benefit plan covering hospitalization, sickness, disability or death (See § 125.30 (relating to programs covering hospitalization, sickness, disability or death)).

(2) Payments made by an employer for a collectively bargained for or nondiscriminatory supplemental unemployment benefit or strike benefit plan.

(3) Payments to reimburse expenses allowable as an ordinary, reasonable and necessary business expense.

(4) Federally excludable no-additional-cost services, employee discounts, working condition fringes, qualified transportation fringes, and de minimis fringes.

(5) Benefits realized from an employee's personal use, before January 1, 1998, of his employer's property or services.

§ 125.24. Federal income tax differences.

(a) The Pennsylvania Personal Income Tax law has no provisions similar to section 21 of the IRC ("Expenses for household and dependent care services necessary for gainful employment"), section 105(b) of the IRC ("Amounts expended for medical care"), section 120 of the IRC ("Amounts received under qualified group legal services plans"), section 127 of the IRC ("Educational assistance programs"), section 129 of the IRC ("Dependent care assistance programs"), section 137 of the IRC ("Adoption assistance programs") or section 213 of the IRC ("Medical, Dental, etc., expenses"). Accordingly, unless allowable as an ordinary, reasonable and necessary business expense, legal or accounting, educational, household, dependent care, medical or adoption expenses are not deductible for personal income tax purposes.

(b) Likewise, unless allowable as a working condition, no-additional-cost, qualified transportation or de minimis fringe benefit, any of the following are taxable as compensation:

- (1) Amounts paid by an employer for day care facilities furnished to an employee's child or for child or dependent care.
- (2) Amounts paid by an employer for nonjob-related legal, accounting or other professional services or educational assistance provided to the employer's employees or their dependents.
- (3) Amounts paid by an employer to reimburse employees for expenses incurred for medical care, unless paid under a qualifying self-insured medical reimbursement account, or adoptions.

(c) Beginning January 1, 1998, there will also be no exclusion for the personal use, at no or reduced cost, of employer-owned or leased property such as living quar-

ters, day care centers, company cars or recreational facilities or the personal use of employer-provided services such as apprenticeships or other training or educational programs, legal, accounting or other professional services, or dependent care, unless excludable as a working condition, qualified transportation or de minimis fringe benefit for Federal income tax purposes or provided for the convenience of the employer.

§ 125.25. Self-insured medical reimbursement accounts; taxability.

Employer payments to reimburse employes for uninsured medical or dental expenses are taxable as compensation if the employe is assured of receiving (in cash or any other benefit) amounts available but unused for covered reimbursement during the year without regard to whether he incurred covered expenses or not. If the amounts available for covered reimbursement cannot be cashed out or used for any other purpose during the taxable year or be carried over to any other taxable year, normal cash compensation that is forgone by an employe under a spending account or otherwise, and credited to a self-insured medical reimbursement account and drawn upon to reimburse the employe for uninsured medical or dental expenses to which section 105(b) of the IRC (26 U.S.C.A. § 105(b)) applies is excludable from tax.

§ 125.26. Wage and salary supplements; taxability.

(a) In addition to their normal cash compensation and the plan benefits payable under employe benefit plans, the earnings of most employes also include wage and salary supplements consisting of monetary employer payments to:

(1) Independently controlled trusts or pooled funds established or maintained for the purpose of funding or providing welfare benefit plan benefits under the plans.

(2) Insurance companies for the purchase of insurance.

(b) For Personal Income Tax purposes, these wage and salary supplements are taxable as compensation when so paid, unless the payment was made by the employer under:

(1) A nondiscriminatory plan covering hospitalization, sickness, disability or death (see § 125.30 (relating to programs covering hospitalization, sickness, disability or death)).

(2) A collectively bargained for or nondiscriminatory supplemental unemployment benefit plan or strike benefit plan.

Example.

(i) P is a Philadelphia-based partnership that is engaged in providing accounting services. On a nondiscriminatory basis, it offers the following fringe benefits to both employes and partners of the firm: (1) Blue Cross/Blue Shield medical coverage; (2) dental and eyeglass coverage with a deductible; and (3) group term life insurance with coverage up to the equivalent of the employe's annual salary.

(ii) P pays the premiums on behalf of all employes and partners for all medical, dental, eyeglass and insurance coverage directly to the insurance carrier or benefit provider. P does not add the premium costs for the benefits to any employe's gross wages and it accounts for the benefit costs as nonsalary fringe benefit expenses. In other words, the value of the benefits are not shown as an addition to any employe's wages on the paystubs furnished to employes.

(iii) The plan is not a Federally qualifying cafeteria or flexible benefit plan.

(iv) Conclusion: For the employes of P (but not partners), the employer-provided hospitalization (Blue Cross/Blue Shield), eyeglass, dental coverage and group life insurance benefits are excludable from compensation and are therefore not subject to withholding.

§ 125.27. Wage and salary deductions; taxability.

(a) Employers commonly agree to make deductions of amounts from their employes' earnings and to pay the wage and salary deductions over, as payments of its employes, to the employes' labor union or to a trust or pooled fund established or maintained for the purpose of funding or providing plan benefits under employe welfare benefit plans.

(b) Unless specified in a written cafeteria plan document as being available to the participant for the purpose of selecting or purchasing benefits under a plan or as additional cash remuneration received in lieu of coverage under a plan, any amount lawfully deducted and withheld by an employer from the remuneration of an employe after December 31, 1996, and accounted for as a part of the employe's total remuneration shall be considered to have been paid to the employe as taxable compensation at the time the deduction is made. These amounts shall also be treated as payments made by the employe from whose compensation they were deducted and withheld when paid over to trusts, pooled funds or insurance companies by the employer.

Example.

(i) Employer M is a manufacturing company situated in this Commonwealth and under its collective bargaining agreement with a union, all nonmanagement personnel must contribute \$15 per week from their gross salary toward the purchase of Blue Cross/Blue Shield coverage and \$3 per week toward the purchase of group life insurance.

(ii) The plan is not a Federally qualifying cafeteria plan or flexible benefit plan.

(iii) Conclusion: M must withhold Pennsylvania Personal Income Tax from the \$18 contributed by each nonmanagement employe toward benefits.

§ 125.28. Cafeteria plans; taxability.

(a) Payments made after December 31, 1996, for employe welfare benefit plans under a cafeteria plan qualifying under section 125 of the IRC (26 U.S.C.A. § 125) will be deemed to be an "employer contribution" for Pennsylvania Personal Income Tax purposes if the following apply:

(1) They were not actually or constructively received, after taking section 125 of the IRC into account.

(2) They were specified in a written cafeteria plan document as being available to the participant:

(i) For the purpose of selecting or purchasing benefits under a plan.

(ii) As additional cash remuneration received in lieu of coverage under a plan.

(3) The benefits selected or purchased are nontaxable under the IRC when offered under a cafeteria plan.

(4) The payments made for the plan would be nontaxable under the Pennsylvania Personal Income Tax if made by the employer outside a cafeteria plan.

(b) If these conditions are satisfied, cafeteria plan contributions are taxed under the same Pennsylvania Personal Income Tax rules as apply to employer payments for employe welfare benefit plans. However, as under Federal rules, if the benefits are taxable for Federal income tax purposes when offered under a cafeteria plan, the payments will also constitute taxable compensation for Pennsylvania Personal Income Tax purposes. For example, coverage under a section 132(f) of the IRC (26 U.S.C.A. § 132(f)) transportation plan is nontaxable under the IRC when offered separately but is taxable for both Federal Income Tax and Pennsylvania Personal Income Tax purposes if offered under a cafeteria plan. Payments also will constitute taxable compensation if they would be taxable under the Pennsylvania Personal Income Tax if made by the employer outside a cafeteria plan. For example, although not taxable under the IRC, coverage under a dependent care plan would constitute taxable compensation under the Pennsylvania Personal Income Tax because it would be taxable if made by an employer outside a cafeteria plan.

(c) Likewise, payments would constitute taxable compensation if they were:

(1) Not specified in a cafeteria plan document as being available to the participant either:

(i) For the purpose of selecting or purchasing benefits under a plan.

(ii) As additional cash remuneration received in lieu of coverage under a plan.

(2) Lawfully deducted and withheld by the employer from the remuneration of the employe.

(3) Accounted for as a part of the employe's total remuneration.

(d) Whether an amount is specified in a cafeteria plan document as being available to a participant shall be determined using Federal rules.

(e) Examples are as follows:

(1) *Example 1.* Under his employer's Federally qualifying cafeteria plan, A has the option of receiving his normal cash compensation or reducing his gross pay requirements and having the amount of that reduction applied by the employer toward health insurance in lieu of normal cash compensation payments. Conclusion: For Personal Income Tax purposes, A is taxable only if he opts to receive his normal cash compensation.

(2) *Example 2.*

(i) Under the Federally qualifying cafeteria plan offered by B's employer, amounts are available as an addition to B's normal cash compensation which, at the option of B, are either applied by the employer toward providing day care facilities and services or paid directly to B in cash as additional gross pay. Conclusions: For Personal Income Tax purposes, the benefit selected by B is taxable if:

(A) He opts to receive the additional gross pay.

(B) The amount is applied in reimbursement of an expense B incurred for household or dependent care services.

(C) The amount is applied in discharge of a payment required from B for household or dependent care services.

(ii) B's benefits will also be subject to Personal Income Tax if he opts to receive employer-provided day care facilities and services after January 1, 1998.

(3) *Example 3.*

(i) Under C's Federally qualifying cafeteria plan, amounts are available as an addition to C's normal cash compensation, which at the option of C, are either applied by the employer toward providing adoption assistance or paid directly to C in cash as additional gross pay.

(ii) Conclusions: For personal income tax purposes, C is taxable if:

(A) He opts to receive the additional gross pay.

(B) The amount is applied in reimbursement of an adoption expense C incurred.

(C) The amount is applied in discharge of any payment required from C related to the adoption of a child.

(4) *Example 4.*

(i) Under the Federally qualifying cafeteria plan of D's employer, each employe is provided with \$4,000 in flexible dollars that can be used to purchase certain benefits or which can be taken in cash in lieu of benefits. An individual who elects no benefits can receive cash only in an amount not exceeding \$2,000. An individual who elects benefits which have a total cost for the taxable year that does not equal or exceed \$4,000 must allocate the flex dollars first to the selected benefits and any remaining flex dollars can be received as cash but only up to \$500. In addition, the plan specifies that the maximum amount that can be contributed by an employe as an elective contribution is \$2,500.

(ii) For the 1997 taxable year, D's employer offers the following benefits under its cafeteria plan:

Benefit	Cost	
	Individual	(Individual and Spouse)
Medical Insurance	\$2,500	\$4,000
Dental Plan	\$500	\$750
Group Life Insurance	\$500	\$750
Dismemberment/ Disability Insurance	\$500	\$750
Dependent Care Service	\$1,500	\$1,500
Cash	\$2,000	\$2,000

(iii) Employes who elect benefits with a total cost exceeding the allocated flex dollars (\$4,000) agree to have the necessary additional amounts deducted from their base salary or wages each payroll period during 1997 in order to pay for the benefits.

(iv) Employe D selects individual coverages under the medical insurance, the dental plan, and group term life insurance and \$500 in cash for the 1997 taxable year. The total cost for these benefits is \$3,500.

(v) *Conclusions:* The \$3,500 of employer-provided flex dollars used to purchase nontaxable benefits are not compensation and are not subject to withholding notwithstanding that D could have applied the flex dollars toward dependent care (a taxable benefit) or taken the benefits in the form of cash up to \$2,000. The \$500 D received as cash in lieu of benefits under the cafeteria plan is taxable compensation.

(5) *Example 5.* Assume the same facts as in Example 4, except that Employe D is married and selects the following benefits for both his spouse and himself: 1) medical insurance; 2) dental; 3) group life insurance; and 4)

dismemberment/ disability insurance. Conclusions: For D, the employer is not required to withhold Pennsylvania Personal Income Tax on the flexible dollars totaling \$4,000. Because the total cost of benefits selected by D is \$6,250 and the employer-provided flexible dollars (\$4,000) are insufficient to pay for all of the benefits, D agrees to have additional sums deducted from his salary. D's employer pays him bi-weekly and the employer must deduct an amount totaling \$86.54 (\$86.54 X 26 pay periods = \$2,250) from D's biweekly salary to pay for the benefits. The \$86.54 deducted from the salary of D each payroll period, which totals \$2,250 for the calendar year, is not subject to Pennsylvania Personal Income Tax and withholding.

(6) Example 6.

(i) Assume that E's employer offers a Federally qualified flexible benefits plan under which an employee is required to select some level of medical coverage unless the employee can provide the company's benefits administrator with proof of coverage under another medical insurance plan, for example that of a spouse's employer. The monthly benefit is based upon the number of family members whom the employee chooses to cover under a medical plan. The flexible benefits plan contains the following features:

Flex Dollars to Purchase Benefits

If you elect this coverage:	You receive this number of Flex Dollars each month
Employee Only	\$152.44
Employee + Children	\$247.44
Employee + Spouse	\$298.80
Employee + Family	\$395.56

Medical Plan Features

	Plan A	Plan B
Deductible Per Person/Family Per Year	\$150/\$300	\$500/\$1,000

What the Plan Pays

Network Provider/Other Provider	90%/75%	80%
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Out-of-Pocket Maximum	\$1,150/\$2,875	\$5,500
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(not including deductible) Per Family Unit Per Year

Network Provider/Other Provider

Accident Coverage	\$500	\$300
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Well Baby Care	Yes	No
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1. Medical Plan Prices and Election

	Plan A	Plan B
Employee Only	\$168.94	\$142.34
(Your cost/extra pay)	(-\$16.50)	(+\$10.10)
Employee + Children	\$280.94	\$237.34
(Your cost/extra pay)	(-\$33.50)	(+\$10.10)
Employee + Spouse	\$339.30	\$288.70
(Your cost/extra pay)	(-\$40.50)	(+\$10.10)
Employee + Family	\$452.51	\$385.46
(Your cost/extra pay)	(-\$56.95)	(+\$10.10)

2. Dental Election/Flex Dollars

	What You Pay
Basic Plan Coverage	\$0.00
Optional Plan Coverage	
Employee Only	\$6.02
Employee + Children	\$11.56
Employee + Spouse	\$11.33
Employee + Family	\$18.12

3. Vision Features

Prices and Election

	What You Pay
Employee Only	\$6.30
Employee + Family	\$13.86
No coverage	\$ 0.00

4. Spending Accounts

Health Care Account Election

You may deposit from \$10 to \$208.33 per month in this Account

Dependent Care Account Election (Child Care or Elder Care)

You may deposit from \$10 to \$416.66 per month to this Account if you are single or married.

5. Life Insurance

Prices and Election

	What You Pay
Basic coverage only	\$0.00
Additional Life	
1x base annual pay	\$ 5
2x base annual pay	\$10
3x base annual pay	\$15

6. Dependent Life

Prices and Election

	What You Pay
\$10,000 spouse/\$5,000 child	\$1.49
\$20,000 spouse/\$5,000 child	\$2.34
No coverage	\$0.00

(ii) Under the plan, the maximum amount available as elective contributions is \$20,000.

(iii) E is married and has one child. E receives flex dollars totaling \$395.56 each month or (\$395.56 x 12 mo. = \$4,746.72 annually). E elects the following benefits:

Benefit	Option	Monthly Cost
Medical	Plan A	\$452.51
Dental	Employee & Family	\$ 18.12
Life Insurance	Basic Coverage Only	\$0.00

(v) Conclusion: Because E selected excludable benefits for Pennsylvania Personal Income Tax purposes, the monthly, employer-provided flex dollars in the amount of

\$395.56 are not subject to tax or withholding. The monthly flex dollars are not subject to tax or withholding irrespective of whether they are added to E's salary or shown as a deduction from his gross pay on each paystub.

(vi) Because the total monthly cost of the benefits selected is \$470.63 and the allotted flex dollars are \$395.56, E makes up the difference by agreeing to have the additional necessary funds (\$75.07) deducted from his pay each month as an elective contribution. The \$75.07 is excludable from tax because:

(A) It was not actually or constructively received by E, after taking section 125 of the IRC into account.

(B) It was specified in a written cafeteria plan document as being available to E for the purpose of selecting or purchasing benefits under the plan and as additional cash remuneration received in lieu of coverage under the plan.

(C) The benefits selected or purchased are nontaxable under the IRC when offered under a cafeteria plan.

(D) The payments made for the plan would be nontaxable under the Pennsylvania Personal Income Tax if made by the employer outside a cafeteria plan.

(7) *Example 7.* Assume that the employer offers the same flexible benefits plan as in Example 6, except that employee E is a single individual with no dependents and she selects the least expensive medical plan for a single individual, Plan B. E places the leftover flex dollars into the spending account to help defer the cost of medical expenses not paid for by Plan B. Under the flexible benefits plan, E may not withdraw funds from the spending account for any purpose other than to pay for uninsured medical expenses. If E does not utilize the amounts placed into the spending account during the calendar year, she forfeits the benefits. Conclusion: The flex dollars totaling \$152.44, which includes the monthly contribution of \$10.10 to the spending account, are not subject to tax or withholding.

(8) *Example 8.*

(i) Assume that the employer offers the same flexible benefits plan as in Example 6, except that employee E has a husband and two children. E's husband, but not the children, is covered under the husband's employer's health insurance plan. E receives monthly flex dollars for herself and children (\$247.44) and selects the following items under the employer's plan:

<i>Benefit</i>	<i>Option</i>	<i>Cost (monthly)</i>
Medical	Plan B Employe & Children	\$237.34
Dental	Employe & Children	\$11.56
Vision	Employe Only	\$6.30
Dependent Life	\$10,000 spouse/ \$5,000 child	\$1.49

(ii) Conclusion: The employer-provided flex dollars in the amount of \$247.44 are not subject to tax because E selected medical insurance coverage and dental coverage for herself and the children and the cost of these benefits exceeded the amount of employer-provided flex dollars.

(iii) E must contribute the sum of \$9.25 each month toward the purchase of benefits not paid for the employer-provided flex dollars. Therefore, \$7.76 of the \$9.25 monthly contribution is excludable from tax because:

(A) It was not actually or constructively received by E, after taking section 125 of the IRC into account.

(B) It was specified in a written cafeteria plan document as being available to the participant for the purpose of selecting or purchasing benefits under the plan and as additional cash remuneration received in lieu of coverage under the plan.

(C) The benefits selected or purchased are nontaxable under the IRC when offered under a cafeteria plan.

(D) The payments made for the plan would be nontaxable under the Pennsylvania Personal Income Tax if made by the employer outside a cafeteria plan. However, the dependent life insurance coverage would be taxable as a currently taxable benefit treated as cash for both Federal income tax and Pennsylvania Personal Income Tax purposes when offered under a cafeteria plan. Thus, the \$1.49 monthly cost would be taxable even if it had been paid by E's employer.

§ 125.29. Discriminatory plans.

Compensation includes the entire cost of employer-provided coverage provided to a highly compensated participant under any discriminatory employee welfare benefit plan.

§ 125.30. Programs covering hospitalization, sickness, disability or death.

(a) To qualify as a program covering hospitalization, sickness, disability or death, an employee benefit plan shall satisfy both of the following requirements:

(1) No program benefits are payable or subject to anticipation, assignment or pledge until the commencement of a covered sickness or disability or death, except:

(i) The return of the participant's own contributions and taxable income or gains thereon.

(ii) Amounts paid for the prevention of sickness or disability.

(iii) Amounts paid for a policy of accident or health insurance.

(2) The only means of obtaining entitlement to program benefits other than the return of the participant's own contributions and taxable income or gains thereon or amounts paid for the prevention of sickness or disability or for insurance is proof of hospitalization, sickness, disability or death.

(b) Programs under which benefits are payable either upon hospitalization, sickness, disability or death or separation from employment or some other contingency do not qualify as covering hospitalization, sickness, disability or death.

§ 125.31. Vacation days.

(a) Special rules apply if, under a cafeteria plan, plan participants may choose between benefits consisting of cash, additional paid vacation days, and other benefits or if, outside a cafeteria plan, plan participants can purchase additional paid vacation days. If additional paid vacation days are elected or purchased and they are used before the next calendar year, the following apply:

(1) The amount of cash foregone in exchange for the paid vacation day is excluded from income.

(2) The vacation pay is includible in income when paid.

(b) If additional paid vacation days are purchased outside a Federally qualifying cafeteria plan and they are not used before the next calendar year, the amount of cash foregone in exchange for the paid vacations days is excludable for Pennsylvania Personal Income Tax purposes only if both of the following apply:

(1) The value of the vacation day cannot be cashed out or used for any other purpose.

(2) The vacation day cannot be carried over to the next taxable year.

(c) Examples are as follows:

(1) Under the Federally qualified cafeteria plan offered by F's employer, employees are provided with \$4,500 in benefit dollars that can be used to purchase benefits. If the employee wishes to purchase benefits which cost in excess of the employer-provided benefit dollars, the employee must execute a salary reduction agreement. The cafeteria plan contains the following benefits:

<i>Item</i>	<i>Cost</i>
Medical/Accident Insurance	\$2,000 (individual) \$3,250 (family)
Life Insurance	\$150
Dependent Care	\$2,000
Additional Vacation	\$40/day
Days Cash	\$2,000 (cash limit)

(2) F selects individual medical coverage, dependent care and purchases three additional paid vacation days for the 1997 taxable year. F's employer provides 2 weeks of paid vacation to all employees. The total cost of F's benefits is \$4,120 and, as noted above, F received benefit dollars totaling \$4,500 from his employer.

(3) During 1997, F uses his 2 weeks of vacation time and the 3 additional vacation days that he purchased under the cafeteria plan.

(4) Conclusion: The employer is not required to withhold Personal Income Tax on \$2,000 which represents the employer-provided benefit dollars F used for medical/accident insurance, a nontaxable benefit. This amount is excludable from compensation even if F's employer shows or otherwise accounts for it as a periodic deduction from F's wages or a reduction of gross wages.

(5) The employer shall withhold tax on the employer-provided benefit dollars totaling \$2,380. This represents the amounts paid for dependent care (\$2,000) and the extra benefit dollars that were paid to F in the form of cash (\$380). However, the benefit dollars totaling \$120 that were used to purchase the extra paid vacation days are not subject to tax. F is taxed on the 3 paid vacation days when the days are used in 1997.

§ 125.32. 401(k) plans.

Contributions made by an employer for 401(k) plans under a cafeteria plan under which the employee unilaterally may elect to have the employer either make the payments as contributions to a 401(k) plan or other plan on behalf of the employee or to the employee directly in cash are not excludable from the employee's taxable compensation and may be subject to withholding (see § 125.33 (relating to withholding; miscellaneous compensation)).

§ 125.33. Withholding; miscellaneous compensation.

(a) Taxable payments to a third party insurer, trust or pooled fund for the benefit of an employee, expense allowances or advancements, and payments to reimburse expenses constitute "miscellaneous compensation." Employers are required to deduct and withhold the tax on miscellaneous compensation only if, and to the extent that, the employer can collect the tax by deducting it from the normal cash compensation of the employee. Employers may elect for withholding purposes to treat miscellaneous compensation as paid on a payroll period or other basis, so long as the compensation is treated as paid no less frequently than quarterly and taxes are deducted and withheld therefor as provided in this subsection.

(b) The act of May 7, 1997 (P. L. 85, No. 7) (Act 7) makes the changes respecting cafeteria plans retroactive to January 1, 1997. Employers shall repay resultant overcollections to employees only if the following exist:

(1) The tax has not yet been deposited.

(2) The employer obtains a written receipt from the employees showing the date and amount of the repayment.

(c) Employers shall prepare their Federal Form W-2 wage and tax statements for 1997 consistent with the changes. They shall also begin withholding consistent with the changes as of the first payroll period ending in 1998. Although adjustment is not required, employers are encouraged to make compensating reductions in their withholding for payroll periods in the third and fourth quarters of 1997 for overcollections in the first and second quarters that result from the retroactive effect of Act 7.

[Pa.B. Doc. No. 97-1543. Filed for public inspection September 26, 1997, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Application Period for Agricultural and Rural Youth Organization Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Agricultural and Rural Youth Organization Grant (ARYOG) Program for 1998. Grant applications will be accepted at Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, from October 20 to December 5, 1997. Applications must be postmarked by December 5, 1997, to be considered for funding. Telefax submissions are not acceptable.

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

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

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

Obtaining Applications

Applications are available upon request by contacting any Department regional office or the Department of Agriculture, Room 310, 2301 N. Cameron St., Harrisburg, PA 17110-9408, (717) 783-9944 or (717) 783-3181.

Regional offices:

Northwest-Region I
Director George Gregg
13410 Dunham Rd.
Meadville, PA 16335
(814) 332-6890

Northcentral-Region II
Director J. Wayne Yorks
2130 County Farm Road, Suite #2
Montoursville, PA 17754-9685
(717) 433-2640

Northeast-Region III
Director Russell Gunton
Route 92 South, P.O. Box C
Tunkhannock, PA 18657-0318
(717) 836-2181

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

Southwest Central-Region V
Director Kenneth R. Mowry
1304 7th Street
Cricket Field Plaza
Altoona, PA 16601-4863
(814) 946-7315

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

Southeast-Region VII
Director Frank Stearns
Rt.113
P.O. Box 300
Creamery, PA 19430
(610) 489-1003

For further assistance, contact Carl Muller, Economic Development Specialist for the Bureau of Market Development, Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-9944 or (717) 783-3181.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 97-1544. Filed for public inspection September 26, 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 September 16, 1997.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-10-97	First Sterling Bank, Devon, and Prime Bank, a savings bank, Philadelphia Surviving Institution— First Sterling Bank, Devon, with a change in corporate and principal place of business to Prime Bank, Philadelphia	Devon	Approved
9-16-97	Community Bank and Trust Company Forest City Susquehanna County Purchase of Assets/Assumption of Liabilities of two Branch Offices of First Union National Bank, Avondale, Located at: 97 College Avenue Factoryville Wyoming County	Forest City Eynon Plaza Route 6 Eynon Lackawanna County	Filed
9-16-97	Port Richmond Savings, Philadelphia, and Fillmore Building and Loan Association, Philadelphia Surviving Institution— Port Richmond Savings, Philadelphia	Philadelphia	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-10-97	Financial Trust Company Carlisle Cumberland County	Mobile Branch to be operated at various locations throughout Franklin, Adams, York, Cumberland, Perry, Lancaster and Dauphin Counties	Approved
9-10-97	Chambersburg Trust Company Chambersburg Franklin County	Mobile Branch to be operated at various locations throughout Franklin County	Approved
9-16-97	Northern Central Bank Williamsport Lycoming County	Mobile Branch to be operated at various locations throughout Bradford, Sullivan, Lycoming, Clinton, Union, Montour, Northumberland, Columbia Juniata and Snyder Counties	Approved
9-16-97	Mid-State Bank and Trust Company Altoona Blair County	Mobile Branch to be operated at various locations throughout Bedford, Blair, Centre, Clearfield and Huntingdon Counties	Approved
9-16-97	Woodlands Bank Williamsport Lycoming County	618 W. Southern Ave. South Williamsport Lycoming County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-12-97	Patriot Bank Pottstown Montgomery County	30 West Franklin St. Topton Berks County	Filed

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-1545. Filed for public inspection September 26, 1997, 9:00 a.m.]

DEPARTMENT OF EDUCATION

1997-98 Policy for State Payments to School Districts for Charter School Students

Transitional State funding to school districts for students attending charter public schools during their first year of operation authorized by Act 22 of 1997:

o Regular Student	up to \$1,800
o Special Education Student	up to \$3,000

These are first year figures. If funding at this per student level exceeds the \$7.5 million allocated for 2 fiscal years, 1997-98 and 1998-99, the amount granted per student will be reduced for the second year pro rata so that the total State funding will not be exceeded.

No transitional funding is available for charter schools that are conversions of operating public schools.

School districts are eligible for transitional funding if one or more of the students attending a Pennsylvania public charter school are residents of the district. Eligible school districts apply for this funding by completing and submitting the PDE-363, "Calculation of Selected Expenditures Per Average Daily Membership and Application for Temporary Transitional Funding." Transitional funding is based on the charter school October 1 enrollment report, PDE-4035 and supplement, PDE-361. Payment to school districts will be made with the December or January unipay system. The Bureau of Budget and Fiscal Management will execute this payment to school districts.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 97-1546. Filed for public inspection September 26, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0053473. Sewage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319.

This application is for renewal of an NPDES permit to discharge treated sewage from Thornbury Township Sewage Treatment Plant in Thornbury Township, **Delaware County**. This is an existing discharge to Chester Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of .12 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10- 31)	6.5	9.8	13
(11-1 to 4-30)	19.5	29.3	39
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine			
(Years 1 and 2)	1.0		1.5
(Years 3, 4 and 5)	0.5		1.2

The EPA waiver is in effect.

PA 0054704. Sewage, **Tri-County Respite**, 7 Maple Street, Quakertown, PA 18951.

This application is for renewal of an NPDES permit to discharge treated sewage from Rockridge Personal Care Home in East Rockhill Township, **Bucks County**. This is an existing discharge to unnamed tributary to Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of .0077 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Phosphorus (as P)	0.5	1.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine		
(Years 1 and 2)	1.0	1.5
(Years 3, 4 and 5)	0.05	0.12
Oil and Grease	15	30

The EPA waiver is in effect.

PA 0024058 Amendment No. 1. Sewage, **Borough of Kennett Square**, North Broad and East Linden Streets, Kennett Square, PA 19348.

This application is for an amendment of an NPDES permit to discharge treated sewage from a sewage treatment plant serving industrial and residential establishments in Kennett Township, **Chester County**. This is an existing discharge to West Branch Red Clay Creek.

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

The proposed effluent limits for Diazinon for Outfall 001, based on an average flow of 1.1 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Diazinon	0.00053	0.00106	0.00132

Other Conditions:

The EPA waiver is not in effect.

Toxicity Identification Evaluation

Alternate Method Detection Level

PA 0052647. Industrial waste, **Borough of Pottstown Authority**, 241 King Street, Pottstown, PA 19464-5599.

This application is for renewal of an NPDES permit to discharge filter backwash water from a water filtration plant in West Pottsgrove Township, **Montgomery County**. This is an existing discharge to the Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of .3 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
pH	within limits of 6.0—9.0 standard units at all times		
TRC	0.50	1.0	1.2
Total Iron	2.0	4.0	5.0
Total Aluminum	4.0	8.0	10.0
Total Manganese	1.0	2.0	2.5

The EPA waiver is in effect.

Northeast Regional Office: Regional Manager; Water Management, 2 Public Square, Wilkes-Barre, PA 18701-3296, (717) 826-2511.

PA 0011185. Industrial waste, **Air Products and Chemicals, Inc.**, 7201 Hamilton Boulevard, Allentown, PA 18195-1501.

This application is for renewal of an NPDES permit to discharge cooling water, groundwater and stormwater from the Air Products and Chemicals, Inc. facility, located in Upper Macungie Township, **Lehigh County**. This is an existing discharge to Iron Run.

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 an average flow of 0.307 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for the stormwater discharge from Outfall 001 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			monitor/report
COD			monitor/report
Total Suspended Solids			monitor/report
Oil and Grease			monitor/report
Temperature			monitor/report
pH			monitor/report
Total Kjeldahl Nitrogen			monitor/report
Total Phosphorus			monitor/report
Iron (Dissolved)			monitor/report

PA 0062618. City of Bethlehem-Wild Creek WTP, 10 East Church Street, Bethlehem, PA 18018.

This application is for renewal of an NPDES permit to discharge filter backwash water from the City of Bethlehem Water Treatment plant located in Lehigh Township, **Northampton County**. This is an existing discharge to an unnamed tributary to Indian Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.094 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Aluminum	4.0	8.0	10.0
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Total Suspended Solids	30	60	75
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine (years 1 and 2)	0.2		0.5
(years 3, 4 and 5)	0.042		0.098

PA 0041076. Sewerage, Commonwealth of PA, DCNR, P. O. Box 8451, 400 Market Street, RCSOB 8th Floor, Harrisburg, PA 17105-8451.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into an unnamed tributary to Scotrun 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.

Effluent requirements were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .0002 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Dissolved Oxygen	a minimum of 3 mg/l at all times	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	monitor and report	

The EPA waiver is in effect.

PA 0062464. Sewerage, Blue Mountain Lake Associates L. P., One Blue Mountain Lake, East Stroudsburg, PA 18301.

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

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

Effluent requirements for TDS, fluoride and phenolics were evaluated at point of discharge while nitrate/nitrite requirements were evaluated at confluence of Brodhead Creek and Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of .275 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Dissolved Oxygen	a minimum of 5 mg/l at all times	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine		
1st Month through 36th Month	monitor and report	
37th Month through Expiration Date	.04	.1

The EPA waiver is in effect.

PA 0060313. Sewerage, **Clean Treatment Sewage Co.**, P. O. Box 16, Pocono Summit, PA 18346.

This proposed action is for renewal issuance amendment of an NPDES permit to discharge treated sewage into Dingmans Creek in Delaware Township, **Pike County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is East Stroudsburg Water Department on Delaware.

The proposed effluent limits for Outfall 001 based on a design flow of 0.2 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
NO ₂ -NO ₃ -N	15	25
Phosphorous (as P)	1	2
Dissolved Oxygen	a minimum of 7 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
1st Month through 36th Month	monitor and report	
37th Month through Expiration Date	.24	.56

The EPA waiver is in effect.

PA 0060887. Sewerage, **Tafton Diner and Sandy Beach Motel**, Box 43, Star Route 2, Hawley, PA 18428.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed Tributary to Decker Mill Pond in Palmyra Township, **Pike County**.

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

Effluent requirements were evaluated at point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .007 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	17	34
Total Suspended Solids	15	30
NH ₃ -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Dissolved Oxygen	a minimum of 5 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
(1st through 24th Month)	monitor and report	
(25th Month through Expiration Date)	1.2	2.8

The EPA waiver is in effect.

PA 0061441. Sewerage, **Harry and Joan Freeman, t/a Freeman's Mobile Home Park**, R. R. 1, Box 160-14, Dallas, PA.

This proposed action is for renewal issuance amendment of an NPDES permit to discharge treated sewage into an unnamed tributary of Leonard's Creek in Monroe Township, **Wyoming County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of .0045 mgd are:

Parameter	Monthly	Instantaneous
	Average (mg/l)	Maximum (mg/l)
CBOD ₅	25	50
Total Suspended Solids	30	60
Dissolved Oxygen	a minimum of 5 mg/l at all times	
Fecal Coliform	200/100 ml as a geometric mean	
(5-1 to 9-30)	2,000/100 ml as a geometric mean	
(10-1 to 4-30)	6.0—9.0 standard units at all times	
pH		
Total Residual Chlorine		
1st Month through 24th Month	monitor and report	
25th Month through Expiration	1.2	2.8

The EPA waiver is in effect.

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

PA 0006327. Industrial waste, SIC: 3312, **Allegheny Ludlum Corporation**, 565 Kiski Avenue, Leechburg, PA 15656.

This application is for renewal of an NPDES permit to discharge treated process and untreated cooling water and stormwater from the West Leechburg Facility in West Leechburg, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters Kiskiminetas River and Elder Run classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Freeport Water Company, located at Natrona 3 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.001 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
pH	not less than 6.0 nor greater than 9.0				

Other Conditions

- 1) Condition to conduct a TRE.
- 2) Condition to monitor stormwater outfalls for flow, BOD, COD, TSS, Oil and Grease, TKN Nitrate/Nitrite, Phosphorus, Chromium Total, Chromium Hex., Zinc, Nickel, Aluminum, Total Iron, Dissolved Iron, Magnesium, Manganese and Fluoride.
- 3) Condition to monitor influent/effluent of noncontact cooling water discharges.

Outfall 002: existing discharge (0.83 mgd) to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Total Chromium			monitor and report		
Chromium, Hex.			monitor and report		
Zinc			monitor and report		
Nickel			monitor and report		
Total Iron			monitor and report		
Dissolved Iron			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge (0.39 mgd) to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Total Chromium				monitor and report	
Chromium, Hex.				monitor and report	
Zinc				monitor and report	
Nickel				monitor and report	
Total Iron				monitor and report	
Dissolved Iron				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge (3.4 mgd) to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Oil and Grease				monitor and report	
Total Chromium				monitor and report	
Chromium, Hex.				monitor and report	
Nickel				monitor and report	
Total Iron				monitor and report	
Dissolved Iron				monitor and report	
Zinc				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 006: existing discharge (1.11 mgd) to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Total Chromium				monitor and report	
Chromium, Hex.				monitor and report	
Nickel				monitor and report	
Zinc				monitor and report	
Total Iron				monitor and report	
Dissolved Iron		monitor and report			
Total Suspended Solids			30	60	
Oil and Grease				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 007: existing discharge (0.52 mgd) to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Oil and Grease				monitor and report	
Zinc				monitor and report	
Total Iron				monitor and report	
Dissolved Iron				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 108: existing discharge to Outfall 008 for the period from permit issuance through 3 years after permit issuance date.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)		110			
Suspended Solids	820.0	1,908.3	30	70	87.5
Oil and Grease	283.6	877.0	10	30	30
Chromium	10.6	26.4	0.4	1.0	1.25
Nickel	7.9	23.8	0.3	0.9	1.13
Tetrachloroethylene		0.03			0.15
Naphthalene		0.02			0.1

NOTICES

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine			0.5		1.0
Chromium, Hex.			monitor and report		
Mercury			monitor and report		
Fluoride			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 108: existing discharge to Outfall 008 for the period from 3 years after permit issuance through expiration.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature (°F)				110	
Suspended Solids	820.0	1,908.3	30	70	8.75
Oil and Grease	283.6	877.0	10	30	30
Chromium	10.6	26.4	0.4	1.0	1.25
Nickel	7.9	23.8	0.3	0.9	1.13
Tetrachloroethylene		0.03			0.15
Naphthalene		0.02			0.1
Total Residual Chlorine			0.5		1.0
Chromium, Hex.			0.045	0.09	0.1
Mercury			0.0003	0.0006	0.0007
Fluoride			19.0	38.0	47.5
pH	not less than 6.0 nor greater than 9.0				

Outfall 008: existing discharge to Kiskiminetas River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This outfall shall consist of sources previously monitored at 108 and stormwater runoff.					

Outfall 009: existing discharge (0.12 mgd) to Kiskiminetas River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature (°F)				110	
Total Chromium			monitor and report		
Chromium, Hex.			monitor and report		
Nickel			monitor and report		
Zinc			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 010: existing discharge (1.84 mgd) to Kiskiminetas River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature (°F)				110	
Zinc			monitor and report		
Total Iron			monitor and report		
Dissolved Iron			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 011: existing discharge (0.92 mgd) to Kiskiminetas River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature (°F)				110	
pH	not less than 6.0 nor greater than 9.0				

NOTICES

Outfall 012: existing discharge (2.21 mgd) to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Copper			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 013: existing discharge (1.42 mgd) to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Oil and Grease			monitor and report		
Zinc			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 014: existing discharge (0.97 mgd) to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)				110	
Total Iron			monitor and report		
Dissolved Iron			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 015: existing discharge (1.28 mgd) to Elder Run, from permit issuance through 3 years after permit issuance.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids	281.3	655.6	30	70	87.5
Oil and Grease	93.6	281.3	10	30	30
Lead	1.4	4.2	0.15	0.45	0.56
Zinc	1.8	5.6	0.1	0.3	0.37
Cadmium			monitor and report		
Chromium, Hex.			monitor and report		
Copper			monitor and report		
Lead			monitor and report		
Mercury			monitor and report		
Silver			monitor and report		
Fluoride			monitor and report		
Dissolved Iron			monitor and report		
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 015: existing discharge to Elder Run, 3 years after permit issuance.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids	281.3	655.6	30	70	87.5
Oil and Grease	93.6	281.3	10	30	30
Lead	1.4	4.2	0.002	0.004	0.005
Zinc	1.8	5.6	0.06	0.12	0.15
Cadmium			0.0009	0.0018	0.0022
Chromium, Hex.			0.01	0.02	0.025
Copper			0.009	0.018	0.022
Mercury			0.000012	0.000024	0.00003
Silver			0.002	0.004	0.005
Fluoride			1.3	2.6	3.25
Dissolved Iron			0.3	0.6	0.75
Total Residual Chlorine			0.03	0.06	0.075
pH	not less than 6.0 nor greater than 9.0				

Outfall 016: existing discharge to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

This outfall shall contain stormwater runoff only.

Outfall 017: existing discharge to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

Oil and Grease monitor and report
 Total Chromium monitor and report
 Chromium, Hex. monitor and report
 Nickel monitor and report
 pH not less than 6.0 nor greater than 9.0

Outfall 946: existing discharge to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

pH This discharge shall consist solely of river water intake overflow. Debris collected on the intake shall not be returned to the waterway.
 not less than 6.0 nor greater than 9.0

Outfalls 900, 901, 904, 906, 909, 912, 913, 914, 915, 916, 918, 922, 926, 927, 928, 930, 931, 932, 935, 937, 938, 940, 942, 943, 944, 945, 947—966.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

These outfalls shall consist solely of uncontaminated stormwater runoff.

Outfall 902: existing discharge to Kiskiminetas Run

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

pH This discharge shall consist solely of water supply emergency relief valve water.
 not less than 6.0 nor greater than 9.0 standard units

Outfall 906

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

pH This discharge shall consist solely of water from the French drain for water valve pit.
 not less than 6.0 nor greater than 9.0 standard units

Outfall 936

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

pH This discharge shall consist solely of raw water pressure relief overflow.
 not less than 6.0 nor greater than 9.0 standard units

The EPA waiver is not in effect.

PA 0013820. Industrial waste, SIC: 3312, **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014.

This application is for renewal of an NPDES permit to discharge treated process water and untreated noncontact cooling water and stormwater from the Brackenridge facility in Brackenridge, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny County classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation are Brackenridge Water Works, located in Brackenridge, 0.2 mile below the discharge point.

Outfall 001: existing discharge, design flow of 2.78 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge to Allegheny River

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 103: existing discharge to Outfall 003

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	2,797	7,471	15	40	50
Oil and Grease		1,868		10	12.5
Total Residual Chlorine			0.5		1.25
Copper	monitor and report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge to the Allegheny River (Permit issuance through 3 years after issued date)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature °F				110	
Copper	monitor and report				
Oil and Grease	monitor and report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 104: existing discharge to Outfall 004

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	1,006	2,346	30	70	87.5
Chromium	11.9	29.9	0.4	1.0	1.25
Nickel	8.9	26.9	0.3	0.9	1.13
Total Residual Chlorine			0.5		1.25
Iron	monitor only				
Copper	monitor only				
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge to the Allegheny River

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge to the Allegheny River

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 106: existing discharge to Outfall 006. (Permit issuance through 3 years after issued date).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (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	125.6	376.8	50	150	187.5
Lead	0.7	2.2	0.3	0.9	1.13
Zinc	1.1	3.4	0.45	1.35	1.7
Total Residual Chlorine			0.5		1.25
Total Chromium			monitor and report		
Chromium, Hex.			monitor and report		
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 006: existing discharge to the Allegheny River

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This outfall is submerged.					

Outfall 007: existing discharge to the Allegheny River

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 008: existing discharge to the Allegheny River

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge to the Allegheny River. Three years after issued date.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature °F				110	
Copper			0.024	0.048	
Oil and Grease			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 104: existing discharge to the Allegheny River. Three years after issued date through permit expiration.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature °F				110	
Total Suspended Solids	1,006	2,346	40	70	87.5
Chromium	11.9	29.9	0.4	1.0	1.25
Nickel	8.9	26.9	0.3	0.9	1.13
Total Residual Chlorine			0.5		1.25
Iron			7.3	14.6	
Copper			0.09	0.18	
pH	not less than 6.0 nor greater than 9.0				

Outfall 106: existing discharge to the Allegheny River. Three years after permit issued through permit expiration.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (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	125.6	376.8	50	150	187.5
Lead	0.7	2.2	0.3	0.9	1.13
Zinc	1.1	3.4	0.45	1.35	1.7
Total Residual Chlorine			0.5		1.25

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Chromium			monitor and report		
Chromium, Hex.			0.4	0.8	
Temperature °F				110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 900—904: existing discharges to the Allegheny River

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (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 consist solely of stormwater runoff.

Outfall 906: existing discharge to the Allegheny River

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

This discharge shall consist solely of river water intake overflow.

Outfall 907: existing discharge to the Allegheny River

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

This discharge shall consist solely of river water intake strainer overflow. Debris collected on the strainer shall not be returned to the waterway.

Outfall 908 and 909: existing discharges to the Allegheny River

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (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 consist solely of stormwater runoff.

Other Conditions: Requirement to submit a toxics reduction evaluation. At no time shall any of these discharges cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline. All stormwater contributing to Outfalls 001—008 and Outfalls 900—905 and 908—909 shall be monitored quarterly for the following parameters:

- Flow
- BOD
- COD
- TSS
- Oil and Grease
- TKN
- Nitrate/Nitrite
- Phosphorus
- Total Chromium
- Nickel
- Arsenic
- Cadmium
- Copper
- Aluminum
- Total Iron
- Dissolved Iron
- Magnesium
- Molybdenum
- Fluoride
- Sulfate
- Zinc
- Lead
- Manganese
- pH

The EPA waiver is not in effect.

PA 0040274. Industrial waste, SIC: 3316, **Allegheny Ludlum Corporation**, River Road, Brackenridge, PA 15014.

This application is for renewal of an NPDES permit to discharge treated process wastewater, untreated cooling water and stormwater from the Vandergrift Facility in Vandergrift Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters of the Kiskiminetas River classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, No₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Buffalo Township Municipal Authority, located on Allegheny River, approximately 9.0 miles below the discharge point.

Internal Monitoring Point 107: existing discharge, design flow of 0.424 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Temperature	110°				
Chromium	monitor and report				
Copper	monitor and report				
Iron	monitor and report				
Nickel	monitor and report				
Zinc	monitor and report				
Total Residual Chlorine	monitor and report				
pH	not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 207: new (0.57 mgd) discharge to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Total Suspended Solids	358	834.5	30	70	87.5
Oil and Grease			15		30
Chromium	4.8	11.9	0.4	1.0	1.25
Nickel	3.6	10.7	0.3	0.9	1.13
Total Residual Chlorine			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 007: existing discharge to Kiskiminetas River, design flow of 0.994 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist of uncontaminated stormwater runoff, the discharge from Internal Monitoring Point 107 and Internal Monitoring Point 207 and strainer backwash water from river pump house.					

Internal Monitoring Point 008: existing discharge to Kiskiminetas River, design flow of 3.4 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Zinc	monitor and report				

The EPA waiver is not in effect.

PA 0217689. Industrial waste, SIC: 4941, **The Municipal Authority of the Borough of West View**, 210 Perry Highway, Pittsburgh, PA 15229.

This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the Joseph A. Berkley Water Treatment Plant in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Robinson Township Municipal Authority, located at Robinson Township, 3.9 miles below the discharge point.

Outfall 001: existing discharge, 0.084 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Effluent chlorine minimization.

Outfall 002: existing discharge, 0.084 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 011: existing discharge, intermittent flow

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Dissolved Iron					7.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 014: existing discharge, intermittent flow

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids					60.0
Iron					4.0
Aluminum					8.0
Manganese					2.0
Total Residual Chlorine					1.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 003—010, 012—013: existing discharges

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

These discharges shall consist solely of uncontaminated stormwater runoff.

The EPA waiver is in effect.

PA 0098434. Sewage, **Pennsylvania Department of Transportation**, 555 Walnut Street, Harrisburg, PA 17101-1900.

This application is for renewal of an NPDES permit to discharge treated sewage from PennDOT Welcome Center Sewage Treatment Plant in Whiteley Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Whiteley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Masontown Borough Water Works on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.0095 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.7			5.4
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—18th month)	monitor and report			
(19th month—expiration)	0.08			0.18
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0033146. Sewage, **Countryside Convalescent Home**, 8221 Lamor Road, Mercer, PA 16137.

This application is for renewal of an NPDES permit to discharge treated sewage to an Unnamed Tributary to Neshannock Creek in East Lackawannock Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver River located at Beaver Falls, approximately 45 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0065 mgd, are:

Outfall No. 001

Parameter	Interim Limits	
	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitor and report	
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	3.5	7
(11-1 to 4-30)	10.5	21
Fecal Coliforms		
(5-1 to 9-30)	200/100 as a geometric average	
(10-1 to 4-30)	5,600/100 ml as a geometric average	
Total Residual Chlorine	monitor and report	
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The proposed discharge limits, based on a design flow of 0.020 mgd, are:

Outfall No. 001

Parameter	Final Limits	
	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitor and report	
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Fecal Coliform		
(5-1 to 9-30)	200/100 as a geometric average	
(10-1 to 4-30)	3,100/100 ml as a geometric average	
Total Residual Chlorine	0.1	0.3
Dissolved Oxygen	minimum of 4 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0030902. Fox Mobile Home Court, 12 Lois Lane, Box 1200C, Clarendon, PA 16313-9760.

This application is for renewal of an NPDES permit to discharge Unnamed Tributary (locally called Picnic Run) to Dutchman Creek in Mead Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Emlenton Water Company on the Allegheny River located at Emlenton and RMI 90 which is 102.88 miles below point of discharge.

The proposed discharge limits for Outfall 001, based on a design flow of 0.007 700 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	6.5	13
(11-1 to 4-30)	19.5	39
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	6,700/100 ml as a geometric average	
Total Residual Chlorine (Interim)	1.5	3.5
(Final)	0.7	1.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0025739. Sewage, Borough of Port Allegany, One Maple Street, Port Allegany, PA 16743.

This application is for renewal of an NPDES permit to discharge treated sewage to the Allegheny River in the Borough of Port Allegany, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the NY/PA state line located approximately 19.5 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of .9 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
CBOD ₅	25	40	50
TSS	90	45	60
Ammonia-Nitrogen (5-1 to 10-31)	17.5		35.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	15,500/100 ml as a geometric average		
Total Residual Chlorine (Interim)	XX		XX
(Final)*	0.3		1.0
Copper (Interim)	XX		XX
(Final)**	.014		.028
pH	6.0—9.0 at all times		

*refer to Special Condition 2 in Part C.

**refer to Special Condition 3 in Part C.

XX = monitor and report on monthly DRMs.

The EPA waiver is in effect.

PA 0222402. Sewage, Doverspike Brothers Coal Company, R. D. 4, Box 271, Punxsutawney, PA 15767.

This application is for a new NPDES permit to discharge treated sewage to the Unnamed Tributary to Fivemile Run in Knox Township, **Jefferson County**. This is a new discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed

downstream potable water supply considered during the evaluation is the Hawthorn Water Authority intake on Redbank Creek located at Hawthorn Borough, approximately 26 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0012 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitor and report	
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
Total Residual Chlorine		monitor and report	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0023175. Sewage, **Kane Boro-Kinzua Road Waste Water Treatment Plant**, P. O. Box 79, Kane, PA 26735.

This application is for renewal of an NPDES permit to discharge treated sewage to Hubert Run in Kane Boro, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Emlenton Water Company on the Allegheny River located in Emlenton, approximately 120 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 1.5 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	2,300/100 ml as a geometric average		
(10-1 to 4-30)			
Total Residual Chlorine			
(Interim)	0.5		1.6
(Final)	0.03		0.1
Copper		monitor and report	
Zinc		monitor and report	
Chronic Whole Effluent Toxicity (WET)	minimum of 6.0 mg/l at all times		
Dissolved Oxygen	6.0—9.0 at all times		
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

PA 0102644. Sewage, **Williams Mobile Home Park**, 320 Dinnerbell Road, Butler, PA 16001.

This application is for renewal of an NPDES permit to discharge treated sewage to the Dry/Intermittent Tributary to Thorn Creek in Penn Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelenople Municipal Water Works on Connoquenessing Creek located at Zelenople, approximately 18 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0065 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Ammonia-Nitrogen			
(5-1 to 10-31)	5.5		11
(11-1 to 4-30)	16.5		33
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	2,000/100 ml as a geometric average		
(10-1 to 4-30)			

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus (as P) (4-1 to 10-31)	2		4
Total Residual Chlorine	1.5		3.5
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0103217. Sewage, **Wattsburg Area School District**, Greene Township Elementary School, P. O. Box 219, Wattsburg, PA 16442.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Four Mile Creek in Greene Township, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water and migratory fishery, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply to consider during the evaluation, as Four Mile Creek discharges into Lake Erie.

The proposed effluent limits for Outfall 001, based on average design flow of 0.0078 mgd are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31)	4.5	9
(11-1 to 4-30)	13.5	27
Total Residual Chlorine (Interim)	1.5	
(Final)	0.5	1.2
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 standard units at all times	

The EPA waiver is in effect.

PA 0222437. Sewage, **PEC Management**, 1250 Tower Lane, Erie, PA 16505.

This application is for a new NPDES permit to discharge treated sewage to the Dry/Intermittent Unnamed Tributary to Neshannock Creek in East Lackawannock Township, **Mercer County**. This is a new discharge.

The receiving water is classified for the following uses: trout stocked fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of the Township of North Sewickley intake on the Beaver River located in Sewickley Boro, Beaver County, approximately 35 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0.012 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
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		
Total Residual Chlorine	1.5		3.5
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 022291. Industrial waste, **American Enterprises, MPT, L. P. d/b/a Ameridrives International (Bay City Forge)**, 1802 Pittsburgh Avenue, Erie, PA 16572-4000.

This application is for a new NPDES permit to discharge noncontact cooling water and stormwater to Cascade Creek in the City of Erie, **Erie County**. This is an existing discharge.

The receiving water is classified for the following uses: WWF, MF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply considered for the evaluation. The Secondary Waters is Presque Isle Bay.

The proposed effluent limits, based on a design flow of .00057 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
pH		between 6—9 at all times	

XX—Monitor and Report on Monthly DMRs.

Outfall No. 002

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>

Refer to Special Condition 1 in Part C.

Stormwater Individual

The following parties have applied for NPDES permits to allow the discharge of stormwater from an industrial site into surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to issue these permits and proposes to issue them subject to effluent limitations and monitoring and reporting requirements.

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 123.24(d).

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 Manager 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 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.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PAS402201	Apollo Metals, Ltd. P. O. Box 4045 Bethlehem, PA 18018	Lehigh Bethlehem	Monocacy Ck.	
PAS132201	Synthetic Thread Co. P. O. Box 1277 Bethlehem, PA 18016	Lehigh Bethlehem	Monocacy Ck.	
PAS702201	Eastern Ind., Inc. 4401 Camp Mtg. Rd. Suite 200 Center Valley, PA 18034-9454	Lehigh Lower Macungie	Little Lehigh	
PAS232201	Lebanon Chemical Corp. 1600 E. Cumberland St. P. O. Box 180 Lebanon, PA 17042	Lehigh Allentown	Little Lehigh	
PAS112201	GNB, Inc. P. O. Box 177 Dunmore, PA 18512	Lackawanna Dunmore Bor.	Roaring Brook	
PAS112202	Fuller Co. 2040 Avenue C Bethlehem, PA 18017	Lehigh Allentown	Little Lehigh	
PAS202201	Precision National Plating Co. 198 Ackerly Rd. Clarks Summit, PA 18411	Lackawanna Abington Twp.	Ackerly Ck.	

The Department of Environmental Protection (Department) will hold a public hearing on an Individual National Pollution Discharge Elimination System (NPDES) Permit Application No. **PAS10V018**. The NPDES Permit Application was submitted by **Columbia Gas Transmission Corporation** for proposed discharges of stormwater from construction activities associated with maintenance projects and the installation of a cathodic protection system along existing pipeline No. 1278. This pipeline runs through Lehman, Delaware, Dingman, Milford and Westfall Townships in **Pike County** and Smithfield and Middle Smithfield Townships in **Monroe County**. The proposed maintenance activities are located in High Quality and Exceptional Value Watersheds as designated in Chapter 93, Water Quality Standards.

The public hearing will only be held if significant public interest exists. If the Department does not receive comments regarding this proposed activity within the 30 days allotted for reply, it will be understood that there is no significant interest and the public hearing will be canceled. The public hearing will tentatively be held on October 30, 1997, at 6 p.m. at the Department's Pocono District Office along Route 6/11 near Swiftwater, PA in Monroe County.

In order to develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of the intent to Kate Crowley, DEP, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing.

The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time will not be allowed. All individuals attending the hearing will have the opportunity to testify if they so desire, however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Richard Shudack of the Department at (717) 826-2060 or the Pennsylvania AT&T relay service at 1 (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

Those unable to attend the hearing can submit written testimony or comment to the Department until November 6, 1997.

The NPDES Permit Application is available for review at the Pike County Conservation District, HC 6, Box 6770, Hawley, PA 18428. Please contact Susan Beecher, District Manager, to schedule an appointment.

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 protests. 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 1 (800) 654-5984.

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

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

WQM Permit No. 2597420. Sewage, **Jerome C. Scavone**, SRSTP, 6155 Bridlewood Dr., Fairview, PA 16415. This project is for the construction of a single residence sewage treatment plant in Fairview Township, **Erie County**.

WQM Permit No. 2597421. Sewage, **City of Erie**, 626 State Street, Room 400, Erie, PA 16501-1128. This project is for the construction of relief sewers for the City's East Side Relief Sewer, Manor Drive Sewer and West Side Interceptor in the City of Erie, **Erie County**.

WQM Permit No. 2097408. Sewage, **Vernon Township Sanitary Authority**, 10929 Jackson Avenue, Meadville, PA 16335. This project is for the construction of a new sewage pump station and force main to replace the existing Kertown Pump Station and force main in Vernon Township, **Crawford County**.

WQM Permit No. 2597415. Sewage, **Marshall E. Tolley**, SRSTP, 5514 New Perry Highway, Erie, PA 16509. This project is for the construction of a single residence sewage treatment plant in Franklin Township, **Erie County**.

INDIVIDUAL PERMITS (PAS)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of 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, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 825-2511.

Northcentral Regional Office, Regional Water Management Program Manager, 208 3rd Street, Williamsport, PA 17701, (717) 327-3669.

Southeast Regional Office, Regional Water Management Program Manager, Ste. 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428, (610) 832-6131.

Chester County Conservation District, District Manager, 601 Westtown Road, Ste. 395, West Chester, PA 19382, (610) 696-5126.

NPDES Permit PAS10G280. Stormwater. **Southdown Properties**, 55 Country Club Drive, Downingtown, PA has applied to discharge stormwater from a construction activity located in Caln Township, **Chester County**, to Valley Run.

NPDES Permit PAS10G281. Stormwater. **Woodridge Construction**, P. O. Box 638, Uwchland, PA 19480 has applied to discharge stormwater from a construction activity located in North Coventry Township, **Chester County**, to UNT to the Schuylkill River.

Clearfield County Conservation District, District Manager, 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.

NPDES Permit PAS101712. Stormwater. **Robert Todd Jr.**, R. R. 2, Box 353, Curwensville, PA 16833 has applied to discharge stormwater from a construction activity located in Jordan Township, **Clearfield County**, to Stony Run.

NPDES Permit PAS101713. Stormwater. **John Lansberry**, R. D. 1, Box 331-G, Woodland, PA 16881 has applied to discharge stormwater from a construction activity located in Bradford Township, **Clearfield County**, to Abes Run.

Dauphin County Conservation District, District Manager, 1451 Peters Mountain Road, Dauphin, PA 17018, (717) 921-8100.

NPDES Permit PAS10I030. Stormwater. **Jacob's Creek, Inc.**, 1106 Cocoa Avenue, Hershey, PA 17033 has applied to discharge stormwater from a construction activity located in Derry Township, **Dauphin County**, to Spring Creek (east).

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

NPDES Permit PAS10S056. Stormwater. **Connaught Laboratories Inc.**, Rte. 611, P. O. Box 187, Swiftwater, PA 18370 has applied to discharge stormwater from a construction activity located in Pocono Township, **Monroe County**, to Swiftwater Creek.

Northampton County Conservation District, District Manager, R. R. 4, Nazareth, PA 18064, (610) 746-1971.

NPDES Permit PAS10U079. Stormwater. **Douglas Long**, 224-B Old Easton Road, Stockertown, PA 18083 has applied to discharge stormwater from a construction activity located in Stockertown Borough, **Northampton County**, to Bushkill Creek.

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

NPDES Permit PAS10Y069. Stormwater. **John Byerly**, Rose Hill Farms, 542 Lexington Avenue, Mechanicsburg, PA 17055 has applied to discharge stormwater from a construction activity located in Fairview Township, **York County**, to Yellow Breeches.

SAFE DRINKING WATER

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

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

A. 0997514. Public water supply. **Heritage-Steeplechase, L. P.**, Richard R. Carroll, Jr., 3326 Old York Road, Suite B, Furlong, PA 18925. This proposal involves the construction of a new water supply system for Steeplechase L. P. development in Plumstead Township, **Bucks County**. The project includes three wells, distribution lines, storage tank, a pump station and disinfection.

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

A. 4497501. Public water supply. **Municipal Authority of the Borough of Lewistown**, Armagh Township, **Mifflin County**, *Responsible Official:* W. Harris Layton, Superintendent, Municipal Authority of the Borough of Lewistown, 70 Chestnut Street, P. O. Box 68, Lewistown, PA 17044-0068; *Type of Facility:* Permit amendment for addition of McCoy Well #1 and transfer of Rolling Hills Water System; *Consulting Engineer:* Mark V. Glenn, P. E., Gwin, Dobson and Foreman, Inc., 3121 Fairway Drive, Altoona, PA 16602.

**LAND RECYCLING AND ENVIRONMENTAL
REMEDICATION**

Under Act 2, 1995

Preamble 1

**Acknowledgment of Notices of Intent to Remediate
submitted under the Land Recycling and Envi-
ronmental Remediation Standards Act (35 P. S.
§§ 6026.101—6026.908).**

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

Genova Residence, Springbrook Township, **Lackawanna County**. David A. Everitt III, President of MEA, Inc., P. O. Box 370, 210 Center Street, Stockertown, PA 18083 (on behalf of his clients Tino and Charlene Genova, R. R. 7, Maple Lake Road, Box 7233, Moscow, PA 18444) has submitted a Notice of Intent to Remediate concerning the remediation of site soils and groundwater which have become contaminated with petroleum products. The applicant proposes to remediate the site to meet the Statewide health standard for both soil and groundwater. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

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

American Railcar Industries, Inc., Milton Facility (former tar lagoon area), West Chillisquaque Township, **Northumberland County**. Robert Warren on behalf of his client American Railcar Industries, Inc., 100 Clark Street, St. Charles, MO 63301 has submitted a

Notice of Intent to Remediate soil contaminated with lead, heavy metals, solvents, BTEX, PHCs 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 Milton Standard* on August 22, 1997.

**LAND RECYCLING AND ENVIRONMENTAL
REMEDICATION**

Under Act 2, 1995

Preamble 2

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

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

Bernville Manufacturing Elkin Site, Bernville Borough, **Berks County**. Bernville Bank, NA, 201 N. Main Street, Bernville, PA 19506 has submitted a Notice of Intent to Remediate site soils contaminated with lead. 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 *Reading Eagle Times* on May 15, 1997.

SOLID AND HAZARDOUS WASTE

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

PAD #002395887. Horsehead Resource Development Co., Inc., 401 Delaware Avenue, Palmerton, PA 18071. A Part B Application for the storage of several hazardous wastes required to be stored in the calcine feed storage building (CFSB) prior to being processed at this hazardous waste facility, located in Palmerton Borough, **Carbon County**. The application was received in the Regional Office on June 23, 1997 and was found to be administratively complete on August 25, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.

Permit No. 100329. Waste Management Disposal Services of Pennsylvania, Inc. (Lake View Landfill), 851 Robison Road East, Erie, PA 16509. Major permit modification application to process and solidify nonhazardous liquid waste prior to disposal. Application accepted in the Regional Office on August 1, 1997.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

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

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

Mayer Enterprises, Inc., 18 Catherine Street, Shillington, PA 19606; Richard Mayer, President; application received September 4, 1997.

Superior Waste Services of Pennsylvania, Inc., R. D. 2, Box O, Brockway, PA 15824; Jerry Ross, General Manager; application received September 9, 1997.

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

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

Environmental Options Group, Inc., 18 Water Street, Reading, PA 19605; Kelly P. Broughhall, Director; License No. **PA-HC 0131**; renewal application received on September 2, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-318-049: P & R Industries, Inc. (3826 Old Easton Road, Doylestown, PA 18901) for a plastic curing process in Doylestown Township, **Bucks Township**.

23-301-117: Haven Memorial Park (278 Thornton Road, Thornton, PA 19373) for a human crematory incinerator in Chester, **Delaware County**.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

35-304-002: Miles Foundry Co. (301 Bedford Street, Clarks Summit, PA 18411) for an electric induction furnace (iron) in Clarks Summit Borough, **Lackawanna County**.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

14-302-030A: Pennsylvania State University (Physical Plant Building, University Park, PA 16802) for the operation of a coal/water slurry and micronized coal-fired boiler and associated air cleaning devices (a fabric collector and a ceramic membrane filtering device) at the East Campus Steam Plant in College Township, **Centre County**.

47-310-003: Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18044-0231) for the operation of a limestone crushing and screening plant and associated air cleaning devices (fabric collectors and water spray dust suppression systems) in Limestone Township, **Montour County**. Most of the equipment incorporated in the respective plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

14-309-032C: Bellefonte Lime Company, Inc. (P. O. Box 448, Bellefonte, PA 16823) for the operation of a bulk glass stone storage silo, loadout spout and associated air cleaning device (a fabric collector) at the Bellefonte Plant in Spring Township, **Centre County**.

60-318-009: New Columbia Joist Company (P. O. Box 31, New Columbia, PA 17856) for the operation of a surface coating dip tank (bridging tank) in White Deer Township, **Union County**.

OP-18-0004A: CNG Transmission Corporation (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) for the operation of 13 natural gas-fired reciprocating engines at the Leidy Compressor Station in Leidy Township, **Clinton County**.

OP-49-0010A: I.H.F.P., Inc. (30 Marr Street, Milton, PA 17847) for the operation of a natural gas/#2 fuel oil-fired boiler (#8) equipped with a low NOx burner and flue gas recirculation system in Milton Borough, **Northumberland County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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

25-318-123: General Electric (2901 East Lake Road, Erie, PA 16531) for the operation of a varnishing process in Lawrence Park Township, **Erie County**.

25-322-003: Waste Management of PA, Inc. (P. O. Box 10904, Erie, PA 16514) for the operation of a landfill gas to electric generation facility in Summit Township, **Erie County**.

PA-24-083A: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) for the operation of a coke/graphite mill in Benziner Township, **Elk County**.

PA-42-174A: McKean County Solid Waste Authority (P. O. Box 448, Mt. Jewett, PA 16740) for the operation of a waste water treatment facility in Sergeant Township, **McKean County**.

PLAN APPROVALS

Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-301-079: Cedar Hill Memorial Park, Inc. (MacArthur and Lehigh, Allentown, PA 18101) on September 10, 1997, for a Crematorium / Secondary Combustion in Whitehall Township, **Lehigh County**.

45-320-004A: Transistor Devices, Inc. (Broad Street, Delaware Water Gap, PA 18327) for a silkscreen drying oven in Stroudsburg Borough, **Monroe County**.

52-310-005G: Pike County Concrete, Inc. (HC-8, P. O. Box 8210, Hawley, PA 18428) for a portable crushing plant with spray in Blooming Grove Township, **Pike County**.

54-306-006B: Northeastern Power Co. (P. O. Box 7, McAdoo, PA 18237) for an electric power generation plant in Kline Township, **Schuylkill County**.

54-322-002A: Pine Grove Landfill, Inc. (R. R. 4, Box 447, Pine Grove, PA 17963) for a landfill expansion with two flares in Pine Grove Township, **Schuylkill County**.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

12-399-015: Construction of an armature stripping operation and associated air cleaning devices (cartridge collectors) by **Motor Coils Manufacturing Company** (P. O. Box 311, Emporium, PA 18534) in Emporium Borough, **Cameron County**.

19-322-002B: Installation of a landfill gas collection and flaring system on a residual waste landfill by **White**

Pines Corporation (R. R. 1, Box 69, Millville, PA 17846) in Pine Township, **Columbia County**.

41-302-049: Construction of a wood fired boiler and associated air cleaning device (a mechanical collector) by **Wheeland Lumber Company, Inc.** (R. R. 1, Box 220B, Liberty, PA 16930-9540) in Jackson Township, **Lycoming County**.

8-316-014: Construction of a pilot resin facility and modification of a die form molded products line by **Masonite Corporation** (P. O. Box 311, Towanda, PA 18848) in Wysox Township, **Bradford County**.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-26-288B: Commercial Stone Company, Inc. (2200 Springfield Pike, Connellsville, PA 15425) for a limestone processing plant at its Springfield Pike Quarry in Connellsville Township, **Fayette County**.

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

PA-62-087A: Replacement of a natural gas fired sludge dryer with a steam jacketed sludge dryer (30 cu ft/hr) and wet scrubber system by **OSRAM SYLVANIA Products, Inc.** (816 Lexington Avenue, Warren, PA 16365) in Warren, **Warren County**.

PA-37-162A: Installation of (2) mesh-pad type chrome scrubbers on an existing hard chrome plating operation (39,000 amps/on 8 plating tanks) by **Precision Plating Co., Inc.** (407 Summitview Drive, New Castle, PA 16105) in Neshannock Township, **Lawrence County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

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

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

OP-23-0055: Cheyney University (Cheyney, PA 19319) for a Synthetic Minor NOx Emitting Facility in Thornbury Township, **Delaware County**.

Reasonable Available Control Technology Hearing

The Department of Environmental Protection (Department) will hold a public hearing on October 22, 1997, at 10 a.m. in the Monongahela Room, located at 400 Waterfront Drive, Pittsburgh, PA 15222.

The hearing is for the Department to take testimony concerning the Reasonably Available Control Technology (RACT) proposal submitted by Anchor Glass Container for Plant #5 located in Connellsville, Fayette County, PA.

The proposed approval is for the immediate implementation of manual control of air-to-fuel ratios on Furnaces #1, #2, and #3 for a 15 percent reduction in NOx emissions. Additionally, Anchor shall install Combustion Staging on Furnaces #1 and #2 by May 31, 1998, to reduce NOx emissions for these sources by approximately 50 percent.

RACT for all sources at this facility will include their operation and maintenance in accordance with manufacturer's recommendations and accepted air pollution control practices.

Those wishing to present testimony during the hearing should contact Community Relations Coordinator, Betsy Mallison, at (412) 442-4182 by October 21, 1997, to register.

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

Those who are unable to attend the hearing, but wish to comment, should provide written comments to Barbara Hatch, Air Pollution Control Engineer, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments must be submitted within 30 days of the appearance of this notice.

Copies of the RACT proposal and the proposed Plan Approval are available for review from 8 a.m. to 4 p.m. at the same address. Appointments for scheduling a review may be made by calling (412) 442-4000.

Proposed revision to the State Implementation Plan for oxides of nitrogen (NOx) and volatile

Department of the Air Force Air Reserve Station (Operating Permit OP-46-0072)

<i>Source</i>	<i>NOx Emission Limit Implementation (tons/year)</i>	<i>Control Technique</i>	<i>Schedule</i>
Two Boilers	28	Annual Tune-Up	Implemented
Miscellaneous	211	Manufacturers' Specifications	Implemented

This facility's remaining NOx sources will meet the presumptive requirements of § 129.93 and the remaining VOC sources shall not exceed 2.7 tons/year.

Ford Electronics & Refrigeration Company (Operating Permit OP-46-0036)

<i>Source</i>	<i>VOC Emission Limit Implementation (tons/year)</i>	<i>Control Technique</i>	<i>Schedule</i>
Wave Soldering Operations	25	Equipment Modifications	Implemented
Miscellaneous Sources	13.9	Recordkeeping	Implemented

This facility will meet the presumptive NOx requirements of § 129.93.

Transwall Corporation (Operating Permit OP-15-0025)

<i>Source</i>	<i>VOC Emission Limit Implementation (tons/year)</i>	<i>Control Technique</i>	<i>Schedule</i>
Glue Spray Booths	140	Glue Limitations, HVLP	Implemented
Cleanup Operations	14	25 Pa. Code § 129.91	Implemented

All other spray booths and the baking oven will comply with 25 Pa. Code § 129.52. This facility is not a major NOx emitter.

Finnaren & Haley, Inc. (Operating Permit OP-46-0070)

<i>Source</i>	<i>VOC Emission Limit Implementation (tons/year)</i>	<i>Control Technique</i>	<i>Schedule</i>
Paint Mfg.	162	Covers, Maintenance and Inspection Procedures	Implemented

This facility is not a major NOx emitter.

organic compounds (VOC), and notice of public hearing.

Approval of Reasonably Available Control Technology (RACT) Plans for: Department of the Air Force Air Reserve Station (Horsham Township, Montgomery County); Ford Electronics & Refrigeration Company (Worcester Township, Montgomery County); Transwall Corporation (West Goshen Township, Chester County); Finnaren & Haley, Inc. (Whitemarsh Township, Montgomery County); Naval Air Station Joint Reserve Base (Horsham Township, Montgomery County).

DEP has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

Naval Air Station Joint Reserve Base Willow Grove (Operating Permit OP-46-0079)

<i>Source</i>	<i>Emission Limit Implementation (tons/year)</i>	<i>Control Technique</i>	<i>Schedule</i>
Surface Coating Processes	8.4 VOC	Sealed Containers, Recordkeeping Maintenance and Good Operating Practices	Implemented
Jet Engine Testing	100.4 VOC		Implemented
Miscellaneous Operations	221.4 NOx	Sealed Containers, Recordkeeping	Implemented
	14.8 VOC		Implemented

This facility's remaining NOx sources will meet the presumptive requirements of § 129.93.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on October 29, 1997 at the Department of Environmental Protection Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428. The hearing will represent the opportunity for oral comment to DEP on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before October 29, 1997.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the DEP's Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6003.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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 the 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 (Department). 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 the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

32920102. Permit Renewal. **Kent Coal Mining Company** (P. O. Box 729, Indiana, PA 15701), commencement, operation and restoration of bituminous strip mine in Young Township, **Indiana County**, affecting 190.0 acres, receiving stream Marshall Run and unnamed tributaries to Marshall Run. Application received September 8, 1997.

56763036. Transfer Application from **Resource Conservation Corporation to Shade Landfill, Inc.** (R. D. 1, Box 305, Cairnbrook, PA 15924), for the continued restoration of this bituminous strip mine (valid for reclamation activities only) in Shade Township, **Somerset County**, affecting 84.2 acres, receiving stream Miller Run. Application received September 9, 1997.

1-02389-56813006-14. Stream Encroachment Application. **NSM Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), is requesting permission to construct two stream crossings on an unnamed tributary to Clear Run approximately 3,100 feet and 4,700 feet, respectively, upstream of S. R. 0160's crossing of Clear Run. Application received September 9, 1997.

11870104. Permit Renewal. **Ray Westrick Coal Company** (1078 Sunset Road, Patton, PA 16668), commencement, operation and restoration of bituminous strip mine in West Carroll Township, **Cambria County**, affecting 117.4 acres, receiving stream unnamed tributaries to Fox Run and unnamed tributary to Little Chest Creek. Application received September 9, 1997.

32920104. Permit Renewal. **Opal Industries, Inc.** (P. O. Box 980, Latrobe, PA 15650), commencement, operation and restoration of bituminous strip mine in Conemaugh Township, **Indiana County**, affecting 88.0 acres, receiving stream unnamed tributary to and Blacklegs Creek. Application received September 12, 1997.

56920109. Permit Renewal. **Heritage Mining Company** (P. O. Box 126, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Shade Township, **Somerset County**, affecting 46.1 acres, receiving stream unnamed tributary to Stony Creek, Oven Run. Application received September 12, 1997.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

65960108. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine located in Unity and Ligonier Townships, **Westmoreland County**, proposed to affect 105.8 acres. Receiving streams: unnamed tributaries to Indian Camp Run, Indian Camp Run, Ninemile Run; unnamed tributaries to Fourmile Run, Fourmile Run; unnamed tributaries to Sawmill Run, Ninemile Run, Loyalhanna Creek. A social and economic justification is included. Application received August 22, 1997.

03860108R. **State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in East Franklin Township, **Armstrong County**. Receiving streams: unnamed tributaries to the Allegheny River and the Allegheny River. Renewal application received August 27, 1997.

03920105R. **T. C. Mining** (R. R. 2, Box 301B, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Valley Township, **Armstrong County**. Receiving streams: South Fork of Pine Creek Watershed. Renewal application received September 2, 1997.

03910113R. **Walter L. Houser Coal Co., Inc.** (R. D. 1, Box 434, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface mine located in Valley and Rayburn Townships, **Armstrong County**. Receiving streams: two unnamed

tributaries to Cowanshannock Creek and Cowanshannock Creek. Renewal application received September 9, 1997.

02950102. **Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Revision received requesting a stream variance to mine within 10 feet of the unnamed tributary to North Branch of Robinson Run and to be within 5 feet of the unnamed tributary to North Branch of Robinson Run for support activities on an existing bituminous surface mine located in North Fayette Township, **Allegheny County**, which affects 92.0 acres. Receiving streams: unnamed tributary to North Branch of Robinson Run, North Branch Robinson Run, Ohio River. Revision requested received September 11, 1997.

65930101R. **V. P. Smith Company, Inc.** (Box 242, Ligonier, PA 15658). Renewal application received for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**. Receiving streams: two unnamed tributaries to Loyalhanna Creek. Renewal application received September 12, 1997.

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

54793206C10. **Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), correction to existing mining operation to include the conversion of a portion Coal Refuse Reprocessing Bank into a strip in Mahanoy Township, **Schuylkill County**, affecting 736 acres, receiving stream unknown. Application received September 3, 1997.

McMurray District Office

63743702. **Eighty-Four Mining Company** (P. O. Box 729, Indiana, PA 15701), to revise the permit for Mine No. 84 Refuse Area in Somerset Township, **Washington County** to enlarge the coal refuse disposal area within the current permit boundary, to an unnamed tributary to Pigeon Creek. Application received August 21, 1997.

65921602. **Mon 70 Transloading** (P. O. Box 256, Belle Vernon, PA 15012), to renew the permit for Mon-70 Site in Rostraver Township, **Westmoreland County**, no additional discharge. Application received August 25, 1997.

32971304. **General Mining, Inc.** (R. D. 2, Box 194, Avonmore, PA 15610), to operate the No. 1 Mine in Young Township, **Indiana County**, for a new mine, to Marshall Run and an unnamed tributary to Marshall Run. Application received August 8, 1997.

03901304. **TJS Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to revise the permit for the Darmac #3 Mine in Plumcreek Township, **Armstrong County** to add permit and subsidence control plan boundary, no additional discharges. Application received June 16, 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 (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certifica-

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

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

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

E07-281. Encroachment. **Bryan Diehl**, 315 6th Street, Tyrone, PA 16686-1304. To construct and maintain a single span bridge having a span of 18.0 feet and an underclearance of 3.0 feet in Hutchinson Run and five 24-inch diameter, 32-foot long corrugated metal pipe culverts in the floodway of Hutchinson Run to provide access to a single family residence located on the southside of Hoover Lane about 0.7 mile west of SR 0220 (Tipton, PA Quadrangle N: 7.8 inches; W: 2.0 inches) in Snyder Township, **Blair County**.

E07-284. Encroachment. **City of Altoona**, David Diedrich, 1301 12th Street, Altoona, PA 16601. To remove gravel bar and other flood related deposits from about 800 feet of channel of Kipple Run to restore positive drainage in the stream from 9th Avenue to 4th Avenue located between 13th and 14th Streets (Altoona, PA Quadrangle N: 8.35 inches; W: 0.40 inch) in Altoona City, **Blair County**.

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

E08-327. Encroachment. **Springfield Township Supervisors**, R. R. 1, Box 49, Milan, PA 18831. To maintain a 10.5 foot by 5 foot reinforced concrete box culvert with concrete wingwalls in an unnamed tributary to Tomjack Creek located on T-623 approximately 0.35 mile west of SR 4011 (East Troy, PA Quadrangle N: 17.4 inches; W: 0.2 inch) in Springfield Township, **Bradford County**. Estimated stream disturbance is 35; stream classification is TSF.

E17-312. Encroachment. **City of DuBois**, 16 W. Scribner Ave., DuBois, PA 15801-0408. To construct and maintain a 6 foot wide by 130 foot long single span pedestrian bridge across Sandy Lick Creek located next to SR 4014 approximately 800 feet north of US Rt. 219 (DuBois, PA Quadrangle N: 22.1 inches; W: 1.7 inches) in the City of DuBois, **Clearfield County**. Estimated

stream disturbance is 10 feet of stream with no wetland impact; stream classification is TSF.

E57-078. Encroachment. **DCNR**, Bur. of Facility Design & Const., P. O. Box 8451, Harrisburg, PA 17105. To remove an existing deteriorated structure and to construct and maintain a precast reinforced concrete box beam bridge with a 36 foot clear span and a 3 foot effective rise plus the associated concrete wingwalls over Rock Run which is located approximately 1.9 miles eastbound on Brunnerdale Road from its intersection with SR 3005 (Hills Grove, PA Quadrangle N: 2.13 inches; W: 2.25 inches) in Shrewsbury Township, **Sullivan County**. The project proposed to temporarily impact approximately 50 feet of Rock Run which is designated a HQ-CWF.

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

E10-270. Encroachment. **Adams Township**, 170 Hutchman Road, Mars, PA 16046. To remove the existing structure and to construct and maintain a CON/SPAN concrete arch bridge with a span of 28 feet and a rise of 11 feet on Brickyard Road (T-391) across Breakneck Creek (WWF). This project will also include approximately 30 linear feet of dumped rock streambank stabilization adjacent to the southwest bridge abutment. The project is located on Brickyard Road (T-391) across Breakneck Creek approximately 150 feet east of the intersection of Mars/Valencia Road (S. R. 3015) and Brickyard Road (T-391). (Mars, PA Quadrangle N: 12.6 inches; W: 1.2 inches) located in Adams Township, **Butler County**.

E33-185. Encroachment. **Eldred Township Supervisors**, R. D. 4, Box 302 A-1, Brookville, PA 15825. To place and maintain a 96-inch culvert pipe and associated roadway fill across Mill Creek (HQ-CWF) to replace the Bridge that was damaged during the July 1996 flood. The project is located on Bottom Road across Mill Creek approximately 5,600 feet west of the intersection of S. R. 0036 and Bottom Road (Corsica, PA Quadrangle N: 13.7 inches; W: 0.1 inch) located in Eldred Township, **Jefferson County**.

E33-186. Encroachment. **Jefferson County Commissioners**, Jefferson Place, 155 Main Street, Brookville, PA 15825. To rehabilitate and maintain County Bridge No. 23 which is a three-span prestressed concrete adjacent box beam bridge on 5th Street in Reynoldsville across Sandy Lick Creek (TSF). This project will include placing new concrete adjacent box beams and deck which will widen the bridge to two traffic lanes and a pedestrian walkway. The project is located on 5th Street in Reynoldsville across Sandy Lick Creek approximately 1,000 feet southwest of the intersection of S. R. 0310 and S. R. 0322 (Reynoldsville, PA Quadrangle N: 17.0 inches; W: 2.2 inches) located in Reynoldsville Borough, **Jefferson County**.

E42-252. Encroachment. **Hamlin Township Supervisors**, P. O. Box 235, Hazel Hurst, PA 16733. To remove the existing structure and to construct and maintain a steel I-beam bridge with a span of 48 feet and an underclearance of 9.65 feet on T-321 (Kasson Road) across Marvin Creek (CWF, trout stocked, wild trout). The project is located on T-321 (Kasson Road) across Marvin Creek approximately 1,600 feet northwest of the intersection of T-321 (Kasson Road) and S. R. 006 in the village of Kasson (Cyclone, PA Quadrangle N: 0.4 inch; W: 4.4 inches) located in Hamlin Township, **McKean County**.

ENVIRONMENTAL ASSESSMENT

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA46-027C0. Environmental Assessment. **J.R.P. Development Ltd.** (210 Bassett Court, Limerick, PA 19468). To construct and maintain a nonjurisdictional dam across a Tributary to Scioto Creek (TSF) for the purpose of stormwater management at the proposed Ivy Ridge subdivision located approximately 1,400 feet east of the intersection of Snyder Road and Hoffmansville Road (S. R. 73) (Sassamansville, PA Quadrangle N: 10.55 inches; W: 4.30 inches) in Upper Frederick Township, **Montgomery County**.

EA46-030C0. Environmental Assessment. **New Life Youth and Family Services** (585 Freeman School Road, Harleysville, PA 19438). To remove a breached dam for the purpose of restoring a Tributary to East Branch Perkiomen Creek (TSF) to a free flowing condition. The dam is located on the New Life Youth and Family Services property approximately 1,600 feet southwest of the intersection of Old Skippack Salfordville Road and Freeman School Road (Perkiomenville, PA Quadrangle N: 4.85 inches; W: 6.65 inches) in Lower Salford Township, **Montgomery County**.

EA67-010C0. Environmental Assessment. **Yorkana Borough** (71 Main Street, Yorkana, PA 17402-8204). To remove a breached dam for the purpose of restoring a Tributary to Kreutz Creek (WWF) to a free flowing condition located approximately 1,300 feet southwest of the intersection of S. R. 2009 and S. R. 2019 (Red Lion, PA Quadrangle N: 18.6 inches; W: 11.8 inches) in Yorkana Borough, **York 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 (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the

Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audio tape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

NPDES Permit No. PA0087173. Amendment No. 1. Sewerage, **High Point Baptist Church**, P. O. Box 188, Geigertown, PA 19523 is authorized to discharge from a facility located in Robeson Township, **Berks County** to the receiving waters named Hay Creek.

NPDES Permit No. PA0083003. Industrial waste, **Dudley-Carbon Township-Coalmont Joint Municipal Authority**, Box 276, Dudley, PA 16634 is authorized to discharge from a facility located in Carbon Township, **Huntingdon County** to the receiving waters named Shoup Run.

NPDES Permit No. PAG043567. Sewerage, **Richard Youse**, Box 85, Virginville, PA 19564 is authorized to discharge from a facility located in Richmond Township, **Berks County** to the unnamed tributary to Maiden Creek.

NPDES Permit No. PA0083224. Sewerage, **Ganga Corporation**, R. D. 1, Box 1900, Mapleton Depot, PA 17052 is authorized to discharge from a facility located in Brady Township, **Huntingdon County** to the receiving waters of an unnamed tributary to the Juniata River.

NPDES Permit No. PA0044911. Amendment No. 1. Industrial waste, **Land O'Lakes, Inc.**, P. O. Box 116, Minneapolis, MN 55440-0116 is authorized to discharge from a facility located in South Middleton Township, **Cumberland County** to the receiving waters named Mountain Creek.

NPDES Permit No. PAG053513. General Permit. Groundwater Cleanup, **Exxon Company, USA**, 2567 University Avenue, Suite 5008, Morgantown, WV 26505 is authorized to discharge from a facility located in Lurgan Township, **Cumberland County** to the receiving waters named Newburg Run.

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

NPDES Permit No. PA0222330. Sewage, **Ray Kotewicz**, 2854 Bellavista Dr., Allison Park, PA 15101 is authorized to discharge from a facility located in Victory Township, **Venango County** to Unnamed Tributary to Victory Run.

NPDES Permit No. PA0102288. Industrial waste, **McKean County Solid Waste Authority**, P. O. Box 448, Mt. Jewett, PA 16740 is authorized to discharge from a facility located in Sergeant Township, **McKean County** to Little Sicily Run.

NPDES Permit No. PA0036994. Sewage, **Borough of Pleasantville**, P. O. Box 150, 114 West State Street, Pleasantville, PA 16341 is authorized to discharge from a facility located in Pleasantville Borough, **Venango County** to an unnamed tributary to West Pithole Creek.

NPDES Permit No. PA0033367. Industrial waste, **B & B Leather, Inc.**, 9041 Tannery Road, Girard, PA 16417 is authorized to discharge from a facility located in Girard Township, **Erie County** to Brandy Run.

NPDES Permit No. PA0002038. Industrial waste, **OMG Americas**, Two Mile Run Road, Franklin, PA 16323 is authorized to discharge from a facility located in Sugarcreek Borough, **Venango County** to Race Run (outfall 001) and the Allegheny River (outfall 002).

WQM Permit No. 6197402. Sewerage, **Ray Kotewicz**, SRSTP, 2854 Bellavists Dr., Allison Park, PA 16347. Construction of Ray Kotewicz SRSTP located in Victory Township, **Venango County**.

INDIVIDUAL PERMITS

(PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G253	Trammell Crow NE, Inc. 575 East Swedesford Rd., Suite 150 Wayne, PA 19087-1613	East Whiteland Twp. Chester County	Schuylkill Basin
PAS10-G271	Ardmore Associates II 1235 Westlakes Dr., Suite 425 Berwyn, PA 19312	East Whiteland Twp. Chester County	Unnamed Tributary of Valley Creek
PAS10-T071	Pottsgrove School District 1301 Kauffman Road Pottstown, PA 19464	Upper Pottsgrove Twp. Montgomery County	Manatawny Creek
PAS10-G237	Tattersall Development Company P. O. Box 217 Chester Springs, PA 19425	West Bradford Twp. Chester County	Broad Run

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>
PAS10V013	Delaware Valley School District HC77, Box 379A Milford, PA 18337	Pike County Westfall Township	Delaware River

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10F063	James L. Au 1800 Earlstown Rd. Boalsburg, PA 16827	Harris Twp.	Spring Creek

**INDIVIDUAL PERMITS
(PAR)**

**APPROVALS TO USE NPDES AND/OR OTHER
GENERAL PERMITS**

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge

or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices, and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified 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, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES
and/or other
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
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

<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>
Allegheny Co. Crafton Borough	PAR10A215	C I T Baseball & Softball Assoc., Inc. P. O. Box 44168 Pittsburgh, PA	Chartiers Crk.	Allegheny CD (412) 241-7645
Allegheny Co. N. Fayette Twp.	PAR10A218	Lincoln Eastern Mgt. Corp. 35 Highland Rd. Bethel Park, PA 15102	Montour Run	Allegheny CD (412) 241-7645
Allegheny Co. Pleasant Hills Boro	PAR10A217	Parkview Dev. Corp. 116 Reed Dr. Clairton, PA 15025	Peters Creek	Allegheny CD (412) 241-7645
Allegheny Co. Plum Boro	PAR10A205	Pa. Turnpike Comm. P. O. Box 67676 Harrisburg, PA 17106	Plum Creek	Allegheny CD (412) 241-7645
Allegheny Co. Scott Twp.	PAR10A214	Starship Dev. Co. Inc. P. O. Box 333 Presto, PA	Chartiers Creek	Allegheny CD (412) 241-7645
Allegheny Co. City of Pittsburgh	PAR10A223	Beacon Corcoran Jennison Partners 2 Oliver St. Boston, MA 02109	Monongahela River	Allegheny CD (412) 241-7645
Allegheny Co. Jefferson Borough	PAR10A222	Jefferson Properties LP 795-22 Pine Valley Dr. Pittsburgh, PA 15239	Peters Creek	Allegheny CD (412) 241-7645
Bedford Co. W. Providence and Snake Spg. Vly. Twps.	PAR100428	Pa. Turnpike Comm. P. O. Box 67676 Harrisburg, PA 17106	Raystown Br.	Bedford CD (814) 623-6706
Berks Co. Brecknock Twp.	PAR10C179	Anthony Talarico 609 Governor Dr. Shillington, PA 19607	Allegheny Crk.	Berks CD (610) 372-4657
Berks Co. Exeter Twp.	PAR10C186	Kurt Falkenberg 75 Winged Foot Dr. Reading, PA	Monocacy Crk.	Berks CD (610) 372-4657
Berks Co. Windsor Twp.	PAR10C180	Larry Ernst 51 Primrose St. Hamburg, PA 19526	UNT to the Schuylkill River	Berks CD (610) 372-4657
Blair Co. Frankstown Twp.	PAR100658	LEMA Corp. 5506 6th Ave. Altoona, PA	Oldtown Run	Blair CD (814) 696-0877

NOTICES

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<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>
Butler Co. Cranberry Twp.	PAR10E061	Robert Ferree, FER Prop. Inc. 4848 Rt. 8, Unit 2 Allison Park, PA	UNT to Brush Creek	Butler CD (412) 284-5270
Cambria Co. Conemaugh Twp.	PAR101035	Pegasus Sewer Authority 1296 Clapboard Run Rd. Johnstown, PA 15904	Peggy's Run Cushion Run Clapboard Run Centennial Run Solomon Run	Cambria CD (814) 472-2120
Cambria Co. Portage Boro and Portage Twp.	PAR101036	Portage Area School Dist. 84 Mountain Ave. Portage, PA	Little Conemaugh	Cambria CD (814) 472-2120
Centre Co. Ferguson Twp.	PAR10F060	John McWhirter 101 Aspen Drive Boalburg, PA	UNT to Spring Crk. thru Big Hollow	Centre CD (814) 355-6817
Centre Co. Ferguson Twp.	PAR10F061	Sunrise Homes 467 E. Beaver Ave. State College, PA	Big Hollow Run	Centre CD (814) 355-6817
Clinton Co. Bald Eagle Twp.	PAR101916	Croda Inc. P. O. Box 178 Mill Hall, PA 17751	Bald Eagle Crk.	Clinton CD (717) 726-3798
Crawford Co. Cambridge Twp.	PAR102311	Cambridge Indus. Park R. D. 1, Route 86 Cambridge Springs, PA 16403	UNT to French Creek	Crawford CD (814) 724-1793
Crawford Co. City of Titusville	PAR102312	Titusville Area Schools 221 N. Washington St. Titusville, PA 16345	Church Run & Oil Creek	Crawford CD (814) 724-1793
Cumberland Co. Hampden Twp.	PAR10H129	Hampden Commerce Ctr. 6345 N. Powder Horn Rd. Mechanicsburg, PA	Sears Run	Cumberland CD (717) 240-7812
Dauphin Co. Susquehanna and L. Paxton Twp.	PAR10I122	Intercom Systems Inc. 1000 Rosedale Ave. Middletown, PA	Paxton Creek	Dauphin CD (717) 921-8100
Dauphin Co. Susquehanna Twp.	PAR10I124	Walsh, Higgins & Co. 101 E. Erie St. Chicago, IL 60611	Paxton Creek	Dauphin CD (717) 921-8100
Dauphin Co. Susquehanna Twp.	PAR10I126	Vartan Enterprises Inc. 3601 Vartan Way Harrisburg, PA 17110	Paxton Creek	Dauphin CD (717) 921-8100
Elk Co. St. Marys	PAR102510	St. Marys Area Water Authority P. O. Box 33 St. Marys, PA	Elk, Silver, Creeks and Iron and Tencent Runs	Elk CD (814) 776-5373
Erie Co. City of Erie	PAR10K076	Erie School District 1511 Peach St. Erie, PA	Lake Erie	Erie CD (814) 796-4203
Erie Co. Millcreek Twp.	PAR10K085	Lake Erie Warehouse & Distrib. Center 5650 Wattsburg Rd. Erie, PA	Lake Erie	Erie CD (814) 796-4203
Erie City Erie County	PAR808317	Preston Trucking Co., Inc. 151 Easton Boulevard Preston, MD 21655	Lake Erie	DEP Water Management NW Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

<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>
Shenango Twp. Mercer County	PAR808318	Preston Trucking Co., Inc. 151 Easton Boulevard Preston, MD 21655	Unnamed Tributary to Hogback Run	DEP Water Management NW Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Greenwood Twp. Crawford County	PAR208335	Arro Forge, Inc. P. O. Box 1293 Meadville, PA 16335	Conneaut Outlet	DEP Water Management NW Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Beaver County Big Beaver Borough	PAG046131	Richard H. Hanewald 624 Franklin Belmar Road Franklin, PA 16323-1026	Tributary to North Fork Little Beaver Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
North Beaver Twp. Lawrence County	PAG058312	Tim Pitzer Tic Toc Food Mart 547 Mount Jackson Road New Castle, PA 16102	Unnamed Tributary to Hickory Run	DEP Water Management NW Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan revision approval granted August 29, 1997 under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

*Regional Office: Water Management Program Manager,
Southcentral Region, One Ararat Boulevard, Harrisburg,
PA 17110.*

Lower Mifflin Township, **Cumberland County**, 100
Gypsy Run Road, Newville, PA 17241.

The approved plan revision (**William L. Mauchamer**,
DEP Code No. A3-21914-067-3S) provides for the installa-
tion of a single family residence sewage treatment plant.
The proposed plant will discharge to Center Creek. The
proposed project is located on the east side of SR 0997
about 0.1 mile north of the intersection with SR 4008.

Any required NPDES Permits or WQM permits must
be obtained in the name of the applicant.

SAFE DRINKING WATER

Operation/Construction Permits issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Regional Office: Northcentral Field Operations, Envi-
ronmental Program Manager, 208 West Third Street, Suite
101, Williamsport, PA 17701.*

A. 5597501. The Department issued a construction
and operation permit to **Penn Township Municipal
Authority** (12 Clifford Road, Selinsgrove, PA 17870,
Penn Township, **Snyder County**) for construction and
operation of a water distribution system for a new
housing development. The system will be supplied from a
bulk connection with the Borough of Selinsgrove's water
system.

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

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

Permit No. 2597503. Public water supply. **Imperial
Point Water Service Company**, P. O. Box 927, Fair-
view, PA 16415. A permit was issued for the installation
of iron and manganese removal filters, dual solution and
chlorine feeding equipment in Girard Township, **Erie
County**.

Type of Facility: Community Water Supply

Consulting Engineer: Richard A. Deiss, Richard A.
Deiss & Associates, 9342 Pettis Road, Meadville, PA
16335

Permit to Construct Issued: September 9, 1997

HAZARDOUS SITES CLEANUP

Under the act of October 18, 1988

De Minimis Settlements Under the Hazardous Sites Cleanup Act

Quality Container Corporation Site

City of Philadelphia, Philadelphia County

The Department of Environmental Protection (Depart-
ment), under the authority of the Hazardous Sites
Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305),
has entered into multiple consent order and agreements
for de minimis settlements with 66 parties regarding the
Department's costs incurred for conducting response ac-
tivities at the Quality Container Corporation (QCC) site.
The QCC site is a parcel of land of approximately 1.25
acres located in the City of Philadelphia, Philadelphia
County, at the intersection of Collins Street and E.
Ontario Street. The surrounding area is zoned commer-
cial and residential.

QCC operated a drum reconditioning facility from 1977 through June 1990. QCC stopped operations in July of 1990 and subsequently abandoned the site leaving roll-off containers, drums and wastes generated by facility operations. In addition, process equipment on the site was not cleaned of wastes at the time the facility was abandoned. The roll-off containers, drums, process equipment and abandoned wastes were not contained and were accessible to the public.

Because of the threat to human health and the environment posed by the QCC site, the site was deemed as a HSCA site on August 12, 1994 under section 502 of HSCA, 35 P. S. § 6020.502. The Department subsequently implemented and completed an interim response from March 20, 1995 through February 8, 1996 to address the release or threat of release of hazardous substances. To date, the Department has incurred response costs of approximately \$1.8 million related to the release or threat of release of hazardous substances.

During the implementation of the interim response, the Department seized QCC records located in an office trailer at the site. The QCC records contained documentation regarding potentially responsible parties that were identified by the Department. Based on a review of the QCC records, the Department has determined that 94 potentially responsible parties are de minimis parties, and offered to enter into consent order and agreements with those parties for de minimis settlements under section 122(g) of CERCLA, 42 U.S.C.A. § 9622(g), and section 707 of HSCA, 35 P. S. § 6020.707.

The Department has entered into consent order and agreements for de minimis settlements with the following 66 de minimis parties: 3M Corporation, (\$11,900.20); Abe Kemp (\$1,670.66); Adhesions Systems Inc. (\$799.83); Akros Chemicals America (NJ) (\$538.20); Allied Tube & Conduit, (\$4,668.14); Beacon Looms (\$145.76); Craig Adhesive Company, (\$1,225.90); Cabrun Inks Products Corporation (\$2,728.38); Catalyst Technology, (\$242.94); Chartiers Land Company, (\$2,922.73); Chester County Hospital, (\$59.80); Clement Pappas & Company, (\$3,606.69); Conestoga Foundry Supply Company, (\$1,057.71); Cumberland Farms, Inc., (\$366.28); The Delaware River and Bay Authority, (\$210.83); Dowell Schlumberger, a division of Schlumberger Technology Corporation, (\$784.88); E. I. du Pont de Nemours and Company, (\$13,271.86); Esschem, Inc., (\$284.05); Fiberglass Technologies Inc., (\$908.21); FMC Corporation, (\$4,843.80); Fres-co System USA, (\$4,634.50); Ganes Chemicals Inc., (\$6,626.59); Gasket Materials Corporation, (\$878.31); General Motors Corporation, (\$3,715.08); G. M. Ellis Industrial Maintenance, Inc., (\$560.63); Graphic Packaging Corporation, (\$1,622.08); GTE, (\$1,726.73); Guest Packaging Inc., (\$893.26); Hartin Paint & Filler Corporation, (\$272.84); HULS AMERICA Inc., (\$7,983.30); Industrial Drum Co., Inc., (\$10,872.39); Industrial Resource Network, Inc., (\$2,302.30); Insl-x Products Corporation, (\$982.96); International Paper Company, (\$22.43); INX International Ink Co., (\$4,357.93); James River Paper Company, Inc., (\$156.98); JB Slevin, Inc., (\$1,842.59); Johnson & Johnson, (\$276.58); Knouse Foods Cooperative, Inc., (\$590.53); Kraft Foods, (\$8,932.63); Lilly Industries, Inc., (\$4,186.00); Mail Well Envelope, (\$56.06); Marisol, Inc., (\$11,152.70); NVF Corporation, (\$1,098.83); Nylomatic, (\$37.38); Ocean Spray Cranberries, Inc., (\$8,420.59); Para-Chem Southern, Inc., (\$224.25); Pioneer Leathertouch, Inc., (\$508.30); Pollution Solutions of Vermont, (\$706.39); PPG Industries, Inc., (\$11,571.30); Princeton University Plasma Physics Laboratory, (\$1,427.73); Progressive Disposal Group, (\$743.76);

RBH Dispersions, Inc., (\$10,707.94); Reliable Industries, (\$1,005.39); Roscom, Inc., (\$418.60); SHR Enterprises, (\$2,208.86); Standard Register, (\$2,078.05); Stevens Paint Corporation, (\$7,508.64); Stone Container Corporation, (\$370.01); Tate Access Floors, (\$2,821.81); Van Leer Containers, Inc., (\$1,012.86); W. L. Gore & Associates, Inc., (\$654.06); Webcraft Technologies, Inc., (\$1,020.34); Wickerware, Inc., (\$115.86); William H. Cooper's Sons, (\$14,912.63); and William J. Jones & Son, Inc., (\$17,936.26).

Under all of the proposed consent order and agreements for de minimis settlements that are subject to this notice the Department will receive a total of \$214,383.08.

This notice is provided under section 1113 of HSCA, 35 P. S. § 6020.1113. The proposed consent order and agreements are subject to final approval by the Department following the receipt and review of any comments submitted by the public. The proposed consent order and agreements that contain the specific terms of the settlements are available for public review and comment. The proposed consent order and agreements can be examined from 8 a.m. to 4 p.m. at the Department's office at 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428 by contacting Sonja Smith at (610) 832-6003. A public comment period on the proposed consent order and agreements will extend for 60 days from the date of publication of this notice. Persons may submit written comments regarding the proposed consent order and agreements to the Department by November 26, 1997, by submitting them to April Flipse, Project Officer, at the above address.

Public Notice of Proposed Consent Decree

Millcreek Dump Site

Millcreek Township, Erie County

Under section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.A. § 9622, and section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Decree concerning settlement of the Department's Complaint against EMI Company (EMI). The Department's Complaint concerns the response costs that the Department has incurred and will incur to clean up the Millcreek Dump Site in Erie County. The Department's Complaint is filed in the United States District Court for the Western District of Pennsylvania, at Doc. No. 93-297 (Erie).

The Department has incurred over \$700,000 in past response costs, and estimates that it will incur over \$5 million in response costs in the future at the Millcreek Dump Site. Based upon the Department's analysis of EMI's connection with the release and threatened release of hazardous substances at the Site, the Department has agreed to settle its Complaint against EMI for \$197,197. The specifics of the Department's settlement with EMI are set forth in the Consent Decree.

The Department will receive and consider comments relating to the Consent Decree for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the Consent Decree, if the comments concerning the Consent Decree disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper, inadequate or not in the public interest. After the public comment period, the Department's settlement with EMI shall become final upon the filing of the Department's response to significant written

comments to the Consent Decree and upon the United States District Court's approval of the Consent Decree.

Copies of the Consent Decree are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA and at the United States District Court-house in Erie, PA. Comments may be submitted, in writing, to Harrison Beavers, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Mr. Orris at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

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

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

Exton Properties, L. P., West Whiteland Township, **Chester County**. Jennifer Menges-Smith, Lewis Environmental, P. O. Box 639, Royersford, PA 19468, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Genova Residence, Springbrook Township, **Lackawanna County**. David A. Everitt III, President of MEA, Inc., P. O. Box 370, 210 Center Street, Stockertown, PA 18083 (on behalf of his clients Tino and Charlene Genova, R. R. 7, Maple Lake Road, Box 7233, Moscow, PA 18444) has submitted a Final Report concerning the

remediation of site soils and groundwater which became contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard for both soil and groundwater. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

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

Penn Garment Company, One Lycoming Township, **Lycoming County**. David Swetland, Converse Consultants East, 2738 West College Avenue, State College, PA 16801 on behalf of Trimtex Company, Inc., 400 Park Avenue, Williamsport, PA 17701, the new owner, and Doris Neiman, 7091 East Short Road, Traverse City, Michigan 49680, the former owner and person who previously submitted the NIRs, has submitted a Final Report addressing soil and groundwater contaminated with BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the site-specific standard.

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

GPU Energy, for Front St. Electrical Generating Station, Parcel J. Community Boating Property, North of Front St., Ward #4, City of Erie, **County of Erie**, has submitted a Final Report to Remediate soil and groundwater. The site has been found to be contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

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.

R.G.M. Liquid Waste Removal Corp., 972 Nicolls Road, Deer Park, NY 11729; License No. **PA-AH S005**; license expired on August 31, 1997.

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

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

Environmental Products & Services, P. O. Box 315, Syracuse, NY 13209; License No. **PA-AH 0327**; renewal license issued September 5, 1997.

Midwest Environmental Transport, 10163 Cincinnati-Dayton Road, Cincinnati, OH 45241; License No. **PA-AH 0499**; renewal license issued September 5, 1997.

M&T Transport, Inc., P. O. Box 335, Richfield, OH 44286-0335; License No. **PA-AH 0437**; renewal license issued September 10, 1997.

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

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

Barr Transportation Corp., 5900 Fisher Road, East Syracuse, NY 13057; License No. **PA-AH 0571**; license issued September 2, 1997.

T. F. Boyle Transportation, Inc., 15 Riverhurst Road, Billerica, MA 01821; License No. **PA-AH 0572**; license issued September 2, 1997.

BENEFICIAL USE DETERMINATIONS

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

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

WMGR038NE001. Hawk Recycling Center, Hawk Recycling Center, Inc., 191 Clark Road, Duryea, PA 18643. A determination of applicability approval, authorizing the preprocessing and beneficial use of waste tires and tire-derived material (TDM) for use as fuel at approved facilities, civil engineering or construction material and feedstock in the manufacturing of consumer products for this facility, located in Duryea Borough, **Luzerne County**. The approval was granted by the Regional Office on September 8, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 301004. Wilson F. Nolan, P. O. Box 18872, Oklahoma City, OK 73154. This permit was revoked, because the Department did not receive the preliminary application for permit modification by July 4, 1994 for the agricultural utilization of residual waste wood fiber from Simpson Paper Company on the Walter Ellinger Farm located in Upper Salford Township, **Montgomery County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 301002. Wilson F. Nolan, P. O. Box 18872, Oklahoma City, OK 73154. This permit has been revoked, because the preliminary application was not received by July 4, 1994 for the agricultural utilization of residual waste on the Rosenberger Farm in Milford Township, **Bucks County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 301084. Environmental Waste Disposal Inc., P. O. Box 845, Clemens, NC 27072. This permit was revoked, because the Department did not receive the

preliminary application for permit modification by July 4, 1994 regarding the agricultural utilization of residual waste on the French Farm located in Perkiomen Township, **Montgomery County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 601405. Northwestern Chester County Municipal Authority, P. O. Box 308, Honeybrook, PA 19344-0308. This permit has been revoked, because a permit renewal application for agricultural utilization of municipal sewage sludge from the Northwestern Chester County Municipal Authority was never submitted for sludge application. Facility located in Honeybrook Township, **Chester County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 300632. Stuart C. Harnish, R. D. 1, P. O. Box 112, Glenmoore, PA 19343. This permit has been revoked because the Department did not receive the preliminary application by July 4, 1994 for the agricultural utilization of residual waste for the CaSO₃ Agricultural Research Project located in East Vincent Township, West Vincent Township, East Coventry Township, and West Nantmeal Township, **Chester County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 301003. Wilson F. Nolan, P. O. Box 18872, Oklahoma City, OK 73154. This permit was revoked, because the Department did not receive the preliminary application by July 4, 1994 for the agricultural utilization of residual waste on the Ustru Lasick Farm located in Milford Township, **Bucks County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 602305. Township of West Goshen, 1025 Paoli Pike, West Chester, PA 19380. This permit has been revoked, because a permit renewal application for agricultural utilization of municipal sewage sludge from West Goshen Township wasn't submitted for the Robin McCardle Farm No. 4 located in West Goshen Township, **Chester County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 602304. Township of West Goshen, 1025 Paoli Pike, West Chester, PA 19380. This permit has been revoked, because a permit renewal application for agricultural utilization of municipal sewage sludge from West Goshen Township wasn't submitted for the Robin McCardle Farm No. 2 located in West Goshen Township, **Chester County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 602565. Township of West Goshen, 1025 Paoli Pike, West Chester, PA 19380. This permit has been revoked, because a permit renewal application for agricultural utilization of municipal sewage sludge from West Goshen Township wasn't submitted for the Mary Ann Lees Farm located in West Goshen Township, **Chester County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 602268. Township of West Goshen, 1025 Paoli Pike, West Chester, PA 19380. This permit has been revoked, because a permit renewal application for agricultural utilization of municipal sewage sludge from West Goshen Township, wasn't submitted for sludge application on the William White Farm No. 1 located in East Bradford Township, **Chester County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 101096. G. Pownall Jones Farm, New Garden Road, Toughkenamon, PA 19374. This permit was revoked, because a permit renewal application for agricultural utilization of sewage sludge was never submitted for

sludge application on the G. Pownall Jones Farm located in New Garden Township, **Chester County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 600560. Ronald Ziegler, P. O. Box 263, Pipersville, PA 18947. This permit has been revoked, because a permit renewal application for the agricultural utilization of septic tank waste on the Ziegler Farm located in the Tinicum Township, **Bucks County** was never submitted. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 603125. John Tomczak, Route 73, Obelisk, PA 19492. This permit has been revoked, because a permit renewal application for the agricultural utilization of septic tank waste on the Gordon Moser Farm located in Douglass Township, **Montgomery County** wasn't submitted. Permit revoked in the Southeast Regional Office on September 4, 1997.

Permit No. 601806. Browning-Ferris, Inc., d/b/a BFI Organics, Route 796 and Briar Lane, P. O. Box 159, West Grove, PA 19390. This permit has been revoked, because a permit renewal application for continuing sludge storage was never submitted for storage at the NPS and J. B. Hannum Farm located in East Marlborough Township and West Marlborough, **Chester County**. Permit revoked in the Southeast Regional Office on September 4, 1997.

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

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

Permit I. D. No. 603081. Barna's Farm, Waymart Municipal Authority, P. O. Box 224, Waymart, PA 18472. A Permit Renewal application for the Agricultural Utilization of Sewage Sludge for this facility, located in Canaan and South Canaan Townships, **Wayne County**. The application was returned by the Regional Office on July 24, 1997.

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

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

Solid Waste Permit No. 100594. Issued to **Chambers Development Company, Inc.**, a Division of USA Waste Services, Inc., 310 Leger Road, North Huntingdon, PA 15642. A major permit modification approving the 182.7 acre expansion of the Monroeville Landfill located in the Municipality of Monroeville, **Allegheny County** issued in the Regional Office on September 9, 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.

Bridgeview, Inc., R. R. 1, Box 364, Morgantown, PA 19543; License No. **PA-HC 0084**; renewal license issued September 9, 1997.

T. J. Egan & Company, Inc., 5 Lawrence Street, Bloomfield, NJ 07003; License No. **PA-HC 0079**; renewal license issued September 11, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-320-037: Webcraft Technologies, Inc. (4371 County Line Road, Chalfont, PA 18914) issued August 26, 1997, for the operation of Press 16 in New Britain Township, **Bucks County**.

15-312-028: Sun Pipe Line Co. (1801 Market Street, Philadelphia, PA 19103) issued August 31, 1997, for the operation of Gasoline Storage Tank No. 4 in West Brandywine Township, **Chester County**.

46-301-260: Hatfield Township Municipal Authority issued July 16, 1997, for the operation of a Multiple-Hearth Incinerator in Hatfield Township, **Montgomery County**.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

26-305-029A: CONSOL Docks, Inc. (1800 Washington Road, Pittsburgh, PA 15241) for water sprays on their coal transfer facility at the Alicia Dock in Luzerne Township, **Fayette County**.

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

10-318-019A: Lectromat, Inc. (P. O. Box 608, Mars, PA 16046) for the operation of a coater/laminator in Adams Township, **Butler County**.

33-309-017: Owens-Brockway Glass Container (Rt. 219, E & R Bldg., Brockway, PA 15824) for the operation of a glass treatment operation in Snyder Township, **Jefferson County**.

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

Southeast Regional Office, Air Quality Program, 555 North Lane Conshohocken, PA 19428, (610) 832-6242.

46-314-037: American Roller Co. (190 North Penn Road, Hatfield, PA 19446) issued June 24, 1997, for seven roller grinders in Hatfield Township, **Montgomery County**.

23-309-006B: G S Roofing Products (Front and Lloyd Streets, Chester, PA 19013), formerly TRS Acquisition Corp. issued June 23, 1997, for Asphalt Coating Line No. 1 in Chester, **Delaware County**.

23-309-010: G S Roofing Products (Front and Lloyd Streets, Chester, PA 19013), formerly TRS Acquisition Corp. issued June 23, 1997, for Asphalt Coating Line No. 1 in Chester, **Delaware County**.

46-309-030: Highway Materials (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422), formerly Corson Lime Co. issued August 29, 1997 for two storage tanks in Whitemarsh Township, **Montgomery County**.

46-310-023: Highway Materials (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422), formerly Corson Lime Co. issued August 29, 1997, for two Miracle Lime Storage Silos in Whitemarsh Township, **Montgomery County**.

46-309-013: Highway Materials (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422), formerly Corson Lime Co. issued August 29, 1997, for a Miracle Lime Pressure Hydrator in Whitemarsh Township, **Montgomery County**.

46-313-017A: McNeil Consumer Products (7050 Camp Hill Road, Fort Washington, PA 19034) issued September 4, 1997, for a caplet coating operation in Upper Gwynedd Township, **Montgomery County**.

PLAN APPROVALS

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

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-313-117D: Merck & Co., Inc. (Sumneytown Pike, West Point, PA 19486) issued August 13, 1997, for the operation of a catalytic oxidizer in Upper Gwynedd Township, **Montgomery County**.

09-318-074: Rama Display Corp. (P. O. Box 219, 780 Haunted Lane, Bensalem, PA 19020) issued August 13, 1997, for the operation of a spray booth in Bensalem Township, **Bucks County**.

46-327-015A: Micro-Coax Components, Inc. (P. O. Box 993, Collegeville, PA 19426) issued September 2, 1997, for the operation of a degreaser in Trappe Township, **Montgomery County**.

46-302-214: McNeil Consumer Products (7050 Camp Hill Road, Fort Washington, PA 19034) issued September 2, 1997, for the operation of Boiler No. 3 in Whitemarsh Township, **Montgomery County**.

23-318-023A: Boeing Defense & Space Group (P. O. Box 16858, Philadelphia, PA 19142-0858) issued September 3, 1997, for the operation of Paint Spray Booth No. 8 in Ridley Township, **Delaware County**.

23-318-036: Boeing Defense & Space Group (P. O. Box 16858, Philadelphia, PA 19142-0858) issued September 3, 1997, for the operation of two spray booths in Ridley Township, **Delaware County**.

23-318-037: Boeing Defense & Space Group (P. O. Box 16858, Philadelphia, PA 19142-0858) issued September 3, 1997 for the installation of two spray booths in Ridley Township, **Delaware County**.

23-318-038: Boeing Defense & Space Group (P. O. Box 16858, Philadelphia, PA 19142-0858) issued September 3, 1997, for the operation of a mold release process enclosure in Ridley Township, **Delaware County**.

09-320-049: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) issued September 4, 1997, for the operation of Flexographic Press No. 204 in West Rockhill Township, **Bucks County**.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

13-308-103: Horsehead Resource Development Co. (4th Street and Franklin Avenue, Palmerton, PA 18071) issued September 10, 1997, for a Waelz kiln feed system with baghouse in Palmerton Borough, **Carbon County**.

39-313-029D: Carpenter Co. (57 Olin Way, P. O. Box 129, Fogelsville, PA 18051) issued September 9, 1997 for polystyrene manufacturing with boiler control in Upper Macungie Township, **Lehigh County**.

48-309-101: ESSROC Cement Corp. (Rte. 248, 3251 Bath Pike, Nazareth, PA 18064) issued September 8, 1997 for a cement direct transfer with baghouse in Nazareth Borough, **Northampton County**.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

17-399-012B: Clearfield Powered Metals, Inc. (P. O. Box 1072, Clearfield, PA 16830) issued August 8, 1997, for the construction of a powered metal parts sintering furnace in Lawrence Township, **Clearfield County**.

47-318-007D: Cabinet Industries, Inc. (400 Railroad Street, Danville, PA 17821) issued August 26, 1997, for the construction of three wood furniture finishing wiping areas and three wood furniture finishing and parts cleaning dip tanks and for the modification of wood furniture finishing spray booths in Danville Borough, **Montour County**.

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

PA-20-130A: Meadville Forging Co. (15309 Baldwin St. Ext., Meadville, PA 16335) issued September 2, 1997, for the operation of a shot blaster in West Mead Township, **Crawford County**.

PA-10-047A: Mine Safety Appliances Co. (1420 Mars Evans City Rd., Evans City, PA 16033) issued September 10, 1997, for the construction of a rubber processing area in Forward Township, **Butler County**.

PA-10-001A: Armco, Inc. (P. O. Box 832, Butler, PA 16003) issued September 10, 1997, for the replacement of the acid fume scrubber in Butler, **Butler County**.

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

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

PA-25-028A: International Paper Company (P. O. Box 10050, Erie, PA 16533) for the construction of a wood chipper in Erie, **Erie County**.

**REASONABLY AVAILABLE CONTROL
TECHNOLOGY**

(RACT)

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

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

CP-23-0009: Boeing Defense & Space Group (P. O. Box 16858, Philadelphia, PA 19142-0858) issued September 3, 1997, for the operation of a VOC and NOx Sources Facility in Ridley Township, **Delaware County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonable Available Control Technology.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

OP-15-0015: Sartomer, Inc. (Bolmar and Nields Street, West Chester, PA 19382) issued July 1, 1997, for NOx/VOC Sources in West Chester Township, **Chester County**.

OP-23-0004: American Ref-Fuel Co. of Delaware County (Front and Booth Street, Chester, PA 19013), formerly Waste Resource Energy issued July 25, 1997, for NOx/VOC Sources in the City of Chester, **Delaware County**.

OP-23-0024: Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18041) issued August 8, 1997, for NOx Sources in Thornbury Township, **Delaware County**.

CP-09-0005: 3M Co. (Green Lane Avenue, Bristol, PA 19007) issued May 28, 1997, for NOx Sources in Bristol Township, **Bucks County**.

OP-15-0041A: Norwood Industries, Inc. (57 Morehall Road, Frazer, PA 19355) issued June 11, 1997, for NOx/VOC Sources in East Whiteland Township, **Chester County**.

OP-46-0071: Quaker Chemical Corp. (Industrial Highway, Eddystone, PA 19022) issued June 17, 1997, for NOx/VOC Sources in Whitemarsh Township, **Montgomery County**.

OP-23-0017A: PECO Energy (Industrial Highway, Eddystone, PA 19022) issued June 23, 1997, for NOx/VOC Sources in Eddystone Township, **Delaware County**.

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

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-15-0002B: Quebecor Printing Atglen Inc. (Lower Valley Road, Rte. 372, P. O. Box 465, Atglen, PA 19310) issued August 15, 1997, for the operation of two

heatset web offset presses in West Sadsbury Township, **Chester County**.

PA-09-0065: RAMA Display Corp. (P. O. Box 219, 780 Haunted Lane, Bensalem, PA 19020) issued August 12, 1997, for the installation of wood work area 1 in Bensalem Township, **Bucks County**.

Administrative Amendment of a Plan Approval issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonable Available Control Technology.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-09-0035: Coltec Industrial Products, Inc., Plastomer Products Div. (23 Friends Lane, Newtown, PA 18940) for the installation of two PTFE Extrusion Lines and Ovens in Newtown Township, **Bucks County**.

MINING

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

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

Coal Applications Issued

11920108. Permit Renewal. **K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Chest Township, **Cambria County**, affecting 103.0 acres, receiving stream an unnamed tributary to Chest Creek and an unnamed tributary to Rock Run. Application received September 4, 1997. Permit issued September 5, 1997.

32970201. Britt Energies, Inc. (P. O. Box 515, Indiana, PA 15701), commencement, operation and restoration of a bituminous strip-coal refuse reprocessing mine in Center Township, **Indiana County**, affecting 4.6 acres, receiving stream unnamed tributary to Two Lick Creek. Application received April 18, 1997. Permit issued September 8, 1997.

56860106. Permit Renewal. **Three S Coal Company** (Box 337, Stoystown, PA 15563), commencement, operation and restoration of a bituminous strip-auger mine in Shade Township, **Somerset County**, affecting 167.0 acres, receiving stream unnamed tributary to Coal Run and Dark Shade Creek. Application received July 11, 1997. Permit issued September 8, 1997.

32930105-10. P & N Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767). Revision to add 15.2 acres through an insignificant boundary correction on a bituminous surface mine site located in Banks Township, **Indiana County**, affecting 86.7 acres. Road variance within 100 feet of S. R. 1048 beginning at a point 1,900 feet east of the intersection of S. R. 1048 and S. R. 1050, thence continuing easterly 100 feet along the southern side to S. R. 1048. Receiving streams unnamed tributaries to Cush Creek and unnamed tributary to South Branch Bear Run. Application received July 2, 1997. Permit issued September 11, 1997.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

26870107R. Durant Excavating Company (18 N. Ross Street, Masontown, PA 15461). Permit renewed for continued operation and reclamation of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 63.0 acres. Receiving streams unnamed tributaries to Jacobs Creek. Application received July 8, 1997. Renewal issued September 4, 1997.

03940110R. Seven Sisters Mining Co., Inc. (200 U. S. Route 22, Delmont, PA 15626). Permit renewed for continued operation and reclamation of a bituminous surface mine located in Wayne Township, **Armstrong County**, affecting 55.5 acres. Receiving streams unnamed tributaries to the North Branch of the South Fork of Pine Creek. Application received July 9, 1997. Renewal issued September 9, 1997.

03970901. SBP Coal Company (P. O. Box 11, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of an incidental coal extraction/auger mining site located in Pine Township, **Armstrong County**, affecting 15.6 acres. Receiving streams unnamed tributary to Scrubgrass to Scrubgrass to Mahoning Creek. Application received June 4, 1997. Permit issued September 11, 1997.

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

54871302R2. West End Coal Company Deep Mine (4 Gene Circle, Williamstown, PA 17098), renewal of an existing anthracite deep mine operation in Tremont Township, **Schuylkill County** affecting 2.7 acres, receiving stream none. Renewal issued September 9, 1997.

McMurray District Office

30841317. Consol Pennsylvania Coal Company (P. O. Box 174, Graysville, PA 15337), to revise the permit for the Enlow Fork Mine in Morris Township, **Greene County**, for the E-1 Bleeder Airshaft Site, to an unnamed tributary to Enlow Fork. Permit issued September 11, 1997.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

Noncoal Permits Issued

65892301T. Flagstone Vista Inc. (H. C. 64, Box 388, Rector, PA 15677). Transfer of permit previously issued to Richard Withrow for continued operation and reclamation of a small noncoal (shale and flagstone) quarry located in Cook Township, **Westmoreland County**, affecting 23.85 acres. Receiving streams unnamed tributary to Loyalhanna Creek. Application received June 16, 1997. Permit transfer issued September 1, 1997.

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

5273SM2C. Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18044-0231), renewal of NPDES Permit #PA0594130 in Thornbury and Middletown Townships, **Delaware County**, receiving stream Chester Creek and unnamed tributary to Chester Creek. Renewal issued September 9, 1997.

7075SM1C2. Pennsy Supply, Inc. (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105), renewal of NPDES Permit #PA0612120 in Spring Township, **Perry County**, receiving stream Sherman's Creek. Renewal issued September 10, 1997.

50820303C3. Pennsy Supply, Inc. (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105), renewal of NPDES Permit #PA0613169 in Oliver Township, **Perry County**, receiving stream Little Buffalo Creek. Renewal issued September 10, 1997.

General Small Noncoal Authorizations Granted

58970838. Paul R. Wells (R. R. 1, Box 362, Montrose, PA 18801), commencement, operation and restoration of a small bluestone quarry in Bridgewater Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted September 8, 1997.

45970801. Clark H. George (184 Evergreen Lake, Kunkletown, PA 18058), commencement, operation and restoration of a small quarry operation in Ross Township, **Monroe County** affecting 2.0 acres, receiving stream none. Authorization granted September 8, 1997.

58960806. Elaine H. Helvig (R. R. 1, Box 78, Laceyville, PA 18623), commencement, operation and restoration of a small quarry operation in Choconut Township, **Susquehanna County** affecting 5.0 acres, receiving stream none. Authorization granted September 9, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—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).

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

E09-744. Encroachment Permit. **Paunacussing Founders, Inc.**, P. O. Box 82, Buckingham, PA 18912. To construct and maintain a 405 foot long golf cart/equipment access pile supported bridge across the channel and 100 year floodway of Mill Creek (TSF) and adjacent wetlands (PFO), and 11 prefabricated steel bridges spanning several unnamed tributaries to Mill Creek and their adjacent wetlands associated with the construction of the Lookaway Golf Club. This project will impact 0.28 acre of wetland. The site is located on 220 acres of land along both sides of Lower Mountain Road, just south of S. R. 413 (Buckingham, PA Quadrangle N: 9.5 inches; W: 7.0 inches) in Buckingham Township, **Bucks County**. The project will include the construction of 0.5 acre of replacement wetland.

E09-753. Encroachment Permit. **Durham Township**, P. O. Box 4, Durham, PA 18039. To perform maintenance dredging in a mill race situated near Cooks Creek (EV) to restore the structure to its original condition. The dredging is proposed from the mill race lock to a point approximately 1,200 linear feet upstream to the confluence with Coon Hollow Run. The work will also include bank rehabilitation and the installation of erosion protection utilizing riprap stone in selected sections of the mill race. The mill race lock is located approximately 200 feet west from the intersection of Old Furnace Road (T497) and Durham Road (S. R. 4075) (Riegelsville, PA Quadrangle N: 13.7 inches; W: 14.0 inches) in Durham Township, **Bucks County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E23-348A. Encroachment Permit. **Kimberly-Clark Tissue Company**, Front and Avenue of the States, Chester, PA 19013. To amend Permit No. E23-348 which gives authorization to construct and maintain an approximately 515-foot long, steel sheet pile structure to place and maintain fill beneath the existing low deck pier structure and a large storage tank to ensure structural stability of a partially collapsed existing low deck pier structure, and to construct and maintain a 24-inch steel pipe stormwater outlet structure within the Kimberly-Clark Tissue Company property at the upriver confluence of the Delaware River (WWF-MF) and Chester Creek (WWF-MF). This steel sheet pile and appurtenances are a rehabilitative measure for an existing deteriorated bulkhead of a low deck pier. The site is situated 1,100 feet south of the intersection of Second Street and the Avenue of the States (Bridgeport, NJ-PA USGS Quadrangle N: 16.80 inches; W: 15.25 inches) in Chester City, **Delaware County**.

E09-737. Encroachment Permit. **The Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067. To construct and maintain a 16.5-foot by 13-foot concrete slab for the purpose of

providing a foundation for a proposed emergency generator at the Borough of Morrisville's Water Filtration Plant located in the floodplain of the Delaware River (Trenton West, PA-NJ Quadrangle N: 17.3-inches; W: 5.0-inches) in Lower Makefield Township, **Bucks County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E23-362. Encroachment Permit. **Gloria E. White**, 201 Bryn Mawr Avenue, Newtown Square, PA 19073-4225. To remove an existing 36-inch reinforced concrete driveway culvert, associated masonry endwalls and retaining walls, to relocate approximately 80 linear feet of an unnamed tributary of Foxes Run (CWF-MF) to a location approximately 31 linear feet southeast of the existing culvert, to install and maintain a low flow stream crossing consisting of approximately 46 linear feet of 64-inch by 43-inch arch pipe culvert, and to install and maintain riprap lining protection along this relocated section of stream. This site is located along Bryn Mawr Avenue approximately 3,400 feet northeast of its intersection with West Chester Pike (SR0003) (Media USGS Quadrangle N: 21.0 inches; W: 1.2 inches) in Newtown Township, **Delaware County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E15-542. Encroachment Permit. **Tattersall Development Company**, P. O. Box 217, Chester Springs, PA 19425. To construct and maintain wooden golf cart bridges to provide access to the golf holes, a clubhouse and maintenance facilities for the proposed Tattersall Golf Course. These bridge crossings, which span Broad Run (EV), its three tributaries and adjacent wetlands, will also include below ground utility piping to provide irrigation for the golf course. Bridge No. 1 is a 10-foot wide by 260.25-foot long wooden, pile supported structure which will span Broad Run. Bridges No. 2 and 3 are 10-foot wide by 58-foot long and 10-foot wide by 60-foot long respectively. These wooden prefabricated golf cart bridges will span tributary No. 1 (northern) and tributary No. 2 (eastern) and adjacent wetlands. Bridge No. 4 is a 10-foot wide by 30-foot long wooden pre-fabricated maintenance vehicle bridge which will span tributary No. 3 (eastern). A de minimis amount of wetland will be impacted as a result of this project. The site is located along the north and south sides of Strasburg Road (S. R. 3062), at its intersection with Broad Run Road (Unionville, PA Quadrangle N: 14.0 inches; W: 11.5 inches) in West Bradford Township, **Chester County**.

E46-730. Encroachment Permit. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To widen, construct and maintain 1.5 miles of the Pennsylvania Turnpike in the vicinity of the Schuylkill River from four to six lanes. Work consists of:

1. Widening the south side of existing Schuylkill River Bridge (DB-113) by construction of an independent bridge structure having a width of 51.75 feet;

2. Constructing a temporary causeway consisting of 22 112-inch by 95-inch arch pipe culverts backfilled with clean fill across the Schuylkill River;

3. Relocate approximately 550 L. F. of Diamond Run by installing a 375-foot long, 15.33-foot by 10.33-foot multi plate pipe arch stream enclosure, which will extend downstream from the existing culvert under Conshohocken Road and install 225 L. F. of gabion lined trapezoidal channel with a natural stream bottom, which extends downstream from the aforementioned stream enclosure;

4. Construction of a two span, 151-foot long bridge (DB-114A) over the Conrail tracks and the realigned Diamond Run Channel.

This project is located on the Pennsylvania Turnpike right-of-way (Norristown, PA Quadrangle; beginning at N: 17.7 inches; W: 12.5 inches and will end at N: 19.1 inches; W: 9.0 inches), in Plymouth and Upper Merion Townships in **Montgomery County**.

E46-756. Encroachment Permit. **Montgomery County Commissioners**, Courthouse, P. O. Box 311, Norristown, PA 19404. To operate and maintain a 20-foot wide by 6-foot high precast reinforced concrete box culvert with wingwalls, which was previously authorized under emergency permit EP4696317, located across Spring Mill Run (proposed as WWF) (tributary to the Schuylkill River) at a point approximately 1,000 feet west of the intersection of Joshua Road and Ridge Pike (Norristown, PA Quadrangle N: 16.1 inches; W: 2.75 inches) in Whitemarsh Township, **Montgomery County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

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

E07-277. Encroachment. **R&M Family Limited Partnership**, Robert Pennington, 300 Union Avenue, Altoona, PA 16602. To remove an existing 36 inch diameter RCP, 200 foot long stream enclosure and to construct and maintain a precast concrete box culvert stream enclosure having a span of 8.0 feet and a rise of 4.0 feet and a length of 365 feet which will require the relocation of about 500 feet of a partially enclosed stream channel of an unnamed tributary to the Beaverdam Branch of the Juniata River located along the north side of Newry Lane (SR 2012), 1.6 miles east of Hollidaysburg (Hollidaysburg, PA Quadrangle N: 8.5 inches; W: 4.6 inches) in Blair Township, **Blair County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E07-279. Encroachment. **Sheffield Rent-It, Inc.**, Tim Sheffield, 420 Blair Street, Hollidaysburg, PA 16648. To place fill in approximately 0.35 acre of wetlands for the purpose of developing 0.5 acre of a 3.0 acres property for equipment storage located along the south side of SR 0022 about 3.0 miles west of Hollidaysburg (Frankstown, PA Quadrangle N: 13.3 inches; W: 13.0 inches) in Frankstown Township, **Blair County**. The permittee is required to make a contribution to the wetland replacement fund. This permit also includes 401 Water Quality Certification.

E67-592. Encroachment. **TDC Galleria West LLC**, John Donohue, 513 Central Avenue, Highland Park, IL 60035. To place fill in a de minimis area of wetlands less than or equal to 0.05 acre for the purpose of constructing the Galleria West retail shopping center at a location immediately west of the existing York Galleria Mall (York, PA Quadrangle N: 20.5 inches; W: 7.8 inches) in Springettsburg Township, **York County**. This permit also includes 401 Water Quality Certification.

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

E08-318. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To construct and maintain 7 inch thick stream bed paving to repair scour and to construct and maintain cutoff walls and partial height adjustment jackets under the SR 514

bridge over Mud Creek approximately 1.5 miles southeast of SR 014 (Canton, PA Quadrangle N: 20.0 inches; W: 4.2 inches) in Granville Township, **Bradford County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E17-311. Encroachment. **Glyn D. and Mary Powell**, RR Box 668H, Houtzdale, PA 16651. To remove an unpermitted stream enclosure and to restore and maintain 255 linear feet of channel in an unnamed tributary to Beaver Run; 2) remove fill and restore 0.13 acre of wetlands; 3) place and maintain fill in 0.47 acre of wetland; 4) construct and maintain a sanitary sewer within the floodway of an unnamed tributary to Beaver Run; 5) maintain a water intake structure in an unnamed tributary to Moshannon Creek; and 6) construct and maintain 2.0 acres of replacement wetlands for mitigation in Woodward Township, **Clearfield County**.

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

E24-200. Encroachment. **Saint Marys Equipment Co., Inc.**, 1300 Brussels Street, St. Marys, PA 15857-1300. To maintain fill placed within the 50-foot right floodway of Elk Creek (DEP NOV dated August 22, 1996) extending approximately 400 feet downstream from Trout Run Road (S. R. 120) approximately 1.5 miles east of S. R. 255 associated with St. Marys Equipment Company facility (St. Marys, PA Quadrangle N: 9.3 inches; W: 4.3 inches) located in the City of St. Marys, **Elk County**.

E25-554. Encroachment. **Millcreek Township Supervisors**, 3608 West 26th Street, Erie, PA 16506. To repair, reconstruct and modify a reach of the Beaver Run Storm Drainage Project originally authorized by DEP Permit No. E25-507 in Beaver Run beginning at S. R. 19 (Peach Street) and extending downstream a total distance of approximately 600 feet (Erie South, PA Quadrangle N: 13.4 inches; W: 12.9 inches) in Millcreek Township, **Erie County**.

Work includes: 1) dismantle a total of approximately 685 feet of five streambank retaining walls, 2) reconstruct four of the streambank retaining walls with a total length of 343 feet, 3) grade and stabilize a total of 525 feet of streambank slopes, and 4) construct and maintain a 12-foot wide by 10-foot high precast concrete arch stream enclosure with headwalls and wingwalls beginning approximately 325 feet downstream of S. R. 19 and extending downstream 192 feet.

E43-261. Encroachment. **Pa. Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a clear, normal span of 37 feet and an underclearance of 8.26 feet across McCullough Run on S. R. 3018, Segment 0030, Offset 0000 approximately 100 feet west of S. R. 846 (Sharpsville, PA Quadrangle N: 4.1 inches; W: 16.2 inches) located in South Pymatuning Township, **Mercer County**.

DAM SAFETY

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The 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.

D67-493A. Dam. **Kinsley Equities II Ltd. Partnership** (R. R. 1, Box 131AA, Seven Valleys, PA 17360). To modify, operate and maintain an existing dam across a Tributary to Codorus Creek located in York Township, **York County**.

ENVIRONMENTAL ASSESSMENT

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA22-008C0. Environmental Assessment. **Millersburg Area Authority** (101 West Street, Millersburg, PA 17061). To construct and maintain a nonjurisdictional dam across a tributary to Wiconisco Creek (WWF) to serve as a public water supply intake structure for the Millersburg Area Authority. The proposed dam will be located approximately 300 feet downstream of the exist-

ing intake dam which will be breached and removed (Millersburg, PA Quadrangle N: 6.2 inches; W: 6.1 inches) in Upper Paxton Township, **Dauphin County**.

SPECIAL NOTICES**Act 101 Section 902 Recycling Grant Applications for Mechanical Processing Equipment**

The Department of Environmental Protection announces that the following municipalities and counties submitted recycling grant applications for mechanical processing equipment under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904). Questions concerning the applications may be directed to the applicants, the appropriate DEP Regional Planning and Recycling Coordinator, or Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

<i>Applicant</i>	<i>Project Type</i>	<i>Contact</i>	<i>Telephone</i>
<i>Southeast Region</i>			
Warwick Township Bucks County	Leaf Shredder	Joseph S. Czajkowski	(215) 343-6100
Chester County	Can Crusher	Nancy Fromnick	(610) 344-5940
East Marlboro Township Chester County	Wood Recycling Equipment	Jane R. Laslo	(610) 444-0725
Uwchlan Township Chester County	Wood Recycling Equipment	Lynda Phiel	(610) 363-9450
Swathmore Borough Delaware County	Compost Turner	Jane Billings	(610) 543-4599
Lower Merion Township Montgomery County	Tub Grinder	Steven Handy	(610) 667-1952
<i>Northeast Reigon</i>			
Towamensing Township Carbon County	Materials Compaction Baler	Patricia Snyder	(610) 681-4202
Lackawanna County	Tub Grinder	Joyce Hatala	(717) 963-6868
Lehigh County	Compost Windrow Turner	Julia Marano	(610) 820-2003
Dallas Township Luzerne County	Mobile Grinder	Larry Spaciano	(717) 696-1133
Exeter Borough Luzerne County	Wood Recycling Equipment	Karen Szwast	(717) 654-8414
Northampton County	Materials Sorting System	A. Landis Brackbill	(610) 559-3193
<i>Southcentral Region</i>			
Adams County	Glass Crusher	Bicky Redman	(717) 334-6781
Menallen Township Adams County	Wood Recycling Equipment	Nancy Cline	(717) 677-6676
Reading City Berks County	Tub Grinder, Screener	Jane Meeks	(610) 655-6278
Susquehanna Township Dauphin County	Windrow Turner, Screener	Gary Myers	(717) 545-4751
Greene Township Franklin County	Wood Recycling Equipment	Charles Jamison, Jr.	(717) 263-4990
Washington Township Franklin County	Recycling Sorting System	Michael Christopher	(717) 762-3128
Lancaster County	Wood Recyclling Equipment	Steven Booth	(717) 299-8214

NOTICES

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<i>Applicant</i>	<i>Project Type</i>	<i>Contact</i>	<i>Telephone</i>
Manor Township Lancaster County	Compost Screener, Wood Recycling Equipment	Barry Smith	(717) 397-4769
Providence Township Lancaster County	Wood Recycling Equipment	Paul Lefever	(717) 786-7596
Lebanon County	Compost Screener	Amy Mazzalla di Bosco	(717) 867-5790
Derry Township Mifflin County	Wood Recycling Equipment	Margaret Stewart	(717) 248-8151
York County	Compost Screener	Jeff Fox	(717) 845-1066
<i>Northcentral Region</i>			
Bradford County	Materials Compaction Baler	David Terrill	(717) 297-4177
College Township Centre County	Wood Recycling Equipment	Garry L. Williams	(814) 231-3021
Clinton County	Tub Grinder, Materials Compaction Baler	Leslie Bilbay	(717) 769-6977
Bloomsburg Town Columbia County	Paper Shredder	Carol Mas	(717) 784-4532
<i>Southwest Region</i>			
Cambria Township Cambria County	Wood Recycling Equipment	Tanya McCoy-Caretti	(814) 472-2109
Ferndale Borough Cambria County	Wood Recycling Equipment	Beverly E. Roth	(814) 288-1771
Connellsville Township Fayette County	Wood Recycling Equipment	Robert W. Carson	(412) 628-6882
Elk Lick Township Somerset County	Wood Recycling Equipment	Ardith M. Deal	(814) 662-2227
Windber Borough Somerset County	Wood Recycling Equipment	Richard Wargo	(814) 467-9014
Ligonier Borough Westmoreland County	Wood Recycling Equipment	Grove T. Binkley	(814) 238-2725
<i>Northwest Region</i>			
Butler County	Wood Recycling Equipment	Mark Burd	(412) 284-5305
West Mead Township Crawford County	Shredder, Baler, Tying Machine	Walter Young	(814) 336-1271
Summit Township Erie County	Wood Recycling Equipment	Nancy Agostine	(814) 868-9686
Venango Township Erie County	Wood Recycling Equipment	Richard Bessetti	(814) 739-2502
Waterford Borough Erie County	Wood Recycling Equipment	Richard McGuire	(814) 796-2633
Forest County	Can Flattener, Materials Compaction Balers	Douglas Carlson	(814) 755-3560
Jefferson County	Newsprint Animal Bedding Chopper	Jan Cunningham	(814) 849-3047
McKean County	Baler, Newsprint Fluffer	Max Standish	(814) 778-9931
Mercer County	Paper Shredder, Glass/Can Crusher, Unbagger	Beth Graham	(412) 962-5787
Conewango Township Warren County	Wood Recycling Equipment	Charles Barone	(814) 723-6410

Regional Planning and Recycling Coordinators*Southeast Region*

DEP, Bureau of Land Recycling and Waste Management
Lee Park, Suite 6010, 555 North Lane
Conshohocken, PA 19428
(215) 832-6212
Bucks, Chester, Delaware, Montgomery and Philadelphia
Counties

Coordinator

Calvin Ligons
Ann Ryan
Mary Alice Reisse

Northeast Region

DEP, Bureau of Land Recycling and Waste Management
2 Public Square
Wilkes-Barre, PA 18711-0790
(717) 826-2516
Carbon, Lackawanna, Lehigh, Luzerne, Monroe,
Northampton, Pike, Schuylkill, Susquehanna, Wayne and
Wyoming Counties

Chris Fritz
Joan Banyas

Southcentral Region

DEP, Bureau of Land Recycling and Waste Management
1 Ararat Boulevard
Harrisburg, PA 17110
(717) 657-4588
Adams, Bedford, Berks, Blair, Cumberland, Dauphin,
Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon,
Mifflin, Perry and York Counties

Belinda May

Northcentral Region

DEP, Bureau of Land Recycling and Waste Management
208 W. 3rd Street, Suite 101
Williamsport, PA 17701
(717) 327-3653
Bradford, Cameron, Centre, Clearfield, Clinton, Columbia,
Lycoming, Montour, Northumberland, Potter, Snyder,
Sullivan, Tioga and Union Counties

Ron Sommers

Southwest Region

DEP, Bureau of Land Recycling and Waste Management
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000
Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene,
Indiana, Somerset, Washington and Westmoreland Counties

Sharon Svitek
Stephen Sales
Bob Emmert

Northwest Region

DEP, Bureau of Land Recycling and Waste Management
1012 Water Street
Meadville, PA 16335
(814) 332-6848
Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson,
Lawrence, McKean, Mercer, Venango and Warren Counties

Guy McUmbert

**Submission Date for Recycling Program
Development and Implementation Grants
Under Act 101 Section 902**

**The Municipal Waste Planning, Recycling and
Waste Reduction Act**

The Department of Environmental Protection announces a request for applications from municipalities for recycling program grant assistance under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904). Municipalities eligible for the grants include counties, cities, boroughs, incorporated towns, townships and home rule municipalities. Authorities are not eligible to apply for the grants, but may be sponsored by a municipality.

The following categories of recycling projects will be given funding priority in the order they are listed.

Intergovernmental cooperative projects within any category will receive higher priority.

1. Projects implemented by a municipality, mandated by Act 101 to have a curbside recycling program, that establish or maintain compliance with the recycling requirements of the act including:

a) semi-annual public information and education programs required under Act 101 section 1501(d) concerning recycling program features and requirements for the residential, commercial, institutional and municipal sectors; and,

b) programs for the collection of recyclable and leaf or yard waste from residential, and/or commercial, institutional and municipal establishments.

2. Implementation of a curbside or drop-off recycling programs.

3. Replacement equipment for the collection or processing of recyclable or leaf and yard wastes.

4. Leaf or yard waste collection and composting programs.

5. Expansion of existing public sector recycling collection centers or materials processing facilities.

6. General recycling education projects.

7. New public sector recycling collection centers or materials processing facilities.

Municipalities and counties are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.501) are eligible to receive funding for an additional 10% of approved costs.

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables, transport recyclables to processing facilities, or markets, and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring and/or renovating buildings for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land need to operate a recycling facility or yard waste composting facility; and the costs associated with educating the public on recycling program requirements, including the development and publication of printed and audio-visual educational materials, advertisements, the development of Internet "Recycling Home Pages," and school or special event programs.

Leaf and yard waste collection programs, and composting programs defined by the Pennsylvania Municipal Waste Management Regulations, Chapter 75, will be considered as recycling programs.

The cost of equipment or facilities purchased for the

recycling program that is used for purposes other than recycling will be pro-rated according to its recycling use. Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood processing equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines or in cases where the equipment is used cooperatively among two or more municipalities. A municipality must retain sole ownership of equipment or facilities funded by the grant.

Before a municipality can submit an application to the Department for the funding of mechanical processing equipment, it must first publish a notice in a newspaper of general circulation describing in detail the kinds of processing equipment that it proposes to purchase and the intended use of the equipment. The municipality must allow 30 days for responses from interested individuals. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice, and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

Applications must be received or postmarked by 3 p.m. November 20, 1997. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the appropriate DEP Regional Office. All grant awards will be predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Those municipalities wishing to file an application may contact the appropriate DEP Regional Planning and Recycling Coordinator listed below to obtain a grant application. Preapplication conferences are strongly recommended. Applicants should also contact the County Recycling Coordinator serving their county for consultation and assistance in completing the application form. Inquiries concerning this notice should be directed to Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Regional Planning and Recycling Coordinators

Southeast Region

DEP, Bureau of Land Recycling and Waste Management
Lee Park, Suite 6010, 555 North Lane
Conshohocken, PA 19428
(215) 832-6212
Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Northeast Region

DEP, Bureau of Land Recycling and Waste Management
2 Public Square
Wilkes-Barre, PA 18711-0790
(717) 826-2516
Carbon, Lackawanna, Lehigh, Luzerne, Monroe,
Northampton, Pike, Schuylkill, Susquehanna, Wayne and
Wyoming Counties

Coordinator

Calvin Ligons
Ann Ryan
Mary Alice Reisse

Chris Fritz
Joan Banyas

Southcentral Region

DEP, Bureau of Land Recycling and Waste Management Belinda May
 1 Ararat Boulevard
 Harrisburg, PA 17110
 (717) 657-4588
 Adams, Bedford, Berks, Blair, Cumberland, Dauphin,
 Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon,
 Mifflin, Perry and York Counties

Northcentral Region

DEP, Bureau of Land Recycling and Waste Management Ron Sommers
 208 W. 3rd Street, Suite 101
 Williamsport, PA 17701
 (717) 327-3653
 Bradford, Cameron, Centre, Clearfield, Clinton, Columbia,
 Lycoming, Montour, Northumberland, Potter, Snyder,
 Sullivan, Tioga and Union Counties

Southwest Region

DEP, Bureau of Land Recycling and Waste Management Sharon Svitek
 400 Waterfront Drive Stephen Sales
 Pittsburgh, PA 15222-4745 Bob Emmert
 (412) 442-4000
 Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene,
 Indiana, Somerset, Washington and Westmoreland Counties

Northwest Region

DEP, Bureau of Land Recycling and Waste Management Guy McUmbert
 1012 Water Street
 Meadville, PA 16335
 (814) 332-6848
 Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson,
 Lawrence, McKean, Mercer, Venango and Warren Counties

[Pa.B. Doc. No. 97-1547. Filed for public inspection September 26, 1997, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1997.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound 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

Here is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone

number are listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

Final Technical Guidance—Minor Revisions

DEP ID: 273-4130-003 Title: Guidance for Application of Regional Civil Assessment Procedure Description: Outlines the procedures to be followed for assessing civil penalties for various violations. Effective Date: May 24, 1996 Page Length: 31 pages Location: Vol 02, Tab 29 Contact: Ralph Scanlan at (717) 787-9702

DEP ID: 560-0600-204 Title: Memorandum of Understanding Between the Office of Surface Mining and the Commonwealth of Pennsylvania Description: It is the Department's policy to participate in the Applicant Violator System (AVS) of the Office of Surface Mining (OSM) as a requirement of primacy. Effective Date: August 29, 1997 Page Length: 4 pages Location: Vol 12, Tab 119 Contact: Dottie Shellehamer at (717) 787-5103

DEP ID: 562-2000-703 Title: Name Change/Licenses/Bonding Permits Description: The Bureau will coordinate bond change, license change and permit revision activities, when initiated either by the operator or when required by the Department, and systematically require various types of information in order that licenses, permits and bonds may be revised accordingly. Effective Date: August 29, 1997 Page Length: 8 pages Location: Vol 12, Tab 36 Contact: Dottie Shellehamer at (717) 783-5103

DEP ID: 562-3000-102 Title: Inspection Description: This guidance defines the content and frequency of

inspections of coal and industrial minerals mining activities. Effective Date: August 29, 1997 Page Length: 4 pages Location: Vol 12, Tab 01 Contact: Evan Shuster at (717) 787-7846

DEP ID: 563-2112-211 Title: Completeness Review for Acceptance of Coal Mining Activity Permit Applications Description: The Department will not accept coal mining activity permit applications which are so technically or administratively incomplete that they are not reviewable in the submitted form and/or the deficiencies would preclude the Department's being able to make a final permit decision within 180 days from receipt of the applications. Effective Date: September 1, 1997 Page Length: 4 pages Location: Vol 12, Tab 51 Contact: Evan Shuster at (717) 787-7846

DEP ID: 563-2112-214 Title: Coal Surface Mining Activity Permit Pre-Application Review Description: The Department will encourage permit applicants to request a pre-application review and field conference in order to identify major items which will need to be addressed in the formal application. Effective Date: August 29, 1997 Page Length: 5 pages Location: Vol 12, Tab 53 Contact: Evan Shuster at (717) 787-7846

Draft Technical Guidance—New Guidance

DEP ID: 291-3100-001 Title: Instruction in Safe Operating Procedures Description: An individual who operates the x-ray systems shall be adequately instructed in the safe operating procedures and be competent in the safe use of the equipment. Effective Date: January 1, 1998 Page Length: 3 pages Location: Vol 04, Tab 07 Contact: Dennis Angelo at (412) 442-4225

Intent to Rescind

DEP ID: 561-5500-102 Title: Public Notification of Mine Subsidence Events Description: This document provided

guidance used to implement aspects of the Abandoned Mine Subsidence Assistance Act. This act and its funding expired October of 1992. Effective Date: October 1, 1997 Contact: Lawrence V. Ruane at (717) 783-9586

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-1548. Filed for public inspection September 26, 1997, 9:00 a.m.]

DEPARTMENT OF REVENUE

Alternative Fuels Tax Rates for October 1, 1997 through December 31, 1997

Under 75 Pa.C.S. § 9004(d) the Secretary of Revenue (Secretary) is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 "Gallon-equivalent-basis" is defined as the "amount of any alternative fuel as determined by the Department to contain 114,500 BTUs." The amount determined on a "gallon-equivalent-basis" for each alternative fuel is subject to the liquid fuels and oil company franchise taxes currently imposed on one gallon of gasoline. The rate of tax on one gallon of gasoline during the period of this notice is \$.12 liquid fuels tax and \$.139 oil company franchise tax for a total tax of \$.259 per gallon of gasoline.

The Secretary announces that effective October 1, 1997 through December 31, 1997 the determination of the gallon-equivalents and tax rates for alternative fuels are as follows:

<i>Alternative Fuel</i>	<i>Rate of Conversion (BTU/gal of alternative fuel)</i>	<i>Amount Equivalent to One Gallon of Gasoline @ 114,500 BTU per gallon</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,400	1.499	\$.170
Methanol	56,560	2.024	\$.128
Propane/LPG	83,500	1.371	\$.189
E-85	105,545	1.085	\$.239
M-85	65,350	1.752	\$.148
Compressed Natural Gas (CNG)	29,000 @ 3,000 PSI	3.948	\$.066
Liquefied Natural Gas (LNG)	66,640	1.718	\$.151
Electricity	3,412 Btu/KWH	33.558 KWH	\$.0077/KWH

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-1549. Filed for public inspection September 26, 1997, 9:00 a.m.]

Pennsylvania Double BlackJack Instant Lottery Game

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

- Name:* The name of the game is Pennsylvania Double BlackJack.
- Price:* The price of a Pennsylvania Double BlackJack instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Double BlackJack instant lottery game ticket will contain two play areas designated as "Table 1" and "Table 2." Each "Table" will contain a "Hand 1," "Hand 2," "Hand 3," "Hand 4" and "Dealer" area. The play symbols and their captions located in "Hand 1," "Hand 2," "Hand 3" and "Hand 4" areas are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack Card Symbol (JCK), Queen Card Symbol (QUN), King Card Symbol (KNG) and an Ace Card Symbol (ACE). ACE = 11; JCK, QUN, and KNG = 10; and all others are face value. The play symbols and their captions located in "Dealer" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN),

8 (EGT), 9 (NIN), 10 (TEN), Jack Card Symbol (JCK), Queen Card Symbol (QUN), King Card Symbol (KNG), Ace Card Symbol (ACE) and BUSTS. ACE = 11; JCK, QUN, and KNG = 10; and all others are face value.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOUR DOL), \$8⁰⁰ (EGT DOL), \$16\$ (SXTN DOL), \$24\$ (TWYFOR), \$48\$ (FRTYEGT), \$100 (ONE HUN) and \$30,000 (THRTYTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$8, \$16, \$24, \$48, \$100, \$400 and \$30,000. The player can win up to eight times on each ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Double BlackJack instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$30,000 (THRTYTHO) appears under the "Hand" with the higher total than the "Dealer" for that "Table," on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$100 (ONE HUN) appears under the "Hand" with the higher total than the "Dealer" for that "Table," on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets where a prize play symbol of BUSTS appears under the "Dealer" area for that "Table," and a prize play symbol of \$24\$ (TWYFOR) appears under "Hand 1," "Hand 2," "Hand 3" and "Hand 4" in the same "Table," and a \$4 win on the other "Table," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$48\$ (FRTYEGT) appears under the "Hand" with the higher total than the "Dealer" for that "Table," on a single ticket, shall be entitled to a prize of \$48.

(e) Holders of tickets where a prize play symbol of BUSTS appears under the "Dealer" area for that "Table," and a prize play symbol of \$8⁰⁰ (EGT DOL) appears under "Hand 1," "Hand 2," "Hand 3" and "Hand 4" in the same "Table," and a \$16 win on the other "Table," on a single ticket, shall be entitled to a prize of \$48.

(f) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$24\$ (TWYFOR) appears under the "Hand" with the higher total than the "Dealer" for that "Table," on a single ticket, shall be entitled to a prize of \$24.

(g) Holders of tickets where a prize play symbol of BUSTS appears under the "Dealer" area for that "Table," and a prize play symbol of \$4⁰⁰ (FOUR DOL) appears under "Hand 1," "Hand 2," "Hand 3" and "Hand 4" in the same "Table," and an \$8 win on the other "Table," on a single ticket, shall be entitled to a prize of \$24.

(h) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$16\$ (SXTN DOL) appears under the "Hand" with the higher total than the "Dealer" for that "Table," on a single ticket, shall be entitled to a prize of \$16.

(i) Holders of tickets where a prize play symbol of BUSTS appears under the "Dealer" area for that "Table," and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under "Hand 1," "Hand 2," "Hand 3" and "Hand 4" in the same "Table," and an \$8 win on the other "Table," on a single ticket, shall be entitled to a prize of \$16.

(j) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$8⁰⁰ (EGT DOL) appears under the "Hand" with the higher total than the "Dealer" for that "Table," on a single ticket, shall be entitled to a prize of \$8.

(k) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets "BlackJack" (the cards for that "Hand" total 21) in the same "Table," and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the "Hand" with "BlackJack" for that "Table," on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets where a prize play symbol of BUSTS appears under the "Dealer" area for that "Table," and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under "Hand 1," "Hand 2," "Hand 3" and "Hand 4" in the same "Table," and a \$4 win on the other "Table," on a single ticket, shall be entitled to a prize of \$8.

(m) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$4⁰⁰ (FOUR DOL) appears under the "Hand" with the higher total than the "Dealer" for that "Table," on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the "Hand" with the higher total than the "Dealer" for that "Table," on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets "BlackJack" (the cards for that "Hand" total 21) in the same "Table," and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under the "Hand" with "BlackJack" for that "Table," on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets where "Hand 1," "Hand 2," "Hand 3" or "Hand 4" gets a higher total than the "Dealer" in the same "Table," and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under the "Hand" with the higher total than the "Dealer" for that "Table," and a \$1 win on the other "Table," on a single ticket, shall be entitled to a prize of \$2.

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:

If Your Cards Total Beats the Dealers Card Total or Get BlackJack To Win Double or Dealer Busts Win With Prize(s) Of:

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
\$1 + \$1	\$2	1:30	336,000
\$1 (D)	\$2	1:15	672,000
\$2	\$2	1:18.75	537,600
\$1 x 4	\$4	1:32.61	309,120
\$1 x 2 + \$2	\$4	1:44.12	228,480
\$2 (D)	\$4	1:50	201,600
\$4	\$4	1:75	134,400
\$1 x 4 (BUST) + \$4	\$8	1:375	26,880
\$1 x 8	\$8	1:750	13,440
\$2 (D) + \$2 x 2	\$8	1:750	13,440
\$8	\$8	1:750	13,440
\$2 x 8	\$16	1:375	26,880
\$2 x 4 (BUST) + \$8	\$16	1:750	13,440
\$1 x 4 + \$4 + \$8	\$16	1:750	13,440
\$16	\$16	1:750	13,440
\$4 x 4 (BUST) + \$2 x 4	\$24	1:750	13,440
\$2 x 4 + \$4 x 4	\$24	1:750	13,440
\$8 + \$16	\$24	1:750	13,440
\$8 + \$4 x 4	\$24	1:750	13,440
\$24	\$24	1:750	13,440
\$8 x 4 (BUST) + \$4 x 4	\$48	1:1,000	10,080
\$8 x 4 + \$16	\$48	1:2,000	5,040
\$8 x 6	\$48	1:3,000	3,360
\$8 x 2 + \$16 x 2	\$48	1:3,000	3,360
\$8 + \$16 + \$24	\$48	1:3,000	3,360
\$48	\$48	1:12,000	840
\$24 x 4 (BUST) + \$4	\$100	1:8,571	1,176
\$4 + \$8 + \$16 + \$24 x 3	\$100	1:10,000	1,008
\$4 + \$48 x 2	\$100	1:12,000	840
\$4 + \$16 x 6	\$100	1:12,000	840
\$100	\$100	1:30,000	336
\$100 x 4	\$400	1:30,000	336
\$30,000	\$30,000	1:1,008,000	10

(D) = Doubler

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Double BlackJack 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 Double BlackJack, prize money on winning Pennsylvania Double BlackJack 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 Double BlackJack 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. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Double BlackJack or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-1550. Filed for public inspection September 26, 1997, 9:00 a.m.]

Pennsylvania Million Dollar Spin Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Million Dollar Spin.

2. *Price:* The price of a Pennsylvania Million Dollar Spin instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Million Dollar Spin instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: FREE (TICKET), \$2.⁰⁰ (TWO DOL), \$5.⁰⁰

(FIVE DOL), \$10⁰⁰ (TEN DOL), \$25\$ (TWY FIVE), \$50\$ (FIFTY), \$100 (ONE HUN) and \$500 (FIVE HUN).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$5, \$10, \$25, \$50, \$100 and \$500.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Million Dollar Spin instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$500 (FIVE HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the play area on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with three matching play symbols of \$25\$ (TWY FIVE) in the play area on a single ticket, shall be entitled to a prize of \$25.

(e) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIVE DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets with three matching play symbols of FREE (TICKET) in the play area on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years). In order to be eligible for entry into the final Pennsylvania Million Dollar Spin drawing, free tickets must be received at Lottery Headquarters no later than December 1, 1998.

(i) A prize will be paid only for the highest Pennsylvania Million Dollar Spin instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Million Dollar Spin until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.*

To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly

complete the back of the ticket. In order to be eligible for entry into the final Pennsylvania Million Dollar Spin drawing, free tickets must be received at Lottery Headquarters not later than December 1, 1998. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further subdivided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director. The Lottery will conduct its final Pennsylvania Million Dollar Spin drawing on December 26, 1998.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical

order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million— annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before

receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) All prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3-Free	One Free Ticket Plus Entry	1:4	1,500,000
3-\$2	\$2	1:15	400,000
3-\$5	\$5	1:100	60,000
3-\$10	\$10	1:150	40,000
3-\$25	\$25	1:300	20,000
3-\$50	\$50	1:2,500	2,400
3-\$100	\$100	1:5,000	1,200
3-\$500	\$500	1:80,000	75

8. Retailer Incentive Awards:

(a) Grand Prize Bonus. The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Million Dollar Spin instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) Retailer incentive. The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Million Dollar Spin instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Million Dollar Spin, prize money on winning Pennsylvania Million Dollar Spin instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Million Dollar Spin, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1 — 3761-15), the regulations contained in Part V of Title 61 of the *Pennsylvania Code* (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Million Dollar Spin or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-1551. Filed for public inspection September 26, 1997, 9:00 a.m.]

Pennsylvania Wild Slots Instant Lottery Game

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

1. *Name.* The name of the game is Pennsylvania Wild Slots.

2. *Price.* The price of a Pennsylvania Wild Slots instant lottery game ticket is \$1.00.

3. *Play Symbols.* Each Pennsylvania Wild Slots instant lottery game ticket will contain three play areas desig-

nated as "Game 1," "Game 2" and "Game 3." Each game is played separately. The play symbols and their captions located in the three play areas are: Cherry Symbol (CHRY), Lemon Symbol (LEMN), Star Symbol (STAR), Crown Symbol (CRWN), Bell Symbol (BELL), 7 (SVN), Banana Symbol (BANA), Bar Symbol (BAR) and WILD (WIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THREE DOL), \$6.⁰⁰ (SIX DOL), \$12\$ (TWLV DOL), \$18\$ (EGTN DOL), \$30\$ (THIRTY), \$60\$ (SIXTY), \$90\$ (NINETY), \$150 (ONEHNFTY), \$300 (THREE HUN) and \$3,000 (THREE THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$6, \$12, \$18, \$30, \$60, \$90, \$150, \$300 and \$3,000. The player can win up to three times on each ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania Wild Slots instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$3,000 (THREE THO) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$3,000.

(b) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$300 (THREE HUN) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$150 (ONEHNFTY) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$150.

(d) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$90\$ (NINETY) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play

symbol in the same game, and a prize play symbol of \$60\$ (SIXTY) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$60.

(f) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$30\$ (THIRTY) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$18\$ (EGTN DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$18.

(h) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$12\$ (TWLV DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$12.

(i) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$6.⁰⁰ (SIX DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$6.

(j) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$3.⁰⁰ (THREE DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$2.⁰⁰ (TWO DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets with three matching play symbols or two matching play symbols and a WILD (WIN) play symbol in the same game, and a prize play symbol of \$1.⁰⁰ (ONE DOL) in the prize area for that game, 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:

Get 3 Like Symbols Win Prize For That Game. Get 2 Like Symbols and a "Wild" and Win Prize For That Game With Prize(s) Of:

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
\$1	\$1	1:7.89	1,033,600
\$1 + \$1	\$2	1:21.43	380,800
\$2	\$2	1:37.50	217,600
\$1 x 3	\$3	1:71.43	114,240
\$1 + \$2	\$3	1:214.29	38,080
\$3	\$3	1:750	10,880
\$2 x 3	\$6	1:750	10,880
\$1 + \$2 + \$3	\$6	1:1,500	5,440
\$3 x 2	\$6	1:1,500	5,440
\$6	\$6	1:1,500	5,440
\$3 x 2 + \$6	\$12	1:500	16,320
\$6 x 2	\$12	1:1,500	5,440
\$12	\$12	1:1,500	5,440
\$6 x 3	\$18	1:500	16,320
\$6 + \$12	\$18	1:1,500	5,440

Get 3 Like Symbols Win Prize For That Game. Get 2 Like Symbols and a "Wild" and Win Prize For That Game With Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 8,160,000 Tickets
\$18	\$18	1:1,500	5,440
\$6 x 2 + \$18	\$30	1:1,500	5,440
\$12 + \$18	\$30	1:3,000	2,720
\$30	\$30	1:4,000	2,040
\$12 + \$18 + \$30	\$60	1:8,000	1,020
\$30 x 2	\$60	1:8,000	1,020
\$60	\$60	1:8,000	1,020
\$30 x 3	\$90	1:12,000	680
\$30 + \$60	\$90	1:12,000	680
\$90	\$90	1:12,000	680
\$30 + \$60 x 2	\$150	1:34,286	238
\$60 + \$90	\$150	1:48,000	170
\$150	\$150	1:120,000	68
\$150 x 2	\$300	1:120,000	68
\$60 + \$90 + \$150	\$300	1:120,000	68
\$300	\$300	1:240,000	34
\$3,000	\$3,000	1:240,000	34

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wild Slots 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 Wild Slots, prize money on winning Pennsylvania Wild Slots 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 Wild Slots 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. The announcement will be disseminated through media used to advertise or promote Pennsylvania Wild Slots or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-1552. Filed for public inspection September 26, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Bradford, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder, and Union Counties
Project Reference No. 08430AG2112

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, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder, and Union Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-end Contract will be \$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 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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.

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. Project workload for the next two years.
- d. Available staffing for this assignment.
- e. Specialized experience and technical competence of firm.
- f. Location of consultant in respect to the District.
- g. Resumes of all key personnel.
- h. Relative size of firm to size of projects that may be completed under this contract.
- i. Capability for fast response time.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, 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 work and services which may be required under this Contract include, but are not limited 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 and reports; 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; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and 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; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; 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.

Technical questions concerning the requirements for this project should be directed to Mr. Robert H. Haase, P.E., District Consultant Liaison Engineer, District 3-0, at (717) 368-4391.

Questions concerning the submittal of the letter of interest for this Open-end Contract 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:

Mr. Charles W. Allwein, P.E., Chief
 Consultant Selection Committee
 7th Floor, Forum Place,
 555 Walnut Street
 P. O. Box 3060
 Harrisburg, Pennsylvania 17105-3060

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 corporate 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 (2) 8 1/2" x 11" 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 8 1/2" x 11" page, one side)

This Chart must 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 must include the number of subconsultant personnel and Column B must include the number of prime consultant personnel to be assigned to work on this project reference number. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantage 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 one (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 must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must 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 name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate 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 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" 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. 97-1553. Filed for public inspection September 26, 1997, 9:00 a.m.]

HOUSING FINANCE AGENCY

Request for Qualifications from Developers; Senior Housing with Supportive Services Program

The Housing Finance Agency (Agency) is seeking indications of interest from qualified developers to develop, construct, operate and maintain housing with supportive services for elderly individuals. The Agency has identified a need for the development of facilities to provide housing and services for lower income elderly individuals who need or want such services as dressing, personal hygiene, food preparation and service, financial management, hospice services, home health care services, and the like, but who do not require the medical services in or of a long-term nursing facility and may live independently. To this end, the Agency has set aside \$4,000,000 to provide funding for developments in a pilot "Senior Housing with Supportive Services Program" (Program).

The goal of the Agency is to select several knowledgeable, financially secure and experienced providers of elderly housing with services to work with the Agency in the creation of models of affordable housing that will meet the current and future needs of seniors to live independently in an atmosphere that will allow aging with dignity and encourage self-sufficiency, produced at a cost that is affordable to the greatest number of low to middle income persons. Under the Program, the Agency expects to provide construction and permanent financing to qualified developers of senior housing with services in connection with other funding sources and programs.

General Requirements for Interested Developers

The Agency will review and evaluate resumes submitted by interested developers based upon the following criteria:

1. *Experience:* The developer must have direct experience in the provision of senior housing with services for a significant period of time. The Agency is seeking developers who have an established portfolio of successful senior housing facilities. The developer's current portfolio must include seniors' living units managed and operated by the developer. The developer may be an individual, corporation or partnership (general or limited) and must be authorized to conduct business in the Commonwealth of Pennsylvania.

The Agency anticipates that successful developers will not be traditional housing developers unless they have significant demonstrable experience serving this client

population through existing facilities in their portfolio. The Agency expects rather that the selected developers will be directly specialized, experienced and committed to the long term provision of both housing and related services within the elderly community. The Agency does not expect that successful applicants will be through the formation of partnerships between traditional housing providers and service providers.

2. *Financial Capacity:* The developer must be able to adequately demonstrate that it has the financial capacity to construct, operate and maintain a financially viable long term affordable housing facility for seniors.

3. *Philosophy:* The developer should have an articulated operating philosophy and policy focusing on senior life communities. The developer should describe its basic philosophy relating to constructing, operating and maintaining affordable facilities for the elderly with supportive services to enable senior adults to achieve and maintain independent life choices.

4. *Supportive Services:* The developer must have established a supportive services program to provide a continuum of housing and health care services to the elderly residents. Successful service program operation for a time period which reasonably evidences organizational capacity and commitment to the target population must be demonstrated to the Agency. The services program should be designed to provide assistance with activities of routine health care and nonmedical assistance. Program elements should include personal care, meal programs, housekeeping and maintenance, laundry service, resident assessments to determine service levels, assistance with medication, assistance with social and activities programs, transportation, 24-hour emergency response and service coordination and case management.

5. *Network of Community Based Support:* The developer must have a network of community based financial and social support services to maximize leveraging of funding with available public and private community services programs. In its submission to the Agency, the developer should provide an outline of how it has approached the development and implementation of networking system and should specifically identify those agencies and entities through which it has established social as well as financial relationships in the communities where it has operating properties. The developer should also outline any community based support relationships with local community programs and providers derived through contract or partnership.

Resume Submission

Resumes should be submitted with the following information:

1. The developer's experience in constructing, operating and maintaining senior housing facilities. The developer's portfolio of senior housing facilities should be attached to the resume. The developer should present evidence of its organizational structure and provide certification that there are no impediments to its ability to conduct business in the Commonwealth of Pennsylvania.

2. The developer should submit evidence of its financial capacity by attaching a copy of the developer's (or the general partner's) most recent audited financial statement as well as audited financial statements for each of its senior housing facilities.

3. The developer should include a statement regarding its basic philosophy regarding the construction, operation and maintenance of a senior housing facility.

4. The developer should provide a detailed description of its supportive services programs and include any and all material relating to said supportive services programs.

5. The developer should identify and explain the networking system that it has established and all funds that may be derived therefrom.

Resumes must be received not later than 5 p.m. on October 3, 1997 at the following address: Pennsylvania Housing Finance Agency, Attn: David Evans, 2101 N. Front Street, Harrisburg, PA 17110.

Questions may be directed to David Evans in writing at the above address or by telecopier to (717) 780-1865. (Please note the Agency is not requesting or accepting specific project applications at this time.)

The Agency reserves the right to amend or modify any of its requirements or deadlines or discontinue this program or any of its programs at any time with or without notice. Nothing herein shall be construed to be a commitment to provide funds to any person or entity by the Agency and the Agency may terminate this invitation at any time.

WILLIAM C. BOSTIC,
Executive Director

[Pa.B. Doc. No. 97-1554. Filed for public inspection September 26, 1997, 9:00 a.m.]

The Department's State Implementation Plan (SIP) for enhanced emission inspections requires the Department to promulgate regulations by October 1, 1997, which tie the safety inspection to the emission inspection as a means of ensuring compliance. This proposal will bring the Department's regulations into compliance with the SIP. The regulation will also permit the use of temporary safety inspection approval indicators which allow a service station to perform a safety inspection prior to completion of an emission inspection. The permanent safety inspection sticker will be applied to the vehicle after completion of the emission inspection.

We have reviewed this regulation and find it to be in the public interest. The regulation complies with the requirements of the SIP and allows a safety inspection to be performed prior to an emission inspection.

Therefore, It Is Ordered That:

1. Regulation No. 18-341 from the Department of Transportation, as submitted to the Commission on August 27, 1997, is approved; and

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

JOHN R. MCGINLEY, Jr.
Chairperson

[Pa.B. Doc. No. 97-1555. Filed for public inspection September 26, 1997, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, September 18, 1997, and took the following actions:

Regulations Approved:

Department of Transportation #18-341: Vehicle Equipment and Inspection (Amends 67 Pa. Code Chapter 175) (For the text of the regulations see 27 Pa.B. 5003 (September 27, 1997).)

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public Meeting held
September 18, 1997

Department of Transportation—Vehicle Equipment and Inspection; Doc. No. 18-341

Order

On August 27, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Transportation (Department). This rulemaking would amend 67 Pa. Code Chapter 175. The authority for this regulation is contained in sections 4101, 4702, 4703, 4728 and 6103 of the Vehicle Code (75 Pa. C.S. Sections 4101, 4702, 4703, 4728 and 6103). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulations for review. The regulations will be considered within 30 days of its receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of a regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-314	Environmental Quality Board Nitrogen Oxides Allowance Program	9/17/97
7-319	Environmental Quality Board Gasoline Volatility	9/17/97

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-1556. Filed for public inspection September 26, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Man, Levy & Nogi, Inc. under Act 143; Travelers Insurance; Doc. No. AT97-09-012

The request for review is granted and the scheduled day for review shall be held on November 5, 1997, at 11 a.m., in the Administrative Hearing Office, 901 North Seventh Street, Suite 200, Harrisburg, PA 17102.

Travelers Insurance shall provide this office within 15 days the loss ratio for agencies located in the same

territory as Man, Levy & Nogi, Inc. for the past 5 years. The parties are advised that under 40 P.S. § 24 any information or documents exchanged under this order are absolutely privileged and may not be disclosed to an outside party. Failure to maintain the confidentiality of the information or documents may result in enforcement action or other civil penalty.

The agency contract at issue shall remain in force and effect pending the issuance of a decision in this matter.

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.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1557. Filed for public inspection September 26, 1997, 9:00 a.m.]

Agency Contract Termination of McKee Wesley Insurance Services under Act 143; Cincinnati Insurance Companies; Doc. No. AT97-09-011

The request for review is granted and the scheduled day for review shall be held on October 29, 1997, at 11 a.m., in the Administrative Hearing Office, 901 North Seventh Street, Suite 200, Harrisburg, PA 17102.

Cincinnati Insurance Companies shall provide this office within 15 days the loss ratio for agencies located in the same territory as McKee Wesley Insurance Services for the past 5 years. The parties are advised that under 40 P.S. § 24 any information or documents exchanged under this order are absolutely privileged and may not be disclosed to any outside party. Failure to maintain the confidentiality of the information or documents may result in enforcement action or other civil penalty.

The agency contract at issue shall remain in force and effect pending the issuance of a decision in this matter.

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.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1558. Filed for public inspection September 26, 1997, 9:00 a.m.]

Agency Contract Termination of Robert McIntyre, Inc. under Act 143; Kemper Insurance Group; Doc. No. AT97-09-013

The request for review is granted and the scheduled day for review shall be held on November 6, 1997, at 11 a.m., in the Administrative Hearing Office, 901 North Seventh Street, Suite 200, Harrisburg, PA 17102.

Kemper Insurance Group shall provide this office within 15 days the loss ratio for agencies located in the same territory as Robert McIntyre, Inc. for the past 5 years. The parties are advised that under 40 P.S. § 24 any information or documents exchanged under this order

are absolutely privileged and may not be disclosed to any outside party. Failure to maintain the confidentiality of the information or documents may result in enforcement action or other civil penalty.

The agency contract at issue shall remain in force and effect pending the issuance of a decision in this matter.

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.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1559. Filed for public inspection September 26, 1997, 9:00 a.m.]

Agency Contract Termination of Thompson Insurance, Inc. under Act 143; UTICA First Insurance Company; Doc. No. AT97-09-010

The request for review is granted and the scheduled day for review shall be held on October 23, 1997, at 11 a.m., in the Administrative Hearing Office, 901 North Seventh Street, Suite 200, Harrisburg, PA 17102.

UTICA First Insurance Company shall provide this office within 15 days the loss ratio for agencies located in the same territory as Thompson Insurance, Inc. for the past 5 years. The parties are advised that under 40 P.S. § 24 any information or documents exchanged under this order are absolutely privileged and may not be disclosed to an outside party. Failure to maintain the confidentiality of the information or documents may result in enforcement action or other civil penalty.

The agency contract at issue shall remain in force and effect pending the issuance of a decision in this matter.

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.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1560. Filed for public inspection September 26, 1997, 9:00 a.m.]

Application for Acquisition of London Life Reinsurance Company

Great-West Lifeco Inc. has submitted an application to acquire the issued and outstanding stock of London Life Reinsurance Company from Trilon Financial Corporation. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P.S. § 991.1402 et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact

basis of the statement. Written statements should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120 (717) 787-1879.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1561. Filed for public inspection September 26, 1997, 9:00 a.m.]

Application for Approval to Acquire Commonwealth Land Title Insurance Company

Lawyers Title Corporation, a Virginia insurance holding company, has filed an application to acquire all of the issued and outstanding common stock of Commonwealth Land Title Insurance Company, a Pennsylvania domiciled title insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P.S. § 991.1402, et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1562. Filed for public inspection September 26, 1997, 9:00 a.m.]

Application for Approval to Acquire Control of Merchants and Business Mens Mutual Insurance Company

Liberty Mutual Insurance Company has filed an application to acquire control of Merchants and Business Mens Mutual Insurance Company, a Pennsylvania domiciled mutual fire insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P.S. § 991.1402, et seq.). Persons wishing to comment on the acquisition of control are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1563. Filed for public inspection September 26, 1997, 9:00 a.m.]

Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by American Policyholder Insurance Company

American Policyholder Insurance Company, a Massachusetts stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the Commonwealth of Massachusetts to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. § 1 et seq.). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1564. Filed for public inspection September 26, 1997, 9:00 a.m.]

Medical Service Association of Pennsylvania d/b/a Pennsylvania Blue Shield and Veritus Inc. d/b/a Blue Cross of Western Pennsylvania for Change in Control of Keystone Health Plan West, Inc., Trans-General Casualty Insurance Company, Inc., Keystone Health Plan Central, Inc., Keystone Health Plan East, Inc., United Concordia Life and Health Insurance Company, and Health Guard of Lancaster, Inc.; Doc. No. MS96-04-098

And Now, this 12th day of September, 1997, under the Commonwealth Court Order and Opinion in *Philadelphia County Medical Society, Raymond J. Lodise, M.D., Pennsylvania Society of Internal Medicine, and Robert B. Sklaroff, M.D., v. Linda S. Kaiser, Commissioner, Insurance Department of Pennsylvania*, No. 3309 C.D. 1996, issued on August 12, 1997, and it appearing that no application for reargument or appeal has been filed with regard to the Commonwealth Court Order and Opinion, *It Is Hereby Ordered That*:

In the event that either the Pennsylvania Society of Internal Medicine (Society) or Robert B. Sklaroff, M.D. desire to pursue an administrative action in the above-captioned matter, the Society or Dr. Sklaroff, or both, shall file with the Administrative Hearings Docket Clerk on or before the 27th day of October, 1997, a petition to intervene under the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 35.27—35.32, which shall state clearly and concisely:

The grounds of the proposed intervention in the Decision and Order issued by former Commissioner Linda S. Kaiser in the above-captioned matter on November 27, 1996;

The facts relied upon by the petitioner from which the nature of the alleged right or interest of the petitioner can be determined;

The position of the petitioner in the proceeding so as to fully and completely advise parties and the agency as to the specific issues of fact or law contained in the November 27, 1996 Decision and Order to be raised or controverted by the petitioner;

The specific relief sought by the petitioner;

Appropriate reference to the statutory or regulatory provisions, or other authority relied upon for relief; and

Other information relevant to the matters to be raised or controverted, the interest of the petitioner in these matters, and the relief sought.

Petitioner shall serve a copy of the above-described petition on counsel for Highmark, Inc. as identified in the Commonwealth Court case in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.32, and the Petition shall show the service upon Highmark's counsel.

Interested persons shall file any protests, petitions to intervene or notices of intervention, in writing with Heidi Barry, Acting Docket Clerk, Administrative Hearings Office, Capitol Associates Building, 901 North 7th Street, Harrisburg, PA 17102, on or before October 27, 1997.

Answers to any petition to intervene shall be filed with the Administrative Hearing's Docket Clerk within 10 days after the date of service of the petition.

Questions regarding this notice generally may be directed to Peter Salvatore at (717) 787-4429.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1565. Filed for public inspection September 26, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of State Farm Insurance Co.; file no. 970267-34442; David A. Filiaggi; doc. no. PH97-09-017; October 28, 1997, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their design-

nated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1566. Filed for public inspection September 26, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Parham, Anita; file no. 97-188-03078; Allstate Insurance Company; doc. no. P97-09-008; October 15, 1997, at 10 a.m.;

Appeal of Groover, Paige; file no. 97-121-05263; State Farm Insurance Company; doc. no. P97-09-009; October 15, 1997, at 11 a.m.;

Appeal of Erickson, Carol; file no. 97-198-04914; Keystone Insurance Company; doc. no. P97-09-014; October 28, 1997, at 11 a.m.;

Appeal of Plever, Duane E.; file no. 97-198-05104; Erie Insurance Exchange; doc. no. P97-09-016; October 29, 1997, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1567. Filed for public inspection September 26, 1997, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Flynn, Steven and Christine; file no. 97-265-34565; Allstate Insurance Company; doc. no. PH97-09-007; October 15, 1997, at 1 p.m.;

Appeal of Pia, Gerald J. and Doris A.; file no. 97-121-05389; The Juniata Mutual Insurance Co.; doc. no. P97-09-015; October 28, 1997, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1568. Filed for public inspection September 26, 1997, 9:00 a.m.]

MILK MARKETING BOARD

Emergency Statewide Hearing to Consider Modifying the Over-Order Producer Premium Established by Official General Order A-894

Under the Milk Marketing Law (31 P. S. § 700j-101 et seq.), the Milk Marketing Board (Board) will conduct an emergency public hearing for all milk marketing areas on October 10, 1997, commencing at 9 a.m. in Meeting Room B on the second floor of the Farm Show Complex, Cameron and Maclay Streets, Harrisburg, PA.

The purpose of the emergency hearing is to receive evidence concerning whether the current over-order pre-

mium of \$.80 per hundredweight, as established by Official General Order A-894, should be increased based on changed circumstances that are causing severe economic stress for Pennsylvania's dairy farmers, as requested in petitions filed by the Department of Agriculture, the State Grange, and the Farm Bureau.

The petitioners and the staff of the Board are deemed to be parties to this hearing and to have complied with the following filing requirements. Other persons who wish to present evidence may be included on the Board's list of parties by (1) having their attorney file with the Board on or before October 3, 1997, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 or (2) if unrepresented by counsel, filing with the Board on or before October 3, 1997, notification of their desire to be included as a party.

Evidence deemed by the Board to be relevant to this hearing includes but is not limited to:

1. The current average cost of milk production in this Commonwealth and current average dairy farm income in this Commonwealth compared with that data for April 1997, when the Board established the \$.80 over-order premium now in effect.

2. Prevailing prices and associated premiums for milk in New York, Maryland, Ohio, New Jersey and Virginia, along with the cost of transporting that milk into this Commonwealth.

3. Supply-demand patterns that affect the marketing of milk in this Commonwealth.

4. Effect of an increased over-order premium on decisions by lending institutions to extend credit to dairy farmers.

Presubmission of testimony and exhibits is not required. However, copies of written testimony and exhibits shall be provided at the hearing to members of the Board and to all other parties, with at least 20 additional copies made available in the hearing room by their sponsor.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to members of the Board and to all other parties, with at least 20 additional copies made available in the hearing room by their sponsor.

A prehearing conference for all parties will be held at 2 p.m. on October 6, 1997, in Room 110 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The filing address for the Board is Pennsylvania Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

If this information is required in an alternate format, call (717) 787-4194 or 1 (800) 654-5984 (PA relay service for TDD users).

O. FRANK DE GARCIA,
Executive Secretary

[Pa.B. Doc. No. 97-1569. Filed for public inspection September 26, 1997, 9:00 a.m.]

**PENNSYLVANIA
INFRASTRUCTURE
INVESTMENT AUTHORITY
AND DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

**Clean Water State Revolving Fund Projects; Public
Hearing on Federal FY 1998 and 1999 Project
Priority List and FY 1998 Intended Use Plan and
Federal Hardship Grants Program for Rural
Communities**

[Correction]

An error occurred in the document relating to the Clean Water State Revolving Fund FY 1998 Intended Use Plan Project List, which appeared at 27 Pa.B. 4663 (September 6, 1997). The affected part of the document in which the error occurred appears in its correct version as follows:

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY
AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
CLEAN WATER STATE REVOLVING FUND

FY 1998 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
CLEAN WATER STATE REVOLVING FUND
FY 1998 INTENDED USE PLAN
SEPTEMBER 6, 1997**

APPLICANT INFORMATION		NEEDS CATEGORIES			PROJECT INFORMATION	
NESCOPECK BORO 501 RAVE AVE NESCOPECK PA 18635 REGION: NE COUNTY: LUZERNE	I:	\$2,036,900	IVA:	\$1,265,093	PROJECT NO.:	CS421748-01
	II:	\$0	IVB:	\$0	PROJ. TYPE:	STPMOD SS
	IIIA:	\$0	V:	\$0	PROJECT RANKING:	188
	IIIB:	\$0	ELIG. COST:	\$3,301,993	HARDSHIP ELIGIBLE:	NO
					NPDES NO.:	PA0020745
SMETHPORT BORO A 412 WEST WATER STREET SMETHPORT PA 16749 REGION: NW COUNTY: MCKEAN	I:	\$2,168,168	IVA:	\$0	PROJECT NO.:	CS421879-01
	II:	\$0	IVB:	\$0	PROJ. TYPE:	STP MOD
	IIIA:	\$0	V:	\$0	PROJECT RANKING:	242
	IIIB:	\$0	ELIG. COST:	\$2,168,168	HARDSHIP ELIGIBLE:	YES
					NPDES NO.:	
SYKESVILLE BORO 21 EAST MAIN STREET SYKESVILLE PA 15865 REGION: NW COUNTY: JEFFERSON	I:	\$1,167,000	IVA:	\$3,539,000	PROJECT NO.:	CS421589-01
	II:	\$0	IVB:	\$0	PROJ. TYPE:	STP,SS,PS
	IIIA:	\$0	V:	\$0	PROJECT RANKING:	217
	IIIB:	\$0	ELIG. COST:	\$4,706,000	HARDSHIP ELIGIBLE:	YES
					NPDES NO.:	

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Informal Technical Conference; Telecommunica- tion Utilities Proposed Rulemaking; Doc. No. L-00940095

The Commission staff from the Bureau of Fixed Utility Services involved in the proposed rulemaking docket will hold a technical conference to discuss issues raised by the rulemaking. The first technical conference will be held on Monday, October 6, 1997, at 10 a.m., in the Commission's Executive Chambers, Floor 1, North Office Building Harrisburg, PA.

Persons wishing to make presentations are requested to submit written data underlying the presentations in advance of the scheduled conference date. The contact person is C. Barney Glunz, Supervisor, Bureau of Fixed Utility Services, (717) 763-6163.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1570. Filed for public inspection September 26, 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 (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 20, 1997 as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests 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-00114242. Vincent Menichino (402 Sampson Street, New Castle, Lawrence County, PA 16101)—persons in limousine service, between points in the county of Lawrence, and from points in said county, to points in Pennsylvania, and return.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00114255. McKean County Motor Club (587 South Avenue, Bradford, McKean County, PA 16701), a corporation of the Commonwealth of Pennsylvania—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania. *Attorney:* Stanley Pecora, 222 West Washington Street, Bradford, PA 16701.

A-00114261. Sports Tours Express, Inc. (309 Edgar Street, Olyphant, Lackawanna County, PA 18471), a corporation of the Commonwealth of Pennsylvania—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania. *Attorney:* James F. Tierney, 400 Spruce Street, Mellon Bank Building, Suite 500, Scranton, PA 18503.

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265 on or before October 14, 1997.

- A-00114256 Shannon Transport, Inc., t/d/b/a Shannon Moving & Storage
25 Roland Avenue, Mt. Laurel, NJ 08054
- A-00113180, Robert J. Chaya, t/d/b/a R C Trucking
F. 2
73 North Vine Street, Hazleton, PA
18201
- A-00114262 Fierro and Son-In-Law Paving, Inc.
21 Providence Road, R. D. 1, Hazleton,
PA 18201-9302
- A-00114263 Paul W. McCullough, t/d/b/a Paul McCullough Courier
505 Noblestown Road, Carnegie, PA
15106
- A-00114264 J & S Fuels, Inc.
1840 Pine Road, Newville, PA 17241:
Harold Irwin, III, 35 East High Street,
Carlisle, PA 17013
- A-00114265 Harrisburg Waste Paper Co., Inc.
4200 Industrial Road, Harrisburg, PA
17110: Leslei Jacobson, 8150 Derry
Street, Harrisburg, PA 17111
- A-00114266 Elizabeth Ann Marcozzi, t/d/b/a The Errand Express
P.O. Box 2527, West Chester, PA 19380

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1571. Filed for public inspection September 26, 1997, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals for the following projects:

Project #9717.2, Heating Equipment Maintenance and Inspection at Tioga Marine Terminal III. Mandatory prebid meeting, 9:30 a.m. Thursday, October 2, 1997 at the site, Tioga St. and Delaware Ave.

Bid documents available September 29, 1997

Bid closing—2 p.m. Thursday, October 9, 1997

Project #9718.2, Start-up and Maintenance of Refrigerated Bldg. at Tioga Marine Terminal II. Mandatory prebid meeting, 10 a.m. Thursday, October 2, 1997 at the site, Tioga St. and Delaware Ave.

Bid documents available September 29, 1997

Bid closing—2 p.m. Thursday, October 9, 1997

Project #97-258-001, Janitorial Service at Tioga Administration Bldg. Mandatory prebid meeting, 10 a.m. Thursday, October 16, 1997 at the site, Tioga St. and Delaware Ave.

Bid documents available October 7, 1997

Bid closing—2 p.m. Thursday, October 23, 1997

Bid openings will be held at 210 W. Washington Square, Philadelphia, PA 19106. The bid documents can be obtained from the Procurement Administrator, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 97-1572. Filed for public inspection September 26, 1997, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Request for Proposals; Consulting Services for the Venture Capital and Alternative Investments Asset Class for the State Employees' Retirement System

The State Employees' Retirement Board is soliciting proposals for consulting services for the Venture Capital and Alternative Investments Asset Class for the Commonwealth of Pennsylvania State Employees' Retirement System (SERS).

Proposals must be submitted in eight copies to Peter Gilbert, Chief Investment Officer, Commonwealth of Pennsylvania State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108, Attention: RFP 1997-1. Proposals must be received at this address before 3:30 p.m. on Friday, October 24, 1997. Late proposals will not be considered regardless of the reason. The price portion of the proposal must be bound and sealed separately.

A preproposal conference will be held on Friday, October 10, 1997 at 11 a.m. at the SERS office located at 30 North Third Street, 5th Floor, Harrisburg, PA. Prospective bidders are invited to attend this meeting before submitting bids to SERS for consideration. The preproposal conference is to clarify any points in the request for proposal which may not have been understood and require further explanation. Questions regarding the contents of the request for proposal should be submitted in writing and received at SERS 2 days prior to the preproposal conference. All bidders will receive written responses to the submitted questions 1 week after the preproposal conference. Note the preproposal conference is not mandatory.

Interested parties may write to Paul M. Stahlnecker, RFP Coordinator, at the address referenced above or at (717) 237-0373 to obtain a copy of the request for proposal.

JOHN BROSIUS,
Executive Director

[Pa.B. Doc. No. 97-1573. Filed for public inspection September 26, 1997, 9:00 a.m.]

Request for Proposal; Document Imaging and Workflow System for the State Employees' Retirement System

The State Employees' Retirement Board, on behalf of the Commonwealth, plans to issue a Request for Proposal (RFP) for a Document Imaging and Workflow System for the State Employees' Retirement System (SERS) on or about October 15, 1997. This system will replace, on a prospective basis, the current microfiche system used for member accounts.

Document imaging and workflow system vendors must qualify by showing expertise with either public or private employee retirement systems or similar operational environments.

Interested parties who believe they are qualified may write to Susan C. Hostetter, Director, Bureau of Benefit Administration, SERS, 30 N. Third Street, P. O. Box 1147, Harrisburg, PA 17108-1147, or shostett@sers.state.pa.us, or fax your request to (717) 787-5866, to obtain a copy of this Request for Proposal at the time of issuance.

JOHN BROSIUS,
Executive Director

[Pa.B. Doc. No. 97-1574. Filed for public inspection September 26, 1997, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

The Public Official and Employee Ethics Law requires that the State Ethics Commission hold at least two public hearings each year to seek input from persons and organizations who represent individuals subject to the provisions of the law and from other interested parties.

The State Ethics Commission will conduct a public meeting in the Ramada Inn, 1 Sheraton Drive, Altoona, PA on October 3, 1997, beginning at 9 a.m. for purposes of receiving input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the Ethics Law, the Regulations of the State Ethics Commission or agency operations should contact Claire Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 97-1575. Filed for public inspection September 26, 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, October 9, 1997. This meeting is open to the public to attend and will begin at 10 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) 887-2913 in order that special disability needs may be accommodated.

H. MICHAEL LIPTAK,
Chairperson

[Pa.B. Doc. No. 97-1576. Filed for public inspection September 26, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

Systemwide Biennial Bridge Inspection Reference No. 3-098

The Turnpike Commission (Commission) will retain an engineering firm to perform the reinspection of approximately 850 structures owned by the Commission. The structures include bridges which are 8 feet or more in length and culverts which are 20 feet or more in length. The work will be performed in order to meet the current national bridge inspection standards of the Federal Highway Administration and the Department of Transportation's Bridge Management System (BMS). Underwater inspections will be included in this program.

The re-inspection of the Turnpike's approximately 65 sign structures and 242 high mast lighting poles will also be performed with this project.

The superstructure and substructure of each bridge, and all components of the sign structures, shall be inspected, rated and appraised based on criteria and guidelines defined in the following documents:

1. National Bridge Inspection Standards (NBIS).
2. AASHTO Manual for Maintenance Inspection of Bridges 1983, including the 1990 revision.
3. Bridge Inspector's Training Manual 90.
4. Culvert Inspection Manual, Report No. FHWA-IP-86-2.
5. Inspection of Fracture Critical Bridge Members, Report No. FHWA-IP-86-26.
6. Bridge Management System (BMS) Coding Manual, Department Publications 100A October 1993, and its updates.
7. Manual for Inspecting Bridge for Fatigue Damage Conditions, Research Project No. 85-02.
8. Bridge Safety Inspection Manual, Policies and Procedures, Publication 238, January 1989, and its updates.

9. BMS Coding Forms D-491 and their updates or a printout of the individual structure records from BMS.

10. BMS Inspection Forms D-450 Series and their updates.

11. Guidelines for Inventory and Inspection of Pennsylvania's Sign Structures, dated February 1992.

12. AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaries and Traffic Signals.

The consultant must follow the existing 2-year interval schedule. Work performed must be completed by January 31, 2000.

The Commission will select one firm for the purpose of negotiating an engineering agreement based on the Commission's evaluation of the acceptable expanded letters of interest received in response to this solicitation. The selection will be established directly from the letters of interest. Technical proposals will not be required.

The following factors will be considered by the Commission during the evaluation of the firms submitting letters of interest:

1. Specialized technical expertise of the key individuals representing the Team.
2. Number of certified inspectors and inspection teams available for this assignment and their qualifications.
3. Capabilities of the proposed teams to address the bridge inspection, engineering evaluations and recommendations.
4. Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
5. Internal procedures for cost containment and quality assurance.
6. Current bridge inspection workload.
7. Ability of the firm to perform this type of work in the past for other agencies.
8. Overall presentation of the firm's letter of interest.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Questions concerning the requirements for this project should be directed to James L. Stump, P.E., at (717) 939-9551, Extension 5540.

General Requirements and Information

Firms interested in performing the above services are invited to submit expanded letters of interest to Barry L. Troup, P.E., Assistant Chief Engineer—Design, Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of interest. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in this Commonwealth must include with each letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Turnpike Commission currently limits its participation in the remuneration of principals or consultant

employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The following factors should be identified by the Consultant in their submission:

(A) Specialized experience and technical competence of firm.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who would be involved in the project shall be identified, including the Project Manager.

(C) Expanded letters of interest should include an indication of the prime consultant's and subconsultant's current workload for all Department of Transportation and Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected.

(F) Special requirements of the project.

(G) An organization chart for the project identifying key personnel. Only resumes of key personnel should be included.

(H) Other factors, if any, specific to the project.

Each firm shall demonstrate in their expanded letter of Interest their ability to perform the specific requirements indicated for this project by including a maximum three page report on this subject.

The expanded letters of interest and required forms must be received by 12 noon, Friday, October 10, 1997. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest in response to this advertisement, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals will not be requested for final selection.

The Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-1577. Filed for public inspection September 26, 1997, 9:00 a.m.]

Retention of an Engineering Firm

Replacement of Tunnel Roadway Lighting at the Tuscarora Tunnel West Huntingdon and East Franklin Counties

Reference No. 2-053

The Turnpike Commission (Commission) will retain an engineering firm for the design of the Replacement of Tunnel Lighting Project at the Tuscarora Tunnel between Mileposts 186.18 and 187.21 in West Huntingdon and East Franklin Counties.

The required engineering services include filed surveys, utility coordination, complete tunnel lighting/controls design, electric power and distribution design, emergency power system design and other related tasks.

The design firm should have demonstrated expertise in cutting edge lighting design especially as it relates to the special requirements and conditions of motor vehicle long tunnel lighting.

Questions and inquiries should be directed to Charles M. Holupka, (717) 939-9551, extension 5520.

General Requirements and Information

Firms interested in performing the above services are invited to submit expanded letters of interest to Don Santostefano, Facilities Manager, at the Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each expanded letter of interest. Explanation that the firm has successfully completed similar type projects, of the same magnitude, is required. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in this Commonwealth must include with each expanded letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Turnpike Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The following factors should be identified by the Consultant in their submission:

(A) Specialized experience and technical competence of firm. The firm must clearly demonstrate their capabilities of completing this project by identifying similar projects that have been completed, the magnitude of the project and the client.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded letters of interest must include an indication of the prime consultant's and subconsultant's current workload to include current public and private sector workload, in addition to listing all Department of Transportation and Turnpike Commission projects. Expanded letters of interest not including the consultants workload are subject to nonconsideration by the Selection Committee.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the expanded letter of interest will require written approval from the Commission.

(F) Special requirements of the project.

(G) Other factors, if any, specific to the project.

Each firm should demonstrate in their expanded letter of interest their ability to perform the specific requirements indicated for this project.

The expanded letter of interest and required forms must be received by 12 noon, Friday, October 10, 1997. Any letter of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest received in response to this solicitation, the order of selection will be established for the purpose of entering into an agreement with the highest selected firms. Technical Proposals or Request for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all expanded letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-1578. Filed for public inspection September 26, 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

- 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

8084750 Clothing and individual equipment—250,000 each patches for 1998 Keep Pennsylvania Beautiful.

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

1335157 Communication equipment and supplies (paging intercom system)—1 each 32 station paging and intercom system.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

PSU 3351-G Computer equipment and related supplies—2 each workstation with monitor and tape drive.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 97/98
Contact: Steve Blazer, (814) 865-1402 or fax (814) 865-3028

8970700 Construction, mining, excavating and highway maintenance equipment—2 each 1998 model truck, bridge inspection crane, 30' single axle.

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

8970710 Construction, mining, excavating and highway maintenance equipment—4 each latest model truck, bridge inspection 60', tandem or tri-axle.

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

8970750 Construction, mining, excavating and highway maintenance equipment—2 each latest model milling machine, self propelled.

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

8970790 Construction, mining, excavating and highway maintenance equipment—4 each latest model excavator, hydraulic, 20K, track w/Wain Roy bucket.

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

8970840 Construction, mining, excavating and highway maintenance equipment—12 each latest model spreader, conveyor, tailgate.

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

8970870 Construction, mining, excavating and highway maintenance equipment—2 each asphalt recycler, trailer mounted.

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

8970900 Construction, mining, excavating and highway maintenance equipment—13 each latest model sweeper, self-propelled, single broom.

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

8970920 Construction, mining, excavating and highway maintenance equipment—6 each latest model loader, skid steer, 1,351—1,750 lbs. heavy duty trailer.

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

8970930 Construction, mining, excavating and highway maintenance equipment—8 each latest model patching machine, trailer mounted, fieldmix.

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

8970950 Construction, mining, excavating and highway maintenance equipment—34 each plow, 731.

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

PSU 3340-G Electronics—2 each AC supply, drum upgrade kit, interface processor and accessories.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 97/98
Contact: Steve Blazer, (814) 865-1402 or fax (814) 865-3028

PSU 3341-G Electronics—1 each ATM switch and power supply.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 97/98
Contact: Steve Blazer, (814) 865-1402 or fax (814) 865-3028

1275117 Food—350 bags dry pea beans, Type C, Choice, handpicked 100 lb. bags—bags to be shrink wrapped on 4 way pallets; 300 bags kidney beans, dark red dry Type US No. 1, 100 lb. bags; 150 bags dry baby green beans US No. 31, 100 lb. bags; 50 bags dry blackeyed peas, Type H US No. 1 Standard for peas, 100 lb. bags.

Department: Correctional Industries
Location: Correctional Industries, Bellefonte, Centre County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1282207 Laboratory instruments and equipment—1 each gas tank, fiberscope inspection kit, Instrument Technology, Inc. Model 135780 or equal.

Department: State Police
Location: Butler, Butler County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970670 Motor vehicles, trailers and cycles—2 each 1998 model pony truck 16' body, automatic transmission; 2 each 1998 model pony truck 24' body, manual transmission, rear door remote control.

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

8970680 Motor vehicles, trailers and cycles—9 each 1998 model truck, 1 ton dump 4 x 4 w/spreader and plow.

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

8970690 Motor vehicles, trailers and cycles—6 each 1998 model truck, patch machine, automatic w/air conditioning.

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

8970730 Motor vehicles, trailers and cycles—4 each 1998 model truck, sign.

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

8970820 Motor vehicles, trailers and cycles—4 each 1998 model truck, paint supply, tandem axle conventional cab, manual transmission w/air conditioning.

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

8970890 Motor vehicles, trailers and cycles—6 each 1998 model truck, utility 4 x 4 door with air conditioning and cruise control; 3 each 1998 model truck, utility 4 x 4 door, executive w/air conditioning and cruise control.

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

8970990 Motor vehicles, trailers and cycles—2 each 1998 model 1 ton cab and chassis (only), dual.

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

1299207 Paper and printing—10M SP 4-2248 envelopes, Evidence, golden brown Kraft 40 lb. substance size 10" x 13" printed black ink, packed 250 per case.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Advertising—01

ADV12197 The State System of Higher Education, Dixon University Center is soliciting proposals for an advertising agency to provide comprehensive advertising services to support a Systemwide marketing communications plan on a 1-year renewable contract. There will be a prebid meeting held October 16, 1997 with questions due by October 15, 1997. Proposals are due October 23, 1997. Please call Yvonne Harhigh at (717) 720-4053 to receive information or proposal package.

Department: Publications/State System of Higher Education
Location: State System of Higher Education, Dixon University Center, 2986 North Second Street, Administration Building, Harrisburg, PA 17110
Duration: Indeterminate 1997-98
Contact: Yvonne Harhigh, (717) 720-4053

Audio/Video—04

9554 Provide installation/maintenance, repairs, additions and changes to Institution's telephone system and all station equipment.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: July 1, 1998—June 30, 2001
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

Construction—09

2-3-00001 This contract will provide manpower, equipment and incidental guiderail material for installation of approximately 17,000 linear feet of strong post at various locations throughout Clinton County. All guiderail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatments and end anchorages. It will be the Contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include review of the guiderail locations, and a site will be determined where the guiderail material will be stored. The Department shall be responsible for removal of all existing guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail by the contractor. All requests for bid packages must be received by FAX at (717) 893-2953, Attention: Foster Chapman. Telephone: (717) 893-2430.

Department: Transportation
Location: District 0230, Various Locations within Clinton County, PA
Duration: One year with an option of three 1-year renewals
Contact: Foster Chapman, (717) 893-2430

Project No. 409-FA Lock Haven University of PA, of the State System of Higher Education (SSHE) is seeking bids for the construction of a new Center of Campus-Pedestrian Mall, Project 409-FA (general and electrical contracts). Work consists of demolition, saw cutting and milling. New work includes traffic and pedestrian controls, concrete pavers, sod areas, retaining and seat walls, landscaping. Installation of all site amenities to include benches, trash receptacles, bike racks and bollards. A prebid meeting will be held Friday, October 03, 1997 (1 p.m.) in Price Auditorium. Bids are due and will be opened publicly on Friday, October 24, 1997 at 2 p.m. For further information, or to request contract documents at a nonrefundable cost of \$50 per set (payable to Comprehensive Design), bidders can contact Paulette Rider of Comprehensive Design, 3054 Enterprise Drive, State College, PA 16801-2755, (814) 238-7706. Prevailing wages and contract bonds apply. Nondiscrimination and equal opportunity are the policies of the Commonwealth and of the State System of Higher Education.

Department: State System of Higher Education
Location: Lock Haven University, Center of Campus, Lock Haven, PA 17745
Duration: January 1998 through July 10, 1998
Contact: Comprehensive Design: Architects/Engineers, (814) 238-7706

080995 021115—Centre County—SR 350(113); 063292—Delaware County—Group 6-97-BL1; 062268—Chester County—SR 3005(40S); 093159—Cambria County—Chapin Arch Pulloff; 122086—Greene County—SR 188(C11 and C10); 084307—York County—SR 234(007); 087366—Lancaster County—SR 743(012); 087367—Lancaster County—SR 324(004); 084306—York County—SR 851(007); 061251—Bucks County—Group 6-97-ST32; 091066—Bedford County—SR 96(11B); Crawford County—SR 19(109); 082180—Cumberland County—SR 1013(002); 093176—Cambria County—SR 22 (11B); 124203—Washington County—SR 79(010).

Department: Transportation
Location: Districts 1-0, 2-0, 6-0, 8-0, 9-0, 12-0
Duration: FY 1997-98
Contact: V. C. Shah, (717) 787-5914

AE-5001 Construction of a bulk material storage building. FAX (717) 783-7971.

Department: Transportation
Location: Maintenance District 5-3, Emerald Boro, Lehigh County, PA
Duration: 90 calendar days, proposed bid October 1997
Contact: Tina Chubb, (717) 787-7001

AE-5112 Construction of a wooden material storage building. FAX (717) 783-7971.

Department: Transportation
Location: PennDOT Ellwood City Stockpile, 525 Lawrence Avenue, Ellwood City, Lawrence County, PA
Duration: 90 calendar days, proposed bid October, 1997
Contact: Tina Chubb, (717) 787-7001

DGS 555-18 Project title: Renovate restroom and bathing areas in Pine Complex and Dogwood West. Brief description: renovation of five buildings' bathrooms and bathing areas for ADA accessibility, HVAC systems, renovations and plumbing upgrades to match interior renovations and code upgrades. General, HVAC, plumbing and electrical construction. Plans deposit: \$100 per set. Payable to: Muhlenberg/Greene Architects, Ltd. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Muhlenberg/Greene Architects, Ltd., 400 Washington Street, Suite 1000, Reading, PA 19601-3908. Telephone: (610) 376-4927. Bid date: Wednesday, October 29, 1997 at 2 p.m. A prebid conference has been scheduled for Wednesday, October 8, 1997 at 9:30 a.m. at Hamburg Center, Building 17, Room 114, Hamburg, PA. Contact Bruce Pasker, (610) 562-6124. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: Hamburg Center, Hamburg, Berks County, PA
Duration: 275 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 583-8 Project title: Upgrade Villa (Unit I). Brief description: HVAC work covering installation of fan coil units, air handling units, air cooled chiller with underground piping, cold water and hot water pumps, piping and ductwork; all with associated electric renovations. HVAC and electric construction. Plans deposit: \$80 per set. Payable to: Ridgeline Engineering, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Ridgeline Engineering, Inc., 445 Schoolhouse Road, Room F-206, Johnstown, PA 15904. Telephone (814) 266-1253. Bid date: Wednesday, October 22, 1997 at 11 a.m.

Department: General Services
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: 270 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 583-9 Project title: Upgrade Horizon House (Unit II). Brief description: HVAC work covering installation of fan coil units, air handling units, air cooled chiller with underground piping, cold water and hot water pumps, piping and ductwork; all with associated electric renovations. HVAC and electric construction. Plans deposit: \$80 per set. Payable to: Ridgeline Engineering, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Ridgeline Engineering, Inc., 445 Schoolhouse Road, Room F-206, Johnstown, PA 15904. Telephone (814) 266-1253. Bid date: Wednesday, October 22, 1997 at 11 a.m.

Department: General Services
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: 270 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 584-16, PH 4 Project title: Roof Replacement. Brief description: Replace boiler/power plant roof with single ply EPDM membrane over new recovery board with new vapor barrier. Repair 15% of existing deck, rusted piping at roof penetrations and clean drains as needed. Provide and install new tapered insulation, new metal edges, new counterflashing and new walkpads. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone (717) 787-3923. Bid date: Wednesday, October 22, 1997 at 11 a.m.

Department: General Services
Location: Boiler House and Power Plant, Western Center, Canonsburg, Washington County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 940-47 Project title: Renovation at Forester Street Office Building to Accommodate Metrology Laboratory. Brief description: Interior modifications and renovations to building to accommodate the Metrology Lab. General, mechanical and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone (717) 787-3923. Bid date: Wednesday, October 22, 1997 at 2 p.m. Telephone (717) 787-3923. A prebid conference has been scheduled for Wednesday, October 1, 1997 at 2 p.m. in Conference Room G-13, 22nd and Forester Streets, Harrisburg, PA. Contact John Fisher, (717) 787-3862. All contractors who have secured plans and specifications are invited and urged to attend this prebid conference.

Department: General Services
Location: Metrology Laboratory, Harrisburg, Dauphin County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 953-48 Project title: South Penthouse HVAC Control System. Brief description: Replace the motor control center in the South Penthouse. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, October 1, 1997 at 11 a.m. Telephone (717) 787-3923.

Department: General Services
Location: PA Liquor Control Board, NW Office, Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 1579-2 Project title: Life Safety Code Improvements. Brief description: Work consists of concrete and masonry addition, elevator, windows, fence, architectural precast, structural steel, roofing, insulation, doors and hardware, interior finishes, toilet partitions, heating, ventilating and air conditioning, plumbing and electrical work throughout six buildings. General, HVAC, plumbing and fire protection and electrical construction. Plans deposit: \$100 per set. Payable to: Evans/Salata Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Evans/Salata Architects, 900 State Street, Suite 100, Erie, PA 16501. Telephone (814) 454-6379. Bid date: Wednesday, October 15, 1997 at 11 a.m. Prebid conference will be held on September 23, 1997 at 10 a.m. Meet at Main Entrance, State Correctional Institution, Cambridge Springs, PA. Contact person: Robert Allen (814) 398-5400.

Department: General Services
Location: State Correctional Institution, Cambridge Springs, Crawford County, PA
Duration: 330 calendar days from date of initial job conference
Contact: Contract and Bidding Section, (717) 787-6556

FDC-211-274 Provide office facilities; prepare and implement E and S plan; excavation (650 c. y.); fill material (100 c. y.); 2A material (800 tons); concrete (220 c. y.); steel grating and channels (1,224 s. f.); and steel nosing (40 l. f.). All work is located south of Ohiopyle within Ohiopyle State Park along Cucumber Run.

Department: Conservation and Natural Resources
Location: Stewart Township, Fayette County, PA
Duration: 180 days
Contact: Construction Management Section, (717) 787-5055

FDC-220-279 Excavating/backfilling; construct an equipment building, plumbing, installation of equipment, and all necessary electrical work associated with renovations of water distribution system at Presque Isle State Park.

Department: Conservation and Natural Resources
Location: Adjacent to the City of Erie, Erie County, PA
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

FM078297-03 Resurface roadways and parking areas as designated. To receive specifications, submit FAX to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526. FAX (610) 562-6025.

Department: Public Welfare
Location: Hamburg Center, Hamburg, PA 19526
Duration: January 1, 1998—June 30, 1998
Contact: Beverly O. Epting, Purchasing Agent, (610) 562-6034

Engineering Services—14

08430AG2112 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

Environmental Maintenance Services—15

AMD 14(0850)102.1 Acid Mine Drainage Abatement, cold stream, involves an estimated 31,000 c. y. of wetland construction; 2,400 l. f. of piping; 7,000 tons of limestone; 4,500 c. y. of spent mushroom compost and 5,300 s. y. of filter fabric.

Department: Environmental Protection
Location: Rush Township, Centre County, PA
Duration: 180 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Extermination Services—16

Inquiry No. 250-0052 Contractor to supply vector control services. Specifications of contract available upon request.

Department: Military and Veterans Affairs
Location: Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206-1297
Duration: December 1, 1997—June 30, 1999
Contact: Ken Wilson, Purchasing Agent III, (412) 365-5594

Food—19

6967 Meat and meat products.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648
Duration: December 1997
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

Inquiry No. 113-0048 Contractor to provide vending machine service. Specifications of contract available upon request.

Department: Military and Veterans Affairs
Location: Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206-1297
Duration: December 1, 1997—June 30, 1999
Contact: Ken Wilson, Purchasing Agent III, (412) 365-5594

LBP-97023 Miscellaneous frozen food items—quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 1998 through March 31, 1998
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-024 Meat and meat products—quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 1998 through March 31, 1998
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

Fuel Related Services—20

Contract No. FDC-019-98 Removal and disposal of existing fuel systems (3—1,000 gallon gas tanks and 2—500 gallon diesel tanks) at 3 locations; provide and install above ground fuel systems (3—1,000 gallon gas tanks and 1—500 gallon diesel tank); backfill; testing and contaminated soil disposal. Work is located at Edgemere, Owego and Snow Hill Ranger stations in Pike and Monroe counties.

Department: Conservation and Natural Resources
Location: Porter and Blooming Grove Townships, Pike County and Price Township, Monroe County, PA
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

HVAC—22

Inquiry No. 8962 Repair to Keeler boiler.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, Snyder County, PA 17870
Duration: Indeterminate 1997-98
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

AE-1081 Installation of vehicle exhaust systems. Base Bid 1 includes all fans F1, F2, F3 and F4. Base Bid 2 includes fans F1, F2 and F3. FAX (717) 783-7971.

Department: Transportation
Location: 401 Montgomery Avenue, West Chester, Chester County, PA
Duration: 75 calendar days—proposed bid October 1997
Contact: Tina Chubb, (717) 787-7001

KU 98-11 Kutztown University is seeking qualified general and plumbing contractors interested in the Keystone Hall Fieldhouse renovation. Work includes: the replacement of the roof, drains and associated piping as well as refinishing arena flooring in the Keystone Fieldhouse. Interested firms can obtain bid packages from: STV Architects, 205 West Welsh Drive, Douglassville, PA 19518, (610) 385-8200 for a nonrefundable fee of \$36. Bid packages will be available September 22, 1997. There is a prebid meeting on October 3, 1997 at 1 p.m. Bids are to be received October 17, 1997 by 2:30 p.m. and will be opened on October 20, 1997 at 2:30 p.m. Late submissions will be returned unopened.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 130 calendar days after Notice to Proceed
Contact: Barbara Reitz, (610) 683-4132

RJ 0800-05 Electrical service contract required for the inspection and maintenance of highway lighting through the Pennsylvania Department of Transportation's District 8, which includes Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry counties. Performance and payment bonds required of the successful bidder. Specifications for this work furnished on request.

Department: Transportation
Location: Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry counties, PA
Duration: January 1, 1998 to December 31, 1998
Contact: Richard B. Jefferies, (717) 787-4783

Lodging—27

IFB 97-004 Lodging/meeting and food services—facilities needed for a 4-day conference. Facility may be located in any Pennsylvania County with the exceptions of: Allegheny, Dauphin, Lackawanna and Philadelphia.

Department: State
Location: Facility located in PA, with the exception of: Allegheny, Dauphin, Lackawanna and Philadelphia counties, PA
Duration: November 18 through 21, 1997
Contact: Kathy Bilyeu, (717) 783-7220

X109332 Provide lodging, meeting room and meals for the Bureau of Land Recycling and Waste Management 1998 Education Conference.

Department: Environmental Protection
Location: Within a 10-mile radius of Downtown State College, PA
Duration: Contract to commence upon execution and terminate June 30, 1998
Contact: Tammie Spicjarich, (717) 787-9871

Property Maintenance—33

AE-5149 Installation of a roof coping system. FAX (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, Maintenance District 2-6, Coudersport, Potter County, PA
Duration: 90 calendar days—proposed bid October 1997
Contact: Tina Chubb, (717) 787-7001

Real Estate Services—35

15A Price Reduced State-Owned Property For Sale. The Department of General Services will accept bids from interested parties for the purchase of Eastern State School and Hospital located in Bensalem Township, Bucks County, PA. Interested parties wishing to receive a copy of the request for proposal should contact General Services. All bids must be received no later than 3 p.m., November 20, 1997.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1997-98
Contact: Lloyd Colegrove, (717) 772-0538

15-1A Price Reduced For Sale State-Owned Property, Bensalem Township, Bucks County, PA. The Commonwealth of Pennsylvania has for sale the Eastern State School and Hospital property located at the intersection of Rockhill Road and Lincoln Highway (U. S. Route 1) in Bensalem Township, PA. The property for sale includes 101 acres and 22 buildings that total 321,162 s. f. and is currently zoned as (BP) Business and Professional. Property is being sold through a sealed bid process. Interested parties wishing to receive a bid package should contact the Department. All bids must be received no later than 3 p.m., November 20, 1997.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1997-98
Contact: Lloyd D. Colegrove, (717) 772-0538

0200-A6 Independent fee appraisers are to be solicited to prepare Real Estate Appraisals for right-of-way acquisitions in Centre County for S. R. 0026, Sec. C02. Appraisers must be on PennDOT's prequalified fee appraiser list. Appraisal contracts will be awarded by competitive bid.

Department: Transportation
Location: Engineering District 2-0
Duration: FY 1997/1998
Contact: Gary G. Gray, (814) 765-0445

1234 Independent Fee Appraisers are to be solicited to prepare Real Estate Appraisals for right-of-way damages in Montgomery County for S. R. 9911-NP2 (0063). Department policy requires only fee bids from Commonwealth Prequalified Appraisers be considered.

Department: Transportation
Location: Engineering District 6-0
Duration: FY 1997/1998
Contact: Bruce A. Hattersley, (215) 768-3013

Sanitation—36

78845 Sludge removal service for Warren State Hospital. Contractor to provide for removal and disposal of dried sewage sludge. Complete specifications and other terms and conditions may be obtained by contacting the Hospital. Award to be made on an aggregate basis.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099
Duration: January 1, 1998—December 31, 1998
Contact: JD Sample, (814) 726-4448

SP 341744 Solid waste collection and disposal at Caledonia State Park.

Department: Conservation and Natural Resources
Location: Caledonia State Park, 40 Rocky Mountain Road, Fayetteville, PA 17222-9610
Duration: April 1, 1998 to March 31, 2003
Contact: R. Bruce McFate, (717) 352-2161

Security Services—37

SP-97-16 The contractor shall provide telephone support, inspection, preventative maintenance, training, emergency repairs and parts to the automated security systems located at the State Correctional Institution at Coal Township. The systems include Perimeter Detection System, Perimeter Alarm Voice Enunciating Equipment, Security Management System, CCTV System, Audio and Intercom Systems and Security Panels which control the locking systems, personal and panic alarms.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Three years
Contact: Nancy A. Lasko, Purchasing Agent, (717) 644-7890, ext. 142

Vehicle, Heavy Equipment—38

SP 336496 Provide all labor, material, tools and equipment to inspect and/or repair Rapistan conveyor system gearmotors and gearboxes (1/4HP—3HP) located at the PLCB Southeastern Distribution Center, 8201 Enterprise Avenue, Philadelphia, PA when requested by the PLCB.

Department: Liquor Control Board
Location: 8201 Enterprise Avenue, Philadelphia, PA
Duration: 1 year
Contact: Gerald J. Grecek, (717) 787-9855

SP 322448 Auctioneering services to be provided to the Department of General Services, State Surplus Property Division. The successful bidder will provide State Surplus Property with an auctioneer who is experienced in selling heavy equipment to the general public by way of Buyers Premium Sales to be held at Commonwealth sites in Harrisburg and other locations throughout the State.

Department: General Services
Location: State Surplus Property Division, 2221 Forster Street, Harrisburg, PA 17125
Duration: January 1, 1998 through December 31, 1998
Contact: State Surplus Property, (717) 787-9038

SP-338408 Provide materials and installation of woven wire deer fencing as follows: Fence Area No. 1—Approximately 4,000 linear feet perimeter and 7, 100 linear feet perimeter of portions of the Cooks Run, Timber Sale 13-95BC08, in Grove Township, Cameron County. Fence Area No. 2—Approximately 4,100 linear feet perimeter of a portion of the Tanglefoot, Timber Sale 13-95BC18, in Gibson Township, Cameron County. Fence Area No. 3—approximately 6,500 linear feet perimeter of the Upper Lick Island, Timber Sale 13-96BC11, in Gibson Township, Cameron County.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Forest District 13: Cooks Run, Grove Township, Cameron County; Tanglefoot, Gibson Township, Cameron County; Upper Lick Island, Gibson Township, Cameron County, PA
Duration: September 30, 1998
Contact: Robert G. Merrill, Forest Asst. Manager, (814) 486-3353

[Pa.B. Doc. No. 97-1579. Filed for public inspection September 26, 1997, 9:00 a.m.]

Miscellaneous—39

14 Bilingual counselor to provide individual counseling for students who have extreme difficulty speaking and understanding English, and will also conduct home conferences with families who have difficulty speaking and understanding English.

Department: Public Welfare
Location: Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047
Duration: November 1, 1997 to June 30, 1998
Contact: Mary Lou Auman, Purchasing Agent, (717) 789-5508

RFP 1997-01 The Pennsylvania Insurance Department is soliciting a Request for Proposal from vendors to provide consulting actuarial services for the Underground Storage Tank Indemnification Fund, Workers' Compensation Security Fund, and the automotive Catastrophic Loss Benefits Continuation Fund. The Request for Proposal package will be issued to interested vendors on or after September 27, 1997 and can be obtained by writing to the address below. A preproposal conference will be held October 22, 1997 at 901 North 7th Street, 2nd Floor Administrative Hearings Room, Harrisburg, PA 17102.

Department: Insurance
Location: 901 N. 7th Street, Room 101, Harrisburg, PA 17102
Duration: Indeterminate 1997-98
Contact: Marion W. MacDonald, (717) 783-8093

205548 Contractor to provide an instructor to teach post-secondary, college level courses for juvenile residents of the Youth Development Center at New Castle, PA. Complete specifications available upon request, (412) 656-7310.

Department: Public Welfare
Location: Youth Development Center, R. R. 6, Box 21A, Frew Mill Road, New Castle, Lawrence County, PA 16101
Duration: Undetermined
Contact: Thomas E. Mateja, Purchasing Agent, (412) 656-7310

Inquiry No. 30213 Rental, delivery and pickup of VHS movies. Contractor to provide rental, delivery and pickup of a minimum of four VHS feature length movies per week. Selected from catalog supplied by vendor which provides synopsis and rating. Interested vendors to contact Facility for details.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: December 1, 1997—November 30, 1999
Contact: Ginny Stinespring, Purchasing Agent I, (412) 873-3255

08-9701 and 08-9702 Project 08-9701—Removal of a multistrand electric fence and erection of an 8 foot high woven wire fence on existing R/W. Project includes the installation of 3 man-gates at specified locations. Project location is on Clear Run Road, Polk Township, Jefferson County. Project 08-9702—Removal of a multistrand electric fence and erection of an 8 foot high woven wire fence on existing R/W. Project includes the installation of 3 man-gates at specified locations. Project location is McNeil Station Road, Polk Township, Jefferson County.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Forest District No. 8: Project 08-9701 located in Polk Township, Jefferson County, PA; Project 08-9702 located in Polk Township, Jefferson County, PA
Duration: June 30, 1998
Contact: Bureau of Forestry, (814) 226-1901

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1079117-01	09/15/97	Safety League, Inc.	10,423.20
1096167-01	09/15/97	National Computer Systems	3,962.42
1112117-01	09/09/97	Advantage Distributors, Inc.	11,474.80
1123137-01	09/11/97	Green Acres Contracting Company	5,577.38
1136187-01	09/16/97	NEI, Inc.	816.25
1139157-01	09/11/97	Fordion Packaging Ltd.	58,850.00
1143117-01	09/15/97	Bloomsburg Metal	21,020.00
1145207-01	09/15/97	Mail Well Envelope Co.	754.20
1146207-01	09/15/97	Mail Well Envelope Co.	1,076.20
1148117-01	09/15/97	Ragold Corporation	33,568.75
1197077-01	09/09/97	Clearview Printing Company	1,750.00
1198157-01	09/15/97	Joe McDonalds Postal Uniform Co.	26,237.50
1211207-01	09/15/97	ATL East Tag and Label	3,180.00

Requisition or Contract #	Awarded On	To	In the Amount Of
1868156-01	09/11/97	Marshall Machinery, Inc.	7,594.74
8205650-01	09/11/97	Williams & Heintz Map Corp.	28,431.00
8206680-01	09/11/97	Ashland Chemical Co.	131,120.00
8504010-01	09/11/97	A. C. Miller Concrete Prod., Inc.	19,467.00
8970100-01	09/15/97	Groff Tractor and Equipment, Inc.	279,500.00
8970440-01	09/11/97	Walsh Equipment, Inc.	50,028.00
8970470-01	09/11/97	Wenner Ford Tractor, Inc.	54,650.00
8970580-01	09/09/97	Globe Trailers of Florida, Inc.	8,700.00
8970600-01	09/15/97	Regester Chevrolet, Inc.	37,866.00
8970620-01	09/11/97	Somerset Welding and Steel, Inc.	164,120.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-1580. Filed for public inspection September 26, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION
[67 PA. CODE CH. 175]

Vehicle Equipment and Inspection

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority contained in 75 Pa.C.S. §§ 4101, 4702, 4703, 4706(e), 4728 and 6103, proposes to amend Chapter 175 (relating to vehicle equipment and inspection) to read as set forth in Annex A.

The Department plans to make these amendments effective immediately upon publication in the *Pennsylvania Bulletin* without notice of proposed rulemaking. Notice of proposed rulemaking has been omitted under the authority contained under 75 Pa.C.S. § 4706(e) (relating to prohibition on expenditures for emission inspection program) which provides that regulations promulgated by the Department relating to the enhanced emission inspection program are not subject to the proposed rulemaking provisions of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1101—1208) (CDL) or the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

The Department prepared these amendments with the participation and assistance of an industry emission inspection work group consisting of representatives of automotive service and repair stations, the American Automobile Association (AAA), the Automotive Service Association (ASA), the State Police, the Department of Environmental Protection, the Federal Environmental Protection Agency (EPA) and oil companies.

These amendments complement the Commonwealth's effort to implement an annual, decentralized enhanced emission inspection program (I/M) that meets the requirements of the Clean Air Act (42 U.S.C.A. §§ 7401—7671q).

The Commonwealth committed, in its State Implementation Plan (SIP), to tie the enhanced emission inspection to its existing safety inspection program to provide a means to assure compliance. The Commonwealth believes that connecting the enhanced emission inspection to the safety inspection would be less onerous on this Commonwealth's vehicle owners than imposition of a vehicle registration denial program to require compliance, as recommended by the EPA. Consistent with the Commonwealth's commitment in the SIP and with Department regulations, the enhanced emission inspection must take place before the safety inspection sticker can be affixed to the vehicle. These particular regulations will permit safety inspection stations, at the option of the vehicle owner, to perform the safety inspection prior to the emission inspection. If the vehicle passes the safety inspection, the vehicle will be issued a temporary inspection approval indicator. The indicator will be used to designate that the vehicle has passed the periodic safety inspection but must display an emission inspection certificate, or obtain a waiver, prior to placement of the renewed safety certificate of inspection. If the emission inspection is obtained and passed, the expiring safety certificate of inspection may then be replaced with a new safety certificate of inspection at any time prior to the expiration of the certificate of inspection to which the temporary inspection indicator was affixed. The temporary inspection approval indicator will not extend the

inspection expiration of any certificate of inspection to which it is affixed and the permanent safety inspection certificate can only be issued by the station that performed the initial safety inspection.

These provisions were developed at the emission industry work group meetings as a consequence of concerns raised by the group members. The EPA actively participated in these meetings and voiced no objections to the temporary inspection approval indicator concept. Accordingly, the Department has no reason to believe that the EPA will find that the temporary inspection approval indicator is a departure from the Commonwealth's SIP, as conditionally approved by the EPA on January 28, 1997. Moreover, since the use of the temporary inspection approval indicator does not extend the expiration of the safety certificate of inspection to which it is affixed and since the permanent safety inspection certificate or sticker can only be issued by the station that performed the initial safety inspection and affixed the temporary inspection approval indicator, the Department has every reason to believe that the EPA accepts the temporary inspection approval indicator as being consistent with the conditionally approved SIP commitments.

These amendments are in the general motoring public's interest since they provide an alternative to vehicle owners having to seek out inspection stations that perform both the safety inspection and enhanced emission inspection, thereby making it more convenient for vehicle owners to continue to use a trusted safety inspection and repair station. These amendments offer vehicle owners choice in terms of the order in which the safety inspection and the emission inspection may be performed. This can provide tremendous economic flexibility to the vehicle owner, by permitting, for example, a vehicle owner to make a financial outlay for safety inspection repairs and postponing the emission inspection for a week or two to accumulate the moneys for needed emission inspection repairs.

These amendments are also in the public interest since they facilitate the commencement of the Commonwealth's decentralized, enhanced emission inspection program which is scheduled to begin October 1, 1997, and thus, these amendments help avoid the imposition of sanctions upon the more than \$900 million which the Commonwealth receives in Federal highway dollars.

Purpose of this Chapter

The purpose of Chapter 175 is to establish and maintain rules concerning permitted or required equipment on motor vehicles, and to regulate the vehicle equipment safety inspection process.

Purpose of these Amendments

The purpose of these amendments is to revise the requirements for the issuance of a certificate of safety inspection as they relate to vehicles subject to an emissions inspection. These changes are the result of concerns raised by independent inspection stations, the ASA, the AAA and the State Police. These amendments will provide safety inspection stations that desire not to participate in the enhanced emission inspection program with the ability to continue to perform safety inspections prior to an emission inspection.

Under current regulations, appointed safety inspection stations are required to affix a certificate of safety inspection to vehicles immediately following a successful

inspection. Statewide, there are approximately 17,000 service stations appointed by the Department to perform safety inspections on approximately 9 million vehicles. On June 1, 1984, the Commonwealth implemented a basic vehicle emissions inspection program in 11 counties: Allegheny, Beaver, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland. This program is required and mandated by the EPA and failure to have implemented and maintained the current program would have meant the loss of Federal highway money that is provided to this Commonwealth. In the 11 counties where the program exists, there are approximately 7,000 stations that perform annual vehicle safety inspections. Of those safety inspection stations, approximately 3,500 perform annual emissions inspections on approximately 3 million vehicles. On October 1, 1997, the Department will implement an enhanced vehicle emissions inspection program in nine counties: Allegheny, Beaver, Bucks, Chester, Delaware, Montgomery, Philadelphia, Washington and Westmoreland. This program is also mandated by the EPA and resulted from amendments to the Federal Clean Air Act of 1990 (42 U.S.C.A. § 7401). The counties of Lehigh and Northampton will continue to operate the basic program until the fall of 1999, when the addition of 14 counties will take place bringing the total of Commonwealth counties that will participate in an enhanced emissions program, to 25. When all 25 counties have implemented the required emissions testing program, the total vehicle population subject to emissions inspection will rise to approximately 6 million vehicles annually. When the program is fully implemented in the 25 counties, there will be approximately 12,000 safety inspection stations that will be eligible to participate in the enhanced emissions inspection program. It is estimated that approximately 50% or 6,000 of these safety inspection stations will participate in the emissions testing program. Thus, another 6,000 stations will conduct only safety inspections. Department data shows that the average cost of an annual safety inspection is \$17.58. The average cost of repairs for vehicles that fail the safety inspection is \$145.

The Commonwealth desires to maintain sticker enforcement as its primary compliance mechanism. To accomplish this, the Commonwealth agreed that a renewed safety inspection sticker could not be affixed to a subject vehicle until there was evidence of a passed emission inspection. On January 28, 1997, the EPA published at 62 FR 4004, a notice to conditionally approve the Commonwealth's SIP. Although this method eased the burden on the Commonwealth to implement other onerous methods to assure compliance, it also created a concern in the service/inspection industry. In February 1996, an industry work group was formed to help the Department in its plans to implement a cost effective, customer-friendly I/M program. This work group is made up of service station owners, automotive technicians, the AAA, the ASA, the State Police, the EPA and oil company representatives. At a meeting held on July 10, 1996, the work group members first expressed concerns over the tie-in to the annual safety inspection program. There was a fear that when the enhanced program begins, stations that would otherwise choose not to participate in the emission inspection program would lose this choice because their customers would seek other stations, for convenience, that offer both the safety and emission inspections, effectively requiring nonparticipating stations to perform emission inspections, in contradiction of expressed Legislative intent. Additionally, it was recognized that it would be impossible for the participating emission inspection stations to inspect, for

emissions and possibly safety, the overflow of vehicles that would have to be turned away by stations which perform only safety inspections. The Department and work group members continued to work toward alternatives that would not create a hardship on nonparticipating stations while meeting the requirement that the Commonwealth committed to in its SIP.

On February 27, 1997, the Department proposed a concept for the coordination of the safety and emission inspections to the industry work group that would address the concern of nonparticipating safety stations while maintaining integrity in its commitment to the EPA. This concept requires that all subject vehicles required to participate in the emission program display a renewed emission certificate of inspection prior to the placement of a renewed safety certificate on a vehicle. A temporary inspection approval indicator will be used to designate vehicles which have successfully passed the required periodic safety inspection, but must display a renewed emission certificate of inspection, or obtain a waiver, prior to the placement of the renewed safety certificate of inspection. If the emission inspection is obtained and passed, the expiring safety certificate of inspection may then be replaced with a new safety certificate of inspection at any time prior to the expiration of the certificate of inspection to which the temporary inspection indicator was affixed. The temporary inspection approval indicator will not extend the inspection expiration of any certificate of inspection to which it is affixed and the permanent safety inspection certificate can only be issued by the station that performed the initial safety inspection. Thus, the implementation of these regulations will allow all inspection stations, especially those performing only safety inspections, to perform a safety inspection and subsequent repairs to all subject emission required vehicles. These regulations also emphasize the choice for vehicle owners to seek out inspection stations that do not perform both the safety and emission inspections, making it more convenient for them as well. Specific reporting requirements are also being developed in these amendments so that vehicle owners are made aware of the requirement to have their vehicle's emissions inspected prior to the expiration of their current safety certificate of inspection.

The amendments include the following:

1. Section 175.2 (relating to definitions) has been amended to provide a definition of the term "temporary inspection approval indicator" and to explain that this indicator will be used to reflect that the vehicle has successfully passed the required periodic safety inspection and to serve as a visual reminder to the operator of the vehicle that the enhanced emission inspection needs to occur before the expiration of the existing safety certificate before a new safety certificate of inspection can be affixed to the vehicle.

2. Section 175.11 (relating to coordination of safety and emission inspection) has been added to provide the necessary rules to coordinate the safety and emission inspection programs consistent with the commitment made in the Commonwealth's SIP which was submitted to the EPA. This new section provides the basis to allow safety inspection stations to perform safety inspections and needed repairs on vehicles prior to the enhanced emission inspection by way of the temporary inspection approval indicator. The indicator will serve as a reminder that the emission inspection must be performed before the expiration of the current safety inspection certificate on the vehicle. After successful completion of the emission in-

spection, the vehicle must be returned to the inspection station which performed the safety inspection and have the certificate of safety inspection affixed to the windshield.

3. Section 175.29(f)(4) (relating to obligations and responsibilities of stations) is being amended to list the specific requirements of inspection station personnel to inform vehicle owners, in writing on the repair order, of the requirement to return to the inspection station after the emission inspection requirement has been met.

4. Section 175.29(f)(4)(i) is being added to further list the station's responsibility to inform the vehicle owner that failure to return the vehicle displaying a renewed emission certificate of inspection to the station prior to the expiration of the safety certificate of inspection will void the temporary approval indicator and will necessitate a complete reinspection of the vehicle.

5. Section 175.29(f)(4)(ii) is being added to require the inspection station to list, in writing, the fee charged for affixing a new certificate of safety inspection after the vehicle has returned with evidence of a renewed emission certificate of inspection.

6. Section 175.41 (relating to procedure) has been amended to delineate the rules safety inspection stations must follow when affixing and removing the temporary inspection approval indicator. Although passing the required safety inspection and receiving a temporary inspection approval indicator, the vehicle may not be issued a final safety certificate of inspection until the vehicle has successfully completed the enhanced emissions inspection and displays a renewed emission certificate of inspection. Additionally, the issuance of a temporary inspection approval indicator does not extend the inspection expiration displayed on the face of the sticker but acts only as a visual reminder to the vehicle operator that an emission inspection needs to be conducted and that a renewed certificate of emission inspection needs to be displayed.

7. Section 175.42(d) (relating to recording inspection) has been deleted in its entirety and replaced with more specific requirements that provide safety inspection personnel with the instructions necessary for properly recording, on the required Department form, the issuance of a certificate of safety inspection as well as a temporary inspection approval indicator. It also details the conditions under which an inspection station may not replace a temporary inspection approval indicator with a certificate of inspection.

8. Section 175.43 (relating to security) has been amended to place a duty upon the safety inspection station to keep the temporary inspection approval indicators under lock and key in a safe place.

9. Section 175.44 (relating to ordering certificates of inspection) has been amended to reflect that Form MV-467a, Sticker Insert Requisition, the form for ordering inserts to be affixed to the base certificates of inspection to designate the expiration of the certificate, may also be used to order temporary inspection approval indicators.

10. Section 175.45 (relating to violation of use of certificate of inspection) has been amended to include the making, issuing, transferring or possession of a counterfeit temporary inspection approval indicator or the displaying of a counterfeit temporary inspection approval indicator as a punishable offense consistent with 75 Pa. C.S. § 4730(c) (relating to penalty).

Persons or Entities Affected

These amendments affect vehicle owners, inspection station owners and their employes.

Fiscal Impact

These amendments do not impose additional costs on local governments or on vehicle owners and operators. The Commonwealth will have to expend approximately \$6,000 for the purchase of the temporary inspection approval indicators. These amendments will not require the completion of any additional forms, reports or other paperwork, however, they will modify the method for completing existing forms. Additionally, by allowing the use of these temporary inspection approval indicators during the inspection process, it will not be necessary for owners and operators of inspection garages to purchase additional equipment to check for vehicle emissions or to turn vehicles away, thus losing revenue because they chose not to participate in the enhanced emissions inspection program.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5.1(c)), on August 27, 1997, submitted a copy of these amendments with proposed rulemaking omitted, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. On the same date, these amendments were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-501). In accordance with section 5.1(c) of the Regulatory Review Act, the amendments were deemed approved by the Committees on September 18, 1997, and were deemed approved by IRRC on September 16, 1997. The Department has also provided IRRC and the Committees with a detailed Regulatory Analysis Form, prepared by the Department in compliance with Executive Order 1996-1, "Improving Government Regulations." A copy of this material is available to the public upon request.

Sunset Provisions

The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under 75 Pa. C.S. § 101—9805) (relating to Vehicle Code). The Department, however, will continue to monitor these regulations closely for their effectiveness.

Contact Person

The contact person is John P. Munafo, Vehicle Inspection Division, 3rd Floor-Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 787-2895.

Authority

These amendments are amended under the authority of 75 Pa.C.S. §§ 4101, 4702, 4703, 4706(e), 4728 and 6103.

Findings

The Department of Transportation finds that:

(1) Public notice of intention to amend the administrative regulations amended by this order has been omitted under authority contained in 75 Pa.C.S. § 4706(e), which provides that regulations promulgated by the Department relating to the enhanced emission inspection program are not subject to proposed rulemaking provisions of the CDL or the Regulatory Review Act.

(2) The amendment of these regulations of the Department, in the manner provided in this order, is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 175, are amended by amending §§ 175.2, 175.29 and 175.41—175.45 and adding § 175.11 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

BRADLEY L. MALLORY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 4979 (September 27, 1997).)

Fiscal Note: 18-341(1) Motor License Fund; (2) Implementing Year 1997-98 is \$6,000; (3) 1st Succeeding Year 1998-99 is \$0; 2nd Succeeding Year 1999-00 is \$6,000; 3rd Succeeding Year 2000-01 is \$0; 4th Succeeding Year 2001-02 is \$6,000; 5th Succeeding Year 2002-03 is \$0; (4) Fiscal Year 1996-97 \$87,830,000; Fiscal Year 1995-96 \$79,164,000; Fiscal Year 1994-95 \$78,397,000; (7) Safety Administration and Licensing; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter A. GENERAL PROVISIONS

§ 175.2. Definitions.

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

* * * * *

Temporary inspection approval indicator—An adhesive insert affixed to the current certificate of safety inspection, as viewed from inside the vehicle, used to designate vehicles which have successfully passed a required periodic safety inspection, but do not display a renewed emission certificate of inspection.

* * * * *

§ 175.11. Coordination of safety and emission inspection.

All subject vehicles required to participate in the Enhanced Emission I/M Program shall display on the vehicle a renewed emission certificate of inspection prior to placement of a renewed safety certificate of inspection.

A temporary inspection approval indicator may be used to designate vehicles which have successfully passed the required periodic safety inspection, but must display a renewed emission certificate of inspection, or obtain an official waiver, prior to placement of the renewed safety certificate of inspection. Under this chapter, the expiring safety certificate of inspection may be replaced with a new safety certificate of inspection at any time prior to the expiration of the certificate of inspection to which the temporary inspection approval indicator is affixed. The temporary inspection approval indicator does not extend the inspection expiration of any certificate of inspection to which it is affixed.

§ 175.29. Obligations and responsibilities of stations.

* * * * *

(f) *Customer relations.* The garage owner shall consult the vehicle owner for permission to make repairs.

* * * * *

(4) The vehicle owner shall be informed in writing on the repair order of any parts which, although in passing condition, the mechanic believes may become dangerous before the next inspection period. The brake and tire readings shall be indicated in writing on the repair order. If a temporary inspection approval indicator is issued, the repair order shall also contain the following information:

(i) A statement which specifies that failure to return the vehicle displaying a renewed emission certificate of inspection to the station prior to the expiration of the safety certificate of inspection shall void the temporary inspection approval indicator and necessitate a complete reinspection of the vehicle for which a fee may be charged.

(ii) A statement indicating that the fee for affixing a new certificate of inspection which shall be charged upon the return of the vehicle for the new certificate of inspection to be affixed. This fee shall be no greater than the posted fee for the certificate of inspection as required by § 175.24(2) (relating to required certificates and station signs).

Subchapter C. CERTIFICATE OF INSPECTION

§ 175.41. Procedure.

(a) *Unauthorized display of certificate of inspection.* No certificate of inspection or temporary inspection approval indicator may be marked or affixed to a vehicle unless the vehicle has successfully passed inspection, meeting the requirements of 75 Pa. C.S. §§ 101—9701 (relating to the Vehicle Code) and this chapter.

(b) *Type.* A certificate of inspection shall be selected for the particular type of vehicle being inspected according to this chapter. The certificate of inspection insert shall correspond to the vehicle's registration month based on charts supplied by the Department. The certificate of inspection shall be examined before using. If found to be incorrect, the inspection station supervisor and the Vehicle Control Division shall immediately be notified.

* * * * *

(3) A temporary inspection approval indicator shall be used to designate a vehicle which has successfully passed the required periodic safety inspection, but which shall display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle.

(c) *Required information.* The information on the rear of the certificate of inspection shall be completed in its entirety in permanent ink. The odometer reading is not required to be completed for trailers and motorcycles.

(1) The temporary inspection approval indicator shall be affixed as described in subsection (e)(5) so as to be visible to the vehicle operator (while seated in the driver's location) without obscuring any required information entered on the back of the safety certificate of inspection.

(2) When replacing a certificate of inspection for which a temporary inspection approval indicator has been issued, the back of the new certificate of inspection shall be completed using the information recorded on the report sheet (Form MV-431) at the time of the original inspection.

(d) *Affixing certificate of inspection or temporary inspection approval indicator.* The certificate of inspection or temporary inspection approval indicator shall only be affixed to the vehicle on the premises of the official inspection station and on a portion of the premises located within 100 feet and on the same side of the street as the official inspection station. A certificate of inspection or temporary inspection approval indicator may not be issued or affixed at another area of location.

(1) It is the responsibility of the certified inspection mechanic who performed the inspection to affix the certificate of inspection or temporary inspection approval indicator to the vehicle in the location prescribed by the Department. The certificate of inspection or temporary inspection approval indicator shall be affixed only after completion of the entire inspection, including the road test. A mechanic exempted by the Department from performing the road test under this chapter is responsible for affixing the certificate of inspection or temporary inspection approval indicator.

(i) Inspection stations may not replace a certificate of inspection to which a temporary inspection approval indicator has been affixed if one or more of the following apply:

(A) The inspection station did not perform the original inspection of the vehicle or issue the temporary inspection approval indicator affixed to the current certificate of inspection.

(B) The vehicle does not display a renewed emission certificate of inspection.

(C) The original safety certificate of inspection has expired.

(D) The vehicle is in an obviously unsafe condition, including, but not limited to, bald tires, exhaust leaks, broken glazing and broken or missing lighting.

(ii) Inspection stations may charge the posted fee for inspection of a vehicle to which a temporary inspection approval indicator has been affixed. A fee may not be charged for the temporary inspection approval indicator. The posted fee for the new certificate of inspection may only be charged when the new safety certificate of inspection is affixed to the vehicle.

(2) The surface on which the sticker is to be attached shall be wiped dry and clean of road film, grease and moisture for proper adhesion. The following apply:

* * * * *

(i) The protective slip sheet shall be removed from the adhesive side of the certificate of inspection or temporary inspection approval indicator.

(iii) The sticker shall be positioned carefully, then squeezed until it is tightly affixed to the windshield, body or existing certificate of inspection.

* * * * *

(e) *Certificate of inspection location.* The certificate shall be located as follows:

* * * * *

(5) The temporary inspection approval indicator shall be affixed to the top left portion of the reverse side of the existing safety certificate of inspection so as to be visible to the vehicle operator (while seated in the driver's location) without obscuring any required information entered on the back of the safety certificate of inspection.

(f) *Inspection cycles.* When selecting the proper type of certificate insert, the new expiration date is based upon whether the inspection is an annual or semiannual inspection.

* * * * *

(4) A temporary inspection approval indicator shall be used to indicate that a vehicle has successfully passed the required periodic safety inspection, but shall display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle. The temporary inspection approval indicator does not extend the expiration of any certificate of inspection to which it is affixed.

§ 175.42. Recording inspection.

(a) *Fraudulent recording.* Fraudulent recording of an inspection report sheet will be considered cause for suspension of inspection privileges.

(b) *Signature.* The certified mechanic who performed the entire inspection shall place his signature in the appropriate column of Form MV-431 or MV-480 immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures in the appropriate column.

(1) When the inspection information is transferred from a work order to the Form MV-431 or MV-480 by anyone other than the certified mechanic who performed the inspection, the work order shall contain the certified mechanic's signature and be retained for 2 years. The person who enters the information shall place the name of the certified mechanic in the appropriate column and the initials of the person putting the information on the form in the appropriate column. A mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall sign the work order. The person who transfers the information shall place the names of both certified mechanics in the appropriate column.

(2) A work order shall be available for inspection upon request by the inspection station supervisor or an authorized representative of the Department.

(c) *Duplicates.* An official inspection report sheet shall be maintained in duplicate and, upon completion of the entire sheet, the original copy shall be forwarded immediately to the Bureau of Motor Vehicles, Vehicle Control Division, Post Office Box 8696, Harrisburg, Pennsylvania 17105. The duplicate copy shall be retained as a garage record and kept on file at the station for 2 years. At the close of each inspection period, the original report shall be returned to the Bureau at once, even though all spaces have not been used.

(d) *Content.*

The inspection report sheet (Form MV-431 for passenger cars, trucks and buses or MV-480 for motorcycles and trailers) shall be neat and legible and completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded on the report sheet. Items inspected, adjusted or repaired shall be recorded. If the report sheet lists a piece of equipment which does not apply to the specific type of vehicle being inspected, a dash shall be placed in the column to indicate it has not been overlooked or neglected. Certificates of inspection issued shall be listed in numeric order.

(1) Temporary inspection approval indicators, if issued in lieu of a certificate of inspection, shall be recorded on a separate report sheet (Form MV-431) and shall be indicated in the area designated for the sticker number. This separate report sheet shall be completed as described in this subsection except a "T" shall be entered in the area designated for the sticker number to indicate that a temporary inspection approval indicator was issued. An inspection station may not impose a sticker charge for the issuance of a temporary inspection approval indicator.

(2) Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

(i) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the report sheet (Form MV-431) when the original inspection was performed. This information shall be recorded as a new entry on the regular report sheet (Form MV-431) where all inspection sticker serial numbers issued are recorded.

(ii) Record, on the Form MV-431, the serial number of the new certificate of inspection to be affixed to the vehicle along with the vehicle owner's name, address, VIN, license plate number, vehicle year make and body style. A reference to the date and number of the original inspection performed shall be noted in the shaded area to the left of the area designated for the sticker serial number and total cost (that is, "See T-inspection number 123 dated 01/01/97).

(iii) Enter, in the appropriate area of the report sheet (Form MV-431), the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection.

(3) The certified inspection mechanic replacing the certificate of inspection shall sign the back of the new certificate of inspection and record the information from the original inspection entry (wheels pulled, date of inspection, and the like.) on the new certificate of inspection before it is affixed to the vehicle. The expiring certificate of inspection shall be removed prior to affixing the new certificate of inspection as described in paragraph (2).

(4) Inspection stations may not replace a certificate of inspection to which a temporary inspection approval indicator has been affixed if one or more of the following apply:

(i) The inspection station did not perform the original inspection of the vehicle or issue the temporary inspection approval indicator affixed to the current certificate of inspection.

(ii) The vehicle does not display a renewed emission certificate of inspection.

(iii) The original safety certificate of inspection has expired.

(iv) The vehicle is in an obviously unsafe condition, including, but not limited to, bald tires, exhaust leaks, broken glazing and broken or missing lighting.

(e) *Nonrelated items.* Gas, oil or other nonrelated items may not be included in total charges for repair and inspection.

(f) *Enclosures prohibited.* Letters, checks, sticker requisitions or other items may not be enclosed when forwarding the report forms to the Vehicle Control Division.

(g) *Classifications.* The form numbers and colors listed in this subsection explain the general classification of vehicles to be recorded on each type of inspection record sheets:

(1) *Form MV-431.* Motor vehicles except motorcycles and motor-driven cycles shall be recorded on this form.

(2) *MC-480.* Trailer, motorcycle and motor-driven cycles shall be recorded on this form.

§ 175.43. Security.

(a) *Check for errors.* When inspection stickers are received by the inspection station, they should be checked for errors. If errors are discovered, they shall be reported to the Vehicle Control Division at once.

(b) *Not transferable.* An inspection certificate is not transferable. It shall only be affixed to vehicles as designated on the inspection record sheet of the inspection station to which the certificates were issued.

(c) *Removal.* Except as provided in paragraphs (1) and (3), a certificate of inspection may not be removed from a vehicle for which the certificate was issued, except to replace it with a new certificate of inspection issued under this chapter and Chapter 177 (relating to emission inspection program).

(1) A person replacing or repairing a windshield in a manner that requires removal of a certificate of inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the certificate of inspection and deliver it to the registrant of the vehicle or destroy the certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the certificate. Within the 5-day period, an official inspection station may affix to the vehicle another certificate of inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of inspection. Example: A #1 certificate of inspection shall be replaced with a #1 certificate of inspection. The replacement may be made any time prior to the expiration of the certificate of inspection. A fee of no more than \$2 plus the fee paid to the Department for the certificate may be charged for exchanging the certificate of inspection.

(i) A replacement certificate of inspection may not be issued in the following circumstances.

(A) Acceptable proof of financial responsibility is not provided. For the purpose of this chapter, financial responsibility shall be proven by one of the following documents:

(I) A valid financial responsibility identification card issued in accordance with 31 Pa. Code (relating to insurance).

(II) The declaration page of a valid insurance policy.

(III) A valid self-insurance identification card.

(IV) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(V) A valid insurance policy issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(B) The vehicle is in an obviously unsafe operating condition.

(ii) The portion of the windshield containing the certificate of inspection may be retained for audit by the inspection station supervisor.

(iii) Record all information from the old certificate of inspection on Form MV-431. The replacement certificate of inspection shall be recorded on the same Form MV-431 and marked "replacement sticker issued."

(iv) "Replacement" shall be marked on the reverse side of the replacement certificate of inspection.

(2) Only one current, valid certificate of inspection shall be visible on a vehicle. The old certificate of inspection shall be removed and completely destroyed before a new sticker may be affixed.

(3) A vehicle that has an expired emission certificate of inspection affixed and which no longer has an I/M Registration Indicator on the registration card, shall have the expired emission sticker removed by the safety inspection mechanic who is affixing a new safety certificate of inspection.

(d) *Security.* Inspection certificates and temporary inspection approval indicators shall be kept under lock and key in a safe place. The station owner shall be solely responsible for their safety and shall account for certificates of inspection and temporary inspection approval indicators issued to the station.

(e) *Unused.* Unused certificates of inspection for an expired period shall be retained by the inspection station until audited by the inspection station supervisor. The Department will refund 75% of the purchase price of the unused certificates of inspection after the audit has been completed.

(f) *Issuance of certificates of inspection.* Certificates of inspection will not be issued by the Bureau to anyone who cannot display an executed signature card, Form MV-417. The signature card may not be entrusted to anyone except an employe or other person for whom the inspection station owner or manager will accept full responsibility for certificates of inspection delivered to that person.

(g) *New signature cards.* A new signature card shall be ordered from the Vehicle Control Division immediately whenever one or more of the following occur:

(1) The station copy is lost or stolen. The loss shall be immediately reported to the Vehicle Control Division.

(2) An employe whose signature appears on the card is no longer employed by the station.

(3) The card is defaced, torn or illegible.

(4) A signature is to be added.

§ 175.44. Ordering certificates of inspection.

(a) *Forms.* The following requisition forms shall be used to order certificates of inspection and inserts:

(1) MV-436a. For vehicles.

(2) MV-467a. For inserts and temporary inspection approval indicators.

(b) *Contents.* Required information shall be entered on the order form.

(1) The correct name, address and station number, as shown on the certificate of appointment, shall be entered on every requisition form.

(2) A requisition shall be personally signed by one of the persons whose signature appears on the signature card, Form MV-417. The signature shall be identical to the one on file or the requisition will be rejected. No one may order certificates of inspection unless his signature is on the signature card on file with the Department.

(c) *Additional instructions.* The following also apply:

(1) When special delivery is desired, a separate check shall be enclosed for postage. Do not enclose cash or add the amount for postage to the check for certificates of inspection.

(2) Each sticker requisition shall be accompanied by a separate check. Certificates of inspection may be ordered on one requisition form. Checks shall be made payable to the "Department of Transportation" or "PENNDOT."

(3) A requisition may be a snap-out form with two sheets in each set. A copy shall be forwarded to the Department. No copy may be detached.

(4) Orders for certificates of inspection shall be for multiples of 25, with a minimum of 50 certificates, except that Commonwealth and fleet inspection stations shall order a minimum of 25 certificates.

(5) An incomplete or improper certificate of inspection requisition or check shall be returned to the official inspection station for correction. To avoid unnecessary inconvenience or delay, information shall be rechecked carefully.

(6) If certificates of inspection are to be delivered to a mailing address instead of the inspection station address, the mailing address shall be included on every requisition submitted to the Department.

(d) *Copies.* A copy of the requisition or a Department receipt will be returned with the order of certificates of inspection shipped from the Department. Station copies of the requisitions or Department receipts shall be kept on file at the station for 2 years and shall be made available for inspection upon request of the inspection station supervisor or an authorized representative of the Department.

(e) *Suggested schedule.* Certificates of inspection should be ordered as needed. Thirty days should be allowed for delivery.

(f) *Additional certificates.* An inspection station should anticipate its need for additional certificates of inspection.

§ 175.45. Violation of use of certificate of inspection.

A person may not do any of the following:

(1) Make, issue, transfer or possess an imitation or counterfeit of an official certificate of inspection or temporary inspection approval indicator and shall be sanctioned consistent with 75 Pa.C.S. § 4730(c) (relating to penalty).

(2) Display or cause to be displayed on a vehicle or have in his possession a certificate of inspection or temporary inspection approval indicator knowing it is fictitious, stolen, issued for another vehicle or issued without an inspection having been made and shall be

sanctioned consistent with the provisions of 75 Pa.C.S. § 4730(c) (relating to penalty).

(3) Furnish, loan, give or sell certificates of inspection and approval to another official inspection station or another person except upon an inspection made in accordance with this chapter. See 75 Pa.C.S. § 4730(b).

[Pa.B. Doc. No. 97-1581. Filed for public inspection September 26, 1997, 9:00 a.m.]

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DEPARTMENT OF TRANSPORTATION
[67 PA. CODE CHS. 177 AND 178]
Enhanced Emission Inspection Program

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), by this order adopts amendments by deleting the substance of the existing Chapter 177 and by reestablishing the chapter to enable the Commonwealth to create and maintain an annual, decentralized vehicle emission inspection and maintenance (I/M) program which meets Federal requirements, and by deleting the centralized vehicle emission inspection program appearing in Chapter 178 (relating to enhanced emission inspection) to read as set forth in Annex A. Notice of proposed rulemaking was published at 26 Pa.B. 1221 (March 16, 1996), with an invitation to submit written comments.

Comments Received

The Department received comments from the Independent Regulatory Review Commission (IRRC), the Environmental Protection Agency (EPA), the Pennsylvania Automotive Association (PAA) and the I/M Working Group, an informal group convened by the Department. The following is a summary of the comments received and the Department's response:

(1) IRRC was concerned that many aspects essential for ultimate compliance with the Federal 1990 Clean Air Act (Clean Air Act), as amended by Pub. L. No. 101-54, 104 Stat. 2399—2712 (42 U.S.C.A. §§ 7401—26718), were outside the control of the Department. Of particular concern to IRRC was that the amendments are dependent upon a sufficient number of emission inspection stations participating to handle all subject vehicles at a reasonable, market driven price. IRRC was concerned that the amendments do not clearly explain how many manufacturers the Department anticipates will be available to supply the required equipment, the anticipated affordability of equipment for inspection station owners, or how many emission inspection stations the Department anticipates will be needed in each affected area for market forces to keep prices low. IRRC recommended that the Department explain how these amendments will be reasonably implemented, in accordance with section 5(e)(3)(iv) of the Regulatory Review Act (71 P. S. § 745.5(e)(3)(iv)).

There are five potential suppliers of emissions testing equipment known to the Department. During the pendency of these amendments as proposed, the Department convened several meetings with these manufacturers to advise them of the Commonwealth's program parameters. The Department worked with them on developing equipment which would be both readily available and affordable. The Department advised the manufacturers of both the geographic coverage of the program, the anticipated number of subject vehicles required to be tested on an

annual basis and the number of stations currently participating in the Commonwealth's current basic I/M program. The equipment suppliers are fully aware of the enhanced I/M start-up needs. The Department has no reason to believe that the equipment suppliers will not cooperate in seeing that the enhanced I/M program is able to commence timely. Moreover, the Department believes that many service stations, independent garages, dealerships and other interested entities, will elect to participate in the program because it is market-driven, that is, there is a need for the services to be provided, and the appropriate test fee will be determined by market forces and competition, just as it is in the safety inspection program.

The Department also has been meeting informally with an I/M Working Group, made up of representatives from the Service Station Dealers, the Automotive Repair Association, the Automotive Service Association of Pennsylvania, the Automobile Association of America (AAA), the Department of Environmental Protection (DEP) and the EPA. The I/M Working Group shares the concern of IRRC about affordability of the testing equipment and has looked past just simply affording the equipment at the outset but also whether the independent test and repair station can afford to stay in the program, given the costs of service commitments and the like.

The Department shares these concerns. Accordingly, the Department has amended these final-form regulations to set forth criteria which equipment manufacturers will have to meet for the Department to approve or certify their equipment for sale in this Commonwealth.

The criteria are in § 177.501 (relating to equipment approval procedures). The criteria are as follows:

(1) Equipment manufacturers or providers, or both, or leasing companies shall offer, as an option, extended lease arrangements of up to 10 years.

(2) Equipment manufacturers or providers, or both, must offer a fee per test financing option.

(3) Equipment manufacturers or providers, or both, shall provide for installation at the request of an individual emission inspection station purchasing equipment.

(4) The equipment manufacturers or providers, or both, shall use equipment which is certified to meet California BAR Standards and is modified to meet the requirements of this chapter. Equipment for final approval must perform Commonwealth test procedures and protocols.

(5) Equipment manufacturers or providers, or both, must clearly identify features that it may list as an option and are essential for program compliance.

(6) Equipment manufacturers or providers, or both, must receive prior approval from the Department for any costs associated with software updates.

The Department expects that these criteria for equipment certification will encourage equipment manufacturers to participate in the enhanced I/M program while at the same time reassuring independent emission inspection stations that the equipment provider is responsible and responsive to their needs.

(2) The I/M Working Group commented that many of the existing emission testing stations will continue to participate in the new enhanced emissions testing program because of the coordination with the safety inspection program and the removal of the cap on test fees. The safety inspection program, another inspection program

managed by the Department, operates successfully with a market-driven fee. The Department expects market competition to keep the emissions test fee low.

However, the I/M Working Group noted that requiring the emissions test to have been performed, passed or waived, or both, before a safety sticker can be placed on the vehicle could effectively put smaller safety inspection stations that choose not to participate in the enhanced emissions inspection program out of business. The I/M Working Group requested that the Department investigate other coordination methods to maximize the continued existence of safety inspection stations. The Department agreed to find a way to permit safety inspection stations that choose to not participate in the enhanced I/M program to still be able to perform safety inspections. The goal of the Department was to maximize participation in the enhanced I/M program, not put other stations out of business, and, at the same time, not compromise the integrity of the enhanced I/M program.

Accordingly, the Department amended proposed § 177.51(c) (relating to program requirements) to state that a safety inspection certificate may not be affixed to a vehicle subject to an enhanced inspection until the subject vehicle has passed an emission inspection or received a waiver. Further, the Department has amended Chapter 175 (relating to vehicle equipment and inspection) to accommodate nonparticipating safety inspection stations to permit them to perform safety inspections before the emission inspection. See 27 Pa.B. 5003 (September 27, 1997).

(3) IRRC expressed concern over how the Department is going to fund the initial implementation of the enhanced I/M program, and opined that it could not ascertain from the proposed rulemaking whether there is adequate funding for training, enforcement or for pursuing a contract for program evaluation. IRRC agreed that the Department should pursue a sticker fee to substantially cover the costs of the I/M program. IRRC recommended that the final-form regulations submittal should clearly explain the method of funding that the Department will utilize to ensure adequate funding for training, enforcement and for pursuing a contract for program evaluation.

The Department no longer intends to pursue enabling legislation to charge vehicle owners a sticker fee. Instead, the Department encumbered sufficient moneys to fund a contract to be awarded to an enhanced I/M program manager as well as other miscellaneous costs associated with implementing the enhanced I/M program. The availability of the enhanced I/M program manager request for proposal (RFP) was published at 26 Pa.B. 6245 (December 28, 1996). Responses to the RFP were received March 31, 1997; a successful proposer was selected for contract negotiations; and a contract was executed with MCI Technologies, Inc., on July 9, 1997.

The tasks required of the enhanced I/M program manager include, inter alia, training, enforcement and program evaluation. The Comptroller's office would not permit the Department to execute the contract until funds were encumbered for the first year of the program.

(4) The EPA commented that the proposed I/M rulemaking did not contain mandatory technician training and certification (TTC) for all 25 affected counties, even though the modeling submitted in support of the March 27, 1996, State Implementation Plan (SIP) submittal did contain TTC. The EPA therefore requested that the Commonwealth either modify its modeling submission or

ensure that the final enhanced I/M regulations were consistent with the modeling.

The I/M Working Group also commented on certifying repair technicians. Effective repairs are the key to achieving the goals of the enhanced I/M program. Emphasizing training requirements increases the probability that vehicles that need repairs will in fact be repaired. The I/M Working Group strongly recommended that repair technicians be certified by the Department, recognizing that the certification would serve to enhance the professionalism of the automotive repair industry. The Department agrees. Only certified repair technicians will be authorized to deliver waivers for vehicles which do not or cannot pass the required emissions test.

The Department agrees that the TTC should be a mandatory element of the program. Section 177.106 (relating to repair technician training and certification) has been amended by adding certification requirements and standards. These include completion of a certified repair technician training course, approved by the Department. Certified repair technicians must pass a required written test administered by the Department or its agent.

(5) IRRC also commended the Department for seeking statutory authority to conduct the EPA required visual inspections. At the time of publishing the proposed amendments, the Department had been concerned that the act of February 10, 1994 (P. L. 10, No. 2) (Appendix, Title 75, Vehicles, Supplementary Provisions of Amendatory Statutes), which deleted a reference to antitampering checks, by implication meant that the Department no longer had the specific authority to conduct visual inspections. There may be some technical differences between an antitampering check and a visual inspection, but both essentially function in the same manner. The Department had expected that it might be necessary, to avoid any confusion, to seek additional statutory authority to require visual inspections. However, the Vehicle Code, at 75 Pa.C.S. § 4706(b.2) (relating to prohibition on expenditures for emission inspection program), permits the Department to adopt, as part of the emission program, a provision so long as it is not more stringent or restrictive than that required by the Clean Air Act. Since the EPA regulations require that a visual inspection be part of the enhanced emission inspection, the Department believes that it has the requisite statutory authority to conduct visual inspections as part of the enhanced I/M inspection. Thus, § 177.51(l) has been amended to add the visual inspection component of the enhanced I/M test. Section § 177.204(d) (relating to emission standards) has been amended to include a visual inspection. This language had been published with the proposed amendments. The Department received no objections to this language.

(6) IRRC had several comments concerning the definitions. IRRC commented that in the definition of "general emission inspection station" it should be made clear that appointments as an emission inspection station are made by the Department. The Department agrees to clarify that the appointment of general, Commonwealth or fleet emission inspection stations are made by the Department.

IRRC also commented that the term "general" is extraneous to an emission inspection station. However, the Department respectfully disagrees with this recommendation. The term "general emission inspection station" is used to distinguish it from an emission inspection station that has been licensed as either a "Commonwealth emission inspection station" or a "fleet emission inspection station." A Commonwealth emission inspection station, by definition, can perform emission inspections only on ve-

hicles owned by and engaged exclusively in the official duties of the Federal government, the Commonwealth or a political subdivision of the Commonwealth. A fleet emission inspection station is a station appointed to inspect a minimum of 15 vehicles leased or owned and registered in the name of the person in whose name the certificate of appointment is issued. Thus, neither Commonwealth nor fleet emission inspection stations can perform emission inspections on private vehicles. In contrast, a general emission inspection station is a station appointed to conduct emission inspections on all subject vehicles, including fleet, government and private vehicles. These definitions are also used in Chapter 175. To preserve continuity between this chapter and Chapter 175, the Department is using these terms and definitions. The Department has found, in its imposing sanctions on safety inspection stations, that the courts find the distinction of these terms to be helpful in its review of these matters before them.

IRRC also recommended including a definition of the term "HC—Hydrocarbon" and to clarify the definition of "implement of husbandry" to ensure that it is consistent with the definition contained in 75 Pa.C.S. § 102 (relating to definitions). The Department agrees to make these changes in this final-form regulations.

IRRC also recommended that the definition of "registration recall" be amended to delete the phrase "for an indefinite period" because it is vague and extraneous. The Department agrees that this phrase is unnecessary and has agreed to delete it.

IRRC also recommended ensuring that the definitions of "special mobile equipment" and "VIN—vehicle identification number" be consistent with the definitions already contained in the Vehicle Code. Inasmuch as the definitions were intended to be the same as those contained in the Vehicle Code, the Department has agreed to make these changes.

(7) IRRC commented, with respect to § 177.52(2) and (3) (relating to emission inspection prerequisites), that it would not be administratively feasible for the Department to require emission stations to collect the late fee. IRRC observed that the current safety inspection program also managed by the Department does not assess late fees. IRRC therefore recommended that the Department consider deleting the requirement in the final-form regulations. The Department agrees with this recommendation.

(8) IRRC commented on § 177.52(4). IRRC was concerned with the reasonableness of the proposed requirement because it was not convinced that inspection stations have the ability to ascertain the information concerning every manufacturer's recall notice for every make and model of vehicle. IRRC recommended that the Department delete this requirement from this rule-making, reasoning that when the database with the necessary recall notice information is readily available to each emission inspection station, the Department then implement this requirement through a future proposed rulemaking.

The Department respectfully disagrees with this recommendation. Federal regulations at 40 CFR 51.370 (relating to compliance with recall notices) requires that procedures used to incorporate recall information and methods for tracking and enforcement be detailed in the SIP. This is required even though neither the Department nor the EPA can determine, at this time, a definite source of emission-related manufacturer recall notice information that will be readily available to each emission inspection

station. However, the Department has modified the language contained in these final-form regulations to require that when the EPA National recall data base with the necessary recall notice information is available to the Department, a vehicle owner or operator of a subject vehicle targeted for a voluntary or mandatory manufacturer's applicable emission recall notice shall present proof of compliance with the recall notice to the emission inspection station before the enhanced emission inspection begins. The Department believes that this modification addresses IRRC's concern because it does not obligate the emission inspection station to provide recall information until the EPA has provided the Department with the necessary information.

(9) IRRC observed that § 177.101 (relating to subject vehicles) lists exempted vehicles operated or registered with a specific designation. Section 177.101(c)(4) exempts classic or antique motor vehicles but the list of exempted vehicles does not include collectible motor vehicles. IRRC believes that the amendments should exempt collectible motor vehicles because of their limited use, their specific designation and their statutory similarity to classic and antique motor vehicles. The Department agrees, and has modified the amendment accordingly. The Department also has defined "collectible motor vehicles" within § 177.3 (relating to definitions) of the final-form regulations consistent with 75 Pa.C.S. § 102.

(10) IRRC noted that § 177.204 (relating to emission standards) as proposed did not specify what levels of HC, CO and NO_x must be met for vehicles tested under the Acceleration Simulation Mode (ASM) test, and recommended that the Department include the appropriate data when finalizing the regulations. The Department agrees. The levels are specified in Appendix A, Acceleration Simulation Mode: Pennsylvania Procedures, Standards, Equipment Specifications and Quality Control Requirements, which follows this final-form regulations as part of the equipment specifications and standards. The levels of HC, CO and NO_x which must be met for vehicles tested under the ASM test protocol will be available automatically to the emission test inspector at the time of the test by the software program contained in the test protocol.

(11) IRRC pointed out that the subsections of § 177.405 (relating to emission inspection areas) use the terms "emission inspection" and "enhanced emission inspection," but was not clear if the Department intended to distinguish between the two terms. IRRC recommended that the Department either use consistent language throughout the chapter or clarify the difference between the two terms by using separate subsections in § 177.405 and add appropriate definitions to § 177.3.

The Department agrees. When the enhanced emission inspections begins, there will be two levels of tests performed. Enhanced tests will be performed in the counties of Beaver, Allegheny, Washington, Westmoreland, Bucks, Montgomery, Philadelphia, Delaware and Chester. However, the counties of Lehigh and Northampton, which currently operate a basic emissions program, will be required to upgrade to the enhanced I/M tests in November of 1999. This means that the current emissions tests performed in those counties will continue to be performed until November of 1999. Inasmuch as the existing regulations still apply to the areas of Lehigh and Northampton but that these final-form regulations deleted the existing Chapter 177, the Department agrees to distinguish between "enhanced emission tests" and "basic emission tests" where applicable throughout this final-form rule-

making. When the term "emission inspection" is used, it refers to both the basic and enhanced program.

IRRC also questions the need for a separate § 177.405(b). IRRC believes that this requirement is directly related to the provisions in § 177.405(a)(1)—(4), and recommended that the Department combine subsection (b) with the requirements of subsection (a) for the final-form regulations. The Department has acceded to this request.

(12) IRRC commented that § 177.602 (relating to the schedule of penalties for emission inspection stations) penalizes stations for inspecting more than 12 vehicles per hour, but that § 177.408 (relating to certified emission inspectors) specifies that the number of inspections performed by a certified enhanced emission inspector may not exceed four per hour. Given the apparent discrepancy between these two provisions, IRRC recommended that the Department clearly establish the number of inspections that an inspector can effectively perform in an hour and then use that number consistently in §§ 177.408(f) and 177.602.

The Department agrees with this recommendation. The I/M Working Group reasoned that the number of inspections that could be performed in an hour depended on whether the emissions test performed was a basic test, a PA97 test or a PA97 with ASM test. The I/M Working Group recommended that the number of inspections performed by a certified enhanced emission inspector not exceed more than 12 per hour per utilizing the basic or PA97 or more than six per hour utilizing the PA97 with ASM. The Department has adopted this recommendation in § 177.408(g).

(13) IRRC believed that two clarifications were needed in § 177.421(b)(5) (relating to obligations and responsibilities of station owners/agents). IRRC noted that § 177.421(b)(5)(ii) provides that it is not necessary to discontinue inspections whenever a certified inspector or a person authorized to purchase certificates of inspection is dismissed or resigns. Other portions of the proposed amendments make it clear that emission inspections may only be performed by certified emission inspectors. IRRC recommended that qualifying language be added to § 177.421(b)(5)(ii) to provide that it is not necessary to discontinue inspections if an inspector is dismissed or resigns as long as emission inspections are performed by another certified emission inspector. The Department agrees with this change, and has clarified the language in these final-form regulations.

IRRC also noted that § 177.421(b)(5)(iii) and (iv) requires notification to the Department for changes in address or company name respectively, but that this section does not specify a time frame for notification. IRRC recommended that the Department specify that it must be notified within 5 days of the occurrence consistent with other provisions in this section. The Department generally agrees with this recommendation, but believes that imposition of a suspension for failure to notify the Department within 5 days of a change of address or name occasions a penalty that is too harsh under circumstances when the owner is guilty of an inadvertent omission. The Department believes compliance within 15 days is reasonable and has made the requisite change to these final-form regulations.

IRRC commented that § 177.423 (relating to fleet basic and enhanced emission inspection stations) contained a discrepancy. Fleet inspection stations must order a minimum of 25 certificates, even though fleets are defined as

being at least 15 subject vehicles. IRRC therefore recommended that fleets of less than 25 not be required to order more certificates than they need, and recommended that the minimum order of certificates for fleet inspection stations be consistent with the definition of "fleet" found in § 177.423(a)(1).

The Department respectfully disagrees with this recommendation. For security and cost purposes, the certificates are packaged by the certificate manufacturer in amounts of 25. To permit a fleet inspection station to order less than 25, the Department would have to open up a secure, prewrapped package of certificates, repack them to meet the numbered ordered and then keep track of the certificates that were not provided to the fleet inspection station. The Department believes that adopting this recommendation would compromise security of the certificates. However, the Department recognizes that some fleet inspection stations may not need all of the certificates ordered. The Department permits these stations to return unused certificates at the end of an inspection cycle for a refund.

IRRC noted that § 177.431(1)(i)(A) (relating to quality assurance) provides that overt performed-audits may include a check for document security. IRRC believes that this provision is vague, and recommended that the Department specify which provisions of the chapter provide the requirements for document security that will be checked. The Department agrees with this recommendation, and has amended § 177.431(1)(i)(A) to include a reference to § 177.425(d) (relating to security).

IRRC has also recommended 12 modifications designed to provide clarity and include the following:

(a) IRRC recommended that the term "fuel filler cap," in § 177.281(4)(ii) (relating to the issuance of waiver) be replaced with the term "gas cap or fuel tank cap." The Department has amended this section to include the term "gas cap" when referencing the term "fuel filler cap." The Department desires to continue the use of the term "fuel filler cap" because it is a term consistently used throughout the industry, and the Department believes that use of this term will promote ease of understanding.

(b) Section 177.402(d)(1) (relating to application) requires that if the applicant is a natural person, the applicant must be 18 years of age. IRRC believes that the use of the term "natural person" is vague, and recommended that the Department clarify its intent. The Department agrees, and has modified the final-form regulations by deleting the word "natural" and just requiring the applicant, if a person, to be at least 18 years of age.

(c) IRRC recommends that the term "hang-up check," which is used in § 177.406(b)(2)(ii)(H) (relating to tools and equipment), be defined in § 177.3. The Department does not believe this recommendation should be adopted because "hang up check" is a standard term employed in the industry. The Department does not know how to define the term and maintain consistency within the industry. Thus, the use of this term will promote consistency and thus ease of understanding.

(d) IRRC recommended clarifying the meaning of "bench portion" as used in § 177.406(b)(2)(i). The Department agrees that the term should be clarified, and has done so by deleting § 177.406(b)(2)(i), moving this section to Appendix B, Department Procedures and Specifications, following these final-form regulations, and providing clarification of "bench portion."

(e) Section 177.406(b)(2)(ii) states The system shall automatically enter data indicated—“auto.” IRRC recommended that the Department clarify this sentence to clearly state when and how data will be designated for automatic data entry.

The Department would prefer not to make this amendment. The Department wants to preserve this language, because it has been used in the current basic I/M program since 1984. The industry, to date, has not indicated a problem with this language, and tinkering with the language now may result in misunderstanding. However, the Department has amended § 177.406 by deleting subsection (b)(2)(ii)—(vi), (viii)—(xv) and (b)(3) and reorganizing this material in Appendix B. The information now contained in Appendix B, § 1(a)(2)(ii) (A), (B), (D), (I)—(N) and (S), indicated as (auto), shall be automatically entered into the test record by the analyzer. If the data is not designated as (auto), then manual entry by the emission inspector is required.

(f) IRRC recommended that the Department spell out, in § 177.406(c)(1), the acronym “NBS.” The Department agrees with this modification and has indicated in § 177.406(3)(i) that “NBS” is the acronym for “National Bureau of Standards.”

(g) Section 177.408(c)(4) (relating to certified emission inspectors) requires certified emission inspectors to renew their certification every 2 years under procedures established by the Department. IRRC recommended adding a reference to the section that provides the procedures established by the Department. Accordingly, the Department has amended § 177.408(c)(4) to indicate that the emission inspectors must complete a refresher course consistent with the requirements of Appendix B or pass a written test every 2 years.

(h) Section 177.421(a)(3) and (b)(1) (relating to obligations and responsibilities of station owners/agents) provides a responsibility for notification or surrendering of materials. IRRC noted that the rule, as proposed, does not provide a time frame for notification. IRRC therefore recommended that the Department include a requirement for notification, such as within 5 days, in this section. The Department agrees to adopt this recommendation, and has made the requisite change to these final-form regulations.

(i) Section 177.421(b)(5)(i) requires the emission inspection station to report to the Department when certificates of emission inspection are either lost or stolen. IRRC detected an editorial omission of the definite article “the” before the event or occurrence. The Department agrees to make this inclusion.

(j) IRRC commented on § 177.502(a)(1) (relating to service commitment) and which requires the manufacturer or distributor supplying equipment for sale, lease or rent to do so as specified by the purchase order delivery date. IRRC believes that the Department intends that the manufacturer or distributor provide service consistent with the purchase orders and not the delivery date. The Department agrees, and has amended § 177.502(a)(1) by deleting the phrase “delivery date” from the paragraph.

(k) Section 177.502(a)(5) provides that the manufacturer and distributor visit each station periodically to calibrate equipment in accordance with Bureau procedures. IRRC recommended that the Department include a reference to which Bureau procedures. The Department agrees and has provided a reference to Appendix B within § 177.502(a)(5).

(1) Section 177.602(h) provides a sanction for abandonment of a certificate of appointment whenever the owner of record abandons the place of business or cannot be located. IRRC believes that the section should provide a time frame before making a determination that the owner of record cannot be located. The Department declines to adopt this recommendation, because the owner of record should be able to be located at any time without advance warning or notice. If not, the owner of record is in violation of the terms of the certificate.

Additional Changes and Modifications

The final text of these final-form regulations contains modifications, deletions and additions not otherwise discussed, none of which enlarges the scope of these amendments as originally proposed, and thus, may be published as final rulemaking. The following represents a summary of the changes:

(1) Section 177.3 has been amended by modifying or adding definitions. The definition for “ASM” has been amended by deleting the term “type of transient” and replacing it with “one mode,” as well as adding the term “ASM 5015.” This change was made to more accurately reflect the type of emission testing that will be performed in the five county Philadelphia area.

The term “BAR90,” a term of the California Bureau of Automotive Repair, has been amended to read “BAR97,” as well as to reflect that California considers both the analyzer and a dynamometer as the BAR97 test system.

A definition of “basic emission inspection program” has been added to the definitions. In the fall of 1997, there will be three different types of emissions tests performed, depending on the area, and this definition has been added to clarify what type of test will be performed in Lehigh and Northampton Counties until 1999.

The definition of “certificate of emission inspection” has been amended by adding a sentence stating that the certificate is also referred to as a sticker. This change was made to avoid confusion, as both terms are used interchangeably in this chapter and in the industry.

A definition of “certified repair technician” has been added. This change was made to identify those individuals who have provided proof to the Department of completion of Department or Nationally recognized emission component repair training and therefore are authorized to process requests for and to deliver waivers issued by the Department or a single contractor in the enhanced I/M program.

A definition of the term “collectible motor vehicle” has been added. This change was made to be consistent with the definition contained in 75 Pa. C.S. § 102.

A definition of the term “gas cap test” has been added. This test is one of the evaporative system function test that will be performed in the enhanced I/M program.

The definition of “I/M area” has been amended by adding the phrase “or basic” before enhanced, to indicate that both types of emissions programs will be occurring in this Commonwealth for a certain period of time.

Definitions for “PA97” and “PA97 with ASM” have been added to identify how the Commonwealth is identifying its enhanced programs.

The definition of “quality assurance officer” has been amended to reflect that the quality assurance officer will no longer investigate, inspect or supervise the operations of contractor operated emissions stations because there are no contractor operated enhanced emission stations.

Quality assurance officers investigate, inspect and supervise the operations of all emissions inspection stations, including vehicle dealers authorized to issue new vehicle emission certificates. These changes were made because this language was a remnant from the former centralized I/M regulations, and are not applicable to a decentralized program.

The definition of "recognized repair technician" has been deleted. This change was made because the Department is adding a definition for "certified repair technicians," who will be authorized to deliver waivers issued by the Department or a single contractor. The Department will not be recognizing repair technicians in the enhanced I/M program.

The definition of "registration recall" has been amended by deleting the phrase "for an indefinite period." This change was made to eliminate any confusion over the length of time the registration recall can last.

The definition of "special mobile equipment" was amended by adding the term "but not limited to" before listing which vehicles the Department considers special mobile equipment. This change was made to make the definition consistent with the definition in the Vehicle Code.

The division title of the Vehicle Control Division was changed to the Vehicle Inspection Division, the name of the division within the Department which administers vehicle equipment and inspection matters.

A definition of the "VIID—the Vehicle Inspection Information Data base" was added. The VIID is the computer database established to collect inspection test data and to provide enhanced emission inspection test standards to enhanced emission inspection stations for the purpose of conducting the appropriate emission inspection.

The definition of "VIN" was amended by deleting the term "for registration." This change was made to make the definition consistent with the definition contained in the Vehicle Code.

(2) Section 177.21 (relating to cessation of current vehicle emission inspection program) has been modified to identify which counties are to cease the current basic program. Subsection (b) was added to identify that the counties of Lehigh and Northampton will continue with the basic emission inspection program until November 15, 1999. This change was made to provide clarity as to the scope of the basic and enhanced emission program.

(3) Section 177.22 (relating to commencement date) has been modified by adding that the enhanced program will begin on the date established in the *Pennsylvania Bulletin* or on November 15, 1997, in the five county Philadelphia area and the four county Pittsburgh area and on November 15, 1999, in the remaining counties subject to the I/M program. This change was made at the request of the EPA.

(4) Section 177.23 (relating to notification of requirement for emission inspection) has been modified by inserting the term "or basic" after the word "enhanced." This change was made to differentiate between the two programs that must be maintained until 1999, after which there will be only one program, the enhanced I/M program.

(5) Section 177.24 (relating to program evaluation) was added to indicate that a program evaluation that meets EPA requirements will be performed with data submitted on a biennial basis. This addition was made to fulfill one of the conditions imposed by the EPA for approval of the Enhanced I/M SIP.

Section 177.51(c) has been amended by inserting the words "certificate" and "enhanced" in the second sentence. A safety inspection certificate or sticker for a vehicle subject to an enhanced emission inspection may not be affixed until the subject vehicle has passed an emissions inspection or received a waiver. This requirement only applies to the enhanced program.

Section 177.51(e) has been amended to include the standards for the basic I/M program as well as the enhanced program. This change was made because both emissions programs will be operating in this Commonwealth for a certain time period. A sentence also was added to indicate that the current model year is exempt from emissions testing as are vehicles that are driven less than 5,000 miles per year.

Section 177.51(f) has been amended by deleting the substance of proposed paragraphs (1) and (2) and by reestablishing the information to differentiate between the PA97 with ASM test in the five county Philadelphia area, the PA97 test in the four county Pittsburgh area and the basic I/M program in Lehigh and Northampton. A description of evaporative system function tests was included at § 177.51(g). These tests, which will be performed when the EPA and the Department agree on appropriate procedures, will check the integrity of the fuel system. Former subsections (g)—(l) were renumbered to accommodate these changes.

Section 177.51 has been amended by adding a new subsection (l), which describes the visual inspection to be performed in the enhanced program. This change was made to be consistent with the EPA statutory requirements found in 42 U.S.C.A. § 7511a(c)(3)(B).

Proposed § 177.52 (relating to emission inspection prerequisites) has been deleted in its entirety and reestablished to require that when the EPA National recall database with the necessary recall notice information is available to the Department, the inspection stations shall check the required information. This change was made at the suggestion of IRRC to be consistent with 40 CFR 51.370 (relating to compliance with recall notices).

Section 177.53(2) (relating to the vehicle inspection process) has been modified by deleting the phrase "an emission inspection test report indicating which phases of the emission inspection that the vehicle failed" and replacing it with the phrase "software generated interpretative diagnostic information form based on the particular portions of the test that failed." This change was made to be consistent with how the emission tests will be performed in this Commonwealth.

(6) Proposed § 177.101(a) (relating to subject vehicles) has been deleted and reestablished to add provisions to differentiate the model years that are subject to the basic I/M program and the model years that are subject to the enhanced I/M program. The proposed amendments only dealt with the enhanced I/M program. In addition, collectibles were added as vehicles exempt from emissions testing requirements.

Also exempt are buses with a seating capacity of 16 or more; vehicles being driven or towed for the purpose of inspection; new vehicles while they are in the process of manufacture; and vehicles driven less than 5,000 miles per year.

(7) Section 177.103 (relating to used vehicles after sale or resale) has been amended to reflect that this section refers only to used vehicles after sale or resale. This change was made because new cars, that is, current

model year vehicles, are exempt from emission testing for one year. Used vehicles are exempt from emission testing only for 10 days after resale.

(8) The substance of proposed § 177.106 has been deleted and the substance of § 177.107 (relating to repair technician training) has been moved into § 177.106. The provisions relating to technician training have been further amended by deleting subsection (a). A new subsection (a) was established to authorize certified repair technicians to process requests for and deliver waivers. Until April 1, 1998, person recognized prior October 1, 1997, by an automotive manufacturer, the National Institute for Automotive Service Excellence or other training approved by the Department and certified emission inspectors may process requests for and deliver waivers. At the conclusion of the initial 6 months following October 1, 1997, only certified repair technicians who qualify under § 177.106(b)—(d) may process requests for and deliver waivers.

(9) Section 177.201 (relating to general requirements) has been amended to indicate that the standards and requirements spelled out in this section apply also to the evaporative system function tests. This change was made to accurately reflect what these tests are and how they are to be performed. Section 177.201(4) has been amended to reflect that tests involving measurements may also be performed with approved equipment calibrated as delineated in Appendix A appearing at the conclusion of this chapter. This change was made to advise the regulated industry that the Commonwealth may have specified alternate calibration requirements because the Department considered Federal specifications to be onerous or too costly and unnecessary.

(10) Section 177.202(a) (relating to emission test equipment) has been amended by adding the words "basic and enhanced" before emission test, as well as indicating that the test equipment will either be certified to meet applicable EPA requirements or the performance standards of California BAR97 as they apply to the PA97 analyzer and Appendix A. Changes were made to advise the regulated industry that the Commonwealth may incorporate modifications to the steady-state short test equipment. Some of the California BAR97 standards are not applicable to the Commonwealth's program. Section 177.202(b)(2) has been modified with the addition of the phrase "real time" before data link. This change was made to comply with 40 CFR 51.368(b)(2) (relating to public information and consumer protection) ("Test systems in enhanced I/M programs shall include a real-time data link to a host computer that prevents unauthorized multiple initial tests on the same vehicle in a test cycle and to insure accuracy.") "Real time" is a process wherein the data is immediately transmitted to a central data base as opposed to being stored and transmitted at a later time.

Section 177.202(c) has been restyled as "test equipment for acceleration simulation mode (ASM) emission testing." Further, the substance of the subsection reflects this amendment since the Commonwealth will not be performing transient testing in the five county Philadelphia area, but instead will be performing ASM testing as specified in Appendix A at the conclusion of this chapter. Neither the PA97 or PA97 with ASM is a transient test. Section 177.202(d) has been restyled as "one-speed idle test equipment." The subsection has also been amended to reflect that affected model year vehicles have been changed from 1968—1981 to 1975—1980. These changes were made to accurately reflect the basic emission test.

Section 177.202(e) has been amended to include a reference to model years 1981 and newer vehicles as well to referring Appendix A of this chapter for additional test equipment specifications. These changes were made to accurately reflect the tests that will be performed in this Commonwealth.

(11) Section 177.203 (relating to test procedures) has been reorganized to delineate the test procedure for the basic I/M program in subsection (a) and to outline the test procedures for the enhanced emission inspection program in subsection (b). This amendment has been made to distinguish the test procedures which will co-exist for a 2-year period of time.

(12) Section 177.203(b)(3) has been added to the final-form regulations. This paragraph spells out that evaporative system function tests include a pressure test and a purge test for 1981 and newer model year vehicles and will be administered in the five-county Philadelphia area when the EPA and the Commonwealth agree that these tests can be effectively performed. A new subsection (b)(4) has been added to include provisions on subsequent approval by the EPA of other emission test equipment or test procedures. In that event, the Department may adopt the subsequently approved emission test equipment or procedures.

(13) Section 177.204 has been amended by reorganizing the section to differentiate between the idle test standards applicable in the basic I/M program area, and the idle and ASM test standards applicable in the enhanced I/M program area, idle and ASM test standards. This section shows the cutpoints, that is the level of emissions of HC and CO, for the idle tests. Cutpoints for the ASM tests are contained in Appendix A. This section has been amended further to add provisions for model year coverage for pre-1968 through 1974 vehicles which are covered in the basic I/M program. In addition, standards for the three evaporative system function checks—pressure, purge and gas cap test—have been added to § 177.204(b)(3). Provisions for a visual inspection have been added in § 177.204(b)(4). These provisions require the test inspector to perform an examination through direct observation or indirect observation of, among other things, the catalytic converter, fuel inlet restrictor and evaporative control system components.

(14) Section 177.206 has been reserved for evaporative system purge tests. The EPA is having difficulty in developing either tests or standards that are workable. Until the EPA resolves these issues to the Department's satisfaction, this section will remain reserved.

(15) Section 177.252 (relating to emission inspection test report) has been amended by deleting the section as originally proposed and by reorganizing the section to include additional information from § 177.406. The section now contains a subsection (a) which includes a description of the required test report for the basic I/M program. Subsection (b) includes the requirements for the enhanced I/M program test report. Both of these inspections reports would include, but not be limited to, gross vehicle weight rating, the estimated weight of the vehicle, the engine size and inspection type, the name, address and number of the testing station.

(16) Section 177.253 (relating to responsibility of the station owner for vehicles which fail the I/M test) has been reorganized to provide the correct name of the division within the Department, that is the Vehicle Inspection Division and not the Vehicle Control Division, to initiate the consumer complaint procedure. Aggrieved

motorists may, as an alternative, also continue to consult with the Quality Assurance Officer. This section also has had provisions added which address how owners or operators of vehicles that fail the I/M test may challenge the results of the emission inspection. These additions were made to advise the motoring public that there are options if they believe an emission inspection was performed improperly for any reason.

(17) Section 177.272 (relating to prerequisites) has been amended to indicate that that repair data form is a diagnostic information repair data form and that it be completed and presented to the inspection station as a prerequisite for a retest.

(18) Section 177.274 (relating to retest fees) has been amended to clarify that the retest is free only if the vehicle is returned within 30 days to the emission inspection station that performed the initial inspection. Provisions addressing a referee test have also been added as another avenue of redress for aggrieved motorists. If a referee test is requested after the vehicle has failed the free retest and the vehicle fails the referee test, the vehicle owner or operator shall pay for this test and any subsequent retests.

(19) Section 177.281 (relating to issuance of waiver) has been amended by relieving the emission inspection station of the responsibility of issuing a certificate of inspection, under the conditions spelled out in this section and Appendix A of this chapter and places this duty upon the Department or a single contractor. This change was made to comply with 40 CFR 51.360(c)(1) (relating to issuance of waivers and compliance via diagnostic inspection).

(20) Section 177.282 (relating to annual adjustment of minimum waiver expenditure for enhanced emission inspection areas) has been restyled to reflect that the annual adjustment will apply to the enhanced emission inspection program, consistent with 42 U.S.C.A. § 7511a(c)(3)(C)(iii).

(21) Section 177.291(c) (relating to certificates of emission inspection procedures) has been deleted and proposed subsections (d)—(k) have been renumbered accordingly. This subsection has been deleted because the Department believes that, in this section, it is misleading and vague.

(22) Section 177.292 (relating to recording inspection) has been amended to differentiate the basic inspection program areas from the enhanced inspection program areas by indicating that the certificate of waiver provision appearing in subsection (c) of the proposed amendments applies to basic inspection areas. Further, the subsection has been amended to reflect that the enhanced I/M program will use an electronic waiver process.

(23) Section 177.401 (relating to appointment) has been amended to reflect that the provisions of this section apply to both the basic emission program and the enhanced I/M program. Further, § 177.401(b) has been amended to clarify that the section cited therein is to the Vehicle Code.

(24) Section 177.403(a) (relating to approval of emission inspection station) has been amended to indicate that the inspection station investigator will not be performing the investigation for approval, but instead this responsibility will be handled by the quality assurance officer or other authorized Commonwealth representative or agent. The Department no longer uses the terminology "inspection station investigator," and has transferred that function to the quality assurance officer.

(25) Section 177.404 (relating to required certificates and station signs) has been amended in paragraph (4) to delete a reference to consumer complaint station because there are no consumer complaint stations in the basic emission program or in the enhanced I/M program. Section 177.404(5) has been amended to delineate the correct name of the Department Division responsible for the I/M program, the Vehicle Inspection Division.

(26) Section 177.405 has been amended to delete the term "enhanced" at § 177.405(a), because the requirements of the general provisions apply to both the basic and enhanced I/M programs. In § 177.405(2) and (4), the term "inspection station investigator" is no longer used by the Department and has been deleted. It has been replaced with the term, "quality assurance officer." The Department changed the reference from § 177.405(b) to § 177.405(5) to be consistent. The substance of § 177.405(b) has been moved into a new paragraph (5). This change was made at the suggestion of IRRC since this rule relates to the other general provisions concerning emission inspection areas. Accordingly, since there is no longer a subsection (b), the subsection (a) is understood and thus deleted.

(27) Section 177.406(a) has been amended by including in the list of required tools, a digital multimeter which is applicable in the enhanced I/M program areas using the PA97 with ASM equipment. Particulars concerning the data to be collected have been deleted and moved to Appendix B. Section 177.406(a)(16), relating to approved inspection and maintenance textbooks and workbooks, has been further amended to permit these textbooks and workbooks to exist on an electronic or computerized medium. Subsection (c) has been renumbered paragraph (3) and a new paragraph (3)(ii) has been added which states that the specifications for the calibration gases for enhanced I/M test equipment are provided in Appendix A.

(28) Section 177.407 (relating to hours of operation) has been amended to specify that stations must be operating 5 days a week except for emission inspection stations owned and operated by more than one owner. The more than one owner exception enables smaller enhanced I/M stations to share equipment and therefore perform emissions inspections. A reference to the term "inspection station investigator" has been deleted and replaced with the term "quality assurance officer."

(29) Section 177.408(a) has been amended to reflect that basic emission inspectors must also be certified by the Department. Further, § 177.408(c) has been amended to reflect that the rules within this subsection clearly apply to enhanced emission inspections. Additionally, the requirements for inspectors certified to perform enhanced emission inspections will include computer-based training under the supervision of a certified educational instructor as well as the requirement to complete a refresher course every 2 years. These changes were made to enable the Commonwealth to claim the additional credit in its SIP. The substance of the proposed § 177.408(d) has been moved to subsection (e) and the remaining subsections have been renumbered accordingly. The new subsection (d) provides the requirements to be certified to perform basic emission inspections. The new subsection (e), relating to identification, has been further amended to reflect that the rule relating to possession of a currently valid certification card applies to both a basic or enhanced emission inspector. The new subsection (f), relating to names of inspectors, has been amended to apply to all emission inspectors. Accordingly, the name and inspector certification number of a emission inspector must be

posted on the current list of emission inspectors in a conspicuous place in an inspection station. The new subsection (g), relating to number of inspections, has been amended to reflect that the number of basic or enhanced one or two speed idle inspections may not exceed 12 subject vehicles per hour. Further, inspections utilizing ASM test procedures and equipment may not exceed 6 inspections per hour.

(30) Section 177.501 (relating to equipment approval procedures) was amended by adding a new designator (a) to the proposed text to provide for interim approval of test equipment used in the basic I/M program, substituting the term "interim" for the term "preliminary," and by deleting in subsection (a)(1)(i) references to BAR90 test equipment and Appendix A. Subsection (a)(1) was further amended by deleting subparagraph (iv), relating to interim certification of dynamometers. Subsection (a)(2) was also amended by deleting subparagraph (iv), relating to final approval of dynamometers. These changes were made to reflect that BAR90 analyzers and dynamometers are not required in the basic I/M program.

A new subsection (b) was added to provide for interim and final approval of equipment for use in the enhanced I/M program. Finally, paragraph (3) was renumbered subsection (c) and the phrase "and dynamometer, if applicable," was added to reflect that this subsection applies to both the basic and enhanced equipment approval process.

(31) Section 177.502(a)(2) (relating to service commitment) was amended to delete the word "enhanced" to reflect that this section applies to both the basic and the enhanced program. Subsection (a)(2) has been further amended by requiring the provision of onsite inspector training within 7 days of an owner's request, rather than 45 days, and subsection (a)(4) has been amended by adding the phrase "or leased" and changing the response time for maintenance from 5 business days to 1 business day. These changes were made because the Department believes that a quick response by the equipment manufacturers and providers to requests from the inspection stations for training and maintenance service is critical to the success of the enhanced program.

Subsection (b), relating to the provision of additional services to inspection stations for a fee, has been amended by moving the original content of paragraph (1) to paragraph (2), moving the original content of paragraph (2) to a new paragraph (3) and reorganizing paragraph (1) with the phrase "Service faulty equipment."

Subsection (d) has been added by incorporating new material in the subsection which requires that replacement parts and equipment must be the same as or equivalent to parts or equipment provided by the original equipment manufacturers. This was done to protect the integrity of the enhanced program by ensuring that test equipment would not fail to maintain required accuracy because of the installation of inferior or incorrect parts during repairs.

The proposed subsection (d) was designated and placed in a new subsection (e), and subsection (e)(1), relating to maintenance response time has been amended by changing the requirement for response to a request for maintenance on equipment from 5 business days to 1 business day.

(32) Section 177.503 (relating to performance commitment) has been amended by deleting the term "licensed" in subsection (b) and replacing it with the term "certified" and deleting the term "licensed" in subsection (b)(1) and

replacing it with the term "certified emission." This was done to reflect the fact that this regulation provides for the certification, rather than the licensing, of inspection stations by the Department.

Section 177.503 was further amended by adding a new subsection (c), requiring approved service providers other than equipment manufacturers and suppliers to provide a performance bond or other security to be used in the event of nonperformance or default by the service provider. This was done to ensure that all equipment service providers were subject to the same security requirements as the equipment manufacturers and suppliers and to protect inspection stations from faulty service performance by other service providers.

(33) Subsection 177.504(c) (relating to revocation of approval) has been amended to permit the Department to revoke or suspend the approval of other service providers to provide service and parts to certified emission inspection stations. This was done to ensure that other service providers maintained the same level of service required of equipment manufacturers and providers.

(34) Section 177.602 has been revised in chart form and "Types of Violation" within each schedule have been numbered for clarity and for ease of use. Section 177.602(a) has been amended by dividing the subsection into paragraphs (1) and (2) which now reflect the schedule of penalties for the basic and enhanced programs. Subsection (b) has been amended by deleting the phrase "If the owner, manager, supervisor or other management level employe was without knowledge of the violation." Subsection (c)(3) has been amended to delete the sentence "A subsequent violation which occurs while a current suspension is being served will result in a suspension that will run consecutively with the current suspension." These changes were made to permit the Department to be more flexible in its management of the schedule of penalties.

Finally, § 177.602 has been further amended by deleting subsection (e), relating to issuance of a consent warning in lieu of a suspension. Subsection (d) permits the issuance of points, rather than a suspension, to an inspection station. The Department believes that the issuance of points provides more flexibility than the consent warning. This will also make these regulations consistent with Chapter 175.

(35) Section 177.603 (relating to the schedule of penalties for emission inspectors) has been revised in chart form and "Types of Violation" within each schedule have been numbered for clarity and for ease of use. The section has been divided into paragraphs (1) and (2) to reflect that the schedule of penalties now provides penalties for emission inspectors in both the basic and enhanced programs.

(36) Section 177.604 (relating to schedule of penalties for certified repair technicians) has been amended by moving the substance of the section to § 177.605 and adding the new § 177.604 to provide a schedule of penalties for certified repair technicians. Because the certified repair technician has the privilege of delivering waivers for vehicles, there is an opportunity for fraudulent or careless activity which could impact seriously on the credibility of the Commonwealth's enhanced emission inspection program. Therefore, a means of permitting the Department to suspend or remove the waiver delivery privileges of certified repair technicians was deemed necessary.

Section 177.605 has been amended to include the proposed § 177.604 and the proposed § 177.605 has been amended by renumbering as the new § 177.606 (relating to multiple violation).

(37) These regulations have been amended by the addition of a new § 177.673 (relating to restoration of certification of certified repair technicians after suspension). This section was added to provide a means of restoring certified repair technician privileges suspended under new § 177.604.

(38) These regulations have been amended by adding Appendix A, Acceleration Simulation Mode: Pennsylvania Procedures, Standards, Equipment Specifications, and Quality Control Requirements. The appendix contains equipment and test specifications and standards for Pennsylvania's enhanced emission inspection program.

(39) These regulations have been further amended by adding Appendix B, Department Procedures and Specifications, which contains procedures and standards for the enhanced emission inspection program, including evaporative system function tests and procedures for enhanced emission inspector certification. This appendix also provides emission inspection analyzer specifications for the test equipment used in the basic program.

(40) Chapter 178 which provided rules for a centralized, enhanced emission inspection program, is being deleted since the authority for the centralized regulations has been deleted under the 75 Pa. C.S. § 4706.

Purpose of Chapter 177

The purpose of this chapter is to implement an enhanced emission inspection program as required by the Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and the regulations promulgated thereunder, 40 CFR Part 51 (relating to regulations for preparation, adoption, and submittal of implementation plans).

Purpose of these Amendments

The purpose of these regulations is to differentiate between the two emission inspections that the Commonwealth will have until 1999, a basic I/M program and an enhanced I/M program. The Commonwealth has operated the basic program since 1984. The enhanced I/M program was established to meet EPA requirements and is tailored to meet the unique air quality needs of this Commonwealth. In October of 1997, nine counties are required to participate in the enhanced I/M program, and the remaining 16 counties will participate in the enhanced I/M program in 1999. The enhanced emission inspection program is a vital portion of this Commonwealth's overall clean air strategy, and many of the reductions of volatile organic compounds and nitrogen oxides are associated with the implementation of an enhanced emission inspection program. These amendments are necessary for the Commonwealth to receive final approval from the EPA on its SIP which took credit for the reductions associated with the enhanced inspection and maintenance program.

Persons or Entities Affected

These amendments affect approximately 6.9 million vehicle owners in designated areas of this Commonwealth. These amendments also affect owners and operators of existing emission inspection and repair stations as well as safety inspection stations in I/M areas where emission tests are not performed under the present emission inspection program. Existing safety inspection station owners, operators and mechanics will be able to continue to perform vehicle safety inspections and repairs without being required to also perform emission inspections.

Fiscal Impact

These amendments will impose costs on State and local governments as a consequence of emission inspection and possible repair of their vehicles. Since the Department is not proposing to place a cap on the enhanced emission inspection fee, the initial cost of the fee is estimated to be higher than the current fixed charge of \$8 in the Commonwealth's existing emission inspection program. However, because the test fee will be market-driven, just like the test fee in the safety inspection program, the Department believes that market forces will keep the test fees in an affordable range. In addition, there is a higher cost/waiver limit. The cost to the Commonwealth to implement an enhanced I/M program has been estimated for an expanded, decentralized I/M program. First year start-up costs are estimated at approximately \$ 10 million and \$8 million annually thereafter. All efforts associated with creating and maintaining an enhanced I/M program will be structured to achieve environmental benefits in a cost effective manner, ensuring consistency with National energy and economic policies, while preserving convenience and common sense to the affected vehicle owner. These amendments will not occasion any additional recording or paperwork requirements.

Failure to implement an enhanced I/M program by EPA's target date of November 15, 1997, will result in the imposition of sanctions mandated by the Clean Air Act. There are two sanctions. The first is the loss of Federal highway funds, except for certain specified highway projects. For the Commonwealth, this could mean the loss of up to \$900 million per year in highway funding. The second sanction is the requirement for a two-for-one emissions offset for new sources of pollution in areas that fail to meet ambient air standards. That means that if a new factory generating 50 tons of pollutants per year was to be built in an affected area, sources that generate at least 100 tons of pollution would have to be closed. The EPA must impose one of the sanctions initially, upon a finding by the EPA that a state has failed to meet a requirement of the Clean Air Act. The second sanction must be imposed after 18 months if the State has not yet complied with the requirements during that time period. The imposition of either or both sanctions will seriously hinder economic development in this Commonwealth.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 4, 1996, the Department submitted a copy of the notice of proposed rulemaking, published at 26 Pa. B. 1221 (March 16, 1996), to IRRC and to the Chairpersons of the House and Senate and Committees on Transportation for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee and the Senate Committee on August 18, 1997. IRRC met on August 22, 1997, and approved these regulations in accordance with section 5(c) of the Regulatory Review Act.

Sunset Provisions

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under Federal law and the

75 Pa.C.S. §§ 101—9701 (relating to Vehicle Code). The Department, however, will continue to monitor these regulations for their effectiveness.

Contact Person

The contact person for these amendments is Peter L. Gertz, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, Harrisburg, PA, 17104, (717) 787-2895.

Authority

The amendments are adopted under the authority contained in 75 Pa.C.S. §§ 4103, 4531, 4701, 4706, 4707 and 6103. These statutory provisions, respectively, direct the Department to promulgate and enforce regulations necessary to implement an enhanced vehicle emissions inspection and maintenance program.

Findings

The Department finds that:

(1) Public notice of intention to amend the administrative regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendment of the regulations of the Department in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Department acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 67 Pa. Code chapters 177 and 178, are amended by amending 177.1—177.3 and 177.21—177.23; by adding §§ 177.24, 177.51—177.53, 177.101—177.106, 177.201—177.204, 177.231—177.233, 177.251—177.253, 177.271—177.274, 177.281, 177.282, 177.291, 177.301, 177.302, 177.304, 177.305, 177.401—177.408, 177.421—177.427, 177.431, 177.501—177.504, 177.521, 177.602—177.606, 177.651, 177.652, 177.671—177.673, 177.691 and Appendices A and B; by deleting §§ 177.2a, 177.4—177.9, 177.31—177.40, 177.44—177.48, 177.61, 177.62, 178.1, 178.2, 178.31—178.39, 178.51, 178.101—178.107, 178.201—178.206, 178.231—178.233, 178.251—178.253, 178.271—178.274, 178.291, 178.292, 178.301—178.305, 178.321, 178.331—178.336, 178.401—178.403, 178.421, 178.422, 178.501, 178.521—178.524, 178.551—178.555, 178.571, 178.601—178.607, 178.651, 178.652, 178.671, 178.672, 178.691 and Appendix A to read as set forth in Annex A.

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

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

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin* with an effective compliance date of October 1, 1997.

BRADLEY L. MALLORY,
Secretary

(Editor's note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 4596 (September 6, 1997).)

Fiscal Note: 18-336. No fiscal impact; (8) recommends adoption. The enhanced emission inspection program will be implemented by a contractor who will be paid directly by service providers. Administrative oversight and coordination with the contractor will be accomplished with existing staff and resources in the Department of Transportation. The Commonwealth may incur increased costs to inspect, and possibly repair, any Commonwealth-owned vehicles that are subject to the enhanced emission inspection. These costs are not expected to be significant and will be absorbed within existing appropriations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 177. ENHANCED EMISSION INSPECTION PROGRAM

Subch.

- A. GENERAL PROVISIONS**
- B. SUBJECT VEHICLES**
- C. EMISSION TEST PROCEDURES AND EMISSION STANDARDS**
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Subchapter A. GENERAL PROVISIONS

GENERAL

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GENERAL

§ 177.1. Purpose.

This chapter implements elements of Part IV of the Vehicle Code, 75 Pa.C.S. §§ 4531, 4701, 4702, 4706, 4707 and 4721.

§ 177.2. Application of equipment rules.

Equipment rules apply to subject vehicles operated on a highway, unless specifically exempted by this chapter.

§ 177.2a. (Reserved).

§ 177.3. Definitions.

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

ASM test—Acceleration Simulation Mode test—A one mode “loaded” mode emission test (ASM 5015), utilizing a dynamometer, which simulates driving a vehicle at a predetermined speed and driving condition.

Antique motor vehicle—A motor vehicle, which displays a current antique motor vehicle registration plate issued by the Department, and which is consistent with the definition of “antique motor vehicle” as provided in section 102 of the Vehicle Code (relating to definitions).

Approved exhaust emission analyzer—An instrument, developed for measuring the hydrocarbon, carbon monoxide, carbon dioxide or oxides of nitrogen emissions from the exhaust system of a vehicle, which meets required emission analyzer specifications and program requirements and has been approved by the Department under § 177.406(b) (relating to tools and equipment).

BAR97—The acronym used for the California Bureau of Automotive Repair’s Exhaust Gas Analyzer system Specifications provided in 1996, for the testing and documentation of technical specifications required for the approval of analyzer and dynamometer use in California for the measurement of hydrocarbon and carbon monoxide emissions. These specifications, including performance criteria, design characteristics, instrument evaluation procedures and documentation, warranty requirements and logistics shall be met or surpassed for an exhaust gas analyzer and dynamometer to be considered equivalent to the BAR97 exhaust gas analyzer SYSTEM. Copies of the BAR97 specifications may be obtained from the Department of Consumer Affairs, Bureau of Automotive Repair, California Vehicle Inspection Program, 3116 Bradshaw Road, Sacramento, California 95827. A fee for this document may be required.

BAR80—The acronym used for the California Bureau of Automotive Repair’s Exhaust Gas Analyzer Specifications: 1979 provided in 1980 for the testing and documentation of technical specifications required for the approval of analyzer use in California for the measurement of hydrocarbon and carbon monoxide emissions.

Basic Emission Inspection Program—A vehicle emission program defined by the EPA as a basic program, utilizing BAR 80 or BAR 84 exhaust analyzers to conduct a one speed idle test, and not meeting the requirements of an enhanced emission inspection. This is the initial emissions program which will continue in Lehigh and Northampton Counties until November 15, 1999.

Bureau—The Bureau of Motor Vehicles of the Department.

Business day—Each day in which an appointed emission inspection station is open for business, excluding Sundays and selected State holidays determined by the Department.

CO—carbon monoxide—A colorless, odorless gas formed by incomplete combustion of carbon, including gasoline. It is considered a mobile source pollutant.

CO₂—carbon dioxide—A colorless, odorless incombustible gas formed during respiration and combustion.

Certificate of emission inspection—A serially numbered sticker that, when affixed to the windshield of a vehicle, indicates that the vehicle has passed an emission inspection consistent with this chapter. The certificate is also referred to in this chapter as a sticker.

Certificate of waiver—An official Department document indicating that the requirement of passing emission reinspection has been waived for a vehicle under § 177.291 (relating to certificates of emission inspection procedures).

Certified emission inspector—A person who holds a valid certification card issued by the Bureau which

certifies that the person is qualified and has passed the requirements to perform emission inspections on subject vehicles in an appointed emission inspection station.

Certified repair technician—A person who has provided proof to the Department of completion of Department or Nationally recognized emission component repair training and has received a valid emissions repair technician certificate issued by the Department.

Classic motor vehicle—A motor vehicle, but not a reproduction thereof, which displays a current classic motor vehicle registration plate issued by the Department and meets the definition provided in section 102 of the Vehicle Code.

Collectible motor vehicle—A reconstructed motor vehicle, but not a reproduction thereof, substantially modified from the manufacturer’s original specifications and appearance and maintained in a collectible condition as determined by the Department.

Commonwealth emission inspection station—An inspection station appointed by the Commonwealth to conduct enhanced emission inspections on subject vehicles owned by and engaged exclusively in the performance of the official duties of the Federal government, the Commonwealth or a political subdivision of this Commonwealth.

Consumer complaint emission inspection procedure—The method provided for consumers who wish to have the results of the emission inspection verified at an inspection facility or lane operated under contract to the Department where the verification is supervised by a Department designated official.

Decentralized inspection—A system for vehicle enhanced emission inspections using privately owned and operated, Department-certified facilities to provide for vehicle emission testing or allowing for repairs, or both.

Department—The Department of Transportation of the Commonwealth.

EPA—The United States Environmental Protection Agency.

Emission inspection—The testing of the exhaust emissions of a subject vehicle, while it is running, for CO, HC or NO, as required by Department procedures.

Emission inspection test report—A document automatically generated by the analyzer testing device once the testing cycle is completed. This document will be reviewed by a certified emission inspector before presentation to the owner or driver of the subject vehicle and will provide emission related inspection information, including the test standards and the actual test results for the subject vehicle.

Enhanced emission inspection program—A vehicle emission inspection program as defined by the EPA and which includes computerized emission analyzers, on-road testing and inspection of vehicle emission control devices through a decentralized inspection program.

Federal standard—A minimum standard of vehicle or vehicle equipment performance issued under the National Motor Vehicle Safety Act (49 U.S.C.A. § 30101) the Motor Vehicle Information, Standards and Requirements Act (49 U.S.C.A. § 32301) or the Clean Air Act (42 U.S.C.A. § 7401—7671g).

Field certified exhaust emission analyzer—An approved exhaust emission analyzer certified by the manufacturer or distributor as being properly calibrated at the emission inspection station according to the manufacturer’s speci-

cations and Department procedures and capable of properly recording, storing and transferring test data.

Fleet emission inspection station—An inspection station appointed by the Commonwealth to inspect a minimum of 15 subject vehicles, space permitting, leased or owned and registered in the name of the person in whose name the certificate of appointment is issued.

GVWR—*Gross vehicle weight rating*—The value specified by the manufacturer on the Federal weight certification label as the loaded weight of a single vehicle.

Gas cap test—A fuel filler gas cap test, as specified in § 177.204(2)(iii) (relating to emission standards), that determines whether or not the vehicle's gas cap is functioning as designed.

General emission inspection station—An inspection station appointed by the Department to conduct emission inspections on all subject vehicles, including fleet, government and private vehicles.

HC—*Hydrocarbon*—An organic compound containing carbon and hydrogen and often occurring in petroleum, natural gas, coal and bitumens.

Idle test—A vehicle emission inspection test procedure for sampling exhaust emissions which requires maintaining the vehicle's engine speed in the idle range of rpms. The vehicle engine speed is set with the operational range of rpms as prescribed in 40 CFR Part 51, Subpart S, Appendix B(I) (relating to test procedures), and the exhaust gas emissions are measured within the single idle speed range.

I/M—*Inspection/Maintenance*.

I/M area—The geographic area which the Department has identified as a basic or an enhanced emission I/M program designated area. These areas are certified by the Secretary and published in the *Pennsylvania Bulletin*. Copies of the designations are available upon request.

I/M indicator insert (for safety certificate of inspection)—An insert containing an indicator in the background to be affixed to the safety certificates of inspection to indicate a requirement for an emission I/M inspection.

I/M monthly insert (for a certificate of emission inspection)—An insert to be affixed to the certificate of emission inspection to show the expiration date of the current emission I/M inspection.

I/M registration indicator—An indicator on the registration card which identifies the vehicle as a subject vehicle which shall be emission inspected annually.

Implement of husbandry—A vehicle designed or adapted and determined by the Department to be used exclusively for agricultural operations and infrequently operated or moved upon highways.

Inspection area—The area in which emission inspections shall be conducted.

Light duty trucks—Trucks weighing less than 9,000 pounds GVWR.

Light duty vehicles—Passenger cars or multi-purpose vehicles weighing less than 6,000 pounds GVWR.

Limited fleet inspection periods—Inspection periods in which approved fleet owners/lessors are required to emission inspect their vehicles, as specified in the Application for Fleet Stations form provided by the Department.

NMHC—*Nonmethane hydrocarbons*—A mobile source or exhaust pollutant for which the EPA has set allowable standards.

NO—*Oxides of nitrogen*—A mobile source or exhaust pollutant for which the EPA has set allowable standards.

OBD—*On board diagnostic*—A device which monitors the performance of emission control equipment, the vehicle's fuel metering system and ignition system and other equipment and operating parameters for the purpose of detecting malfunction or deterioration in performance that would be expected to cause a vehicle to fail emissions standards. When these problems are detected, a malfunction indicator lamp located in the dashboard of the vehicle will be illuminated.

On-road testing device—An exhaust gas analyzer capable of measuring vehicle exhaust gas content outside of the emission inspection station environment, while the vehicle is in motion on the road or at a roadside stop.

PA97—The emission inspection analyzer designed to meet the requirements and specifications for idle testing of this Commonwealth's enhanced emission inspection program as defined in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements).

PA97 with dynamometer—The emission inspection analyzer and dynamometer designed to meet the requirements and specifications for ASM testing of this Commonwealth's enhanced emission inspection program as defined in Appendix A.

Qualified Commonwealth employee—An individual, police officer or qualified Department employee, who has completed training in the inspection or weighing of vehicles as required by section 4704, 4981 or 8302 of the Vehicle Code (relating to inspection by police or Commonwealth personnel; weighing and measurement of vehicles; and powers and duties of department).

Quality assurance officer—A person designated by the Department to investigate, inspect and supervise the operations of emission inspection stations.

Qualifying repairs—Vehicle repairs necessary to correct the deficiencies which resulted in a vehicle's failure of the emission inspection test and which count toward the minimum dollar amount required before a waiver may be issued. For those repairs where repair or replacement of emission-related parts requires replacement of other non-emission related equipment constructed as one indivisible unit by the manufacturer, the total replacement costs or repair costs may be counted toward qualifying repairs.

Ppb—Part per billion.

Ppm—Part per million.

Rpm—Revolutions per minute.

Recognized repair facility—A business engaged in the diagnosis and repair of automotive engines and related systems, and one that has been issued or applied for a State sales tax identification number by the Commonwealth or another state jurisdiction.

Registration recall—A formal action of the Department to withdraw the vehicle registration of a vehicle owner or operator for failure to produce proof of correction or waiver of an on-road emission test failure.

Residency exemption—A document issued by the Department stating that a residency exemption application has been verified and approved, and that the vehicle listed is exempt from an emission inspection.

Residency exemption application—An application issued by the Department and used by a Commonwealth vehicle

owner residing outside of a designated emission I/M program area to apply for an exemption from emission inspection when the owner has incorrectly received an I/M indicator on the registration card or registration renewal card.

Secretary—The Secretary of the Department.

Special mobile equipment—Vehicles not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch digging apparatus; well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels and draglines; and self-propelled cranes and tractors, other than truck tractors. The term does not include: house trailers; dump trucks; truck-mounted transit mixers, cranes or shovels; or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Street rod—A motor vehicle, or a reproduction thereof, with a model year of 1948 or older which has been materially altered or modified by the removal, addition or substitution of essential parts and with a gross weight or registered gross weight of not more than 9,000 pounds.

Subject emission control device—The vehicle emission control devices, including the catalytic converter, the fuel tank inlet restrictor and the exhaust gas recirculation (EGR) valve which are required to be inspected as part of the emission inspection program.

Transient test—A vehicle emission inspection test in which the vehicle is tested for exhaust emissions under conditions simulating actual on-road driving conditions. Testing equipment includes a dynamometer that permits simulation of driving and exhaust gas analyzer equipment that analyzes the exhaust gas emissions under various driving conditions.

Two-speed test—A vehicle emission inspection test in which the exhaust emissions are measured at two ranges of engine revolutions per minute (rpm) as prescribed in 40 CFR Part 51, Subpart S, Appendix B(II) (relating to test procedures two speed idle test).

Unsafe condition—A defect, malfunction or condition which may expose an emission inspector to harm in the performance of an emission inspection of that vehicle.

Vehicle Code—75 Pa.C.S.

Vehicle Inspection Division—The division within the Bureau which administers vehicle equipment and inspection matters.

Vehicle equipment standard—A minimum standard for vehicle performance or vehicle equipment performance which meets the needs of vehicle safety, noise control or air quality control, and which is practicable and provides objective criteria.

VIID—Vehicle Inspection Information Database—The vehicle database established to collect inspection test data and to provide enhanced emission inspection test standards to enhanced emission inspection stations for the purpose of conducting the appropriate emission inspection.

VIN—Vehicle identification number—A combination of numbers or letters, or both, which the manufacturer assigns to a vehicle for identification purposes, or, if no

VIN is present on the vehicle, which the Department may assign for identification purposes.

Vehicle year—The date of manufacture of a vehicle as specified by the VIN, or, if this number is not available or cannot be interpreted for the year, the annual production period of the vehicle as designated by the manufacturer.

§§ 177.4—177.9. (Reserved).

IMPLEMENTATION OF ENHANCED EMISSION INSPECTION PROGRAM

§ 177.21. Cessation of current vehicle emission inspection program.

(a) The basic vehicle emission inspection program conducted as of September 30, 1997, in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, and in Allegheny, Beaver, Washington and Westmoreland Counties which exists in *Pennsylvania Code* serial pps. 125257—125266, 140091—140094, 125271—125288, 153617—153620, 125291—125306, 182533 and 182554 will cease to be effective on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* as provided in § 177.22 (relating to commencement date). Certificates of appointment issued to emission inspection stations in the program which exists in the *Pennsylvania Code* serial pages listed in this section will terminate on a date designated by the Secretary in the *Pennsylvania Bulletin*. Emission inspection stations in the emission inspection program which exists in the *Pennsylvania Code* serial pages listed in this section that elect not to be certified to conduct emission inspections under the enhanced emission inspection program shall submit emission inspection related material to Department personnel upon a final audit by the Department.

(b) The basic emission inspection program conducted as of September 30, 1997, in the applicable areas of Lehigh and Northampton Counties will continue as presently conducted and will cease on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* or on November 15, 1999, whichever occurs first.

§ 177.22. Commencement date.

The enhanced I/M program, as described in this chapter, will commence in Bucks, Chester, Delaware, Montgomery, Philadelphia, Allegheny, Beaver, Washington and Westmoreland counties on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* or by November 15, 1997, whichever occurs first. It will commence by November 15, 1999, in the remaining counties subject to the I/M program. The notice will provide affected motorists with at least 60 days notice. The Department may exercise discretion in the implementation of the enhanced I/M program with respect to phasing in the areas required to comply.

§ 177.23. Notification of requirement for emission inspection.

The Department will notify the owner or lessee of a subject vehicle that is required to have a basic or an enhanced emission inspection test.

§ 177.24. Program evaluation.

A program evaluation of the enhanced vehicle inspection and maintenance (I/M) program that meets EPA requirements will be performed with data submitted to EPA on a biennial basis.

§§ 177.31—177.49. (Reserved).

I/M PROGRAM

§ 177.51. Program requirements.

(a) *Network type.* Testing shall be performed through a decentralized system of privately owned and operated, Department-certified facilities.

(b) *Test-and-repair.* Emission inspection stations may conduct both testing and repairing of subject vehicles.

(c) *Annual inspection.* Subject vehicles shall be inspected annually in coordination with a safety inspection according to procedures established by the Bureau. A safety inspection certificate for a vehicle subject to an enhanced emission inspection may not be affixed to the vehicle until the subject vehicle has passed an emission inspection or received a waiver as provided in § 177.281 (relating to issuance of waiver). The term "safety inspection certificate" as used in this subsection does not include temporary inspection approval indicators as defined in § 175.23 (relating to application of equipment rules). Safety inspection stations are not required to conduct emission inspections to maintain certification as safety inspection stations.

(d) *I/M areas covered.* The Department will establish areas of this Commonwealth which are subject to an emission inspection by certification of the Secretary of the need to comply with Federal law and will publish the certification as a notice in the *Pennsylvania Bulletin* listing the I/M areas.

(e) *Model year coverage.*

(1) All subject gasoline-powered motor vehicles with a GVWR of 11,000 pounds or less and registered in a basic I/M inspection program area are required to continue to undergo a basic I/M inspection.

(2) Subject gasoline-powered motor vehicles with a model year of 1975 and newer with a GVWR of 9,000 pounds or less and registered in an enhanced I/M area are subject to an enhanced emission inspection. Current model year vehicles, as defined in § 177.101(c)(13) (relating to subject vehicles), and vehicles driven less than 5,000 miles per year are exempt from this requirement.

(f) *Exhaust emission test types.* The following test types will be administered to the appropriate model years and fuel types:

(1) Beginning October 1, 1997, vehicles registered in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties will be required to undergo the following:

<i>Model Year</i>	<i>Test Type</i>
1975-1980 vehicles and 1975-1983 light duty trucks.	One-speed idle test; gas cap test; visual inspection.
1981 and newer vehicles and 1984 and newer light duty trucks.	ASM 1 (ASM5015); evaporative system function tests (pressure, purge and gas cap); visual inspection;
1981 and newer full time all wheel drive vehicles	Two speed idle test, visual inspection, pressure and gas cap test.

(2) Beginning October 1, 1997, vehicles registered in Beaver, Allegheny, Washington and Westmoreland Counties will be required to undergo the following:

<i>Model Year</i>	<i>Test Type</i>
1975-1980	One-speed idle test; gas cap test; visual inspection.

<i>Model Year</i>	<i>Test Type</i>
1981 and newer	Two-speed idle test; gas cap test; visual inspection.

(3) Until November 1, 1999, vehicles registered in subject areas of Lehigh and Northampton Counties will remain subject to the existing basic I/M test which consists of the following:

<i>Model Year</i>	<i>Test Type</i>
All subject gasoline power vehicles	One-speed idle test

(4) Beginning November 1, 1999, vehicles registered in Lehigh and Northampton Counties and the remaining counties required to undergo emission inspection will undergo the following:

<i>Model Year</i>	<i>Test Type</i>
1975-1980	One-speed idle test; gas cap test; visual inspection.
1981 and newer	Two-speed idle test; gas cap test; visual inspection.

(5) One-speed and two-speed idle testing shall be as described in 40 CFR Part 51, Subpart S, Appendix B (I and II) (relating to one and two-speed idle tests), which is adopted by reference, and Appendix A, acceleration simulation mode Pennsylvania procedures, standards, equipment specifications and quality control requirements.

(g) *Evaporative system function tests.* Evaporative system function tests, including an evaporative system pressure test on 1981 and later model year subject vehicles and an evaporative system purge test on 1981 and later model year subject vehicles shall be administered upon notification by the Department to the emission inspection stations and shall be consistent with §§ 177.201—177.204 and Appendix B (relating to general; and Department procedures and specifications).

(h) *Emission test procedures and standards.* Emission test procedures and standards shall be consistent with §§ 177.201—177.201—177.205.

(i) *Exhaust emission test equipment.* Exhaust emission test equipment requirements shall be consistent with 177.201—177.204.

(j) *On-road testing.* The Department will conduct on road testing of subject vehicles as authorized in section 4704(a)4 of the Vehicle Code (relating to inspection by police or Commonwealth personnel). Drivers of vehicles shall permit the testing of their vehicles by authorized personnel.

(k) *Recall.* The owner of a vehicle for which a voluntary or mandatory manufacturer's emission-related recall notice was issued after 6 months after the commencement of an enhanced I/M program in the affected county shall have the necessary repairs completed prior to presenting the vehicle for emission inspection as a prerequisite to begin the emission inspection process.

(l) *Visual inspection.* A visual emission control device inspection shall be administered as specified in § 177.204 (relating to emission standards) of the vehicle emission control system of 1975 and later model year subject vehicles.

(m) *Subsequent approval by the EPA of emission test equipment, test procedures or report requirements.* If the EPA develops or approves other emission test equipment, test procedures or report requirements, the Department may adopt the subsequently approved equipment, proce-

dures or reports consistent with section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).

§ 177.52. Emission inspection prerequisites.

The following prerequisites shall be accomplished by the vehicle owner or driver prior to the performance of the emission inspection:

(1) The vehicle owner or driver shall present the vehicle registration card to the emission inspection station and pay the required test fee to the inspection station. This fee shall also include one free retest, if the vehicle owner or driver complies with the retest requirements as provided in §§ 177.271—177.274 (relating to retest).

(2) When the EPA National Recall Database with the necessary recall notice information is available to the Department, the inspection station shall check with the VIID when applicable to determine whether an applicable emission-related manufacturer recall notice was issued for the subject vehicle.

(3) When the EPA National Recall Database with the necessary recall notice information is available to the Department, and if a subject vehicle was targeted for a voluntary or mandatory manufacturer's applicable emission recall notice, the vehicle owner or operator shall present proof of compliance with the recall notice to the emission inspection station before the enhanced emission inspection begins.

§ 177.53. Vehicle inspection process.

The vehicle inspection process shall be as follows:

(1) If a subject vehicle passes the basic or enhanced emission inspection requirements, the emission inspection station shall provide the vehicle owner or driver with an emission inspection test report certifying that the vehicle has passed the emission inspection.

(2) If a subject vehicle fails any phase of the enhanced emission inspection requirements, the emission inspection station shall provide the vehicle owner or operator with a software generated interpretative diagnostic information form based on the particular portions of the test that failed.

(3) If a subject vehicle fails any phase of the basic or enhanced emission inspection, the vehicle owner shall have the vehicle repaired and submit the vehicle for retesting.

(4) If the subject vehicle fails the retest, the vehicle owner can apply for a waiver. If the waiver requirements as prescribed in §§ 177.281 and 177.282 (relating to issuance of waiver; and annual adjustment of minimum waiver expenditure) are met, a waiver will be issued.

(5) An emission inspector will place a certificate of emission inspection on the windshield of the subject vehicle, as prescribed in §§ 177.291 (relating to certificates of emission inspection procedures), which has passed the emission requirements or received a waiver.

§ 177.61. (Reserved).

§ 177.62. (Reserved).

Subchapter B. SUBJECT VEHICLES

- Sec. 177.101. Subject vehicles.
- 177.102. Inspection of vehicles reentering this Commonwealth.
- 177.103. Used vehicles after sale or resale.
- 177.104. Vehicles registered in nondesignated areas or other states.
- 177.105. Vehicles requiring emission inspection due to change of address.
- 177.106. Repair technician training and certification.

§ 177.101. Subject vehicles.

(a) *Subject vehicles.*

(1) Subject vehicles in a basic I/M program area include gasoline powered vehicles with a GVWR of 11,000 pounds or less which are:

(i) Moved upon a highway.

(ii) Registered in or required to be registered in a designated I/M area.

(iii) Leased vehicles with registration or titling in the name of someone other than the lessee or user where the motor vehicle is registered or required to be registered in an I/M area.

(2) Subject vehicles in an enhanced I/M program area include gasoline powered 1975 and newer model year vehicles, excluding the current model year, with a GVWR of 9,000 pounds or less which are:

(i) Registered in or required to be registered in a designated enhanced I/M area.

(ii) Leased vehicles with registration or titling in the name of someone other than the lessee or user where the motor vehicle is registered or required to be registered in an I/M area.

(iii) Operated on Federal installations located within an I/M area, regardless of where the vehicles are registered. This requirement applies to employe-owned or leased vehicles, including vehicles owned, leased or operated by civilian and military personnel on Federal installations, as well as agency-owned or operated vehicles. Vehicles exempted from this requirement are:

(A) Tactical military vehicles.

(B) Visiting agency, employe or military personnel vehicles as long as the visits do not exceed 60 calendar days per calendar year.

(iv) School buses 9,000 pounds or less GVWR and other buses with a seating capacity of 15 seats or less with a GVWR of 9,000 pounds or less.

(b) *Documentation of compliance.* The Federal installation shall provide annually, or as requested, documentation of proof of compliance with subsection (a)(2)(iii) to the Department. This documentation shall be updated periodically, but at least in each inspection cycle. The installation shall present a valid certificate of compliance with the I/M program of the Commonwealth or an I/M program deemed acceptable to the Department, for each vehicle.

(c) *Other exempted vehicles.* Other exempted vehicles shall include vehicles operated or registered as one of the following:

(1) Special mobile equipment.

(2) Implements of husbandry.

(3) Motor vehicles being towed.

(4) Classic, antique or collectible motor vehicles.

(5) Motorcycles.

(6) Motorized pedalcycles.

(7) Street rods.

(8) Vehicles repossessed by a financier or collector through the use of miscellaneous motor vehicle business registration plates.

(9) Buses with a seating capacity of 16 or more.

(10) Motor vehicles being driven, or towed by an official inspection station owner or employe for the purpose of inspection.

(11) New vehicles while they are in the process of manufacture, including testing, and not in transit from the manufacturer to a purchaser or dealer.

(12) Vehicles driven less than 5,000 miles in the previous 12 months as indicated by the mileage noted on their safety inspection certificate or by the mileage recorded on the vehicle inspection data base and which were owned by one individual for at least 1 year.

(13) Current model year vehicles which are subject vehicles never before registered in this Commonwealth or any other jurisdiction and which have less than 5,000 miles on their odometers.

§ 177.102. Inspection of vehicles reentering this Commonwealth.

Vehicles subject to emission inspection which have been outside of this Commonwealth continuously for 30 days or more and which, at the time of reentering this Commonwealth, do not bear a currently valid certificate of emission inspection are not required to be inspected until 10 days after reentering this Commonwealth.

§ 177.103. Used vehicles after sale or resale.

(a) A used vehicle, after sale or resale, may be driven without a current inspection certificate for 10 days after the date of sale or resale or entry into this Commonwealth, whichever occurs later. The purchaser of the vehicle, unless contracted otherwise, assumes full responsibility for having the vehicle inspected.

(b) Used vehicles, acquired after sale or resale, bearing a currently valid certificate of emission inspection may be driven on Commonwealth highways until the certificate of emission inspection expires.

§ 177.104. Vehicles registered in nondesignated areas or other states.

A vehicle registered outside a designated area or another state may be inspected for emissions but may not be issued a certificate of emission inspection unless the certificate is specifically requested by a vehicle owner.

§ 177.105. Vehicles requiring emission inspection due to change of address.

Subject vehicles required to participate in the Enhanced Emission I/M Program because of vehicle registration change of address shall be phased into the emission inspection program during the time of the expiration of the current certificate of safety inspection.

§ 177.106. Repair technician training and certification.

(a) *General rule.* Personnel who perform diagnosis and repair of automotive engines and related systems required to meet the emission standards of this chapter may be certified by the Department as certified repair technicians. Only certified repair technicians will be authorized to process requests for and deliver waivers.

(1) From October 1, 1997 to October 1, 1998, certified emission inspectors, as well as certified repair technicians, may process requests for and deliver waivers.

(2) After October 1, 1998, only certified repair technicians certified by the Department may process requests for and deliver waivers.

(b) *Certified repair technician requirements.* A repair technician desiring to be certified shall:

(1) Be 18 years of age or older.

(2) Have a valid driver's license.

(3) Have done one of the following:

(i) Completed and passed a repair technician training course, approved by the Department, that included, at a minimum, information on the following:

(A) Diagnosis and repair of malfunctions in computer controlled close-loop vehicles.

(B) application of emission control theory and diagnostic data to the diagnosis and repair of failures of the emission test and the evaporative system function tests.

(C) Utilization of diagnostic information on systematic or repeated failures observed in the emission test and the evaporative system function tests.

(D) Generalized training on the various subsystems related to emission control.

(E) Passed a 12-hour course pertaining to Commonwealth's emission inspection program and regulations.

(ii) Completed a 12-hour required course pertaining to Commonwealth's emission inspection program and regulations and passed a written test administered by the Department or its agents with a minimum of 80% correct test responses and obtained certification from an automotive manufacturer or from the National Institute for Automotive Service Excellence (ASE) or other training identified by the Department as being equivalent and that certifies that the repair technician is proficient in evaluating and repairing emission control systems.

(c) *Completion of training program.* A person who successfully completes all phases of the training program and who passes the required testing will qualify as a certified repair technician.

(d) *Supplemental training.* The Department may authorize periodic supplemental training as a requirement for a person to maintain the status of a certified repair technician.

Subchapter C. EMISSION TEST PROCEDURES AND EMISSION STANDARDS

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GENERAL

§ 177.201. General requirements.

Emission tests and evaporative system functional tests shall be subject to the following requirements:

(1) Vehicles shall be tested in as-received condition. A vehicle capable of operating on gasoline and other fuel is subject to testing and shall be tested while operating in the gasoline mode.

(2) An initial test is the emission test that occurs the first time in a test cycle. The initial test shall be performed without prior repair or adjustment to the subject vehicle at the emission inspection station, except as provided for in the evaporative system integrity test. An emission inspection performed after the initial test in a test cycle shall be considered a retest.

(3) An official test, once initiated, shall be performed in its entirety regardless of immediate outcome except in the case of an invalid test condition, unsafe conditions or fast pass/fail algorithms.

(4) Tests involving measurements shall be performed with approved equipment that has been calibrated according to the quality control procedures contained in 40 CFR Part 51, Subpart S, Appendix A (relating to calibrations, adjustments and quality control), which is adopted by reference, or as specified in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements).

(5) Vehicles may not be tested if the exhaust system is missing or leaking, or if the vehicle is in an unsafe condition.

(6) Alteration of a vehicle's configuration so that it changes from a certified to a noncertified configuration is prohibited. In the inspection process, vehicles that have been altered from their original certified configuration shall be tested in the same manner as other subject vehicles, in accordance with the following:

(i) Vehicles with engines other than the engine originally installed by the manufacturer, or an identical replacement engine shall be subject to the test procedures and standards for the chassis type and model year, including visual equipment inspections for components that are part of the original certified configuration and part of the normal inspection.

(ii) Vehicles that have been altered from an engine of one fuel type to another fuel type that is subject to the I/M program, for example, from a diesel engine to a gasoline engine shall be subject to the test procedures and standards for the current fuel type, and to the requirements of subparagraph (i).

(iii) Vehicles that are altered to a fuel type for which there is no certified configuration shall be tested according to the most stringent emission standards established for that vehicle type and model year. Emission control device requirements may be waived if the Department determines that the alternatively fueled vehicle configuration would meet the new vehicle standards for that model year without these devices.

§ 177.202. Emission test equipment.

(a) *Performance features of basic and enhanced emission test equipment.* Computerized test systems are required for performing any measurement on subject vehicles. The test equipment shall be certified to meet as applicable EPA requirements, including those contained in 40 CFR Part 51, Subpart S, Appendix D (relating to steady-state short test equipment), which is adopted by reference, or the performance standards of California BAR 97 as they apply to the PA 97 analyzer and Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements). Newly acquired systems shall be subjected to acceptance test procedures to ensure compliance with program specifications.

(1) Emission test equipment shall be capable of testing subject vehicles and shall be updated as needed to accommodate new technology vehicles as well as changes to the program.

(2) At a minimum, emission test equipment shall be:

- (i) Automated to the highest degree commercially available to minimize the potential for intentional fraud or human error, or both.
- (ii) Secure from tampering or abuse, or both.
- (iii) Based upon written specifications.
- (iv) Capable of simultaneously sampling dual exhaust vehicles.

(b) *Functional characteristics of computerized test systems.* The test system is composed of emission measurement devices and other motor vehicle test equipment controlled by a computer.

(1) The test system shall automatically:

- (i) Make pass/fail decisions for all measurements.
- (ii) Record test data to an electronic medium.
- (iii) Conduct regular self-testing of recording accuracy.
- (iv) Perform electrical calibration and system integrity checks before each test, as applicable.
- (v) Initiate system lockouts for:
 - (A) Tampering with security aspects of the test system.
 - (B) Failing to conduct or pass periodic calibration or leak checks.

(C) Failing to conduct or pass the constant volume sampler flow rate check, if applicable.

(D) Failing to conduct or pass one or more of the dynamometer checks, including coast-down, roll speed and roll distance, power absorption capability and inertia weight selection checks, if applicable.

(E) Failing to conduct or pass the pressure monitoring device check, if applicable.

(F) Failing to conduct or pass the purge flow metering system check, if applicable.

(G) Failing to have installed in the test analyzer a full data recording medium or one that passes a cyclical redundancy check.

(2) Test systems shall include a real time data link to the Department computer or other computers as specified by the Department.

(3) The test system shall insure accurate data collection by limiting, cross-checking or confirming manual data entry.

(c) *Test equipment for acceleration simulation mode (ASM) emission testing.* Test equipment for ASM emission testing shall be as specified in Appendix A and quality control regulations of this chapter.

(d) *One-speed idle test equipment.* One speed idle test equipment requirements for model years 1975—1980 shall be as specified in 40 CFR Part 51, Subpart S, Appendix (D)(I) which is adopted by reference.

(e) *Two-speed idle test equipment.* Two-speed idle test equipment for model years 1981 and newer shall be as specified in 40 CFR Part 51, Subpart S, Appendix D which is adopted by reference or Appendix A, as applicable.

§ 177.203. Test procedures.

(a) *Basic I/M program test procedures.*

(1) *Idle testing.* The following steps shall be taken when testing subject vehicles, except 1981 and later Ford Motor Company vehicles:

(i) Emission test data shall be entered into the analyzer by a certified emission inspection inspector using the alpha-numeric keyboard in the sequence specified.

(ii) The digital engine tachometer of the analyzer shall be connected to the subject vehicle engine being tested by means of an inductive pickup.

(iii) The engine shall be at normal operating temperature, not overheating, and with all accessories off.

(iv) The analyzer shall be warmed-up in proper operating condition, and the tachometer pickup shall be attached.

(v) With the motor vehicle in park or neutral gear and wheel chocks in place and the emergency brake secured, accelerate the engine to 2,500 revolutions per minute, plus or minus 300 revolutions per minute, for 30 seconds. Release the accelerator and allow the engine to return to idle.

(vi) With the engine operating at idle, insert the sample probe of the emission analyzer into the vehicle's exhaust pipe. The probe tip shall be inserted at least 12 inches into the tailpipe, or, in the case of a restriction, a device shall be added to prohibit test sample dilution. If multiple tailpipes are present, hardware which is capable of simultaneously sampling both sources shall be used. Simultaneous sampling hardware is not necessary for exhaust systems in which the exhaust pipes originate from a common point.

(vii) Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. These results shall be compared by vehicle model year as shown in § 177.204(1) (relating to emission standards).

(viii) Subject motor vehicles having engines replaced shall be emission inspected by standards corresponding to the model year of the engine.

(ix) For purposes of determining truck test standards, the greater of the registered gross weight or manufacturer's GVWR shall be used.

(x) Vehicles shall be tested in as-received condition. A vehicle capable of operating on gasoline and other fuel is subject to testing and shall be tested while operating in the gasoline mode.

(2) *Restart idle mode test.* For 1981 and later Ford Motor Company vehicles, follow the same sequence as required in the idle mode test in paragraph (1), but add

the following requirement between the steps set forth in paragraph (1)(v) and (vi). The engine shall be turned off and then restarted. After the completion of the 30 second/2,500 rpm cycle in paragraph (1)(vi), the inspector shall immediately insert the sample probe into the tailpipe and immediately proceed with the completion of the emission test.

(b) *Enhanced I/M program test procedures.*

(1) *Idle testing.* Idle tests of all model year subject vehicles shall be performed in accordance with the procedures in 40 CFR Part 51, Subpart S, Appendix B(I) and (II) (relating to test procedures-idle tests) which is adopted by reference, and Appendix A (relating to simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements). The following steps shall be taken when testing subject vehicles:

(i) Emission test data shall be entered into the analyzer by a certified emission inspection inspector using the bar coded vehicle registration card or the alpha-numeric keyboard in the sequence specified.

(ii) Idle tests shall be either one-speed or two speed as specified in § 177.51(f) (relating to program requirements).

(2) *ASM test.* The ASM test of 1981 and newer model year subject vehicles shall be performed in accordance with the ASM test procedure and specifications and quality assurance requirements contained in Appendix A. The ASM test procedure, including algorithms and other procedural details, shall be approved by the EPA prior to use in the I/M program of the Commonwealth. Special test algorithms and pass/fail algorithms may be employed to reduce test time when the test outcome is predictable with near certainty, if approved by the EPA.

(3) *Evaporative system function tests.* Evaporative system function tests, including an evaporative system pressure test and an evaporative system purge test on 1981 and newer model year subject vehicles, shall be administered on subject vehicles registered in Bucks, Chester, Delaware, Montgomery and Philadelphia counties upon notification to the Department of EPA-approved procedures and will be conducted based on the procedures approved by the Department. A gas cap test will be administered on all 1975 and newer model year vehicles subject to the enhanced emission test.

(4) *Subsequent test procedures approved by the EPA.* If the EPA develops or approves other test procedures, including test procedures prescribed in this section, the Department may adopt these subsequently approved test procedures consistent with section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).

§ 177.204. Emission standards.

Subject vehicles shall be rejected if they exceed the following standards:

(1) *Basic I/M program area.*

(i) Passenger cars and trucks less than 6,000 pounds GVWR.

Model year	CO%	HC (ppm)
Pre-1968	10.0	1,600
1968—1969	8.0	800
1970—1974	6.0	600
1975—1979	4.0	400
1980	3.0	300
1981—1985	1.2	220

(ii) Trucks 6,000 pounds through 8,500 pounds GVWR.

Model year	CO%	HC (ppm)
Pre-1970	7.0	1,500
1970—1973	6.5	800
1974—1978	6.0	650
1979	4.0	400
1980	3.0	300
1981 and newer	1.2	220

(iii) Trucks 8,501 pounds through 11,000 pounds GVWR (for vehicles in the basic I/M program).

Model year	CO%	HC (ppm)
Pre-1970	7.0	1,500
1970—1973	6.5	800
1974 and later	6.0	650

(2) *Enhanced I/M program area.*

(i) *Idle test standards.*

(A) Passenger cars and trucks less than 6,000 pounds GVWR.

Model year	CO%	HC (PPM)
1975—1979	4.0	400
1980	3.0	300
1981—1992	1.2	220
1993 and newer	1.0	130

(B) Trucks 6,000 pounds through 9,000 pounds GVWR.

Model year	CO%	HC (PPM)
1975—1978	6.0	650
1975—1978	6.0	650
1979	4.0	400
1980	3.0	300
1981—1992	1.2	220
1993 and newer	1.0	180

(C) Maximum exhaust dilution shall be measured as at least 6% CO plus CO₂ on vehicles subject to a steady-state test as described in 40 CFR Part 51, Subpart S, Appendix B (relating to test procedures), which is adopted by reference.

(ii) *ASM test emission standards.*

Model years 1981 and newer vehicles required to receive an ASM emission inspection shall be subject to standards specified in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements). This includes both phase in and final test standards.

(iii) *Evaporative emission system function test standards.*

(A) A vehicle shall fail the gas cap test if at any time during the 2 minutes of the gas cap test the pressure drops from the starting pressure by more than 6 inches of water, causing the test to be terminated. If the pressure does not drop more than 6 inches during the test, the vehicle shall pass the gas cap test.

(B) A vehicle shall fail the evaporative system pressure test if the system cannot maintain a system pressure above 8 inches of water for 2 minutes after being pressurized to 14 +/- 0.5 inches of water or if no pressure drop is detected when the gas cap is loosened as described in this section. Additionally, a vehicle shall fail the evaporative test if the canister is missing or obviously damaged, if hoses are missing or obviously damaged, or if the gas cap is missing.

(iv) *Visual inspection of vehicle emission control system.*

(A) A visual inspection of the vehicle emission control system of 1975 and later model year subject vehicles shall be conducted on subject vehicles registered in the counties required to perform enhanced vehicle emission inspections. The visual inspection shall look for the presence of the following emission control devices:

- (I) Catalytic converter.
- (II) Exhaust gas recirculation (EGR) valve.
- (III) Positive crankcase ventilation (PCV) valve.
- (IV) Fuel inlet restrictor.
- (V) Air pump.
- (VI) Evaporative control system components.

(B) Visual emission control device inspections shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(C) These inspections shall include a determination as to whether each subject device is present and appears to be properly connected and appears to be the correct type for the certified configuration.

(D) A vehicle shall fail the visual inspection if applicable required emission control equipment specified in clause (A) is not present, is not properly connected or is not the correct type for the certified configuration.

(v) *Subsequent test procedures approved by the EPA.* If the EPA develops or approves other test procedures, including test procedures prescribed in this section, the Department may adopt these subsequently approved test procedures consistent with Section 4706(E) of the vehicle code (relating to prohibition on expenditures for emission inspection program).

§ 177.205. (Reserved).

§ 177.206. (Reserved).

RECALL PROVISIONS

§ 177.231. **Requirements regarding manufacturer recall notices.**

When the EPA vehicle emission related database is available to the Department, owners or lessees of vehicles for which voluntary or mandatory manufacturer emission-related recall notices have been issued shall have the necessary repairs completed prior to submitting the vehicle for emission testing and shall present proof of compliance with the recall notice at the time of emission inspection. This is required to complete the emission inspection process.

§ 177.232. **Compliance with recall notices.**

Owners or lessees of subject vehicles for which the vehicle manufacturer has issued a recall notice more than 3 months prior to the beginning of the emission inspection period shall show proof of compliance with the recall notice prior to commencement of the emission inspection.

§ 177.233. **Failure to comply.**

Failure to comply with this section and §§ 177.231 and 177.232 (relating to requirements regarding manufacturer recall notices; and compliance with recall notices) shall be considered grounds to refuse to initiate an emission inspection.

EMISSION INSPECTION TEST REPORT**§ 177.251. Record of test results.**

The station shall provide the vehicle owner or driver with a computer-generated emission inspection test report.

§ 177.252. Emission inspection test report.

(a) The basic emission I/M program shall require two legible emission inspection test reports including full test details as follows:

<i>Data</i>	<i>Suggested Format</i>
Date	Date: Month/Day/Year 02/23/95
Station Number	Station #:
Inspector Number	Inspector #:
Vehicle ID Number	Vehicle ID #:
RPM Reading	RPM:
HC Standard in PPM	HC STD. PPM:
HC test reading in PPM	HC Test PPM:
CO Standard in %	CO STD. %:
CO Test Reading in %	CO Test %:
CO ₂ Reading in %	CO ₂ %:
Invalid Test	CO ₂ /RPM: (either invalid CO ₂ or RPM Unstable)
or	Sticker #:
Sticker Number	Total Cost:
Total Cost	

Certified emission inspector signature: inspector sig. for signature, data will be manually completed.

(b) The enhanced emission inspection test report shall be as shown on the sample emission inspection report form contained in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements) and shall include:

(1) A vehicle description, including license plate number, VIN, vehicle make and model and odometer reading, GVWR and estimated test weight, engine size and inspection type.

(2) The date and time of the test.

(3) The name and identification number of the individuals performing the tests and the name, address and station number of the test station.

(4) The type of tests performed.

(5) The applicable test standards.

(6) The test results, including exhaust concentrations, pass/fail results for each mode measured and results of visual inspection.

(7) A statement indicating the availability of warranty coverage as required in section 207 of the Clean Air Act (42 U.S.C.A. § 7525).

(8) The results of the recall provisions check, if applicable, including the recall campaign number and date the recall repairs were completed.

(9) A certification that tests were performed in accordance with this chapter and EPA regulations.

§ 177.253. Responsibility of the station owner for vehicles which fail the I/M test.

(a) Owners or operators of vehicles that fail the I/M test shall be provided with an emission inspection test report as described in § 177.252 (relating to emission inspection test report) as well as the consumer complaint

procedure, including the telephone number of the quality assurance officer or the Vehicle Inspection Division.

(b) Owners or operators of vehicles that fail the I/M test may challenge the results of the emission inspection.

(1) A challenge regarding the performance or results of the test shall be made within 10 days of the failure of the emission inspection.

(2) A quality assurance officer or Department representative will function as a referee and will arrange to meet with the owner or operator of a vehicle that fails if requested.

(3) The referee will first determine whether test equipment functioned properly. If the test equipment is functioning correctly, the referee will determine whether proper test procedures were followed. If the equipment and procedures were correct and the vehicle still fails the inspection, the vehicle shall be brought into compliance prior to a retest. If the vehicle passes, a certificate of inspection will be affixed to the vehicle.

(4) If the referee determines that the test equipment malfunctioned, the equipment shall be brought into compliance prior to a referee test. If the equipment cannot be brought into compliance at this meeting, the owner or operator of the vehicle may request that the referee test be conducted at an alternate test location.

RETEST**§ 177.271. Procedure.**

Vehicles that fail the initial test or a retest shall be retested after repair to determine if the repairs were effective for any portion of the inspection that was failed on the previous test. To the extent that repair to correct a previous failure could lead to failure of another portion of the test, that portion shall also be retested.

§ 177.272. Prerequisites.

For a retest, the vehicle owner or driver shall present to the inspection station the emission inspection test report and the diagnostic information repair data form as described in § 177.273 (relating to content of repair data form).

§ 177.273. Content of repair data form.

The repair data form shall include the following:

(1) The repairs performed.

(2) The cost of repairs.

(3) The repair technician's number or name if the person who made the repairs does not have a Department issued technician number.

(4) The repairs recommended by the repair facility that were not performed.

(5) The name, address and telephone number of the repair facility, and station number, if the repair facility is also a department-certified safety or emission inspection station.

§ 177.274. Retest fees.

(a) If the vehicle owner or driver presents the emission inspection test report and the completed repair form to the emission inspection station that performed the initial inspection within 30 calendar days of the initial emission inspection, the vehicle owner or driver shall receive one free retest. Retests after the 30-day period or retests performed after the free retest shall only be performed upon payment of the emission inspection test fee to the emission inspection station.

(b) If a referee test is requested after the vehicle has failed the free retest and the vehicle passes the referee test, a certificate of inspection shall be affixed to the vehicle and the vehicle owner or operator need not pay for this test.

(c) If a referee test is requested after the vehicle has failed the free retest and the vehicle fails the referee test, the vehicle owner or operator shall pay for this test and any subsequent retests. If expenditures for repairs meet or exceed the requirements for a waiver stated in § 177.281 (relating to issuance of waiver), a certificate of inspection with a waiver indicator may be issued. If the requirements for a waiver have not been met, the vehicle shall then be repaired to meet the requirements for passing the emission inspection or for issuance of a waiver.

ISSUANCE OF WAIVER

§ 177.281. Issuance of waiver.

The Department or a single contractor shall issue a certificate of emission inspection with an indicator to show that the vehicle has received a waiver if:

(1) The subject vehicle has failed the initial emission inspection, qualifying repairs have been completed and the subject vehicle has failed the retest.

(2) Emission control devices, as originally equipped, are installed. Vehicles with emission devices which are obsolete and cannot be obtained through the original equipment manufacturer, aftermarket manufacturers or suppliers of used parts are exempt from this paragraph. Specific reporting requirements shall be completed and maintained as specified by the Department in this section and Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements.)

(3) The amount spent on qualifying repairs for a basic emission inspection:

(i) Would exceed \$50 for 1974 and newer model year vehicles.

(ii) Would exceed \$25 for pre-1974 model year vehicles.

(iii) Is recorded on the written estimate stating the general problem, the necessary major parts replacement items and the total necessary repair and labor costs which would exceed the total cost limitations.

(iv) Does not include costs for repairs performed on the vehicle before the initial test failure.

(v) Does include parts costs and labor costs paid for emission repair services performed on the vehicle if paid by the vehicle owner.

(vi) Does not include labor costs when work was performed by the vehicle owner or nonmechanic.

(vii) A low emission tune-up was performed within the cost limitations listed in subparagraph (i) or (ii).

(4) For an enhanced emission inspection, the procedure shall be as described in Appendix A and the amount spent on qualifying repairs shall:

(i) Be at least \$150 for the 2-year period after commencement of the program in the affected area, and which thereafter shall be subject to annual adjustment as described in § 177.282 (relating to annual adjustment of minimum waiver expenditure).

(ii) Include charges for electronic diagnostic inspection, parts costs and labor costs paid for qualifying emission repair services performed on the vehicle if paid by the

vehicle owner and if the qualifying repairs were performed by a recognized or certified repair technician. For qualifying emission repair services performed by someone other than a recognized or certified repair technician, the cost of parts but not labor utilized by nonrepair technicians may apply toward the waiver limit. The cost of parts for the repair or replacement for the following emission control components may be applied: oxygen sensor; catalytic converter; thermal reactor; EGR valve; fuel filler or gas cap; evaporative canister; PCV valve; air pump; distributor; ignition wires; coil; spark plugs; and power train management system. The cost of hoses, gaskets, belts, clamps, brackets or other accessories directly associated with these components may also be applied to the waiver limit. These repairs shall have been performed no more than 60 days prior to the initial emission inspection test.

(iii) Be considered qualifying if they are appropriate to the cause of the test failure.

(iv) Exclude expenses which are incurred in the repair of emission control devices which are:

(A) Found to be tampered with.

(B) Rendered inoperative.

(C) Not installed.

(v) Exclude costs recoverable under an emission warranty, insurance policy or prepaid maintenance agreement. These recoverable cost repairs shall be used before necessary repair costs can be applied toward the waiver cost limitations. The operator of a vehicle within the statutory age and mileage coverage under section 207(b) of the Clean Air Act (42 U.S.C.A. 7525(b)) shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived.

(vi) Exclude the fee for emission inspection.

(vii) Exclude charges for giving a written estimate of needed repairs, except that the fee for an electronic diagnostic inspection may be included.

(viii) Exclude charges for checking for the presence of emission control devices.

(4) The vehicle owner or driver shall present the original of repair bills or receipts for parts to the inspection station to demonstrate compliance with the qualifying dollar amount for that year. The bills shall:

(i) Include the name, address and telephone number of the repair facility.

(ii) Describe the repairs that were performed.

(iii) State the labor or parts costs, or both, for each repair.

(iv) State on the written estimate the general problem, the necessary major parts replacement items and the total necessary repair and labor costs which would exceed the total cost limitations.

(5) Upon completion of waiver requirements and a visual check to determine that repairs were actually made, a certificate of emission inspection with a waiver indicator shall be affixed to the subject vehicle.

(6) Vehicles subject to an enhanced emission test may be issued a certificate of emission inspection with a waiver indicator without meeting the emission test standards of § 177.204 (relating to emission standards) if, after failing an emission retest, a complete, documented physical and functional diagnosis and inspection per-

formed by emission inspection station personnel shows that no additional emission related repairs are needed.

§ 177.282. Annual adjustment of minimum waiver expenditure for enhanced emission inspection areas.

The minimum expenditure for the first 2 years after commencement of the program in an affected area is \$150. Beginning with the 3rd year of the program in an affected area, an expenditure of at least \$450 shall be required to qualify for a waiver. The \$450 expenditure shall be adjusted annually in January of each year by the percentage, if any, by which the Consumer Price Index for the preceding calendar year differs from the Consumer Price Index for 1989. The procedure for using the Consumer Price Index for determining the minimum waiver expenditure shall be as follows:

(1) The Consumer Price Index for a calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

(2) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

§ 177.283. (Reserved).

CERTIFICATES OF EMISSION INSPECTION PROCEDURES

§ 177.291. Certificates of emission inspection procedures.

(a) *Certificates issued.* The Department will issue a certificate of emission inspection, through an official emission inspection station, valid until the next scheduled emission inspection, for a subject motor vehicle which meets both the following:

(1) The motor vehicle has passed an inspection or reinspection performed by the emission inspection station.

(2) The motor vehicle has all required emission control devices installed under § 177.281 (relating to issuance of waiver).

(b) *Certification procedures.*

(1) Motor vehicles inspected under safety inspection regulations existing on October 1, 1997, shall have their registration card checked by the examining inspector for an I/M designated code printed on the registration card.

(2) A registration card containing the designation I/M shall indicate that the vehicles shall be emission inspected.

(3) A motor vehicle with a registration card containing the designation "emission inspection required" shall have a specified I/M indicator insert placed on the proper certificate of safety inspection and affixed to the windshield upon passing safety inspection.

(4) A subject vehicle shall be required to undergo an annual emission inspection and, with the exception of vehicles which receive a waiver under § 177.281 (relating to issuance of waiver) may not exceed the emission standards specified in § 177.204 (relating to emission standards). Upon compliance or issuance of a Certificate of Waiver an emission inspection sticker shall be affixed to the immediate right (when viewed from the driver's position) of the safety inspection sticker or, in the case where a truck weight class sticker is present, to the immediate right (when viewed from the driver's position) of the truck weight class sticker.

(5) If the vehicle fails the emission inspection, no certificate of emission inspection may be issued except under § 177.281.

(6) A motor vehicle bearing a specified safety inspection sticker with an I/M Indicator Insert which does not have a currently valid emission inspection sticker affixed to the windshield shall be in violation of section 4703 of the Vehicle Code (relating to operation of vehicle without official certificate of inspection) and shall be subject to the penalties and fines provided in the Vehicle Code.

(c) *Unauthorized display of certificate of emission inspection.* A certificate of emission inspection may not be marked and affixed to a vehicle until it has successfully passed emission inspection requirements of Chapters 45 and 47 of the Vehicle Code (relating to other required equipment; and inspection of vehicles) and this chapter.

(d) *Required information.* The required information on the rear of the certificate of emission inspection shall be completed in permanent ink.

(e) *Inspection cycle.* The proper I/M monthly insert for certificate of emission inspection shall be coordinated with the vehicle safety inspection. Vehicles which are emission inspected shall receive an inspection for no more than 15 months and no less than 3 months, based on the vehicle's registration month and charts supplied by the Department.

(f) *Affixing certificate.* The certificate of emission inspection shall be affixed to the vehicle only at the premises of the official emission inspection station and on a portion of the premises located within 100 feet and on the same side of the street as the official emission inspection station. Certificates of emission inspection may not be issued or affixed at any other area or location.

(1) The surface on which the sticker is to be attached shall be wiped dry and clean of road film, grease or moisture for proper adhesion. The following instructions apply:

(i) Clean the glass thoroughly.

(ii) Remove the protective slip sheet from the adhesive side of sticker.

(iii) Place the proper monthly indicator insert in the appropriate position so that month and year of expiration are visible to oncoming traffic.

(iv) Position the sticker carefully to the immediate right (when viewed from the driver's position) of the current certificate of safety inspection or, where a truck weight class sticker is present, to the immediate right (when viewed from the driver's position) of the truck weight class sticker. Press firmly until tightly affixed to the windshield.

(2) It shall be the responsibility of the certified emission inspector to affix the certificate of emission inspection. Only the certified emission inspector who performed the entire emission inspection shall affix the certificate of emission inspection to the vehicle.

(g) *Faulty inspection.* A deviation or change in the procedure specified in this section shall be considered a faulty inspection and the certificate of emission inspection issued as a result shall be void.

(h) *Unauthorized display of certificate of emission inspection.* A certificate of emission inspection may not be marked and affixed to a vehicle until the vehicle has successfully passed an emission inspection meeting the emission requirements of Chapters 45 and 47 of the

Vehicle Code (relating to other required equipment and inspection of vehicles) and this chapter.

(i) *Data entry errors.* If a data entry error occurs, the error and the error correction shall be clearly noted on the computerized record of inspection.

(j) *Voided certificates of emission inspection.* If it is necessary to void a certificate of emission inspection, the certificate number and the reason shall be clearly noted on the computerized record of inspection.

§ 177.292. Recording inspection.

(a) *Fraudulent recording.* Fraudulent recording of required data or other forms and cards will be considered cause for suspension of inspection privileges.

(b) *Proper forms.* The emission inspection inspector shall enter required data into the emission analyzer and record required information on the proper and applicable report forms and place his signature in the appropriate columns designated. This shall be done immediately following the emission inspection.

(c) *Certificate of waiver.* For basic inspection program areas, a Certificate of Waiver Form shall be completed and maintained at the emission inspection station for every emission certificate of waiver issued. Information required on the form shall be completed and shall correspond exactly to the subject vehicle for which the waiver was issued. For enhanced emission inspection areas, the electronic waiver process shall be completed on the inspection analyzer. A waiver insert, as supplied by the Department, shall be placed on each emission certificate of inspection issued through the waiver process. The certificate of waiver form may be collected or the results of the electronic waiver process may be reviewed by the Department or its designee on an unannounced periodic basis.

(d) *Nonrelated items.* Gas, oil or other nonrelated items may not be included in the total charges for emission inspection.

(e) *Supply.* A supply of report sheets and other emission forms may be obtained from the Vehicle Inspection Division.

ON-ROAD TESTING

§ 177.301. Authorization to conduct on-road emission testing.

The Department will conduct on-road testing of subject vehicles as authorized in section 4704(a)(4) of the Vehicle Code (relating to inspection by police or Commonwealth personnel).

§ 177.302. On-road testing devices.

Testing may include the use of remote sensing devices or systematic roadside checks using tailpipe exhaust testing devices.

§ 177.303. (Reserved)

§ 177.304. Failure of on-road emission test.

The owner or operator of a subject vehicle that was required to have an enhanced emission inspection and that fails an on-road emission test shall have 30 days following notice of the failure in which to have the failed vehicle pass an enhanced emission inspection or to produce evidence that the subject vehicle has a valid emissions test waiver.

§ 177.305. Failure to produce proof of correction of on-road emission test failure.

If the owner of a subject vehicle fails to produce, within 30 days following notice of the failure of an on-road test, evidence that the vehicle has passed an emission inspection or evidence that the vehicle has a valid emissions inspection test waiver, the Department will recall the vehicle's registration. The vehicle may not be driven on the roads of this Commonwealth except as permitted under section 4703(b)(11) of the Vehicle Code (relating to operation of vehicle without official certificate of inspection).

Subchapter D. OFFICIAL EMISSION INSPECTION STATION REQUIREMENTS

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OBLIGATIONS AND RESPONSIBILITIES OF STATION OWNERS/AGENTS

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QUALITY ASSURANCE

- 177.431. Quality assurance.

GENERAL

§ 177.401. Appointment.

(a) *Authority.* For the purpose of establishing a system of official emission inspection stations, the Bureau will issue certificates of appointment to facilities within this Commonwealth that comply with the Vehicle Code and this title. Official basic and enhanced emission inspection stations are authorized to conduct basic and enhanced emission inspections and issue official certificates of emission inspection.

(b) *Certificate of appointment.* The certificate of appointment for emission inspection stations will be issued only when the Bureau is satisfied that the station is properly equipped and employs certified basic or enhanced emission inspectors, as applicable, to perform basic or enhanced emission inspections. Only those stations fulfilling Department requirements and complying with this chapter will be issued an emission certificate of appointment. Prior involvement with a suspended inspection station may be sufficient cause to deny appointment. The emission certificate of appointment shall be conspicuously displayed at the place for which issued, in accordance with 75 PA C.S. § 4722 (relating to certificate of appointment).

(c) *Certificate not assignable.* A certificate of appointment for an emission inspection station may not be assigned or transferred to another person, business entity or location and shall be valid only for the person or business entity in whose name it is issued and for transaction of business at the place designated therein.

(d) *Valid certificate required.* No person may represent any place as an official emission inspection station unless the station is operating under a valid certificate of appointment issued by the Bureau.

(e) *Inspection stations with common access.* An emission certificate of appointment will not be issued for operation of an official emission inspection station on a part of the premises of another official emission inspection station which utilizes the same access. This subsection does not apply where the inspection stations have separate internal accesses, though sharing a common external access.

(f) *Suspended inspection stations.* An emission certificate of appointment will not be issued for operation of an official emission inspection station on a part of the premises of an official emission inspection station which has been suspended if the owner of the suspended station continues to conduct any type of business which utilizes the same access. This subsection does not apply where the station and the other business each have a separate internal access, though sharing a common external access.

§ 177.402. Application.

(a) *Form.* The applicant shall file one copy of the Official Emission Inspection Station Update/Official Emission Inspection Station Application, with the Bureau. A separate application shall be made for each place of business.

(b) *Bond or proof of insurance.*

(1) An applicant for a certificate of appointment shall furnish a bond, on a form prescribed by the Department, or proof of insurance as required by section 4722(c) of the Vehicle Code (relating to certificate of appointment).

(2) The bond or insurance shall be in the amount of \$10,000 for each place of business and shall provide compensation to a vehicle owner for damage the vehicle may sustain while it is in the possession of the emission inspection station.

(3) The bond or insurance shall be renewed each year.

(4) Cancellation of the bond or insurance shall automatically void the certificate of appointment. Inspections shall cease until the Bureau receives a new bond or proof of insurance.

(c) *Specification of type.* The application shall indicate the type of emission inspection station authorization applied for, that is, Commonwealth, general or fleet.

(d) *Applicant.* The applicant shall be the owner of the business or, in the case of a corporation, some other person specifically authorized to sign the application:

(1) The applicant shall be 18 years of age or older.

(2) If the applicant is a corporation, co-partnership or association, the application shall be signed by an officer, partner or associate, or some other person specifically authorized to sign the application.

(i) The person who signs the application shall be 18 years of age or older.

(ii) Except in the case of an executive officer, partner or associate, written evidence of the authority of the person to sign the application shall be attached to the application and attested to by a partner, or corporation or association officer.

§ 177.403. Approval of emission inspection station.

(a) *Investigation.* A quality assurance officer or other authorized Commonwealth representative or agent will conduct an investigation of each applicant to determine full compliance with Chapter 47 of the Vehicle Code (relating to inspection of vehicles) and this chapter.

(b) *English comprehension.* The applicant and each certified emission inspector shall be sufficiently versed in the English language to understand the Vehicle Code and this chapter.

(c) *Issuance and display of certificate.* Upon approval of the application by the Bureau, a certificate of appointment will be issued to the applicant for the place of business within this Commonwealth as set forth in the application. Emissions inspections may not be performed unless a certificate of appointment has been issued to and is prominently displayed at the officially designated station.

§ 177.404. Required certificates and station signs.

After appointment the owner of an emission inspection station shall prominently display the following:

(1) A certificate of appointment for each type of emission inspection station approved for the location.

(2) A sign clearly stating the fee for inspection, that the fee is the same whether the vehicle passes or fails, that the fee for inspection includes the cost of labor for the inspection, but not the cost of parts, repairs and adjustments, and that no additional charge shall be made by the inspecting station for one necessary reinspection within 30 days of the original inspection. Fleet and Commonwealth stations are exempt from this paragraph.

(3) The current list of certified emission inspectors.

(4) An approved official emission inspection sign outside of the garage that is clearly visible to the public. This sign shall have a keystone design which is at least 24 inches high and 21 inches wide. The background shall be navy blue with gold lettering. The station number plate shall be at least 3 inches high and at least 13 inches wide. The background shall be green with white station numbers. If a keystone designated sign is already present, the station number shall be placed below present plates. If hung from a bracket, the sign shall be double faced. Fleet and Commonwealth emission inspection stations are exempt from this paragraph.

(5) A sign clearly providing the location and telephone number of the quality assurance officer or the Vehicle Inspection Division.

§ 177.405. Emission inspection areas.

(a) Emission inspections shall be conducted within approved enclosed or outside inspection areas that are safe, sound, well ventilated, and in good repair and condition.

(1) Emission inspections shall be conducted within an approved enclosed building when outside temperatures are below 35°F or above 110°F or relative humidity exceeds 85%, or when it is precipitating.

(2) Emission inspections may be conducted in an approved area outside an enclosed building when outside temperatures are between 35°F and 110°F with from 0 to 85% relative humidity and if there is no precipitation. The analyzer shall remain within the approved enclosed building at all times but the probe and exhaust gas hose may be extended outside to the vehicle being inspected.

(b) Anticipated alterations or changes affecting the condition, size or safety of inspection areas shall be reported to the Quality Assurance Officer within 5 days of the anticipated alteration or change.

(c) The floor shall be of a hard, clean surface and in sound, smooth condition. Dirt floors will not be approved.

(d) The inspection area shall be free of obstructions, including shelves, work benches, partitions, displays, machinery and stairways, unless, in the opinion of the Quality Assurance Officer, the obstruction does not protrude into the area far enough to curtail or interfere with inspection.

(e) Enhanced emission inspection stations shall be at least 12 feet by 22 feet.

§ 177.406. Tools and equipment.

(a) *General requirements.* Official emission inspection stations shall have tools and equipment in good, satisfactory operating condition to be able to conduct emission inspections upon a subject vehicle. Tools required shall include the following:

- (1) Portable light.
- (2) Socket set.
- (3) Screw drivers (assorted).
- (4) Floor jack.
- (5) Pliers (assorted sizes).
- (6) Floor stands (two).
- (7) Tachometer.
- (8) Vacuum gauge.
- (9) Hand vacuum pump.
- (10) Dwell meter.
- (11) Timing light.
- (12) Spark plug gapper.
- (13) Propane enrichment set.
- (14) Ohms resistance gauge.
- (15) Wheel chocks.

(16) Approved emission inspection and maintenance textbooks/workbooks or electronic or computerized medium with supplements and current changes and approved handbooks and manuals.

(17) Exhaust emission analyzer approved by the Bureau and certified by the manufacturer as meeting or surpassing specifications set forth in subsection (b).

- (18) PCV tester.
- (19) Approved dynamometer, where applicable.
- (20) Digital multimeter, if applicable.

(b) *Analyzer specifications.* Exhaust emission analyzers approved by the Bureau shall meet the following requirements:

(1) Conform, as applicable, to the following requirements:

(i) For basic emission program areas, meet the specifications in the BAR 80 and Appendix B (relating to Department procedures and specifications), and meet section 207(b) of the Federal Clean Air Act (42 U.S.C.A. § 7541(b)) regarding warranty specifications.

(ii) For enhanced emission program areas, meet PA 97 equipment specifications as provided in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements) and meet section 207(b) of the Federal Clean Air Act (42 U.S.C.A. § 7541(b)) requiring warranty specifications.

- (2) Conform with the following minimum specifications:

(i) Upon the activation of the emission test, the Automatic data collection unit or VIID, as applicable, shall automatically set the standard required for comparison as defined in § 177.204 (relating to emission standards). Standards shall be field programmed by the manufacturer or provided by the vehicle inspection information database, as applicable.

(ii) Approved exhaust emission analyzers shall be powered by alternating current.

(iii) The sample probe shall meet or surpass BAR 80 or PA 97, as applicable, sample probe requirements and be capable of being placed in the tailpipe a minimum of 10 inches with a device, if necessary, to preclude sample dilution.

(3) *Field calibration gases.* Field calibration gases shall meet the following standards:

(i) *Basic emission inspection program test equipment* 1.6% CO, 600 ppm propane; and 11% CO₂, the carrier gas in nitrogen, with a 5% blend tolerance and a certified analytical accuracy of +/-2%. More than three gas blends are acceptable if the 1.6% CO, 600 ppm propane and 11% CO₂ concentrations with a 5% blend tolerance and +/-2% accuracy are maintained. Accuracy of the field calibration gases traceable to National Bureau of Standards (NBS) standard gas +/-2% shall be certified by the individual gas blender and attested to in affidavit form to the Department by a corporate officer. A concentration label stating the gas standard manufacturer's name and production location, batch number and container fill date shall be affixed to the container. Gases used shall be secured from Bureau approved gas blenders. The seller of emission analyzers sold, used or contracted shall have a full gas container installed and operational at time of delivery.

(ii) *Enhanced emission inspection test equipment.* The calibration gases shall be as specified in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements).

§ 177.407. Hours of operation.

Emission inspection stations shall be open for business a minimum of 5 days per week, 40 hours, Monday through Friday between 7 a.m. and 5 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the quality assurance officer. To qualify for a waiver from the provisions of this section, 50% of the working hours shall be between 8 a.m. and 5 p.m. Monday through Friday. This section does not apply to:

- (i) Commonwealth or fleet emission inspection stations,
- (ii) Emission inspection stations owned and operated by more than one owner to do test-only inspections.

§ 177.408. Certified emission inspectors.

(a) *General rule.* Personnel who perform enhanced emission inspections at each emission inspection station will be certified by the Department as basic or enhanced emission inspectors, as applicable. The enhanced emission inspection shall be completely performed by certified enhanced emission inspectors.

(b) *Multiple stations.* A certified emission inspector may work at more than one emission inspection station.

(c) *Certified enhanced emission inspector requirements.* An inspector desiring to be certified to perform enhanced emission inspections shall:

- (1) Be 18 years of age or older.

- (2) Possess a valid Pennsylvania driver license.
- (3) Have done the following:
 - (i) Completed an enhanced emission inspection training course, approved by the Department, that included, at a minimum, information on the following:
 - (A) The air pollution problem, including its cause and effects.
 - (B) The purpose, function and goal of the inspection program.
 - (C) Emission inspection regulations and procedures of the Commonwealth.
 - (D) Technical details of the test procedures and the rationale for their design.
 - (E) Emission control device function, configuration and inspection.
 - (F) Test equipment operation, calibration and maintenance.
 - (G) Quality control procedures and their purpose.
 - (H) Public relations.
 - (I) Safety and health issues related to the inspection process.
 - (ii) Passed a required written test with a minimum of 80% correct test responses.
 - (iii) Proved, through means of a computer-based training/testing (CBT) procedure under supervision of a certified educational instructor or other qualified Commonwealth employe or agent, the ability to perform a complete emission inspection, to properly utilize test equipment and to follow other required test procedures as prescribed in §§ 177.202, 177.203, 177.271 and 177.272. The inability to properly conduct the test procedures shall constitute refusal of certification.
 - (4) Complete a refresher training course, under procedures established by the Department which are stated in Appendix B, or pass the required written test every 2 years.
 - (d) *Certified basic emission inspector requirements.* An inspector desiring to be certified to perform basic emission inspections shall:
 - (1) Be at least 18 years of age.
 - (2) Have:
 - (i) Completed a required emission course.
 - (ii) Passed a required written test.
 - (iii) Satisfactorily proven, under supervision of the instructor, the ability to perform a complete emission inspection and analyzer calibration.
 - (iv) Filed proper application forms.
 - (3) Renew his certification every 2 years under procedures established by the Department.
 - (e) *Identification.* While conducting inspections, a certified enhanced emission inspector shall have in his possession a currently valid inspector basic or enhanced emission inspection certification card issued by the Department.
 - (f) *Names of inspectors.* The names of certified emission inspectors and their inspector certification numbers shall be placed on the Current List of Certified Emission Inspectors form which shall be posted in a conspicuous location at the emission inspection station.

(g) *Number of inspections.* The number of inspections performed by a certified enhanced emission inspector may not exceed more than 12 subject vehicles per hour for the basic or enhanced one or two-speed idle emission inspection and 6 inspections per hour utilizing ASM test equipment and procedures.

OBLIGATIONS AND RESPONSIBILITIES OF STATION OWNERS/AGENTS

§ 177.421. Obligations and responsibilities of station owners/agents.

(a) *Personal liability.* It is the responsibility of the owner of an enhanced emission inspection station:

(1) To conduct the business of the official enhanced emission inspection station honestly and in the best interests of the Commonwealth, under the Vehicle Code and this chapter and, except in the case of a fleet or Commonwealth emission inspection station, to make every reasonable effort to inspect all vehicles upon request.

(2) To make official emission inspection regulations and supplements available for the use of all certified emission inspectors and other employes involved.

(3) To notify within 5 days the quality assurance officer and the Vehicle Inspection Division when a certified emission inspector is hired, resigns or is dismissed.

(4) For basic emission inspection stations, to keep, at the station, for 2 years, current emission inspection records for examination by the quality assurance officer or other authorized persons. For enhanced emission inspection stations, emission inspection records will be maintained on the VIID.

(5) To assume full responsibility for providing the vehicle emission test report to motorists after testing and to have the possible repair requirements stated on a form provided to the vehicle owner or operator.

(6) To keep, at the station, as applicable, for 2 years, duplicate copies of completed Certificate of Emission Requisition Forms, repair order forms related to waivers and the original Certificate of Waiver Forms, and other required forms.

(7) To assume full responsibility, with or without actual knowledge, for:

(i) Every emission inspection conducted at the emission inspection station.

(ii) Every emission inspection waiver delivered by a certified repair technician at the emission inspection station.

(iii) Every certificate of emission inspection issued to the emission inspection station.

(iv) Every violation of the Vehicle Code or this chapter related to emission inspections committed by an employe of the emission inspection station.

(v) Maintaining an adequate supply of current certificates of emission inspection and inserts for issuance.

(8) To perform, as applicable, required maintenance and calibration procedures of emission analyzers according to procedures established by the Department and perform electronic zero and span checks hourly during periods of operation and weekly leak checks.

(9) For basic emission inspection stations, to complete and retain at the station, for 2 years, weekly emission analyzer maintenance and calibration records. The emission analyzer calibration record shall be submitted to the designated Department officials or representatives upon

request. The records for enhanced emission inspection stations may be maintained on the VIID.

(10) To place an emission analyzer out of service when calibration cannot be performed according to procedures established by the Department.

(11) To maintain instrument calibration test results.

(i) For basic emission inspection stations, the analyzer manufacturer or other approved service representative shall write maintenance and calibration information on the Emission Analyzer Maintenance and Calibration Report. This report shall be maintained at the station for 2 years.

(ii) For enhanced emission inspection stations, the information required in this paragraph shall be entered into the VIID by the analyzer manufacturer or other approved service representative as directed by the Department.

(12) To enter into an agreement with the manufacturer or distributor supplying an emission analyzer or other approved service provider to provide the analyzer calibration on the station premises as required by this chapter.

(13) For basic emission inspection stations, to maintain a copy of the inspection report for each inspection. The reports shall be kept in sequential test order whether a sticker is issued or not. Inspection reports shall be completed and signed by the emission inspector. Sticker information may be maintained on an Emission Inspection Record form for each emission inspection. The inspection reports shall be maintained for 2 years. For enhanced emission inspection stations, this information shall be entered into the VIID.

(14) To maintain adequate numbers of current certificates of emission inspection and inserts for issuance.

(i) *Data entry errors.* If a data entry error occurs, the error and the error correction shall be clearly noted.

(ii) *Voided stickers.* If it is necessary to void a sticker, the sticker number and the reason shall be clearly noted.

(b) *Certificate of appointment.* A certificate of appointment is not assignable and is valid only for the owner in whose name it is issued.

(1) If there is a change of ownership, the certificate of appointment, unissued certificates of inspection and inspection material shall be surrendered to the quality assurance officer within 5 days. If the new owner desires to continue providing emission inspections, the owner shall submit an Official Emission Inspection Station Update/Official Emission Inspection Station Application to the Bureau. An investigation of the premises will be conducted by the inspection station investigator.

(2) In the following circumstances, it is not necessary to surrender unissued certificates of emission inspection; however, inspections may not be conducted until the new ownership has been approved and a new certificate of appointment has been issued:

(i) Creation, modification or termination of a partnership.

(ii) Incorporation of a business.

(iii) Transfer of the controlling interest in a corporation.

(iv) Transfer of ownership to a spouse, child or parent.

(3) If there are changes of location of an emission inspection station:

(i) An Official Emission Inspection Station Update/Official Emission Inspection Station Application shall be completed and submitted to the Bureau.

(A) An investigation of the premises shall be conducted by the quality assurance officer.

(B) Certificates of inspections shall be audited by the quality assurance officer or his supervisor and will be retained by the station owner.

(ii) An emission inspection may not be made at the new location until it has been investigated, an approved emission analyzer has been installed and calibrated by an approved emission analyzer manufacturer or other approved service representative, and a new certificate of appointment has been issued by the Bureau.

(iii) A quality assurance officer will pick up all current emission certificates of inspection and retain them until the new location is approved, if the new location is not approved at the time of investigation.

(4) Emission inspections shall be discontinued if:

(i) The owner vacates, abandons or discontinues the inspection business with or without notice to the Bureau and the quality assurance officer and supervisor. The quality assurance officer or supervisor will pick up all certificates of emission appointment, records and all other emission inspection materials and return them to the Bureau.

(ii) The owner is deceased and if a member of the family or a partner wishes to continue the business, a new application for appointment shall be submitted to the Department.

(iii) If station owner does not pay for required services rendered by the vendor or other approved service provider, the vendor or other approved service representative may file a written complaint with the Department, and the Department, after providing the opportunity for a hearing, may suspend the certificate of appointment until payment has been made.

(5) The following events shall be reported at once to the quality assurance officer and the Bureau; however, it is not necessary to discontinue inspections:

(i) Whenever certificates of emission inspection are damaged, lost or stolen. Telephone communication to the Bureau within 5 days of the event shall be required providing the serial number of each missing emission certificate.

(ii) Whenever a certified emission inspector or a person authorized to purchase certificates of inspection is dismissed or resigns, as long as emission inspections are performed by another certified emission inspector.

(iii) Whenever changes in a post office address of an emission inspection station, not location, occur, they shall be reported in writing within 30 days to the quality assurance officer and the Bureau on an Official Emission Inspection Station Update/Official Emission Inspection Station Application.

(iv) Whenever changes of the company name, not ownership, occur, they shall be reported within 30 days on an Official Emission Inspection Station Update/Official Emission Inspection Station Application.

(v) Whenever a person who signs the Official Emission Inspection corporation is no longer in charge of the emission inspection station:

(A) A new Official Emission Inspection Station Update/Official Emission Inspection Station Application shall be submitted to the Bureau immediately.

(B) A new letter of authority shall be required for the person signing the Official Emission Inspection Station Update/Official Emission Inspection Station Application.

(6) Whenever a person, whose name is on the Authorized Agents For Receiving Stickers Form, resigns or is relieved of his emission inspection responsibilities, the owner shall complete a new Authorized Agents For Receiving Stickers Form and submit the completed form to the Bureau immediately.

(7) Customer relations shall be governed by the following:

(i) The garage owner or certified emission inspector shall consult the vehicle owner for permission before emission adjustments are made.

(A) Permission may be established at the time the vehicle is brought to the station or after it is determined to what extent adjustments are needed.

(B) The vehicle owner is allowed to perform his own adjustments, or to select anyone he chooses to do the work for him.

(ii) Parts replaced as a result of inspection shall be retained until the vehicle is returned to the customer. The customer shall have the right to examine replaced parts.

(iii) Inspection station owners and inspectors should be courteous and patient in explaining to the motorist that the requirements of emission inspection are designed to promote clean air. Employes should clearly understand that the function of an official emission inspection station is to perform emission inspections consistent with this chapter.

(iv) The garage owner, authorized manager or certified emission inspection inspector shall provide notice to customers of the location of the nearest quality assurance officer or the Vehicle Inspection Division.

§ 177.422. Commonwealth basic and enhanced emission inspection stations.

(a) *Eligibility.* The designation, Commonwealth Enhanced Emission Inspection Station, will be issued to stations owned and operated by the following:

- (1) The Federal government.
- (2) The Commonwealth.
- (3) A political subdivision of the Commonwealth.

(b) *General requirements.* An applicant for a Commonwealth emission inspection station shall meet the requirements of this chapter, including the requirements for fleet stations.

(c) *Certified emission inspection inspector.* Each official Commonwealth emission inspection station shall have at least one certified emission inspection inspector.

(d) *Method of inspection.* A Commonwealth emission inspection station may, by mutual agreement with another governmental body, inspect and issue certificates of emission inspection to vehicles registered in the name of that governmental body. Inspection fees, as defined in this chapter, may be charged for the inspection. Charges may be collected for repairs.

§ 177.423. Fleet basic and enhanced emission inspection stations.

(a) Eligibility requirements for fleet emission inspection stations are as follows:

(1) *Minimum number of vehicles.* A fleet emission inspection station owner shall own or lease at least 15 subject vehicles.

(2) *Authorized subject vehicles.* The certificate of appointment shall authorize emission inspection of subject vehicles registered or leased by the fleet emission inspection station owner. Privately owned or registered vehicles of company officers and employes may not be emission inspected at a fleet emission inspection station, even if they are used for business purposes.

(3) *Certificate cancellation.* The fleet emission inspection certificate shall be cancelled if the number of subject vehicles owned or leased falls below 15, except for a temporary delay in ordering or receiving additional vehicles to supplement the fleet.

(b) Each fleet emission inspection station shall have at least one certified enhanced emission inspection inspector.

(c) Requirements for fleet inspection stations shall include the following:

(1) Applicants for a fleet emission inspection station shall comply with this chapter unless specifically exempted.

(2) Inspection areas shall be large enough to accommodate the largest subject vehicle to be inspected at the fleet emission inspection facility, in addition to meeting the minimum inspection area requirements of § 177.405 (relating to emission inspection areas).

(d) Limited inspection periods and limitations on the length of service requirements are permitted if the station meets the following:

(1) Fleet vehicles subject to emission inspections are registered in the limited inspection periods, as defined in § 177.3 (relating to definitions).

(2) The station owner, in writing, requests the Department to permit a limited inspection period. This request shall specify the month in which emission inspections will be performed.

(3) The station owner submits a copy of the manufacturer/station agreement specifying regulation service commitments for the limited inspection period.

(4) The station owner is granted written Department approval after a station review and a fleet vehicle registration certification is completed. The approval will designate the months in which emission inspections shall be performed.

(5) The station owner performs emission inspections only during months designated by the Department.

(e) Limited inspection period emission analyzer service requirements with accompanying limitations as to the length of service requirements are as follows:

(1) Station owners shall ensure that required manufacturer/station service commitments are in force during this limited period.

(2) Station owners shall pay for costs to bring the approved analyzer into compliance and monthly or quarterly fees required by the manufacturer or other approved service representative during the limited inspection period.

(3) Station owners shall be responsible for notifying the quality assurance officer or the Vehicle Inspection Division of the starting and ending times for the limited inspection periods. Failure to notify the Department may result in cancellation of this privilege.

(4) Station owners may not permit emission inspections to be performed during the limited inspection period until the Department has been notified by the analyzer manufacturer or other approved Commonwealth agent or service representative that the analyzer is in compliance with all requirements and the Department so notifies the station owner. Failure to comply with this paragraph may result in cancellation of limited inspection period privileges.

§ 177.424. General emission inspection stations.

(a) *Eligibility.* The designation, general emission inspection station, will be issued to stations that emission inspect all subject vehicles, if the station is so equipped.

(b) *General requirements.* An applicant for a general emission inspection station shall comply with this chapter unless specifically exempted.

(c) *Certified enhanced emission inspection inspector.* Each general emission inspection station shall have a certified enhanced emission inspection inspector present during normal business hours.

(d) *Method of inspection.* Subject vehicles shall be inspected consistent with this chapter by a certified emission inspection inspector.

§ 177.425. Security.

(a) *Unlawful possession.* A person may not knowingly possess certificates of emission inspection which have been illegally purchased, stolen or counterfeited.

(b) *Not transferable.* Emission inspection stickers are not transferable. They shall only be affixed to the subject vehicle as recorded on the Exhaust Emission Analyzer and the Vehicle Emission Inspection Report sheet or other approved recording medium.

(c) *Removal.* Certificates of emission inspection may not be removed from a vehicle for which the certificate was issued except to replace it with a new certificate of emission inspection issued under this chapter. This prohibition is not applicable to expired certificates of emission inspection on vehicles registered outside the designated areas. These expired certificates of emission inspection shall be removed only by a certified emission or safety inspection inspector.

(1) A person replacing a windshield or repairing a windshield in a manner which requires removal of a certificate of emission inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the emission certificate and deliver it to the registrant of the vehicle or destroy the emission certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the emission certificate. Within the 5-day period an appropriate official emission inspection station may affix to the vehicle another certificate of emission inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of emission inspection. A labor fee of no more than \$2 may be charged for the exchanged certificate of emission inspection. The replacement may be made at any time prior to the expiration of the certificate of emission inspection.

(i) The portion of the windshield containing the certificate of emission inspection may be retained for audit by the quality assurance officer.

(ii) The replacement certificate of emission inspection shall be recorded on the appropriate record, either hard copy or VIID, showing all information except inspection items.

(iii) Replacement shall be marked on the reverse side of the replacement certificate of emission inspection.

(2) A certificate of emission inspection may not be removed from a vehicle until a complete inspection has been made.

(3) Only one current, valid certificate of emission inspection shall be visible on a vehicle. The old certificate of emission inspection shall be removed and completely destroyed before a new sticker can be affixed after an inspection and approval.

(d) *Lock and key.* Emission inspection stickers shall be kept under lock and key in a safe place. The station owner shall be solely responsible for their safety and shall account for all emission certificates of inspection issued to the station.

(e) *Unused.* Unused certificates of emission inspection for an expired period shall be retained by the emission inspection station until audited by the quality assurance officer. After an audit is completed, the quality assurance officer shall destroy them.

(f) *Issuance of emission certificates of inspection.* Certificates of emission inspection will not be issued by the Bureau to anyone that has not been listed on an executed Authorized Agents for Receiving Stickers Form.

(g) *Authorized agents for receiving stickers.* The Authorized Agents for Receiving Stickers Form shall be completed upon receipt as instructed on the back side of the form and submitted within 1 day of receipt to the Vehicle Inspection Division whenever:

- (1) An employe, whose signature appears on the form, is no longer employed by the station.
- (2) The card is defaced, torn or illegible.
- (3) An authorized agent is to be added.

§ 177.426. Ordering certificates of emission inspection.

(a) *Requisitions.* A properly completed Requisition For Official Inspection Sticker Form for certificates of emission inspection and a Sticker Insert Requisition Form for emission inserts shall be submitted to the Department. If certificates of emission inspection or sticker inserts are to be delivered to a mailing address instead of the inspection station address, the mailing address shall be included on every requisition submitted to the Department.

(b) *Contents.* The following information shall be entered on the order form:

- (1) The correct name, address and station number, as shown on the certificate of appointment, shall be entered on every requisition form.
- (2) If special delivery is desired, either shipping costs shall be paid by the station to the delivery agent upon receipt of the stickers, or if a sticker requisition is accompanied by a check for special delivery, the check shall be made payable to the Department of Transportation.

(3) The Official Inspection Sticker Form and Sticker Insert Requisition Form shall be completed and forwarded to the Department.

(4) A copy of the requisition or a Department receipt will be returned with the order of certificates of emission inspection shipped from the Department. Station copies of requisitions or Department receipts shall be kept on file at the station for 2 years and shall be made available for inspection upon request of the quality assurance officer or authorized representative of the Department.

(5) Certificates of emission inspection shall be ordered in multiples of 25, with a minimum order of 50 certificates, except that Commonwealth and fleet inspection stations shall order a minimum of 25 certificates.

(6) Incomplete or improper certificates of emission inspection requisitions shall be returned to the official emission inspection station for correction to avoid unnecessary inconvenience or delay. Information shall be rechecked very carefully.

(c) *Inventory.* Emission inspection stations should anticipate their need for additional certificates of emission inspection.

§ 177.427. Violations of use of certificate of emission inspection.

A person may not:

(1) Make, issue, transfer or possess any imitation or counterfeit of an official certificate of emission inspection.

(2) Display or cause to be displayed on a vehicle or have in possession a certificate of emission inspection knowing the same to be fictitious or stolen or issued for another vehicle or issued without an emission inspection having been made.

(3) Furnish, loan, give or sell certificates of emission inspection and approval to any official emission inspection station or other person except upon an emission inspection performed in accordance with this chapter.

QUALITY ASSURANCE

§ 177.431. Quality assurance.

The Department will conduct performance audits on a periodic basis to determine whether inspectors are correctly performing the tests and other required functions.

(1) Performance audits may be of two types:

(i) Overt performance audits which may include the following:

(A) A check for appropriate document security, as required by § 177.425(d).

(B) A check to see that required recordkeeping practices are being followed.

(C) A check for licenses or certificates and other required display information.

(D) Observation and written evaluation of each inspector's ability to properly perform an inspection.

(ii) Covert performance audits which may include the following:

(A) Remote visual observation of inspector and inspection station personnel performance, which may include the use of binoculars or video cameras.

(B) Site visits using covert vehicles.

(C) Other activities deemed appropriate by the Department as necessary to maintain the level of quality assurance for the enhanced emission inspection program required by Federal law.

(2) The station owner and the employes of the station owner shall make available information requested by the Department and shall fully cooperate with Department personnel who conduct the audits and other authorized Commonwealth representatives or agents.

(3) Each quality assurance officer shall be audited on an annual basis.

Subchapter E. EQUIPMENT MANUFACTURERS' AND CONTRACTOR'S REQUIREMENTS AND OBLIGATIONS

EQUIPMENT MANUFACTURERS' REQUIREMENTS

Sec.

177.501. Equipment approval procedures.

177.502. Service commitment.

177.503. Performance commitment.

177.504. Revocation of approval.

CONTRACTOR OBLIGATIONS

177.521. Contractor obligations and responsibilities.

EQUIPMENT MANUFACTURERS' REQUIREMENTS

§ 177.501. Equipment approval procedures.

(a) The manufacturer shall meet the following conditions for interim and final approval for participation in the basic emission inspection program.

(1) *Interim approval.* The following requirements shall be met for interim approval:

(i) The manufacturer shall provide a certified copy of BAR 80-approved certification of the analyzer to be used.

(ii) The manufacturer shall provide documentation that the automatic data collection system will meet the Pennsylvania Automatic Data Collection system requirements and provide flow descriptions and detailed operations with proposed screens for Automatic Data Collection requirements.

(iii) The manufacturer shall submit a description of the proposed methods the manufacturer or distributor will use to meet Department analyzer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(2) *Final approval.* The following requirements shall be met for final approval:

(i) The manufacturer shall provide a certified copy of BAR 80 approved certification or a certified document stating complete testing compliance with BAR 80 test requirements by a reputable independent testing laboratory that completed the testing.

(ii) The manufacturer shall provide a certified document that the Automatic Data Collection system meets the Pennsylvania Automatic Data Collection system requirements and provide final flow descriptions and diagrams and final detailed operations with final screens.

(iii) The manufacturer shall provide test tapes and printed listing of the test information transmitted to include a minimum of 200 engine tests with a representative sample of all cut points. All cut points shall be tested.

(iv) The manufacturer shall submit a certified signed statement that the description of the methods the manufacturer or distributor will use shall meet or surpass all Department analyzer and dynamometer specifications, performance commitments, financial commitments, re-

sponsibilities and agreements as required by this chapter and the Department's procedures and policies.

(b) The manufacturer shall meet the following conditions for interim and final approval for participation in the enhanced emission inspection program:

(1) *Interim approval.* The following requirements shall be met for interim approval:

(i) The manufacturer shall provide a statement certifying that the test equipment provided will meet all requirements of PA 97 equipment as specified in Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements), and that the manufacturer will provide certification that the gas analyzer and dynamometer to be used will meet the performance standards of BAR 97 as they apply to the PA 97 analyzer and dynamometer before receiving final approval for the equipment from the Department.

(ii) The manufacturer shall provide a document that the dynamometer will meet all requirements for ASM test equipment as specified in Appendix A and will meet California Bar performance standards as they apply to the PA 97 analyzer and dynamometer prior to receiving final approval for this equipment from the Department.

(iii) The manufacturer shall submit a description of the proposed methods the manufacturer or distributor will use to meet Department analyzer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(iv) The equipment manufacturer shall apply to the Department for final approval.

(2) *Final approval.* The following requirements shall be met for final approval:

(i) The manufacturer shall provide a certified copy of BAR 97 approved certification or a certified document stating complete testing compliance with BAR 97 test requirements by a reputable independent testing laboratory that completed the testing, or certify that the gas analyzer meets all performance standards of California BAR 97 as they apply to the PA gas analyzer.

(ii) The manufacturer shall certify that the approved test equipment will comply with the data collection requirements of this chapter.

(iii) The manufacturer shall provide a document that the dynamometer meets all state and California BAR requirements for ASM test equipment as specified in Appendix A and California BAR 97 specifications or certify that the dynamometer meets all performance standards of California BAR 97 as they apply to the PA dynamometer and ASM test equipment.

(iv) The manufacturer shall provide certification that the description of the methods the manufacturer or distributor will use shall meet or surpass all Department analyzer and dynamometer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(v) The manufacturer shall offer as an option an equipment lease arrangement of at least 10 years to prospective equipment purchasers.

(vi) The manufacturer shall offer as an option a "fee per test" equipment financing opportunity to prospective equipment purchasers.

(vii) The manufacturer shall offer as an option a provision for installation of emission inspection test equipment, at the request of prospective equipment purchasers.

(viii) The manufacturer shall clearly identify equipment features which are listed as options but which are essential to comply with the program and equipment specifications of this chapter.

(ix) Equipment manufacturers and providers shall receive prior approval from the Department for any costs associated with program software updates or revisions.

(c) *Certification.* A manufacturer shall cause a corporate officer with administration/operations management responsibility, if a corporation; the general partners, if a partnership; or the owner, if a sole proprietorship, to certify in writing and attest in affidavit form to the Department that the exhaust emission analyzer and dynamometer, if applicable, meets the specifications of this section and quality assurance and that the manufacturer meets or surpasses stated field requirements.

§ 177.502. Service commitment.

(a) Manufacturers and distributors shall provide the following service commitments:

(1) Supply equipment for sale, lease or rent as specified by the purchase order.

(2) Train, at no cost, on the initial visit for installation of the emission analyzer or dynamometer, or both, all certified emission inspection inspectors employed at the time of installation regarding the proper use of the analyzer or the dynamometer, or both, and provide, within 7 days of the request by a station owner or operator, onsite training for additional inspectors for a service fee.

(3) Provide or permit test standards or procedures utilized by test equipment to be modified consistent with Federal requirements for emission inspection programs.

(4) Provide maintenance on purchased or leased equipment within 1 business day of oral or written request from the station. A fee may be charged for this service.

(5) Visit each station at least every 3 months, no less than 80 calendar days and no greater than 95 calendar days from the previous visit or in the case of the initial visit, from the delivery date of the equipment to calibrate the analyzer or other equipment in accordance with Bureau procedures as provided in Appendix A.

(b) Manufacturers and distributors shall offer to equipment purchasers the ability to contract for the following services for additional fees:

(1) Provide service for faulty equipment.

(2) Provide replacement parts and equipment while servicing faulty equipment.

(3) Provide inspections, calibrations, training or maintenance or any combination thereof on a more frequent basis than specified in subsection (a).

(c) Manufacturers or distributors shall permit equipment purchasers to contract with other Department approved service providers for the services specified in subsection (b).

(d) Replacement parts or equipment provided shall be the same as or equivalent to the parts or equipment provided by the original equipment manufacturers.

(e) All Department approved equipment service representatives shall provide the following service commitments:

(1) Maintenance on equipment within 1 business day of an oral or written request from the station. A fee may be charged for this service.

(2) Replacement equipment while servicing faulty equipment. A fee may be charged for this service.

§ 177.503. Performance commitment.

(a) The manufacturer or distributor shall agree that, if it decides to discontinue participation in the program or if its name is removed from the list of approved manufacturers or distributors of emission analyzers by the Department, it will buy back all emission analyzers and dynamometers from the inspection stations which purchased them for an amount equal to the unamortized cost based on straight line amortization over the expected useful life of the analyzer.

(b) The manufacturer or distributor shall agree to provide a specific performance bond, irrevocable letter of credit, a certified check, or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department in the amount of \$1 million initially, and in the amount of an additional \$400,000, for every 250 analyzers sold to Pennsylvania certified emission inspection stations. This security will be:

(1) Used to insure that money is available to reimburse certified emission inspection stations for the reasonable value of existing emission analyzers and dynamometers in the event that the manufacturer or distributor goes out of business in this Commonwealth or is removed by the Department from the list of approved manufacturers or distributors for substantial failure to comply with the terms and conditions of the agreement or this chapter.

(2) Used in part or in whole in the event of nonperformance or default of the manufacturer or distributor.

(c) Other Department-approved equipment service providers shall agree to provide a specific performance bond, irrevocable letter of credit, certified check or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department, in the amount of \$200,000. These funds may be used in part or in whole in the event of nonperformance or default of the service provider.

§ 177.504. Revocation of approval.

(a) The Department may, at any time, on the basis of manufacturer or distributor failure to comply with this chapter, Chapter 41 of the Vehicle Code (relating to equipment standards), or any contract or agreement between the manufacturer and the Department, revoke or suspend the manufacturer's or distributor's approval to provide new or replacement emission analyzers and dynamometers to Pennsylvania emission inspection stations, and may remove the manufacturer or distributor's name from the list of approved emission analyzers and dynamometers if the manufacturer or distributor has failed to make satisfactory progress toward correcting notice of failure within 30 calendar days after having received written notice by the Department.

(b) The following shall constitute, together or individually, a default under this subsection and may be cause for revocation of approval, termination of an agreement or forfeiture of security provided in § 177.503(b) (relating to performance commitment):

(1) Failure of emission analyzer equipment or dynamometers, or both, provided by the manufacturer or distributor to certified emission inspection stations to comply with the manufacturer's or distributor's approved application.

(2) Failure, on the initial visit for installation of the emission analyzer or dynamometer, or both, to train all certified emission inspection inspectors employed by the emission inspection applicant stations.

(3) Failure to provide optional contracted services to stations provided any of the listed optional contracted services are specified in the station/manufacturer contract.

(c) Other Department approved equipment service providers shall agree to provide a specific performance bond, irrevocable letter of credit, certified check or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department in the amount of \$200,000. The Department may, at any time, on the basis of the service provider's failure to comply with this chapter, revoke or suspend the approval of other service providers to provide service and parts to certified emission inspection stations.

CONTRACTOR OBLIGATIONS

§ 177.521. Contractor obligations and responsibilities.

(a) *Services to be contracted.* The Department intends to contract with a vendor to perform services, including but not limited to, inspection station audits, inspection test data collection, on-road testing and other quality assurance efforts needed to comply with Federal law. The vendor shall be responsible for providing all services as specified in contracts executed with the Department, which shall be available for public review.

(b) *Subcontracts.* The vendor may subcontract any of these services, with the approval of the Department, but the vendor shall be liable to the Department for the performance of the subcontractor.

(c) *Personal liability.* The contractor, or those acting as agents of the contractor, shall assume full responsibility for:

(1) Making records available to the Department quality assurance personnel and other authorized Commonwealth personnel during periodic audits.

(2) Providing to the Department, at no cost to the Department, the results of the emission tests conducted at enhanced emission inspection stations. The requirements for data collection and transmission shall be as specified in the contract between the Department and the contractor.

(3) Providing to the Department, at no cost to the Department, the results of inspection station audits and on-road testing. The requirements for data collection and transmission shall be as specified in the contract between the Department and the contractor.

(4) Maintaining copies of test results and other data in the event that there are problems with the online transmission. The copies may be discarded only after notification by the Department that data from the original transmission has been satisfactorily transferred for data processing.

(5) Using computer control of quality assurance checks and quality control charts whenever possible.

Subchapter F. SCHEDULE OF PENALTIES AND HEARING PROCEDURE

SCHEDULE OF PENALTIES AND SUSPENSIONS

- Sec.
 177.602. Schedule of penalties for emission inspection stations.
 177.603. Schedule of penalties for emission inspectors.
 177.604. Schedule of penalties for certified repair technicians.

SCHEDULE OF PENALTIES FOR CERTIFIED REPAIR TECHNICIANS.

- 177.605. Subsequent violations.
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DEPARTMENTAL HEARING PROCEDURE

- 177.651. Notice of alleged violation and opportunity for a Departmental hearing.
 177.652. Official documents.

RESTORATION AFTER SUSPENSION

- 177.671. Restoration of certification of an emission inspector after suspension.
 177.672. Restoration of certification of an emission inspection station after suspension.

- 177.673. Restoration of certification of a certified repair technician after suspension.

REGISTRATION RECALL PROCEDURE FOR VIOLATION OF §§ 177.301—177.305 (RELATING TO ON-ROAD TESTING)

- 177.691. Registration Recall Committee

SCHEDULE OF PENALTIES AND SUSPENSIONS

§ 177.602. Schedule of penalties for emission inspection stations.

(a) *Schedule of penalties.* The complete operation of an official emission inspection station shall be the responsibility of the owner. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. In addition, violators are also subject to criminal prosecution. Every general, fleet or Commonwealth emission inspection station shall be subject to the following schedule of penalties and suspension:

(1) *Schedule of penalties for basic emission inspection stations.*

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
<i>Category 1</i>			
(i) Issuance or possession of altered, forged, stolen, or counterfeit certificate of inspection	1 year	Permanent	
(ii) Furnish, lend, give, sell or receive a certificate of inspection without inspection	1 year	Permanent	
(iii) Fraudulent record keeping	1 year	Permanent	
(iv) Improper record keeping	3 months	1 year	3 years
(v) Faulty inspection	3 months	1 year	3 years
<i>Category 2</i>			
(vi) Inspecting more than 12 subject vehicles per hour per emission inspection mechanic	3 months	6 months	3 years
(vii) Failure to produce records upon demand by inspection station investigator	3 months	6 months	1 year
(viii) Inspection by uncertified mechanic	3 months	6 months	1 year
(ix) Unnecessary repairs for purpose of inspection	3 months	6 months	1 year
(x) Misstatement of fact	1 month	3 months	1 year
(xi) Improper assigning of certificate of inspection	1 month	3 months	1 year

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
<i>Category 3</i>			
(xii) Improper certificate of inspection security	Warning	3 months	1 year
(xiii) Unclean inspection area	Warning	3 months	6 months
(xiv) Careless record keeping	Warning	3 months	6 months
(xv) Required tools or equipment missing or broken	Warning if tools are repaired or replaced, if not, suspension until tools are repaired or replaced	1 month or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced, whichever is greater
(xvi) Bad Check	Warning, if amount due is paid within 10 days from date notified. If not, suspension until amount due is paid.	3 months or until amount due is paid, whichever is greater.	6 months or until amount due is paid, whichever is greater.
<i>Category 4</i>			
(xvii) Failure to report discontinuance of business	1 year	2 years	Permanent
(xviii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	3 months	6 months	1 year

(2) *Schedule of penalties for enhanced emission inspection stations.*

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
<i>Category 1 (Fraudulent Activities)</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certificate of emission inspection	1 year and \$2,500 fine	Permanent and \$5,000 fine	
(ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection	1 year & \$2,500 fine	Permanent & \$5,000 fine	
(iii) Fraudulent recordkeeping	1 year and \$2,500 fine	Permanent & \$5,000 fine	
<i>Category 2 (Improper Activities)</i>			
(iv) Faulty inspection	3 months and \$1,000 fine	1 year and \$2,500 fine	3 years and \$5,000 fine
(v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by Section 177.408(f)	3 months	6 months	3 years

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
(vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent	3 months or until produced	6 months or until produced	1 year or until produced
(vii) Inspection by uncertified inspector	3 months	6 months and \$1,000 fine	1 year and \$2,500 fine
(viii) Unnecessary repairs for purpose of inspection	3 months	6 months	1 year
(ix) Misstatement of fact	1 month	3 months	1 year
(x) Improper assigning of certificate of inspection	1 month	3 months	1 year
<i>Category 3 (Careless Activities)</i>			
(xi) Improper security of certificate of inspection	Warning	3 months	1 year
(xii) Unclean inspection area	Warning	Warning	3 months
(xiii) Careless recordkeeping	Warning	Warning	3 months
(xiv) Missing or broken tools	Warning, if repaired or replaced; if not, suspension until tools are repaired or replaced	1 month or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced, whichever is greater
(v) Bad Check	Warning, if amount due is paid within 10 days from date notified. If not, suspension until amount is paid	3 months or until amount due is paid, whichever is greater	6 months or until amount due is paid, whichever is greater
<i>(4) Category 4 (Negligent)</i>			
(xvi) Failure to report discontinuance of business	1 year	2 years	Permanent
(xvii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	3 months	6 months	1 year

(b) *Assignment of points.* If the station owner, manager, supervisor or other management level employe was without knowledge of the violation, the Department may permit the station owner to consent to the acceptance of a point assessment for the station in lieu of suspension.

(1) The station owner bears the burden of proving that the station owner provided proper supervision of the employe who committed the violation, but that the owner's supervision could not have prevented the violation.

(2) By accepting the assessment of points the station owner waives the right to appeal the Department's determination in the case to a court of record. If the station owner refuses to accept the point assessment, the

Department will issue the suspension provided in this chapter for the offense committed.

(c) *Point determination.* When offering a point assessment, in lieu of a suspension, the Department will calculate points in the following manner:

(1) One point will be assessed for every month of suspension which the Department would otherwise impose.

(2) A point assessment will not exceed 8 points for a single violation.

(3) If an inspection station is currently serving a suspension for a violation of this chapter, no point assessment will be made.

(d) *Point suspension.* The Department will suspend the privileges of an official inspection station for an accumulation of points whenever the station accumulates 10 or more points.

(1) The first occurrence of an accumulation of 10 points or more shall result in a suspension for 2 months for each point over 9 points; the second occurrence of an accumulation of 10 points or more shall result in a suspension for 4 months for each point over 9 points; the third occurrence of an accumulation of 10 points or more shall result in a suspension for 6 months for each point over 9 points.

(2) The fourth occurrence for an accumulation of 10 or more points shall result in a permanent suspension.

(3) Only suspensions issued as the result of an accumulation of points shall be counted in determining whether a suspension for point accumulation's is a second, third or fourth suspension.

(4) If the point record of a station has been reduced to zero, a subsequent accumulation of points that will result in the suspension of the station will be considered first, second, third and fourth suspensions.

(e) *Voluntary discontinuance.* A certificate of appointment will be cancelled by the Department whenever the owner voluntarily discontinues the operation of an emis-

sion inspection station. Remaining emission inspection materials shall be returned to the quality assurance officer upon request of the Department.

(f) *Abandonment.* A certificate of appointment will be cancelled by the Department, and inspection materials confiscated when the owner of record abandons the place of business and cannot be located.

(g) *Sale of business.* If an emission inspection station is sold or leased to a new owner, an application will not be considered while the station is suspended or restored pending an appeal of a suspension.

§ 177.603. Schedule of penalties for emission inspectors.

Emission inspectors shall assume full responsibility for their acts as emission inspectors. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. A violator may also be subject to criminal prosecution. After providing the emission inspector with an opportunity for a hearing, the Department may impose suspensions or penalties upon the emission inspector according to the following schedule of offenses for violations:

(1) *Schedule of penalties for basic emission inspection inspectors.*

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
<i>Category 1 (Fraudulent Activities)</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certificate of inspection	1 year	Permanent	
(ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection	1 year	Permanent	
(iii) Fraudulent recordkeeping	1 year	Permanent	
<i>Category 2 (Improper Activities)</i>			
(iv) Faulty inspection	3 months	1 year	3 years
(v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by § 177.408(g)	3 months	6 months	3 years
(vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent	3 months or until produced	6 months or until produced	1 year or until produced
(vii) Inspection with expired inspector's certificate	Warning	4 months	6 months
(viii) Improper recordkeeping	Warning	2 months	6 months
(ix) Improper inspection	Warning and \$100 fine	2 months and \$250 fine	6 months and \$500 fine
(x) Improper assigning of certificate of inspection	Warning	2 months	6 months
(xi) Improper security of certificate of emission inspection	Warning	2 months	6 months
<i>Category 3 (Careless Activities)</i>			
(xii) Unclean inspection area	Warning	1 month	4 months

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
(XIII) Careless recordkeeping	Warning	1 month	4 months
(XIV) Failure to make vehicle emission inspection test printout available to customer	Warning	1 month	4 months

(2) Schedule of penalties for enhanced emission inspection inspectors.

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
<i>Category 1 (Fraudulent Activities)</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certificate of inspection	1 year and \$500 fine	Permanent	
(ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection	1 year and \$500 fine	Permanent	
(iii) Fraudulent recordkeeping	1 year	Permanent	
<i>Category 2 (Improper Activities)</i>			
(iv) Faulty inspection	2 months and \$100 fine	1 year and \$500 fine	3 years and \$1,000 fine
(v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by § 177.408(g)	3 months	6 months	3 years
(vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent	2 months or until produced	6 months or until produced	1 year or until produced
(vii) Inspection with expired inspector's certificate	Warning	4 months	6 months
(viii) Improper recordkeeping	Warning	2 months	6 months
(ix) Improper inspection	Warning and \$100 fine	2 months and \$250 fine	6 months and \$500 fine
(x) Improper assigning of certificate of inspection	Warning	2 months	6 months
(xi) Improper security of certificate of emission inspection	Warning	2 months	6 months
<i>Category 3 (Careless Activities)</i>			
(xii) Unclean inspection area	Warning	1 month	4 months
(xiii) Careless recordkeeping	Warning	1 month	4 months
(xiv) Failure to make vehicle emission inspection test printout available to customer	Warning	1 month	4 months

§ 177.604. Schedule of penalties for certified repair technicians.

Certified repair technicians shall assume full responsibility for their acts as repair technicians. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of certified repair technician privileges to process requests for and to deliver waivers. A violator may also be subject to criminal prosecution. After providing the certified repair technician with an opportunity for a hearing, the Department may impose suspensions or penalties upon the certified repair technician according to the following schedule of offenses for violations:

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
<i>Category 1 (Fraudulent Activities)</i>			
(i) Fraudulent delivery of emission inspection waiver	1 year	Permanent	
<i>Category 2 (Careless Activities)</i>			
(ii) Improper delivery of emission inspection waiver	3 months	6 months	1 year
(iii) Improper verification of repairs required for issuance of waiver	Warning	3 months	6 months

SCHEDULE OF PENALTIES FOR CERTIFIED REPAIR TECHNICIANS

§ 177.605. Subsequent violations.

Determination of second and subsequent violations is made on the basis of previous violations in the same category within a 3-year period.

§ 177.606. Multiple violations.

If multiple violations are reviewed and considered at one Departmental hearing, the Department will impose separate penalties for each violation as required by the schedule of penalties. The Department may direct that a suspension be served concurrently or consecutively. Violations affecting more than one vehicle will be treated as separate violations.

DEPARTMENTAL HEARING PROCEDURE

§ 177.651. Notice of alleged violation and opportunity for a Departmental hearing.

Except for a penalty or sanction imposed under the contract between the Department and the contractor, a person charged by the Department's quality assurance officers or other authorized personnel to be in violation of this chapter or the Vehicle Code shall have the right to request a hearing regarding the charges. The hearing will be conducted in accordance with the following:

(1) The Department will provide written notice to a dealer, contractor, inspector, certified repair technician or other employe of the contractor of the nature of the alleged violation and of the opportunity and procedure to request a Departmental hearing.

(2) The hearing, if requested, for a violation involving an immediate suspension will take place within 3 days of the request.

(3) The hearing, if requested, for all other violations will take place within 14 days of the request.

(4) The hearing will be conducted by Department personnel at a site established by the Department.

§ 177.652. Official documents.

(a) Whenever an emission inspection station, inspector or certified repair technician is suspended or cancelled, the Department may order the surrender, upon demand, to a quality assurance officer or authorized representative of the Department, of the following items:

- (1) Inspector certification card.
- (2) Other items pertaining to the certification of the emission inspector to conduct vehicle emission inspections.

- (3) Inspection records.
- (4) Certificate of appointment.
- (5) Signature cards.
- (6) Unused certificates of emission inspection
- (7) Unused I/M monthly inserts.

(b) Certificates of emission inspection and records confiscated as the result of an investigation will be retained by the quality assurance officer. Certificates of emission inspection and records confiscated as the result of a suspension will be returned to the Department. They will be returned if inspection privileges are restored or the station is reappointed.

RESTORATION AFTER SUSPENSION

§ 177.671. Restoration of certification of an emission inspector after suspension.

An emission inspector who has had the privilege to conduct emission inspections suspended shall have the certification restored as follows:

(1) A certified emission inspector who has been suspended for a Category 1 violation or on two or more occasions for a violation of Category 2 or Category 3 under this chapter may not have the certification restored unless the emission inspector obtains classroom instruction and passes a written test and a tactile test according to procedures established by the Department.

(2) A certified emission inspection inspector who has not been previously suspended for a violation of Category 2 or Category 3 under this chapter will have the certification restored at the termination of the suspension.

§ 177.672. Restoration of certification of an emission inspection station after suspension.

(a) *Restoration after suspensions.* Stations that have had their privilege to inspect suspended shall be restored as follows:

(1) Stations that have been suspended as a result of a point accumulation will have their point total reduced to six points upon restoration.

(2) Additional points assessed against the station since the last violation resulting in a suspension will be added to the point record unless the station has served an additional suspension under § 177.602(c)(3) (relating to schedule of penalties for emission inspection stations).

(b) *Removal of points.* Points assessed against a station shall be removed at the rate of two points for each 12 consecutive months in which the station has not had any additional violations charged against it that could result

in additional points. The 12-month period starts at the date of the last violation resulting in points or from the date of restoration of a suspension resulting from an accumulation of points, whichever occurred last.

(c) *Subsequent violations.* Determination of second and subsequent violations is made on the basis of previous violations in the same category within a 3-year period.

(d) *Multiple violations.* In the case of multiple violations, considered at one time, the Department will impose separate penalties for each violation as required by the schedule. The Department may direct that a suspension be served concurrently. If the Department permits a station to accept points in lieu of a suspension, the points will be assigned for the more serious violation affecting each vehicle. Violations affecting more than one vehicle will be treated as separate violations.

(e) *Application process.* After a suspension has been served, inspection privileges will not be restored until an Official Emission Inspection Update/Official Emission Inspection Station Application has been received and processed by the Department. Upon receipt of an application for reappointment following a suspension of more than 3 months, a complete and thorough investigation by the quality assurance officer will be conducted to determine if the applicant qualifies for reappointment under the requirements of the Department. Other applications for reappointment are subject to investigation at the discretion of the Department.

§ 177.673. Restoration of certification of certified repair technician after suspension.

A certified repair technician who has had the privilege to process requests for waivers suspended shall have the certification restored as follows:

(1) A certified repair technician who has been suspended for a Category 1 violation or on two or more occasions for a violation of Category 2 under this chapter may not have the privilege to process requests for and deliver waivers restored unless the certified repair technician passes written tests according to procedures established by the Department.

(2) A certified repair technician who has been suspended for a Category 2 violation and has not been

previously suspended for a violation of Category 2 under this chapter will have the privilege to process requests for and deliver waivers restored at the termination of the suspension.

REGISTRATION RECALL PROCEDURE FOR VIOLATION OF §§ 177.301—177.305 (RELATING TO ON-ROAD RESTING)

§ 177.691. Registration Recall Committee.

(a) *Composition.* The Registration Recall Committee (Committee) of the Department will consist of a Vehicle Registration Section manager, an Emission Inspection Section manager and the Director of the Bureau or a designee.

(b) *Frequency of meetings of Committee.* The Committee will meet on the first Monday of each month and as needed.

(c) *Basis of recalling registrations.* The Committee will recall the vehicle registration when the following conditions are met:

(1) The contractor forwards documentation to the Department that a subject vehicle has failed to pass an on-road emissions test.

(2) The vehicle owner or operator of the vehicle has failed to produce within 30 days of the failure of the on-road emission test evidence that the vehicle has passed a retest or evidence of an emission test waiver.

(d) *Determination of the Committee.* Upon a determination by the Committee that the subject vehicle had failed an on-road emission test and that the owner or operator of the subject vehicle had failed to produce evidence of a correction of the failure or a waiver, the Committee will issue a letter to the owner or operator of the subject vehicle recalling the vehicle registration until proof of passing an emission test or receiving a waiver has been submitted to the Department.

(e) *Appeal.* An appeal from the recall of vehicle registration under this section shall be commenced consistent with Chapter 491 (relating to administrative practice and procedure).

APPENDIX A

Acceleration Simulation Mode: Pennsylvania Procedures, Standards, Equipment Specifications and Quality Control Requirements

§ 1. ASM Short Test Standards and Calculations.

(a) *ASM Emissions Standards*

(1) ASM Start-Up Standards

Start-up standards should be used for ASM tests performed from October 1, 1997, through November 30, 1998. The exhaust emissions standards for the following model years are cross referenced by the number in the column in (A)(3) below:

(i) Light Duty Vehicles

<i>Model Years</i>	<i>Hydrocarbons Table § 1(A)(3)(I)</i>	<i>Carbon Monoxide Table § 1(A)(3)(II)</i>	<i>Oxides of Nitrogen Table § 1(A)(3)(III)</i>
1996+ TIER 1	1	21	41
1991-1995	2	22	42
1983-1990	4	23	43
1981-1982	4	26	43
1980	4	26	48
1977-1979	11	30	48
1975-1976	11	30	50

(ii) Light Duty Trucks 1 (less than 6000 pounds GVWR).

<i>Model Years</i>	<i>Hydrocarbons Table § 1(A)(3)(I)</i>	<i>Carbon Monoxide Table § 1(A)(3)(II)</i>	<i>Oxides of Nitrogen Table § 1(A)(3)(III)</i>
1996+ TIER 1 (<3750 LVW)	1	21	41 (>3750LVW)
	2	22	42
1991-1995	5	26	43
1988-1990	7	29	44
1984-1987	7	29	49
1979-1983	11	31	49
1975-1978	12	32	50

(iii) Light Duty Trucks 2 (greater than 6000 pounds GVWR).

<i>Model Years</i>	<i>Hydrocarbons Table § 1(A)(3)(I)</i>	<i>Carbon Monoxide Table § 1(A)(3)(II)</i>	<i>Oxides of Nitrogen Table § 1(A)(3)(III)</i>
1996+ TIER 1 (≤5750 LVW)	2	22	42
(>5750 LVW)	5	26	45
1991-1995	5	26	46
1988-1990	7	29	47
1984-1987	7	29	49
1979-1983	11	31	49
1975-1978	12	32	50

(2) *ASM final standards.* The following exhaust emissions standards will be used for ASM tests performed after November 30, 1998. The exhaust emissions standards for the following model years are cross-referenced by the number in the column in (A)(3) below:

(i) Light Duty Vehicles.

<i>Model Years</i>	<i>Hydrocarbons Table § 1(A)(3)(I)</i>	<i>Carbon Monoxide Table § 1(A)(3)(II)</i>	<i>Oxides of Nitrogen Table § 1(A)(3)(III)</i>
1996+ TIER 1	1	21	41
1983-1995	1	21	41
1981-1982	1	23	41
1980	1	23	45
1977-1979	6	27	45
1975-1976	6	27	48

(ii) Light Duty Trucks 1 (less than 6000 pounds GVWR).

<i>Model Years</i>	<i>Hydrocarbons Table § 1(A)(3)(I)</i>	<i>Carbon Monoxide Table § 1(A)(3)(II)</i>	<i>Oxides of Nitrogen Table § 1(A)(3)(III)</i>
1996+ TIER 1 (≤3750 LVW)	1	21	41
(>3750 LVW)	1	21	41
1988-1995	3	24	42
1984-1987	3	24	46
1979-1983	8	28	46
1975-1978	9	29	48

(iii) Light Duty Trucks 2 (greater than 6000 pounds GVWR).

<i>Model Years</i>	<i>Hydrocarbons Table § 1(A)(3)(I)</i>	<i>Carbon Monoxide Table § 1(A)(3)(II)</i>	<i>Oxides of Nitrogen Table § 1(A)(3)(III)</i>
1996+ TIER 1 (≤5750 LVW)	1	21	41
(>5750 LVW)	1	21	41
1988-1995	3	24	44
1984-1987	3	24	46
1979-1983	8	28	46
1975-1978	9	29	48

(3) ASM 2525 and 5015 concentration tables (although both 2525 and 5015 standards are shown, the Pennsylvania ASM test consists only of the 5015 mode)

(I) ASM2525 and ASM5015 hydrocarbon (PPM C6) Table

<i>Column Number --> Vehicle ETW</i>	<i>1 5015</i>	<i>1 2525</i>	<i>2 5015</i>	<i>2 2525</i>	<i>3 5015</i>	<i>3 2525</i>	<i>4 5015</i>	<i>4 2525</i>	<i>5 5015</i>	<i>5 2525</i>	<i>6 5015</i>	<i>6 2525</i>	<i>7 5015</i>	<i>7 2525</i>	<i>8 5015</i>	<i>8 2525</i>
1750	142	136	224	216	257	249	291	282	324	315	374	364	390	381	407	397

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<i>Column Number --> Vehicle ETW</i>	<i>1 5015</i>	<i>1 2525</i>	<i>2 5015</i>	<i>2 2525</i>	<i>3 5015</i>	<i>3 2525</i>	<i>4 5015</i>	<i>4 2525</i>	<i>5 5015</i>	<i>5 2525</i>	<i>6 5015</i>	<i>6 2525</i>	<i>7 5015</i>	<i>7 2525</i>	<i>8 5015</i>	<i>8 2525</i>
1875	134	129	212	205	243	236	275	266	306	297	353	344	368	359	384	375
2000	127	123	201	194	230	223	260	252	289	281	333	325	348	339	363	354
2125	121	116	191	184	219	212	246	239	274	267	316	308	329	321	343	335
2250	115	111	182	175	208	201	234	227	260	253	299	292	312	305	325	318
2375	109	106	173	167	198	192	223	216	247	241	284	277	297	290	309	302
2500	105	101	166	160	189	183	212	206	236	230	271	264	283	276	294	288
2625	100	97	159	153	181	175	203	197	225	219	259	252	270	263	281	274
2750	96	93	152	147	173	168	194	189	216	210	247	241	258	252	269	262
2875	92	89	146	141	167	161	187	181	207	201	237	231	247	241	257	251
3000	89	86	141	136	160	155	180	174	199	194	228	222	237	232	247	241
3125	86	83	136	132	155	150	173	168	191	186	219	214	228	223	238	232
3250	83	80	132	127	149	145	167	162	185	180	211	206	220	215	229	224
3375	81	78	128	123	145	140	162	157	179	174	204	199	213	208	221	216
3500	78	76	124	120	140	136	157	152	173	169	198	193	206	201	214	209
3625	76	74	120	117	136	132	152	148	168	164	192	187	200	195	207	203
3750	74	72	117	114	133	129	148	144	163	159	186	182	194	189	201	197
3875	72	70	114	111	129	125	144	140	159	155	181	177	188	184	196	191
4000	71	68	112	108	126	122	140	137	155	151	176	172	183	179	191	186
4125	69	67	109	106	123	119	137	133	151	147	172	168	179	175	186	181
4250	67	65	107	103	120	117	134	130	147	143	167	164	174	170	181	177
4375	66	64	104	101	118	114	131	127	144	140	164	160	170	166	177	173
4500	65	63	102	99	115	112	128	124	141	137	160	156	166	162	172	169
4625	63	61	100	97	113	109	125	122	137	134	156	152	162	159	169	165
4750	62	60	98	95	110	107	122	119	134	131	153	149	159	155	165	161
4875	61	59	96	93	108	105	120	117	132	128	149	146	155	152	161	157
5000	60	58	94	92	106	103	117	114	129	126	146	143	152	148	157	154
5125	58	57	93	90	104	101	115	112	126	123	143	139	148	145	154	150
5250	57	56	91	88	102	99	112	110	123	120	140	136	145	142	150	147
5375	56	55	89	86	100	97	110	107	121	118	137	133	142	139	147	144
5500	55	54	87	85	98	95	108	105	118	115	134	130	139	136	144	141
5625	54	53	86	83	96	93	106	103	116	113	131	128	136	133	141	138
5750	53	52	84	82	94	91	104	101	113	111	128	125	133	130	138	135
5875	52	51	83	80	92	90	102	99	111	108	125	122	130	127	135	132
6000	51	50	81	79	90	88	100	97	109	106	123	120	127	124	132	129
6125	50	49	80	78	89	86	98	95	107	104	120	118	125	122	129	126
6250	50	48	79	76	87	85	96	94	105	102	118	115	123	120	127	124
6375	49	48	77	75	86	84	95	92	103	101	116	113	120	118	125	122
6500	48	47	76	74	85	83	93	91	102	99	114	112	119	116	123	120
6625	48	46	76	74	84	82	92	90	101	98	113	110	117	114	121	119
6750	47	46	75	73	83	81	91	89	100	97	112	109	116	113	120	117
6875	47	46	75	73	83	81	91	89	99	97	111	109	115	113	119	117
7000	47	46	74	72	83	80	91	88	99	96	111	108	115	112	119	116
7125	47	46	74	72	82	80	90	88	98	96	111	108	115	112	119	116
7250	47	46	74	72	82	80	90	88	98	96	111	108	115	112	119	116
7375	47	46	74	72	82	80	90	88	98	96	111	108	115	112	119	116
7500	47	46	74	72	82	80	90	88	98	96	111	108	115	112	119	116

ASM2525 and ASM5015 Hydrocarbon (ppm C6) Table (cont.)

<i>Column Number --> Vehicle ETW</i>	<i>9 5015</i>	<i>9 2525</i>	<i>10 5015</i>	<i>10 2525</i>	<i>11 5015</i>	<i>11 2525</i>	<i>12 5015</i>	<i>12 2525</i>	<i>13 5015</i>	<i>13 2525</i>
1750	457	447	706	694	774	761	843	828	1118	1098
1875	431	421	665	653	729	717	794	780	1052	1034
2000	407	398	627	616	688	676	749	736	992	975
2125	385	376	592	582	650	638	707	695	938	921
2250	365	357	560	551	615	604	669	658	887	872
2375	346	339	531	522	583	573	635	624	841	827
2500	329	322	505	496	554	544	603	593	800	786
2625	314	307	481	472	528	518	574	564	761	748
2750	300	294	459	451	503	495	548	539	726	714
2875	287	281	439	431	481	473	524	515	695	683
3000	276	270	420	413	461	453	502	493	666	654
3125	265	260	404	397	443	435	482	474	639	628
3250	256	250	388	382	426	419	464	456	615	604
3375	247	241	374	368	411	404	447	440	593	583
3500	239	234	362	355	397	390	432	424	573	563
3625	231	226	350	344	384	377	418	411	554	544
3750	224	220	339	333	372	365	405	398	537	527
3875	218	213	329	323	361	355	393	386	521	512
4000	212	208	320	314	351	345	382	375	506	497
4125	206	202	311	305	341	335	371	365	492	484
4250	201	197	303	297	332	326	361	355	479	471
4375	196	192	295	290	323	318	352	346	467	459
4500	192	188	287	282	315	310	343	337	455	447
4625	187	183	280	275	308	302	335	329	444	436
4750	183	179	273	269	300	295	327	321	433	425
4875	179	175	267	262	293	288	319	313	423	415
5000	175	171	260	256	286	281	311	305	412	405
5125	171	167	254	250	279	274	304	298	402	395
5250	167	163	248	244	272	267	296	291	393	386
5375	163	159	242	238	266	261	289	284	383	376
5500	159	156	236	232	259	255	282	277	374	367
5625	156	152	231	226	253	248	276	271	365	359
5750	152	149	225	221	247	243	269	264	357	350
5875	149	146	220	216	241	237	263	258	348	342
6000	146	143	215	211	236	232	257	252	341	334
6125	143	140	210	206	231	227	251	247	333	327
6250	140	137	206	202	226	222	246	242	326	320
6375	138	135	202	198	222	218	242	237	320	314
6500	136	133	199	195	218	214	238	233	315	309
6625	134	131	196	192	215	211	234	230	310	304
6750	132	129	194	190	213	209	232	227	307	301
6875	132	129	193	189	211	207	230	225	305	299
7000	131	128	192	188	211	207	229	225	304	298
7125	131	128	192	188	211	206	229	225	304	298
7250	131	128	192	188	211	206	229	225	304	298
7375	131	128	192	188	211	206	229	225	304	298
7500	131	128	192	188	211	206	229	225	304	298

(ii) ASM2525 and ASM5015 Carbon Monoxide (%CO) Table

Column Number --> Vehicle ETW	21 5015	21 2525	22 5015	22 2525	23 5015	23 2525	24 5015	24 2525	25 5015	25 2525	26 5015	26 2525	27 5015	27 2525	28 5015	28 2525
1750	0.80	0.77	1.26	1.22	1.64	1.83	2.02	2.43	2.21	2.73	2.78	3.64	2.97	3.94	3.16	4.24
1875	0.75	0.73	1.19	1.16	1.55	1.72	1.91	2.29	2.09	2.58	2.63	3.43	2.81	3.71	2.98	4.00
2000	0.71	0.69	1.13	1.09	1.47	1.63	1.81	2.17	1.97	2.43	2.48	3.24	2.65	3.51	2.82	3.77
2125	0.68	0.66	1.07	1.04	1.39	1.54	1.71	2.05	1.87	2.30	2.35	3.06	2.51	3.32	2.67	3.57
2250	0.64	0.62	1.02	0.99	1.32	1.47	1.62	1.94	1.77	2.18	2.23	2.90	2.38	3.14	2.53	3.38
2375	0.61	0.59	0.97	0.94	1.26	1.39	1.54	1.85	1.69	2.07	2.12	2.76	2.26	2.98	2.40	3.21
2500	0.59	0.57	0.93	0.90	1.20	1.33	1.47	1.76	1.61	1.97	2.02	2.62	2.15	2.84	2.29	3.05
2625	0.56	0.54	0.89	0.86	1.15	1.27	1.41	1.68	1.53	1.88	1.92	2.50	2.05	2.70	2.18	2.91
2750	0.54	0.52	0.85	0.82	1.10	1.21	1.34	1.60	1.47	1.80	1.84	2.39	1.96	2.58	2.09	2.78
2875	0.52	0.50	0.82	0.79	1.05	1.16	1.29	1.54	1.41	1.72	1.76	2.29	1.88	2.47	2.00	2.66
3000	0.50	0.48	0.79	0.76	1.01	1.12	1.24	1.48	1.35	1.66	1.69	2.19	1.80	2.37	1.92	2.55
3125	0.48	0.46	0.76	0.73	0.98	1.08	1.19	1.42	1.30	1.59	1.63	2.11	1.74	2.28	1.84	2.45
3250	0.46	0.45	0.73	0.71	0.94	1.04	1.15	1.37	1.26	1.53	1.57	2.03	1.67	2.20	1.78	2.36
3375	0.45	0.43	0.71	0.69	0.91	1.00	1.11	1.32	1.21	1.48	1.52	1.96	1.62	2.12	1.72	2.28
3500	0.44	0.42	0.69	0.67	0.88	0.97	1.08	1.28	1.17	1.43	1.47	1.89	1.56	2.05	1.66	2.20
3625	0.42	0.41	0.67	0.65	0.86	0.94	1.05	1.24	1.14	1.39	1.42	1.84	1.52	1.98	1.61	2.13
3750	0.41	0.40	0.65	0.63	0.83	0.92	1.02	1.20	1.11	1.35	1.38	1.78	1.47	1.92	1.56	2.07
3875	0.40	0.39	0.63	0.61	0.81	0.89	0.99	1.17	1.08	1.31	1.34	1.73	1.43	1.87	1.52	2.01
4000	0.39	0.38	0.62	0.60	0.79	0.87	0.96	1.14	1.05	1.28	1.31	1.68	1.39	1.82	1.48	1.95
4125	0.38	0.37	0.60	0.58	0.77	0.85	0.94	1.11	1.02	1.24	1.27	1.64	1.36	1.77	1.44	1.90
4250	0.37	0.36	0.59	0.57	0.75	0.83	0.92	1.08	1.00	1.21	1.24	1.60	1.32	1.72	1.40	1.85
4375	0.36	0.35	0.58	0.56	0.74	0.81	0.89	1.06	0.97	1.18	1.21	1.56	1.29	1.68	1.37	1.81
4500	0.36	0.35	0.57	0.55	0.72	0.79	0.87	1.03	0.95	1.16	1.18	1.52	1.26	1.64	1.34	1.76
4625	0.35	0.34	0.55	0.54	0.70	0.77	0.85	1.01	0.93	1.13	1.15	1.48	1.23	1.60	1.30	1.72
4750	0.34	0.33	0.54	0.53	0.69	0.76	0.84	0.99	0.91	1.10	1.13	1.45	1.20	1.57	1.28	1.68
4875	0.34	0.33	0.53	0.52	0.67	0.74	0.82	0.97	0.89	1.08	1.10	1.42	1.17	1.53	1.25	1.64
5000	0.33	0.32	0.52	0.51	0.66	0.73	0.80	0.95	0.87	1.05	1.08	1.38	1.15	1.49	1.22	1.60
5125	0.32	0.31	0.51	0.50	0.65	0.71	0.78	0.92	0.85	1.03	1.05	1.35	1.12	1.46	1.19	1.57
5250	0.32	0.31	0.50	0.49	0.63	0.70	0.77	0.90	0.83	1.01	1.03	1.32	1.10	1.43	1.16	1.53
5375	0.31	0.30	0.49	0.48	0.62	0.68	0.75	0.89	0.81	0.99	1.01	1.29	1.07	1.39	1.14	1.50
5500	0.30	0.30	0.48	0.47	0.61	0.67	0.73	0.87	0.80	0.97	0.99	1.26	1.05	1.36	1.11	1.46
5625	0.30	0.29	0.47	0.46	0.59	0.65	0.72	0.85	0.78	0.94	0.97	1.24	1.03	1.33	1.09	1.43
5750	0.29	0.29	0.46	0.45	0.58	0.64	0.70	0.83	0.76	0.92	0.94	1.21	1.01	1.30	1.07	1.40
5875	0.29	0.28	0.45	0.44	0.57	0.63	0.69	0.81	0.75	0.91	0.92	1.18	0.98	1.27	1.04	1.37
6000	0.28	0.28	0.44	0.44	0.56	0.62	0.67	0.80	0.73	0.89	0.91	1.16	0.96	1.25	1.02	1.34
6125	0.28	0.27	0.44	0.43	0.55	0.61	0.66	0.78	0.72	0.87	0.89	1.13	0.94	1.22	1.00	1.31
6250	0.27	0.27	0.43	0.42	0.54	0.60	0.65	0.77	0.71	0.85	0.87	1.11	0.93	1.20	0.98	1.28
6375	0.27	0.26	0.42	0.42	0.53	0.59	0.64	0.76	0.69	0.84	0.86	1.09	0.91	1.18	0.96	1.26
6500	0.26	0.26	0.42	0.41	0.52	0.58	0.63	0.74	0.68	0.83	0.84	1.08	0.90	1.16	0.95	1.24
6625	0.26	0.26	0.41	0.41	0.52	0.57	0.62	0.73	0.67	0.82	0.83	1.06	0.88	1.14	0.94	1.23
6750	0.26	0.26	0.41	0.41	0.51	0.57	0.61	0.73	0.67	0.81	0.82	1.05	0.88	1.13	0.93	1.21
6875	0.26	0.25	0.40	0.40	0.51	0.56	0.61	0.72	0.66	0.80	0.82	1.04	0.87	1.12	0.92	1.20
7000	0.25	0.25	0.40	0.40	0.51	0.56	0.61	0.72	0.66	0.80	0.82	1.04	0.87	1.12	0.92	1.20
7125	0.25	0.25	0.40	0.40	0.51	0.56	0.61	0.72	0.66	0.80	0.81	1.04	0.87	1.12	0.92	1.20
7250	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20
7375	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20
7500	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20

ASM2525 and ASM5015 Carbon Monoxide (%CO) Table (cont.)

<i>Column Number - -> Vehicle ETW</i>	<i>29 5015</i>	<i>29 2525</i>	<i>30 5015</i>	<i>30 2525</i>	<i>31 5015</i>	<i>31 2525</i>	<i>32 5015</i>	<i>32 2525</i>	<i>33 5015</i>	<i>33 2525</i>	<i>34 5015</i>	<i>34 2525</i>
1750	3.54	4.85	3.92	5.45	4.31	6.06	5.07	7.26	5.26	7.44	8.02	9.90
1875	3.34	4.57	3.70	5.14	4.06	5.70	4.78	6.84	4.96	7.05	7.56	9.90
2000	3.16	4.31	3.49	4.85	3.83	5.38	4.51	6.45	4.68	6.68	7.14	9.90
2125	2.99	4.08	3.31	4.58	3.63	5.09	4.26	6.10	4.43	6.34	6.75	9.66
2250	2.83	3.86	3.13	4.34	3.44	4.82	4.04	5.78	4.20	6.00	6.40	9.14
2375	2.69	3.66	2.98	4.12	3.26	4.57	3.83	5.48	3.98	5.69	6.07	8.67
2500	2.56	3.48	2.83	3.91	3.10	4.35	3.65	5.21	3.79	5.41	5.78	8.25
2625	2.44	3.32	2.70	3.73	2.96	4.14	3.48	4.96	3.61	5.15	5.51	7.85
2750	2.33	3.17	2.58	3.56	2.83	3.95	3.32	4.73	3.45	4.92	5.26	7.50
2875	2.23	3.03	2.47	3.41	2.71	3.78	3.18	4.53	3.30	4.70	5.03	7.17
3000	2.14	2.91	2.37	3.27	2.60	3.62	3.05	4.34	3.17	4.51	4.83	6.87
3125	2.06	2.79	2.28	3.14	2.50	3.48	2.93	4.17	3.04	4.33	4.64	6.60
3250	1.99	2.69	2.20	3.02	2.40	3.35	2.82	4.01	2.93	4.17	4.47	6.35
3375	1.92	2.60	2.12	2.91	2.32	3.23	2.72	3.87	2.83	4.02	4.31	6.13
3500	1.86	2.51	2.05	2.82	2.24	3.12	2.63	3.74	2.73	3.88	4.17	5.92
3625	1.80	2.43	1.99	2.73	2.17	3.02	2.55	3.62	2.65	3.76	4.04	5.73
3750	1.74	2.36	1.93	2.64	2.11	2.93	2.47	3.51	2.57	3.64	3.91	5.55
3875	1.69	2.29	1.87	2.57	2.05	2.85	2.40	3.40	2.49	3.54	3.80	5.39
4000	1.65	2.22	1.82	2.49	1.99	2.77	2.33	3.31	2.43	3.44	3.70	5.24
4125	1.61	2.16	1.77	2.43	1.94	2.69	2.27	3.22	2.36	3.34	3.60	5.09
4250	1.56	2.11	1.73	2.36	1.89	2.62	2.21	3.13	2.30	3.25	3.51	4.96
4375	1.53	2.06	1.68	2.31	1.84	2.55	2.16	3.05	2.24	3.17	3.42	4.83
4500	1.49	2.01	1.64	2.25	1.80	2.49	2.11	2.98	2.19	3.09	3.34	4.71
4625	1.46	1.96	1.61	2.19	1.76	2.43	2.06	2.90	2.14	3.02	3.26	4.60
4750	1.42	1.91	1.57	2.14	1.72	2.37	2.01	2.83	2.09	2.95	3.18	4.49
4875	1.39	1.87	1.53	2.09	1.68	2.32	1.96	2.77	2.04	2.87	3.11	4.38
5000	1.36	1.82	1.50	2.04	1.64	2.26	1.92	2.70	1.99	2.81	3.03	4.28
5125	1.33	1.78	1.46	2.00	1.60	2.21	1.87	2.64	1.95	2.74	2.97	4.18
5250	1.30	1.74	1.43	1.95	1.56	2.16	1.83	2.58	1.90	2.68	2.90	4.08
5375	1.27	1.70	1.40	1.90	1.53	2.11	1.79	2.51	1.86	2.61	2.83	3.98
5500	1.24	1.66	1.37	1.86	1.49	2.06	1.75	2.46	1.82	2.55	2.77	3.89
5625	1.21	1.62	1.34	1.82	1.46	2.01	1.71	2.40	1.77	2.49	2.70	3.80
5750	1.19	1.59	1.31	1.78	1.43	1.96	1.67	2.34	1.74	2.43	2.64	3.71
5875	1.16	1.55	1.28	1.74	1.40	1.92	1.63	2.29	1.70	2.38	2.59	3.62
6000	1.14	1.52	1.25	1.70	1.37	1.88	1.60	2.24	1.66	2.33	2.53	3.54
6125	1.11	1.49	1.23	1.66	1.34	1.84	1.57	2.19	1.63	2.28	2.48	3.47
6250	1.09	1.46	1.20	1.63	1.31	1.80	1.54	2.15	1.60	2.23	2.43	3.40
6375	1.07	1.43	1.18	1.60	1.29	1.77	1.51	2.11	1.57	2.19	2.39	3.34
6500	1.06	1.41	1.16	1.57	1.27	1.74	1.48	2.07	1.54	2.15	2.35	3.28
6625	1.04	1.39	1.15	1.55	1.25	1.72	1.46	2.04	1.52	2.12	2.32	3.23
6750	1.03	1.37	1.14	1.54	1.24	1.70	1.45	2.02	1.50	2.10	2.29	3.20
6875	1.02	1.36	1.13	1.52	1.23	1.68	1.44	2.00	1.49	2.08	2.28	3.17
7000	1.02	1.36	1.12	1.52	1.23	1.68	1.43	2.00	1.49	2.08	2.27	3.17
7125	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00	1.49	2.08	2.27	3.17
7250	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00	1.49	2.08	2.27	3.17
7375	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00	1.49	2.08	2.27	3.17
7500	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00	1.49	2.08	2.27	3.17

(iii) ASM2525 and ASM5015 Nitric Oxide (PPM NO) Table

Column Number - -> Vehicle ETW	41 5015	41 2525	42 5015	42 2525	43 5015	43 2525	44 5015	44 2525	45 5015	45 2525	46 5015	46 2525	47 5015	47 2525	48 5015	48 2525
1750	1212	1095	1819	1642	2272	2114	2725	2587	3178	3060	3631	3532	4084	4005	4990	4950
1875	1142	1031	1713	1547	2181	1991	2649	2435	3117	2879	3586	3323	4054	3767	4990	4655
2000	1077	973	1616	1460	2058	1877	2499	2295	2941	2713	3383	3131	3824	3548	4707	4384
2125	1018	920	1527	1380	1944	1774	2360	2167	2776	2561	3192	2955	3609	3348	4441	4136
2250	964	871	1446	1307	1839	1678	2232	2050	2625	2422	3018	2794	3411	3165	4197	3909
2375	915	827	1372	1240	1744	1592	2115	1943	2487	2295	2859	2646	3231	2998	3974	3701
2500	869	786	1304	1179	1657	1512	2009	1845	2361	2179	2714	2512	3066	2845	3771	3512
2625	828	749	1242	1123	1577	1440	1912	1756	2246	2073	2581	2389	2916	2706	3585	3339
2750	791	715	1186	1072	1504	1374	1823	1675	2142	1976	2460	2277	2779	2579	3416	3181
2875	756	684	1134	1026	1438	1313	1742	1601	2046	1888	2350	2175	2654	2463	3261	3037
3000	725	656	1088	984	1378	1258	1668	1533	1959	1808	2249	2082	2539	2357	3120	2906
3125	696	630	1045	945	1323	1208	1601	1471	1879	1734	2157	1997	2435	2260	2992	2787
3250	670	607	1006	910	1273	1163	1539	1415	1806	1667	2073	1920	2340	2172	2874	2677
3375	647	585	970	878	1227	1121	1483	1363	1740	1606	1997	1849	2253	2092	2767	2577
3500	625	566	937	848	1184	1082	1432	1316	1679	1550	1926	1784	2174	2018	2668	2486
3625	605	547	907	821	1146	1047	1384	1273	1623	1498	1862	1724	2100	1950	2578	2401
3750	586	531	879	796	1110	1014	1340	1233	1571	1451	1802	1669	2033	1887	2494	2323
3875	569	515	853	773	1077	984	1300	1195	1523	1407	1747	1618	1970	1829	2417	2251
4000	553	501	829	751	1046	956	1262	1161	1479	1365	1695	1570	1912	1775	2345	2184
4125	538	487	807	731	1017	930	1227	1128	1437	1327	1647	1526	1857	1724	2277	2122
4250	524	475	786	712	990	905	1194	1098	1398	1291	1602	1484	1806	1677	2214	2063
4375	510	463	766	694	964	882	1162	1069	1360	1257	1559	1444	1757	1632	2154	2007
4500	498	451	747	677	939	859	1132	1042	1325	1224	1518	1406	1711	1589	2096	1953
4625	486	440	728	661	916	838	1104	1015	1291	1193	1479	1370	1666	1548	2042	1903
4750	474	430	711	645	893	818	1076	990	1259	1163	1441	1336	1624	1508	1989	1854
4875	463	420	694	630	872	798	1049	966	1227	1134	1405	1302	1583	1470	1938	1806
5000	452	410	677	615	850	778	1023	942	1196	1106	1369	1269	1542	1433	1889	1760
5125	441	400	661	600	830	760	998	919	1167	1078	1335	1237	1503	1397	1840	1715
5250	431	391	646	586	810	741	974	896	1138	1051	1301	1206	1465	1362	1793	1672
5375	420	382	631	573	790	723	950	874	1109	1025	1269	1176	1428	1327	1747	1629
5500	410	373	616	559	771	706	926	853	1082	1000	1237	1147	1392	1294	1703	1587
5625	401	364	601	546	752	689	904	832	1055	975	1206	1118	1357	1261	1659	1547
5750	391	356	587	534	734	673	882	812	1029	951	1176	1090	1323	1230	1617	1508
5875	383	348	574	522	717	657	860	793	1004	928	1147	1064	1290	1199	1577	1471
6000	374	340	561	510	701	642	840	774	980	906	1120	1039	1259	1171	1539	1435
6125	366	333	549	499	685	628	822	757	958	886	1094	1015	1230	1144	1503	1401
6250	359	326	538	489	671	615	804	741	937	867	1070	993	1203	1119	1469	1371
6375	352	320	528	480	658	604	788	727	919	850	1049	973	1179	1096	1439	1343
6500	346	315	519	473	647	593	775	714	902	835	1030	956	1158	1077	1413	1318
6625	341	311	512	466	638	585	763	704	889	823	1014	941	1140	1060	1391	1298
6750	338	307	507	461	631	578	755	696	879	813	1003	931	1127	1048	1374	1283
6875	335	305	503	458	626	574	749	691	872	807	995	924	1118	1040	1364	1273
7000	335	305	502	457	624	573	747	689	870	805	992	921	1115	1037	1360	1269
7125	335	305	502	457	625	573	747	689	870	805	992	921	1115	1037	1360	1269
7250	335	305	502	457	625	573	747	689	870	805	992	921	1115	1037	1360	1269
7375	335	305	502	457	625	573	747	689	870	805	992	921	1115	1037	1360	1269
7500	335	305	502	457	625	573	747	689	870	805	992	921	1115	1037	1360	1269

ASM2525 and ASM5015 Nitric Oxide (PPM NO) Table (cont.)

<i>Column Number --> Vehicle ETW</i>	<i>49 5015</i>	<i>49 2525</i>	<i>50 5015</i>	<i>50 2525</i>	<i>51 5015</i>	<i>51 2525</i>
1750	4990	4960	4990	4980	4990	4990
1875	4990	4738	4990	4906	4990	4990
2000	4778	4535	4919	4838	4990	4990
2125	4578	4349	4853	4776	4990	4990
2250	4395	4179	4792	4720	4990	4990
2375	4228	4024	4736	4668	4990	4990
2500	4076	3881	4685	4620	4990	4990
2625	3936	3752	4639	4577	4990	4990
2750	3809	3579	4596	4374	4990	4772
2875	3669	3417	4484	4176	4892	4556
3000	3510	3270	4290	3996	4680	4359
3125	3366	3135	4114	3832	4488	4180
3250	3234	3012	3952	3681	4311	4016
3375	3113	2899	3804	3544	4150	3866
3500	3002	2796	3669	3418	4002	3728
3625	2900	2701	3544	3302	3867	3602
3750	2806	2614	3429	3195	3741	3485
3875	2719	2533	3323	3096	3625	3377
4000	2638	2457	3224	3003	3517	3276
4125	2562	2387	3131	2917	3416	3182
4250	2490	2320	3044	2836	3321	3094
4375	2423	2258	2961	2759	3230	3010
4500	2359	2198	2883	2686	3145	2930
4625	2297	2140	2807	2616	3063	2854
4750	2238	2085	2735	2549	2983	2780
4875	2180	2032	2665	2483	2907	2709
5000	2125	1980	2597	2420	2833	2640
5125	2070	1930	2530	2359	2760	2573
5250	2017	1881	2466	2298	2690	2507
5375	1966	1833	2403	2240	2621	2443
5500	1916	1786	2341	2183	2554	2381
5625	1867	1740	2282	2127	2489	2321
5750	1820	1697	2224	2074	2426	2262
5875	1774	1654	2168	2022	2366	2206
6000	1731	1614	2116	1973	2308	2152
6125	1690	1577	2066	1927	2254	2102
6250	1653	1542	2020	1884	2204	2056
6375	1619	1510	1979	1846	2159	2014
6500	1590	1483	1943	1813	2119	1977
6625	1565	1460	1913	1785	2087	1947
6750	1546	1443	1890	1764	2062	1924
6875	1534	1432	1875	1750	2046	1909
7000	1530	1428	1870	1745	2040	1904
7125	1531	1428	1874	1745	2045	1904
7250	1531	1428	1874	1745	2045	1904
7375	1531	1428	1874	1745	2045	1904
7500	1531	1428	1874	1745	2045	1904

(b) *ASM Test Score Calculation*

(1) Exhaust gas measurement calculation.

(i) System response time

The analysis and recording of exhaust gas concentrations shall begin 12 seconds after the applicable test mode begins, or sooner if the system response time is less than 12 seconds. The analyzing and recording of exhaust gas concentrations shall not begin sooner than the time period equivalent to the response time of the slowest transducer.

(ii) Sample rate

Exhaust gas concentrations shall be analyzed at a minimum rate of once per second.

(iii) Emission measurement calculations.

Partial stream (concentration) emissions shall be calculated based on a running 10-second average. The values used for HC(J), CO(J), and NO(J) are the raw (uncorrected) tailpipe concentrations.

$$AVGHC = \frac{\sum_{j-10}^j HC(j) * DCF(j)}{10}$$

(a)

$$AVGCO = \frac{\sum_{j-10}^j CO(j) * DCF(j)}{10}$$

(b)

$$AVGNO = \frac{\sum_{j-10}^j NO(j) * K(b) * DCF(j)}{10}$$

(c)

(iv) Dilution correction factor.

The analyzer software shall multiply the raw emissions values by the dilution correction factor (DCF) during any valid ASM emissions test. The DCF accounts for exhaust sample dilution (either intentional or unintentional) during an emissions test. The analyzer software shall calculate the DCF using the following procedure, and shall select the appropriate vehicle fuel formula. If the calculated DCF exceeds 3.0 then a default value of 3.0 shall be used.

(a)

$$X = \frac{[CO_2]_{MEASURED}}{[CO_2]_{MEASURED} + [CO]_{MEASURED}}$$

Where $[CO_2]_{MEASURED}$ and $[CO]_{MEASURED}$ are the instantaneous ASM emissions test readings.

(b) Calculate $[CO_2]_{adjusted}$ using the following formulas.

(1) For gasoline:

$$[CO_2]_{adjusted} = \left(\frac{X}{4.644 + 1.88X} \right) * 100$$

(2) For Methanol or Ethanol:

$$[CO_2]_{adjusted} = \left(\frac{X}{4.73 + 1.88X} \right) * 100$$

(3) For Compressed Natural Gas (CNG):

$$[CO_2]_{adjusted} = \left(\frac{X}{4.64 + 1.88X} \right) * 100$$

(4) For Liquid Propane Gas (LPG):

$$[CO_2]_{adjusted} = \left(\frac{X}{5.39 + 1.88X} \right) * 100$$

(c) Calculate the DCF using the following formula.

$$DCF = \frac{[CO]_{ADJUSTED}}{[CO]_{MEASURED}}$$

(v) K_h = No humidity correction factor.

(a)

$$K_H = \frac{1}{[1 - 0.0047(H - 75)]}$$

(b) H = Absolute humidity in grains of water per pound of dry air.

$$= \frac{(43.478)RA * PD}{P_B - (PD * RA / 100)}$$

(c) RA = Relative humidity of the ambient air percent.

(d) PD = Saturated vapor pressure, MM HG at the ambient dry bulb temperature. If the temperature is above 86°F, then it shall be used in lieu of the higher temperature, until EPA supplies final correction factors.

(e) P_B = Barometric pressure, MM HG.

(2) Pass/fail determination.

A pass or fail determination shall be made for each applicable test mode based on a comparison of the applicable short test standards and the measured value for HC, CO, and NO as described in Paragraph (b)(1)(iii) of this section. A vehicle shall pass the test mode if the emission values for HC, CO, and NO are simultaneously below or equal to the applicable short test standards for all three pollutants. A vehicle shall fail the test mode if the values for HC, CO, or NO, or any combination of the three, are above the applicable standards at the expiration of the test time.

§ 2. ASM short test procedure.

(a) *General requirements*

(1) Vehicle characterization.

(i) Vehicle type: LDGV, LDGT1, LDGT2, HDGT, and others as needed;

(ii) Chassis model year;

(iii) Make;

(iv) Model;

(v) Number of cylinders;

(vi) Cubic inch or liters displacement of the engine;

(vii) Transmission type; and

(viii) Equivalent test weight.

(2) Ambient conditions.

The ambient temperature, relative humidity and barometric pressure shall be recorded continuously during the test cycle or as a single set of readings up to 4 minutes before the start of the driving cycle.

(3) Restart.

If shut off, the vehicle shall be restarted as soon as possible before the test and shall be running at least 30 seconds prior to the start of the ASM driving cycle.

(4) Void test conditions.

The test shall immediately end and any exhaust gas measurements shall be voided if the instantaneous measured concentration of CO plus CO₂ falls below 6% or the vehicle's engine stalls at any time during the test sequence.

(5) Test time limit.

The test shall be aborted or terminated upon reaching the overall maximum test time.

(b) *Pre-inspection and preparation.*

(1) Accessories.

All accessories (air conditioning, heat, defogger, radio, automatic traction control if switchable, and the like) shall be turned off (if necessary, by the inspector).

(2) Exhaust leaks.

The vehicle shall be inspected for exhaust leaks by test personnel. Audio assessment while blocking exhaust flow shall be acceptable. Vehicles with leaking exhaust systems shall be rejected from testing.

(3) Fluid leaks.

Vehicles with excessive leaking engine oil, transmission fluid or coolant shall be rejected from testing.

(4) Mechanical condition.

Vehicles with obvious mechanical problems (engine, transmission, brakes or exhaust) that either create a safety hazard or could bias test results shall be rejected from testing.

(5) Operating temperature.

The vehicle shall be at proper operating temperature prior to the start of the test. The vehicle temperature gauge, if equipped and operating, shall be checked to assess temperature. Vehicles in overheated condition shall be rejected from testing.

(6) Tire condition.

Vehicles shall be rejected from testing if tread indicators, tire cords, bubbles, cuts or other damage are visible. Vehicles shall be rejected from testing if they have space-saver spare tires or if they do not have reasonably sized tires on the drive axle or axles. Vehicles may be rejected if they have different sized tires on the drive axle or axles. In test-and-repair facilities, drive wheel tires shall be checked with a gauge for adequate tire pressure. In test-only facilities, drive wheel tires shall be visually checked for adequate pressure level. Drive wheel tires that appear low shall be inflated to approximately 30 PSI, or to tire side wall pressure, or vehicle manufacturer's recommendation. Alternatively, vehicles with apparent low tire pressure may be rejected from testing.

(7) Emission sample system purge/hang-up.

While a lane is in operation, the sample system shall be continuously purged after each test for at least 15 minutes if not taking measurements. If the HC reading, when the probe is sampling ambient air, exceeds 7 PPM

C6 on an instantaneous measure, testing shall be prohibited. Testing may proceed after a determination is made that hang-up is less than 7 PPM C6 (that is, by eliminating the ambient background contribution to the measurement).

(8) Roll rotation.

The vehicle shall be maneuvered onto the dynamometer with the drive wheels positioned on the dynamometer rolls, prior to restraining the vehicle and test initiation. The rolls shall be rotated until the vehicle laterally stabilizes on the dynamometer. Vehicles that cannot be stabilized on the dynamometer shall be rejected from testing. Drive wheel tires shall be dried if necessary to prevent slippage.

(9) Cooling system.

When ambient temperatures exceed 72°F, testing shall not begin until the cooling system is positioned and activated. The cooling system blower shall be positioned to direct air to the vehicle cooling system, but shall not be directed at the catalytic converter.

(10) Vehicle restraint.

Testing shall not begin until the vehicle is restrained. Any restraint system shall meet the requirements of § 3(a)(5)(ii). In addition, the parking brake shall be set for front wheel drive vehicles prior to the start of the test, unless parking brake functions on front axle or if it is automatically disengaged when in gear.

(11) Dynamometer warm-up.

The dynamometer shall be in a warmed-up condition prior to official testing and use shall be locked out until it is warmed up. Dynamometers resting (not operated for at least 30 seconds and at least 15 mph) for more than 30 minutes shall pass the coast-down check specified in § 4(b)(1) prior to use in testing. Control charts may be used to demonstrate the need for less frequent warm-up.

Testing cannot occur below 41°F.

(12) Analyzer warm-up.

An emissions test shall not begin before the analyzer has been adequately warmed up. Turning on the analyzer for a time period of at least 4 times the period of time required to reach stability as demonstrated in the equipment certification (see § 7) shall constitute "warmed-up."

(c) *Test sequence.*

(1) The test sequence shall consist of a single ASM mode described in § 2(d) of this subpart. Vehicles that fail the first chance test as described in § 2(d) of this subpart shall receive a second chance test under § 2(e) of this subpart. The second chance test shall consist of a repetition of the mode or modes that were failed in the first chance test according to the conditions in § 2(e) of this subpart.

(2) The test sequence shall begin only after the following requirements are met:

(i) Load setting.

Prior to each mode, the system shall automatically select the load setting of the dynamometer from a supplied look-up table.

(ii) Accessories.

The vehicle shall be tested in as-received condition with all accessories turned off. The engine shall be at normal operating temperature.

(iii) Gear selection.

The vehicle shall be operated during each mode of the test with the gear selector in drive for automatic transmissions and in second (or third if more appropriate) for manual transmissions for the loaded modes. Engine RPM shall be measured per § 3(d)(6).

(iv) Sample probe.

The sample probe shall be inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension shall be used.

(v) Multiple exhaust pipes.

Exhaust gas concentrations from vehicle engines equipped with functionally independent multiple exhaust pipes shall be sampled simultaneously.

(vi) Automatic gas zero.

The analyzer shall conduct an automatic zero adjustment using the zero gas specified in § 4(d)(iii).

(vii) Automatic zero adjustment.

The zero adjustment shall include HC, CO, CO₂ and NO channels.

(viii) Ambient air and HC hang-up determination.

The analyzer shall perform the automatic zeroing, O₂ calibration (if included) and ambient air reading, followed by an HC hang-up check. This process shall begin after initiation of data entry into the analyzer computer. The analyzer shall be locked out from testing until: (1) the ambient air (sampled through the probe) has less than 15 PPM HC and (2) the residual HC in the sampling system (probe sample—port sample) is less than 7 PPM.

(ix) Engine speed.

For 1996 and newer vehicles equipped with Federal OBD systems or California OBD II systems, engine speed in RPM may be monitored by the standardized plug throughout the test. RPM readings shall be recorded on a second-by-second basis. In test-and-repair stations, engine speed shall also be monitored on all pre-1996 vehicles and recorded in the test record. For vehicles that are not equipped for OBD measurement, an alternative means of measuring engine speed (RPM) shall be provided.

(d) Overall test procedure.

The test timer shall start (TT=0) when the conditions specified in paragraph (c)(2) are met. The dynamometer rolls reach 1.0 MPH due to the test vehicle's initial acceleration for testing purposes, and the mode timer initiates as specified in paragraph (d)(2). The test sequence shall have an overall maximum test time of 290

seconds (TT=290). The test shall be immediately terminated or aborted upon reaching the overall maximum test time. The test mode in § 2(d)(3) may precede the test mode in § 2(d)(2).

(1) Preconditioning cycle.

Vehicle preconditioning shall be performed prior to start of an official test. The preconditioning cycle must be approved by the Department. A state may waive the preconditioning requirement if it ensures that all vehicles are adequately warmed up prior to taking the final emissions measurements as described at § 1(b)(iii). The following preconditioning cycle is approved:

(i) The preconditioning timer shall start once the dynamometer has reached a speed of 15 or 25 mph (PT=0), consistent with the speed of the first test mode. The vehicle will continue to be operated for a maximum of 30 seconds at this speed within ±5 MPH and within ±10% of the wheel force tolerance specified in § 2(d)(2). The duration of the preconditioning cycle may be adjusted if a Department determines through the use of statistical process control methods that an alternative preconditioning cycle duration is adequate to ensure that vehicles are fully warmed up prior to testing. If the speed or wheel force fall above or below the tolerance, the preconditioning timer will reset to zero. Preconditioning time shall not be included in the overall maximum test time.

(2) ASM5015 mode.

(i) Mode timer.

The mode timer shall start (MT=0) when the dynamometer speed (and corresponding wheel force) are maintained within 15±1.0 miles per hour for 5 continuous seconds. If the inertia simulation exceeds the tolerance specified in § 3(a)(4)(ii)(b) for more than 5 consecutive seconds after the mode timer is started, the test mode timer shall be set to TT=0. If this happens a second time, the test shall be aborted. The dynamometer shall apply the correct wheel force based on the required ASM horsepower load at 15 mph across the testing speed window (15±1.0 miles per hour) (that is, constant load over the speed range). The wheel force torque tolerance shall be ±5% of the correct wheel force at 15 MPH.

(ii) Look-up table.

The dynamometer power shall be automatically selected from an EPA-supplied or EPA-approved look-up table, based upon the vehicle identification information described in § 2(a)(1). Vehicles not listed in the look-up table and for which ETW is not available shall be tested using the following default settings:

Number of Cylinders Vehicle type	Default ASM5015 actual horsepower settings for 8.6' dynamometers HP5015 _s				
	3	4	5 & 6	8	>8
Sedans	7.9	11.4	13.8	16.4	16.0
Station wagons	8.1	11.7	13.8	16.1	16.1
Mini-vans	10.2	14.1	15.8	17.9	18.2
Pickup trucks	9.6	13.1	16.4	19.2	21.1
Sport/utility	10.1	13.4	15.5	19.4	21.1
Full vans	10.3	13.9	17.7	19.6	20.5

Number of Cylinders Vehicle type	Default ASM5015 actual horsepower settings for 20' dynamometers HP5015 ₂₀				
	3	4	5 & 6	8	>8
Sedans	8.1	11.8	14.3	16.9	16.6
Station wagons	8.3	12.1	14.2	16.6	16.6
Mini-vans	10.4	14.5	16.3	18.5	18.7
Pickup trucks	9.8	13.4	16.8	19.8	21.7
Sport/utility	10.5	13.8	15.9	19.9	21.7
Full vans	10.8	14.4	18.2	20.2	21.1

If the dynamometer speed or wheel force falls outside the speed or wheel force tolerance for more than 2 consecutive seconds, or for more than 5 seconds total, the mode timer shall reset to zero and resume timing. The minimum mode length shall be determined as described in paragraph (d)(2)(iii). The maximum mode length shall be equal to 90 seconds elapsed time (MT = 90).

If the speed at the end of the 10 second period is more than 0.5 mph less (absolute drop, not cumulative) than the speed at the start of the 10 second period, testing shall continue until the speed stabilizes enough to meet this criterion.

(iii) Pass/fail determination.

The pass/fail analysis shall begin after an elapsed time of 22 seconds (MT = 22). A pass or fail determination shall be made for the vehicle and the mode shall be terminated as follows:

(a) The vehicle shall pass the ASM5015 mode and the mode shall be immediately terminated if, at any point between an elapsed time of 22 seconds (MT = 22) and 90 seconds (MT = 90), the 10 second running average measured values for each pollutant are simultaneously less than or equal to the applicable test standards described in paragraph (a).

(b) The vehicle shall fail the ASM5015 mode and the mode shall be terminated if paragraph (d)(2)(iii)(a) is not satisfied by an elapsed time of 90 seconds (MT = 90).

(iv) If ASM5015 is the first test mode, upon termination of the ASM5015 mode, the vehicle shall immediately begin accelerating to the speed required for the ASM2525 mode, if applicable. The dynamometer shall smoothly transition during the acceleration period and shall automatically reset to the load required for the ASM 2525 mode, if applicable, once the roll speed is achieved.

(e) Second chance tests.

If a vehicle fails the 5015 test mode and completes all required test modes with emissions values for HC, CO and NO not greater than 150% of the applicable standard, the vehicle shall receive a second chance test for each failed test mode.

(1) If the vehicle fails the first-chance test, the test timer shall reset to zero (TT=0) and a second-chance test shall be performed, except as noted below. The second-chance test shall have an overall maximum test time of 110 seconds (TT=110) if one mode is repeated.

NOTE: Maximum mode time: 90 sec.
 +Maximum transition: 15 sec.
 +DYNE stabilization: 5 sec.
 110 sec.

12 sec. transport and 10 sec. averaging are included in the mode time as in the initial test.

(2) Repetition of failed modes for single mode ASM tests.

(i) If the vehicle is failing at the end of the mode, then the test mode shall not end at 90 seconds but shall continue for up to 180 seconds.

§ 3. ASM short test equipment.

(a) Dynamometer specifications.

(1) General requirements

(i) Capacity

The dynamometer structure (for example, bearings, rollers, pit plates, and the like) shall accommodate all light-duty vehicles and light-duty trucks up to 9,000 pounds GVWR.

(ii) ASM load

Dynamometer ASM load horsepower (HP5015_{YY}) shall be automatically selected based on the vehicle parameters in the test record.

(iii) Alternative design

Alternative dynamometer specification or designs may be allowed upon a determination by the Department that, for the purpose of properly conducting an approved short test, the evidence supporting these deviations will not cause improper vehicle loading.

(2) Power absorption.

(i) Vehicle loading.

The vehicle loading used during the ASM driving cycles shall follow the equation in paragraph (a)(2)(ii) of this section at 15. Unless otherwise noted, any horsepower displayed during testing shall be HP5015_{YY}.

(ii) HP calculation

$$IHP_{XXXXYY} = THP_{XXXX} - PLHP_{ZZYY} - GTRL_{@ZZ MPH-YY} \\ HP_{XXXXYY} = IHP_{XXXXYY} + PLHP_{ZZYY}$$

(iii) Range of power absorber.

The range of the power absorber shall be sufficient to test all light-duty vehicles and light-duty trucks up to 9,000 pounds GVWR, using both the ASM5015 and ASM2525. The absorption shall be adjustable in 0.1 hp increments at both 15 mph and 25 mph.

(iv) Parasitic losses.

The parasitic losses (PLHP) in each dynamometer system (such as windage, bearing friction and system drive friction) shall be characterized at 25 and 15 mph upon initial acceptance, and during each dynamometer calibration if required.

(v) Power absorber.

Only electric power absorbers shall be used unless alternatives are approved by the Department.

(vi) Power absorber accuracy.

The accuracy of the power absorber shall be 6.25 pounds of wheel force at 15 mph and 3.75 pounds of wheel force at 25 mph or ±2% of required wheel force, whichever is greater, in direction of rotation.

(3) Rolls

(i) Size and type.

The dynamometer shall be equipped with twin rolls. The rolls shall be coupled side-to-side. In addition, the front and rear rolls shall be coupled. The dynamometer roll diameter shall be between 8.5 and 21.0 inches. The spacing between the roll centers shall comply with the equation in paragraph (a)(3)(ii) to within 0.5 inch and -0.25 inch of the calculated value. The parasitic power losses shall be determined as indicated in § 4(b)(1)(iv). Fixed dynamometer rolls shall have an inside track width of no more than 30 inches and outside track width of at least 100 inches. Rolls moveable from side-to-side may be used if adequate measures are taken to prevent tire damage from lateral vehicle movement and the dynamometer sufficiently accommodates track widths of the full range of vehicles to be tested on the dynamometer. Alternative coupling methods, track widths, roll sizes and number of rolls may be used if approved by the Department and the Environmental Protection Agency and if adequate measures are taken to prevent tire damage from lateral vehicle movement and the dynamometer sufficiently accommodates track widths of the full range of vehicles to be tested on the dynamometer. General tire roll interface losses must be determined for alternative roll sizes, configurations and spacing.

(ii) Roll spacing

$$\text{Roll spacing} = (24.375 + D) * \text{SIN } 31.5153$$

D = Dynamometer roll diameter.

Roll spacing and roll diameter are expressed in inches.

(iii) Design.

The roll size, surface finish and hardness shall be such that tire slippage is minimized under all weather conditions; that water removal is maximized; that the specified accuracy of the distance and speed measurements are maintained; and that tire wear and noise are minimized.

(4) Inertia.

The dynamometer shall have a total test inertia weight of 2,000 pounds ±40 pounds. Any deviation from the 2,000 pound base inertia shall be quantified and the coast-down time shall be corrected accordingly. Any deviation from the stated inertia shall be quantified and the inertia simulation shall be corrected accordingly.

(i) Mechanical inertia.

Dynamometers shall be equipped with additional fly-wheel weights or diagnostic level inertia simulation, for transient simulations of up to +3.3 mph/s acceleration at 500 pound increments of mechanical inertia weight or 1 pound increments of electrically simulated positive inertia, to a total of 5,500 pounds up to speeds of 57 mph with a minimum load (power) of 25 horsepower at 14 mph over the inertia weight range of 2,000 to 6,000 pounds. A deviation from the stated inertia shall be quantified and the inertia simulation shall be corrected accordingly. Mechanical or electrical inertia simulation, or a combination of both, may be used, subject to review and approval.

(ii) Electrical inertia simulation.

Electrical inertia simulation, or a combination of electrical and mechanical simulation may be used in lieu of mechanical flywheels, provided that the performance of the electrically simulated inertia complies with the following specifications. Exceptions to these specifications may be allowed upon a determination by the Department that the exceptions would not significantly increase vehicle loading or emissions for the purpose of properly conducting an approved short test.

(a) System response. The torque response to a step change shall be at least 90% of the requested change within 300 milliseconds after a step change is commanded by the dynamometer control system, and shall be within 2% of the commanded torque by 300 milliseconds after the command is issued. Any overshoot of the commanded torque value shall not exceed 25% of the torque value.

(b) Simulation error. An inertia simulation error (ISE) shall be continuously calculated any time the actual dynamometer speed is between 10 mph and 60 mph. The ISE shall be calculated by the equation in § 3(a)(4)(ii)(c), and shall not exceed 3% of the inertia weight selected (IWS) for the vehicle under test.

$$(c) \text{ ISE} = [(IWS - I_T) / (IWS)] * 100$$

(d)

$$I_T = I_M \frac{1}{V} \int_0^T (F_M - F_{RL}) DT$$

Where:

I_T = Total inertia being simulated by the dynamometer (kg)

$$I_T \text{ (LB force)} = I_T \text{ (KG)} * 2.2046$$

I_M = Base (mechanical inertia of the dynamometer (kg)

V = Measured roll speed (M/S)

F_M = Force measured by the load cell (translated to the roll surface) (N)

F_{RL} = Road load force (N) required by IHPXXXX_{YY} at the measured roll speed (v)

T = Time (sec)

(5) Other requirements.

(i) Vehicle speed and speed response.

The measurement of roll speed shall be accurate within 0.1 mph between speeds of 10 and 30 mph. The dynamometer controller shall be able to detect and resolve speed variations in less than 500 milliseconds to 0.10 mph/sec accuracy.

(ii) Vehicle restraint.

The vehicle shall be restrained during the ASM driving cycle. The restraint system shall be designed to insure that vertical and horizontal force on the drive wheels does not significantly affect emission levels. The restraint system shall allow unobstructed vehicle ingress and egress and shall be capable of safely restraining the vehicle under all reasonable operating conditions.

(iii) Vehicle cooling.

The test operator shall prevent overheating of the vehicle. The test shall be conducted with the hood open when the ambient temperature exceeds 72°F. The cooling method used shall direct air to the test vehicle's cooling system. The cooling system capacity shall be at least 3,000 SCFM within 12 inches of the intake to the vehicle's cooling system. The cooling system shall avoid improper cooling of the catalytic converter.

(iv) All-wheel drive.

If used, four-wheel drive dynamometers shall insure the application of correct vehicle loading as defined in paragraph (a)(2) and shall not damage the four wheel drive system of the vehicle. Front and rear wheel rolls shall be coupled and maintain speed synchronization within 0.2 mph. The four wheel drive system shall be able to uncouple the rear roll set so as to function as a two wheel drive system.

(v) Installation.

In all cases, installation must be performed so that the test vehicle is approximately level ($\pm 5^\circ$) while on the dynamometer during testing.

(b) *Emission sampling system*

(1) Materials and design.

The sampling system shall be designed to insure durable, leak free operation and be easily maintained. Materials that are in contact with the gases sampled shall not contaminate or change the character of the gases to be analyzed, including gases from vehicles not fueled by gasoline. The system shall be designed to be corrosion-resistant and be able to withstand typical vehicle exhaust temperatures when the vehicle is driven through the ASM5015 test cycle for 290 seconds.

(2) Sampling system.

The sampling system shall draw exhaust gas from the vehicle, shall remove particulate matter and aerosols from the sampled gas, shall drain condensed water from the sample if necessary, and shall deliver the resultant gas sample to the analyzers/sensors for analysis and then deliver the analyzed sample outside the building. The sampling system shall, at a minimum, consist of a tailpipe probe, flexible sample line, water removal system, a particulate trap, sample pump and flow control components.

(3) Sample probe.

(i) Insertion.

The sample probe shall allow at least a 16 inch insertion depth of the sample point into the vehicle's exhaust. In addition, the probe shall be inserted at least 10 inches into the vehicle's exhaust. Use of a tailpipe extension is permitted as long as the extension does not change the exhaust back pressure by more than 1 inch of water pressure.

(ii) Retention.

The probe shall incorporate a positive means of retention to prevent it from slipping out of the tailpipe during use.

(iii) Flexibility.

The probe shall be designed so that the tip extends 16 inches into the tailpipe. The probe tip shall be shielded so that debris is not scooped up by the probe when it is inserted into the tailpipe.

(iv) Probe tip.

Probe tips shall be designed and constructed to prevent sample dilution.

(v) Materials.

All materials in contact with exhaust gas prior to and throughout the measurement portion of the system shall be unaffected by and shall not affect the sample (that is, the materials shall not react with the sample, and they shall not taint the sample). Acceptable materials include

stainless steel, teflon, silicon rubber and TEDLAR®. Dissimilar metals with thermal expansion factors of more than 5% shall not be used in either the construction of probes or connectors. The sample probe shall be constructed of stainless steel or other noncorrosive, nonreactive material which can withstand exhaust gas temperatures at the probe tip of up to 1,100°F.

(vi) System hoses and connections.

Hoses and all other sample handling components must be constructed of, or plated with a nonreactive, noncorrosive, high temperature material which will not affect, or be affected by, the exhaust constituents and tracer gases.

(vii) Dual exhaust.

The sample system shall provide for the testing of dual exhaust equipped vehicles. When testing a vehicle with functional dual exhaust pipes, a dual sample probe of a design certified by the analyzer manufacturer to provide equal flow in each leg shall be used. The equal flow requirement is considered to be met if the flow rate in each leg of the probe has been measured under two sample pump flow rates (the normal rate and a rate equal to the onset of low flow), and if the flow rates in each of the legs are found to be equal to each other (within 15% of the flow rate in the leg having lower flow).

(4) Particulate filter.

The particulate filter shall be capable of trapping 97% of all particulate and aerosols 5 microns or larger. The filter element shall not absorb or adsorb hydrocarbons. The filter housing shall be transparent or translucent to allow the operator to observe the filter element condition without removing the housing. The filter element shall be easily replaceable and shall provide for reliable sealing after filter element changes.

(5) Water trap.

The water trap shall be sized to remove exhaust sample water from vehicles fueled with gasoline, propane, compressed natural gas, reformulated gasoline, alcohol blends or neat, and oxygenated fuels. The filter element, bowl and housing shall be inert to these fuels as well as to the exhaust gases from vehicles burning these fuels. The condensed water shall be continuously drained from the water trap's bowl. Sufficient water shall be trapped, regardless of fuel, to prevent condensation in the sample system or in the optical bench's sample cell.

(6) Low flow indication.

The analyzer shall be prevented from performing an emissions test when the sample flow is below the acceptable level. The sampling system shall be equipped with a flow meter (or equivalent) that shall indicate sample flow degradation when measurement error exceeds 3% of the gas value used for checking, or causes the system response time to exceed 13 seconds to 90% of a step change in input (excluding no), whichever is less.

(7) Exhaust ventilation system.

The high quantities of vehicle emissions generated during loaded mode testing shall be properly vented to prevent buildup of hazardous concentrations of HC, CO, CO₂ and NO_x. Sufficient ventilation shall be provided in the station to maintain HC, CO, CO₂ and no levels below OSHA standards.

(i) Ventilation system.

The ventilation system shall discharge the vehicle and analyzer exhaust outside the building.

(ii) Exhaust collection system.

The flow of the exhaust collection system shall not cause dilution of the exhaust at the sample point in the probe.

(iii) Exhaust collection system flow.

The flow of the exhaust collection systems shall not cause a change of more than 1.0 inch of water pressure in the vehicle's exhaust system at the exhaust system outlet.

(c) Analytical instruments.

(1) General requirements.

(i) Analyzers.

The analyzer system shall consist of analyzers for HC, CO, NO and CO₂. And digital displays for exhaust concentrations of HC, CO, NO and CO₂, and for vehicle speed.

(ii) Alternative analytical equipment.

Alternative analytic equipment specification, materials, designs or detection methods may be allowed upon a determination by the Department and the Environmental Protection Agency, that for the purpose of properly conducting an approved short test, the evidence supporting such deviations will not significantly affect the proper measurement of emissions.

(iii) Sample rate.

The analyzer shall be capable of measuring exhaust concentrations of gases specified in this section at a minimum rate of once per second.

(2) Performance requirements.

(i) Temperature operating range.

The analyzer system and all associated hardware shall operate within the performance specifications described in § 2 of this subpart at ambient air temperatures ranging from 41°F to 110°F. Analyzers shall be designed so that adequate air flow is provided around critical components to prevent overheating (and automatic shutdown) and to prevent the condensation of water vapor which could reduce the reliability and durability of the analyzer. The analyzer system shall otherwise include necessary features to keep the sampling system within the specified range.

(ii) Humidity operating range.

The analyzer system and all associated hardware shall operate within the performance specifications described in § 2 of this subpart at a minimum of 85% relative humidity throughout the required temperature range.

(iii) Interference effects.

The interference effects for non-interest gases shall not exceed ±4 ppm for hydrocarbons, ±0.02% for carbon monoxide, ±0.20% for carbon dioxide, and ±20 ppm for nitric oxide when using the procedure specified in § 4(d)(6)(iv). Corrections for collision broadening effects of combined high CO and CO₂ concentrations shall be taken into account in developing the factory calibration curves, and are included in the accuracy specifications.

(iv) Barometric pressure compensation.

Barometric pressure compensation shall be provided. Compensation shall be made for elevations up to 6,000 feet (above mean sea level). At any given altitude and ambient conditions specified in (iv) and (v), errors due to barometric pressure changes of ±2 inches of mercury shall not exceed the accuracy limits specified in paragraph (2).

(v) System lockout during warm-up.

Functional operation of the gas sampling unit shall remain disabled through a system lockout preventing the system from performing emission tests until the instrument meets stability and warm-up requirements. The instrument shall be considered "warmed up" when the zero and span readings for HC, CO, NO, and CO₂ have stabilized, within the accuracy values specified in § 3(c)(3) for 5 minutes without adjustment. Turning on the analyzer for a time period of at least 4 times the period of time required to reach stability as demonstrated in the equipment certification (see § 7) shall constitute "warmed-up."

(vi) Zero drift lockout.

If zero or span drift cause the optical bench signal levels to move beyond the adjustment range of the analyzer, the system shall be prevented from performing an emissions test.

(vii) Electromagnetic isolation and interference.

Electromagnetic signals found in an automotive service environment shall not cause malfunctions or changes in the accuracy in the electronics of the analyzer system. The instrument design shall ensure that readings do not vary as a result of electromagnetic radiation and induction devices normally found in the automotive service environment, including high energy vehicle ignition systems, radio frequency transmission radiation sources, and building electrical systems. Certification acceptance test is described in § 7.

(viii) Vibration and shock protection.

System operation shall be unaffected by the vibration and shock encountered under the normal operating conditions encountered in an automotive service environment.

(ix) Propane equivalency factor.

The PEF range shall be between 0.470 and 0.560. For each audit/calibration point, the nominal PEF shall be conveniently displayed for the quality assurance inspector and other authorized personnel, in a manner acceptable to the program. If an optical bench must be replaced in the field, the manufacturer's field service representative (FSR) shall change any external labels to correspond to the nominal PEF of the new bench. The analyzer shall incorporate an algorithm relating PEF to HC concentration. Corrections shall be made automatically.

(x) System response requirements.

The response time from the probe to the display for HC, CO and CO₂ analyzers shall not exceed 8 seconds for 90% of a step change in input. The response time for a step change in O₂ from 20.9% O₂ to 0.1% O₂ shall be no longer than 40 seconds. For no analyzers, the response time shall not exceed 12 seconds for 90% of a step change in input. The response time for a step change in NO from a stabilized reading to 10% of that reading shall be no longer than 12 seconds.

(3) Detection methods, instrument ranges, accuracy and repeatability.

(i) Hydrocarbon analysis.

Hydrocarbon (HC) analysis shall be determined by nondispersive infrared (NDIR) analyzer. The analyzer shall cover at least the range of 0 PPM HC to 2000 PPM HC, where PPM HC is parts per million of hydrocarbon volume as hexane. The accuracy of the instrument between 1400 PPM HC and 2000 PPM HC shall be at least 5.0% of point. The accuracy of the instrument from

0-1400 PPM HC shall be ± 4 PPM C6 or 3% of point, whichever is greater. The calibration curve must comply with the quality control specifications in § 4(d)(2) for calibration curve verification.

(ii) Carbon monoxide analysis.

Carbon monoxide (CO) analysis shall be determined by nondispersive infrared (NDIR) analyzer. The analyzer shall cover at least the range of 0.00% CO to 9.99% CO, where % CO is % volume CO. The accuracy of the instrument between 0.01% and 7.00% CO shall be $\pm 3\%$ or 0.02% CO, whichever is greater. The accuracy of the instrument between 7.01% and 10.00% shall be at least 5.0% of point. The calibration curve must comply with the quality control specifications in § 4(d)(2) for calibration curve generation.

(iii) Carbon dioxide analysis.

Carbon dioxide (CO₂) analysis shall be determined by nondispersive infrared (NDIR) analyzer. The analyzer shall cover at least the range of 0.0% CO₂ to 16.0% CO₂. The accuracy of the instrument between 0.01% and 16% CO₂ shall be at least $\pm 0.3\%$ CO₂ or 3% of point which ever is greater. The accuracy of the instrument between 16.01% and 18% shall be at least 5.0% of point. The calibration curve must comply with the quality control specifications in § 4(d)(2) for calibration curve generation.

(iv) Nitric oxide analysis.

The analyzer shall cover at least the range of 0 PPM NO to 5000 PPM NO, where PPM NO is parts per million nitric oxide. The accuracy of the instrument between 0 and 4000 PPM shall be at least $\pm 4.0\%$ of point or 25 PPM NO, whichever is greater. The accuracy of the instrument between 4001 and 5000 PPM shall be $\pm 5.0\%$. The calibration curve must comply with the quality control specifications in § 4(d)(2) for calibration curve generation.

(v) Oxygen analysis (optional).

If an oxygen analyzer is included, the analyzer shall cover at least the range of 0.0% O₂ to 25.0% O₂. The accuracy of the instrument over this range shall be at least 5% of point or $\pm 0.1\%$ O₂, whichever is greater. The calibration curve must comply with the quality control specifications in § 4(d)(2) for calibration curve generation.

(vi) Repeatability.

The repeatability for the HC analyzer in the range of 0-1400 PPM HC shall be 2% of point or 3 PPM HC absolute, whichever is greater. In the range of 1400-2000 PPM HC, the repeatability shall be 3% of point. The repeatability for the CO analyzer in the range of 0-700% CO shall be 2% of point or 0.02% CO absolute, whichever is greater. In the range of 7.00% to 10.00% CO, the repeatability shall be 3% of point. The repeatability for the CO₂ analyzer in the range of 0-10.0% CO₂ shall be 2% of point or 0.1% CO absolute, whichever is greater. In the range of 10.0% to 16.0% CO₂, the repeatability shall be 3% of point. The repeatability of the NO analyzer shall be 3% of point or 20 PPM NO, whichever is greater. The repeatability of the O₂ analyzer shall be 3% of point or 0.1% O₂, whichever is greater.

(4) Ambient conditions.

The current relative humidity, dry-bulb temperature, and barometric pressure shall be measured and recorded prior to the start of every inspection in order to calculate KH (nitric oxide correction factor, see § 1(b)(v)).

(i) Relative humidity.

The relative humidity measurement device shall cover the range from 5% to 95% RH, and 35°F—110°F, with a minimum accuracy of $\pm 5\%$ RH. Wet bulb thermometers shall not be used.

(ii) Dry-bulb temperature.

The dry-bulb temperature device shall cover the range from 35°F—110°F with a minimum accuracy of $\pm 3^\circ\text{F}$.

(iii) Barometric pressure.

The barometric pressure measurement device shall cover the range from 610 MM HG—810 MM HG, and 35°F—110°F, with a minimum accuracy of $\pm 3\%$ of point.

(d) Automated test process software and displays.

(1) Software.

The testing process, data collection and quality control features of the analyzer system shall be automated to the greatest degree possible. The software shall automatically select the emission standards and set the vehicle load based on a Department-provided or approved look-up table. Vehicle identification information may be derived from a database accessed over a real-time data system to a host computer system. Entry of license plate and all or part of the VIN shall be sufficient to access the vehicle record. Provision shall be made for manual entry of data for vehicles not in the host computer system.

(2) Test and mode timers.

The analyzer shall be capable of simultaneously determining the amount of time elapsed in a test, and in a mode within that test.

(3) Clocks and timers.

The clock used to check the coast-down time shall be accurate to within 0.1% of reading between 0.5 and 100 seconds, with a resolution of 0.001 seconds. The ASM test mode timers used shall be accurate to within 0.1% of reading between 10 and 1,000 seconds with a resolution of 0.1 seconds.

(4) Display refresh rate.

Dynamic information being displayed shall be refreshed at a minimum rate of twice per second.

(5) Minimum analyzer display resolution.

The analyzer electronics shall have sufficient resolution to achieve the following:

HC	1	PPM HC as hexane
NO	1	PPM NO
C	0.01	% CO
CO ₂	0.1	% CO ₂
O ₂	0.1	% O ₂
RPM	10	RPM
Speed		0.1 MPH
Wheel Force		0.1 LB
Relative Humidity		1 %RH
Dry bulb temperature		1 °F
Barometric pressure	1	MM HG

(6) Engine speed detection.

The system shall be capable of detecting engine speed in revolutions per minute (RPM) with a 0.5 second response time and an accuracy of $\pm 3\%$ of the true RPM.

(7) Display during testing.

The display during testing shall read "test in progress" and shall digitally display the vehicle's speed in mph. Emissions values shall not be displayed during official testing.

§ 4. ASM quality control requirements.

(a) *General requirements*

(1) *Minimums.*

The frequency and standards for quality control specified here are minimum requirements, unless modified as specified in paragraph (2). Greater frequency or tighter standards may be used as needed.

(2) *Statistical process control.*

Reducing the frequency of the quality control checks, modifying the procedure or specification, or eliminating the quality control checks altogether may be allowed if the Department determines, for the purpose of properly conducting an approved short test, that sufficient statistical process control (SPC) data exist to make a determination, that the SPC data support such action, and that taking such action will not significantly reduce the quality of the emissions measurements. If emission measurement performance or quality deteriorate as a result of allowing such actions, the approval shall be suspended and the frequencies, procedures specifications, or checks specified here or otherwise approved shall be reinstated, pending further determination by the Department.

(b) *Dynamometer*

(1) *Coast down check.*

(i) *Coast down frequency.*

The calibration of each dynamometer shall be automatically checked every 72 hours in low volume stations (less than 4,000 tests per year) and daily in high volume stations, when the dynamometer is in active service, by a dynamometer coast-down procedure equivalent to § 86.118-78 (for reference see EOD test procedure TP-302A and TP-202) between the speeds of 30-20 mph and 20-10 mph. All rotating dynamometer components shall be included in the coast-down check. Speed windows smaller than ±5 mph may be used provided that they show the same calibration capabilities.

(ii) *Coast down HP settings.*

The base dynamometer inertia (2,000 pounds) shall be checked at two random horsepower settings for each speed range. The two random horsepower settings shall be between 8.0 to 18.0 horsepower. Use of a shunt resistor for a load cell performance check is not permissible because it does not verify the performance of the actual load cell, only the signal processing portion of the system.

(iii) *Coast down procedure.*

The coast-down procedure shall use a vehicle off-dynamometer type method or equivalent, using a vehicle to bring the dynamometer up to speed and removing the vehicle before the coast-down shall not be permitted. If either the measured 30-20 mph coast-down time or 20-10 mph coast-down time is outside the window bounded by DET (seconds) ±7% then it shall be locked out for official testing purposes until recalibration allows a passing value.

(a) Randomly select an IHP2525 value that is between 8.0 hp and 18.0 hp and set dynamometer PAU to this value.

Coast-down dynamometer from 30-20 mph.

$$DET_{@25\text{mph-yy}} = \frac{\left(\frac{0.5 * DIW}{32.2}\right) * (V_{30}^2 - V_{20}^2)}{550 * (IHP2525_{yy} + PLPH_{25-yy})}$$

Where:

DIW = Dynamometer inertia weight, total "inertia" weight of all rotating components in dynamometer.

V₃₀ = Velocity in feet/sec at 30 mph.

V₂₀ = Velocity in feet/sec at 20 mph.

IHP2525_{YY} = Randomly selected ASM2525 indicated horsepower.

PLHP_{25-YY} = Parasitic horsepower for specific dynamometer at 25 mph.

(b) Randomly select an IHP5015 value that is between 8.0 hp and 18.0 hp and set dynamometer PAU to this value.

Coast-down dynamometer from 20-10 mph.

Where:

DIW = Dynamometer inertia weight. Total "inertia" weight of all rotating components in dynamometer.

V₂₀ = Velocity in feet/sec at 20 mph.

V₁₀ = Velocity in feet/sec at 10 mph.

IHP5015_{YY} = Randomly selected ASM5015 indicated horsepower.

PLHP_{15-YY} = Parasitic horsepower for specific dynamometer at 15 mph.

(iv) *Parasitic value calculations.*

If the coast-down values does not verify in § 2(b)(iii).

$$DET_{@15\text{mph-yy}} = \frac{\left(\frac{0.5 * DIW}{32.2}\right) * (V_{20}^2 - V_{10}^2)}{550 * (IHP5015_{yy} + PLPH_{15-yy})}$$

Parasitic losses shall be calculated using the following equations at 25 and 15 mph. The indicated horsepower shall be set to zero for these tests.

(a) Parasitic losses at 25 mph for a dynamometer with YY diameter rollers.

$$PLHP_{25-yy} = \frac{\left(\frac{0.5 * DIW}{32.2}\right) * (V_{30}^2 - V_{20}^2)}{550 * (CDT)}$$

Where:

DIW = Dynamometer inertia weight. Total "inertia" weight of all rotating components in dynamometer.

V₃₀ = Velocity in feet/sec at 30 mph.

V₂₀ = Velocity in feet/sec at 20 mph.

CDT = Coast-down time required for dynamometer to coast from 30 to 20 mph.

(b) Parasitic losses at 15 mph for a dynamometer with YY diameter rollers.

$$PLHP_{15-yy} = \frac{\left(\frac{0.5 * DIW}{32.2}\right) * (V_{20}^2 - V_{10}^2)}{550 * (CDT)}$$

Where:

DIW = Dynamometer inertia weight. Total "inertia" weight of all rotating components in dynamometer.

V₂₀ = Velocity in feet/sec at 20 mph.

V₁₀ = Velocity in feet/sec at 10 mph.

CDT = Coast-down time required for dynamometer to coast from 20 to 10 mph.

(2) Roll speed.

Roll speed and roll counts shall be checked at least once per week by an independent means (for example, photo tachometer). Deviations greater than ± 0.2 mph or a comparable tolerance in roll counts shall require corrective action. Alternatively, a redundant roll speed transducer independent of the primary transducer may be used in lieu of the daily comparison. Accuracy of redundant systems shall be checked quarterly.

(c) *Emission sampling system.*

(1) Leak check.

The entire sample system shall be checked for vacuum leaks on a daily basis and for proper flow on a continuous basis. The sample system leak check shall be performed using the manufacturer's recommended procedure. The allowed maximum leak rate and minimum flow rate shall be those determined in the equipment certification procedure (see § 7).

(d) *Analytic instruments.*

(1) General requirements.

The analyzer shall, to the extent possible, maintain accuracy between gas calibrations taking into account all errors, including noise, repeatability, drift, linearity, temperature and barometric pressure.

(i) Calibration method.

(2) Two-point gas calibration.

Analyzers shall automatically require a two point gas calibration for HC, CO, CO₂ and NO. Gas calibration shall be accomplished by introducing span gases that meets the requirements of (d)(3)(iv) in this section into the calibration port. The pressure in the sample cell shall be the same with the calibration gas flowing as with the sample gas flowing during sampling. When a calibration is initiated, the analyzer channels shall be adjusted to the center of the allowable tolerance range.

(ii) Calibration frequency.

Analyzers shall be calibrated within 72 hours before each official test. The Department may adjust the calibration check frequency as necessary based on a statistical process control algorithm approved by the Department. If the system does not calibrate or is not calibrated, the analyzer shall lock out from testing until corrective action is taken.

(iii) Working zero and span gases.

The following gases shall be used for the calibration check.

(a) Zero gas

O₂ = 20.9%
 HC < 1 PPM THC AS C-1
 CO < 1 PPM
 CO₂ < 400 PPM
 NO < 1 PPM
 N₂ = Balance 99.99% pure

(b) Working span gas

HC = 3,200 PPM propane
 CO = 8%
 CO₂ = 12%
 NO = 3,000 PPM
 N₂ = Balance 99.99% pure

(iv) Traceability. The span gases used for the gas calibration and the gas audit shall be traceable to National Institute of Standards and Technology (NIST) standards $\pm 1\%$, and, in the case of low volume stations shall have a zero blend tolerance.

Alternatively, 5% blend tolerance gases may be used if the system reads the bar-coded calibration gas bottle specifications and adjusts the calibration accordingly.

(3) Five-point gas audit.

(i) Audit frequency.

Analyzers shall successfully pass a five point gas audit for HC, CO, NO and CO₂. Analyzers shall undergo the audit procedure minimally every 6 months. For either type of station, the analyzer shall be adjusted or repaired if the requirements of § 3(c)(2) are not met.

(ii) Audit method.

The gas calibration audit shall be accomplished by introducing span gas that meets the requirements of § (d)(3)(iv). The pressure in the sample cell shall be the same with the calibration audit gas flowing as with the sample gas flowing during sampling.

(iii) Audit gases.

The following gases shall be used for the calibration check. Other calibration gas values may be acceptable when a "gas blender" apparatus is used if approved by the Department.

(a) Zero gas

O₂ = 20.9% (if O₂ span is desired)
 HC < 1.0 PPM THC
 CO < 1.0 PPM
 CO₂ < 1 PPM
 NO < 1.0 PPM
 N₂ = Balance 99.99% pure

(b) Low range calibration gas

HC = 200 PPM propane
 CO = 0.5%
 CO₂ = 6.0%
 NO = 300 PPM
 N₂ = Balance 99.99% pure

(c) Low-middle range calibration gas

HC = 960 PPM propane
 CO = 2.4%
 CO₂ = 3.6%
 NO = 900 PPM
 N₂ = Balance 99.99% pure

(d) High-middle range calibration gas

HC = 1920 PPM propane
 CO = 4.8%
 CO₂ = 7.2%
 NO = 1800 PPM
 N₂ = Balance 99.99% pure

(e) High range calibration gas

HC = 3200 PPM propane
 CO = 8.0%
 CO₂ = 12.0%
 NO = 3000 PPM
 N₂ = Balance 99.99% pure

(iv) Traceability. The span gases used for the gas calibration and the gas audit shall be traceable to National Institute of Standards and Technology (NIST) standards $\pm 1\%$ and, in the case of low volume stations shall have a zero blend tolerance. Alternatively, 5% blend

tolerance gases may be used if the system reads the bar-coded calibration gas bottle specifications and adjusts the calibration accordingly.

(v) Audit specifications. The analytical system shall read the audit gas within 5% of labeled value. The analyzer shall be adjusted or repaired if the accuracy specifications are not met.

(4) Service and repair calibration.

(i) In-field calibration.

Each time an analyzer's emissions measurement system, sensor or other electronic components are repaired or replaced, a minimum of a five-point gas audit such as (d)(3) shall be performed prior to returning the unit to service.

(ii) Leak check

Each time the sample line integrity is broken, a leak check shall be performed prior to testing.

§ 5. ASM test record information.

(a) *General requirements*

(1) Test data.

In addition to the information required to uniquely identify the testing station, technician and vehicle, the following data shall also be recorded.

(i) General records

- a. Test record number
- b. Inspection station and inspector numbers
- c. Test system number
- d. Dynamometer site
- e. Date of test
- f. Emission test start time and the time the final emission scores are determined

g. Vehicle identification number

h. License plate number

i. Test certificate number

j. Vehicle model year, make and type

k. Number of cylinders or engine displacement

l. Transmission type

m. Odometer reading

n. Type of test performed (that is, initial test, first retest or subsequent retest)

(ii) Ambient test conditions

a. Relative humidity (%)

b. Dry-bulb temperature (°F)

c. Atmospheric pressure (MM HG)

d. No correction factor

e. System response time for each instrument (Transport +T90)

(iii) ASM5015 mode

a. ASM5015 final HC running average (AVGHC) (PPM).

b. ASM5015 final CO running average (AVGCO) (%).

c. ASM5015 final NO running average (AVGNO) (PPM).

d. Total ASM5015 horsepower used to set the DYNE (THP5015) (HP).

e. Engine RPM running average corresponding to the final test score.

f. Dilution correction factor (DCF).

(iv) Diagnostic/quality assurance information.

a. Test time (SEC).

b. Mode time (SEC).

c. Vehicle speed (MPH) for each second of the test.

d. Engine RPM running average.

e. Dynamometer load (pounds) for each second of the test.

f. HC concentration (PPM) for each second of the test.

g. CO concentration (%) for each second of the test.

h. No concentration (PPM) for each second of the test.

i. CO₂ concentration (%) for each second of the test.

j. O₂ concentration (%) for each second of the test (optional).

§ 6. ASM terms and definitions.

HPXXXX_{YY} = The ASM actual horsepower value contained in the look up table for a vehicle being tested (using the ASM5015 or 2525) on a dynamometer with YY inch diameter rollers. The actual horsepower is the sum of the indicated horsepower and the parasitic losses (PLHP_{ZZ-YY}).

IHPXXXX_{YY} = The "indicated" ASM horsepower value set on the dynamometer.

THPXXXX = The "total" horsepower for an ASM test includes indicated, tire losses and parasitics. This value is independent of roll size.

ETW = Equivalent test weight. Weight class of vehicle for testing, defined as curb weight plus 300 pounds. For ASM testing, it is rounded to the nearest 125 pound increment.

GTRL_{ZZ MPH-YY} = Generic tire-roll interface horsepower losses at ZZ mph on a dynamometer with YY inch diameter rollers.

PLHP_{ZZ-YY} = Parasitic losses (horsepower) due to internal dynamometer friction. A value is specific to each individual dynamometer and speed.

A_T = 1st curve coefficient used to characterize tire/roll losses. Different values depending on dynamometer roller diameter.

B_T = 2nd curve coefficient used to characterize tire/roll losses. Different values depending on dynamometer roller diameter.

C_T = 3rd curve coefficient used to characterize tire/roll losses. Different values depending on dynamometer roller diameter.

XXXX = Place holder for ASM test mode, ASM5015 or ASM 2525.

YY = Place holder for dynamometer roll diameter. Usually 8.6 or 20 inches.

ZZ = Place holder for dynamometer speed. Usually 15 mph or 25 mph.

§ 7. Equipment certification procedures.

I. *Dynamometer.*

A. *Load cell verification (if equipped).*

This test confirms the proper operation of the dynamometer load cell and associated systems. Weights in the

proper range shall be supplied by the system supplier. Weights shall be NIST traceable to 0.1% of point.

- (1) Calibrate the load cell according to the manufacturer's direction.
- (2) Using a dead weight method, load the test cell to 20%, 40%, 60% and 80% (in ascending order) of the range used for ASM testing. Record the readings for each weight.
- (3) Remove the weights in the same steps (descending order) and record the results.
- (4) Perform steps A through B two more times (total of three).
- (5) Calculate the average value for each weight.
- (6) Multiply the average weight from E by the length of the torque arm.

Acceptance criteria: The difference for each reading from the weight shall not exceed 0.1% of full scale.

B. Speedometer verification.

This test confirms the accuracy of the dynamometer's speedometer.

- (1) Set dynamometer speed to 15 MPH.
- (2) Independently measure and record dynamometer speed.
- (3) Repeat at 25 mph.

Acceptance criteria: The difference for each reading from set dynamometer speed shall not exceed 0.2 mph.

C. Parasitic verification.

Parasitic losses shall be calculated using the following equations at 25 and 15 mph. The indicated horsepower (IHPXXXX_{YY}) shall be set to zero for these tests. Using time versus speed data from the system, calculate PLHP_{YY} for 15 mph and 25 mph.

- (1) Parasitic losses at 25 mph for a dynamometer with YY diameter rollers.

$$PLHP_{25-yy} = \frac{\left(\frac{0.5 * DIW}{32.2}\right) * (V_{30}^2 - V_{20}^2)}{550 * (CDT)}$$

Where:

DIW = Dynamometer inertia weight. Total "inertia" weight of all rotating components in dynamometer.

V₃₀ = Velocity in feet/sec at 30 mph.

V₂₀ = Velocity in feet/sec at 20 mph.

CDT = Coast-down time required for dynamometer to coast from 30 to 20 mph.

- (2) Parasitic losses at 15 mph for a dynamometer with YY diameter rollers.

$$PLHP_{15-yy} = \frac{\left(\frac{0.5 * DIW}{32.2}\right) * (V_{20}^2 - V_{10}^2)}{550 * (CDT)}$$

Where:

DIW = Dynamometer inertia weight. Total "inertia" weight of all rotating components in dynamometer.

V₂₀ = Velocity in feet/sec at 20 mph.

V₁₀ = Velocity in feet/sec at 10 mph.

CDT = Coast-down time required for dynamometer to coast from 20 to 10 mph.

Acceptance criteria: The difference between the external calculated value and the machine calculated value shall not exceed 0.25 HP (or 6.25 lb. wheel force a 15 MPH and 3.75 lb. wheel force at 25 mph).

D. Verify coast-down.

The coast-down procedure shall use a vehicle off-dynamometer type method or equivalent. Using a vehicle to bring the dynamometer up to speed and removing the vehicle before the coast-down shall not be permitted.

- (1) Randomly select an IHP2525 value that is between 8.0 hp and 18.0 hp and set dynamometer PAU to this value.

Coast-down dynamometer from 30-20 mph.

$$DET_{@25mph-yy} = \frac{\left(\frac{0.5 * DIW}{32.2}\right) * (V_{30}^2 - V_{20}^2)}{550 * (IHP2525_{yy} + PLHH_{25-yy})}$$

Where:

DIW = Dynamometer inertia weight. Total "inertia" weight of all rotating components in dynamometer.

V₃₀ = Velocity in feet/sec at 30 mph.

V₂₀ = Velocity in feet/sec at 20 mph.

IHP2525_{YY} = Randomly selected ASM2525 indicated horsepower.

PLHP_{25-YY} = Parasitic horsepower for specific dynamometer at 25 mph.

- (2) Randomly select an IHP5015 value that is between 8.0 hp and 18.0 hp and set dynamometer PAU to this value.

Coast-down dynamometer from 20-10 mph.

$$DET_{@15mph-yy} = \frac{\left(\frac{0.5 * DIW}{32.2}\right) * (V_{20}^2 - V_{10}^2)}{550 * (IHP5015_{yy} + PLHP_{15-yy})}$$

Where:

DIW = Dynamometer inertia weight. Total "inertia" weight of all rotating components in dynamometer.

V₂₀ = Velocity in feet/sec at 20 mph.

V₁₀ = Velocity in feet/sec at 10 mph.

IHP5015_{YY} = Randomly selected ASM5015 indicated horsepower.

PLHP_{15-YY} = Parasitic horsepower for specific dynamometer at 15 mph.

Acceptance criteria: The measured 30-20 mph coast-down time and the 20-10 mph coast-down time must be inside the window bounded by DET (seconds ± 7%).

II. Analyzer system:

A. Analyzer warm-up.

The analyzer shall be turned off and at a room temperature not greater than 41°F for a time period of at least 4 hours.

Analyzer warm-up acceptance criteria. The analyzer shall reach stability in less than 30 minutes at 41°F from start-up. If an analyzer does not achieve stability within the allotted time frame, it shall be locked out from

testing. The instrument shall be considered "warmed up" when the zero and span readings for HC, CO, NO and CO₂ have stabilized, within the accuracy values specified in § 3(c)(2) for 5 minutes without adjustment.

B. *Leak rate.*

A needle valve teed into the line upstream of the sample pump inlet shall be used to induce a leak which reduces the readings by 3%. Perform a leak check using the manufacturer's recommended procedures. The unit under test shall fail the leak check and prevent further testing until corrective action is performed.

Leak rate acceptance criteria. The analyzer shall not allow a deviation of more than 3% of the readings obtained using the mid-range span gas described in paragraph (d)(3)(iii)(c) of § 4.

C. *Flow restrictions.*

(1) Using the mid-range span gas described in Paragraph (d)(3)(iii)(c) of § 4 entering the sample probe at atmospheric pressure, take a base reading with no restriction in the line. Insert a throttling valve in the vacuum side of the sampling system. With the gas flowing (still at atmospheric pressure), restrict the sample flow until: (1) the low flow indication is activated, (2) the response time of the slowest NDIR channel exceeds 11 seconds to 90% of the base reading, or (3) the actual gas reading differs from the base reading on any channel by more than 3% of the base reading.

Acceptance criteria: The low flow indication is activated and the response times of all NDIR channels are 13 seconds or less to 90% of the base readings, and the actual gas readings differ from the base readings by 3% of the base readings or less.

(2) If the low flow sensor is activated by pressure (or vacuum), insert A 0-10 PSIG (0-30 in. HG) gauge between the throttling valve and the inlet O the low flow sensor. Use the throttling valve to activate and deactivate the low flow indication. Measure the pressure (or vacuum) at which activation and deactivation occur. Perform this test three times.

Acceptance criteria: The difference between the activation point and deactivation point shall be no greater than 3% of the activation point pressure (or vacuum).

D. *Dilution.*

The procedure for measuring flow rate dilution shall be as follows:

(1) Set vehicle with 1.6 liter maximum engine displacement at factory-recommended idle speed. OEM configuration exhaust system, transmission in neutral, hood up (a fan to cool the engine may be used if needed). Set idle speed not to exceed 920 RPM. (Set for 900 RPM with a tolerance ± 20 RPM.)

(2) With a laboratory grade analyzer system, sample the exhaust at 40 centimeters depth with a flow sample rate below 320 liters per hour. Allow sufficient time for this test. Record all HC, CO, NO, CO₂ and O₂ readings. A chart recorder or electronically stored data may be used to detect the point of stable readings.

(3) While operating the candidate analyzer system in a mode which has the same flow rate as the official test mode. Record the levels of HC, CO, NO, CO₂ and O₂. Ensure that the probe is installed correctly.

(4) Repeat step (II).

Acceptance criteria: The flow rate on the analyzer shall not cause more than 10% dilution during sampling of

exhaust of a 1.6 liter engine a normal idle. Ten percent dilution is defined as a sample of 90% exhaust and 10% ambient air. If the difference of the readings between (ii) and (iv) exceed 5% of the average of (ii) and (iv), repeat (ii), (iii), and (iv); otherwise average (ii) and (iv) and compare with (iii). If (iii) is within 10% of the average of (ii) and (iv), then the equipment meets the dilution specification.

E. *Analyzer accuracy.*

This test confirms the ability of the candidate instruments to read various concentrations of gases within the tolerances required by this specification. The test compares the response of the candidate instrument with that of standard instruments, and also estimates the uncertainty of the readings.

The analyzer shall be zeroed and span gas calibrated using the working gases. The instrument shall be tested using propane, carbon monoxide, carbon dioxide and nitric oxide in nitrogen, with a certified accuracy of ±1%, in the following concentrations: 0%, 10%, 20%, 30%, 40%, 50%, 60%, 70%, 80%, 90% of full scale for the analyzers. Full scale is defined in § 3(c)(3).

(1) Introduce the gases in ascending order of concentrations, through the probe, beginning with the zero gas. Record the readings of the standard and candidate instruments to each concentration value.

(2) After the highest concentration has been introduced and recorded, introduce the same gases to the standard and candidate analyzers in descending order, including the zero gas. Record the reading of analyzers to each gas, including negatives (if any).

(3) Repeat steps A and B for the candidate only, four more times (total of five times).

(4) *Calculations:*

a. Calculate the average value of each concentration for the readings of the standard instruments.

b. Calculate the mean and standard deviation of each candidate's readings for each concentration. Include both upscale and down scale readings for the same gas concentration. (All calculations may not be possible for zero concentrations.)

c. For each concentration, calculate the difference between the candidate mean and the standard average.

d. For each concentration, compute the following:

(i) $Y_1 = X + K_{SD}$

(ii) $Y_2 = X - K_{SD}$

Where:

$K_{SD} = STD\ DEV * 3.5$ for zero and the highest concentration value.

$K_{SD} = STD\ DEV * 2.5$ for all other concentration values, and

$X = \text{Mean (arithmetic average) of the set of candidate readings.}$

e. Compute the uncertainty (U) of the calibration curve for each concentration as follows:

(i) $U_1 = \text{Concentration value} - Y_1$

(ii) $U_2 = \text{Concentration value} - Y_2$

Acceptance criteria: (1) for each concentration, the differences calculated in Step 3 shall be no greater than the accuracy tolerances specified in § 3(c)(3). (2) for each

concentration, the uncertainties, (U_1 and U_2) shall be no greater than the accuracy tolerances required in § 3(c)(3).

F. Analyzer system repeatability.

This test characterizes the ability of the instrument to give consistent readings when repeatedly sampling the same gas concentration.

(1) Using an 80% full scale gas, introduce the gas through the sample probe. Record the readings.

(2) Purge with ambient air for at least 30 seconds but no more than 60 seconds.

(3) Repeat steps (1) and (2) above four more times.

(4) Repeat steps (1), (2) and (3), introducing the gas through the sample probe.

Acceptance criteria: The differences between the highest and lowest readings from both ports shall not exceed the value specified in § 3(c)(3).

G. Analyzer system response time.

This test determines the speed of response of the candidate instrument when a sample is introduced at the sample probe.

(1) Gas calibrate the candidate instrument per the manufacturer's instructions.

(2) Using a solenoid valve or equivalent selector system, remotely introduce an 80% full scale gas to the probe. The gas pressure at the entrance to the probe shall be equal to room ambient.

(3) Measure the elapsed time required for the instrument display to read 90% of the final stabilized reading for HC, CO, CO₂ and NO. (Optional: also, measure the time required for the O₂ analyzer to read 0.1% O₂). Alternatively, the bench outputs may be recorded against a time base to determine the response time. Record all times in seconds.

(4) Switch the solenoid valve to purge with zero air for at least 40 seconds but no more than 60 seconds.

(5) Measure the elapsed time required for the NO instrument display to read 10% of the stabilized reading in Step (3).

(6) Repeat steps (1), (2) and (3), two more times (total three times).

Acceptance criteria: The response (drop time for O₂ and NO. Rise time for HC, CO, CO₂ and NO) time shall meet the requirement specified in § 3(c)(2)(X). The response time shall also be within ± 1 second of the nominal response time supplied by the equipment supplier for use in § 5(1)(a)(i)(e).

H. Analyzer interference effects.

The following acceptance test procedure shall be performed at 45°F, 75°F and 105°F conditions, except as noted.

(1) Zero and span the instrument.

(2) Sample the following gases for at least 1 minute. Record the response of each channel to the presence of these gases.

a. 16% carbon dioxide in nitrogen.

b. 1600 PPM hexane in nitrogen.

c. 10% carbon monoxide in nitrogen.

d. 3000 PPM nitric oxide in nitrogen.

e. 75 PPM sulfur dioxide (SO₂) in nitrogen.

f. 75 PPM hydrogen sulfide (H₂S) in nitrogen.

(3) Water-saturated hot air. The water-saturated hot air shall be drawn through the probe from the top of a sealed vessel partially filled with water through which ambient air will be bubbled. The water shall be maintained at a temperature of 122°F \pm 9°F. This test shall be performed at only the 75°F, and 105°F conditions.

Acceptance criteria: The interference effects shall not exceed the limits specified in § 3(c)(2)(iii).

I. Electromagnetic isolation and interference.

This test shall measure the ability of the candidate instrument to withstand electromagnetic fields which could exist in vehicle testing and repair facilities. For all tests described below, sample "low-middle calibration gas" specified in § 4(d)(3)(iii)(c), at atmospheric pressure, through the sample probe. Record analyzer reading during test periods.

(1) Radio frequency interference test.

a. Use a test vehicle with an engine having a high energy ignition system (or equivalent), a solid core coil wire and a 3/8" air gap. Leave engine off.

b. Locate the candidate instrument within 5 feet of the ignition coil. Gas calibrate the candidate instrument.

c. Sample gas specified above. Wait 20 seconds, and record analyzer readings.

d. Start engine. With the hood open, cycle the engine from idle through 2500 RPM. With the gas flowing record the analyzer readings.

e. Relocate the instrument to within 6 inches of one side of the vehicle near the engine compartment. Repeat Step 4.

f. Relocate the instrument to within 6 inches of the other side of the vehicle near the engine compartment. Repeat Step 4.

Acceptance criteria: The analyzer readings shall deviate no more than 0.5% full scale.

(2) Induction field test. Use a variable speed (commutator type) hand drill having a plastic housing and rated at 3 amps or more. While the analyzer is sampling the gas, vary the drill speed from zero to maximum while moving from the front to the sides of the instrument at various heights.

Acceptance criteria: The analyzer readings shall deviate no more than 0.5% full scale.

(3) Line interference test. Plug the drill used in Part B above into one outlet of A #16-3 wire extension cord approximately 20 feet long. Connect the instrument into the other outlet of the extension cord. Repeat Part B above.

Acceptance criteria: The analyzer readings shall deviate no more than 0.5% full scale.

(4) VHF band frequency interference test. Locate both a citizens band radio (CB), with output equivalent to FCC legal maximum, and a highway patrol transmitter (or equivalent) within 50 feet of the instrument. While the analyzer is sampling the gas, press and release transmit button of both radios several times.

Acceptance criteria: The analyzer readings shall deviate no more than 0.5% full scale.

(5) Ambient conditions instruments. Upon installation and every 6 months, the performance of the ambient conditions instruments shall be cross checked against a master weather station.

Acceptance criteria: The individual instruments shall be within the tolerance specified in § 3(c)(4).

§ 8. Software specifications and enhanced emission inspection waiver procedure.

(a). *Software specifications.*

(1) General.

(i) The software shall prompt the test personnel to restrain the vehicle. The test system does not need to have a feedback to detect the presence of the restrain system. (Shop requirement).

(ii) At each calibration called for in § 4(d)(2)(i), the system shall automatically record the date, time, the gas readings for HC, CO, NO and CO₂ prior to adjustment to the labeled gas values of the calibration gases, and the gas readings after adjustment. This data shall be readily accessible for purposes of statistical process control analysis.

(iii) Software shall be developed and provided to permit statistical process control procedures to be utilized to determine calibration lengths and intervals and other procedures as specified in § 4(a) and as otherwise determined by the Commonwealth.

(2) Software shall be developed and provided to permit the use of the enhanced waiver procedure described in subsection 8(b) of this appendix.

(3) Enhanced emission inspection equipment software for the Pennsylvania enhanced emission inspection program shall be approved by the Department or its designee prior to installation and use in enhanced emission inspection equipment installed at certified enhanced emission inspection stations.

(4) An emission inspection test report, meeting the requirements of § 177.252(b), shall be generated by the analyzer. A sample is attached as Exhibit A.

(b) *Enhanced emission inspection waiver procedure.*

(1) After failing initial I/M test, vehicle will receive vehicle repair form.

(i) This form must be completed by person repairing vehicle.

(ii) Completed form will include repairs done and cost of such repairs.

(2) When repairs are completed, vehicle shall be returned to a certified emission inspection.

(3) When retest is begun, repairs made and cost of repairs will be entered into analyzer.

(i) If vehicle fails retest, screen will prompt inspector "Do you wish waiver?"

(ii) If no, retest will be aborted.

(iii) If yes, inspector will be presented with analyzer waiver screen.

(iv) This screen will ask for certified repair technician number (it may be read by bar code reader or manually entered).

(4) The vehicle inspection information data base (VIID) will be queried and the repair data, including cost, will be examined.

(5) The VIID will review the transmitted data.

(i) The repairs will be compared with the cause of the failure to ensure that they were appropriate to the failure.

(ii) the cost of the repairs will be examined to ensure that cost meets minimum requirements for a waiver.

(6) If the VIID determines that the waiver requirements as specified in § 177.281 and § 177.282 have not been satisfied, the VIID will return a "NO" to request for waiver.

(7) If all waiver requirements under § 177.281 and § 177.282 are met, the VIID will transmit a unique waiver transaction approval number to the certified repair technician approving the waiver.

(7) The waiver sticker may then be placed on the vehicle.

(8) Copies of all repair receipts must be kept by the inspection station issuing waiver.

(i) All waiver repair receipts will be examined by quality assurance officers during normal record audits.

(ii) Waiver repair receipts may also be examined at any time by quality assurance officers or other qualified Commonwealth employees.

§ 9. Hardware specifications.

(a) *General.*

(1) Tamper control

- Keys allowed Yes
- Solenoid required Optional
- Switches required Yes
- Secure user floppy No
- Allow DOS access No
- Gas analyzer Yes
- Detect power off Yes

(2) Computer requirements

- Processor (minimum): Pentium
- OS system: Latest version of commercially available OS
- RAM required (minimum): 16 MB
- Minimum RAM upgrade capability 32 MB
- Secured floppy drive (3.5"): 1
- Hard drive size (minimum): 1.2 GB
- 2nd HD expansion required: Yes
- 2nd 3.5" expansion required: Yes
- CD required (4X minimum): Optional
- 16 BIT sound card (minimum) Optional
- Modem speed (minimum): 28.8
- Free slots required: 2
- Mouse upgrade: Optional

(3) Ports/connectors:

- Parallel (minimum): 2
- Serial (free port) 1
- (BAUD 300-115.2) 111 MAX
- (DB25 connector): Yes
- Special serial port:* 1

(4) Special COMM PORTS CPC

- 12V switched power Yes
- 12V protected Yes

* An additional RS232 serial port shall be provided specifically to conduct either a gas cap test or a tank integrity test (pressure test) and a purge test when the appropriate test(s) or alternate tests are developed and approved by the Federal Environmental Protection Agency (EPA).

- (5) Bar code scanner 2D
 - User replaceable Yes
- (6) Printer (Laser): 1
 - User replaceable: Yes
- (7) Keyboard: 101
 - User replaceable Yes
- (8) Video CRT: 14"
 - User replaceable Yes
 - Memory (minimum): 1 MB
 - Resolution: SVGA
- (9) Other devices required:
 - Opacity Future
 - OBD II Port Future upgrade
 - Gas cap tester Yes
 - Tachometer number 3
 - Conventional 1
 - Non-intrusive 1
 - OBD II 1, when available

Notes:

A. Operating system (OS) must be upgradable to Windows 95, if required by Department at a later date.

B. Manufacturer must demonstrate a working unit to the Department of Transportation or designee. Unit must provide minimum capabilities listed with costing for all options, including future upgrades.

(b) Gas analyzers.

(1) Bench performance (minimum): Pennsylvania (East Coast)

Specification

- Measured gases (standard): 4
- NO Standard
- Humidity compensated Standard
- PEF range (.XX format) 47-56
- Warmup time 15 minutes
- Ranges
 - HC PPM 0-10,000
 - CO% 0-14.0
 - CO2% 0-18.0
 - NO PPM 0-5,000
 - O2% 0-25.0
- Zero set two point Yes
- (2) Sample system
 - Dual probes required: Yes
 - 25' sample hose required: Yes
- (3) Calibration system
 - Zero gas required Yes

- Calibration frequency 3 days
- Calibration Single
- Second gas Optional
- Third gas Open
- Calibration gas specifications
 - Accuracy +/- 1%
 - Blend tolerance +/- 5%
 - Type, blend TRI/QUAD*
 - Values
 - CO% 3.5%
 - HC propane 2,000
 - CO2 14.0
 - NO 2,000

(4) 3 ports shall be provided for calibration gas: 1 port shall be for zero gas, 1 port shall be used for calibration gas and 1 port shall be for a spare. Hardware shall be included to activate the third port.

(5) Vented storage required N/S

(6) ASM areas will use QUAD blend, idle test areas will use tri blend

(c) ASM dynamometer

- (1) Base specification Pennsylvania
 - Upgrade Standard
- (2) Identification Plate N/S
- (3) MAX vehicle test weight 9000 GVWR
- (4) Absorber accuracy +/- 2%
- (5) Base inertia 2000 +/- 40
 - Inertia simulation range 2-6
 - Mechanical increments 500
 - Electrical increments 1
- (6) Roll diameter 8.5-21
- (7) Testable track width 30-100
- (8) Coast down CK 3 day
- (9) Vehicle weight measurement No
- (10) Vehicle restraint monitor No
- (11) Aximum allowed incline 5%
- (12) Automatic lift Yes
 - Power failure backup No
- (13) Remote control N/S
- (14) Fan required No
 - Remote control N/S
- (15) Augmented braking No
- (13) 12V PC controlled power switched

Notes:

The fan in the Pennsylvania/East Coast specification is a shop requirement.

APPENDIX B

Department Procedures and Specifications

§ 1. Analyzer Specifications for Basic Emission Program Areas.

Exhaust emission analyzers approved by the Bureau shall meet the following requirements:

(1) Conform, as applicable, to the following requirements:

(i) Meet the specifications set forth in California BAR Exhaust Gas Analyzer Specifications, 1979 (Bar 80) and this section.

(ii) Meet Section 207B of the Federal Clean Air Act (42 U.S.C.A. § 7541(b)) warranty specifications.

(2) Conform with the following minimum automatic data collection (ADC) specifications:

(i) The ADC unit shall be completely compatible with the analytical equipment portion, known as the bench, of the exhaust emission analyzer.

(ii) There shall be an alpha-numeric keyboard capable of entering the following types of data for permanent transfer to a storage medium, and as set forth in subparagraph (IX). The system shall automatically enter data indicated (auto). Data shall be entered and stored to capture the following minimum information in the following steps:

(A) Date of test (auto)—mandatory entry, field programmed by manufacturer.

(B) Station number (auto)—mandatory entry, permanently set, 5 alpha-numeric characters, field programmed by manufacturer.

(C) Inspector number—mandatory entry, 9 numeric characters.

(D) Vehicle ID number—mandatory entry, title number or VIN, maximum characters used is 26.

(E) Test type—mandatory entry, initial test indicator, retest indicator.

(F) Vehicle year or engine year—mandatory entry.

(G) Cylinder code—mandatory entry, indicator to key in number of cylinders on the vehicle; rotary engines shall be coded as 2 cylinder engines.

(H) Vehicle type—mandatory entry, two categories designated for: passenger cars and trucks under 6,000 pounds GVWR and trucks 6,000 to 9,000 pounds GVWR. At this segment of the emission inspection, the emission inspection inspector shall proceed with the hang-up check. Upon successful completion of this check, the test may no longer be aborted requiring the emission inspector to insert the tailpipe probe and activate the Pennsylvania Emission Test automatically selecting the HC and CO standard required, plus the RPM and CO values required. Sample collection shall require 17 seconds; validation of the sample shall require 5 seconds; and emission sampling immediately after validation shall require 10 seconds.

(I) RPM reading (auto)—actual reading, display suppressed during emission test.

(J) Hydrocarbon (HC, auto)—reading in PPM, display suppressed during emission test.

(K) Carbon Monoxide (CO, auto)—reading in %, display suppressed during emission test.

(L) Carbon Dioxide (CO₂, auto)—reading in %, display suppressed during emission test.

(M) Invalid test (auto)—display suppressed, during emission test.

Four categories designated for:

CO pass/RPM pass;

CO pass/RPM fail;

CO fail/RPM pass;

CO fail/RPM fail.

(N) Pass/fail (auto)—display suppressed, during emission test.

Four categories designated for:

HC pass/CO pass;

HC pass/CO fail;

HC fail/CO pass;

HC fail/CO fail.

The automatic test results (auto) suppressed during the Pennsylvania emission test may be displayed after the information is automatically stored. This is an optional feature which may be provided by the manufacturer.

(O) Emission inspection fee—mandatory entry.

(P) Emission adjustment or repair performed—adjustment or repair indicator (Mandatory entry for retest entry, displayed only if retest is entered).

(Q) Waiver issued—yes indicator or no indicator (mandatory entry for retest entry, displayed only if retest is entered).

(R) Sticker number or training number—mandatory entry for pass or if waiver used, 11 alpha-numeric characters (display and entry required for passing test or waiver).

(S) Manufacturer's ID (auto)—2 alpha-numeric characters assigned by the Department.

(iii) Data shall be entered by a Certified Emission Inspection Inspector by the alpha-numeric keyboard in the sequence specified:

Mandatory entry data shall be completed before being allowed to proceed to the next data entry item, nonmandatory entry data are only required as specified. After completing the vehicle type entry the HC hang-up check shall be activated. Upon successful completion of this check the Emission Inspector may no longer abort the test and shall insert the probe into the subject vehicle's tailpipe and activate the Pennsylvania Emission Test. This shall automatically activate the collection, validation and emission sampling, and automatically key appropriate HC, CO, CO₂ and RPM limits, for pass/fail and invalid test decisions. The entry items designated display suppressed during emission test may not be shown on the display until the test is completed. Test data shall be automatically entered directly into storage and printed on the consumer reports. Data entry items designated field programmed by manufacturer shall be capable of programming changes to meet Emission I/M program required changes.

(iv) The analyzer shall be capable of use as a diagnostic tool and shall also be capable of testing for RPM, HC, CO and CO₂, providing corresponding screens for diagnostic use when not activated in the Pennsylvania Emission Test.

(v) The keyboard shall be designed to accommodate the working environment of inspection facilities and to allow for wearing of gloves and contact with grease and oil compounds. The unit shall have the capacity to accommodate 16 present emission standards which may be changed by regulation.

(vi) The keyboard shall provide a capability function so that as data is improperly entered it can be corrected. The automatically-auto-entered data may not be affected by this function.

(vii) When the data is transferred from the storage medium, the unit shall provide the following test after loading the replacement storage medium.

(a) Record a predetermined test record as in subparagraph (ii) in which all number fields are filled with the number "one" and all alpha and alpha-numeric field are filled with the letter "A."

(b) Stop recording.

(c) Read the predetermined test record now on the storage medium.

(d) Compare the predetermined test record on the storage medium with the predetermined record in memory:

(e) Prohibit the instrument from further recording on the storage medium and cause the instrument to indicate this storage medium failure to the operator if the predetermined test record does not correspond directly to that in the memory.

(f) Permit the system to proceed if the predetermined test record in the storage medium corresponds directly to that in the memory.

(viii) The hydrocarbon (HC) hang-up reading in the sampling system may not exceed 20 PPM hexane before each test as measured by the analyzer zeroed on room air. The analyzer shall be designed for automatic HC hang-up checks of the sampling system using room air. The analyzer shall have a selector switch, button with indicator light labeled "hang-up check" or other equivalent display prompter/indicator. Hang-up activation shall cause the analyzer to automatically sample room air through the sample line and probe. The check system shall continue to sample room air until the HC response is below 20 PPM hexane. When the HC level stabilizes below this value, an indication that testing may begin shall be displayed. The analyzer shall be precluded from operating until the HC level is met. The analyzer shall also be locked out unless a successful hang-up check has been performed since the last activation of the test sequence or the HC analyzer has not experienced an HC level greater than that specified in this subparagraph.

(ix) Engine tachometer/idle lockout shall be treated as follows:

(a) A digital tachometer shall be integrated with the console for the purposes of measuring engine speed according to the number of cylinders indicated 1 through 12 cylinder vehicles, in the data entry section. The hook-up to the engine shall be by means of an inductive pick-up.

(b) The following table provides maximum engine RPMs allowable according to number of cylinders:

(i) Maximum idle speeds (shall be field programmed by the manufacturer).

(ii) More than 4 cylinders 1200 RPM maximum.

(iii) Four or less cylinders 1600 RPM maximum.

(c) A lock-out feature shall apply only to vehicles tested in the inspection mode and shall be provided in the tachometer that will cause an "invalid test" to occur and to be displayed, printed and stored if the test idle speed range is exceeded or if the speed fluctuates in excess of 20% of the reading. This data shall be field programmed by the manufacturer.

(x) The analyzer shall be equipped with an antidilution feature to identify vehicle exhaust system leaks and sample dilution. The technique for identifying leaks is monitoring the CO₂ levels in the exhaust. If the CO₂ reading is less than the lower limit, the analyzer shall display, print and store "invalid" test indication. The minimum acceptable CO₂ values shall be field programmed by the manufacturer. At least two lower-limit CO₂ values shall be capable of being used:

(a) Vehicle equipped with air pump: 4%.

(b) Vehicle without air pump: 6%.

(xi) In the record mode, if the space on the storage medium available for recording is not sufficient to record the entire test and information as specified in subparagraph (ii), the test may not proceed and the analyzer shall immediately lock out the testing mode of the analyzer until the manufacturer or service provider replaces the storage medium. The emission inspector shall be prohibited from replacing the storage medium.

(xii) The data collection system shall provide to the emission inspection inspector a visual display of the data as it is being entered, except for that data which is required under subparagraph (ii) to be suppressed during the emission test.

(xiii) The analyzer system shall have the capability to provide an electronic-mechanical span/zero check every hour. If the check is not made or fails either span or zero (gas calibration or electrical component failure), the analyzer shall automatically lock out any capability of activating an emission test until the analyzer is properly adjusted or repaired. In addition, gas span checks or leak checks, checked on a weekly basis (180 calendar hours), which fail shall cause the analyzer to automatically lock out any capability of activating an enhanced emission test until the analyzer is properly adjusted or repaired.

(3) Provide all of the following capabilities:

(i) The standard is automatically selected upon activating the emission test.

(ii) The HC, CO, CO₂ and RPM readings are automatically taken and an automatic pass/fail or invalid test determination is supplied by one of the specific codes provided in paragraph (2)(ii) upon placing the probe into the subject vehicle tailpipe and activating the test sequence.

(iii) The HC, CO, CO₂, RPM and pass/fail or invalid test data are automatically recorded into the storage medium and recorded onto the consumer reports.

§ 2. Evaporative System Function Tests.

(a) Evaporative system pressure test, the evaporative system pressure test procedure shall be as follows:

(1) An evaporative system pressure test shall be performed on 1981 and newer model year subject vehicles.

(2) The test sequence shall consist of the following steps:

(i) Test equipment shall be connected to the fuel tank canister hose at the canister end. The gas cap shall be

checked to ensure that it is properly, but not excessively tightened, and shall be tightened if necessary.

(ii) The system shall be pressurized to 14 +/- 0.5 inch of water without exceeding 26 inches of water system pressure.

(iii) The pressure source shall be closed off, the evaporative system sealed and pressure decay monitored for 2 minutes.

(iv) The gas cap shall be removed after 2 minutes and the evaporative system monitored for a sudden pressure drop, indicating that the fuel tank was pressurized.

(v) The inspector shall be responsible for ensuring that items that are disconnected in the conduct of the test procedure are properly reconnected at the conclusion of the test procedure. Damage done to the evaporative emission control system during this test shall be repaired at the expense of the inspection station.

(3) Vehicles shall fail the evaporative system pressure test if the system cannot maintain a system pressure above 8 inches of water for 2 minutes after being pressurized to 14 +/- 0.5 inch of water or if no pressure drop is detected when the gas cap is loosened as described in this section. Additionally, vehicles shall fail the evaporative test if the canister is missing or obviously damaged, if hoses are missing or obviously disconnected, or if the gas cap is missing.

(b) Fuel filler (gas) cap test. The fuel filler (gas) cap test procedure shall be as follows:

(1) A fuel filler (gas) cap integrity test shall be performed on 1981 and newer vehicle either as part of the evaporative system pressure test or as a stand alone test.

(2) The stand alone test will be conducted using test equipment approved by the Department.

(3) If the fuel filler (gas) cap was tested using stand alone test equipment, the cap shall be pressurized to a pressure of 28 inches, +/- 1.0 inches.

(4) The flow shall be turned off and the decay or pressure monitored for up to 2 minutes.

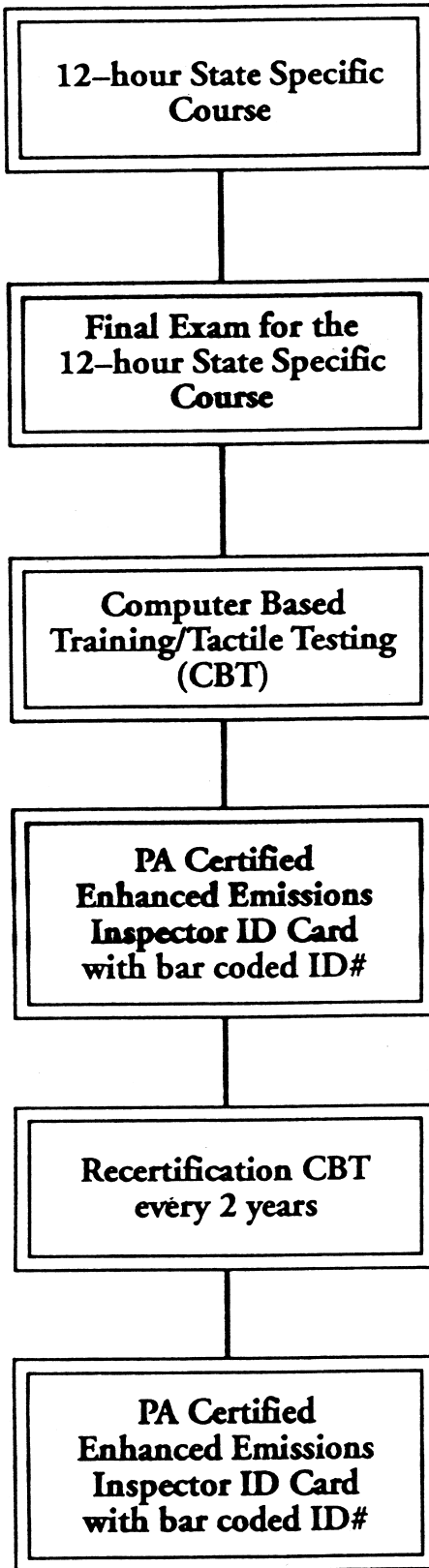
(5) If at any time during the 2 minutes of the fuel filler (gas) cap test the pressure drops from the starting pressure by more than 6 inches of water, the test shall be terminated and the vehicle shall be determined to fail the fuel filler (gas) cap test. If the pressure does not drop more than 6 inches during the test, the vehicle shall pass the gas cap test.

(c) Subsequent test procedures and equipment approved by the EPA. If the EPA develops or approves other emission test procedures or equipment, including test procedures or equipment prescribed in this section, the Department may adopt the subsequently approved emission test procedures and equipment consistent with section 4706(e) of the Vehicle Code (relating to prohibition of expenditures for the Emission Inspection Program.

PA Enhanced Emissions Inspector Certification (E.E.I.C.)

<i>Item</i>	<i>Details</i>
12-hour State Specific Course	<ul style="list-style-type: none"> • The student is required to take this course. • This section contains information on both the low and high enhanced I/M programs. • This section can be offered by PennDOT-approved educational institution using a PA Certified E.E.I.C. Instructor.
Final Exam for the 12-hour State Specific Course	<ul style="list-style-type: none"> • The final exam tests the student's knowledge of the subject areas covered in the course. • The final exam will contain questions on both the low and high enhanced I/M programs. • Individual final exam booklets with answer sheets will be provided by ASPIRE, Inc. • Final exams must be administered by a PA Certified E.E.I.C. Instructor. • Final exam booklets and answer sheets will be sent to ASPIRE, Inc. for automated scoring, reporting of test results to the institution/instructor, and database tracking of the student.
Computer Based Training/Tactile Testing (CBT)	<ul style="list-style-type: none"> • The student must complete the certification CBT program within 1 year of satisfactorily completing the 12-hour State Specific course. • The practice version of the CBT program will train the student on the skills needed to perform an inspection along with requiring the student to practice these skills. The students will use the CBT as a self-study program to apply the knowledge learned during the 12-hour classroom training, to reinforce that knowledge, and to develop inspector skills through practice. They will prove their ability to perform an inspection by successfully completing the certification version of the CBT program. • The certification version of the CBT can be administered by PennDOT-approved educational institutions. • The CBT program will include training and testing on both the low and high enhanced I/M programs. • ASPIRE, Inc. will provide the certification version of the CBT software at no additional charge to PennDOT-approved educational institutions. • The student should successfully complete the practice version of the CBT before taking the certification version of the CBT.

<i>Item</i>	<i>Details</i>
CBT Certification (continued)	<ul style="list-style-type: none"> • The certification CBT will be designed to be completed by the students in approximately 30 minutes. • Upon completion of the certification CBT program, a CBT data packet is sent to ASPIRE, Inc. for processing and database tracking of the student. The CBT data packet must include a valid PA Certified E.E.I.C. Instructor ID # and must be sent from a registered location.
PA Certified Enhanced Emissions Inspector ID Card with bar coded ID #	<ul style="list-style-type: none"> • A PA Certified Enhanced Emissions Inspector ID Card will be printed and mailed to each student who successfully completes the classroom training, final exam and the certification CBT program.
Recertification CBT	<ul style="list-style-type: none"> • Every 2 years the inspector must take a recertification CBT. • The CBT can be administered by PennDOT-approved education institutions. • ASPIRE, Inc. will provide the recertification version of the CBT software at no additional charge to PennDOT-approved education institutions. • Upon completion of the recertification CBT program, a CBT data packet is sent to ASPIRE, Inc. for processing and database tracking of the student. The CBT data packet must include a valid PA Certified E.E.I.C. Instructor ID # and must be sent from a registered location.
PA Certified Enhanced Emissions Inspector ID Card with bar coded ID #	<ul style="list-style-type: none"> • A PA Certified Enhanced Emissions Inspector ID Card will be printed by ASPIRE, Inc. and mailed to each student who successfully completes the recertification CBT.



PA Enhanced Emissions Inspector Training, Certification, and Recertification

CHAPTER 178. (Reserved)

- § 178.1. (Reserved).
- § 178.2. (Reserved).
- §§ 178.31—178.39. (Reserved).
- § 178.51. (Reserved).
- §§ 178.101—178.107. (Reserved).
- §§ 178.201—178.20-6. (Reserved).
- §§ 178.231—178.233. (Reserved).
- §§ 178.251—178.253. (Reserved).
- §§ 178.271—178.274. (Reserved).
- §§ 178.291—178.292. (Reserved).
- §§ 178.301—178.305. (Reserved).
- § 178.321. (Reserved).
- §§ 178.331—178.336. (Reserved).
- §§ 178.401—178.403. (Reserved).
- § 178.421. (Reserved).
- § 178.422. (Reserved).
- § 178.501. (Reserved).
- §§ 178.521—178.524. (Reserved).
- §§ 178.551—178.555. (Reserved).
- § 178.571. (Reserved).
- §§ 178.601—178.607. (Reserved).
- § 178.651. (Reserved).
- § 178.652. (Reserved).
- § 178.671. (Reserved).
- § 178.672. (Reserved).
- § 178.691. (Reserved).

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