

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 18, 1997.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-12-97	Susquehanna Interim Bank Bryn Mawr Montgomery County	Bryn Mawr	Filed
Application to charter an interim bank will be used to facilitate the acquisition of Founders' Bank, Bryn Mawr, by Susquehanna Bancshares, Inc., Lititz.			
2-13-97	Patriot Interim Bank Pottstown Montgomery County	Pottstown	Approved
Application to charter an interim commercial bank will be used to facilitate the conversion of Patriot Bank, Pottstown, from a Federally-chartered savings bank to a State-chartered commercial bank.			

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-12-97	S & T Bank, Indiana, and Peoples Bank of Unity, Pittsburgh surviving institution— S & T Bank, Indiana	Indiana	Approved
2-13-97	Patriot Interim Bank, Pottstown, and Patriot Bank, Pottstown surviving institution— Patriot Interim Bank, Pottstown	Pottstown	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-13-97	Harris Savings Bank Harrisburg Dauphin County	635 N. 12th Street Lemoyne Cumberland County	Approved
2-18-97	Abington Savings Bank Jenkintown Montgomery County	1432 Easton Road Warrington Bucks County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-14-96	The York Bank and Trust Company York York County	<i>To:</i> 4202 Valley Green Etters York County	Effective
<i>From:</i> 36 Robin Hood Drive Etters York County			
2-10-97	Sun Bank Selinsgrove Snyder County	<i>To:</i> Corner of Routes 11 and 15 and Kessler Ave. Shamokin Dam Snyder County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> Routes 11 and 15 Shamokin Dam Snyder County	

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-11-97	Northern Central Bank Williamsport Lycoming County	Main Street (Rte. 35) Richfield Juniata County	Filed
2-13-97	Summit Bank Bethlehem Northampton County	3933 Freemansburg Ave. Bethlehem Northampton County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
2-13-97	Centre Square Trust Company Philadelphia Philadelphia County	To amend and restate in their entirety the Articles of Incorporation to provide for the existence henceforth of the institution as a bank and trust company.	Approved and Effective

SAVINGS ASSOCIATIONS**Consolidations, Mergers and Associations**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
2-18-97	Tioga-Franklin Savings Association, Philadelphia, and Wayne Junction Savings Association, Ambler surviving association— Tioga-Franklin Savings Association, Philadelphia	Philadelphia	Approved

CREDIT UNION**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-3-97	Lee Hospital Credit Union Johnstown Cambria County	Laurel View Village Carpenters Park Road Davidsville Somerset County	Opened

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-305. Filed for public inspection February 28, 1997, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Monday, March 10, 1997. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 97-306. Filed for public inspection February 28, 1997, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Neumann College for Approval of Amendment and Restatement of Articles of In- corporation in their Entirety; Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (the Department) will consider the application of Neumann College for a Certificate of Authority approving the institution's amendment and restatement of Articles of Incorporation in their entirety.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-6576 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an

in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Department of Education may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 97-307. Filed for public inspection February 28, 1997, 9:00 a.m.]

Office of Commonwealth Libraries; Use of Federal Funds Plan

The Office of Commonwealth Libraries has prepared a draft 5 year plan for the use of Federal Library Services and Technology Act funds. Interested parties are invited to comment on the plan. A copy may be requested from Annette McAlister, LSTA Administrator, Office of Commonwealth Libraries, P. O. Box 1601, Harrisburg, PA 17106, telephone (717) 783-5741, E-mail: McAlister@shrsys.hslc.org.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 97-308. Filed for public inspection February 28, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NPDES DISCHARGE OF CONTROLLED WASTEWATER

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

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

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

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

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

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

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

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

PA 0003085. Industrial waste, SIC: 3624. **The Carbide/Graphite Group, Inc.**, 800 Theresia Street, St. Marys, PA 15857.

This application is for a new NPDES permit to discharge stormwater to the south branch of Elk Creek and unnamed tributary to the South Branch of Elk Creek in St. Marys, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA American Water Co. and the Clarion River located approximately 72.6 miles below point of discharge.

The proposed discharge limits, based on a design flow of .03888 mgd, are:

Outfall No. 010

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
Dissolved Iron	1.3	2.6	3.3
Total Iron		XX	
pH	6.0—9.0 at all times		

XX—monitor and report on monthly DMR

Outfall No. 001—003, 006—008, 010, 011, 020—021, 023—026, 032—034, 036—039, 041—043, 045, 046

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
C-Biochemical Oxygen Demand (5-day)			XX
Chemical Oxygen Demand			XX
Oil and Grease			XX
Total Suspended Solids			XX
Total Kjeldahl Nitrogen			XX
Total Phosphorous			XX
Iron (Dissolved)			XX
pH			XX

XX—monitor and report on monthly DMR

The EPA waiver is in effect.

PA 0222194. Industrial waste, SIC: 2824, **(Chemicals and Allied Products)**. James Austin Company, P. O. Box 827, Mars, PA 16046-0827.

This application is for a new NPDES permit to discharge industrial waste to Breakneck Creek in Adams Township, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Connoquenessing Creek and Zelenople located at Jackson Township, Butler County, approximately 12 miles below point of discharge.

The proposed discharge limits for Outfall No. 004, based on a design flow of 0.0064 mgd, are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitor and report		
Total Suspended Solids	30	60	75
Total Iron	2	4	5
Aluminum	4	8	10
Manganese	1	2	2.5
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0222178. Sewage. **Fairview Asphalt, Inc.**, R. D. 3, Box 2A, New Castle, PA 16105.

This application is for a new NPDES permit to discharge treated sewage to Unnamed Tributary to Brandy Run in Fairview Township, **Erie County**. This is a minor discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Erie municipal water intake, located approximately 22 miles below point of discharge.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	6.5	13.0
(11-1 to 4-30)	19.5	39
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Phosphorus as "P"	1.0	2.0
Total Residual Chlorine	0.5	1.2
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

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

PA 0020460. Amendment No. 3, Sewage, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, P. O. Box 31, Sellersville, PA 18960.

This application is for an amendment of an NPDES permit to discharge treated sewage from Pennridge Wastewater Treatment Plant in West Rockhill Township, **Bucks County**. This is an existing discharge to the East Branch Perkiomen Creek.

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

The proposed effluent limits for phosphorus for Outfall 001, based on an average flow of 4.0 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>
Phosphorus as P (4-1-97 to 10-31-97)	2.0		4.0
Phosphorus as P (4-1-98 to 9-30-98)	0.5		1.0

The EPA waiver is not in effect.

Requirement to submit a toxics reduction evaluation.

Requirement to submit a site-specific study.

PA 0050652. Sewage, **Westtown School**, P. O. Box 1799, Westtown Road, Westtown, PA 19395-1799.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant serving Westtown School in Westtown Township, **Chester County**. This is an existing discharge to east branch of Chester Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 30,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N) (5-1 to 10-31)	2.5	5.0
(11-1 to 4-30)	7.5	15.0
Total Residual Chlorine (1st and 2nd Year)	monitor/report	
Total Residual Chlorine (3rd, 4th and 5th Year)	1.2	2.5
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0057088. Industrial waste, **PECO Energy Company**, Fairless Hills Generating Station, Fairless Works, Fairless Hills, PA 19030.

This application is for issuance of an NPDES permit to discharge untreated cooling water from PECO Energy Company's Fairless Hills Generating Station in Falls Township, **Bucks County**. This is an existing discharge to Delaware River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 26.01 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		
Total Residual Chlorine	0.2		0.5

The EPA waiver is in effect.

PA 0057134. Sewage, **George and Elyse Norton**, 41 Locust Farm Drive, Thornton, PA 19373.

This application is for issuance of an NPDES permit to discharge treated sewage from Norton Residential STP in Concord Township, **Delaware County**. This is a new discharge to an unnamed tributary to the west branch of Chester Creek.

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

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

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

The EPA waiver is in effect.

PA 0012432. Industrial waste, **Sunny Dell Foods**, 135 North 5th Street, Oxford, PA 19363.

This application is for renewal of an NPDES permit to discharge untreated cooling water from a food processing facility in Oxford Borough, **Chester County**. This is an existing discharge to an unnamed tributary to the West Branch Big Elk Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 15,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	monitor/report		
Suspended Solids	monitor/report		
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Ammonia (as N)	monitor/report		
Dissolved Oxygen	minimum 4.0 mg/l at all times		

Thermal Requirements—Daily Average Temperature Limitations

The EPA waiver is not in effect.

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

PA 0062880. Sewerage, **Kidspace Corporation**, 5300 Kidspace Drive, Orefield, PA 18069.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Jordan Creek in North Whitehall Township, **Lehigh County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of .150 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
NH ₃ -N (5-1 to 10-31)	12	24
Dissolved Oxygen	a minimum of 5 at all times	
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1	2.3

The EPA waiver is in effect.

PA 0007757. Industrial waste, SIC: 3296, **Celotex Corp.**, P. O. Box 663, Pittston, PA 18640.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater, cooling water and stormwater into the north branch of the Susquehanna River in Exeter Township, **Luzerne County**.

The receiving stream is classified for the following uses: warm 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 Danville Water Company located on the North Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .086 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
Total Dissolved Solids	monitor only	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0027235. Sewerage, **Easton Area Joint Sewer Authority (EAJSA)**, 50-A South Delaware Drive, Easton, PA 18042.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Delaware River in Easton City, **Northampton County**.

The receiving stream is classified for the following uses: warm 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 10.0 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>7-Day Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	37.5	50
Total Suspended Solids	30	45	60
NH ₃ -N	20	30	40
Fecal Coliforms	200/100 ml as a geometric mean		
pH	6.0—8.5 standard units at all times		
Total Residual Chlorine	monitor and report		
First Month through 36th Month	0.84		
37th Month through Expiration	2.0		

Other Requirements: Pretreatment Condition, Total Residual Chlorine Requirement, WETT Test and Sludge Disposal.

The EPA waiver is not in effect.

PA 0021199. Sewerage, **Beaver Meadows Municipal Authority**, P. O. Box 215, Beaver Meadows, PA 18216.

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

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

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

The proposed effluent limits for Outfall 001 based on a design flow of .180 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Dissolved Oxygen	a minimum of 5 mg/l at all times		
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1		2

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.

PA 0009385. SIC: 2032, **American Home Foods, Inc.**, 30 Marr Street, Milton, PA 17847.

This proposed action is for renewal of an NPDES permit for an existing discharge of noncontact cooling water to west branch of the Susquehanna River in Milton Boro, **Northumberland County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is at Sunbury located 11 miles downstream on the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of 0.5 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total suspended solids	50	100	125
Oil and Grease	15		30
pH (Std. units)	within the range 6.0—9.0 See below		

Discharge of effluent with a pH of less than 6.0 standard units is allowable if the permittee can provide reasonable evidence that the excursion is caused by acid precipitation

Other Conditions:

(1) Chemical Additives Reporting Requirement.

The EPA waiver is in effect.

PA 0112631. SIC: 4952, **Allan Wargo**, R. D. 1, Box 143, Catawissa, PA 17820.

This proposed action is for re-issuance of an NPDES permit for an existing discharge of treated sewage to Roaring Creek in Roaring Creek Township, **Columbia County**.

The receiving stream is classified for the following uses: high quality-cold water fishery and 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 Sunbury Municipal Authority.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0003 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	
Free Chlorine Residual	monitor and report	

The EPA waiver is in effect.

PA 0209473. SIC: 4952, **North Centre Township Supervisors**, R. R. 2, Box 2605, Berwick, PA 18603.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage to Fester Hollow in North Centre Township, **Columbia County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.0004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	
Free Chlorine Residual	monitor and report	

The EPA waiver is in effect.

PA 0113361. Sewerage, SIC: 4952, **Sandy Township Supervisors**, P. O. Box 267, Dubois, PA 15801.

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

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Kittanning.

The proposed effluent limits for Outfall 001, based on a design flow of 0.009 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Total Cl ₂ Residual	2.0		4.7
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

PA 0000914A1. Industrial waste, SIC: 8731, **Department of Energy**, Pittsburgh Naval Reactors Office, Bettis Atomic Power Lab, 814 Pittsburgh-McKeesport Boulevard, West Mifflin, PA 15122-0109.

This application is for a modification of an NPDES permit to discharge treated groundwater from Bettis Atomic Power Lab in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters Bull Run 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 Western PA Water Company, located at Pittsburgh, Allegheny County approximately 9 miles below the discharge point.

Outfall 007: new discharge, design flow of 0.0216 mgd.

<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>
Flow	monitor and report				
Tetrachloroethylene			0.002		0.005
Trichloroethylene			0.002		0.005
1,2-Dichloroethylene			0.002		0.005
TSS			30		75
Dissolved Iron					7.0
pH	6.0—9.0				

The EPA waiver is in effect.

INDUSTRIAL WASTE/SEWAGE**Applications under the Pennsylvania Clean Streams Law**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given 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 proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

4697401. Sewerage. **Township of Worcester**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA. Expansion of the wastewater treatment plant to serve Valley Green located in Worcester Township, **Montgomery County**.

4697402. Sewerage. **Department of Corrections**, P. O. Box 598, Camp Hill, PA 17001-0598. Construction of a sewage treatment plant with spray irrigation system to serve the State Correctional Institution at Graterford located in Skippack Township, **Montgomery County**.

2397402. Sewerage. **George and Elyse Norton**, 41 Locust Farm Drive, Thorton, PA 19373. Construction of a sewage treatment plant to serve the Norton residence located in Concord Township, **Delaware County**.

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

WQM Permit No. 1097402. Sewerage. **Municipal Sewer and Water Authority of Cranberry Township**, 2525 Rochester Road, Suite 700, Cranberry Township, PA 16066. This project is for the expansion and upgrade of

the existing sewage treatment system in Cranberry Township, **Butler County**.

WQM Permit No. 1097403. Sewerage. **James McCosby**, 120 Schar Road, Evans City, PA 16033. This project is for a small flow treatment facility to service two homes in Forward Township, **Butler County**.

WQM Permit No. 2597404. Sewerage. **Michael Christ**, SRSTP, 8129 Crane Rd., Cranesville, PA 16410-9502. This project is for the construction of a single residence sewage treatment plant in Washington Township, **Erie County**.

WQM Permit No. 6297401. Sewerage. **Michael Zobrazt**, P. O. Box 264, Sugar Grove, PA 16350. This project is for construction of a small flow sewage treatment facility for two residences in Sugar Grove Township, **Warren County**.

WQM Permit No. 2597401. Sewerage. **Erie Sewer Authority**, c/o Knox, McLaughlin, Gornall & Sennett, P. C., 120 W. 10th Street, Erie, PA 16501. This project is for the relocation of a section of the existing Westside Interceptor sewer line in the City of Erie, **Erie County**.

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

A. 0297402. Sewerage. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. Application for the construction of sewers and appurtenances and stream crossing located in the Township of McCandless, **Allegheny County** to serve the Longvue No. 1—Busch Watershed Improvements Project.

A. 1197401. Sewerage. **Upper Yoder Township Authority**, 302 Elim Street, Johnstown, PA 15905. Application for the construction of a pump station with submersible pumps wet well located in the Township of Upper Yoder, **Cambria County** to serve the Girard Street Pump Station.

A. 9664-S-Amendment No. 2. Sewerage, **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Road, West Mifflin, PA 15122-2902. Application for the construction of a new Sequencing Batch Reactor treatment plant located in the Borough of West Mifflin, **Allegheny County** to serve the Thompson Run STP.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0051608	Steven Holota 3790 Lehigh Drive Northampton, PA 18067	Northampton Lehigh Twp.	Unnamed Tributary to Indian Creek	TRC

INDIVIDUAL PERMITS (PAG)

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

Northeast Regional Office, Regional Water Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.

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

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

Bedford County Conservation District, District Manager; Fairlawn Ct. Ste. 4, 702 W. Pitt St., Bedford, PA 15522, telephone (814) 623-6706.

NPDES Permit PAS100412. Stormwater. **Chestnut Ridge Area Joint Municipal Authority**, R. D. 1, Box A320, New Paris, PA 15554 has applied to discharge stormwater from a construction activity located in East and West Saint Clair and King Townships, **Bedford County** to Bobs and Dunning Creek.

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

NPDES Permit PAS10G241. Stormwater. **D C W Inc.**, 214 Kirkbrae Road, Kennett Square, PA 19348 has applied to discharge stormwater from a construction activity located in East Nottingham Township, **Chester County** to UNT to the west branch of Big Elk Creek.

NPDES Permit PAS10G242. Stormwater. **Emma Builders, Inc.**, c/o Alfred Emma, 153 Timothy Creek, Radnor, PA 19087 has applied to discharge stormwater from a construction activity located in West Vincent Township, **Chester County**, to Birch Run.

NPDES Permit PAS10G243. Stormwater. **West Chester Area School District**, 829 Paoli Pike, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in West Goshen and West Whiteland Townships, **Chester County**, to Broad Run.

Delaware County Conservation District, District Manager, 1521 N. Providence Rd., Media, PA 19063, telephone (610) 892-9484.

NPDES Permit PAS10J036. Stormwater. **Bentley Developers, Inc.**, 1595 Paoli Pike, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in Newtown Township, **Delaware County**, to Darby Creek.

Franklin County Conservation District, District Manager, 550 Cleveland Ave., Chambersburg, PA 17201, telephone (717) 264-8074.

NPDES Permit PAS10M096. Stormwater. **WalMart Stores Inc.**, 701 S. Walton Boulevard, Bentonville, AR 72716 has applied to discharge stormwater from a construction activity located in Guilford Township, **Franklin Township** to Falling Spring.

Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.

NPDES Permit PAS10Q132. Stormwater. **Roberto Fischmann**, 3003 W. Turner Street, Allentown, PA 18104 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County** to Little Lehigh Creek.

NPDES Permit PAS10Q133. Stormwater. **Angelo Vilani**, 221 W. Langhorne Avenue, Bethlehem, PA 18017 has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

NPDES Permit PAS10S051. Stormwater. **Skytop Lodges Inc.**, Skytop, PA 18357 has applied to discharge stormwater from a construction activity located in Barrett Township, **Monroe County**, to Leavitt Branch.

Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste B, Colledgeville, PA 19426, telephone (610) 489-4506.

NPDES Permit PAS10T080. Stormwater. **Line Lexington Management Corporation**, 768 N. Bethlehem Pike, Ste. 201, Lower Gwynedd, PA 19002 has applied to discharge stormwater from a construction activity located in Hatfield Township, **Montgomery County**, to unnamed tributary to Neshaminy Creek.

Washington County Conservation District, District Manager, 602 Courthouse Sq., Washington, PA 15301, telephone (412) 228-6774.

NPDES Permit PAS10W058. Stormwater. **David and Russell Wylie**, 228 King Richard Drive, McMurray, PA 15317 has applied to discharge stormwater from a construction activity located in North Strabane Township, **Washington County**, to UNT to Little Chartiers Creek.

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

NPDES Permit PAS10X069. Stormwater. **Victoria Development**, 3001 Jacks Run Road, Rillton, PA 15678 has applied to discharge stormwater from a construction activity located in North Huntingdon Township, **Westmoreland County**, to Brush Creek.

NPDES Permit PAS10X070. Stormwater. **G E S Family Partnership**, 1419 Highview Place, Greensburg, PA 15601 has applied to discharge stormwater from a

construction activity located in Hempfield Township, **Westmoreland County**, to UNT to Jacks Run.

NPDES Permit PAS10X071. Stormwater. **Adam Eidemiller Inc.**, 1003 E. Pittsburgh Street, Greensburg, PA 15601 has applied to discharge stormwater from a construction activity located in Unity Township, **Westmoreland County**, to UNT to Four Mile Run.

NPDES Permit PAS10X072. Stormwater. **Willow Glenn Development**, 300 Garden Center Court, North Huntingdon, PA 15642 has applied to discharge stormwater from a construction activity located in North Huntingdon Township, **Westmoreland County**, to Long Run.

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, telephone (610) 832-6130.

A. 1597502. Public water supply. **City of Coatesville Authority**, 114 East Lincoln Highway, Coatesville, PA 19320. This proposal involves the addition of a corrosion inhibitor in the water main feeding the Borough of Quarryville in West Caln Township, **Chester County**.

A. 0997502. Public water supply. **PA American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. This proposal involves the replacement of caustic soda with a polyphosphate to control calcium carbonate precipitation at the Yardley System, College Avenue Station in Yardley Borough, **Bucks County**.

Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

A. 1194505-A2. **Saint Francis College**, Physical Plant, Business Office, Loretto, Pennsylvania 15940. Water system improvements including new storage tanks, new transmission system improvements and related work serving Loretto Borough and Allegheny Township, **Cambria County**.

A. 6397501. **Authority of the Borough of Charleroi**, 325-327 McKean Avenue, P. O. Box 211, Charleroi, Pennsylvania 15022-0211. Addition of a pump station due to the extension of waterlines and public water service to the Lover area of Fallowfield Township, in the Borough of Charleroi, **Washington County**.

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

A. 3697501. Public water supply. **Eastern Lancaster School District**, Brecknock Township, **Lancaster County**, (Neal Walsh Jr., Maintenance Supervisor, Brecknock Elementary School, 361 School Road, Bowmansville, PA 17507), install and operate a nitrate reduction system at the Brecknock Elementary School, (Kent P. Bachmann, P. E., Glace Associates, Inc., 3705 Trindle Road, Camp Hill, PA 17011).

Northwest Regional Office: Regional Program Manager, Water Supply and Community Health, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

A. 2597501. **Warner's Mobile Home Park, Inc.**, 12180 Rt. 6, Corry, PA 16407-8977. This proposal involves permitting an existing water system consisting of three

drilled wells, pump house, atmospheric water storage tank, booster pumps, water treatment, pneumatic tanks and distribution system serving the mobile home park, known as Warner's Mobile Home Park, Inc., located in Wayne Township, **Erie County**.

Northcentral Field Operations: Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

A. 5797501. Laporte Borough, P. O. Box 171, Laporte, PA 18626, Laporte Borough, **Sullivan County**. Corrosion Control System for the existing borough public water system.

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

Northcentral Field Operations: Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. 4195501. Muncy State Correctional Institute, P. O. Box 598, Camp Hill, PA 17101, Clinton Township, **Lycoming County**. A permit for operation of a filtration plant at Muncy State Correctional Institute has been issued.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995 Preamble 1

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

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

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

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

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

Jade Holdings, Inc., Lower Moreland Township, **Montgomery County**, William S. Hatfield, Esq., Bressler, Amery & Ross, P. C., 325 Columbia Turnpike, Florham Park, NJ 07932, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet background and Statewide health standards.

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

Distribution Pole 23587S32818, Lower Allen Township, **Cumberland County**. Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Harrisburg Patriot News* and also the *Carlisle Sentinel*, on February 12, 1997.

Ditribution Pole 23743S32420, Fairview Township, **York County**. Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Harrisburg Patriot News* and also the *York Dispatch* on February 12, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995 Preamble 2

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

Sections 304 and 304 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period

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

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

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

South Ardmore Redevelopment Project, Lower Merion Township, **Montgomery County**. Kenneth E. Heydt, P. E., Carroll Engineering Corp., 949 Easton Road, Suite 100, Warrington, PA 18976, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Main Line Times* on February 6, 1997.

SOLID AND HAZARDOUS WASTE

Operate waste processing or disposal area or site

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4001.101—4001.1904) and regulations to operate solid waste processing or disposal area or site.

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

A. 100585. Waste Management Disposal Services of Pennsylvania, Inc. (Northwest Sanitary Landfill). 1436 West Sunbury Road, West Sunbury, PA 16061. Major permit modification to receive and solidify nonhazardous liquid waste prior to disposal. The landfill is located in Clay Township, **Butler County**. Permit modification issued in the Regional Office on December 12, 1996.

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

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

A. 603404. Troop Farm, Browning Ferris, Inc., d/b/a BFI Organics, (1 Briar Lane, West Grove, PA 19390). Application for modification for addition of an

agricultural utilization of sewage sludge site in East Drumore and Colerain Township, **Berks County**. Application determined to be administratively complete in the Regional Office February 3, 1997.

A. 603418. Rutt Farm, Browning Ferris, Inc. (1 Briar Lane, West Grove, PA 19390). Application for modification for addition of an agricultural utilization of sewage sludge site in East Drumore, Eden and Colerian Township, **Berks County**. Application determined to be administratively complete in the Regional Office February 3, 1997.

A. 6033339. Weyer Farm, Browning-Ferris, Inc., d/b/a BFI Organics, (1 Briar Lane, West Grove, PA 19390). Application for modification for addition of an agricultural utilization of sewage sludge site in Perry Township, **Berks County**. Application determined to be administratively complete in the Regional Office February 3, 1997.

A. 603389. Tuttle Farm, Browning Ferris, Inc. (1 Briar Lane, West Grove, PA 19390). Application for modification for addition of an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Application determined to be administratively complete in the Regional Office February 3, 1997.

A. 300980. Commonwealth Disposal, Commonwealth Disposal, Inc., (2340 Paxton Church Road, Harrisburg, PA 17110). Renewal application for the storage of water treatment sediment in a storage lagoon (impoundment) site in Carroll Township, **Perry County**. Application determined to be administratively complete in the Regional Office February 5, 1997.

A. 603441. McKeehan Farm—Spring Farm, Borough of Carlisle (53 West South Street, Carlisle, PA 17013). Applicant for operation of an agricultural utilization of sewage sludge site in Dickinson Township, **Cumberland County**. Application determined to be administratively complete in the Regional Office January 31, 1997.

A. 603441. McKeehan Farm—Mooredale Farm, Borough of Carlisle (53 West South Street, Carlisle, PA 17013). Application for operation of an agricultural utilization of sewage sludge site in Dickinson Township, **Cumberland County**. Application determined to be administratively complete in the Regional Office January 31, 1997.

A. 603285. Sylvan Stoltzfus Farm, Bio Gro Division (180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). Application for operation of an agricultural utilization of sewage sludge site in Salisbury Township, **Lancaster County**. Application determined to be administratively complete in the Regional Office February 4, 1997.

A. 603318. Sinking Springs Farm, Northeastern York County Sewer Authority, (P. O. Box 516, Mt. Wolf, PA 17347-0516). Application for operation of an agricultural utilization of sewage sludge site in Manchester Township, **York County**. Application determined to be administratively complete in the Regional Office February 4, 1997.

A. 603225. Wrightsville Farm #1, Wrightsville Borough Municipal Authority, (129 South Second Street, Wrightsville, PA 17368-1301). Application for operation of an agricultural utilization of sewage sludge site in Chanceford Township, **York County**. Application determined to be administratively complete in the Regional Office February 4, 1997.

A. 300789. Donsco, Inc., (P. O. Box 2001, Wrightsville PA 17368-0040). Application for closure of a residual waste landfill in Mt. Joy Borough, **Lancaster County**. Application determined to be administratively complete in the Regional Office February 10, 1997.

A. PAD009439662. Gem Chem, Inc. (P. O. Box 384, Lititz, PA 17543). Application for operation of a recycling and processing hazardous waste site in Lititz Borough, **Lancaster County**. Application determined to be administratively complete in the Regional Office February 10, 1997.

A. 603454. Carl Peachey Farm, Richard Royer, (149A Maitland Road, Lewistown, PA 17044). Application for operation of an agricultural utilization of sewage sludge site in Decatur Township, **Mifflin County**. Application determined to be administratively complete in the Regional Office February 10, 1997.

**AIR POLLUTION CONTROL
OPERATING PERMITS**

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

25 Pa. Code § 129.1

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

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

49-307-003. The Department intends to issue an operating permit to **Susquehanna Steel Corporation** (P. O. Box 337, Milton, PA 17847) for the operation of a steel billet rehear furnace and rolling mill in Milton Borough, **Northumberland County**.

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

28-301-028. The Department intends to issue an Air Quality Operating Permit to **Chambersburg Hospital** (112 North 7th Street, Chambersburg, PA 17201) for two bio-oxidizer systems for hospital waste disposal in Chambersburg Borough, **Franklin County**.

38-317-012. The Department intends to issue an Air Quality Operating Permit to **Cargill, Inc.** (30 North 16th Street, Lebanon, PA 17042) for an animal feed manufacturing facility in Lebanon, **Lebanon County**.

38-318-030A. The Department intends to issue an Air Quality Operating Permit to **Supreme Mid-Atlantic Corporation** (411 Jonestown Road, Jonestown, PA 17038) for installation of a new paint booth in Swatara Township, **Lebanon County**.

22-312-015A. The Department intends to issue an Air Quality Operating Permit to **Eldorado Properties Corporation** (Highspire Pipeline Terminal, P. O. Box 2621, Harrisburg, PA 17105) for a gasoline storage tank with an internal floating roof in Lower Swatara Township, **Dauphin County**. The source is subject to 40 CFR 60, Subpart Kb, Standards of Performance for New Stationary Sources.

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

32-000-055. The Department intends to issue an Air Quality Operating Permit to **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for Low

NOx Burners on the boilers at its Homer City Station facility located in Center Township, **Indiana County**.

32-306-010A. The Department intends to issue an Air Quality Operating Permit to **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for scrubbers on the boilers of units #1 and #2 at its Conemaugh Station located in West Wheatfield Township, **Indiana County**.

32-000-059. The Department intends to issue an Air Quality Operating Permit to **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for the Conemaugh Station NOx Sources at its Conemaugh Station located in West Wheatfield Township, **Indiana County**.

63-305-018. The Department intends to issue an Air Quality Operating Permit to **Eighty Four Mining Company**, (P. O. Box 284, Eighty Four, PA 15330) for a Coal Preparation operation at its Mine 60 facility located in Somerset Township, **Washington County**.

63-320-001. The Department intends to issue an Air Quality Operating Permit to **Specialty Printing, Inc.** (P. O. Box 104, Third Street and PA Railroad, Charleroi, PA 15022) for a catalytic oxidizer on the Drier WEB Offset Printing process at its facility located in Charleroi Borough, **Washington County**.

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

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

05-323-006. Installation of a new packed scrubber on an existing chrome plating line by **Creative Pultrusions, Inc.** (P. O. Box 6, Alum Bank, PA 15521-0006) in West St. Clair Township, **Bedford County**. The source is subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

28-310-002C. Modification of the existing limestone crushing plant by **Valley Quarries, Inc. Chambersburg Quarry** (P. O. Box J, Chambersburg, PA 17201) in Guilford Township, **Franklin County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

36-304-050E. Modification of an existing iron foundry system by **Donsco, Inc.** (S. Jacob Street, Mt. Joy, PA 17552) in Mt. Joy Borough, **Lancaster County**.

67-303-006D. Installation of an air pollution control device on a batch asphalt plant by **York Building Products Company, Inc.** (P. O. Box 1798, York, PA 17405) in West Manchester Township, **York County**.

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

49-313-035K. Modification of a pharmaceutical process vessel (Primaxin TA-1645) and installation of an air cleaning device (a condensor) by **Merck & Co., Inc.** (P. O. Box 600, Danville, PA 17821) in Riverside Borough, **Northumberland County**.

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

PA-63-641A. Regal Industrial Corporation (P. O. Box 291, Donora, PA 15033) for a dust collector on the

abrasive blasting operation at its Donora Plant facility located in Donora Borough, **Washington County**.

PA-65-865A. Sony Chemicals Corporation of America (1001 Technology Drive, Mt. Pleasant, PA 15666) for a research and development center at its Pittsburgh Manufacturing Center facility located in Mt. Pleasant Township, **Westmoreland County**.

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

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

OP-11-333. The Department received an Air Quality Operating Permit application from **Sani-Dairy** (400 Franklin Street, Johnstown, PA 15907) for a dairy products manufacturing process at its Main Plant located in Johnstown, **Cambria County**.

Applications received for Title V Operating Permits required under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

TV-56-232. The Department received an Air Quality Operating Permit application from **Resource Conservation Corporation** (R. R. 1, Box 305, Cairnbrook, PA 15924) for a sanitary landfill at its Shade Township Waste Management facility located in Shade Township, **Somerset County**.

AIR POLLUTION CONTROL

Reasonably Available Control Technology (RACTS)

Air Quality Plan Approval Application No. 46-301-227A, Municipal Waste Permit Application No. 400483 and Municipal Waste Permit Application No. 101640; Public Hearing

Under 25 Pa. Code §§ 127.44-5 and 271.143, that the Department of Environmental Protection (DEP) will hold a public hearing on the proposed draft Air Quality Plan Approval and the Municipal Waste Permit application for New Hanover Incineration, Inc., 3645 Church Road, Perkiomenville, PA, for an infectious and chemotherapeutic waste incinerator to be located at 3645 Church Road, New Hanover Township, Montgomery County, and, on the Municipal Waste Permit application for Big Road Environmental Services, Inc., 2242 Big Road, Gilbertsville, PA to construct an infectious waste autoclave to be located at 2242 Big Road, New Hanover Township, Montgomery County. The incinerator is described in New Hanover Incineration, Inc.'s air plan approval application of January 10, 1996 and waste permit application of Jan. 10, 1996, and subsequent supplemental submissions. The autoclave is described in Big Road Environmental Services, Inc.'s waste permit application of Nov. 17, 1994, and subsequent supplemental submissions.

The public hearing will be held at 7 p.m. on Wednesday, April 2, 1997 at the Boyertown Junior High East Auditorium at 2020 Big Road, Gilbertsville, Montgomery County to receive comments on the proposed Air Quality Plan Approval for the incinerator under DEP's Air Resource regulations and the Municipal Waste Permit applications for the incinerator and the autoclave under DEP's Solid Waste Management regulations.

Draft air plan approval information for incinerator proposed by New Hanover Incineration, Inc.:

Based on the information provided by the applicant and the Department of Environmental Protection's own analysis, this proposed operation would emit:

<i>Pollutant</i>	<i>Emission Rate</i>
Sulfur Oxides	4.7 tons per year
Nitrogen Oxides	19 tons per year
Carbon Monoxide	0.04 tons per year
Volatile Organic Compounds	0.2 tons per year
Particulate Matter	0.5 tons per year
Hydrochloric Acid	26 tons per year

In order to assure compliance with the applicable standards, the Department of Environmental Protection (DEP) has placed the following conditions in the Draft Air Plan Approval:

I. Emission Limitations

(a) The opacity from the incinerator shall not be equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour or equal to or greater than 30% at any time.

(b) The incinerator shall limit the emissions of the pollutants listed below to the following:

(i) Sulfur Oxides (SOx): 30 ppmv, hourly basis, corrected to 7% O₂ on a dry basis

(ii) Oxides of Nitrogen (NOx): 153 ppmv, hourly basis, corrected to 7% O₂ on a dry basis and 19.1 tons in a 12 month rolling period

(iii) Carbon Monoxide (CO): 50 ppmv, hourly basis, corrected to 7% O₂ on a dry basis

(iv) The emission rate of volatile organic compounds (VOCs) shall be determined after the results of stack testing have been submitted to the DEP, but in no event shall the VOC emissions exceed 0.045 lb/hr and 0.196 tons on a 12 month rolling basis.

(v) Particulate Matter (PM): 0.013 grain per dry standard cubic foot of exhaust gas, corrected to 7% O₂.

(vi) Hydrochloric Acid (HCl): 30 ppmv, hourly basis, corrected to 7% O₂ on a dry basis

(c) The storage and handling of the material collected in the air cleaning devices associated with the incinerator shall not result in the emission of fugitive air contaminants in excess of the limitations specified in section 123.1 of Chapter 123 of the Rules and Regulations of the DEP.

(d) The storage and handling of the powdered activated carbon and hydrated lime shall not generate any visible emissions. The storage bins shall be controlled using bin vent filters.

(e) Using the stack emission rates for the facility and the exhaust parameters from each stack test specified in this plan approval and the modeling techniques used in the application as approved by the DEP, the calculated maximum ambient concentrations from the facility shall not exceed the following levels:

<i>Contaminants</i>	<i>Ambient Concentration, µg/m³</i>
PCDD & PCDF Expressed as 2, 3, 7, 8, TCDD Equivalents ¹	0.30×10^{-7}
Arsenic and Compounds	0.23×10^{-3}
Beryllium and Compounds	0.42×10^{-3}
Cadmium and Compounds	0.56×10^{-3}

<i>Contaminants</i>	<i>Ambient Concentration, $\mu\text{g}/\text{m}^3$</i>
Nickel and compounds	0.33×10^{-2}
Hexavalent Chromium and Compounds	0.83×10^{-4}
Lead and Compounds	0.09
Mercury and Compounds	0.24×10^{-1}
Hydrochloric Acid	7.0
Benzo(a)pyrene	0.59×10^{-3}

¹ Polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF) expressed as 2, 3, 7, 8 tetrachlorinated dibenzo-p-dioxins (TCDD) equivalents using toxicity equivalent factors (TEFs) as described in DEP's BAT and calculated according to PA DEP approved method.

(f) The company shall comply with the provisions contained in 25 Pa. Code § 123.31(b).

(g) The collection and handling of the ash from the incinerator shall not generate any visible emissions. The ash shall be wetted when it is being removed from the incinerator and shall be transported using properly tarped or enclosed trucks.

II. Operational Limitations

(a) The total facility throughput of infectious and chemotherapeutic waste (as that term is defined in 25 Pa. Code § 271.1) shall be limited to 42.4 tons per day. After the existing incinerator (DEP permit No. 46-301-227) is shutdown, then the total throughput of infectious and chemotherapeutic waste shall be limited to 36 tons per day.

(i) The incinerator covered by this plan approval, No. 46-301-227A, shall be limited to burning infectious and chemotherapeutic waste at the rate of 3,000 pounds per hour and 36 tons per day.

(ii) The company shall install a conveyance system that includes a weighing mechanism to ensure that Condition (II)(a)(i) is being complied with.

(b) The existing incinerator, rated at 6.4 tons per day (DEP permit No. 46-301-227), shall be shutdown and dismantled according to the following schedule:

(i) The existing incinerator shall be shutdown 6 months after receiving the Operating Permit for the incinerator covered by this Plan Approval.

(ii) Within 60 days after the shutdown of the existing incinerator, the incinerator shall be completely disassembled.

(iii) The existing incinerator shall not operate or be rebuilt without the DEP's approval.

(c) No radioactive material shall be charged to the incinerator, unless the company receives approval by DEP's Bureau of Radiation Protection.

(i) The company shall install a Ludlum Model 44-10, High Energy Gamma Detector or equivalent to prevent radioactive waste from being charged into the incinerator.

(d) The secondary combustion chamber of the incinerator shall maintain a retention time of at least 2 seconds.

(e) The incinerator shall be equipped with temperature monitoring instrumentation which continuously indicates and records the primary combustion chamber exhaust gas temperature and the temperature at the point where the

2-second retention time requirement was demonstrated in Condition II(f) below.

(f) The burners associated with the incinerator shall be fired and modulated so as to maintain a secondary combustion chamber exit gas temperature of at least 1,800°F.

(g) The secondary burner associated with the incinerator shall be operated for such periods of time prior to the charging of the waste to the incinerator (for the purpose of preheating the secondary chamber), and at the end of any period of incinerator use (to control the emissions from the smoldering residue), which is sufficient to prevent the emission of any air contaminant emissions in excess of the limitations specified in any applicable DEP Rule or Regulation at the beginning and end of any period of incinerator use.

(h) The company shall immediately notify the DEP of any malfunction of the incinerator or associated auxiliary burners which results in or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in any applicable DEP Rule or Regulation. The company shall submit to the DEP within 5 working days a written notification of the problem and measures taken to correct the problem.

(i) No municipal or industrial waste shall be burned in the incinerator.

(j) The following conditions apply only to the fabric filter.

(i) The fabric filter shall consist of six compartments with 154 bags per compartments. The total surface area of bags in the fabric filter shall be 13,700 square feet.

(ii) Only one compartment may be out of service for cleaning at a time.

(iii) The fabric filter shall not be bypassed in the course of operating the incinerator.

(iv) The company shall keep on hand a sufficient quantity of spare fabric collector bags for the fabric collector associated with this incinerator in order to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation of the incinerator and fabric collector.

(v) The maximum pressure drop across the baghouse shall be limited to 6 inches of water, gage. The company shall install a manometer, or equivalent, to indicate the pressure drop across the baghouse. The company shall periodically monitor the pressure drop across the baghouse to ensure compliance.

(vi) The maximum temperature entering the baghouse shall be 500°F.

(k) The company shall install, operate and maintain the incinerator, the associated air pollution control devices, and continuous emission monitors in accordance with manufacturer's specifications and good air pollution control practices.

(l) The company shall comply with all the requirements contained in the company's DEP Bureau of Land Recycling and Waste Management permit (proposed as No. 400483.)

(m) The company shall inject a minimum of 125 pounds per hour of hydrated lime to control the emissions of acid gases. The DEP reserves the right to amend the injection rate of hydrated lime based upon the results of stack testing. The company shall periodically monitor the

injection rate of the hydrated lime. The monitoring shall be performed at least once a shift (that is, once every 8 hours).

(n) The company shall inject a minimum of 3 pounds per hour of powdered activated carbon to control the emissions of acid gases. The DEP reserves the right to amend the injection rate of powdered activated carbon based upon the results of stack testing. The company shall periodically monitor the injection rate of the powdered activated carbon. The monitoring shall be performed at least once a shift (that is, once every 8 hours).

(o) The company shall install an interlock device so that waste charging will not occur when the following occurs:

(i) The temperature of the secondary chamber is not established and holding at 1800°F and the combustion cycle is not complete, or

(ii) The carbon monoxide emission are equal to or greater than 150 ppmv, corrected to 7% O₂ on a dry basis for a period of at least 15 minutes, or

(iii) The opacity of the visible emissions is equal to or greater than 10% for a period of at least 15 minutes.

III. Continuous Emission Monitoring Requirements

(a) The continuous emission monitoring system shall be maintained and operated to achieve the following data availability requirements:

<i>Monitored Pollutant or Parameter</i>	<i>Requirement Data Availability:</i>	<i>Valid Hour:</i>
Carbon Monoxide	100% valid hours/day	>=90% valid readings (54 minutes/hour)
Temperature	100% valid hours/day	>=90% valid readings (54 minutes/hour)
Carbon Dioxide	>=95% valid hours/day	>=75% valid readings (45 minutes/hour)
Opacity	>=95% valid hours/day	>=75% valid readings (45 minutes/hour)
O ₂	>=95% valid hours/day	>=75% valid readings (45 minutes/hour)

(b) Phase I DEP approval must be obtained for the incinerator prior to initial startup of the source. Phase III DEP approval must be obtained within 60 days of achieving the maximum production rate at which the source will be operated, but not later than 180 days after initial startup of the source. DEP review time for the Phase III report (time between postmark of the company's Phase III report and the postmark of the DEP's response letter) will not be charged against the source in determining compliance with this condition. Information on obtaining DEP approval is included in the DEP's *Continuous Source Monitoring Manual*.

(c) The DEP reserves the right to require the company to install access to all continuous emission monitor readouts via telephone dial-up (modem) from the DEP's computer. It will be the company's responsibility to provide the hardware, software and funds required to provide this access. The DEP shall specify the acquisition configuration.

IV. Training Requirements

(a) Prior to the start-up of the incinerator, a training plan shall be developed and training shall be provided to all persons who operate the incinerator. The plan shall be based on EPA's Medical Waste Incinerator training course and also include a site specific "hands-on" training of the operators by the manufacturer or authorized representatives of the specified hardware and controls. The plan shall be submitted to the DEP for approval prior to the start-up of the incinerator. Persons who have not satisfactorily completed the training program shall be prohibited from operating the incinerator. A copy of the training program shall be submitted to the DEP for approval before the training commences.

(b) The company shall submit to the DEP a copy of a certificate verifying the satisfactory completion of the training program prior to the issuance of the operating permit.

V. Testing Requirements

(a) Within 60 days after achieving the maximum production rate at which the incinerator will be operated, but not later than 180 days after the initial start-up of the source, the owner or operator shall conduct performance tests as per the DEP's Best Available Technology and Chapter 127 Plan Approval Criteria for Hospital/ Infectious Waste Incinerator document and Chapter 139 Rules and Regulations of the DEP. The performance tests shall be conducted at the maximum charging rate. The 2 second detention time required in the BAT shall also be demonstrated as part of the performance test.

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

(ii) At least 60 days prior to the test, the company shall submit to the DEP for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

(iii) Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the DEP Regional Air Quality Manager for approval.

(b) The company shall perform an initial stack test for the following:

(i) Arsenic and compounds (expressed as Arsenic)

(ii) Beryllium and compounds (expressed as Beryllium)

- (iii) Cadmium and compounds (expressed as Cadmium)
 - (iv) Nickel and compounds (expressed as Nickel)
 - (v) Hexavalent Chromium and compounds (expressed as Chromium)
 - (vi) Lead and compounds (expressed as Lead)
 - (vii) Mercury and compounds (expresses as Mercury)
 - (viii) Particulate Matter (Total Particulate Matter and Particulate Matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀))
 - (ix) Hydrochloric Acid
 - (x) Sulfur Oxides
 - (xi) Carbon Monoxide
 - (xii) PCDD and PCDF (expressed as 2, 3, 7, 8 TCDD equivalents)
 - (xiii) Volatile Organic Compounds
 - (xiv) Nitrogen Oxides
 - (xv) Benzo(α)pyrene
- (c) The company shall perform a stack test every 6 months for:
- (i) Arsenic and compounds (expressed as Arsenic)
 - (ii) Beryllium and compounds (expressed as Beryllium)
 - (iii) Cadmium and compounds (expressed as Cadmium)
 - (iv) Nickel and compounds (expressed as Nickel)
 - (v) Hexavalent Chromium and compounds (expressed as Chromium)
 - (vi) Lead and compounds (expressed as Lead)
 - (vii) Mercury and compounds (expressed as Mercury)
 - (viii) Particulate Matter (Total Particulate Matter and Particulate Matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀))
 - (ix) Hydrochloric Acid
 - (x) Sulfur Oxides
 - (xi) Benzo(α)pyrene
 - (xii) Nitrogen Oxides
- (d) The company shall perform a stack test every 12 months for PCDD and PCDF (expressed as 2, 3, 7, 8 TCDD equivalents).

(e) As a database of stack test results is established and the results from the stack tests consistently show that the incinerator emissions are in compliance with the limitations set forth in this plan approval, the schedule of the stack tests may be altered.

VI. Recordkeeping Requirements

Sufficient data shall be recorded, in a format approved by the DEP, so that compliance with the conditions in this (draft) Plan Approval can be determined. Records shall be kept for a minimum of 2 years and shall be made available to the DEP upon request.

(a) Continuous emission/parameter data gathered from the monitors shall be submitted to the DEP quarterly and shall be kept on record by the company.

(b) The company shall keep a record of the types and quantities of all wastes disposed of in this incinerator.

(c) A copy of the certificate verifying satisfactory completion of incinerator training program shall be kept on file and be made available to the DEP upon request.

(d) A copy of the stack test protocols and the results of all the required stack tests.

(e) A copy of the manufacturer's specification for the operation and maintenance of the incinerator and the associated air pollution control devices.

(f) Records of the temperature of the primary and secondary combustion chamber as required by Condition II(e).

(g) Records of the periodic monitoring of the pressure drop across the baghouse to ensure compliance with Condition II(j)(v).

(h) The company shall keep records of the periodic monitoring of the injection rate of the hydrated lime and the powdered activated carbon.

Procedures for Hearing and Submitting Written Comments

The hearing will not be a question and answer session. Those wishing to testify should contact DEP Community Relations Coordinator Tina Suarez-Murias at (610) 832-6011 to register prior to the hearing, but may also register at the hearing. Oral comments should be kept brief and may be limited to 5 minutes per person, depending on the number of speakers. Where groups are represented, a spokesperson is requested to present the group's concerns and additional time will be allowed.

Anyone wishing to present written comments directly to DEP regarding the draft Air Quality Plan Approval and/or the Municipal Waste Permit applications may do so until May 2, 1997. Written comments should include the following:

1. Name, address and telephone number of the person filing comments.

2. Reference to the application number: for the proposed New Hanover Incineration, Inc. incinerator, identification of proposed Air Quality Plan Approval No. 46-301-227A and/or Municipal Waste Permit application No. 400483; for the proposed Big Road Environmental Services, Inc. autoclave, identification of Municipal Waste Permit Application No. 101640.

3. Concise statement regarding the relevancy of the information or any objections to the issuance of the proposed Air Quality Plan Approval and/or a concise statement regarding any information relevant to the Municipal Waste Permit application materials.

Written remarks should be sent to John Kennedy, Assistant Regional Director, Department of Environmental Protection, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Comments from the public will be addressed by the DEP during the review process before a final action is taken on the proposals. A summary report addressing the concerns raised by the public will be released should the DEP decide to issue the Air Quality Plan Approval and/or the Municipal Waste permits.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Tina Suarez-Murias at (610) 832-6011 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for public review at DEP's Southeast Regional Office in Conshohocken between the hours of 8 a.m. and 4 p.m.

weekdays. To make an appointment, contact the Records Management Section at (610) 832-6003.

Notice of Intent to Issue State Only Operating Permit # OP-63-538

Per 25 Pa. Code § 127.424, notice is here provided that the Department intends to issue a facility-wide State Only Operating Permit to Dynamet, Inc. (195 Museum Road, Washington, PA 15301) for the Arden Facility operating in Chartiers Township, Washington County.

Permit conditions cover all equipment located at the facility, including equipment covered in the Copper Plating line, the Nickel Batch Line, two Titanium Batch Lines, six Titanium Fine Wire Pickling Tanks, a Forging Pickling Line, a Sonic Cleaner, an NCA Wire Cleaning Unit, a Spin Blast Unit, and two Fox Billet Grinders with control devices as follows: one Cyanide Scrubber, three Acid Scrubbers, one Torit Baghouse, and two Torit Downflow Cartridge Filters. Maximum allowable annual emissions (after control) are established at less than 10 tons of NO_x, 10 tons CO, 8 tons of SO_x and 3 tons of PM₁₀.

Copies of the application, DEP's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit # OP-63-538).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held if the Department in its discretion decides that such a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, phone (412) 442-4000. For additional information contact Donald F. Rinald, Air Quality Control Engineer II, Air Quality, at the same address.

Notice of Intent to Issue Title V Operating Permit #19-00007

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to the Transcontinental Gas Pipe Line Corporation for the 517 Benton compressor station. The Benton (517) compressor station is located in Jackson Township, Columbia County. The Transcontinental Gas

Pipe Line Corporation representative to contact regarding this application is Mary Beth Whitfield, Environmental Scientist, P. O. Box 1396, Houston, TX 77251.

The Benton (517) compressor station is primarily used for the distribution of natural gas. As a result of the nitrogen oxides emitted, Benton (517) compressor station is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

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

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to issuance of this permit may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following: name, address and telephone number of the person submitting the comments, identification statements of the proposed permit (specify Permit No. 19-00007) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

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

Section 401: Federal Water Pollution Control Act ENCROACHMENTS

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for process requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permits, 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 any comments, suggestions or objections within 30 days of the date of

this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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

E01-174. Encroachment. **Caldwell Development Inc.**, Mark Caldwell, 434 N. Front Street, Wormleysburg, PA 17043. To fill 0.13 acre of jurisdictional wetlands for the purpose of constructing a Giant Food Store at the existing Gettys Mobile Home Park located southeast of Lincoln Highway (SR 0030) and Natural Springs Road (Gettysburg, PA Quadrangle N: 16.0 inches; W: 11.5 inches) in Straban Township, **Adams County**. Permittee is required to construct 0.13 acre of replacement wetlands.

E21-259. Encroachment. **Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a precast reinforced concrete box culvert having a centerline span of 20 feet 8.5 inches on 75 degrees skew with a minimum underclearance of 3 feet, 6 inches along Alexanders Spring Creek on SR 0641, Section 003, Segment 0404, Offset 1653 located about 3.2 miles west of Carlisle (Carlisle, PA Quadrangle N: 13.95 inches; W: 17.35 inches) in West Pennsboro Township, **Cumberland County**.

E21-260. Encroachment. **Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a centerline span of 35 feet on an 80 degrees skew with a minimum underclearance of 3 feet, 9.5 inches across Mt. Rock Spring Creek on SR 0641, Section 003, Segment 0360, Offset 0000 located about 0.8 mile west of Plainfield Village (Plainfield, PA Quadrangle N: 14.36 inches; W: 8.0 inches) in West Pennsboro Township, **Cumberland County**.

E22-363. **Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To construct and maintain a 5 mile section of US 22/322 and a 1 mile section of PA 225 which includes bridges, culverts, fills in the floodplain and 3.52 acres of fill in wetlands across and along the Susquehanna River, Stony Creek, Clark Creek, Buck Run and unnamed tributaries at a point from each of Dauphin Borough to north of Route 325 (Harrisburg West, PA Quadrangle N: 17.9 inches; W: 5.1 inches to Duncannon, PA Quadrangle N: 3.7 inches; W: 2.0 inches) in Dauphin Borough and Middle Paxton and Reed Townships, **Dauphin County**. The permittee is providing 5.46 acres of replacement wetlands.

E31-135. Encroachment. **U. S. Army Corps of Engineers**, Raystown Lake, Dwight Beall, R. D. 1, Box 222, Hesston, PA 16647. To construct and maintain five, 1.5 foot diameter culverts in the channel of Tatman Run to create a foot bridge crossing located in the Tatman Run Access Area at Lake Raystown Dam (Entriken, PA Quadrangle N: 10.25 inches; W: 10.75 inches) in Lincoln Township, **Huntingdon County**.

E50-181. Encroachment. **Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To maintain a bridge having a clear span of 32 feet and an underclearance of 8.5 feet across the channel of Horse Valley Run, constructed under Emergency Permit EP 50-96-07, at a point at SR 3002-001, Segment 0.130. (Blair, PA Quadrangle N: 16.72 inches; W: 13.38 inches) in Toboyne Township, **Perry County**.

E67-581. Encroachment. **Stees Corporation**, Daniel Stees, 2510 East Market Street, York, PA 17402. To construct and maintain three bridges across tributary No. 3 to Mill Creek for the purpose of providing through access in the proposed Springwood Golf Course. Bridge No. 1 having a total span of 74 feet, 2 inches, underclearance of 1.5 feet, Bridge No. 2 having a total span of 49 feet, 6 inches underclearance of 2.5 feet. Bridge No. 3 having a total span of 53 feet, 7.5 inches underclearance of 2.5 feet. Project is located north of Duquesne and Springwood Roads (York, PA Quadrangle N: 11.0 inches; W: 6.5 inches) in York Township, **York County**.

E67-582. Encroachment. **County of York**, Allan Dameshek, One West Marketway, Fourth Floor, York, PA 17401. To widen an existing 45 foot, 9 inches span bridge an additional 7 feet, 2 inches eastward and reduce its underclearance to 8 feet, 7 inches on Conewago Road (T-822) over Davisburg Run just north of Schoolhouse Road. (Abbottstown, PA Quadrangle N: 22.1 inches; W: 5.9 inches) in Dover Township, **York County**.

E67-583. Encroachment. **Irvin Baughman**, 1400 Second Avenue, York, PA 17403. To fill 0.36 acre of jurisdictional wetland for the purpose of extending an existing runway at the Lazy "B" Ranch and Airport located along the east side of Bull Road 1 mile north of Canal Road (Dover, PA Quadrangle N: 5 inches; W: 8.7 inches) in Conewago Township, **York County**. Permittee is responsible for creating 0.36 acre of replacement wetlands.

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

E15-539. Encroachment. **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010. To install and maintain a 20-inch potable water main across an unnamed tributary to Valley Creek (EV). The site is located approximately 1,100 feet west of the intersection of Conestoga Road (S. R. 401) and Phoenixville Pike, (Malvern, PA Quadrangle, N: 9.9 inches; W: 10.5 inches) in East Whiteland Township, **Chester County**.

E15-537. Encroachment. **Home Depot**, 3096 Hamilton Blvd., South Plainfield, NJ 07080. To place fill in a 0.30 acre ornamental pond, and to construct, operate and maintain two trapezoidal grassed stormwater outfall channels along Valley Creek (EV) associated with the construction of a Home Depot Department store. The site is located along the south side of Route 30, and about 1,000 feet east of its intersection with Route 202 (Malvern, USGS Quadrangle N: 5.75 inches; W: 11.20 inches) in East Whiteland Township, **Chester County**.

E09-740. Encroachment. **Waste Management Inc., Properties**, 3329 Street Road, Three Greenwood Square, Bensalem, PA 19020. To install and maintain two 50-foot long, 18-inch diameter reinforced concrete pipe culverts with concrete endwalls in and along an unnamed tributary to Rock Run/Martins Creek (WWF) beneath the proposed access to an expanded parking area. The project also includes placement of fill material in 0.26 acre of

wetlands (PFO) associated with the parking lot expansion. This site is located at 400 Lincoln Highway (SR 2037) between Olds Boulevard and Pennsylvania Avenue (Trenton West, NJ-PA Quadrangle N: 11.6 inches; W: 12.1 inches) in Falls Township, **Bucks County**.

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

E33-178. Encroachment. **Dept. of Transportation**, Engineering Dist. 10-0, Route 286 South, P. O. Box 429, Indiana, PA 15701, to replace a 2-span bridge, that failed during a flood event during July 19, 1996, by constructing and maintaining a single span prestressed concrete spread box beam bridge with a clear span of 68.5 feet on a 90° skew across Little Sandy Creek (CWF trout stocked). The bridge is located on S. R. 3018 across Little Sandy Creek approximately 1,900 feet south of the intersection of S. R. 3018 and T-368 in the Village of Coolspring (Coolspring PA Quadrangle N: 7.6 inches; W: 11.6 inches) located in Oliver Township, **Jefferson County**

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

E02-1178. Encroachment. **Postural Construction**, 802 Wenzell Avenue, Pittsburgh, PA 15216. To construct and maintain a 160-foot long, 11.5-foot diameter stream enclosure in an unnamed tributary to Sawmill Run (WWF) for the purpose of providing stabilization to the hillside and to access a proposed development located along Route 19 approximately 400 feet south of Rt. 19 and Coast Avenue (Pittsburgh West, PA Quadrangle N: 19.7 inches; W: 0.5 inch) in the City of Pittsburgh, **Allegheny County**.

E04-244. Encroachment. **Industry Terminal & Salvage Co., Inc.**, P. O. Box 255, Industry, PA 15052-0255. To remove existing spud and spar barge structure and to construct and maintain six ice breakers and eight cells in the Ohio River (WWF) for the purpose of safely mooring barges in existing fleeting area. The project is located along the right bank, approximately at Mile Marker 32.8 (Midland, PA Quadrangle N: 4.0 inches; W: 4.4 inches) in Industry Borough, **Beaver County**.

E32-384. Encroachment. **Saltsburg Borough**, P. O. Box 104, Saltsburg, PA 15681. To construct and maintain a crushed stone walkway, a 170-foot long wooden boardwalk and stage structure, and a concrete boat launching ramp along Conemaugh River (WWF) as part of the Canal Park Project located along Water Street (Saltsburg, PA Quadrangle N: 19.5 inches; W: 10.8 inches) in Saltsburg Borough, **Indiana County**.

E56-273. Encroachment. **Roger L. Lamens**, R. R. 1, Schellsburg, PA 15559. To rehabilitate and maintain the existing Pack Saddle Covered Bridge (County Bridge No. 26) across Brush Creek (HQ-CWF) by constructing new abutments, adding steel I-beams, and replacing decking, for the purpose of providing access to homes along T-407. The bridge is located on T-407 approximately 0.2 mile from the intersection of T-407 and T-772 (Fairhope, PA Quadrangle N: 21.38 inches; W: 9.50 inches) in Fairhope Township, **Somerset County**.

E56-274. Encroachment. **Roger L. Lamens**, R. R. 1, Schellsburg, PA 15559. To construct and maintain a single span bridge with an underclearance of 8.7 feet in Brestwork Run (HQ-CWF) for the purpose of accessing property for a timbering operation located on Brestwork Run Road approximately 1.52 miles south of its intersec-

tion with US Route 30 (Central City, PA Quadrangle N: 4.05 inches; W: 4.8 inches) in Allegheny Township, **Somerset County**.

E56-275. Encroachment. **Dept. of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove the existing arch culvert and to construct and maintain a low profile metal box culvert having a normal span of 16 feet, 4 inches and a minimum underclearance of 7 feet, 10 inches in Clear run (HQ-CWF). The invert of the box culvert will be depressed 12 inches. During construction, a temporary crossing of Clear Run, having two 42.0-inch pipes, will be maintained downstream from the bridge. The project is located on SR 4001 approximately 3 miles northeast of Bakersville (Bakersville, PA Quadrangle N: 13.5 inches; W: 7.3 inches) in Jefferson Township, **Somerset County**.

E65-477-A1. Encroachment. **JJ Gumberg Co**, 1051 Brinton Road, Pittsburgh, PA 15221-4599. To amend Permit No. E65-477 to construct and maintain a 215-foot extension (16' x 8' 3" steel arch) to an existing enclosure in an unnamed tributary to Tinkers Run (TSF) for the purpose of expanding the existing commercial site to include a restaurant located on US Route 30 (Irwin, PA Quadrangle N: 12.6 inches; W: 9.3 inches) in North Huntingdon Township, **Westmoreland County**.

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

E39-332. Encroachment. **Cedar Fair, L. P.**, Dorney Park and Wildwater Kingdom, 3830 Dorney Park Road, Allentown, PA 18104. To construct and maintain a roller coaster on a 54° skew across Cedar Creek (HQ-CWF) consisting of an outbound track having a total span of 158 feet and an approximate underclearance of 14.0 feet, a return track having a total span of 166 feet and an approximate underclearance of 65 feet and ten associated columns within the floodway. The project is located within Dorney Park approximately 0.66 mile northeast of the intersection of S. R. 0309 and S. R. 0222 (Allentown West, PA Quadrangle N: 14.7 inches; W: 4.85 inches) in South Whitehall Township, **Lehigh County**, Philadelphia District, Army Corps of Engineers.

E40-457. Encroachment. **Rosellen Verrastro**, 126 North Broad Street, West Hazleton, PA 18201. To place fill in approximately 0.50 acre of PEM wetlands in the drainage basin of Black Creek (CWF), for the purpose of preparing for commercial development of a 2.5-acre parcel (the Royal Plaza Mall Site). The project is located northeast of the intersection of S. R. 0940 and S. R. 2053 (Freeland, PA Quadrangle N: 3.1 inches; W: 2.0 inches) in Foster Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E40-458. Encroachment. **RHED Development Company**, 240 West Broad Street, Hazleton, PA 18201. To place fill and/or excavate in 1.27 acres of PEM, FO wetlands, in the drainage basin of Little Nescopeck Creek (CWF), for the purpose of constructing road crossings and stormwater detention facilities for Phases II and III of the Meadows at Sugarloaf, a proposed 156-lot residential subdivision. The project is located on the south side of Township Road T-420, approximately 0.75 mile west of S. R. 0093 (Conyngham, PA Quadrangle N: 20 inches; W: 11 inches) in Sugarloaf Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E48-251. Encroachment. **Joseph M. and Elizabeth Chudyk**, 6078 West Main Boulevard, Bath, PA 18014 and Joseph P. and Karen A. Milkovits, 302 East Main Street,

Bath, PA 18014. To remove the existing structure and to construct and maintain a private bridge across a tributary to Bushkill Creek (HQ-CWF) having a single span of approximately 18.0 feet and an underclearance of 3.7 feet to provide access to a residential building site. The project is located on the North side of S. R. 0512, approximately 500 feet West of the intersection of S. R. 0512 and P751 (Windgap, PA Quadrangle N: 12.6 inches; W: 11.1 inches) in Bushkill Township, **Northampton County**, Philadelphia District, Army Corps of Engineers).

E64-179. Encroachment. **Kenneth Love**, P. O. Box 147, Narrowsburg, NY 12764. To authorize the excavation of 0.6 acre of wetlands (PEM) for a recently constructed pond. This project is located along the east side of Township Road T-624 (Atco Road), 0.2 mile north of Township Road T-517 (Mohn Road), (Damascus, PA-NY Quadrangle N: 1.4 inches) (W: 11.7 inches) in Damascus Township, **Wayne County**.

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

E14-303. Encroachment. **Dept. of Conservation and Natural Resources**, P. O. Box 952, Clearfield, PA 16830. To construct and maintain three foot bridges for the Allegheny Front Hiking Trail. The 30 inches-36 inch wide bridges will be supported by small gabions on either side outside stream channel. Bridge site 1 crosses Moshannon Creek about 700 feet upstream from its confluence with Benner Run (N: 14.6 inches; W: 5.8 inches). Bridge site 2 crosses Benner Run about 100 feet upstream from its confluence with Moshannon Creek (N: 14.9 inches; W: 5.5 inches) Bridge site 3 crosses Benner Run about 5,000 feet upstream from its confluence with Moshannon Creek (N: 12.7 inches; W: 4.2 inches). All sites located on Black Moshannon, PA Quadrangle in Rush Township, **Centre County**. The project will impact on approximately 18 feet of waterway; stream classification is High Quality for both streams.

E14-304. Encroachment. **Gregg Twp. Sewer Auth.**, P. O. Box 158, Spring Mills, PA 16875. To construct and maintain a sewer system consisting of 23,825 linear feet of gravity lines, 3,149 linear feet of forced main, and related pumping facilities in the floodplain of Penns Creek, also 8 utility line stream crossings in Penns Creek or its tributaries, 7 wetland crossings and 2 outfall structures all of which are authorized under General Permits in conjunction with this application with a total temporary wetland disturbance of 0.915 acre and .0009 acre of permanent wetland disturbance (Spring Mills, PA Quadrangle N: 21.9 inches; W: 11.2 inches) in Gregg Township, **Centre County**. Estimated stream disturbance is less than 250 linear feet; stream classification is CWF.

E53-297. Encroachment. **John H. Brown**, P. O. Box 268, Roulette, PA 16746. To maintain a 1.1 acre open water area excavated in a Palustrine Emergent/Palustrine Scrub Shrub wetland, to construct and maintain a 2.2 acre wetland mitigation area and to excavate a 1,400 square foot channel connecting an existing pond with the open water area. The site is located at approximately 0.25 mile east of Hester Avenue T-507 (Roulette, PA Quadrangle N: 4.4 inches; W: 3.3 inch in Roulette Township, **Potter County**.

E59-337. Encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a 73 foot single span steel I-beam bridge with a reinforced concrete

deck on a 90 degree skew with an underclearance of approximately 6.7 feet across Cedar Run on SR 3001 approximately 2.4 miles north of the village of Cedar Run (Cedar Run, PA Quadrangle N: 10.0 inches; W: 11.5 inches) in Morris Township, **Tioga County**. Estimated stream disturbance is approximately 25 feet; stream classification is a High Quality-Cold Water Fishery and is designated to become an Exceptional Value stream.

ACTIONS

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

(National Pollution Discharge Elimination System Program (NPDES))

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

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

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

Permits Issued

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

NPDES Permit No. PA0051284. Industrial waste. **Springfield Township**, 50 Powell Road, Springfield, PA 19064 is authorized to discharge from a facility located in Springfield Township, **Delaware County** into an unnamed tributary to Crum Creek.

NPDES Permit No. PA0057037. Industrial waste. **Mobile Oil Corp.**, 10617 Braddock Road, Room 108D, Fairfax, VA 22032 is authorized to discharge from a facility located in Douglass Township, **Montgomery County** into Minister Creek.

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

NPDES Permit No. PA 0222151. Industrial waste. **Witco Corporation**, 77 North Kendall Avenue, Bradford, PA 16701 is authorized to discharge from a facility located in Bradford, **McKean County** to receiving waters named Tunungwant Creek.

NPDES Permit No. PA 0024937. Industrial waste. **National Auto/Truck Stops, Inc.**, 3100 West End Avenue, Suite 200, P. O. Box 76, Nashville, TN 37202-0076 is authorized to discharge from a facility located in North East Township, **Erie County** to Twenty Mile Creek.

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

NPDES Permit No. PA0216542. Industrial waste, **Ragan Car Wash**, c/o Ronald E. Ragan, R. D. 2, Box 24A, Burgettstown, PA 15021 is authorized to discharge from a facility located at Ragan Car Wash, Smith Township, **Washington County** to unnamed tributary to Burgetts Fork.

NPDES Permit No. PA0092393. Sewage, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401 is authorized to discharge from a facility located at Marion Villa Sewage Treatment Plant, Washington Township, **Fayette County** to a named tributary to Downers Run.

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

NPDES Permit No. PA0084425. Sewerage. **Conewago Township Sewer Authority**, 490 Copenhaffer Road, York, PA 17404 is authorized to discharge from a facility in Conewago Township, **York County** to the receiving waters named Little Conewago Creek.

NPDES Permit No. PA0087173. Sewerage. **High Point Baptist Chapel** 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. PA0081027. Sewerage. **Fred Gettys**, 688 Yorktown Road, Lewisberry, PA 17339 is authorized to discharge from a facility located in Newberry Township, **York County** to the receiving waters of an unnamed tributary to Conewago Creek.

NPDES Permit No. PA0087173. 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**.

NPDES Permit No. PA0034754. Sewerage. **Frank T. Perano**, P. O. Box 278, King of Prussia, PA 19406 is authorized to discharge from a facility located in Halifax Township, **Dauphin County** to the receiving waters named Gurdy Run.

NPDES Permit No. PA0083607. Sewerage. **Union Township Board of Supervisors**, R. D. 1, Box 1940, Jonestown, PA 17038 is authorized to discharge from a facility located in Union Township, **Lebanon County** to the receiving waters named Forge Creek.

NPDES Permit No. PA0044598. Sewerage. **Department of Transportation**, Bureau of Aviation, 208 Airport Drive, Middletown, PA 17057 is authorized to discharge from a facility located in Lower Swatara Township, **Dauphin County** to the receiving waters named Post Run.

NPDES Permit No. PA0081787. Sewerage. **Telco Developers**, 5 Maple Avenue, Manheim, PA 17545 is authorized to discharge from a facility located in West Cornwall Township, **Lebanon County** to the receiving waters named Chickies Creek.

NPDES Permit No. PA0084697. Sewerage. **Wiconisco Township**, 305 Walnut Street, P. O. Box 370,

Wiconisco, PA 17097 is authorized to discharge from a facility located in Wiconisco Township, **Dauphin County** to the receiving waters named Bear Creek.

NPDES Permit No. PAG043545. Sewerage. **Dennis D. Cowher**, Box 72, Queen, PA 16670 is authorized to discharge from a facility located in Kimmel Township, **Bedford County** to the receiving waters of Beaverdam Creek.

NPDES Permit No. PA0020711. Sewerage. Amendment No. 1. **Borough of Tipton**, 44 West Keller Street, Tipton, PA 19562, is authorized to discharge from a facility located in Longswamp Township, **Berks County** to the receiving waters named Toad Creek.

NPDES Permit No. PA0087556. Industrial waste. **The SICO Company**, Turkey Hill #37, P. O. Box 302, Mount Joy, PA 17552 is authorized to discharge from a facility located in Denver Borough, **Lancaster County** to the receiving waters named Cocalico Creek.

NPDES Permit No. PA0087076. Industrial waste. Amendment No. 1. **Hershey Entertainment & Resort Company**, 300 Park Boulevard, Hershey, PA 17033 is authorized to discharge from a facility located in Derry Township, **Dauphin County** to the receiving waters named Spring Creek.

NPDES Permit No. PA0084395. Industrial waste. **Department of Corrections**, (Camp Hill Facility), P. O. Box 200, Camp Hill, PA 17001-2001 is authorized to discharge from a facility located in Lower Allen Township, **Cumberland County** to the receiving waters named Cedar Run.

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

NPDES Permit No. PA-0061336. Industrial waste. **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397 is authorized to discharge from a facility located in Pittston Township (Nesbitt Water Treatment Plant), **Luzerne County** to Trout Creek.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

Permits Issued

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

Permit No. 4596405. Sewerage. **Penn Security Bank & Trust Company**, Routes 611 and 940, Mount Pocono, PA 18344. Permit to construct and operate a small flow sewage treatment plant, located in Pocono Township, **Monroe County**.

Permit No. 5496406. Sewerage. **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901. Permit to construct and operate a sewage pump station to serve a proposed rest area along I-81, Exit 35, located in Cass Township, **Schuylkill County**.

Permit No. 6496401. Sewerage. **P & S Development Co.**, P. O. Box 194, Mount Pocono, PA 18344. Permit to construct and operate a sewage treatment facility to serve the Village Center at Hamlin, located in Salem Township, **Wayne County**.

Permit No. 3996404. Sewerage. **Lower Macungie Township Board of Supervisors**, 3400 Brookside Road, Macungie, PA 18062. Permit to construct and operate a sewage collection system to serve Heritage Heights, located in Lower Macungie Township, **Lehigh County**.

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

Permit No. 0996423. Sewerage. **Warrington Township** (852 Easton Road, Warrington, PA 18976) and The Cutler Group, Inc. (5 Sentry Parkway, Suite 100, Blue Bell, PA 19422). Construction of a pump station and off-site force main located in Warrington Township, **Bucks County** to serve the Rothrock Track.

Permit No. 1597403. Sewerage. **Octorara Area School District** (R. D. 1, P. O. Box 65, Atglen, PA 19310). Approval for the installation of a flow-paced sodium hypochlorite disinfection unit located in West Fallowfield Township, **Chester County** to serve the Octorara School District sewage treatment plant.

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

Permit No. 5696410. Sewerage. **Darlene Schrock**, R. D. 4, Box 250, Meyersdale, PA 15552. Construction of a single residence sewage treatment plant located in the Township of Brothersvalley Township, **Somerset County** to serve the Schrock Residence.

INDIVIDUAL PERMITS (PAG)

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

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483, by any aggrieved person under The Environmental Hearing Board (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

PAS-10-4501. Individual NPDES. **Dept. of Transportation**, 1924 Daisy St., Clearfield, PA 16830. To implement an Erosion and Sedimentation Control Plan for construction of 5.5 miles of SR0322 on 150 acres in Armagh and Brown Townships, **Mifflin County**. The project is located between Reedsville, Brown Township and Milroy in Armagh Township (Burnham, PA Quadrangle N: 6.7 inches; W: 13.0 inches). Drainage will be to Tea, Honey, Laurel and Lingle Creeks.

PAS-10-H064. Individual NPDES. **James E. Grandon**, 3800 Market Street, Camp Hill, PA 17011. To implement an Erosion and Sedimentation Control Plan for a single family housing development called Grandon Farms on 136.57 acres in Hampden Township, **Cumberland County**. The project is located along the east side of Good Hope Road about 600 feet south of the Good Hope and Jerusalem Roads intersection (Harrisburg West, PA Quadrangle N: 2.1 inches; W: 13.8 inches). Drainage will be to the Conodoguinet Creek and Sears Run.

PAS-10-0059. Individual NPDES. **The Reserve Partnership**, 240 North Arch Street, Lancaster, PA 17603. To implement an Erosion and Sedimentation Control Plan for construction of the Reserve, a residential subdivision on 235 acres in Martin Township, **Lancaster County**. The project is located between Stump Road, 1,000 feet east of Red Hill Road (Conestoga, PA Quadrangle N: 4.5 inches; W: 5.5 inches). Drainage will be to a tributary of Trout Run.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S045	William and Carole Grant P. O. Box 287 Brodheads ville, PA 18322	Monroe County Hamilton Township	McMichael Creek
PAS10U060	Bangor Area School District 44 South Third Street Bangor, PA 18013	Northampton County Upper Mt. Bethel Township	A Tributary to Jacoby

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-D037	The David Cutler Group 5 Sentry Parkway West Suite 100 325 Walton Road Blue Bell, PA 19422	Warrington Township Montgomery County	Mill Creek to Neshaminy Creek
PAS10-D088	Ryland Homes 20000 Horizon Way, Suite 700 Mt. Laurel, NJ 08054	Lower Makefield Township Bucks County	Core Creek/ Delaware River
PA10-G231	Valley Forge Specialized Educational Services Corporation 1777 North Valley Road P. O. Box 730 Paoli, PA 19037-0730	Tredyffrin Township Chester County	Valley Creek
PAS10-5308	Phiadelphia International Airport Division of Aviation Terminal E Phiadelphia, PA 19153	City of Philadelphia Philadelphia County	Pennypack Creek

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>
PAS101710	Joseph Varacallo Developac, Inc. 996 Beaver Dr. DuBois, PA 15801	Clearfield County Sandy Township	UNT Sandy Lick Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10E060	DEP Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Butler County Fairview Twp.	Unnamed Tributary to Buffalo Creek

Approvals to Use NPDES General Permits

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provisions: 40 CFR 123.24.

The application and related documents, effluent limitations and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by Department of Environmental Protection:

NPDES General Permit Type

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

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone #</i>
Lehigh County North Whitehall Township	PAR402202	Lehigh Valley Recycling, Inc. 3947 Portland Street Coplay, PA 18037	Coplay Creek	Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes- Barre, PA 18711-0790, (717) 826-2553
Clarion County Porter Township	PAR101513	Dept. Environmental Protection Bureau Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Jack Run and Tributary	Northwest Regional Water Mgt. Program Manager 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Beaver County Monaca Borough	PAR216141	Newell Company 29 E. Stephenson Street Freeport, Illinois 61032	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Brothersvalley Township	PAG046119	Darlene Schrock R. D. 4, Box 250 Meyersdale, PA 15552	Blue Lick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County South Fayette Township	PAG066129	Mayview State Hospital 1601 Mayview Road Bridgeville, PA 15017	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Swissvale Borough	PAG066128	Borough of Swissvale 7560 Roslyn Street Pittsburgh, PA 15218	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20)

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

Location: Sanitary Sewage Collection System in Big
Beaver Borough and Homewood Borough in Beaver
County with a conveyance along State Route 18 South to
the City of Beaver Falls STP.

Project Description: Approval of revision to the Official
Sewage Facilities Plans of Big Beaver Borough,
Homewood Borough and City of Beaver Falls. Project
involves construction of a sewage collection system in

Homewood and Big Beaver Boroughs with a conveyance
system which includes three pump stations and an inter-
ceptor south along State Route 18 to the City of Beaver
Falls. This plan update includes the expansion of the
Beaver Falls STP and upgrade of the north interceptor.
This project will eliminate the Holiday Inn STP and Big
Beaver Plaza STP, both in Big Beaver Borough.

Location: Sanitary sewer collection system in Elizabeth
Township, Allegheny County in the Fallen Timber Run
Watershed and a conveyance line along State Route 51
South in Elizabeth and Forward Townships.

Project Description: Approval of a Revision to the Offi-
cial Sewage Facilities Plan of Elizabeth Township, Alle-
gheny County. Project involves construction of a collection
system in Elizabeth Township and an interceptor along

State Route 51 South to the Elizabeth Borough Sewage Treatment Plant.

SAFE DRINKING WATER

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

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

Permit No. 1696501. Public water supply. **West Freedom Water Association**, R. R. 2, Box 150, Parker, PA 16049. This permit covers the permitting of an existing, unpermitted public water supply known as well number 001 (Alworth) and well number 002 (Bench) in Perry Township, **Clarion County**.

Type of Facility: Community Water Supply.

Consulting Engineer: Angelo A. Tesoriero, P. E., GeoSource, 7 South Seasons Drive, Dillsburg, PA 17019-9553.

Permit to Construct Issued: February 11, 1997.

Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

Permit No. 0494503-T1. Public water supply. **Pinehurst Estates**, 9073 Nemo Street, West Hollywood, CA 90069.

Type of Facility: Pinehurst Estates Water System.

Permit to Operate Issued: February 10, 1997.

Permit No. 6596503. Public water supply. **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601.

Type of Facility: Mount Pleasant Tank.

Permit to Operate Issued: February 10, 1997.

Permit No. 0489510-T1. Public water supply. **NOVA Chemicals, Inc.**, 400 Frankfort Road, Monaca, PA 15061-2298.

Type of Facility: 0.5 MGD water treatment plant.

Permit to Operate Issued: February 11, 1997.

Permit No. 0489510-A1-T1. Public water supply. **NOVA Chemicals, Inc.**, 400 Frankfort Road, Monaca, PA 15061-2298.

Type of Facility: Liquid sodium hypochlorite system at the Beaver Valley Plant.

Permit to Operate Issued: February 11, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995 Preamble 3

Submission of Final Reports on Attainment of Background and Statewide Health Standards (§§ 302(e)(2) and 303(h)(2)).

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any

final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports.

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

Liberty Machine Company, York Township, **York County**. Bradley S. Stump, 2068 South Queen Street, York, PA 17403 has submitted a Final Report concerning remediation of site soils contaminated with solvents. 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, telephone (717) 826-2511.

Bud Development Company—Center Street Property, Borough of Tamaqua, **Schuylkill County**. Barrett Group Environmental, 595 Bennett Street, Luzerne, PA has submitted a Final Report (on behalf of its client, Bud Development Company, 35 Slocum Street, Exeter, PA) concerning the remediation of site soils contaminated with petroleum hydrocarbon compounds. The report is intended to document remediation of the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

Beneficial Use Determinations

Beneficial use determinations withdrawn under The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.

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

I. D. No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. Withdrawal of a Request for Beneficial Use Approval for construction/demolition waste processed fines as an alternate daily cover material at this municipal waste landfill, located in Williams Township, **Northampton County**. Withdrawal was approved in the Regional Office on February 6, 1997.

Operate Waste Processing or Disposal Area or Site

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

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

Permit I. D. No. 603399. Arling Kiefer Farm, Nazareth Borough Municipal Authority, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064. A permit for the agricultural utilization of sewage sludge at this facility, located in Palmer Township, **Northampton County**. The permit was issued in the Regional Office on February 3, 1997.

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

Permit ID No. 100663. Kelly Run Sanitation, Inc., P. O. Box 333, Elizabeth, PA 15037. Permit modification for the expansion of the Kelly Run Landfill, Forward Township, **Allegheny County** issued in the Regional Office on February 6, 1997.

AIR POLLUTION

Plan Approvals

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

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

12-399-014. On January 2, 1997, plan approval was issued to **Sinter Metals, Inc.**, (R. R. 2, Box 47, Emporium, PA 15834-9974) for the construction of four powdered metal parts sintering furnaces and a 15,000 gallon methanol storage tank at the Airport Road Plant in Emporium Borough, **Cameron County**.

41-313-007G. On January 17, 1997, plan approval was issued to **Lonza, Inc.**, (3500 Trenton Avenue, Williamsport, PA 17701) for the construction of two reaction vessels (chlorinators 15 and 16) and the installation of air cleaning devices (2 fabric collectors) on two halohydrantoin dryers in the City of Williamsport, **Lycoming County**.

8-313-019C. On January 17, 1997, plan approval was issued to **Osram Sylvania, Inc.** (Hawes Street, Towanda, PA 18848-0504) for the installation of air cleaning devices (a fabric collector and a HEPA filter) on a calcium halophosphate furnace (#7C) in North Towanda Township, **Bradford County**.

14-309-030E. On January 21, 1997, plan approval was issued to **BMI-France** (P. O. Box 276, Snow Shoe, PA 16874-0276) for the construction of a refractories materials crusher, screen, conveyor and bucket elevator in Snow Shoe Township, **Centre County**. This equipment is subject to Subpart OOO of the Standards of Performance for New Stationary Sources when crushing nonmetallic minerals.

47-310-003. On January 23, 1997, plan approval was issued to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the construction of a lime-

stone crushing and screening plant and associated air cleaning devices (two fabric collectors and a waterspray dust suppression system) at the Milton Quarry in Limestone Township, **Montour County**. Most of the equipment incorporated in this plant is subject to Subpart OOO of the Standards of Performance for New Stationary Sources.

8-316-005A. On January 31, 1997, plan approval was issued to **Masonite Corporation** (P. O. Box 311, Towanda, PA 18848) for the installation of an air cleaning device (a scrubber) on various fiberboard pretrim saws (Line I and II pretrim saws) in Wysox Township, **Bradford County**.

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

65-307-076. On January 31, 1997, a Plan Approval expiration date was extended to June 1, 1997 for **Allegheny Ludlum Steel Corporation** (100 River Road, Brackenridge, PA 15014) for the #91 Annealing and Pickle Line at its Vandergrift Plant located in Vandergrift Borough, **Westmoreland County**.

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

36-302-130A. On February 3, 1997, the Department issued a Plant Approval to **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601) for the reactivation of several boilers in the City of Lancaster, **Lancaster County**.

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)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, telephone (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, telephone (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A.

§ 1341(a) (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description)

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

E21-256. Encroachment. **Penn Valley Corporation**, Mort Maizer, 715 Twining Road, Twining Center, Suite 100, Dresher, PA 19025. To place fill material in a 0.093 acre of wetland in order to construct homes in Penn Valley Development located about 1,800 feet south of Valley Street and Salt Road intersection (Harrisburg West, PA Quadrangle N: 8.1 inches; W: 10.8 inches) in East Pennsboro Township, **Cumberland County**. The permittee is required to construct 0.093 acre of replacement wetlands.

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

E40-450. Encroachment. **Luzerne County Redevelopment Authority**, 16 Luzerne Avenue, West Pittston, PA 18643. To construct and maintain a single-span railroad bridge, having a span of 34.2 feet and an underclearance of 16.8 feet, across Laurel Run. The bridge is located southeast of the intersection of the Cross Valley Expressway (S. R. 0309) and Wilkes-Barre Boulevard, approximately 1,400 feet south of George Avenue (Pittston, PA Quadrangle N: 1.2 inches; W: 13.8 inches), in the city of Wilkes-Barre, **Luzerne County**.

E48-240. Encroachment. **Borough of Walnutport**, 417 Lincoln Avenue, Walnutport, PA 18088-1498. To restore and maintain Lock Nos. 23 and 24 of the Lehigh Canal as part of the Lehigh Canal Improvements Project with work consisting of the following: 1) repointing of the stone walls; 2) replacement of wooden stringers used to support wooden planking along the inside face of the lock walls; and 3) construction of new miter gates. Lock No. 23 is located approximately 2,000 feet south of the intersection of Canal Street and Main Street and Lock No. 24 is approximately 600 feet south of the intersection of Canal Street and Washington Street (Cementon, PA Quadrangle N: 22.6 inches; W: 13.6 inches) in the Borough of Walnutport, **Northampton County**.

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

E15-495. Encroachment. **Charles R. Robinson**, 350 Central Park West, New York, NY 10025. To modify and maintain an existing 72-inch diameter, approximately 151 feet in length, corrugated metal stream enclosure pipe with concrete headwall at the upstream end. This stream enclosure is associated with the construction of roadway crossing No. 18 over the Bucktoe Creek tributary to Red Clay Creek. This crossing provides access between a proposed residential development and the Hartfield National Golf Course. The project also includes establishment of 0.94 acre of replacement wetlands to be constructed on-site to compensate for the impact associated with construction of the roadway crossing. This site is located approximately 1.5 miles northeast from the intersection of Kaolin Road (S. R. 3013) and Sheehan Road (Kennett Square, PA-DEL Quadrangle, N: 10.0 inches; W: 14.2 inches) in New Garden Township, **Chester County**.

E15-454. Encroachment. **Citizens Utilities Home Water Company**, P. O. Box 6342, 4 Wellington Boulevard, Wyomissing Hills, PA 19601. Permit No. E15-454 is amended as follows:

1. To maintain a 16-inch raw water inflow pipe, which crosses the existing canal adjacent to the Schuylkill River;

2. To remove an existing intake pipe and to install a 16-inch diameter intake pipe;

3. To demolish and remove existing water intake facilities and to construct, install and maintain new intake facilities in the Schuylkill River and along the southern bank of the Schuylkill River. This work is located at the Royersford Water Treatment Plant (Phoenixville, PA Quadrangle N: 12.25 inches; W: 10.0 inches) in East Whiteland Township, **Chester County**.

E23-332. Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087. To remove an existing nine span R. C. bridge and to construct and maintain a 483.25 feet long × 39.5 feet wide four span prestressed concrete bridge, which carries Old State Road (S. R. 1008) over Crum Creek, impacting a de minimus amount of wetland. Also to construct and maintain the terminal section of an existing stormwater drainage system with a 48-inch × 76-inch horizontal, elliptical R. C. culvert, and approximately 105-feet of stream bank protection along the bank and within the floodway of an unnamed tributary to Crum Creek, just west of the bridge. Work also includes construction and maintenance of a temporary aerial crossing for an existing utility line, with associated support structures, over Crum Creek, an unnamed tributary, and their associated wetlands. Temporary impacts to approximately 1 acre of PFO/SS wetlands will result from the construction of the temporary road crossings. The applicant will restore these wetland areas after completing the project. This site is located approximately 1 mile west of the intersection of State Road and S. R. 320 (Lansdowne, PA Quadrangle N: 11.20 inches; W: 17.0 inches) in Upper Providence and Marple Townships, **Delaware County**.

E51-159. Encroachment. **City of Philadelphia**, Division of Aviation, Terminal E, Philadelphia International Airport, Philadelphia, PA 19153. To place and maintain fill within the 100-year floodplains of the Delaware River and Pennypack Creek (WWF-MF), associated with the construction of the Tidal Wetland Creation, at Pennypack Park Projects as mitigation for previously filled wetlands at the existing Philadelphia International Airport Runway 27R. This site is located approximately 2,600 feet south of the intersection of State Road and Ashburner Street (Frankford USGS Quadrangle N: 5.5 inches; W: 1.5 inches), in the City and **County of Philadelphia**. General Permit BDWM-GP-4, Intake and Outfall Structures, (GP045197301) has been acknowledged to construct and maintain the open inlet/outlet channel which provides wetland hydrology from the Pennypack Creek. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E33-177. Encroachment. **Jefferson County Commissioners**, Jefferson Place, 155 Main Street, Brookville, PA 15825, to remove the existing bridge (County No. 4) and to construct and maintain a concrete spread box beam bridge having a clear span of 48.27 feet and an approxi-

mate underclearance of 5 feet on a 60° skew across Laurel Run on Henderson Road (T-622) approximately 6,000 feet south of S. R. 0410 (McGees Mills, PA Quadrangle N: 19.7 inches; W: 8.4 inches) located in Henderson Township, **Jefferson County**.

E02-1131. Encroachment. **Kelly Run Sanitation, Inc.**, P. O. Box 333, Elizabeth, PA 15037. To place and maintain fill in approximately 0.09 acre of wetlands for the proposed Phase III expansion of the Kelly Run Landfill. The project is located just northeast of the intersection of Elizabeth and Mon City Road and Williamsport Road (Monongahela, PA Quadrangle N: 21.7 inches; W: 1.9 inches) in Forward Township, **Allegheny County**. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

E02-1148. Encroachment. **Borough of Whitehall**, 100 Borough Park Drive, Pittsburgh, PA 15236. To construct and maintain a stream relocation consisting of a Dura-Hold wall channel having a length of 280 feet and riprap channel having a length of 100 feet, two outfall structures and a utility line crossing in a tributary to Sawmill Run (locally known as Weyman Run) to eliminate flooding problems. The project is located along Weyman Road, approximately 100 feet east of the intersection of Wayman Road and Heiner Street (Glassport, PA Quadrangle N: 21.8 inches; W: 17.0 inches) in Whitehall Borough, **Allegheny County**.

E02-1168. Encroachment. **Redevelopment Authority of the City of Pittsburgh**, 201 Lysle Boulevard, McKeesport, PA 15132. To construct, operate and maintain a recreational marina and boat launch in the channel of and on the right bank of the Youghiogheny River. The marina will be 2,000 feet long and vary in width from 176 feet to 100 feet. The project is located between River Miles 0.1 and 0.6, is across the river from the River Road Boat Club and extends from 800 feet downstream to 1,200 feet upstream of the Jerome Street (5th Avenue) bridge adjacent to Gergely Memorial Park and Water Street (McKeesport, PA Quadrangle N: 18.2 inches; W: 16.8 inches) in the City of McKeesport, **Allegheny County**.

E30-171. Encroachment. **Dept. of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a prestressed concrete bridge having two clear spans of 77.2 feet each with a minimum underclearance of 14.0 feet across South Fork Tenmile Creek (WWF). The bridge is located on SR 0188, Section F11, just west of the intersection of SR 0188 and Township Road 522 (Mather, PA Quadrangle N: 8.7 inches; W: 10.2 inches) in Jefferson and Morgan Townships, **Greene County**. The permit also authorizes the construction and maintenance of a temporary causeway consisting of three 60-inch diameter culverts and temporary cofferdams.

E30-172. Encroachment. **Dept. of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a bridge having two normal spans of 60 feet each with an underclearance of 20.0 feet across South Fork Tenmile Creek (WWF). The bridge is located on SR 0188, Section B10, approximately 2,300 feet east of the intersection of SR 0188 and Interstate Route 79 (Waynesburg, PA Quadrangle N: 6.0 inches; W: 2.5 inches) in Franklin Township, **Greene County**. This permit also authorizes the construction and maintenance of a temporary causeway and cofferdams.

E30-173. Encroachment. **Dept. of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the

existing bridge and to construct and maintain a bridge having two spans, one span 58.8 feet and one span 60.0 feet with an underclearance of 16.7 feet across South Fork Tenmile Creek (WWF). The bridge is located on SR 0188, Section C11 (Waynesburg, PA Quadrangle N: 6.7 inches; W: 0.75 inch) in Franklin Township, **Greene County**. This permit also authorizes the construction and maintenance of a temporary causeway consisting of three 60-inch diameter culverts and temporary cofferdams.

E32-379. Encroachment. **Edwin L. and Virginia C. Snyder**, R. R. 1, Box 202-A, Rochester Mills, PA 15771. To remove a vegetated gravel bar measuring approximately 100 feet in length and 40 feet in width at the upstream end tapering to 10 feet at the downstream end from Little Mahoning Creek and to re-establish the adjacent stream bank for the purpose of preventing flooding. The project is located approximately 300 feet downstream from the intersection of Savan Road and the railroad track (Rochester Mills, PA Quadrangle N: 12.9 inches; W: 17.0 inches) in East Mahoning Township, **Indiana County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E32-381. Encroachment. **Dept. of Transportation**, P. O. Box 429, Indiana, PA 15701. To remove the existing bridge and to construct and maintain a box culvert having a span of 15.0 feet with an underclearance of 4.5 feet (culvert invert depressed 1.0 foot) in South Branch Cush Creek (CWF). The bridge is located on SR 1034, Segment 0230, Offset 2543, Section DFB, approximately 100.0 feet west of the intersection of SR 1034 and SR 1033 (Rochester Mills, PA Quadrangle N: 8.1 inches; W: 1.8 inches) in Montgomery Township, **Indiana County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E56-270. Encroachment. **Brad H. and Gregg H. English**, 600 Dott Ave., Somerset, PA 15501. To construct and maintain a single span bridge having a normal span of 40.0 feet and an underclearance of 4.6 feet across an unnamed tributary to Laurel Hill Creek for the purpose of providing access to property located on T-495 approximately 1.5 mile west of the intersection of T-495 and SR 3033 (Kingwood, PA Quadrangle N: 17.6 inches; W: 0.9 inch) in Middlecreek Township, **Somerset County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E56-271. Encroachment. **Somerset County Commissioners**, 111 East Union Street, Ste. 100, Somerset, PA 15501. To rehabilitate and maintain the existing Glessner Covered Bridge across Stony Creek (TSF) having two spans of 38.8 feet and 37.7 feet with an underclearance of 13.2 feet located on T-565 approximately 2,200 feet west of SR 1007 (Stoystown, PA Quadrangle N: 4.75 inches; W: 6.45 inches) in Stonycreek Township, **Somerset County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E56-272. Encroachment. **Dept. of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a bridge having two spans of 48.5 feet each with a minimum underclearance of 6.7 feet for the left span and 9.4 feet for the right span. The bridge is across Coxes Creek (WWF) for the purpose of improving SR 3019. The project is located on SR 3019, Section 001, Segment 60, Offset 0080 (LR 55139, Station 42+37) just east of the

intersection of SR 3019 and SR 3015 (Rockwood, PA Quadrangle N: 9.7 inches; W: 3.3 inches) in Black and Milford Townships, **Somerset County**. This permit also authorizes the construction of temporary sandbag dikes. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E18-224. Encroachment. **Daniel B. Lapp**, R. R. 1, Box 247A, Mill Hall, PA 17751. To remove part of the existing structure and to construct and maintain a concrete abutment, steel beam, wooden deck bridge with a normal span of 60 feet and an underclearance of about 5 feet crossing Fishing Creek 2 miles west of Mackeyville off SR 2004 in a private driveway to the Lapp Dairy Farm (Mill Hall, PA Quadrangle N: 5.3 inches; W: 15.6 inches) in Porter Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-391. Encroachment. **Creekside Homes Development, Inc.**, One Executive Plaza, Suite 205, 330 Pine St., Williamsport, PA 17701. To construct and maintain one of the following dimensioned alternate aluminum plate pipe arch stream culverts: 1) 10 feet 9 inches wide by 6 feet 10 inches high by 98 feet long; 2) 12 feet wide by 6 feet 3 inches high by 98 feet long. The culvert will be located in an unnamed tributary to Millers Run, crossing proposed Hidden Valley Drive approximately 250 feet off of SR 2031 (Fairview Road) and 1,500 feet north of Four Mile Drive (Montoursville North, PA Quadrangle N: 6.0 inches; W: 12.5 inches) in Loyalsock Township, **Lycoming County**.

E41-393. Encroachment. **Upper Fairfield Township Supervisors**, R. R. 4, Box 400, Montoursville, PA 17754. To reconstruct and maintain a portion of an existing gravel dike, about 150 feet long, along Loyalsock Creek. This project is located near Rt. 87 at Burns Road (Montoursville North, PA Quadrangle N: 9.4 inches; W: 5.0 inches) in Upper Fairfield Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

ENVIRONMENTAL ASSESSMENT

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

EA21-001. Environmental assessment. **Penn Township**, Albert Shuller, Jr., R. D. 1, Box 1320, Newville, PA 17241. To remove an existing 20 foot span bridge across Yellow Breeches Creek located on Farm Road (Dickinson, PA Quadrangle N: 18.2 inches; W: 14.2 inches) in Penn Township, **Cumberland County**. This Environmental Assessment was issued under section 105.15(3)b. 401 Water Quality Certification is issued for this Environmental Assessment.

[Pa.B. Doc. No. 97-309. Filed for public inspection February 28, 1997, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory

guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996, edition of the *Bulletin*.

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. One version of the list of the documents contained in this edition is now available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center, scroll down to the "Technical Guidance Document" heading and (under this heading) click on "Basic Inventory."

Bound paper copies of the Inventory have been printed and are available now. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a bound paper copy of the June 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. The link to draft technical guidance documents is listed under the heading "Proposals Open to Comment." The link to recently finalized technical guidance documents is listed under the heading "Recently Finalized Proposals." Two links are under the heading "Technical Guidance Documents": one link is to the "Basic Inventory" and one link is to "Final Documents" on the Web. The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

Ordering Paper Copies of DEP Technical Guidance

Persons can order an unbound copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn, Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 if calling from outside Pennsylvania.

Changes to Technical Guidance Documents

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

Persons who have any questions or comments about a particular document should call the contact person whose name and phone is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance Documents

DEP ID: 253-4500-606. Title: Applicable or Relevant and Appropriate Requirements (ARARs) for Cleanup Re-

sponse and Remedial Actions in Pennsylvania. Description: Remedial actions conducted at various waste sites and facilities in Pennsylvania require the implementation of regulatory standards from several Bureaus within DEP and other agencies. This document provides an index of these standards. This is only a minor revision of that document to put it into DEP's standard format for all its technical guidance documents and to place it on DEP's World Wide Web site. Effective Date: May 15, 1996. Page Length: 25 pages. Location: Volume 5, Tab 36. Contact: Josephine Valencia at (717) 787-9870.

DEP ID: 363-0900-016. Title: Implementation of Act 34. Description: This guidance identifies the changes to the Storage Tank and Spill Prevention Act of 1989 as amended by Act 34 of 1996. Effective Date: November 19, 1996. Page Length: 4 pages. Location: Volume 33, Tab 14B. Contact: Tammy Young at (717) 772-5831.

DEP ID: 363-0900-017. Title: Requirements for Registration of Aboveground Storage Tanks (ASTs) and Underground Storage Tanks (USTs). Description: This guidance establishes requirements for owners of tanks that were not installed by certified individuals or tanks that previously stored unregulated substances. Effective Date: December 6, 1996. Page Length: 4 pages. Location: Volume 33, Tab 14C. Contact: Tammy Young at (717) 772-5831.

DEP ID: 363-2300-001. Title: Final Rulemaking: Chapter 245, Subchapters A and B (Storage Tanks Certifica-

tion Program). Description: This guidance establishes a plan to implement the amendments to Chapter 245, Subchapters A and B. Effective Date: November 15, 1996. Page Length: 6 pages. Location: Volume 33, Tab 14D. Contact: Tammy Young at (717) 772-5831.

Draft Technical Guidance

DEP ID: 012-4180-001. Title: Policy for the Acceptance of Community Environmental Projects in lieu of a Portion of Civil Penalty Payments. Background: DEP wishes to facilitate projects which have a substantial public health, safety or environmental benefit to the community through the use of funds which would otherwise be paid to DEP as a civil penalty. Deadline for Submittal of Comments: March 31, 1997. Contact: Terry R. Bossert at (717) 787-4449.

Notice of Intent to Revise Technical Guidance—Regulatory Basics Initiative Changes

DEP has reviewed all of its regulations and technical guidance documents and published a report of its intended substantive revisions August 1996. Already many of these intended revisions have been announced in past issues of the *Pennsylvania Bulletin*. Here follows a list of all remaining DEP technical guidance documents that DEP programs intend to substantively revise to date:

<i>DEP ID</i>	<i>Title</i>	<i>Information and Contact</i>
251-2100-754	Change of Ownership/Transfer of Permit	Waiting for reg change. Josephine Valencia at (717) 787-9870
251-2149-713	Review Procedure for Hazardous Waste Transfer Facilities for PBR Status	Waiting for reg change. Josephine Valencia at (717) 787-9870
258-2181-771	Interim Operating Requirements for Permitted and Unpermitted Facilities	Waiting for reg change. Josephine Valencia at (717) 787-9870
258-2182-773	Criteria/Use of Various Materials as Clean Fill	Waiting for reg change. Josephine Valencia at (717) 787-9870
361-3200-002	Ambient Fixed Station Water Quality Network Monitoring	Waiting for reg change. Ed Brezina at (717) 787-9637
361-3200-003	Cause/Effect Surveys	Waiting for reg change. Ed Brezina at (717) 787-9637
361-3200-004	Aquatic Life Use Attainability Studies—Flow Water and Impoundment	Waiting for reg change. Ed Brezina at (717) 787-9637
361-3200-005	Aquatic Life Special Water Quality Protection Survey	Waiting for reg change. Ed Brezina at (717) 787-9637
361-3200-006	Toxics Surveys	Ed Brezina at (717) 787-9637
361-3200-007	Stream Enrichment Risk Analysis	Ed Brezina at (717) 787-9637
361-3200-008	Advanced Treatment Model Calibration/Verification Surveys	Ed Brezina at (717) 787-9637
361-3200-009	Establishing FIX station and Ambient Groundwater Monitoring Networks	Ed Brezina at (717) 787-9637
361-3200-010	Standardized Biological Field Collection	Waiting for reg change. Ed Brezina at (717) 787-9637
361-3200-013	Evaluation of Phosphorus to Lakes, Ponds and Impoundments	Ed Brezina at (717) 787-9637
361-3200-014	Guidance for Establishing Fixed Station Monitoring Networks	Ed Brezina at (717) 787-9637
361-3200-016	Quality Assurance Work Plans for Groundwater Monitoring Stations	Ed Brezina at (717) 787-9637

<i>DEP ID</i>	<i>Title:</i>	<i>Information and Contact:</i>
364-5500-001	Capital Grants for Sewerage Construction	Reg has changed. Bob Gibson at (717) 787-3481
364-5511-006	Capital Financing Plan—PENNVEST Funded Projects	Reg has changed. Bob Gibson at (717) 787-3481
364-5511-007	Cost Effectiveness Review—PENNVEST Funded Projects	Reg has changed. Bob Gibson at (717) 787-3481
364-5511-012	DEP and PENNVEST	Reg has changed. Bob Gibson at (717) 787-3481
364-5511-013	A State Environmental Review Process for Pennsylvania	Reg has changed. Bob Gibson at (717) 787-3481
364-5511-014	Reviewing, Approving, Certifying MBE/WBE Proposals for WPCRF	Reg has changed. Bob Gibson at (717) 787-3481
364-5512-001	PA Sewage Facilities Act 537, Enforcement Reimbursement	Lou Bercheni at (717) 787-4317
364-5512-002	Act 537 Sewage Facilities Planning Guide	Lou Bercheni at (717) 787-4317
364-5513-001	Act 339 Subsidy Grants	Pete Slack at (717) 787-6744
382-2130-001	Review of Water Allocation Permit Applications	Bill Gast at (717) 787-5017
382-2130-002	Subsidiary Water Allocation Permit Requirement	Bill Gast at (717) 787-5017
382-2130-003	Attorney General Opinion 361 re: 1939 Water Rights Act	Bill Gast at (717) 787-5017
382-2130-004	Rescission of Water Rights	Bill Gast at (717) 787-5017
382-2130-005	Policy for Regulation of Interbasin Transfers	Bill Gast at (717) 787-5017
382-2130-006	Metering of Withdrawals under Orders of Confirmation	Bill Gast at (717) 787-5017
382-2130-007	Constant Gallons per Capita per Day (GPCD)	Bill Gast at (717) 787-5017
382-2130-008	Permit Life	Bill Gast at (717) 787-5017
392-2134-008	Erosion and Sedimentation Pollution Control Manual	Wait for Reg Change. Ken Reisinger at (717) 787-5268
393-5500-004	Chesapeake Bay Financial Assistance Funding Program Guidance	Wait for Reg Change. Cedric Karper at (717) 787-5268
563-2112-654	Technical Review, Mine Stability	Wait for Reg Change. Evan Shuster at (717) 787-7846

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-310. Filed for public inspection February 28, 1997, 9:00 a.m.]

Proposed Community Environmental Project Policy

The Department of Environmental Protection (DEP) is requesting public comment on a proposed policy to allow regulated entities which owe a civil penalty to DEP to pay a portion of that penalty through the performance or funding of a Community Environmental Project (CEP).

Under the proposed policy, an entity subject to a civil penalty could pay a portion of that penalty by paying for a project having a substantial public health, safety or environmental benefit to the community. The CEP would only be allowed in certain defined circumstances. The Department does not intend to substitute a project in every proposed penalty situation, but rather to consider them in situations it decides are appropriate.

As proposed, a CEP must improve, protect, prevent, reduce, or remediate risks to the public health, safety or the environment at large. While in some cases the CEP may provide an alleged violator with certain collateral benefits, there must be no doubt that the project primarily and substantially benefits the public.

While the Department has historically allowed for a CEP in a limited number of cases it has not made wide use of them, except in the Mining and Oil and Gas programs. The Department believes that greater use of CEPs will benefit the public and specifically communities in the vicinity of a violation. The DEP spends moneys from the dedicated funds into which civil penalties are paid for similar purposes. The proposed policy will allow for greater and quicker funding than could be accomplished if the money were first paid to DEP.

Comments on the proposed Community Environmental Project Policy should be sent to Terry R. Bossert, Chief Counsel, P. O. Box 2063, Harrisburg, PA 17105-2063 or Bossert.Terry@a1.dep.state.pa.us by March 31, 1997.

A copy of the proposed policy is available on DEP's World Wide Web site at: <http://www.dep.state.pa.us> (choose Public Participation Center/Proposals Open for Comment) or by e-mail request to: Hunt.Alexis@a1.dep.state.pa.us. Copies are also available by writing: Community Environmental Projects Policy, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA

17105-2063, Attention: Alexis Hunt; or telephone: (717) 787-4449; or fax: (717) 783-8926.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-311. Filed for public inspection February 28, 1997, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

Project No. DGS 163-19. Marina Expansion, Phase I, Presque Isle State Park, Erie County, PA. Construction Cost: \$962,000. The scope of work includes, but is not limited to, replacement of existing Piers # 1 through # 7 with floating docks, preferable with fingers to accommodate up to 498 boats of various sizes and types. Water and electric to be provided for Piers # 1 through # 7 (or provisions for future addition). Repairs, primarily utility, to Piers A and B. Various renovations to meet ADA Accessibility Standards.

Project No. DGS 204-2. Construction of Annex Building and Renovation of Headquarters Complex, Troop "F," Montoursville Headquarters, Lycoming County, PA. Construction Cost: \$2,216,000. The scope of work includes, but is not limited to, construction of an addition (approx. 4,000 sq. ft.) to house Procurement/Supply areas. Renovation of existing facility to include new HVAC system with individual climate controls; new electrical service/distribution system including emergency generator; new plumbing system including new sanitary/domestic water lines; and new male and female locker/shower rooms. Also included are renovations to interior space; bring building into ADA and energy use compliance; fire protection/detection system and exterior site improvements.

Project No. DGS 501-20. Upgrade Electrical Distribution System, Allentown State Hospital, Allentown, Lehigh County, PA. Construction Cost: \$1,598,000. The scope of work includes, but is not limited to, replacement of feeders; oil fused cutouts in transformer vaults and six 1-phase main substation transformers with two 3-phase 1500 KVA units. In addition, increase capacity of transformers by installation of larger transformers and re-building of main switchgear, including 11 drawout air breakers.

Project No. DGS 502-26. Replacement of Water Distribution System, Clarks Summit State Hospital, Clarks Summit, Lackawanna County, PA. Construction Cost: \$1,500,000. The scope of work includes, but is not limited to, a new loop system with valves to isolate sections of the hospital. In addition to improving reservoir integrity, the project will include rehabilitation and upgrades to the pumping facility.

Project No. DGS 508-38. Renovate Baths in Dixon Building Number 27, Mayview State Hospital, Bridgeville, Allegheny County, PA. Construction Cost: \$235,000. The scope of work includes, but is not limited to, renovations to baths including waterproofing and refinishing of shower/bathroom floors with non-skid

material. Work shall include second floor (forensic) wards C-1 and C-2 plus first floor B-3 and B-4.

Project No. DGS 509-27. Renovation of Building Number 51, Norristown State Hospital, Norristown, Montgomery County, PA. Construction Cost: \$780,000. The scope of work includes, but is not limited to, replacement of plumbing system; installation of energy efficient windows and repair of heating system, controls and valves.

Project No. DGS 514-26. Upgrade Heating Control Systems, Warren State Hospital, Warren, Warren County, PA. Construction Cost: \$450,000. The scope of work includes, but is not limited to, installation of new ATC system in Buildings 1, 2 and 3, for steam heat control in living areas with some piping modifications possible. New controls should be interfaced with existing EMS.

Project No. DGS 515-22. Upgrade Water Supply/Treatment Systems, Wernersville State Hospital, Wernersville, Berks County, PA. Construction Cost: \$550,000. The scope of work includes, but is not limited to, upgrade and/or replacement of present water treatment/distribution system. In addition, provide a secondary source of water which will be identified by feasibility study to be performed as part of the design phase.

Project No. DGS 583-12. Upgrade Water Supply Distribution System, Ebensburg Center, Ebensburg, Cambria County, PA. Construction Cost: \$550,000. The scope of work includes, but is not limited to, upgrade/replace existing water distribution system, also, provide for installation of new valves for isolation of repairs should be installed throughout.

Project No. DGS 800-241. Utility Expansion for West Campus Development, Phase I, The Pennsylvania State University, University Park, Centre County, PA. Construction Cost: \$12,500,000. This project is to provide utilities and services to the present and future West Campus guided generally by the current Master Plan. The scope of work includes, but is not limited to, a walk-through tunnel for steam, air, condensate and chilled water. The tunnel will provide flexibility for installation of the utilities in a phased manner. Provide a new chilled water generating plant to serve new buildings and replacement of older, obsolete chilled water systems in existing buildings. Relocate and extend existing water system to provide adequate domestic and fire protection service. Also included is construction and distribution of 12.5 KV electric system with a medium voltage substation installed in the chiller building. Connection to existing storm water system. Extension of the natural gas service to accommodate future needs. Space to be provided in chiller plant building to accommodate telecommunications hub and a raceway system for future wiring needs for proposed buildings. Site improvements required to provide vehicular, pedestrian and service access to all areas. (See Note under Requirements and Information regarding Design Expertise.)

Project No. DGS 1578-1, Phase 4. Renovation of Institution, State Correctional Institution, Waymart, Wayne County, PA. Construction Cost: \$4,417,000. The scope of work includes, but is not limited to, construction and/or renovation of the existing buildings "AA," "BB," "Q," "X," "W" and "Z" primarily consisting of plumbing upgrades for showers, water closets and lavatories to meet ACA Guidelines. The project also includes renovation of the Control Room, Building "Z" for Administrative

space and provide for an additional perimeter fence. All buildings must be made to comply with fire safety code requirements.

Requirements and Information

Note—Design Expertise

Firms applying for Project No. DGS 800-241 must show experience in designing chilled water distribution systems, as well as other utility distribution systems for large, multibuilding, physical plant complexes.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) below, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or Joint Venture members must be the Professional of Record for the Projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a

binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Wednesday, March 19, 1997, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The professional agrees to comply with the terms of the Agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider Joint Ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-312. Filed for public inspection February 28, 1997, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hearing Aid Advisory Council; Meeting Notice

The Hearing Aid Advisory Council is scheduled to hold a meeting on June 12, 1997, from 1 p.m. to 3 p.m. in Room 812 of the Health and Welfare Building, Harrisburg, PA. Anyone wishing to attend the meeting or who has questions regarding the meeting should contact Andrew Major, Director, Bureau of Quality Assurance, at (717) 787-8015.

Persons who require reasonable accommodations or who have special needs in accordance with the Americans with Disabilities Act of 1990 should contact Andrew Major at (717) 787-8015 at least 10 days prior to the meeting.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 97-313. Filed for public inspection February 28, 1997, 9:00 a.m.]

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations Under the Clinical Laboratory Act

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a), and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health.

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead or erythrocyte protoporphyrin testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.4 (relating to reportable noncommunicable diseases and conditions). In addition, the Department requests laboratories to submit reports on children under 6 years of age and pregnant women, on whom laboratory tests confirm venous blood lead concentrations of 15 micrograms per deciliter or higher. The Department's collection and review of these latter reports would be consistent with the most recent revision of the guideline titled *Preventing Lead Poisoning in Young Children*, which was published in 1991 by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, and is available from them.

All reports must be sent to the Department of Health, Division of Environmental Health, P.O. Box 90, Harrisburg, PA 17108. Report forms are available on request from the Division of Environmental Health.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

Blood lead analyses performed for occupational safety and health purposes must be conducted by a laboratory

which also meets the requirements of the Occupational Safety and Health Administration of the United States Department of Labor as specified in 29 CFR 1910.1025(j)(2)(iii).

The list of approved laboratories will be reviewed semiannually and if there are any changes to the list, a notice to that effect will be published in the *Pennsylvania Bulletin* at that time.

The Department's blood lead proficiency testing program is approved by the U.S. Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability may submit questions to Dr. Shoemaker in alternative formats, such as by audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille), should contact Dr. Shoemaker so that he may make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

Allegheny General Hospital-L
320 East North Avenue
Pittsburgh PA 15212
412-359-3521

American Medical Laboratories, Inc.-LP
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Angeline Kirby Memorial Health Center-L
71 North Franklin Street
Wilkes-Barre, PA 18701
717-823-5450

Associated Regional & University Pathologists-LP
500 Chipeta Way
Salt Lake City, UT 84108
800-242-2787

Children's Hospital of Philadelphia-P
One Children's Center, 34th and Civic
Philadelphia, PA 19104
215-590-1000

Clarendon Laboratory-L
1125 Flatbush Avenue
Brooklyn, NY 11226
718-856-4700

Corning Clinical Labs, Inc.-LP
One Malcolm Avenue
Teterboro NJ 07608
201-288-0900

Corning Clinical Laboratories-LP
875 Greentree Road, RD4
Four Parkway Center
Pittsburgh PA 15220-3610
412-920-7600

Corning Clinical Laboratories, Inc.-LP
900 Business Center Drive
Horsham PA 19044
215-957-9300

Corning Nichols Institute-P
33608 Ortega Highway
San Juan Capistrano CA 92690
714-728-4000

County of Allegheny Dept. of Labs. Public Health-L
3441 Forbes Avenue Oakland
Pittsburgh, PA 15213
412-578-8072

D/B/A MetPath-LP
7655 Market Street, Suite 2500
Youngstown OH 44512
216-758-5788

East Penn Manufacturing Company, Inc.-LP
Deka Road
Lyons Station, PA 19536
610-682-6361

Edison Medical Laboratories, Inc.-LP
1692 Oak Tree Road, Suite 12
Edison NJ 08820
908-906-7800

Ellwood City General Hospital-P
724 Pershing Street
Ellwood City PA 16117
412-752-0081

Exide Corp. Indus. Hygiene Lab.-LP
6313 Rising Sun Avenue
Philadelphia, PA 19111
215-342-1414

Health Network Laboratories-LP
17th and Chew Streets
Allentown PA 18102
610-402-2236

Helena Laboratories-P
PO Box 752
Beaumont TX 77704
409-842-3714

LabCorp of America Holdings-LP
6370 Wilcox Road
Dublin, OH 43016
800-282-7300

LabCorp of America Holdings-P
1447 York Court
Burlington NC 27216
800-334-5161

LabCorp of America Holdings-LP
69 First Avenue, P.O. Box 500
Raritan, NJ 08869
201-526-2400

Laboratory Corp of America-LP
13900 Park Center Road
Herndon, VA 22071
703-742-3100

LabOne, Inc.-LP
8915 Lenexa Drive
Overland Park KS 66214
913-888-1770

Lancaster General Hospital-L
555 North Duke Street, P.O. Box 3555
Lancaster, PA 17603
717-299-5511

LeadTech Corporation-L
1 Marine Plaza
N. Bergen, NJ 07047
201-868-7707

Mayo Clinic-LP
200 First Street, S.W., Hilton 530
Rochester, MN 55905
507-284-8626

Medlab Clinical Testing, Inc.-L
212 Cherry Lane
New Castle, DE 19720
800-633-5221

Mercy Catholic Medical Center-Fitzgerald Division-L
Lansdowne Avenue and Bailey Road
Darby, PA 19023
610-237-4175

Mercy Hosptial Lab-LP
Pride and Locust Streets
Pittsburgh PA 15219
412-232-7831

National Medical Services-LP
3701 Welsh Road
Willow Grove, PA 19090
800-522-6671

Omega Medical Laboratories, Inc.-L
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

Pacific Toxicology Laboratories-LP
1545 Pontius Avenue
Los Angeles CA 90025
310-479-4911

Pennsylvania Department of Health-LP
Bureau of Laboratories
P.O. Box 500
Exton, PA 19341-0500
610-363-8500

Princeton Biomedical Labs., Inc.-P
2000 B Hartel Complex
Levittown PA 19057
215-943-0700

Public Health Laboratory City of Philadelphia-L
500 South Broad Street
Philadelphia, PA 19146
215-875-5911

Reading Hospital and Medical Center-L
6th and Spruce Streets
Reading PA 19603
610-378-6080

SmithKline Beecham Clinical Laboratories-LP
400 Egypt Road
Norristown, PA 19403
610-631-4200

SmithKline Bioscience Laboratories-LP
7600 Tyrone Avenue
Van Nuys, CA 91405
818-376-6259

St. Joseph Quality Medical Laboratory-L
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2000

Toxi-Con Laboratories-L
120 Monahan Avenue
Suite 101
Dunmore PA 18512
717-963-0722

University of Pittsburgh Medical Center-LP
Room 5929 Main Tower/UPMC
200 Lothrop Street
Pittsburgh PA 15213-2582
412-647-7813

West Allis Memorial Industrial Toxi-P
8901 West Lincoln Avenue
West Allis, WI 53227
414-328-7945

[Pa.B. Doc. No. 97-314. Filed for public inspection February 28, 1997, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Office of Vocational Rehabilitation; Statewide Public Meetings

The Office of Vocational Rehabilitation (OVR) has been established by State and Federal law to provide vocational rehabilitation services to individuals with disabilities. Those laws require OVR to operate under State and Strategic Plans, which must be reviewed and, if necessary, revised annually. OVR is required by law to conduct public meetings in order to evaluate the effectiveness of its Plans. Accordingly, OVR has scheduled meetings throughout the State.

As customers and providers of OVR services, your participation and suggestions will be helpful. OVR will address your concerns. Suggested topics for discussion:

- How satisfied are you with OVR services?
- What changes should OVR make to its program?
- How do OVR's plans, policies and procedures affect you?

All meeting sites are accessible. Interpreters for persons who are deaf or hard of hearing will be present at all meetings. For additional information or special accommodations, please call the telephone number listed for that meeting.

If you cannot attend the public meetings, comments may be mailed to the OVR district administrator in your local geographic area.

Public meeting locations:

Allentown (Carbon, Lehigh, Monroe and Northampton Counties)

Thursday, March 20, 1997
3 p.m. to 5 p.m.
Office of Vocational Rehabilitation
160 Hamilton Street, Suite 100
Allentown, PA 18101
1 (800) 922-9536 (Voice)
1 (610) 821-6144 (TT)

Wednesday, March 26, 1997
2 p.m. to 4 p.m.
Monroe County Assistance Office
Business Route 209 and Tanite Road

Stroudsburg, PA 18360
1 (800) 922-9536 (Voice)
1 (610) 821-6144 (TT)

Altoona (Bedford, Blair, Centre, Fulton and Huntingdon Counties)

Wednesday, March 26, 1997
1 p.m. to 3 p.m.
Center for Independent Living of Southcentral PA
Wolf Office Building—First Floor
1501 Eleventh Avenue
Altoona, PA 16601
1 (800) 442-6343 (Voice/TT)

Dubois (Cameron, Clearfield, Elk, Jefferson and McKean Counties)

Thursday, March 27, 1997
11:30 a.m. to 1 p.m.
St. Marys Job Center
301 Depot Street
St. Marys, PA 15857
1 (800) 922-4017 (Voice) or 1 (814) 371-7505 (TT)

Friday, March 28, 1997
11:30 a.m. to 1 p.m.
Office of Vocational Rehabilitation
199 Beaver Drive
DuBois, PA 15801
1 (800) 922-4017 (Voice) or 1 (814) 371-7505 (TT)

Erie (Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)

Wednesday, March 26, 1997
3 p.m. to 6 p.m.
Office of Vocational Rehabilitation
Warren Job Center
2 Market Street
Warren, PA 16365
1 (800) 541-0721 (Voice) or 1 (814) 871-4535 (TT)

Harrisburg (Dauphin, Cumberland, Juniata, Lebanon, Mifflin and Perry Counties)

Thursday, March 27, 1997
2 p.m. to 7 p.m.
Office of Vocational Rehabilitation
(Conference Room)
2971-B North Seventh Street (Uptown Plaza)
Harrisburg, PA 17110
1 (800) 442-6352 (Voice/TT)

Johnstown (Cambria, Indiana, Somerset and Westmoreland Counties)

Wednesday, March 19, 1997
3 p.m. to 6 p.m.
Hiram G. Andrews Center Seminar Theater
Hiram G. Andrews Center
727 Goucher Street
Johnstown, PA 15905
1 (800) 762-4223 (Voice) or 1 (814) 255-5510 (TT)

New Castle (Armstrong, Beaver, Butler and Lawrence Counties)

Wednesday, March 26, 1997
11 a.m. to 1 p.m.
Office of Vocational Rehabilitation
(Conference Room)
100 Margaret Street
New Castle, PA 16101
1 (800) 442-6379 (Voice/TT)

Philadelphia (Philadelphia County)

Tuesday, March 18, 1997
 3 p.m. to 6 p.m.
 Office of Vocational Rehabilitation
 (Conference Room)
 444 North Third Street—Fifth Floor
 Philadelphia, PA 19123
 1 (800) 442-6381 (Voice) or 1 (215) 560-6144 (TT)

Pittsburgh (Allegheny County)

Thursday, March 27, 1997
 1:30 p.m. to 4:30 p.m.
 Allegheny Intermediate Unit, Station Square
 Horace Mann Room, 2nd Floor
 200 Commerce Court Building
 Pittsburgh, PA 15219-1178
 1 (800) 442-6371 (Voice/TT) or (412) 392-4953

Reading (Berks and Schuylkill Counties)

Tuesday, March 25, 1997
 2 p.m. to 4 p.m.
 Office of Vocational Rehabilitation
 (Conference Room)
 1090 Commons Boulevard
 Reading, PA 19605-3332
 1 (800) 442-0949 (Voice) or 1 (610) 378-4433 (TT)

Rosemont (Bucks, Chester, Delaware and Montgomery Counties)

Wednesday, April 2, 1997
 3 p.m. to 7 p.m.
 Eastern Instructional Support Center
 200 Anderson Road
 King of Prussia, PA 19406
 1 (800) 221-1042 (Voice) or 1 (610) 525-5835 (TT)

Washington (Fayette, Greene and Washington Counties)

Wednesday, March 19, 1997
 11 a.m. to 1 p.m.
 Office of Vocational Rehabilitation
 Conference Room
 201 West Wheeling Street
 Washington, PA 15301
 1 (800) 442-6367 (Voice/TT)

Wednesday, March 26, 1997
 11 a.m. to 1 p.m.
 Fayette County Community Action Agency, Inc.
 137 North Beeson Boulevard
 Uniontown, PA 15401
 1 (800) 442-6367 (Voice/TT)

Wilkes-Barre (Bradford, Columbia, Lackawanna, Luzerne, Pike, Sullivan, Susquehanna, Wayne and Wyoming Counties)

Wednesday, March 19, 1997
 2 p.m. to 4 p.m.
 Pittston Convention Center
 (Convention Hall)
 1073 Oak Street
 Pittston Township, PA 18640
 1 (800) 634-2060 (Voice/TT)

Williamsport (Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties)

Tuesday, March 18, 1997
 1 p.m. to 3:30 p.m.
 Wellsboro Job Center
 (Conference Room)
 146 East Avenue

Wellsboro, PA 16901-1763
 1 (800) 442-6359 (Voice) or 1 (717) 327-3620 (TT)

Wednesday, March 19, 1997
 1 p.m. to 3:30 p.m.
 Department of Public Assistance
 (Conference Room)
 1610 Industrial Blvd., Suite 300
 Lewisburg, PA 17837-1273
 1 (800) 442-6359 (Voice) or 1 (717) 327-3620 (TT)

Thursday, March 20, 1997
 1 p.m. to 4 p.m.
 Office of Vocational Rehabilitation
 (Conference Room)
 The Grit Building—Suite 102
 208 West Third Street
 Williamsport, PA 17701-6410
 1 (800) 442-6359 (Voice) or 1 (717) 327-3620 (TT)

York (Adams, Franklin, Lancaster, and York Counties)

Tuesday, March 25, 1997
 2 p.m. to 4 p.m.
 Office of Vocational Rehabilitation
 Suite 207—2nd Floor
 2550 Kingston Road
 York, PA 17402-3792
 1 (800) 762-6306 (Voice/TT)

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 97-315. Filed for public inspection February 28, 1997, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Eligibility for Cash Assistance: Minor Parent; Notice of Rule Change

Section 5 of Act No. 1995-20, enacted on June 30, 1995, adds subsection 432(10) of the Public Welfare Code which adds a new condition of eligibility for Aid to Families with Dependent Children (AFDC) and General Assistance (GA). The new eligibility condition requires that, to receive cash assistance, any minor parent who is an applicant or recipient, including a pregnant minor, and a dependent child in the minor parent's care, must reside in the home of a parent, a guardian or other adult unless one of several exemptions is met. A minor parent is an individual who is under age 18, who has never been married and is either the natural parent of a dependent child living in the same household or is pregnant.

Section 9 of Act No. 1996-35, enacted on May 16, 1996, amends subsection 432(10) by expanding the terms and provisions regarding where the minor parent could reside if the minor parent does not meet one of several exemptions. The term "other adult" was revised to "other adult relative," the term "guardian" was revised to "legal guardian" and the term "in an adult-supervised supportive living arrangement" was added. Also, Act 1996-35 added a grant provision whereby if the minor parent does not meet one of several exemptions and the parent or legal guardian lives in another location, the minor parent and the dependent child may be given a special allowance to move when it is confirmed that the minor parent has permission to reside in the parent's or legal guardian's

home. When a minor parent and the dependent child are required to live with the minor parent's parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, cash benefits on behalf of the minor parent and dependent child shall be paid to the parent, legal guardian, other adult relative or a representative in the adult-supervised supportive living arrangement.

Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) eliminated the AFDC program under Part A of Title IV of the Social Security Act and established the Temporary Assistance for Needy Families (TANF) program (42 U.S.C. §§ 601 through 619). From this point forward, any reference to applicants and recipients will be assumed to be applicants and recipients of TANF, even where AFDC is referenced.

Section 103 of Title I—(The Temporary Assistance for Needy Families Act, hereinafter referred to as TANF) enacted August 22, 1996, added 42 U.S.C.A. § 408(a)(5) related to minor parents. TANF mandates that to receive cash assistance, an individual who is under 18 years of age, is not married, and has a minor child in his or her care, must reside in a place of residence maintained by a parent, legal guardian, other adult relative of the minor parent or other appropriate adult-supervised supportive living arrangement unless one of several exemptions is met. The term "second-chance home" was added as a type of adult-supervised supportive living arrangement. If the minor parent cannot return to the home of a parent, legal guardian or other adult relative, the Department, in consultation with county children and youth agencies, will provide assistance to the minor parent in locating a second-chance home, maternity home, or other appropriate adult-supervised supportive living arrangement unless the agency determines that the minor parent's living situation is appropriate.

In accordance with Act 1995-20, Act 1996-35 and TANF, the Department intends to restrict payments to households headed by a minor parent. The regulations support the Department's concept of strengthening families, promoting parental responsibility and preventing pregnancy in minors.

By this notice, the Department of Public Welfare announces its intent to implement the above laws by amending 55 Pa. Code Chapters 141—General Eligibility Provisions; 175—Allowances and Benefits; 177—Resources; and 183—Income. As noted in detail above, changes to policy are based on Act 1995-20, which added 62 P.S. § 432 (10); Act 1996-35, which amended 62 P.S. § 432(10) and TANF, which added 42 U.S.C.A. § 408(a)(5) related to minor parents, and are effective upon submission of the TANF State Plan.

The above changes are described in detail in the following Income Maintenance Bulletin. Each change in policy identifies the section of Title 55 of the *Pennsylvania Code* that is being changed.

Failure by the Department to implement the provisions of this Notice of Rule Change would result in noncompliance with State law. Implementation of the changes is expected to save State and Federal funds.

This Rule Change has been reviewed and approved by the Office of General Counsel and the Office of Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1996-1(2), 26 Pa.B. 2374 (May

18, 1996). This Rule Change will be in effect for 365 days pending adoption of final rulemaking by the Department.

Public comments to this Rule Change may be made by writing to Joan S. Brenner, Director, Division of Cash Assistance, Office of Income Maintenance, Room 227, Willow Oak Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (Voice users). Persons who require another alternative format should contact Thomas Vracarich at 717-783-2209.

FEATHER O. HOUSTOUN,
Secretary

Minor Parent Provisions for the TANF and GA Programs
Purpose

To inform you of an additional eligibility requirement that a minor parent under the Temporary Assistance for Needy Families Act (TANF) (Pub.L. 104-193) or General Assistance (GA) category must meet in order to receive cash assistance.

Background

Section 5 of Act No. 1995-20, enacted on June 30, 1995, adds subsection 432(10) of the Public Welfare Code which adds a new condition of eligibility for Aid to Families with Dependent Children (AFDC) and GA. The new eligibility condition requires that, to receive cash assistance, any minor parent who is an applicant or recipient, including a pregnant minor, and a dependent child in the minor parent's care, must live in the home of a parent, a guardian or other adult unless one of several exemptions is met. A minor parent is an individual who is under age 18, who has never been married and is either the natural parent of a dependent child living in the same household or is pregnant.

Section 9 of Act No. 1996-35, enacted on May 16, 1996, amends subsection 432(10) by expanding the terms and provisions regarding where the minor parent could reside if the minor parent does not meet one of several exemptions. The term "other adult" was revised to "other adult relative," the term "guardian" was revised to "legal guardian," and the term "in an adult-supervised supportive living arrangement" was added. Also, Act 35 added a grant provision whereby if the minor parent does not meet one of several exemptions and the parent or legal guardian lives in another location, the minor parent and the dependent child may be given a special allowance to move when it is confirmed that the minor parent has permission to reside in the parent's or legal guardian's home. When a minor parent and the dependent child are required to live with the minor parent's parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, cash benefits on behalf of the minor parent and dependent child shall be paid to the parent, legal guardian, other adult relative or a representative in the adult-supervised supportive living arrangement.

Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193) eliminated the AFDC program under Part A of Title IV of the Social Security Act and established the TANF program (42 U.S.C.A. §§ 601 through 619). From this point forward, any reference to applicants and recipients will be assumed to be applicants and recipients of TANF, even where AFDC is referenced.

Section 103 of Title I—(The Temporary Assistance for Needy Families Act, hereinafter referred to as TANF)

enacted August 22, 1996, added 42 U.S.C.A. § 408(a)(5) related to minor parents. TANF mandates that to receive cash assistance, an individual who is under 18 years of age, is not married, and has a minor child in his or her care, must reside in a place of residence maintained by a parent, legal guardian, other adult relative of the minor parent or other appropriate adult-supervised supportive living arrangement unless one of several exemptions is met. The term "second-chance home" was added as a type of adult-supervised living arrangement. If the minor parent cannot return to the home of a parent, legal guardian or other adult relative, the Department, in consultation with county children and youth agencies, will provide assistance to the minor parent in locating a second-chance home, maternity home, or other appropriate adult-supervised supportive living arrangement unless the agency determines that the minor parent's living situation is appropriate.

In accordance with Act 1995-20, Act 1996-35 and TANF, the Department intends to restrict payments to households headed by a minor parent. This requirement is applicable to families with minor children applying for or receiving cash benefits under the TANF and GA programs.

Rule Change

Effective immediately, a minor parent including a pregnant minor, and the dependent child, who applies for or receives cash assistance must live with a parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement in order to qualify for cash assistance, unless one of several exemptions is met.

Cash benefits on behalf of the minor parent and dependent child are paid to the minor parent's parent, legal guardian, or other adult relative, or to an adult in an adult-supervised supportive living arrangement.

When the minor parent does not meet any of the exemptions that will be listed under 55 Pa. Code § 141.21(r) or § 141.71(e)(4) and the parent or legal guardian lives in another location, the minor parent may be given a special allowance for transportation expenses to move when it is confirmed that the minor parent has permission to reside in the parent's or legal guardian's home.

The following sections of the 55 Pa. Code will be revised to incorporate the minor parent provision:

55 Pa. Code § 141.21(m): This subsection is revised to include policy regarding needed documentation and cooperation by the minor parent to establish whether the minor parent is exempt from the requirement in § 141.21(q). (Section 141.21(q) sets forth the condition of eligibility for TANF or GA cash assistance that any minor parent applicant or recipient, as defined in § 141.42, must reside in the home of the minor parent's parent, legal guardian, or other adult relative or in an adult-supervised supportive living arrangement.) Also, the term "handicap" is replaced by the term "disability" as used in Act 1994-49. A revision is made to clarify what is considered cooperation when the documentation which will verify the disability must be secured from a third party.

55 Pa. Code § 141.21(q): This subsection adds a new eligibility requirement which specifies that in order to receive cash benefits, a minor, unmarried parent, including a pregnant minor, and the dependent child, who applies for or receives TANF or GA must reside in a common residence with a parent, legal guardian, other adult relative who is at least 18 years of age or older or

in an adult-supervised supportive living arrangement, unless exempt under § 141.21(r). When the minor parent does not meet any other exemption and the parent or legal guardian lives within the State or in another state, the minor parent may be given a special allowance in accord with Chapter 175 to move back home. The special allowance will be based on the most economical and practical means of travel to meet the minor parent's needs and will be limited to once in a 12-month period.

The following paragraphs (§ 141.21(r)(1) through (r)(12)) specify the reasons why a minor parent may be exempt from the requirement at § 141.21(q):

55 Pa. Code § 141.21(r)(1): The minor parent has no living parent or legal guardian, or the whereabouts of the parent or legal guardian are not known.

55 Pa. Code § 141.21(r)(2): The parent or legal guardian of the minor parent will not allow the minor parent to live in the common residence, or there is no space available in the parent's or legal guardian's residence.

55 Pa. Code § 141.21(r)(3): The minor parent's physical or emotional health or safety or that of the dependent child would be jeopardized if they resided with the minor parent's parent, legal guardian, or adult relative, or, the threat of physical, emotional or other harm comes from another individual residing in or visiting the residence. Eligibility under these sections shall be based on the following:

(i) The present emotional state of the minor parent or dependent child obtained from such sources as, but not limited to, health records, collateral contacts or worker observation;

(ii) The emotional history of the minor parent or dependent child obtained from such sources as, but not limited to, health facility records or collateral contacts with school counselors, health professionals, social service agency personnel, police or courts;

(iii) The intensity and probable duration of the emotional upset previously caused to the minor parent or dependent child from residing in the home of the minor parent's parent, legal guardian, or adult relative obtained from such sources as, but not limited to, health facility records or collateral contacts as noted in (ii) above.

55 Pa. Code § 141.21(r)(4): The parent, legal guardian, or adult relative will not assume responsibility for the care and control of the minor parent.

55 Pa. Code § 141.21(r)(5): The parent, legal guardian or adult relative is unable to exercise control and supervision over the minor parent due to a physical, emotional, financial or other limitation.

55 Pa. Code § 141.21(r)(6): The minor parent's child, including an unborn child, was conceived as a result of rape or incest committed by someone still residing in or visiting with other individuals residing in the common residence.

55 Pa. Code § 141.21(r)(7): The minor parent and dependent child no longer reside in the home of the parent, legal guardian, or another adult relative because of sexual abuse.

55 Pa. Code § 141.21(r)(8): The minor parent's presence in the common residence would violate a lease agreement or housing code requirement.

55 Pa. Code § 141.21(r)(9): The parent, legal guardian or other adult relative live in another area of the State, in another state or out of the country, and it is not practical for the minor parent to reside in that location for reasons

such as, but not limited to, attendance at a vocational school, other educational program, job training, or substance abuse treatment program, or the minor parent has employment that is not located within a reasonable distance from the home of the parent, legal guardian, or adult relative.

55 Pa. Code § 141.21(r)(10): There is no space available for the minor parent and dependent child to reside in an adult-supervised supportive living arrangement and no immediate arrangements can be made.

55 Pa. Code § 141.21(r)(11): The minor parent's parent, legal guardian or other adult relative spent the cash assistance funds intended for the minor parent and the dependent child inappropriately; i.e., in a manner that did not benefit the minor parent and the dependent child.

55 Pa. Code § 141.21(r)(12): Additional exemptions under this subsection will be granted by the Department if the Department determines that the exemption would be in the best interest of the minor parent and the dependent child.

55 Pa. Code § 141.42: This section is revised to add the definitions of the following terms:

- *Adult-supervised supportive living arrangement*—A private family setting providing a supportive and supervised living arrangement or other living arrangement, including a private institution, such as a maternity home or a second-chance home, which is:

- approved by the Department; and
- maintained as a supportive family setting and supervised living arrangement as evidenced by:

- the assumption of responsibility for the care and control of the minor parent and dependent child by a non-related adult age 21 or older; and

- the provision of supportive services, such as, but not limited to, counseling, guidance or education including parenting skills, child development, family budgeting, health and nutrition, and other skills to promote long-term economic independence and the well-being of the children in addition to food and shelter.

- *Minor parent*—A TANF-eligible person under age 18 who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person age 16 or 17 who has never been married, is the natural parent of a dependent child living with the minor parent, or is pregnant.

55 Pa. Code § 175.23(d)(1)–(5): This subsection is added to provide for transportation expenses to relocate the minor parent and the dependent child. When the minor parent does not meet any of the exemptions listed under 55 Pa. Code § 141.21(r) (TANF, GA), and the parent or legal guardian live within the State or in another state, the minor parent may be given a special allowance for transportation for the minor parent and dependent child to travel when it is confirmed that the minor parent has permission to reside in the parent's or legal guardian's home. The allowance for transportation will be limited to once in a 12-month period and based on the most economical and practical means of travel required to meet the client's needs.

55 Pa. Code § 177.2: The definition of a legally responsible relative (LRR) is amended to include a GA minor parent. The definition of a minor parent is also added to this section.

55 Pa. Code § 183.2: The definition of an LRR is amended to include a parent to a GA minor parent. The

definition of a parent is amended to include a minor parent. The definition of a minor parent is added to this section.

Fiscal Note: 14-NRC-069. No fiscal impact; (8) recommends adoption. Savings of approximately \$41,000 in the Cash Grants appropriation for the remainder of 1996-97 are expected with the promulgation of this regulation. For 1997-98, the savings are expected to increase to \$478,000 with \$498,000 in savings for 1998-99 and thereafter.

[Pa.B. Doc. No. 97-316. Filed for public inspection February 28, 1997, 9:00 a.m.]

Temporary Assistance for Needy Families; Notice of Rule Change

Title I of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193) (PRWORA), enacted on August 22, 1996, eliminated the Aid to Families with Dependent Children (AFDC) Program under Part A of Title IV of the Social Security Act and replaced it with the Temporary Assistance for Needy Families (TANF) Program (which will be codified at 42 U.S.C.A. §§ 601-619).

Act No. 1996-35 (Act 35), enacted on May 16, 1996, amended certain sections of the Public Welfare Code which govern eligibility for cash and medical assistance (MA) benefits. Many provisions were effective immediately and were implemented in a prior Notice of Rule Change on June 15, 1996 (26 Pa. B. 2865).

At the time Act 35 was enacted, some of the changes in Act 35 could not be implemented in the AFDC Program without Federal approval, because they were inconsistent with Federal statutes and regulations. Section 19 of Act 35 directs the Department of Public Welfare to seek such waivers of Federal law and regulations, or any other Federal approval, necessary to implement the provisions of Act 35. Section 20 of Act 35 further directs the Department to implement changes upon receipt of Federal approval.

Waiver requests were submitted to the appropriate Federal agencies, including the United States Department of Health and Human Services (DHHS). While the waiver requests were pending, PRWORA was enacted, eliminating the AFDC Program and replacing it with the TANF Program.

With the enactment of TANF, Federal waivers are no longer necessary to implement the provisions of Act 35 for Federally funded cash assistance for families. Instead, under PRWORA, Federal approval to implement the provisions of Act 35 is obtained through acceptance of the Commonwealth's TANF Plan and a determination by the Federal agency that the Commonwealth is eligible for block grant funding for its TANF program. The Department has submitted its TANF State Plan, published at 27 Pa. B. 342 (January 18, 1997), to DHHS and is authorized to implement TANF on March 3, 1997.

The Department of Public Welfare finds that the Pennsylvania General Assembly clearly intended that the Department implement the changes and additions set forth in Act 35 upon receiving Federal permission to do so. Specifically, Section 20 of Act 35 requires that, upon receiving Federal approval of the changes in state law set out in Act 35, the Department shall implement the changes in Act 35 by Notice of Rule Change. Accordingly,

pursuant to the authority of Section 20 of Act 35, the Department is publishing this Notice of Rule Change.

This Notice of Rule Change implements provisions of the TANF Program authorized by Act 35 and Act No. 1995-20 (Act 20) which could not previously be applied to the Federally funded cash program under then-existing Federal law. This Notice of Rule Change also implements provisions of the TANF Program which are necessary to have a complete and integrated cash assistance program for families.

Although the TANF Program replaces the AFDC Program, most of the rules and procedures under which the Department administered AFDC, including those for the Job Opportunities and Basic Skills (JOBS) Training Program, will continue in effect as part of the new TANF Program. Changes are specified in this Notice of Rule Change. All references to AFDC found within Title 55 of the Pennsylvania Code as well as Department Handbooks, Bulletins, and related materials are to be read and considered as applicable to TANF or to a TANF applicant or TANF recipient, unless doing so would be inconsistent with TANF requirements or with this Notice of Rule Change.

Under section 403(b) of the Public Welfare Code, 62 P. S. § 403(b), the Department is required to establish rules, regulations, and standards for General Assistance (GA) consistent with AFDC (now TANF) to the extent possible. Section 403(b) also prohibits the Department from providing greater assistance under GA than that provided under the Federally funded cash program. This Notice of Rule Change also implements changes required by this directive.

In addition, this Notice of Rule Change implements changes that have been made to the cash assistance programs (TANF and GA) to enhance consistency with the standards of other programs, as contemplated by section 403(b) of the Public Welfare Code as amended by Act 35. These changes, described in Section A, items 32 through 36 below, support the legislative goal of helping recipients attain self-sufficiency, have a positive impact on recipients, or reduce administrative burden. For example, student financial assistance, received for the purpose of attaining skill-enhancing education, will not be counted as either income or a resource in determining eligibility for cash assistance.

This Notice of Rule Change also implements changes that have been made to the MA program as a result of changes in the cash programs, in order to maintain consistency in administration among the categories of MA and between the cash and MA programs. Many cash income and resource methodologies and standards have previously been and will continue to be used to determine MA eligibility.

Finally, this Notice of Rule Change implements those provisions of Act 35 applicable to the GA Program that were not effective immediately and were, therefore, not implemented previously.

The changes set forth in this Notice of Rule Change will be applied to applicants and recipients effective March 3, 1997, except for the requirements relating to the Agreement of Mutual Responsibility which will not be applied to current recipients until the time of each individual's regularly-scheduled redetermination of eligibility.

The following changes in requirements apply to TANF and GA cash, and TANF-related Non-Money Payment (NMP), including Healthy Beginnings, TANF-related

Medically Needy Only (MNO), and GA-related MA. The amendments are arranged by the eligibility groups that are affected. Each change in policy described also identifies the section of Title 55 of the Pennsylvania Code that is being changed or deleted.

SECTION A. THE FOLLOWING REQUIREMENTS APPLY TO THE TANF AND GA CASH ASSISTANCE PROGRAMS AND THE REQUIREMENTS IN PARAGRAPHS #2 AND #30 ALSO APPLY TO FOOD STAMPS:

1. 55 Pa. Code §§ 140.43(16), 140.62, 183.81(29), 183.901(b); Pub. L. 104-193, Title III, Section 302 (Social Security Act section 457); 62 P. S. 432.7(g):

Act 1996-35 directed the Department to continue to pay support pass-through payments to assistance recipients as required by Federal law. Payment of the Support Pass-Through is no longer required under Federal law. There are no Departmental regulations that require payment of the Support Pass-Through. Instead, there are regulations requiring the disregard of the receipt of the first \$50 per budget month of court-ordered or voluntary current support payments. Therefore, references in 55 Pa. Code to the disregard of the receipt of such payments for income eligibility purposes are deleted. Instead of disregarding the first \$50 per month of child support, the new rules under TANF disregard 50 percent of all earned income each month as described in Section B-18 of this Notice of Rule Change.

2. 55 Pa. Code Chapter 165; 62 P. S. § 405.5; Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A Grant Diversion program is established whereby recipients who have not secured unsubsidized employment may be placed in subsidized employment with any employer approved by the Department. The Department may convert cash assistance and Food Stamp benefits of participating recipients and their dependents into wage subsidies for participating employers.

3. 55 Pa. Code § 151.43(f); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(1)):

TANF will be provided to a pregnant woman with no other children living with her from the date that she provides medical verification of the pregnancy and the child, when born, would be eligible for TANF based on the deprivation requirements at 55 Pa. Code Chapter 153.

4. 55 Pa. Code Chapter 165; 62 P. S. § 405.1(a.1); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A program, known as the Road to Economic Self-sufficiency through Employment and Training (RESET), is established to enable recipients of cash assistance to secure permanent full-time unsubsidized jobs or entry level or part-time jobs that lead to economic independence and self-sufficiency.

5. 55 Pa. Code § 165.21(c); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 407(b)(5)):

Exemptions from participation in RESET which are different from those in the previous program permit exemption of a single custodial parent caring for a child who has not attained 12 months of age for a maximum of 12 months in the parent's lifetime.

6. 55 Pa. Code § 165.31(f); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A recipient who has an Employment Development Plan approved prior to the implementation date of TANF will

be allowed to continue in the approved activity or activities until the activity is completed if the recipient is making satisfactory progress according to the standards of the provider or until the recipient otherwise ceases to participate, whichever occurs first.

7. 55 Pa. Code § 165.2; 62 P.S. § 405.3; Pub. L. 104-193, Title I, Section 103 (Social Security Act section 408(b)(2)(A)(I)):

The definition of the Employment Development Plan is revised to reflect that it will become part of the Agreement of Mutual Responsibility.

8. 55 Pa. Code § 165.11(a); 62 P.S. § 405.1(a.3); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The requirements for verifying exemptions from employment and work-related activities are revised. An individual may be required to submit to an independent medical examination as a condition of receiving assistance.

9. 55 Pa. Code § 165.31(e); 62 P.S. § 405.1(a.2); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The following criteria for approving self-initiated education or training are added: after 12 months of participation in vocational education, general education, English-as-a-Second-Language (ESL), or job skills training, a person must also fulfill the job search and work-related activity requirements; after 24 months of receipt of cash assistance, a person must also fulfill the 20-hour work requirement described in § 165.31 [Section A-28 of this Notice of Rule Change].

An exception applies to individuals between 18 and 22 years of age who have not earned a high school diploma or a certificate of high school equivalency who can fulfill the work-related activity requirement for a maximum of 24 months by pursuing a high school diploma or a certificate of high school equivalency.

10. 55 Pa. Code § 165.51(a) and (b); 62 P.S. § 432.3(a); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The conciliation process is revised to be consistent with Act 35 in determining whether an individual who fails to participate in the employment and training program (ETP) has good cause for failing to participate.

11. 55 Pa. Code § 175.24(f); 62 P.S. § 434:

Cash assistance for TANF recipients will be reduced by amounts obtained by cashing an assistance check at a gambling casino, racetrack, bingo hall, or other establishment which derives more than 50 percent of its gross revenues from gambling.

This requirement became effective in the GA program by a Notice of Rule Change published at 24 Pa.B. 2865, June 15, 1996, with an effective date of June 17, 1996 and, by this Notice, is effective under the TANF program.

12. 55 Pa. Code § 177.21(a)(2); 62 P.S. § 432.5(c)(4):

The full value of one vehicle per TANF or GA budget group will be exempt from consideration as a resource. The equity value of all other vehicles will be counted and applied toward the resource limit.

13. 55 Pa. Code §§ 125.1 and 133.23; 62 P.S. § 405.3(a), Pub. L. 104-193, Title I, Section 103 (Social Security Act section 408(b)):

Each applicant or recipient of cash assistance and other persons who are required to sign an application for assistance shall be required, as a condition of eligibility, to enter into a mutual agreement with the Department that will set forth the responsibilities and obligations to be undertaken by the recipient to achieve self-sufficiency, the time frames within which each obligation is to be completed, and the penalties for failure to comply with any one of the following obligations:

—Fulfill obligations for remaining free of alcohol and illegal drugs if substance abuse is determined to be a barrier to employment.

—Provide timely and accurate information; cooperate in the determination of paternity and enforcement of support; seek and participate in an educational program leading to a high school diploma or its equivalent, job training or work-related activities, and maintaining employment.

Any person who is required to sign an application for assistance and fails or refuses to enter into or cooperate in the completion of an Agreement of Mutual Responsibility shall be ineligible for assistance until the person completes and signs the agreement.

Penalties will be applied if the applicant or recipient fails to comply with the following:

—Failure to cooperate with child support requirements will result in the penalties described in § 141.21(e) [Section B-2 of this Notice of Rule Change].

—Failure to comply with employment and work-related requirements will result in the penalties described in §§ 165.61 and 165.71(b) [Section A-29 of this Notice of Rule Change].

14. 55 Pa. Code §§ 141.1(b)(5) and 153.44(d)(1)(vi); 62 P.S. § 432.3(a)(1) and (2) and (b):

These 55 Pa. Code sections are being deleted because, when a disqualification occurs after an individual has received cash assistance for more than 24 months, the disqualification is imposed on the entire assistance group. The penalties for failure to comply with the RESET Program requirements are found at 55 Pa. Code § 165.61.

15. 55 Pa. Code § 141.21; 62 P.S. § 481(f):

An applicant or recipient who has been convicted of violating Section 481(a) of the Public Welfare Code, a crime commonly referred to as welfare fraud, is ineligible for cash assistance for a period of 6 months from the date of a first conviction, 12 months from the date of a second conviction, and permanently from the date of a third conviction.

This requirement became effective in the GA program by a Notice of Rule Change published at 24 Pa.B. 2865, June 15, 1996 with an effective date of June 17, 1996 and, by this Notice, is effective under the TANF Program.

16. 55 Pa. Code § 141.21; 62 P.S. § 432(9); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(9)(A)(ii)):

Cash assistance payments will not be made to persons who were sentenced for a felony or misdemeanor, who have not satisfied the penalty imposed by law by completing the period of incarceration and by paying of all fines, costs and restitution, or who are violating parole or probation. An exception is granted to a person who has been granted a pardon by the President of the United States.

This requirement became effective in the GA program by Notice of Rule Change published at 29 Pa.B. 545, March 2, 1996 and, by this Notice, is effective under the TANF Program. The definition of "satisfied the penalty" imposed by law was amended by Act 35 to include compliance with an approved plan for paying fines, costs, and restitution as an alternative to completion of payment.

This requirement became effective in the GA program by Notice of Rule Change published at 24 Pa.B. 2865, June 15, 1996, with an effective date of June 17, 1996 and, by this Notice, is effective under the TANF Program.

17. 55 Pa. Code § 141.21; 62 P.S. 403(b); Pub.L. 104-193, Title I, Section 103 (Social Security Act section § 408(a)(9)):

Cash assistance payments will not be made to a person fleeing to avoid prosecution, or custody or confinement following conviction for a felony, or as felonies are classified in the state of New Jersey, a high misdemeanor.

18. 55 Pa. Code § 105.4(d); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(9)):

A Federal, State, or local law enforcement officer will have access to the address of a fugitive felon, parole or probation violator and the address of an individual who may have information that the officer needs to conduct his official duties if the officer provides a warrant or other court order which authorizes the officer to arrest an individual.

19. 55 Pa. Code § 141.21; 62 P.S. § 403(b); Pub.L. 104-193, Title I, Section 115:

Cash assistance payments will not be made to persons who were convicted on or after August 22, 1996, under Federal or State law, of a felony offense related to illegal possession, use, or distribution of a controlled substance.

20. 55 Pa. Code § 141.21; 62 P.S. § 403(b); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(8)):

Cash assistance payments will not be made to a person for ten years from the date of conviction, in a Federal or State court of fraudulent misrepresentation of residence in order to receive TANF, GA, MA, food stamps, or Supplemental Security Income in two or more states.

21. 55 Pa. Code Chapter 165; 62 P.S. § 405.5; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A participant in Work Supplementation, known in Pennsylvania as Grant Diversion, may be assigned to fill any established, unfilled position vacancy.

22. 55 Pa. Code § 105.4(d); 62 P.S. §§ 414 and 432(9):

The Department of Public Welfare will exchange information with the Pennsylvania State Police and the Pennsylvania Board of Probation and Parole for purposes of identifying persons who have been sentenced for a felony or misdemeanor and have not satisfied the penalty imposed by law. The Pennsylvania State Police and Board of Probation and Parole will have access to the records of the Department's Assistance Recipient Identification Program (finger imaging file).

This requirement became effective in the GA program by Notice of Rule Change published at 9 Pa.B. 945, March 9, 1996 and, by this Notice, is effective under the TANF Program.

23. 55 Pa. Code §§ 141.41 and 141.61; 62 P.S. § 405.1(a.2)(1) and (2); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A condition of eligibility is added to require nonexempt cash assistance recipients to seek employment, accept any offer of employment, and maintain employment. In addition, those who are not employed for an average of at least 20 hours per week must participate in a work-related activity as a condition of eligibility.

24. 55 Pa. Code § 165.1(a); 62 P.S. § 405.1; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The Department of Public Welfare will no longer give priority to individuals within certain target populations who volunteer to participate in an employment or training program. All nonexempt recipients will be required to participate in RESET.

25. 55 Pa. Code § 165.21(c); 62 P.S. § 405.1 (a.3) (1), (2) and (3); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

Under the RESET program, the following exemptions from employment and training requirements are eliminated: persons age 60 and up, persons working at least 30 hours per week, remoteness, providing care to another ill or incapacitated household member, pregnancy, and Volunteers In Service To America (VISTA) volunteers. Other changes in the work-related eligibility criteria permit an exemption for providing care of a child under six years of age for whom child care arrangements are unavailable, revise the age exemption for children to under 18 years of age, redefine incapacity as a medically verified physical or mental disability which temporarily or permanently precludes any form of employment or work-related activity, and require persons who are temporarily disabled to pursue treatment.

26. 55 Pa. Code § 165.22; 62 P.S. § 405.1(a.4)(1), (2) and (3); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 402(a)(1)(A)(ii)):

A new section is added to specify when a person who was formerly exempt is required to participate in work or a work-related activity. If the person was exempt due to a physical or mental disability and the condition ceases in the first 22 months that the person receives cash assistance, the person is required to participate immediately. If the condition ceases after the person has received cash assistance for 22 months or more, the person is required to participate within eight weeks. A person who is exempt for providing child care for a child under age six is required to participate as soon as alternate child care arrangements are available or when the child becomes six years of age. An individual under 18 years of age is required to participate upon becoming 18 years of age, attaining a high school diploma or certificate of high school equivalency, or ceasing to pursue a high school diploma or a certificate of high school equivalency.

27. 55 Pa. Code § 165.31; 62 P.S. § 405.1(a.2), (3) and (4); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The initial work-related activity is an independent job search for up to eight weeks required upon initial authorization of benefits or within eight weeks of the recipient's next redetermination of eligibility. Recipients who do not find employment during the initial eight-week job search will be required to participate in a work-related activity.

28. 55 Pa. Code § 165.31; 62 P.S. §§ 402 and 405.1(a.2), (5) and (6); Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 402(a)(1)(ii) and 407(d)):

After the initial eight-week job search, during the first 24 months of receiving assistance, an individual may fulfill the work-related activity requirement by participating in one or more of several approved activities. Those activities can include: subsidized employment, work experience, on-the-job training, community service, workfare, job search, job readiness/preparation activities, vocational educational training or job skills training. The approved activity also can include an employment and training program funded or approved by the Department that provides activities for a recipient to achieve rapid attachment to the work force, or that provides one-step access for the recipient to intensive case management, training, education, job readiness training, job search and individual job development that leads to job placement.

Vocational education, general education, English-as-a-Second-Language (ESL) study or job skills training can count as a work-related activity for a maximum of 12 months. The exception to this rule is that a recipient age 18 through 21 who does not have a high school diploma or its equivalent can fulfill the work-related activity requirement for a maximum of 24 months by pursuing a high school diploma or its equivalent.

After 24 months of receiving assistance, whether those months are consecutive or interrupted, the recipient must work, participate in subsidized employment, work experience, on-the-job training, community service or workfare for an average of at least 20 hours per week, as a condition of receiving cash assistance.

29. 55 Pa. Code § 165.61; 62 P.S. §§ 432.3(a)(1) and (2) and (b), and 165.71(b); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 407(e)(1)):

During the first 24 months that an individual receives assistance, if he voluntarily reduces earnings by not fulfilling the 20-hour per week work requirement, without good cause, and he has not failed to comply with the work requirements in any other way, the sanction will be a reduction of the cash grant by an amount equal to the income that would have been earned if he had fulfilled the 20-hour per week work requirement.

For all other incidents of non-compliance with the work-related activity requirements, the person or family is disqualified as follows: for the first violation, a minimum of 30 days and thereafter until the person is willing to comply; for a second violation, a minimum of 60 days and thereafter until the person is willing to comply; for the third violation, permanent disqualification. An individual whose failure to comply results in a third sanction will not be notified of how to cure the sanction because the disqualification is permanent. The sanction is applied as follows: during the first 24 months, only the person who fails to comply is disqualified; after 24 months the entire assistance group is disqualified.

30. 55 Pa. Code § 501; 7 CFR 274.3; Pub.L. 104-193, Title VIII, Section 849 (Food Stamp Act of 1977, Section 16):

Food stamp benefits may be issued as a subsidy to the employer for households participating in a Work Supplementation Program, known in Pennsylvania as Grant Diversion.

31. 55 Pa. Code Chapter 177; 62 P.S. § 408.2; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(h)):

An Education Savings Account, known under TANF as an Individual Development Account (IDA), will be exempt from the eligibility determination and benefit calculation as long as the IDA is established to pay for post-secondary education expenses directly to an approved educational institution and the contributions are from earned income only.

This requirement became effective in the GA program under Act No. 1994-49 by a Notice of Rule Change published at 24 Pa. B. 4425, August 27, 1994, with an effective date of September 1, 1994; however, pursuant § 403(b), the Department must follow for GA TANF rules which restrict the account to savings from earned income to prevent a greater benefit to GA than under TANF.

32. 55 Pa. Code § 177.24(a)(1)(ii); 62 P.S. § 401(a), Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

This 55 Pa. Code section has been deleted because the face and cash surrender values of life insurance are excluded as resources.

33. 55 Pa. Code § 183.23; 62 P.S. § 401(a); Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

Income-in-kind for services rendered will be excluded from consideration in determining eligibility.

34. 55 Pa. Code § 177.22(b)(3); 62 P.S. § 401(a); Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

In cases where the family has been unable to sell nonresident property for reasons beyond their control, the nine-month time limit for disposing of such property will be extended for additional nine-month periods as long as the family is continuing to make a good faith effort to sell the property.

35. 55 Pa. Code § 177.21; 62 P.S. § 401(a), Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

Language has been added to clarify that all student financial assistance in the form of loans, grants, and scholarships continues to be excluded as a resource.

36. 55 Pa. Code § 183.38; 62 P.S. § 401(a); Pub. L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

All student financial assistance provided for educational expenses in the form of loans, grants and scholarships will be excluded as income, unless the assistance is provided solely to meet basic living needs.

37. 55 Pa. Code § 183.71; 62 P.S. § 401(a); Pub. L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

The gross earned and unearned income of a recipient will no longer be subject to the gross income eligibility limit (185 percent test).

SECTION B. THE FOLLOWING REQUIREMENTS APPLY TO THE TANF PROGRAM:

1. 55 Pa. Code § 101.1(a); Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401 through 419):

The Department will administer the Temporary Assistance for Needy Families program. All references to AFDC found within Title 55 as well as in Department Handbooks, Bulletins, and related materials are to be read and considered as applicable to TANF or to a TANF applicant

or TANF recipient, unless doing so would be inconsistent with TANF requirements adopted pursuant to Federal Law, or this Notice of Rule Change.

2. 55 Pa. Code § 141.21(e); 62 P.S. §§ 403(b) and 432.7A; Pub.L. 104-193, Title I, Section 103, (Social Security Act section 408(a)(2)); 62 P.S. § 432.7A(b)(2) and (3):

Failure to cooperate in establishing paternity or securing a child support order, without good cause, will result in the removal of the applicant or recipient from the cash assistance grant and the imposition of protective payments for any child on whose behalf the applicant or recipient seeks assistance. If removal of the recipient from the grant does not reduce the family grant by a minimum of 25 percent, there will be an additional reduction so that the grant is reduced in an amount not less than 25 percent.

Determination of non-cooperation is the responsibility of the County Assistance Office, or Domestic Relations Section or Court.

The Courts are authorized to hold hearings to determine whether the applicant or recipient failed to cooperate without good cause. If the court determines that the failure to cooperate was without good cause, the court orders the Department to terminate assistance for the applicant or recipient. In addition, the Court is required to notify the Department to impose a protective payment. The protective payment will be equal to at least a 25 percent reduction in the grant as set forth above. In addition, the Department is required to send a confirming notice to the applicant or recipient concerning the imposition of the protective payment. Should the Court decide not to hold hearings on noncooperation, Court or Domestic Relations Section personnel shall be available to testify at any Departmental hearing concerning noncooperation where the Court or Domestic Relations Section made the finding of noncooperation. A finding of noncooperation by an applicant or recipient shall not affect an obligor's duty to pay support.

3. 55 Pa. Code § 141.21; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(1)(B)):

A family is ineligible for cash assistance payments if it includes an adult who has received 60 months of TANF cash assistance. Assistance received as an adult or as a minor child head of household or as a minor child married to the head of household counts toward the 60-month limit. Periods of receipt need not be consecutive to count toward the 60-month limit.

4. 55 Pa. Code § 141.42; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(1)):

A family is defined as a minor child and his parent(s) or other adult specified relative with whom he lives. A specified relative is considered a member of a family regardless of whether he is included in the TANF application or is applying only on behalf of the minor child.

5. 55 Pa. Code § 151.43(d); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(10)):

TANF may continue for minor children who are absent from or are expected to be temporarily absent from the home not more than 180 consecutive days.

A specified relative who fails to report within five days of the time it becomes clear that a minor child will be absent beyond the consecutive 180-day period will be ineligible for assistance for 30 days.

6. 55 Pa. Code §§ 141.41 and 145.43(a)(1)(ii); Pub.L. 104-193 Title I, Section 103 (Social Security Act section 419):

A minor child is defined as an individual who is under age 18 or age 18 and a full-time student in a secondary school or in the equivalent level of vocational or technical training.

7. 55 Pa. Code § 151.42; Pub.L. 104-193 Title I, Section 103 (Social Security Act section 408(a)(1)(A)(i)):

A specified relative is defined as an adult who is exercising responsibility for the care and control of the child by making and carrying out plans for support, education, and maintenance of the child and applying for assistance on behalf of the child. Exception: A minor parent may be designated the specified relative of her child although she does not meet the definition of an adult.

8. 55 Pa. Code § 151.42; Pub.L. 104-193 Title I, Section 103 (Social Security Act section 419):

An adult is defined as an individual over age 18 or age 18 and not a full-time student in a secondary school or in the equivalent level of vocational or technical training.

9. 55 Pa. Code § 147.23(a); 62 P.S. §§ 403(b) and 432(5)(ii); Pub.L. 104-193 Title I, Section 103 (Social Security Act section 404(c)):

TANF cash assistance for applicants and recipients of TANF who have resided in Pennsylvania for less than 12 months shall not exceed the lesser of the maximum assistance payment that would have been received from the applicant's or recipient's state of prior residence or the family size allowance available to the applicant or recipient in Pennsylvania. If the applicant or recipient provides documentation that the move was necessary to escape an abusive situation, the Pennsylvania family size allowance will apply, not the prior state of residence allowance.

10. 55 Pa. Code §§ 125.1 and 133.23; 62 P.S. § 481.1:

TANF will be denied to an individual who, as a defendant, fails to appear at a criminal court proceeding when issued a summons or bench warrant.

This requirement became effective in the GA program by Notice of Rule Change published at 24 Pa.B. 2865, June 15, 1996, with an effective date of June 17, 1996 and, by this Notice, is effective under the TANF Program.

11. 55 Pa. Code §§ 168.11 and 168.15; 62 P.S. § 408(b):

Eligibility for Transitional Child Care (TCC) is expanded to include all former TANF recipients who are employed and cease to receive cash assistance for a reason other than a sanction or noncompliance with an eligibility condition.

12. 55 Pa. Code § 168.16; 62 P.S. § 408(b):

The 55 Pa. Code section at 168.16 is deleted to eliminate the requirement of receipt of AFDC in at least three of the six months immediately preceding the month AFDC payment is discontinued in order to qualify for TCC payments.

13. 55 Pa. Code § 187.23(a)(2); 62 P.S. § 432.7(b)(1):

The criteria for cooperation shall include, but are not limited to, taking the following actions: identifying the parents of any child for whom assistance is sought or received, including appearing for scheduled genetic testing with the child; keeping scheduled appointments with the Department or Domestic Relations Section (DRS);

providing truthful and accurate information and documents requested by the Department or DRS; signing and returning any forms requested by the Department or DRS; appearing as a witness and providing testimony at judicial and other hearings as requested by the DRS; and paying to the Department any support payment received directly from an absent parent after an assignment of support has been made.

14. 55 Pa. Code § 187.23(a)(2); 62 P. S. § 432.6:

Prior to authorization, applicants for cash assistance will be required to appear before the DRS and to obtain from the DRS a certification that the applicant has cooperated in determining paternity and establishing support. Upon the request of a family court or DRS, the Secretary is authorized to waive the requirement of a personal appearance before a family court or DRS if another procedure would be as efficient and effective.

15. 55 Pa. Code §§ 187.23(a)(2) and 187.73; 62 P. S. § 432.7(b)(2):

The failure of the mother to identify the father by name shall create a presumption of noncooperation which may be rebutted only by clear and convincing evidence.

16. 55 Pa. Code § 187.22; 62 P. S. § 432.7(b)(3):

If the applicant or recipient provides the names of two putative fathers subsequently excluded from paternity by genetic testing, the second exclusion shall create a presumption of noncooperation which may be rebutted only by clear and convincing evidence.

17. 55 Pa. Code §§ 187.23(a)(5) and 187.73; 62 P. S. § 432.7A(b)(1):

Upon the determination of noncooperation, absent a finding of good cause, the County Assistance Office will remove the applicant or recipient from the grant and establish a protective payment for any child on whose behalf the applicant or recipient seeks assistance. If removal of the applicant or recipient from the grant does not reduce the family grant by a minimum of 25 percent, there will be an additional reduction so that the grant is reduced in an amount not less than 25 percent.

18. 55 Pa. Code §§ 183.94(a), 183.96 and 183.98(4); 62 P. S. § 432.12:

A continuous 50 percent disregard from the gross earned income of recipients replaces the monthly disregard of \$90 per month deduction plus the time-limited \$30 and one-third of the remainder. Applicants who have not received TANF in one of the four months prior to application must pass the standard of need test, set forth in 55 Pa. Code § 183.94(2)(iv), to receive the 50 percent disregard.

SECTION C. THE FOLLOWING CHANGES APPLY TO THE MA PROGRAM:

1. 55 Pa. Code § 141.71(b)(6) and (7); Pub.L. 104-193, Title I, Section 114 (Social Security Act section 1931(b)(1)(B)):

This subsection is being expanded to provide TANF-related NMP-MA to persons determined ineligible for TANF due to one of the following:

—An applicant group determined ineligible for TANF benefits due to elimination of the \$50 child support disregard.

—A recipient group who has received TANF benefits and four months of extended medical assistance resulting from an increase in support.

2. 55 Pa. Code §§ 141.71(a) and 151.43(d); 42 U.S.C. § 1396a(a)(10)(A):

A minor child absent from the home more than 180 consecutive days is ineligible for NMP-MA. NMP-MA will not be granted to a specified relative who fails to report a child absent from the home within five days of the time it becomes clear that the minor child will be absent beyond the 180 consecutive-day period. Failure to report this change will result in ineligibility for NMP-MA for the specified relative for 30 days.

This change applies to TANF-related NMP-MA.

3. 55 Pa. Code § 140.421(2)(iv); 42 U.S.C. § 1396a(a)(10)(A):

Due to a TANF-related change which eliminated the time-limited earned income incentive, this subsection is deleted as an eligibility requirement for receipt of Extended Medical Coverage.

This change applies to TANF-related NMP-MA.

4. 55 Pa. Code § 181.251(a)(1)and(2); 42 U.S.C. § 1396a(a)(10)(A) and (C):

This subsection is being revised to eliminate the NMP-MA gross income test for TANF-related NMP-MA recipients.

5. 55 Pa. Code §§ 178.11(a)(4)(ii), 178.12(a)(5)(ii), 181.41(a)(4)(ii) and 181.42(a)(5)(ii); 42 U.S.C. § 1396a(a)(10)(A) and (C):

The definition of a minor child is revised to delete the graduation by age 19 requirement.

This change applies to TANF-related NMP-MA and MNO-MA.

6. 55 Pa. Code §§ 140.81(a)(1) and (2), 181.311(a)(1), (2) and (4); 42 U.S.C. § 1396a(a)(10)(A):

A continuous 50 percent disregard from the earned income of applicants and recipients replaces the \$90 per month deduction plus the time-limited \$30 and one-third of the remainder.

This change applies to TANF-related NMP-MA and Healthy Beginnings.

Applicants who have not received TANF in one of the four months prior to application must pass the applicant standard of need test to receive the 50 percent disregard for TANF-related NMP-MA.

7. 55 Pa. Code §§ 140.41, 140.65, 181.262 and 181.287; 42 U.S.C. § 1396a(a)(10)(A) and (C):

Student financial assistance provided for educational expenses is excluded as income. Any portion of the financial assistance designated solely for basic living needs such as housing and food is not excluded.

This change applies to TANF-related NMP-MA, MNO-MA and Healthy Beginnings.

8. 55 Pa. Code §§ 140.42(12), 140.53, 181.251(c)(3), 181.263(12), and 181.273; 62 P. S. §§ 403(b) and 441.1: 42 U.S.C. § 1396a(a)(10)(A) and (C):

Income-in-kind for services rendered is excluded from consideration in determining eligibility.

This change applies to TANF-related NMP-MA, MNO-MA, Healthy Beginnings, and GA-related MA.

9. 55 Pa. Code § 178.161(a)(12) and (14); 62 P. S. §§ 403(b) and 441.1:

The face and cash surrender values of life insurance are excluded as resources.

This change applies to GA-related MA.

10. 55 Pa. Code § 178.151(c); 62 P. S. §§ 403(b) and 441.1:

The time period for disposing of non-resident property is nine months with additional nine-month periods as long as the family is making a good faith effort to sell the property.

This change applies to GA-related MA.

11. 55 Pa. Code §§ 181.264 and 181.265; 62 P. S. §§ 403(b) and 441.1:

This 55 Pa. Code section has been revised because the first \$50 per month of court-ordered and voluntary support payments received, excluding arrearages, is now counted as income.

This change applies to GA-related NMP-MA and MNO-MA.

12. 55 Pa. Code Chapter 178; 62 P. S. §§ 403(b) and 441.1:

Educational Savings Accounts are excluded if the contributions to the account are only from earned income.

This change applies to GA-related NMP-MA and MNO-MA.

This Rule Change has been reviewed and approved by the Office of General Counsel and the Office of Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1996-1(2) and (3), 26 Pa.B. 2374 (May 18, 1996). This Rule Change will be in effect for 365 days pending adoption of final rulemaking by the Department.

Public comments to this Rule Change may be made by writing to Patricia H. O'Neal, Director, Bureau of Policy, Office of Income Maintenance, Room 431 Health and Welfare Building, Harrisburg, Pennsylvania 17105. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD user) or 1-800-654-5988 (Voice user). Persons who require another alternative format should contact Thomas Vracarich at 717-783-2209.

FEATHER O. HOUSTOUN,
Secretary

Purpose

To provide revisions to the Aid to Families with Dependent Children (AFDC), General Assistance (GA), and Medical Assistance (MA) Program requirements contained in 55 Pa. Code Chapters 105, Safeguarding Information; 125, Application Process; 133, Redetermining Eligibility; 140, Special MA Eligibility Provisions; 141, General Eligibility Provisions; 145, Age; 147, Residence, 161, Specified Relatives; 153, Deprivation of Support or Care; 165, Employment and Training Program; 175, Allowance and Benefits; 177, Resources; 178, Resource Provisions for Categorically Needy NMP-MA and MNO-MA; 181, Income; 187, Support From Relatives Not Living with the Client; and 255, Restitution.

Background

Title I of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193) (PRWORA), enacted on August 22, 1996, eliminated the Aid to Families with Dependent Children (AFDC) Program under Part A of Title IV of the Social Security Act and replaced it with the Temporary Assistance for Needy Families (TANF) Program (which will be codified at 42 U.S.C. §§ 601-619).

Act No. 1996-35 (Act 35), enacted on May 16, 1996, amended certain sections of the Public Welfare Code which govern eligibility for cash and medical assistance (MA) benefits. Many provisions were effective immediately and were implemented in a prior Notice of Rule Change on June 15, 1996 (26 Pa. B. 2865).

At the time Act 35 was enacted, some of the changes in Act 35 could not be implemented in the AFDC Program without Federal approval, because they were inconsistent with Federal statutes and regulations. Section 19 of Act 35 directs the Department of Public Welfare to seek such waivers of Federal law and regulations, or any other Federal approval, necessary to implement the provisions of Act 35. Section 20 of Act 35 further directs the Department to implement changes upon receipt of Federal approval.

Waiver requests were submitted to the appropriate Federal agencies, including the United States Department of Health and Human Services (DHHS). While the waiver requests were pending, PRWORA was enacted, eliminating the AFDC Program and replacing it with the TANF Program.

With the enactment of TANF, Federal waivers are no longer necessary to implement the provisions of Act 35 for Federally funded cash assistance for families. Instead, under PRWORA, Federal approval to implement the provisions of Act 35 is obtained through acceptance of the Commonwealth's TANF Plan and a determination by the Federal agency that the Commonwealth is eligible for block grant funding for its TANF program. The Department has submitted its TANF State Plan, published at 27 Pa. B. 342 (January 18, 1997), to DHHS and is authorized to implement TANF on March 3, 1997.

The Department of Public Welfare finds that the Pennsylvania General Assembly clearly intended that the Department implement the changes and additions set forth in Act 35 upon receiving Federal permission to do so. Specifically, Section 20 of Act 35 requires that, upon receiving Federal approval of the changes in State law set out in Act 35, the Department shall implement the changes in Act 35 by Notice of Rule Change. Accordingly, pursuant to the authority of Section 20 of Act 35, the Department is publishing this Notice of Rule Change.

This Notice of Rule Change implements provisions of the TANF Program authorized by Act 35 and Act No. 1995-20 (Act 20) which could not previously be applied to the Federally funded cash program under then-existing Federal law. This Notice of Rule Change also implements provisions of the TANF Program which are necessary to have a complete and integrated cash assistance program for families.

Although the TANF Program replaces the AFDC Program, most of the rules and procedures under which the Department administered AFDC, including those for the Job Opportunities and Basic Skills (JOBS) Training Program, will continue in effect as part of the new TANF Program. Changes are specified in this Notice of Rule Change. All references to AFDC found within Title 55 of the Pennsylvania Code as well as Department Handbooks, Bulletins, and related materials are to be read and considered as applicable to TANF or to a TANF applicant or TANF recipient, unless doing so would be inconsistent with TANF requirements or with this Notice of Rule Change.

Under section 403(b) of the Public Welfare Code, 62 P. S. § 403(b), the Department is required to establish rules, regulations, and standards for General Assistance

(GA) consistent with AFDC (now TANF) to the extent possible. Section 403(b) also prohibits the Department from providing greater assistance under GA than that provided under the Federally funded cash program. This Notice of Rule Change also implements changes required by this directive.

In addition, this Notice of Rule Change implements changes that have been made to the cash assistance programs (TANF and GA) to enhance consistency with the standards of other programs, as contemplated by section 403(b) of the Public Welfare Code as amended by Act 35. These changes, described in Section A, items 32 through 36 below, support the legislative goal of helping recipients attain self-sufficiency, have a positive impact on recipients, or reduce administrative burden. For example, student financial assistance, received for the purpose of attaining skill-enhancing education, will not be counted as either income or a resource in determining eligibility for cash assistance.

This Notice of Rule Change also implements changes that have been made to the MA program as a result of changes in the cash programs, in order to maintain consistency in administration among the categories of MA and between the cash and MA programs. Many cash income and resource methodologies and standards have previously been and will continue to be used to determine MA eligibility.

Finally, this Notice of Rule Change implements those provisions of Act 35 applicable to the GA Program that were not effective immediately and were, therefore, not implemented previously.

The changes set forth in this Notice of Rule Change will be applied to applicants and recipients effective March 3, 1997, except for the requirements relating to the Agreement of Mutual Responsibility which will not be applied to current recipients until the time of each individual's regularly-scheduled redetermination of eligibility.

The following changes in requirements apply to TANF and GA cash, and TANF-related Non-Money Payment (NMP), including Healthy Beginnings, TANF-related Medically Needy Only (MNO), and GA-related MA. The amendments are arranged by the eligibility groups that are affected. Each change in policy described also identifies the section of Title 55 of the Pennsylvania Code that is being changed or deleted.

SECTION A. THE FOLLOWING REQUIREMENTS APPLY TO THE TANF AND GA CASH ASSISTANCE PROGRAMS AND THE REQUIREMENTS IN PARAGRAPHS #2 AND #30 ALSO APPLY TO FOOD STAMPS:

1. 55 Pa. Code §§ 140.43(16), 140.62, 183.81(29), 183.901(b); Pub. L. 104-193, Title III, Section 302 (Social Security Act section 457); 62 P. S. § 432.7(g):

Act 1996-35 directed the Department to continue to pay support pass-through payments to assistance recipients as required by Federal law. Payment of the Support Pass-Through is no longer required under Federal law. There are no Departmental regulations that require payment of the Support Pass-Through. Instead, there are regulations requiring the disregard of the receipt of the first \$50 per budget month of court-ordered or voluntary current support payments. Therefore, references in 55 Pa. Code to the disregard of the receipt of such payments for income eligibility purposes are deleted. Instead of disregarding the first \$50 per month of child support, the new

rules under TANF disregard 50 percent of all earned income each month as described in Section B-18 of this Notice of Rule Change.

2. 55 Pa. Code Chapter 165; 62 P. S. § 405.5; Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A Grant Diversion program is established whereby recipients who have not secured unsubsidized employment may be placed in subsidized employment with any employer approved by the Department. The Department may convert cash assistance and Food Stamp benefits of participating recipients and their dependents into wage subsidies for participating employers.

3. 55 Pa. Code § 151.43(f); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(1)):

TANF will be provided to a pregnant woman with no other children living with her from the date that she provides medical verification of the pregnancy and the child, when born, would be eligible for TANF based on the deprivation requirements at 55 Pa. Code Chapter 153.

4. 55 Pa. Code Chapter 165; 62 P. S. § 405.1(a.1); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A program, known as the Road to Economic Self-sufficiency through Employment and Training (RESET), is established to enable recipients of cash assistance to secure permanent full-time unsubsidized jobs or entry level or part-time jobs that lead to economic independence and self-sufficiency.

5. 55 Pa. Code § 165.21(c); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 407(b)(5)):

Exemptions from participation in RESET which are different from those in the previous program permit exemption of a single custodial parent caring for a child who has not attained 12 months of age for a maximum of 12 months in the parent's lifetime.

6. 55 Pa. Code § 165.31(f); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A recipient who has an Employment Development Plan approved prior to the implementation date of TANF will be allowed to continue in the approved activity or activities until the activity is completed if the recipient is making satisfactory progress according to the standards of the provider or until the recipient otherwise ceases to participate, whichever occurs first.

7. 55 Pa. Code § 165.2; 62 P. S. § 405.3; Pub. L. 104-193, Title I, Section 103 (Social Security Act section 408(b)(2)(A)(I)):

The definition of the Employment Development Plan is revised to reflect that it will become part of the Agreement of Mutual Responsibility.

8. 55 Pa. Code § 165.11(a); 62 P. S. § 405.1(a.3); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The requirements for verifying exemptions from employment and work-related activities are revised. An individual may be required to submit to an independent medical examination as a condition of receiving assistance.

9. 55 Pa. Code § 165.31(e); 62 P. S. § 405.1(a.2); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The following criteria for approving self-initiated education or training are added: after 12 months of participation in vocational education, general education, English-as-a-Second-Language (ESL), or job skills training, a person must also fulfill the job search and work-related activity requirements; after 24 months of receipt of cash assistance, a person must also fulfill the 20-hour work requirement described in § 165.31 [Section A-28 of this Notice of Rule Change].

An exception applies to individuals between 18 and 22 years of age who have not earned a high school diploma or a certificate of high school equivalency who can fulfill the work-related activity requirement for a maximum of 24 months by pursuing a high school diploma or a certificate of high school equivalency.

10. 55 Pa. Code § 165.51(a) and (b); 62 P. S. § 432.3(a); Pub. L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The conciliation process is revised to be consistent with Act 35 in determining whether an individual who fails to participate in the employment and training program (ETP) has good cause for failing to participate.

11. 55 Pa. Code § 175.24(f); 62 P. S. § 434:

Cash assistance for TANF recipients will be reduced by amounts obtained by cashing an assistance check at a gambling casino, racetrack, bingo hall, or other establishment which derives more than 50 percent of its gross revenues from gambling.

This requirement became effective in the GA program by a Notice of Rule Change published at 24 Pa.B. 2865, June 15, 1996, with an effective date of June 17, 1996 and, by this Notice, is effective under the TANF program.

12. 55 Pa. Code § 177.21(a)(2); 62 P. S. § 432.5(c)(4):

The full value of one vehicle per TANF or GA budget group will be exempt from consideration as a resource. The equity value of all other vehicles will be counted and applied toward the resource limit.

13. 55 Pa. Code §§ 125.1 and 133.23; 62 P. S. § 405.3(a), Pub. L. 104-193, Title I, Section 103 (Social Security Act section 408(b)):

Each applicant or recipient of cash assistance and other persons who are required to sign an application for assistance shall be required, as a condition of eligibility, to enter into a mutual agreement with the Department that will set forth the responsibilities and obligations to be undertaken by the recipient to achieve self-sufficiency, the time frames within which each obligation is to be completed, and the penalties for failure to comply with any one of the following obligations:

—Fulfill obligations for remaining free of alcohol and illegal drugs if substance abuse is determined to be a barrier to employment.

—Provide timely and accurate information; cooperate in the determination of paternity and enforcement of support; seek and participate in an educational program leading to a high school diploma or its equivalent, job training or work-related activities, and maintaining employment.

Any person who is required to sign an application for assistance and fails or refuses to enter into or cooperate in the completion of an Agreement of Mutual Responsibility shall be ineligible for assistance until the person completes and signs the agreement.

Penalties will be applied if the applicant or recipient fails to comply with the following:

—Failure to cooperate with child support requirements will result in the penalties described in § 141.21(e) [Section B-2 of this Notice of Rule Change].

—Failure to comply with employment and work-related requirements will result in the penalties described in §§ 165.61 and 165.71(b) [Section A-29 of this Notice of Rule Change].

14. 55 Pa. Code §§ 141.1(b)(5) and 153.44(d)(1)(vi); 62 P. S. § 432.3(a), (1), (2) and (b):

These 55 Pa. Code sections are being deleted because, when a disqualification occurs after an individual has received cash assistance for more than 24 months, the disqualification is imposed on the entire assistance group. The penalties for failure to comply with the RESET Program requirements are found at 55 Pa. Code § 165.61.

15. 55 Pa. Code § 141.21; 62 P. S. § 481(f):

An applicant or recipient who has been convicted of violating Section 481(a) of the Public Welfare Code, a crime commonly referred to as welfare fraud, is ineligible for cash assistance for a period of six months from the date of a first conviction, 12 months from the date of a second conviction, and permanently from the date of a third conviction.

This requirement became effective in the GA program by a Notice of Rule Change published at 24 Pa.B. 2865, June 15, 1996 with an effective date of June 17, 1996 and, by this Notice, is effective under the TANF Program.

16. 55 Pa. Code § 141.21; 62 P. S. § 432(9); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(9)(A)(ii)):

Cash assistance payments will not be made to persons who were sentenced for a felony or misdemeanor, who have not satisfied the penalty imposed by law by completing the period of incarceration and by paying of all fines, costs and restitution, or who are violating parole or probation. An exception is granted to a person who has been granted a pardon by the President of the United States.

This requirement became effective in the GA program by Notice of Rule Change published at 29 Pa.B. 545, March 2, 1996 and, by this Notice, is effective under the TANF Program. The definition of "satisfied the penalty" imposed by law was amended by Act 35 to include compliance with an approved plan for paying fines, costs, and restitution as an alternative to completion of payment.

This requirement became effective in the GA program by Notice of Rule Change published at 24 Pa.B. 2865, June 15, 1996, with an effective date of June 17, 1996 and, by this Notice, is effective under the TANF Program.

17. 55 Pa. Code § 141.21; 62 P. S. § 403(b); Pub.L. 104-193, Title I, Section 103 (Social Security Act section § 408(a)(9)):

Cash assistance payments will not be made to a person fleeing to avoid prosecution, or custody or confinement following conviction for a felony, or as felonies are classified in the state of New Jersey, a high misdemeanor.

18. 55 Pa. Code § 105.4(d); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(9)):

A Federal, State, or local law enforcement officer will have access to the address of a fugitive felon, parole or probation violator and the address of an individual who

may have information that the officer needs to conduct his official duties if the officer provides a warrant or other court order which authorizes the officer to arrest an individual.

19. 55 Pa. Code § 141.21; 62 P.S. § 403(b); Pub.L. 104-193, Title I, Section 115:

Cash assistance payments will not be made to persons who were convicted on or after August 22, 1996, under Federal or State law, of a felony offense related to illegal possession, use, or distribution of a controlled substance.

20. 55 Pa. Code § 141.21; 62 P.S. § 403(b); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(8)):

Cash assistance payments will not be made to a person for ten years from the date of conviction, in a Federal or State court of fraudulent misrepresentation of residence in order to receive TANF, GA, MA, food stamps, or Supplemental Security Income in two or more states.

21. 55 Pa. Code Chapter 165; 62 P.S. § 405.5; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A participant in Work Supplementation, known in Pennsylvania as Grant Diversion, may be assigned to fill any established, unfilled position vacancy.

22. 55 Pa. Code § 105.4(d); 62 P.S. §§ 414 and 432(9):

The Department of Public Welfare will exchange information with the Pennsylvania State Police and the Pennsylvania Board of Probation and Parole for purposes of identifying persons who have been sentenced for a felony or misdemeanor and have not satisfied the penalty imposed by law. The Pennsylvania State Police and Board of Probation and Parole will have access to the records of the Department's Assistance Recipient Identification Program (finger imaging file).

This requirement became effective in the GA program by Notice of Rule Change published at 9 Pa.B. 945, March 9, 1996 and, by this Notice, is effective under the TANF Program.

23. 55 Pa. Code §§ 141.41 and 141.61; 62 P.S. § 405.1(a.2)(1) and (2); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

A condition of eligibility is added to require nonexempt cash assistance recipients to seek employment, accept any offer of employment, and maintain employment. In addition, those who are not employed for an average of at least 20 hours per week must participate in a work-related activity as a condition of eligibility.

24. 55 Pa. Code § 165.1(a); 62 P.S. § 405.1; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The Department of Public Welfare will no longer give priority to individuals within certain target populations who volunteer to participate in an employment or training program. All nonexempt recipients will be required to participate in RESET.

25. 55 Pa. Code § 165.21(c); 62 P.S. § 405.1 (a.3) (1), (2) and (3); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

Under the RESET program, the following exemptions from employment and training requirements are eliminated: persons age 60 and up, persons working at least 30 hours per week, remoteness, providing care to another ill or incapacitated household member, pregnancy, and Volunteers In Service To America (VISTA) volunteers. Other

changes in the work-related eligibility criteria permit an exemption for providing care of a child under six years of age for whom child care arrangements are unavailable, revise the age exemption for children to under 18 years of age, redefine incapacity as a medically verified physical or mental disability which temporarily or permanently precludes any form of employment or work-related activity, and require persons who are temporarily disabled to pursue treatment.

26. 55 Pa. Code § 165.22; 62 P.S. § 405.1(a.4)(1), (2) and (3); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 402(a)(1)(A)(ii)):

A new section is added to specify when a person who was formerly exempt is required to participate in work or a work-related activity. If the person was exempt due to a physical or mental disability and the condition ceases in the first 22 months that the person receives cash assistance, the person is required to participate immediately. If the condition ceases after the person has received cash assistance for 22 months or more, the person is required to participate within eight weeks. A person who is exempt for providing child care for a child under age six is required to participate as soon as alternate child care arrangements are available or when the child becomes six years of age. An individual under 18 years of age is required to participate upon becoming 18 years of age, attaining a high school diploma or certificate of high school equivalency, or ceasing to pursue a high school diploma or a certificate of high school equivalency.

27. 55 Pa. Code § 165.31; 62 P.S. § 405.1(a.2), (3) and (4); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(a)(1)):

The initial work-related activity is an independent job search for up to eight weeks required upon initial authorization of benefits or within eight weeks of the recipient's next redetermination of eligibility. Recipients who do not find employment during the initial eight-week job search will be required to participate in a work-related activity.

28. 55 Pa. Code § 165.31; 62 P.S. §§ 402 and 405.1(a.2)(5) and (6); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 402(a)(1)(ii) and 407(d)):

After the initial eight-week job search, during the first 24 months of receiving assistance, an individual may fulfill the work-related activity requirement by participating in one or more of several approved activities. Those activities can include: subsidized employment, work experience, on-the-job training, community service, workfare, job search, job readiness/preparation activities, vocational educational training or job skills training. The approved activity also can include an employment and training program funded or approved by the Department that provides activities for a recipient to achieve rapid attachment to the work force, or that provides one-step access for the recipient to intensive case management, training, education, job readiness training, job search and individual job development that leads to job placement.

Vocational education, general education, English-as-a-Second-Language (ESL) study or job skills training can count as a work-related activity for a maximum of 12 months. The exception to this rule is that a recipient age 18 through 21 who does not have a high school diploma or its equivalent can fulfill the work-related activity requirement for a maximum of 24 months by pursuing a high school diploma or its equivalent.

After 24 months of receiving assistance, whether those months are consecutive or interrupted, the recipient must

work, participate in subsidized employment, work experience, on-the-job training, community service or workfare for an average of at least 20 hours per week, as a condition of receiving cash assistance.

29. 55 Pa. Code § 165.61; 62 P. S. §§ 432.3(a)(1) and (2) and (b) and 165.71(b); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 407(e)(1)):

During the first 24 months that an individual receives assistance, if he voluntarily reduces earnings by not fulfilling the 20-hour per week work requirement, without good cause, and he has not failed to comply with the work requirements in any other way, the sanction will be a reduction of the cash grant by an amount equal to the income that would have been earned if he had fulfilled the 20-hour per week work requirement.

For all other incidents of non-compliance with the work-related activity requirements, the person or family is disqualified as follows: for the first violation, a minimum of 30 days and thereafter until the person is willing to comply; for a second violation, a minimum of 60 days and thereafter until the person is willing to comply; for the third violation, permanent disqualification. An individual whose failure to comply results in a third sanction will not be notified of how to cure the sanction because the disqualification is permanent. The sanction is applied as follows: during the first 24 months, only the person who fails to comply is disqualified; after 24 months the entire assistance group is disqualified.

30. 55 Pa. Code § 501; 7 CFR 274.3; Pub.L. 104-193, Title VIII, Section 849 (Food Stamp Act of 1977, Section 16):

Food stamp benefits may be issued as a subsidy to the employer for households participating in a Work Supplementation Program, known in Pennsylvania as Grant Diversion.

31. 55 Pa. Code Chapter 177; 62 P. S. § 408.2; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 404(h)):

An Education Savings Account, known under TANF as an Individual Development Account (IDA), will be exempt from the eligibility determination and benefit calculation as long as the IDA is established to pay for post-secondary education expenses directly to an approved educational institution and the contributions are from earned income only.

This requirement became effective in the GA program under Act No. 1994-49 by a Notice of Rule Change published at 24 Pa. B. 4425, August 27, 1994, with an effective date of September 1, 1994; however, pursuant § 403(b), the Department must follow for GA TANF rules which restrict the account to savings from earned income to prevent a greater benefit to GA than under TANF.

32. 55 Pa. Code § 177.24(a)(1)(ii); 62 P. S. § 401(a), Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

This 55 Pa. Code section has been deleted because the face and cash surrender values of life insurance are excluded as resources.

33. 55 Pa. Code § 183.23; 62 P. S. § 401(a); Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

Income-in-kind for services rendered will be excluded from consideration in determining eligibility.

34. 55 Pa. Code § 177.22(b)(3); 62 P. S. § 401(a); Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

In cases where the family has been unable to sell nonresident property for reasons beyond their control, the nine-month time limit for disposing of such property will be extended for additional nine-month periods as long as the family is continuing to make a good faith effort to sell the property.

35. 55 Pa. Code § 177.21; 62 P. S. § 401(a), Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

Language has been added to clarify that all student financial assistance in the form of loans, grants, and scholarships continues to be excluded as a resource.

36. 55 Pa. Code § 183.38; 62 P. S. § 401(a); Pub. L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

All student financial assistance provided for educational expenses in the form of loans, grants and scholarships will be excluded as income, unless the assistance is provided solely to meet basic living needs.

37. 55 Pa. Code § 183.71; 62 P. S. § 401(a); Pub. L. 104-193, Title I, Section 103 (Social Security Act sections 401(a) and 404(a)(1)):

The gross earned and unearned income of a recipient will no longer be subject to the gross income eligibility limit (185 percent test).

SECTION B. THE FOLLOWING REQUIREMENTS APPLY TO THE TANF PROGRAM:

1. 55 Pa. Code § 101.1(a); Pub.L. 104-193, Title I, Section 103 (Social Security Act sections 401 through 419):

The Department will administer the Temporary Assistance for Needy Families program. All references to AFDC found within Title 55 as well as in Department Handbooks, Bulletins, and related materials are to be read and considered as applicable to TANF or to a TANF applicant or TANF recipient, unless doing so would be inconsistent with TANF requirements adopted pursuant to Federal Law, or this Notice of Rule Change.

2. 55 Pa. Code § 141.21(e); 62 P. S. §§ 403(b) and 432.7A; Pub.L. 104-193, Title I, Section 103, (Social Security Act section 408(a)(2)); 62 P. S. 432.7 A(b)(2) and (3):

Failure to cooperate in establishing paternity or securing a child support order, without good cause, will result in the removal of the applicant or recipient from the cash assistance grant and the imposition of protective payments for any child on whose behalf the applicant or recipient seeks assistance. If removal of the recipient from the grant does not reduce the family grant by a minimum of 25 percent, there will be an additional reduction so that the grant is reduced in an amount not less than 25 percent.

Determination of non-cooperation is the responsibility of the County Assistance Office, or Domestic Relations Section or Court.

The Courts are authorized to hold hearings to determine whether the applicant or recipient failed to cooperate without good cause. If the court determines that the failure to cooperate was without good cause, the court orders the Department to terminate assistance for the applicant or recipient. In addition, the Court is required

to notify the Department to impose a protective payment. The protective payment will be equal to at least a 25 percent reduction in the grant as set forth above. In addition, the Department is required to send a confirming notice to the applicant or recipient concerning the imposition of the protective payment. Should the Court decide not to hold hearings on noncooperation, Court or Domestic Relations Section personnel shall be available to testify at any Departmental hearing concerning noncooperation where the Court or Domestic Relations Section made the finding of noncooperation. A finding of noncooperation by an applicant or recipient shall not affect an obligor's duty to pay support.

3. 55 Pa. Code § 141.21; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(1)(B)):

A family is ineligible for cash assistance payments if it includes an adult who has received 60 months of TANF cash assistance. Assistance received as an adult or as a minor child head of household or as a minor child married to the head of household counts toward the 60-month limit. Periods of receipt need not be consecutive to count toward the 60-month limit.

4. 55 Pa. Code § 141.42; Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(1)):

A family is defined as a minor child and his parent(s) or other adult specified relative with whom he lives. A specified relative is considered a member of a family regardless of whether he is included in the TANF application or is applying only on behalf of the minor child.

5. 55 Pa. Code § 151.43(d); Pub.L. 104-193, Title I, Section 103 (Social Security Act section 408(a)(10)):

TANF may continue for minor children who are absent from or are expected to be temporarily absent from the home not more than 180 consecutive days.

A specified relative who fails to report within five days of the time it becomes clear that a minor child will be absent beyond the consecutive 180-day period will be ineligible for assistance for 30 days.

6. 55 Pa. Code §§ 141.41 and 145.43(a)(1)(ii); Pub.L. 104-193 Title I, Section 103 (Social Security Act section 419):

A minor child is defined as an individual who is under age 18 or age 18 and a full-time student in a secondary school or in the equivalent level of vocational or technical training.

7. 55 Pa. Code § 151.42; Pub.L. 104-193 Title I, Section 103 (Social Security Act section 408(a)(1)(A)(i)):

A specified relative is defined as an adult who is exercising responsibility for the care and control of the child by making and carrying out plans for support, education, and maintenance of the child and applying for assistance on behalf of the child. Exception: A minor parent may be designated the specified relative of her child although she does not meet the definition of an adult.

8. 55 Pa. Code § 151.42; Pub.L. 104-193 Title I, Section 103 (Social Security Act section 419):

An adult is defined as an individual over age 18 or age 18 and not a full-time student in a secondary school or in the equivalent level of vocational or technical training.

9. 55 Pa. Code § 147.23(a); 62 P. S. § 403(b), 432(5)(ii); Pub.L. 104-193 Title I, Section 103 (Social Security Act section 404(c)):

TANF cash assistance for applicants and recipients of TANF who have resided in Pennsylvania for less than 12 months shall not exceed the lesser of the maximum assistance payment that would have been received from the applicant's or recipient's state of prior residence or the family size allowance available to the applicant or recipient in Pennsylvania. If the applicant or recipient provides documentation that the move was necessary to escape an abusive situation, the Pennsylvania family size allowance will apply, not the prior state of residence allowance.

10. 55 Pa. Code §§ 125.1 and 133.23; 62 P. S. § 481.1:

TANF will be denied to an individual who, as a defendant, fails to appear at a criminal court proceeding when issued a summons or bench warrant.

This requirement became effective in the GA program by Notice of Rule Change published at 24 Pa.B. 2865, June 15, 1996, with an effective date of June 17, 1996 and, by this Notice, is effective under the TANF Program.

11. 55 Pa. Code §§ 168.11 and 168.15; 62 P. S. § 408(b):

Eligibility for Transitional Child Care (TCC) is expanded to include all former TANF recipients who are employed and cease to receive cash assistance for a reason other than a sanction or noncompliance with an eligibility condition.

12. 55 Pa. Code § 168.16; 62 P. S. § 408(b):

The 55 Pa. Code section at 168.16 is deleted to eliminate the requirement of receipt of AFDC in at least three of the six months immediately preceding the month AFDC payment is discontinued in order to qualify for TCC payments.

13. 55 Pa. Code § 187.23(a)(2); 62 P. S. § 432.7(b)(1):

The criteria for cooperation shall include, but is not limited to, taking the following actions: identifying the parents of any child for whom assistance is sought or received, including appearing for scheduled genetic testing with the child; keeping scheduled appointments with the Department or Domestic Relations Section (DRS); providing truthful and accurate information and documents requested by the Department or DRS; signing and returning any forms requested by the Department or DRS; appearing as a witness and providing testimony at judicial and other hearings as requested by the DRS; and paying to the Department any support payment received directly from an absent parent after an assignment of support has been made.

14. 55 Pa. Code § 187.23(a)(2); 62 P. S. § 432.6:

Prior to authorization, applicants for cash assistance will be required to appear before the DRS and to obtain from the DRS a certification that the applicant has cooperated in determining paternity and establishing support. Upon the request of a family court or DRS, the Secretary is authorized to waive the requirement of a personal appearance before a family court or DRS if another procedure would be as efficient and effective.

15. 55 Pa. Code §§ 187.23(a)(2) and 187.73; 62 P. S. § 432.7(b)(2):

The failure of the mother to identify the father by name shall create a presumption of noncooperation which may be rebutted only by clear and convincing evidence.

16. 55 Pa. Code § 187.22; 62 P. S. § 432.7(b)(3):

If the applicant or recipient provides the names of two putative fathers subsequently excluded from paternity by

genetic testing, the second exclusion shall create a presumption of noncooperation which may be rebutted only by clear and convincing evidence.

17. 55 Pa. Code §§ 187.23(a)(5) and 187.73; 62 P. S. § 432.7(A)(b)(1):

Upon the determination of noncooperation, absent a finding of good cause, the County Assistance Office will remove the applicant or recipient from the grant and establish a protective payment for any child on whose behalf the applicant or recipient seeks assistance. If removal of the applicant or recipient from the grant does not reduce the family grant by a minimum of 25 percent, there will be an additional reduction so that the grant is reduced in an amount not less than 25 percent.

18. 55 Pa. Code §§ 183.94(a), 183.96 and 183.98(4); 62 P. S. § 432.12:

A continuous 50 percent disregard from the gross earned income of recipients replaces the monthly disregard of \$90 per month deduction plus the time-limited \$30 and one-third of the remainder. Applicants who have not received TANF in one of the four months prior to application must pass the standard of need test, set forth in 55 Pa. Code § 183.94(2)(iv), to receive the 50 percent disregard.

SECTION C. THE FOLLOWING CHANGES APPLY TO THE MA PROGRAM:

1. 55 Pa. Code § 141.71(b)(6) and (7); Pub.L. 104-193, Title I, Section 114 (Social Security Act section 1931(b)(1)(B)):

This subsection is being expanded to provide TANF-related NMP-MA to persons determined ineligible for TANF due to one of the following:

—An applicant group determined ineligible for TANF benefits due to elimination of the \$50 child support disregard.

—A recipient group who has received TANF benefits and four months of extended medical assistance resulting from an increase in support.

2. 55 Pa. Code §§ 141.71(a) and 151.43(d); 42 U.S.C. § 1396a(a)(10)(A):

A minor child absent from the home more than 180 consecutive days is ineligible for NMP- MA. NMP-MA will not be granted to a specified relative who fails to report a child absent from the home within five days of the time it becomes clear that the minor child will be absent beyond the 180 consecutive-day period. Failure to report this change will result in ineligibility for NMP-MA for the specified relative for 30 days.

This change applies to TANF-related NMP-MA.

3. 55 Pa. Code § 140.421(2)(iv); 42 U.S.C. § 1396a(a)(10)(A):

Due to a TANF-related change which eliminated the time-limited earned income incentive, this subsection is deleted as an eligibility requirement for receipt of Extended Medical Coverage.

This change applies to TANF-related NMP-MA.

4. 55 Pa. Code § 181.251(a)(1)and(2); 42 U.S.C. § 1396a(a)(10)(A) and (C):

This subsection is being revised to eliminate the NMP-MA gross income test for TANF-related NMP-MA recipients.

5. 55 Pa. Code §§ 178.11(a)(4)(ii), 178.12(a)(5)(ii), 181.41(a)(4)(ii) and 181.42(a)(5)(ii); 42 U.S.C. § 1396a(a)(10)(A) and (C):

The definition of a minor child is revised to delete the graduation by age 19 requirement.

This change applies to TANF-related NMP-MA and MNO-MA.

6. 55 Pa. Code §§ 140.81(a)(1) and (2), 181.311(a)(1), (2) and (4); 42 U.S.C. § 1396a(a)(10)(A):

A continuous 50 percent disregard from the earned income of applicants and recipients replaces the \$90 per month deduction plus the time-limited \$30 and one-third of the remainder.

This change applies to TANF-related NMP-MA and Healthy Beginnings.

Applicants who have not received TANF in one of the four months prior to application must pass the applicant standard of need test to receive the 50 percent disregard for TANF-related NMP-MA.

7. 55 Pa. Code §§ 140.41, 140.65, 181.262 and 181.287; 42 U.S.C. § 1396a(a)(10)(A) and (C):

Student financial assistance provided for educational expenses is excluded as income. Any portion of the financial assistance designated solely for basic living needs such as housing and food is not excluded.

This change applies to TANF-related NMP-MA, MNO-MA and Healthy Beginnings.

8. 55 Pa. Code §§ 140.42(12), 140.53, 181.251(c)(3), 181.263(12), and 181.273; 62 P. S. §§ 403(b) and 441.1: 42 U.S.C. § 1396a(a)(10)(A) and (C):

Income-in-kind for services rendered is excluded from consideration in determining eligibility.

This change applies to TANF-related NMP-MA, MNO-MA, Healthy Beginnings, and GA-related MA.

9. 55 Pa. Code § 178.161(a)(12) and (14); 62 P. S. §§ 403(b) and 441.1:

The face and cash surrender values of life insurance are excluded as resources.

This change applies to GA-related MA.

10. 55 Pa. Code § 178.151(c); 62 P. S. §§ 403(b) and 441.1:

The time period for disposing of non-resident property is nine months with additional nine-month periods as long as the family is making a good faith effort to sell the property.

This change applies to GA-related MA.

11. 55 Pa. §§ 181.264 and 181.265; 62 P. S. §§ 403(b) and 441.1:

This 55 Pa. Code section has been revised because the first \$50 per month of court-ordered and voluntary support payments received, excluding arrearages, is now counted as income.

This change applies to GA-related NMP-MA and MNO-MA.

12. 55 Pa. Code Chapter 178; 62 P. S. §§ 403(b) and 441.1:

Educational Savings Accounts are excluded if the contributions to the account are only from earned income.

This change applies to GA-related NMP-MA and MNO-MA.

Fiscal Note: 14-NRC-068. (1) General Fund;
 (2) Implementing Year 1996-97 is
 (3) 1st succeeding Year 1997-98 is
 2nd succeeding Year 1998-99 is
 3rd succeeding Year 1999-00 is
 4th succeeding Year 2000-01 is
 5th succeeding Year 2001-02 is
 (4) Fiscal Year 1995-96 is
 Fiscal Year 1994-95 is
 Fiscal Year 1993-94 is

Cash Grants	Co. Administration	New Directions
\$27,312,000	\$688,000	\$21,882,000;
\$70,568,000	\$913,000	\$25,103,000;
\$72,068,000	\$913,000	\$19,537,000;
\$76,760,000	\$913,000	\$15,150,000;
\$76,750,000	\$913,000	\$9,038,000;
\$76,750,000	\$913,000	\$6,000,000;
\$588,488,000	\$38,889,000	\$33,199,000;
\$674,822,000	\$35,921,000	\$32,513,000;
\$724,632,000	\$36,099,000	\$44,873,000;

(7) Cash Grants; County Administration-Statewide; New Directions; (8) recommends adoption.

This regulatory action implements changes and additions to the Public Welfare Code as established by Act 1996-35 involving the elimination of the Aid to Families with Dependent Children (AFDC) program and replacing it with the Temporary Assistance for Needy Families (TANF) program.

The costs itemized above include additional job placement and training costs, increase in child care availability, increased supportive services and additional administrative costs. The cost estimates are reflected in the 1997-1998 Executive Budget with the exception of an additional \$325,000 in the Cash Assistance appropriation for 1996-97 and \$975,000 for 1997-98 and thereafter to provide for the elimination of the AFDC gross income test.

Offsetting the costs are savings estimated by the Department of Public Welfare as follows:

1996-97	\$7,344,000
1997-98	\$77,848,000
1998-99	\$148,751,000
1999-00	\$212,921,000

Savings are expected to continue at the 1999-00 level annually thereafter. All savings occur in the Cash Assistance appropriation. Savings related to the requirement that mothers identify the father of their child to receive benefits have not been included due to the unavailability of reliable data.

Certain regulatory provisions to the AFDC, General Assistance (GA) and Medical Assistance (MA) programs may have a minimal impact on MA benefits for certain recipients but because of inadequate data, the fiscal impact cannot be measured at this time.

[Pa.B. Doc. No. 97-317. Filed for public inspection February 28, 1997, 9:00 a.m.]

§ 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:

* * * * *

4. *Prize Play Symbols:* The prize play symbols and their captions located in the three prize play areas are: \$1⁰⁰ (ONE), \$2⁰⁰ (TWO), \$5⁰⁰ (FIVE), \$10\$ (TEN), \$20\$ (TWENTY), \$40\$ (FORTY), \$100\$ (ONE HUN) and \$1000 (ONE THO).

* * * * *

(k) Holders of tickets where "Your Card" beats the "Their Card" in the same "Hand," and a prize play symbol of \$5⁰⁰ (FIVE) in the prize area for that "Hand," and an A (ACE) play symbol appears in the "Hole Card" area, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets where "Your Card" beats the "Their Card" in the same "Hand," and a prize play symbol of \$5⁰⁰ (FIVE) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets where "Your Card" beats the "Their Card" in the same "Hand," and a prize play symbol of \$2⁰⁰ (TWO) in the prize area for that "Hand," and an A (ACE) play symbol appears in the "Hole Card" area, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets where "Your Card" beats the "Their Card" in the same "Hand," and a prize play symbol of \$2⁰⁰ (TWO) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets where "Your Card" beats the "Their Card" in the same "Hand," and a prize play symbol of \$1⁰⁰ (ONE) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$1.

* * * * *

[Pa.B. Doc. No. 97-97-223. Filed for public inspection February 14, 1997, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Ace in the Hole Instant Lottery Game

[Correction]

An error occurred in the document relating to the Pennsylvania Ace in the Hole Instant Lottery Game, which appeared at 27 Pa.B. 843, 844 (February 15, 1997). The correct version of the document is as follows with ellipses referring to the existing text of the document:

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code

Pennsylvania Lottery 25th Anniversary TV Game Show

In accordance with 61 Pa. Code § 869.9(c) (relating to description of the Pennsylvania Lottery 25th Anniversary TV Game Show), that enables the Department to add additional games to the Pennsylvania Lottery 25th Anniversary TV Game Show by publishing a notice in the *Pennsylvania Bulletin* prior to the taping of the show, the Department hereby announces a game entitled Free Fall. Free Fall will be played during the Pennsylvania Lottery 25th Anniversary TV Game Show. A description of Free Fall is as follows:

1. The Free Fall is a rectangular semivertical device that contains several rows of pegs. At the bottom of the device, below the pegs, are eight individual slots. On one side of the device is a launching mechanism consisting of a spring-loaded piston that is released when the contestant pulls a lever. This action propels a ping-pong ball upward to the top of the device. At this point the ball drops a few inches to a funneled position created by two flippers in constant motion. This randomly directs the ball to a point along the top row of pegs. As the ball drops, it randomly bounces on and through the pegs until it lands in one of eight slots at the bottom.

2. To play the game, the contestant launches the ping-pong balls one at a time. Each time a ball lands in a vacant slot, as determined by the bottom of the ball having passed the midpoint on the pair of brass pins immediately above the slot, the contestant wins the amount of money identified with that slot. The money accumulates with each succeeding drop into an empty slot. However, if a ball lands in a slot that already contains a ball, the contestant receives no additional money and earns a strike. At two strikes, the contestant is given a choice to either stop and keep the contestant's current winnings or to continue playing. If the contestant continues and the next ball launched lands in a vacant slot, the contestant's current accumulated prize total is doubled. However, if the contestant earns a third strike, the contestant loses half of the accumulated prize total, and the game is over. Each time the accumulated prize total is successfully doubled, the contestant is again offered the same options, and play continues until the first event of any one of the following occurs:

(a) If after any successful doubling of a contestant's winnings, the amount of winnings if doubled once again, would exceed the prize dollar limit as determined by the Lottery, then the game is deemed over.

(b) After a successful doubling, the contestant chooses to stop and keep the contestant's winnings.

(c) All the slots are successfully filled, before reaching the prize dollar limit.

(d) A third strike occurs.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-318. Filed for public inspection February 28, 1997, 9:00 a.m.]

Pennsylvania Quick Cash 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 Quick Cash.

2. *Price:* The price of a Pennsylvania Quick Cash instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Quick Cash instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: FREE (TICKET), \$1⁰⁰ (ONE), \$2⁰⁰ (TWO), \$5⁰⁰ (FIVE), \$10\$ (TEN), \$20\$ (TWENTY), \$40\$ (FORTY), \$100\$ (ONE HUN), \$500\$ (FIV HUN) and \$5000 (FIV THO).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$1, \$2, \$5, \$10, \$20, \$40, \$100, \$500 and \$5,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 9,330,000 tickets will be printed for the Pennsylvania Quick Cash instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$5000 (FIV THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$500\$ (FIV HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$500.

(c) 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.

(d) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three matching play symbols of \$10\$ (TEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(j) 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).

(k) A prize will be paid only for the highest Pennsylvania Quick Cash 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 the Pennsylvania Quick Cash until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete

the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million—annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code § 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 9,330,000 Tickets</i>
One Free Ticket Plus Entry	1:9	1,038,667
\$1	1:20	466,500
\$2	1:40	233,250
\$5	1:100	93,300
\$10	1:120	77,750
\$20	1:200	46,650
\$40	1:799.97	11,663
\$100	1:3,999	2,333
\$500	1:40,043	233
\$5,000	1:466,500	20

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Quick Cash 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 Penn-

sylvania Quick Cash 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 Quick Cash prize money on winning Pennsylvania Quick Cash 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 Quick Cash, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Quick Cash or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-319. Filed for public inspection February 28, 1997, 9:00 a.m.]

Pennsylvania Payday 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 Payday.

2. *Price:* The price of a Pennsylvania Payday instant lottery game ticket is \$1.00.

3. *Play Symbols:* The "Play Area" will contain a "Your Bill" area and a "Lucky Bills" area. The play symbols and their captions located beneath the "Your Bill" area and the "Lucky Bills" area in the "Play Area" are: \$1⁰⁰ (ONE), \$2⁰⁰ (TWO), \$5⁰⁰ (FIVE), \$10\$ (TEN), \$20\$ (TWENTY), \$100\$ (ONE HUN), \$1000 (ONE THO) and \$5000 (FIV THO).

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

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,076,400 tickets will be printed for the Pennsylvania Payday instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets where the "Your Bill" play symbol of \$5000 (FIV THO) matches the "Lucky Bills" play symbol of \$5000 (FIV THO), on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets where the "Your Bill" play symbol of \$1000 (ONE THO) matches the "Lucky Bills" play symbol of \$1000 (ONE THO), on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets where the "Your Bill" play symbol of \$100\$ (ONE HUN) matches the "Lucky Bills" play symbol of \$100\$ (ONE HUN), on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where the "Your Bill" play symbol of \$20\$ (TWENTY) matches the "Lucky Bills" play symbol of \$20\$ (TWENTY), on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets where the "Your Bill" play symbol of \$10\$ (TEN) matches the "Lucky Bills" play symbol of \$10\$ (TEN), on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets where the "Your Bill" play symbol of \$5⁰⁰ (FIVE) matches the "Lucky Bills" play symbol of \$5⁰⁰ (FIVE), on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets where the "Your Bill" play symbol of \$2⁰⁰ (TWO) matches the "Lucky Bills" play symbol of \$2⁰⁰ (TWO), on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets where the "Your Bill" play symbol of \$1⁰⁰ (ONE) matches the "Lucky Bills" play symbol of \$1⁰⁰ (ONE), on a single ticket, shall be entitled to a prize of \$1.

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

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,076,400 Tickets</i>
\$1 x 1	\$1	1:10	1,007,640
\$1 x 2	\$2	1:30	335,880
\$2 x 1	\$2	1:40	251,910
\$2 x 2	\$4	1:100	100,764
\$1 x 4	\$4	1:200	50,382
\$1 x 5	\$5	1:400	25,191
\$5 x 1	\$5	1:400	25,191
\$2 x 5	\$10	1:400	25,191
\$5 x 2	\$10	1:400	25,191
\$10 x 1	\$10	1:800.03	12,595
\$5 x 3	\$15	1:800.03	12,595
\$5 x 4	\$20	1:800.03	12,595
\$10 x 2	\$20	1:1,000	10,076
\$20 x 1	\$20	1:1,600	6,297
\$10 x 4	\$40	1:1,600	6,297
\$20 x 2	\$40	1:1,600	6,297
\$20 x 5	\$100	1:4,000	2,519
\$100 x 1	\$100	1:4,000	2,519
\$100 x 2	\$200	1:12,010	839
\$1,000 x 1	\$1,000	1:458,018	22
\$5,000 x 1	\$5,000	1:916,036	11

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Payday 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 Payday, prize money on winning Pennsylvania Payday 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 Payday instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and

the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Payday or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-320. Filed for public inspection February 28, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Luzerne County

Under the provisions of section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation is proposing a project to construct the southwest segment of the Hazleton Beltway that will link S. R. 309 at the existing terminus of the Heights Beltway with Interstate 81. The southwest segment of the Beltway will be a two-lane arterial highway approximately 1.6 kilometers (1 mile) in length and will be located 2 kilometers (1.25 miles) south of Hazleton in Hazle Township, Luzerne County. The Department of Transportation has received environmental clearance in the form of a Finding of No Significant Impact from the Division Administrator of the Federal Highway Administration.

No adverse environmental effect is likely to result from the construction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-321. Filed for public inspection February 28, 1997, 9:00 a.m.]

Finding

Mifflin County

Under the provisions of section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)) the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to reconstruct State Route 0022, Section C02 in Mifflin County.

The project consists of minor improvements from Wakefield Road to the Mifflin County Industrial Park area and features a limited access roadway which will

connect U. S. 22 near the Mifflin County Industrial Park to U. S. 322 at Electric Avenue.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-322. Filed for public inspection February 28, 1997, 9:00 a.m.]

Retention of Engineering Firms

Montgomery County Project Reference No. 08430AG2055

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design and construction consultation for S. R. 0073, Section M04, Church Road, in Cheltenham and Springfield Townships, Montgomery County. This project involves minor roadway reprofiling and curve adjustment, roadway overlay, curbing and shoulder construction, drainage improvements, grading and retaining wall construction, guide rail upgrading, traffic signal upgrading intersection reconstruction and signalization. The project length is 3.7 kilometer (2.27 miles). The estimated project construction cost is \$1.5 million.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and sedimentation control design; right-of-way investigation and plan; structure design; preparation of traffic control, pavement marking and signing plans; traffic signal design; utility coordination and design; coordination with DEP, Corps of Engineers, municipal officials and the public; preparation of final plans, specifications and estimates; shop drawing reviews; alternate design review; and construction consultation.

The selected firm will also be required to provide environmental services to identify and assess the following: historic and archaeological resources; regional and community growth; land use and development patterns; wildlife habitat; floodplains; surface water and groundwater; vegetation; geological resources; noise and air quality; parks and recreational facilities; emergency service, health, and educational facilities; utility locations; residential and commercial property values; hazardous waste; aquatic resources; vibration; aesthetics and visual qualities; and construction impacts.

The environmental studies will be conducted to prepare a *Categorical Exclusion* in accordance with accepted analysis techniques and methodologies.

The selected firm will be required to perform the following to insure that a complete environmental investigation has been performed; provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, conduct agency and public involvement activities, and prepare reports and mitigation plans. The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; project need; preliminary alternatives analysis; meeting minutes; newsletters; mailing lists; public meetings; handouts and displays; NEPA environmental documents; Section 106 documents; Section 4(f) evalua-

tion; mitigation plans and reports; hazardous waste mitigation plans; DEP permits, Corps of Engineers 404 permits; formulating and participating in public involvement program; and coordinating the development of the study with various agencies and special interest groups.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Questions concerning this requirement should be directed to Timothy R. O'Brien, P.E., at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

We encourage small firms to submit a letter of interest for this assignment.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Andrew L. Warren, District Administrator, 200 Radnor-Chester Road, St. Davids, PA 19087.

Technical questions concerning the requirements for this project should be directed to Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526 or Joseph L. Capella, District 6-0, at (610) 964-6611.

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

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the letter of interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Agreement Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The letter of interest and required information must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate letters of interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation, shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include the following information, and the information must be packaged and presented in the following order:

1. Transmittal Letter (maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable) and the firm's Federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service

they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the letter of interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next 2-year time frame. The Workload Projection Graph should be submitted for the offices where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the letter of interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include, with each letter of interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten one sided pages or five double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisements will be made to one of the firms who submitted an acceptable letter of interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-323. Filed for public inspection February 28, 1997, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Downingtown Area Regional Authority v. DEP; EHB Doc. No. 96-154-MG

The Department of Environmental Protection (Department) and Downingtown Area Regional Authority (DARA) have agreed to a settlement of the appeal at the above-referenced docket.

On June 21, 1996, the Department issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA 0026531 (Permit) to DARA which authorized the discharge of treated effluent to the east branch of Brandywine Creek from the Publicly Owned Treatment Works (POTW) located at 550 South Brandywine Avenue, Downingtown, PA, in East Caln Township, Chester County, and set effluent limits and monitoring requirements for the discharge. DARA filed a timely appeal from the Department's issuance of the Permit, objecting to the effluent limitations in the Permit for chlorodibromomethane, dichlorobromomethane and copper.

The Permit specifies monitor only limits for copper during the first 3 years of the Permit, but sets more stringent effluent limits for copper beginning in the fourth year of the permit. Similarly, for chlorodibromomethane and dichlorobromomethane, the Permit sets more stringent effluent limits beginning in the fourth year of the Permit. These more stringent effluent limitations for copper, chlorodibromomethane and dichlorobromomethane are referred to collectively hereafter as "fourth-year effluent limitations." The permit specifies that the fourth year effluent limitations are considered to be Preliminary Water Quality Based Effluent Limitations (PWQBELs). The Permit affords DARA two options with respect to the PWQBELs: (1) DARA may accept the PWQBELs which have been developed based

on the Department's modeling, in which case the PWQBELS become final and enforceable against DARA beginning in the fourth year of the Permit, or (2) DARA may elect to conduct site specific tests to be used by the Department in verifying and refining the PWQBELS, in which case the PWQBELS cannot be effective until the Department modifies the Permit to include final effluent limitations.

By letter dated August 5, 1996, DARA informed the Department that it would conduct site specific tests. The effect of DARA's election to perform site specific tests is that the fourth year effluent limitations or PWQBELS for copper, chlorodibromomethane and dichlorobromomethane will not be effective unless and until the Department modifies the Permit to include them. Specification of the fourth year effluent limitations in the Permit therefore does not constitute final Department action.

The parties have agreed to a settlement of the appeal in accordance with the following terms:

A. The parties understand that the fourth year effluent limitations may become final and effective as to DARA only upon final Department action to modify or amend the Permit to include such limits, at which time DARA shall have the opportunity to challenge the final limits. DARA shall have the right to challenge such final limits for any reason, including, without limitation, the reasons enumerated in the Notice of Appeal filed at this docket.

B. DARA's appeal at this docket is withdrawn.

Copies of the full agreement are in the hands of:

Edward Gerard Conroy, Esquire, 310 North High Street, P. O. Box 885, West Chester, PA 19381-0885, (610) 696-0441;

Martha E. Blasberg, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park—555 E. North Lane—Suite 6015, Conshohocken, PA 19428-2233, (610) 832-6313;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement which becomes final if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-324. Filed for public inspection February 28, 1997, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Notice

The following meetings of the Health Care Cost Containment Council have been scheduled: Wednesday,

March 5, 1997, Education Committee at 10 a.m.; Data Systems Committee at 1:30 p.m. The meetings will be held at the Pennsylvania Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101. Thursday, March 6, 1997, Council Meeting at 10 a.m. The meeting will be held in Conference Room 116 at the Hospital and Healthsystems Association of Pennsylvania, 4750 Lindle Road, Harrisburg, PA. The meetings are open to the public. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 97-325. Filed for public inspection February 28, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Highmark Blue Cross Blue Shield; Caring Program for Children Health Care Benefit Program; Filing No. 1-CPC-97-HBCBS

By filing no. 1-CPC-97-HBCBS, Highmark Blue Cross Blue Shield proposes to make the Caring Program for Children health care benefit program available to children from birth to age 18 (inclusive), in the 29 counties of western Pennsylvania whose family's income level is above 235% of the Federal Poverty level. The proposed rate filing will provide a program at cost to those children currently not eligible for the Caring Program for Children health care programs.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-326. Filed for public inspection February 28, 1997, 9:00 a.m.]

Thomas J. McGettigan; Doc. No. AG97-01-009

A hearing in the above-captioned matter is scheduled for April 3, 1997, at 1 p.m.

Proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law) and the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II.

The hearing will be held as follows:

Location: Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Date: April 3, 1997.

Time: 1 p.m.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-327. Filed for public inspection February 28, 1997, 9:00 a.m.]

Mark S. Sterner; Doc. No. AG97-02-023

A hearing in the above-captioned matter is scheduled for April 22, 1997, at 9 a.m.

Proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law) and the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II.

The hearing will be held as follows:

Location: Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Date: April 22, 1997

Time: 9 a.m.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-328. Filed for public inspection February 28, 1997, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Columbia County, Wine and Spirits Shoppe # 1901, Berwick Plaza, 1530 W. Front Street, Berwick, PA 18603-4321.

Lease Expiration Date: August 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 to 4,000 net useable square feet of new or existing retail commercial space within the Borough of Berwick.

Proposals due: March 28, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Lancaster County, Wine and Spirits Shoppe # 3603, Columbia Shopping Center, 36 S. 18th Street, Columbia, PA 17512-9595.

Lease Expiration Date: February 28, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space on PA Route 462, West Hempfield Township.

Proposals due: March 28, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 97-329. Filed for public inspection February 28, 1997, 9:00 a.m.]

MILK MARKETING BOARD

Presubmission Schedule and Prehearing Conference for All Milk Marketing Areas; Over-Order Premium; Hearing

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1204) that the Commonwealth of Pennsylvania, Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1, 2, 3, 4, 5 and 6 on April 9, 1997, at 9 a.m. in Room 309 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing will be to receive testimony and exhibits concerning whether an adjustment should be made to the \$.50 level of the over-order premium scheduled to go into effect May 1, 1997, under Official General Order A-893, as requested in petitions filed by the Pennsylvania Farm Bureau, the Pennsylvania Farmers Union, the Pennsylvania State Grange and the National Farmers Organization. The Board will also receive testimony and exhibits concerning modification of the over-order premium calculation to account not only for milk produced, processed and sold within Pennsylvania, but also for milk purchased from producers in Pennsylvania and utilized in a state with a mandated Class I premium in order to capture those out-of-State premiums, as requested in a petition filed by Board staff.

The petitioners shall be deemed to be parties for purposes of this hearing. Other interested persons as defined in section 801 of the Milk Marketing Law who wish to present testimony or exhibits, or both, at the hearing shall file with the Board on or before March 21, 1997, a written request to be included on the Board's list of parties.

(A) Each party shall file with the Board seven copies and serve on all other parties one copy of the following on or before March 27, 1997:

(1) A written designation identifying each witness who will testify on behalf of the party at the hearing, including identification of any witness who will testify as an expert.

(2) A statement of the subjects concerning which each witness will testify.

(3) A copy of each exhibit to be presented, including but not limited to financial statements, accounting statements, accounting schedules and economic statistics.

(B) Requests by parties for Board staff to provide data pertinent to this hearing shall be made in writing and received in the Board office on or before March 21, 1997.

(C) Parties shall file seven copies of rebuttal exhibits with the Board and serve one copy on all other parties on or before April 3, 1997.

(D) Parties shall have available in the hearing room at least 20 copies of the documents described in (A)(1)—(3) and (C) for the use of nonparties attending the hearing.

(E) Parties wishing the Board to take administrative notice of any document shall, when notice is requested, provide a copy of the document to each Board member and to all other parties. At least 20 additional copies shall be available for the use of nonparties attending the hearing.

The Board may exclude witnesses, evidence or exhibits of a party who failed to comply with the requirements of (A) and (C).

There will be a prehearing conference for all parties on April 7, 1997, in Room 110 of the Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA, beginning at 2 p.m.

Persons who require this information in an alternate format should call (717) 787-4194 or 1 (800) 654-5984 (PA Relay Service for TDD Users).

O. FRANK DEGARCIA,
Executive Secretary

[Pa.B. Doc. No. 97-330. Filed for public inspection February 28, 1997, 9:00 a.m.]

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Basic Training and In-Service Training Requirements for Municipal Police Officers

In accordance with 37 Pa. Code Chapter 203 (relating to administration of the program), notice is hereby given by Municipal Police Officers' Education and Training Commission (Commission) of the various requirements for mandatory recruit and in-service training for all police officers subject to the act of June 18, 1974 (act) (P. L. 359, No. 120) (53 P. S. § 744(15)).

Questions may be directed to Robert Nardi, Administrative Officer, Municipal Police Officers' Education and Training Commission, 75 East Derry Road, Hershey, PA 17033.

COLONEL PAUL J. EVANKO,
Chairperson

§ 203.11(9)(F) (relating to minimum grade for basic training courses)—The minimum passing score for each tested area of the basic training curriculum is 75%, except for the shotgun qualification which is 70%, and first aid and CPR which are set by the certifying agency.

§ 203.33(b)(14) (relating to testing procedures)—Under the current curriculum, there are the following 26 tested areas:

<i>Test</i>	<i>Major Topic Area</i>	<i>Examination on Section(s)</i>	<i>Passing Score</i>	<i>Type Test</i>
1	Law Enforcement Orientation	A, B, C, D, E, and F	75%	Written
	Law Enforcement Orientation	G	Self-Assessed	
2	Professional Development	A	Pass/Fail	Instructor Evaluation
3	Professional Development	B	75%	Written
4	Professional Development	C	75%	Written
5	Professional Development	D	Pass/Fail	Written and Instructor Evaluation
6	Law	A and H	75%	Written
7	Law	B	75%	Written
8	Law	C and D	75%	Written
9	Law	E, F, G, I, J, K, and L	75%	Written
10	Motor Vehicle Code	All	75%	Written
11	Patrol Procedures and Operations	All	75%	Written
12	Investigations	All	75%	Written
13	Communications	All	75%	Written
14	Handling Violent and Dangerous People	A, B, C, and E	75%	Written
15	Handling Violent and Dangerous People	D	Pass/Fail	Instructor Evaluation

<i>Test</i>	<i>Major Topic Area</i>	<i>Examination on Section(s)</i>	<i>Passing Score</i>	<i>Type Test</i>
16	Custody	A, C, D, E, and F	75%	Written
17	Custody	B	Pass/Fail	Instructor Evaluation
18	First Aid	Hours and completion standards set by certifying agency		
19	CPR	Hours and completion standards set by certifying agency		
20	Firearms	A, B, and C Safety Test—Handgun	75%	Written
21	Firearms	H Safety Test—Shotgun	75%	Written
22	Firearms/Handgun	G Qualification	75%	Instructor Evaluation
23	Firearms/Shotgun	I Qualification	70%	Instructor Education
24	Firearms	Test	75%	Written
25	Operation of Patrol Vehicle	A and B	75%	Written
26	Operation of Patrol Vehicle	C	75%	Instructor Evaluation

§ 203.51(a) (relating to the number of hours required in the basic police training course)—The number of hours required in the basic police training course is 476 hours, in addition to training in first aid and CPR.

§ 203.52(b)(2) (relating to academic in-service requirements)—All police officers in Pennsylvania are required to take 12 hours of classroom training each year, qualify with their duty weapon(s) and be certified in first aid and CPR. The following courses have been developed for 1997:

Required Course

(97-201) Updates (3 hours)—As in prior years, this course will provide an overview of the recent changes in *Pennsylvania's Crimes Code, Vehicle Code, Rules of Criminal Procedure*, and significant *Commonwealth* and *Supreme Court* decisions.

Elective Courses

(97-311) Officer Safety VII (3 hours)—The course design will continue to utilize video vignettes in a stop-tape/discussion format as was done in the previous courses in the Officer Safety curriculum. The focus of the course will be on a deescalation of force philosophy. Topics will include: awareness of less than lethal weapon technology, that is; "beanbag rounds"; application in the force continuum; the "winning mind"; and tactical communications (a variation of Verbal Judo).

(97-312) Accident Investigation (6 hours)—This course is intended to provide participants with an overview of accident investigation procedures, and may serve as a foundation for, or introduction to, a more lengthy accident investigation course. Initial course topics include: Essential Report Writing Elements of the Accident Report Form, Accident Diagrams, an Introduction to the Basics of Accident Reconstruction, and other topical areas.

(97-406) Interview and Interrogation II (6 hours)—Builds upon the Commission's 1995 Cognitive Interviewing course to cover interrogation techniques. The course design utilizes a video package including vignettes of actual interviews and interrogations. The goal of this course is to provide a realistic and proven process for the investigator to use when conducting interviews of victims and witnesses, or when interrogating criminal suspects. This course also addresses pertinent legal issues.

(95-503) Effective Management Communication (9 hours)—This course is to be offered with the *Updates* and provides excellent information to police managers. This course also demonstrates that effective communications is a critical element of management. The current course description is: Communications Theory; Effective Listening Techniques; Upward, Downward, and Lateral Communications; Communicating with the Media; Developing a Personal Communications Plan.

§ 203.52(c)(6) (relating to minimum passing scores for mandatory in-service training courses)—The minimum passing score for mandatory in-service training courses is 70%.

[Pa.B. Doc. No. 97-331. Filed for public inspection February 28, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Chapter 28 Electricity Generation Customer Choice and Competition Act Licensing Require- ments for Electric Generation Suppliers; Doc. No. M-00960890 F. 0004

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

Public meeting held
February 13, 1997

Final Order

By the Commission:

On January 16, 1996, the Commission issued a Tentative Order which proposed interim procedures for the licensing of electric generation suppliers. A draft application and a Code of Conduct for electric generation suppliers were attached to the order. The Tentative Order established a comment period ending January 31, 1997

during which public comment could be submitted. The order was served on well over 200 persons including the Office of Consumer Advocate, the Office of Small Business Advocate, Pennsylvania jurisdictional electric utilities and members of the Electric Stakeholders Group. The Commission order was also posted on the Commission's electronic bulletin board. Comments were received from numerous parties. A list of these commentators is following this order as Appendix A.

We have considered all of the comments which were submitted. We appreciate and thank all the commentators who provided worthwhile suggestions to improve the proposed interim procedures, the draft application and the proposed Code of Conduct. We have identified issues which were common to a majority of the comments, and will address them in this order. For the convenience/ease of use, we have Appendices B, C, and D following this order, respectively, the interim licensing procedures, the application, and the Code of Conduct revised in accordance with the discussion in the body of this order.

Licensing in General

Numerous commentators indicated confusion as to whether licenses were needed by certain entities, or for certain arrangements and/or transactions undertaken. Recognizing that we cannot possibly anticipate all the circumstances under which electric generation will be supplied or purchased for use by end use customers, we can provide only general guidance.

Section 2809 provides in pertinent part that:

License Requirement.—No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission.

66 Pa.C.S. § 2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

66 Pa.C.S. § 2803.

Examining the express language of the above-quoted sections, it seems clear that a self-generator who transports electric generation over transmission or distribution lines to serve itself or its subsidiaries would not need a license. A self-generator who plans to sell excess electric generation to the grid also probably does not need a license as it appears to be a wholesale sale. Other situations are not quite as clear. If a party is uncertain as to whether a license is required in his or her particular situation, a letter should be submitted to the Commission's Chief Counsel requesting a legal opinion.

We anticipate that a variety of forms of aggregation such as urban cooperatives, buyers clubs, community-

based organizations and fraternal organizations may want to enter into agreements with licensed electric suppliers on behalf of, or to provide service to their members. Licenses for such arrangements may or may not be required and an opinion of counsel may be requested regarding such arrangements. In addition, bonding or financial security for such an aggregator can be adjusted commensurate with the service offered by the aggregator. See discussion on "Security Bonding," *infra*.

Our reading of the law as it applies to existing electric public utilities is that a license is not required for it or its electric generation division to provide electric generation within its certified territory. However, as such service will be provided under the utility's certificate of public convenience, it must be provided at the tariffed rate. Any deviation from the tariffed rate must be approved by the Commission. A license is required for a utility or utility division that wishes to provide electric generation service outside its certified territory, and for an affiliated electric generation supplier. Note that an electric utility affiliate operating under a license is subject to the same requirements as other electric generation suppliers.

Commentators have suggested that interim licenses be grandfathered into permanent licenses under licensing regulations which will be promulgated. Although the suggestion may have merit, we believe that it is premature to consider such a proposition at this time and will defer the matter to a future rulemaking proceeding.

Section 2809(f), 66 Pa.C.S. § 2809(f), requires that prior to approving the licensure of any broker and marketer or aggregator, the Commission must set forth standards to ensure that all retail customer classes may choose to purchase electricity through a broker and marketer or aggregator. The standards and procedures adopted under this order are meant to reflect those section 2809(f) standards.

Applicability of Chapter 56

Commentators raised questions regarding the applicability of certain provisions of Chapter 56¹ to the operation of the electric generation suppliers, specifically in regard to termination of service. We agree that an electric generation supplier cannot physically disconnect a customer from the electricity grid, and that the service termination provisions are not applicable. In its comments, Office of Consumer Advocate (OCA) provided a reasonable protocol for allowing an electric generation supplier to cease its provision of service to a non-paying customer:

One way to address this issue would be to allow the generation supplier to seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The customer could then attempt to repair their relationship with the supplier, seek a new supplier, or default to utility service at capped rates in accordance with the utility's obligations under section 2807(e). 66 Pa.C.S. § 2807(e). The customer would only be disconnected from the electricity grid pursuant to Chapter 56 if the customer failed to meet their obligations to the utility or the provider of last resort.

OCA, pp. 9-10.

We believe that the procedure proposed by OCA is acceptable as an interim solution and will adopt it as such.

¹ As further guidance to electric generation providers we note that Chapter 56 is applicable *only* to residential accounts.

Universal Service, Consumer Education, Energy Conservation and Environmental Concerns

Comments were raised regarding universal service, consumer education, energy conservation and environmental concerns. While the Commission recognizes that the commentators have concerns in these areas, we do not believe that it is necessary to discuss these issues in the context of licensing requirements. We will address these issues as they are appropriate in future Commission proceedings.

Market Power

With respect to market power issues, we would note that several commentators raised the issue of market power in the context of the licensing process. While section 2811 of the Public Utility Code, 66 Pa.C.S. § 2811, provides the Commission with the requisite authority to address this issue by its own motion or through a complaint procedure, we believe that it is important to state, at this time, that the granting of a license by the Commission should not be construed as an adjudication or resolution of current or future market power challenges or issues.

Voluntary Cessation of Operation

Comments were received questioning Commission authority to approve abandonment of an electric generation supplier's license. The Commission recognizes the dynamics of a competitive market and that players can quickly change in the marketplace. However, to ensure the reliability of the system and continuation of high quality electric service to the public, the Commission needs to know which electric generation suppliers are continuing to provide service. Moreover, the Commission has specific authority to approve transfers of licenses under section 2809(d), and it therefore follows that the Commission must be able to verify that a license was not improperly transferred rather than abandoned. Accordingly, the Commission will require that an electric supplier that intends to cease operations must notify the Commission, the electric distribution company, and its customers 30 days prior to their ceasing operations.

Compliance and Penalties, Including Revocation

Comments were received regarding the authority of the Commission to fine electric generation suppliers and ultimately to revoke their license. Section 2809(e) allows the Commission in regulating electric generation suppliers to impose requirements that are necessary to ensure that the present quality of service provided by electric utilities does not deteriorate and assuring that Chapter 56 standards and billing practices for residential service are maintained. To carry out these duties, the Commission must have the necessary authority to restrain violations of its regulations, rules, directions and orders. Accordingly, under section 3301, 66 Pa.C.S. § 3301, the Commission has the ability to fine those electric generation suppliers who violate the law, and increase the fine for continuing violations.

Notwithstanding the fact that the Commission has been given the authority to revoke electric generation supplier licenses under specific circumstances, for example, for the failure to pay the gross receipts tax, section 2809(c)(1)(iv), the Commission believes that it may revoke the license of any electric generation supplier that exhibits a continuing pattern of violation to the extent that continuation of its operation is found to be contrary to the public interest.

Newspaper Notice

Many comments were received urging that newspaper notice would be burdensome. In our proposed interim procedures, we specifically indicated that notice was to be published in newspapers of general circulation covering each county in which the licensee intends to provide service. If assistance is needed to identify newspapers that are circulated in the specific area in which service is proposed to be provided, the applicant is directed to contact the Commission's Press Secretary.

Service of Application

Penn Power comments that we should require that the application be served on the electric distribution utility in the territory that the licensee would like to serve. As notice of the filing of the license application will be posted on the Bulletin Board, and appear in newspapers, we find additional service requirements to be unnecessary.

Protest Period

Some commentators questioned the need for filing a protest or establishing a protest period. Some argue that allowing protests will slow the licensing process as many will be competitive protests.

Commission regulations at 52 Pa. Code §§ 5.51—5.54 specifically provide an opportunity for protests to be filed to an application. We see no reason to waive these regulations as to licensing applications, and see no benefit to eliminating an opportunity for this Commission to receive information which may impact on our decision on a particular license application. Recognizing that there are some that may protest competitors' applications solely for purposes of delay, we have limited the protests to verified protests directed to the applicant's technical and/or financial fitness. This limitation should eliminate unnecessary litigation over a license application.

Documentation of Technical and Financial Fitness

Commentators generally believed that the information requested in the proposed application to support an applicant's financial and technical fitness is burdensome. We have examined the information requested and have lessened this burden considerably.

In regard to financial fitness, we will require that Applicant provide self-documentation to establish its financial fitness commensurate with the anticipated scope of the business to be conducted within this Commonwealth. In the application, we have included a listing of documents and information which may be submitted as supporting evidence. We recognize that newly formed entities seeking to be licensed may not yet have established their credit-worthiness or financial strength. Therefore, we may accept evidence of the financial strength of the parent as proof of the financial fitness of the Applicant if it is clear that those resources will be made readily available to support the Applicant financially.

Similarly, in regard to technical fitness, we have left to the discretion of the Applicant the documentation which it believes will support the technical fitness requirement. Such documentation must show that the Applicant is technically fit to provide the service(s) for which the license is requested. We again have listed on the application certain types of information and documentation which may be submitted in support of the application.

Many commentators have expressed an unwillingness to provide information requested on the application or in support of the application because of its proprietary and

confidential nature. The Commission recognizes that guarding certain information from those who would use it to their own advantage is important in a competitive market. However, the Commission has to fulfill its duty to license only those Applicants who can establish their technical and financial fitness to provide the service proposed to be provided in a safe and reliable manner. To balance these two competing needs, we have established a procedure whereby an Applicant may request that information provided to the Commission for licensing purposes be kept confidential.

If any of the answers on the application requires the disclosure of privileged or confidential information not otherwise available to the public, the Applicant should designate at each point in the application that such information is privileged and confidential. One copy of this confidential or privileged information conspicuously marked at the top as "CONFIDENTIAL" should then be submitted separately under seal to the Office of the Prothonotary with the application. Applicants must provide reasons for protecting this information. The request will be treated as a petition for a protective order and will be ruled upon by the Commission in conjunction with the license application. Pending disposition, the information will be used solely for the purpose of evaluating the license application, and the confidentiality of this information will be maintained consistent with the Commission's rules and regulations pertaining to confidentiality.

Affiliate Information

Comments were received that it would be burdensome to provide information requested in the applications regarding all affiliates and predecessors. Suggestions were made that such information be limited to those entities within Pennsylvania. We believe that this suggestion is reasonable and we have revised the application accordingly.

Assessments

In our tentative order, we indicated that a licensee will be required to pay assessments which will be used to defray regulatory costs, and that assessments will be based upon the costs incurred by the Commission related to generation suppliers. 66 Pa.C.S. § 510.

A number of commentators have disputed the authority of this Commission to assess electric generation suppliers. After review of the law, and the legal arguments presented in the comments, this Commission does not agree with the subject analysis; we have included language on the application form to reflect this. However, as no electric generation supplier has been assessed for regulatory costs, we believe that this matter is not yet ripe for disposition. We will defer discussion of this matter to a more appropriate time.

Quarterly Reports

Many commentators saw the frequency and the extent of information requested for inclusion in such reports to be onerous. In response, we have significantly reduced the amount of information which must be reported and eliminated quarterly reports, except for gross receipts tax information, in favor of an annual report. Accordingly at this time, we will require *annual* reports only for the percentage of total electricity supplied by each fuel source. We will require a licensee to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 pertaining to the maintenance of system reliability, and to

inform the Governor and Legislature of the progress of the transition to a fully competitive electric generation market.

Security Bonding

We received numerous comments regarding bonding. Commentators saw the bonding requirement, as proposed, to present a formidable barrier to market entry. Comments ranged from recommending a reduction in the initial level of bonding from \$500,000, an increase in the level of bonding to \$5 million to the elimination of the bonding requirement all together. Some commentators indicated that the expense of requesting such a modification of bonding level may be prohibitive for some small electric generation suppliers, such as aggregators, which also must be licensed under the law.

To meet these concerns, we have lowered the level of bonding for the first year to \$250,000, and will allow modification of the initial amount based on the anticipated scope of the activities to be undertaken by the electric generation supplier in the Commonwealth. To reduce the expense of obtaining such a modification, the request with accompanying supporting documentation, may be made at the time that the license application is filed. After the first year that the license is in effect, the initial level of bonding will be adjusted semi-annually based on the gross receipts of the electric supplier. We reiterate that payments under the bonds do not limit exposure of a supplier's liability for any violation of law, including the Public Utility Code, and the Commission's regulations and orders.

Code of Conduct

In regard to the first standard in the Code, comments were filed that questioned the value of requiring that all licensees provide information to customers about resource mix and environmental characteristics of the electric generation that they are provided. We have rewritten the first standard as two in order to separate out the concepts presented. The new first standard reflects the duty of the electric generation supplier to provide accurate information about its service in a clear understandable manner, using plain language and common terms, and defining new terms where they are used. We have then inserted a new second standard directly thereafter which addresses the provision of environmental information. This standard requires that upon the request of a customer, the electric generation supplier must provide information regarding resource mix and environmental characteristics of their electricity purchases. We believe that this revision is responsive to all interests. Consumers who are interested in information regarding the "greenness" of an electric supplier's power may obtain such information upon request, and the electric supplier's obligation to provide such information will be limited to those customers who make such a request.

In response to comments received involving consumer protection, we have added to the standard which prohibits discrimination in service language to enumerate the classes which are to be protected under Federal law. We also added a new standard which requires licensees to inform consumers about the applicability of state consumer protection law related to cancellation or rescission of contracts to their electricity supply transactions.

Many commentators found the final proposed standard relating to "equal and non-discriminatory access to necessary customer information" to be confusing and redundant to the proposed standard on confidentiality of customer information. We agree and have eliminated this standard.

One specific comment should be addressed. PEA has specifically suggested that public utilities be able to charge for providing information regarding its customers. We remind our jurisdictional utilities that during this interim period they are required to follow a Code of Conduct, an example of which was provided in our final order on pilot program guidelines that was entered January 16, 1996 at Docket M-00960890F0002.² Standard 2 of the model Code specifically requires the utility, as an electric distribution company, to supply all services and apply tariffs to non-affiliate electric generation suppliers in the same manner as it does so for itself or its affiliates. Therefore, if the utility intends to charge non-affiliates for such information, it must charge itself and its affiliates the same amount.

In order to provide notice of and establish a permanent record of these interim procedures, we have instructed that this order and Appendices B and D be published in the *Pennsylvania Bulletin*. Copies of the Application (Appendix C) may be obtained from the Commission's Office of the Prothonotary; therefore,

It Is Ordered That:

1. The interim licensing procedures and instructions, licensing application and the Code of Conduct for electric generation suppliers as set forth in Appendices B, C, and D of this order are adopted.

2. All electric generation suppliers or electricity suppliers as defined in 66 Pa.C.S. § 2803 wishing to supply, market or broker electric generation, or aggregate residential, commercial and/or industrial electric load in this Commonwealth shall first apply for a license from this Commission under the interim licensing instructions and procedures established herein.

3. A copy of this final order and Appendices B and D be submitted to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. A copy of this final order, any accompanying statements of the Commissioners and the appendices be served upon all jurisdictional electric companies, the Office of Consumer Advocate, the Office of Small Business Advocate, parties who filed comments at this docket, other parties who participated in the Commission's electric competition investigation at Docket No. I-00940032, and the Electric Competition Stakeholders.

JOHN G. ALFORD,
Secretary

Appendix B

Interim Licensing Instructions and Procedures

Application Process

Under these interim procedures, an application for an interim license must be made on the form provided by the Commission. An application for an interim license must be accompanied by the \$350 application fee as established in 52 Pa. Code § 1.43.

No electricity or generation supplier may sell electricity at retail in Pennsylvania until it is granted an interim license by the Commission. All electric supplier interim licensees may be required to reapply pursuant to the final licensing regulations. Note that interim licenses may not be transferred without prior Commission approval. 66 Pa.C.S. § 2809(d). Electric generation suppliers abandoning service granted pursuant to its license must notify the

² It is noted that an enduring Code of Conduct for Electric Generation Suppliers and a Code of Conduct for Electric Distribution Utilities will be established in rulemakings which will be initiated in the near future.

Commission, its customers and the affected distribution utility 30 days prior to cessation of its operation.

Application Verification

An application for an electric generation supplier license must be made in writing, and be verified by an oath or affirmation. 66 Pa.C.S. § 2809(b). See 52 Pa. Code § 1.36 (relating to verification). An original and eight copies of the completed application and supporting attachments must be filed. 52 Pa. Code § 1.37 (relating to number of copies).

Application Content

License applications must be made using the form provided. A copy of the application is attached. The application must be completed in its entirety. Uncompleted applications and those without supporting attachments, where requested, may be rejected without prejudice.

The application form solicits information which will be used in the evaluation of the financial fitness of the license applicant to render the proposed service. On the application, Applicants are directed, inter alia, to designate their business structure, identify Pennsylvania affiliates, and provide pertinent financial information regarding credit ratings and history, and insurance pertinent to the conduct of its business consistent with its obligations as a licensee.

Additionally, information is requested which will allow the Commission to determine the technical fitness of the Applicant to render and maintain the quality of service proposed to be provided. An applicant should generally identify the geographic area it proposes to serve, the type of service(s) it proposes to furnish, and the customers to which it proposes to provide such services. Applicants must also supply evidence of their knowledge, experience and expertise to provide the service as proposed. Membership in ECAR, MAAC or other regional reliability councils, if properly documented, will serve as evidence of technical fitness.

Service of License Applications and Publication of Notice of Filing

Copies of the completed application with supporting documentation must be served on the following offices: the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of the Attorney General.

Notice of filing of an application must be published in newspapers of general circulation covering each county in which the licensee intends to provide service. 52 Pa.C.S. § 5.14(a)(2). Applicants may contact the Commission's Press Secretary John M. Frazier at (717) 787-5722 to confirm the identity of the papers in which notice must be published.

The notice should be written in plain language and include the name, address and telephone number of the applicant, a description of the proposed service or services to be provided and the geographic area to be served.

The notice must reference the application's docket number and include the statement that protests directed to the technical or financial fitness of the applicant may be filed within 15 days of the publication date of the notice with the Office of the Prothonotary, Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

Proof of publication of the notice must be filed with the Commission. An application will not be considered to be complete for Commission review until the proof of publi-

cation is filed with the Commission's Office of Prothonotary. A diskette containing the notice in ASCII or Word Perfect 5.1 format must be submitted to the Office of the Prothonotary for posting on the Commission's electronic bulletin board.

Protests to Applications

Consistent with 52 Pa. Code § 5.14(b), a 15-day protest period will be established commencing on the date the application is filed and served. Any interested party may file a protest to an application. However, protests or interventions may only be filed if the protesting party is contesting the fitness of the applicant. Competitive protests or protests opposing other aspects of the applicant's provision of service may not be filed and, if submitted, will be rejected by the Commission. Protests shall fully comply with 52 Pa. Code § 5.52(a) and shall set out clearly and concisely the facts upon which the alleged challenge to the fitness of the applicant is based. An applicant may file an answer to the protest within 10 days of filing. Protests which do not fully comply with section 5.52(a) will be rejected without prejudice. The Commission may consider the imposition of sanctions for parties who are found to intentionally attempt to misuse the protest process.

Following the filing of a protest, the application shall be assigned to the appropriate bureau. Staff shall review the protest and determine if the protest raises legitimate concerns as to the fitness of the new entrant. If legitimate concerns as to the fitness are not present, the staff will prepare a recommendation for Commission consideration dismissing the protest and granting the application. If legitimate concerns are raised, the application shall be transferred to the Office of Administrative Law Judge for hearings or mediation as deemed appropriate.

Application Approval

A license will be issued, authorizing the whole or any part of service requested, if the Commission finds that:

1. the applicant is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and the lawful Commission orders and regulations, specifically including 52 Pa. Code Ch. 56 (relating to Standards and Billing Practices for Residential Utility Service); and
2. the proposed service to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Electricity Generation Customer Choice and Competition Act.

66 Pa.C.S. § 2809(b).

Properly completed applications, if unprotested, will be processed within 45 days after acceptance by the Commission. If such an application is not processed within the time period, the application will be deemed approved. The review period on any application may be extended for a reasonable period of time by Commission order.

Assessments

The licensee will be required to pay assessments which will be used to defray regulatory costs. 66 Pa.C.S. § 510. Assessments will be based upon the costs incurred by the Commission related to generation suppliers. These costs include, but are not necessarily limited to: processing license applications pursuant to section 2809, maintaining records related to licensees, administering other provisions of the Public Utility Code related to licensee compliance with applicable requirements including maintenance of adequate reserve margin, compliance with

residential billing and collections regulations, and fulfilling consumer information and education obligations.

As a condition of maintaining a license to supply electricity or electric generation, yearly assessments must be paid by the licensee within 30 days of receipt of notice of the amount lawfully charged against it. 66 Pa.C.S. § 510(c). Consistent with due process considerations, failure to pay the assessment may result in the revocation of the license.

Reporting Requirements

A licensee must report its level of gross receipts to the Commission on a quarterly basis. Gross receipt information must be filed with the Commission no later than 30 days following the end of the first full quarter, and of each subsequent quarter that the license is in effect.

Electricity suppliers must also provide annual reports which include information regarding the percentage of total electricity supplied by each fuel source.

An applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive electric market.

All information requested above will be made available for public review upon request to the Commission subject to any rulings on confidentiality made by the Commission.

Security Bonds

Because the amount of the initial security bond that will be required from each applicant cannot be accurately estimated, the level of bonding required in the first year of the interim license will be identical for all applicants. This amount will be \$250,000. Modifications of this amount commensurate with the amount of business anticipated to be conducted in this state will be granted where substantial evidence is submitted in support of the modification. A request for modification of this initial bonding amount may be made in conjunction with the filing of the application. The Commission will issue the interim license contingent on the submission of proof that the applicant has obtained a bond, or other approved security in the amount directed by the Commission.

To ensure continued financial responsibility of the licensed supplier, after the first year that the license is in effect, the security bonding level for each licensed electricity or electric generation supplier will be reviewed semi-annually and modified based on the supplier's reported quarterly gross receipts information. The level of bonding will be determined based on a percentage of the supplier's reported gross receipts, and will be in such amount to ensure the supply of electricity at retail. 66 Pa.C.S. § 2809(c)(1)(i). Maintenance of an electric supplier's license will be contingent on the supplier providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Payments under security bonds may result from the applicant's failure to pay the full amount of taxes or assessments due, or failure to supply electricity or other services in accordance with contracts, agreements, or arrangements.

Licensee liability for unreasonable service or for violations of the Public Utility Code and Commission orders and regulations is not limited in any way by the bonding requirement.

Prohibition Against Slamming

The unauthorized transfer by an electric distribution company, or its affiliate, of a customer's electric generation supplier without the consumer's express consent may result in the revocation of the license of that electric distribution company's affiliated electric generation supplier. 66 Pa.C.S. § 2807(d)(1). Concomitantly, the unauthorized transfer by an electric generation company, or its affiliate, of a customer's electric supplier without the consumer's express consent may result in the revocation of the license of that electric generation supplier.

Change in Applicants Status

Any significant change in the organizational structure or operation of a licensed electricity or electric generation supplier which would impact its operation in Pennsylvania must be reported to the Commission. Specifically, an electricity supplier must notify the Commission of any change in facilities ownership or affiliation upon which the Commission relied in approving the electricity supplier's license application, including but not limited to:

- 1) Change in ownership of generation or transmission facilities or other inputs to electric power production.
- 2) Change in affiliation with any entity which owns generation or transmission facilities or other inputs to electric power production.
- 3) Change in affiliation with any entity that has a franchised service area.

Additionally, if any other information provided in the application changes significantly during the pendency of the application or while applicant is operating within the Commonwealth of Pennsylvania, applicant is under a duty to inform the Commission of the specifics of the change. Applicant is also required to request authority from the Commission prior to transferring its license. 66 Pa.C.S. § 2809(d). Licensees must notify the Commission at least 30 days prior to ceasing business pursuant to its license.

Uniform Standards of Conduct and Disclosure

In order to foster a fully competitive retail electric market, it is essential to establish a Uniform Code of Conduct and Disclosure (Code of Conduct) applicable to all electricity suppliers and electric generation suppliers licensed to provide electric service in this Commonwealth. A copy of the Code of Conduct is attached.

Appendix D

**Interim Uniform Standards of Conduct and
Disclosure for Parties Licensed to Supply
Electricity or Electric Generation Services to the
Public**

- Licensees shall provide accurate information about their electric generation services using plain language and common terms. Where new terms are used, such terms must be defined again using plain language. Information should be provided in a format which will allow for comparison of the various electric generation services offered and the prices charged for each type of service.
- Licensees shall provide, upon the request of a customer, information regarding resource mix and environmental characteristics of their electric generation purchases.
- Licensees shall provide notification of change in conditions of service, intent to cease operation as an electric generation supplier, explanation of denial of ser-

vice, proper handling of deposits and proper handling of complaints in accordance with Commission regulations.

- Licensees shall maintain the confidentiality of consumers' historic payment information and right of access to their own load and billing information.
- Licensees shall not discriminate in the provision of electricity as to availability and terms of service based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income, and exercise of rights under the Consumer Credit Protection Act, 15 U.S.C. §§ 1691—1691f; Regulation B, 12 CFR 202—202.14.
- Licensees will be responsible for any fraudulent deceptive or other unlawful marketing or billing acts performed by their agents or representatives. Licensee shall inform consumers of state consumer protection laws that govern the cancellation or rescission of electric generation supply contracts. 73 P. S. § 201-7.

Statement of Chairperson John M. Quain

Today the Commission votes to establish interim procedures for licensing electric generation suppliers. Such procedures are critical to the overall success of a reasoned transition to electric competition.

Additionally, I would like to express my view of the spectrum of licensees which I anticipate will seek approval by this Commission to provide electric generation services to our citizens and businesses. I fully expect that among the potential providers will be urban cooperatives, governmental entities, neighborhood associations, and other innovative buyer groups. Thus, it is important to state at the outset that these filing requirements should not be viewed as a barrier for participation by such groups. Indeed, the guidelines are designed to be flexible in order to maximize the number of qualified participants in the provision of electric generation service.

Therefore, as the market emerges, innovative buyer groups, such as those discussed above, are encouraged to seek guidance from this Commission regarding the need and applicability of the provisions approved today. This Commission stands ready to assist such applicants in reviewing not only the scope of application requirements, but interpretation of the licensing procedures. In short, while we will not compromise the current high level of reliability of electric service which exists in this Commonwealth, we do stand ready to assist new entrants wishing to conduct business in Pennsylvania.

Lastly, inasmuch as the procedures we have approved today are interim in nature, I trust that the Commission will gain valuable experience which will guide our preparation of permanent regulations to be utilized in a fully competitive environment.

Statement of Commissioner John Hanger

These Interim Licensing Requirements will be in effect during the commencement of retail electric competition in Pennsylvania. For this reason, they are exceedingly important. It is important to note, however, that they will be replaced by permanent licensing procedures and rules pursuant to a more time-consuming process than can be concluded in time to comply with the schedule established under Chapter 28.

Every attempt has been made to consider all of the excellent comments which have been submitted to the Commission. Many comments that are not reflected in these Interim Licensing Requirements nevertheless have

substantial merit and will be included in other orders, rules or regulations adopted by the Commission.

As the Commission considered these Interim Licensing Requirements, the goal has been to strike the correct balance between obtaining the information necessary for the Commission to assess the technical and financial fitness of the Applicant and to administer Chapter 28 without creating barriers to market entry. For example, upon consideration of the diversity of potential applicants, the Commission will provide substantial flexibility in the manner in which Applicants may demonstrate technical and financial fitness. However, Applicants must still provide sufficient support, commensurate with the scope of the license sought, that they are technically and financially able to meet their commitments.

I seek a robust competitive market with many players offering a variety of products and services. However, I will not grant licenses that are not adequately supported and the Commission will not tolerate non-performance. I intend sternly to enforce compliance with all applicable requirements and to consider license revocation as necessary.

[Pa.B. Doc. No. 97-332. Filed for public inspection February 28, 1997, 9:00 a.m.]

Gas Service Without Hearing

A-120008. Kaib and Kaib. Application of Kaib and Kaib for approval to begin to offer, render, furnish or supply gas service to the public in Jackson Township, Jefferson County, Hazen, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before March 17, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Kaib and Kaib, Box 8034, Zanesville, OH 43702-8034.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-333. Filed for public inspection February 28, 1997, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the application published herein are due on or before March 24, 1997, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for approval of the beginning of the exercise of the right and privi-

lege of operating as common carriers for transportation of persons as described under each application.

A-00113735. James A. and Philip Valvano, Copartners, t/d/b/a Valvano's Limousine (R. D. 1, Box 476A, Whites Ferry Road, Falls, Wyoming County, PA 18615)—persons in limousine service between points in the county of Wyoming, and from points in said county to points in Pennsylvania and return. *Attorney:* Catherine Garbus, P. O. Box 504, Tunkhannock, PA 18657.

Applications of the following for approval of discontinuance of service for the transportation of household goods in use as described under each application.

A-00081935, Folder 3, Am-I. City Delivery Service, Inc. (One Passan Drive, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—household goods in use, (1) from points in the city of Wilkes-Barre, Luzerne County, and within 3 miles of the limits of said city to other points in Pennsylvania, and vice versa; (2) from points in the city of Pittston, Luzerne County, and the area within 3 miles of the limits of said city, excluding the boroughs of Exeter and Wyoming, Luzerne County, to points in Pennsylvania and vice versa.

Applications of the following for approval of amendment of the right and privilege of operating motor vehicles as contract carriers for transportation of persons as described under each application.

A-00109365, Folder 1, Am-B. Milepost Inns, Inc., t/d/b/a Milepost Industries (775 Baywood Drive, Suite 215, Petaluma, CA 94954), a corporation of the State of Nevada, inter alia—contract carrier—rail carrier employees, and their equipment and baggage for CSX Transportation, Inc., between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

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 March 17, 1997.

- | | |
|-----------------|--|
| A-00113291, F.2 | Colleen Lanning, t/d/b/a
C. Lanning Hauling
R. R. 4, Box 141, Shickshinny, PA
18655 |
| A-0011360, F.2 | Lee Edward Huntsman, t/d/b/a
Huntsman Express
3990 Mt. Pisgah Road, York, PA
17402 |
| A-00113733 | Michael Warren Miller, t/d/b/a
Hardrock Trucking
P. O. Box 175, East Stroudsburg, PA
18301-0175 |
| A-00113734 | Edward J. Horn
R. R. 1, Box 138, Elliottsburg, PA
17024 |
| A-00113736 | SAR Trucking, Inc.
P. O. Box 935, Cherryville, PA
18035-0935; Kenneth A. Olsen, P. O.
Box 357, Gladstone, NJ 07934-0357 |

- A-00113737 Joseph A. Marksteiner, Jr.
605 Frankfort Road, Monaca, PA
15061: John A. Pillar, Esquire, Pillar, Mulroy & Ferber, 1106 Frick Building, Pittsburgh, PA 15219
- A-00113738 James F. Hanley, t/d/b/a
Anvil Transport
2456 Ridge Road, Elverson, PA
19520
- A-00113739 Suzette Flores-Cromwell, t/d/b/a
Pet Taxi
92 Fairfax Village, Harrisburg, PA
17112: James A. Miller, 122 Locust Street, Harrisburg, PA 17101
- A-00113740 Jeffrey W. Jury
430 Basin Drive, Winber, PA 15963
- A-00113741 Michael J. Huya, t/d/b/a
M. J. Huya Trucking
15654 West Road, Saegertown, PA
16433
- A-00113742 John H. Kerrick Building, Inc.
P. O. Box 88, Pocono Lake, PA
18347
- A-00113743 Giles & Ransome, Inc.
P. O. Box 8522, Bensalem, PA
19020-8522
- A-00113744 August Transit & Supply Limited,
17 Perry Street, Leetsdale, PA
15056

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-334. Filed for public inspection February 28, 1997, 9:00 a.m.]

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**Sewer Service
Without Hearing**

A-230072. Allied Utility Services, Inc. Application of Allied Utility Services, Inc., for approval to begin to offer, render, furnish or supply public sewer services in portions of North Whitehall Township, Lehigh County.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before March 17, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Allied Utility Services, Inc., P. O. Box 1488, Skippack, PA 19474, By and Through Counsel: Robert G. Bricker, Esquire, 114-120 East Broad Street, P. O. Box 739, Souderton, PA 18964.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-335. Filed for public inspection February 28, 1997, 9:00 a.m.]

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**Sewer Service
Without Hearing**

A-230432F2001. Schnecksville North Water and Sewer Company, Inc. and Allied Utility Services, Inc. Application of Schnecksville North Water and Sewer

Company, Inc., and Allied Utility Services, Inc. for approval of the: (1) transfer by sale of Schnecksville North Water and Sewer Company, Inc.'s facilities and assets used in the provision of public sewer services, and the acquisition thereof by Allied Utility Services, Inc.; and (2) abandonment by Schnecksville North Water and Sewer Services in certain portions of North Whitehall Township, Lehigh County.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before March 17, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Schnecksville North Water and Sewer Company, Inc., 4480 Spring Hill Drive, Schnecksville, PA 18078-9308, By and Through Counsel: D. Mark Thomas, Esquire, John A. Alzamora, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-336. Filed for public inspection February 28, 1997, 9:00 a.m.]

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**Telecommunications Service
Without Hearing**

A-310481. GTE North Incorporated and Vanguard Cellular Systems, Inc. and Pennsylvania Cellular Telephone Corporation. GTE North Incorporated and Vanguard Cellular Systems, Inc. and Pennsylvania Cellular Telephone Corporation, by its counsel, filed on February 12, 1997, at the Public Utility Commission, a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the GTE North Incorporated and Vanguard Cellular Systems, Inc. and Pennsylvania Cellular Telephone Corporation Joint Application are on file with the Pennsylvania Public Utility Commission and are available for public inspection. Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-337. Filed for public inspection February 28, 1997, 9:00 a.m.]

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**Water Service
Without Hearing**

A-212285F0037. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of (1) transfer, by sale, of the water works property and rights of the Clarion Township General Authority to Pennsylvania-American Water Company; and (2) the right of Pennsylvania-American Water

Company to begin to offer or furnish water service to the public in additional portions of Clarion Township, Clarion County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before March 17, 1997.

Applicant: Pennsylvania-American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033, By and Through Counsel: Michael D. Klein, Esquire, LeBoeuf, Lamb, Greene & MacRae, L.L.P., 200 North Third Street, Suite 300, P. O. Box 12105, Harrisburg, PA 17108-2105.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-338. Filed for public inspection February 28, 1997, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

March 26, 1997	Michael W. Gaynor (Service Credit)	1 p.m.
April 2, 1997	Leonard Kern (Option Change)	1 p.m.
April 9, 1997	Ray Martin (Cash Payment)	1 p.m.
April 16, 1997	Thomas P. Cali (Date of Retirement)	1 p.m.
April 23, 1997	Keith E. Ober (Service)	1 p.m.
April 30, 1997	Donna J. Wright (Death Benefit)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 97-339. Filed for public inspection February 28, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for: Window Replacements at Everett Fare Collection/PA State Police Barracks Building (Bedford County). Mandatory Site Inspection: March 5, 1997, 11 a.m. at Everett Fare Collection Bldg., 203 Ashcom Road, Everett, PA. Open Date: March 19, 1997 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-340. Filed for public inspection February 28, 1997, 9:00 a.m.]

Request for Bids

The Turnpike Commission has requested a sealed bid for: Roof Renovation at the Allentown Service Plaza, Milepost A35.9 NB and SB on PA Turnpike Northeast Extension, Lehigh County. Mandatory Site Inspection: March 17, 1997, 11 a.m. at Allentown Service Plaza. Open Date: March 31, 1997 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-341. Filed for public inspection February 28, 1997, 9:00 a.m.]

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 94-006-RT19. Roadway repairs between M. P. 0.06, at the Pennsylvania and Ohio Border and M. P. 47.74, Exit 5, and between M. P. B-27.53, Exit 15 and M. P. B-45.00, Exit 20, on the PA Turnpike System and Toll 60 in Lawrence, Beaver, Butler and Allegheny Counties, PA.

Bid Opening Date: March 19, 1997, 11 a.m.

Bid Surety: 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set (do not add State tax) by check or Post Office Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O.

Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-342. Filed for public inspection February 28, 1997, 9:00 a.m.]

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 94-006-RJ75. Roadway repairs between M. P. 236.06, Exit No. 17 and M. P. 286.60, Exit 21 on the PA Turnpike in Cumberland, York, Dauphin, Lebanon and Lancaster Counties, PA.

Bid Opening Date: March 19, 1997, 11:30 a.m.

Bid Surety: 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set (do not add State tax) by check or Post Office Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-343. Filed for public inspection February 28, 1997, 9:00 a.m.]

Retention of Engineering Firm

Westmoreland County Reference No. 1-108

The Turnpike Commission will retain an engineering firm to perform preliminary and final design for the replacement of Bridge No. B-451, Milepost 78.98 (State Route 819 over the Turnpike).

The engineering services required would include surveys, preliminary roadway and structural design, traffic control plans, geotechnical investigations, utility investigation, preparation of preliminary and final right-of-way

plans, and preparation of final roadway and structural plans and specifications in order for the Commission to proceed with advertisement and construction for this structure.

Direct inquiries to Gary L. Graham, P.E., at (717) 939-9551, ext. 5990.

General Requirements and Information

Firms interested in performing the above services are invited to submit expanded letters of interest to Paul A. Edmunds, P.E., Acting Deputy Executive Director—Engineering/Chief Engineer, 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 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.

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 of 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% and the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting letters of interest:

(A) Specialized experience and technical competence of firm.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded letters of interest should include an indication of the prime consultant's and subconsultant's current workload by submitting Form D-427 (as revised 6/89) listing all Department of Transportation and Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Project Manager must be identified and have qualifications listed. Any deviation from the Project Manager identified in the expanded letter of interest will require written approval from the Commission, if selected.

(F) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected.

(G) Special requirements of the project.

(H) Other factors, if any, specific to the project.

Each firm shall demonstrate in the expanded letter of interest its 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 4 p.m., Friday, March 14, 1997. Any letters of interest received after this date and time will be time-stamped and returned.

The assignment of the above services will be made to one of the firms responding to this notice, but the Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to readvertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-344. Filed for public inspection February 28, 1997, 9:00 a.m.]

Retention of Engineering Firms

**Allegheny, Beaver, Bedford, Butler, Franklin,
Fulton, Huntingdon, Lawrence, Somerset and
Westmoreland Counties**

Reference No. 1-107

The Turnpike Commission will retain an engineering firm for an open-end contract for construction materials inspection and testing services both at the project site and at related plant locations in the Western Region (Milepost 0.0 to Milepost 199.0) of the Pennsylvania Turnpike. A testing laboratory capable of performing concrete, bituminous, aggregate and soils tests in a timely manner must be available throughout the life of the contract. The types of projects that materials inspection and testing will be conducted on under this contract may include, but are not limited to, roadway reconstruction, bituminous overlays, bridge construction and rehabilitations, service plaza parking lot expansions and toll plaza construction.

The contract will be for a maximum cost of \$750,000 or for a 36 month period.

The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. In addition, the firm selected may be required to attend construction meetings with the Commission.

The selected firm may be required to test materials at asphalt and concrete plants, perform soils and aggregate testing, or perform testing associated with the manufacture of selected construction materials. Duties may also include the witnessing of on-site testing by the contractor. In addition, the selected firm may be required to keep records, document the construction work, attend monthly job conferences, determine from the project records the final quantities of certain contract items and perform other duties as may be required.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, the order of selection will be established for the purpose of entering into an open end agreement with the highest selected firm. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

Direct inquiries to John S. Ozimok at (717) 939-9551, extension 3501.

**Berks, Bucks, Carbon, Chester, Cumberland,
Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh,
Luzerne, Montgomery and York Counties**

Reference No. 3-091

The Turnpike Commission will retain an engineering firm for an open-end contract for construction materials inspection and testing services both at the project site and at related plant locations in the Eastern Region (Milepost 200.0 to Milepost 359.0 and the Northeast Extension) of the Pennsylvania Turnpike. A testing laboratory capable of performing concrete, bituminous, aggregate, and soils tests in a timely manner must be available throughout the life of the contract. The types of projects that materials inspection and testing will be conducted on under this contract may include, but are not limited to, roadway reconstruction, bituminous overlays, bridge construction and rehabilitations, service plaza parking lot expansions and toll plaza construction.

The contract will be for a maximum cost of \$750,000 or for a 36 month period.

The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. In addition, the firm selected may be required to attend construction meetings with the Commission.

The selected firm may be required to test materials at asphalt and concrete plants, perform soils and aggregate testing, or perform testing associated with the manufacture of selected construction materials. Duties may also include the witnessing of on-site testing by the contractor. In addition, the selected firm may be required to keep records, document the construction work, attend monthly job conferences, determine from the project records the final quantities of certain contract items and perform other duties as may be required.

Based on an evaluation of acceptable letter of interest received in response to this solicitation, the order of selection will be established for the purpose of entering into an open end agreement with the highest selected firm. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

Direct inquiries to John S. Ozimok at (717) 939-9551, extension 3501.

General Requirements and Information

Firms interested in performing the above services are invited to submit letters of interest to Paul A. Edmunds, P.E., Acting Deputy Executive Director—Engineering/Chief Engineer, 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 letters of interest must include in the heading the firm's Federal Identification Number and 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 must be submitted for the firm, each party in a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of

interest. DOT Form D-427 (as revised 6/89) must be completed to show an indication of both the prime consultant's and subconsultant's current workload by listing all Department of Transportation and Turnpike Commission projects.

Standard Form 255 must be filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on this project.

Firm 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.

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) to 130% and the consultant's field indirect payroll costs (overhead) to 100% or the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- (A) Specialized experience and technical competence of firm.
- (B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The

specific experience of individuals who constitute the firms shall be considered.

(C) The prime consultant's and subconsultant's current workload as indicated on DOT Form D-427 (as revised 6/89). Letters of interest not including Form D-427 are subject to nonconsideration by the Selection Committee.

(D) Location of consultant's and subconsultant'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.

(F) Previous experience in construction material inspection and testing of large highway or public works projects.

(G) Other factors, if any, specific to the project.

The letters of interest and required forms must be received by 4 p.m., Friday, March 21, 1997. Any letters of interest received after this date and time will be time-stamped and returned.

The assignment of the above services will be made to one of the firms responding to this notice, but the Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to readvertise solicitation for these services.

JAMES F. MALONE, III
Chairperson

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