

PENNSYLVANIA BULLETIN

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Department of Community and Economic
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Department of Conservation and Natural
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Department of General Services
Department of Labor and Industry
Department of Public Welfare
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Pennsylvania Developmental Disabilities
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Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
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State Employes' Retirement Board
Turnpike Commission

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

No. 278, January 1998

PENNSYLVANIA



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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

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PENNSYLVANIA BULLETIN

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Saturday, January 17, 1998 • Harrisburg, Pa.

Part II

This part contains the
Department of Labor and Industry's
General Provisions of Act 57 of 1996

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER NO. 1997-6]

Agricultural Land Preservation Policy

October 14, 1997

Whereas, Pennsylvania is the most productive agricultural state in the Northeast with more than 50,000 farms and 7.7 million acres of crop and pasture land; and

Whereas, the Commonwealth's abundant supply of agricultural land has sustained farm families, farm operations, and rural communities in Pennsylvania for generations; and

Whereas, Pennsylvania farmers are a vital component of the Commonwealth's economy, comprising the largest industry in the Commonwealth, generating over \$3.7 billion annually in farm receipts, supporting a \$43.7 billion a year agribusiness economy and employing nearly one-fifth of Pennsylvania's workforce; and

Whereas, increased land development and farm costs have caused Pennsylvania to lose more than 46 percent of its farmland since 1950; and

Whereas, Pennsylvania's future generations need to be assured a reliable source of food and fiber; and

Whereas, Federal, State, and local governments, along with individual landowners, are valuable partners in the effort to identify and preserve critical farmlands; and

Whereas, from 1988 through 1997, the Commonwealth of Pennsylvania and participating counties have invested over \$200 million, and preserved over 100,000 acres of agricultural land under the Agricultural Conservation Easement Purchase Program; and

Whereas, part of the Commonwealth's continuing efforts is to conserve its farmland, assist farm operations, and preserve the quality of life in rural communities, it is in the best interest of all Pennsylvanians that the Commonwealth modify its Agricultural Land Preservation Policy; and

Whereas, all state agencies under the Governor's jurisdiction should work together to preserve agricultural lands with a common definition of primary agricultural land and a common vision.

Now, Therefore, be it resolved that I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct to all agencies under my jurisdiction to seek to mitigate and protect against the conversion of primary agricultural land and adopt policies herewith.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter W. AGRICULTURAL LAND PRESERVATION POLICY

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7.301.	Policy.
7.302.	Conversion.
7.303.	Protected agricultural land.
7.304.	Agricultural Land Condemnation Approval Board (ALCAB) review.
7.305.	Guidance documents.
7.306.	Interagency committee.
7.307.	Cooperation by State agencies.
7.308.	Rescission.

§ 7.301. Policy.

It is the policy of the Commonwealth to protect, through the administration of all agency programs and regulations, the Commonwealth's "primary agricultural land" from irreversible conversion to uses that result in its loss as an environmental and essential food and fiber resource.

§ 7.302. Conversion.

Commonwealth funds and Commonwealth-administered Federal funds will not be used to encourage the conversion of "primary agricultural land" to other uses when feasible alternatives are available.

§ 7.303. Protected agricultural land.

(a) The primary agricultural land to be protected under this subchapter includes lands:

(1) In active agricultural use (not including the growing of timber).

(2) Devoted to active agricultural use the preceding 3 years.

(3) Which fall into at least one of the categories of agricultural land in subsection (b).

(b) State agencies shall provide protection to primary agricultural land under this subchapter based upon the following levels of priority:

(1) *Preserved farmland (highest priority)*. Preserved farmland includes lands that fit into either of the following categories:

(i) Farmland that is restricted to agricultural use by an agricultural conservation easement that has been recorded in the appropriate county land records office. These easements include: easements owned by the Commonwealth or county, or both, under the authority of the Agricultural Area Security Law (3 P. S. §§ 901—915) and easements owned by any other "qualified conservation organization," as that term is defined in section 170(h)(3) of the Internal Revenue Code (26 U.S.C.A. § 170(h)(3)) (relating to charitable, etc., contributions and gifts). Qualified conservation organizations may include private nonprofit land conservation organizations, in addition to local governments and State governments.

(ii) Farmland that is restricted to agricultural use by deed restrictions that have been imposed under the authority of the act of January 19, 1968 (1967) (P.L. 992, No. 442) (32 P.S. §§ 5001—5013) and that have been recorded in the appropriate county land records office.

(2) *Farmland in agricultural security areas (second highest priority)*. Farmland approved by local government units after public review and comment according to the procedures in the Agricultural Area Security Law.

(3) *Farmland enrolled in the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (Clean and Green) (Act 319) programs or the act of January 13, 1966 (1965) (P.L. 1292, No. 515) (16 P.S. §§ 11941—11947) (Act 515) programs (third highest priority)*. Farmland enrolled for preferential tax assessments as land in "agriculture use" (Act 319) or "farmland" (Act 515).

(4) *Farmland planned for agricultural use and subject to effective agricultural zoning (fourth highest priority)*. Farmland designated for agricultural use in a comprehensive plan and zoning ordinance adopted in the Pennsylvania Municipalities Planning Code (53 P. S. §§ 10101—70105) that delineates an area of agriculturally valuable soils and existing farms.

(5) *Land capability Classes I, II, III and IV farmland and unique farmland (fifth highest priority)*. Land capability Classes I, II, III and IV farmland are mapped by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (formerly Soil Conservation Service) and published in county soil surveys. "Unique farmland" is defined by the USDA Natural Resources Conservation Service as land other than prime farmland that is used for the production of specific high value food and fiber crops. The USDA Natural Resources Conservation Service has established a mechanism under which unique farmland is identified and mapped by interested county committees.

§ 7.304. Agricultural Land Condemnation Approval Board (ALCAB) review.

The ALCAB shall consider this policy in its review of agricultural lands proposed for condemnation authorized under section 306 of The Administrative Code of 1929 (71 P. S. § 106) (Act 100) and the Agricultural Security Law (3 P. S. §§ 901—915). Act 100 requires ALCAB's approval for the condemnation of agricultural lands for highways and solid and liquid waste disposal facilities. The Agricultural Security Law (3 P. S. §§ 901—915) requires ALCAB's approval for condemnation of land in agricultural security areas and land protected by agricultural conservation easements.

§ 7.305. Guidance documents.

Agencies under the Governor's jurisdiction shall amend their individual documents titled "Guidance for Implementation of the Agricultural Land Preservation Policy" by April 14, 1998. The amended guidance document shall be submitted to the Governor's Policy Office and the Department of Agriculture. This guidance document shall include:

- (1) A listing of agency actions including land acquisitions, planning, construction, permit review and financial assistance that may directly or indirectly impact primary agricultural lands.
- (2) A statement of agency guidelines and procedures which have been or will be instituted to eliminate or minimize impacts detrimental to the continued use of primary agricultural lands.
- (3) A description of any changes in statutes or regulations needed to implement the intent of this subchapter.

§ 7.306. Interagency committee.

The following Commonwealth agencies will participate in an interagency committee, chaired by the Department of Agriculture, to solve mutual problems in meeting the objectives of this subchapter:

- (1) The Governor's Policy Office.
- (2) The Governor's Budget Office.
- (3) The Department of Agriculture.
- (4) The Department of Community and Economic Development.
- (5) The Department of Conservation and Natural Resources.
- (6) The Department of Corrections.
- (7) The Department of Education.
- (8) The Department of Environmental Protection.
- (9) The Department of General Services.
- (10) The Department of Transportation.
- (11) The Pennsylvania Infrastructure Investment Authority.

§ 7.307. Cooperation by State agencies.

The Pennsylvania Department of Agriculture is the lead agency for implementing this subchapter. Agencies under the Governor's jurisdiction shall fully support this agricultural land preservation policy and cooperate with the Secretary of Agriculture by providing assistance and information, as necessary, to carry out the functions and responsibilities in this Subchapter.

§ 7.308. Rescission.

Executive Order 1994-3 is rescinded.



Governor

Fiscal Note: GOV 97-17. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-117. Filed for public inspection January 23, 1998, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE [207 PA. CODE CH. 5]

Amendment to the Rules of Procedure; Doc. No. 1JD94

Per Curiam

Order

And Now, this 6th day of January, 1998, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, and in accordance with this Court's Order dated November 21, 1997, having adopted a proposed new Rule of Procedure No. 505 and renumbering former Rule 505 as Rule 506, *It Is hereby Ordered*:

That Rule of Procedure Nos. 505 and 506 shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT PART IV. COURT OF JUDICIAL DISCIPLINE ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES CHAPTER 5. TRIAL PROCEDURES

Rule 505. Post Sanction Proceedings.

(A) When the Court includes as part of an order of discipline a period and conditions of probation, the Court shall retain the power to reconsider the sanction imposed if, after hearing, the Court determines that a judicial officer has violated the terms of probation.

(B) When the Board finds that the judicial officer has violated the conditions of probation, the Board shall file a Petition with the Court alleging such a violation. This Petition shall request a hearing and request the Court to provide the Board with any relevant material or other written information in possession of the Court.

(C) At any hearing held pursuant to Section B of this Rule:

(1) The Board shall have the burden of proving by clear and convincing evidence that the judicial officer failed to comply with one or more of the terms of probation.

(2) All testimony shall be under oath.

(3) The Board and the judicial officer shall be permitted to present evidence and examine and cross-examine witnesses.

(4) The judicial officer shall have the right to counsel.

(5) All hearings shall be public proceedings conducted pursuant to the Rules of this Court and in accordance with the principles of due process and the laws of evidence.

(D) When the Court learns that the judicial officer may not be in compliance with the conditions of said probation, and the Judicial Conduct Board has not already filed a Petition alleging failure to comply with a condition of probation, the Court may ask the Board to undertake an inquiry to determine whether a violation has occurred. If upon investigation the Board finds that the judicial officer

has violated the terms of probation, the Board may file a Petition and the matter shall proceed pursuant to Sections B and C of this Rule. If after investigation the Board finds that the judicial officer has not violated the terms of probation, the Board may file a Report stating in detail the basis for that conclusion, and requesting the Court to order the inquiry concluded, ended, and terminated. Notwithstanding the Board's conclusion that no violation of probation has occurred, the Court may order a hearing to determine whether a violation has occurred.

(E) If, after hearing, the Court determines that the judicial officer has violated the terms of probation, the Court may reconsider the original sanction imposed, revoke probation, and impose any sanction it could have ordered initially in its discretion under Article V, § 18(d)(1). If, after hearing, the Court concludes that the judicial officer has not violated the terms of probation, the Court shall enter an Order dismissing the allegation of violation.

(F) The Board and judicial officer shall serve each other with copies of any pleading filed with this Court under the provisions of this Rule.

Rule 506. Appellate Review.

Appellate review shall be governed pursuant to Rules promulgated by the Supreme Court.

[Pa.B. Doc. No. 98-118. Filed for public inspection January 23, 1998, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL [231 PA. CODE CH. 200] Damages for Delay

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

* * * * *

ADDENDUM

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

Date of Publication	Prime Rate
January 2, 1980	15% to 15 1/2%
January 2, 1981	20 1/2% to 21 1/2%
January 4, 1982	15 3/4%
January 3, 1983	11% to 11 1/2%
January 3, 1984	11%
January 2, 1985	10 3/4%
January 2, 1986	9 1/2%

<i>Date of Publication</i>	<i>Prime Rate</i>
January 2, 1987	7 1/2%
January 4, 1988	8 3/4%
January 3, 1989	10 1/2%
January 2, 1990	10 1/2%
January 2, 1991	9 1/2% to 10%
January 2, 1992	6 1/2%
January 4, 1993	6%
January 3, 1994	6%
January 3, 1995	8 1/2%
January 2, 1996	8 1/2%
January 2, 1997	8 1/4%
January 2, 1998	8 1/2%

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 98-119. Filed for public inspection January 23, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 1997-9—Domestic Relations Section Fee Schedule

Order of Court

And Now, this 31st day of December, 1997, the Northampton County Domestic Relations Section fee schedule is amended as follows:

The Transaction fee of Fifty Cents (\$.50) per payment established under Administrative Order #115, 1988.M, is abolished and a yearly transaction fee of Twenty-four Dollars (\$24.00) is adopted, effective January 1, 1998.

Seven (7) certified copies of the amended Fee Schedule shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Domestic Relations Section of the Pennsylvania Civil Procedural Rules Committee. A copy shall be kept available in the Office of the Clerk of Courts—Civil and in the Domestic Relations Section. A copy is directed to be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 98-120. Filed for public inspection January 23, 1998, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the

Supreme Court of Pennsylvania dated December 3, 1997, pursuant to Rule 219, Pa.R.D.E. The Order became effective January 2, 1998.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

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ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-121. Filed for public inspection January 23, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CHS. 71, 75 AND 83]

Licensing

The Department of Transportation (Department), Bureau of Driver Licensing, by this order adopts amendments by amending Chapters 71, 75 and 83 (relating to school bus drivers; driver's license examination; and physical and mental criteria including vision standards relating to the licensing of drivers) to read as set forth at 27 Pa.B. 4439 (August 30, 1997).

Notice of proposed rulemaking was published at 27 Pa.B. 4439, with an invitation to submit written comments within 30 days of publication. No comments were received by the Department.

Purpose of these Chapters

The purpose of Chapter 71 is to provide rules regarding the course of instruction and physical examination for school bus drivers as required by 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement).

The purpose of Chapter 75 is to provide standards and procedures for the issuance, renewal and replacement of photographic driver's licenses under 75 Pa.C.S. § 1510(a) (relating to issuance and content of driver's license).

The purpose of Chapter 83 is to provide rules regarding the physical and mental criteria used by physicians in conducting physical examinations of applicants for learner's permits and driver's licenses and by physicians and other persons authorized to diagnose and treat disorders and disabilities delineated in this chapter in determining whether a person examined by the provider should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

Purpose of these Amendments

The purpose of these amendments is to amend Chapters 71, 75 and 83, consistent with 75 Pa.C.S. § 1508.1 (relating to physical examinations), to permit physician assistants and certified registered nurse practitioners to conduct the physical examinations required for the issuance of a driver's license and a school bus driver endorsement. Under 75 Pa.C.S. § 1508(a) (relating to examination of applicant for driver's license), every applicant for a driver's license shall be examined for the type or class of vehicle that the applicant desires to operate. The examination includes a physical examination, a screening test of the applicant's eye sight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of the Commonwealth. Further, the applicant must provide an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class for which the applicant desires to drive.

Historically, in this Commonwealth, licensed physicians conducted the physical examinations of applicants for a driver's license and the school bus endorsement. However, health care systems have evolved and with the cost reducing methods of managed care, schools now have certified registered nurse practitioners rather than physi-

cians and many doctors' offices now maintain only one physician and several physician assistants.

A certified registered nurse practitioner is a registered nurse licensed in this Commonwealth by both the State Board of Nursing and the State Board of Medicine. Further, certified registered nurse practitioners are licensed in a particular clinical specialty area and perform acts of medical diagnosis or prescription of medical, therapeutic or corrective measures in collaboration with, and under the direction of, a physician licensed to practice medicine.

A physician assistant is a person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

Certified registered nurse practitioners and physician assistants have been performing physical examinations for several years, and under the authority contained in 49 CFR 390.5 and 391.43(a)(1) (relating to definitions and medical examinations; certificate of physical examination), may perform the commercial driver physical examinations.

Additional Modifications to the Proposed Rulemaking

The final text of these amendments contain no additions, deletions or other modifications as proposed at 27 Pa.B. 4439, and these amendments are published as final rulemaking.

Persons and Entities Affected

These amendments affect physicians, certified registered nurse practitioners and physician assistants who give the physical examination to applicants as prescribed in these chapters. Persons applying for their learner's permit or school bus endorsement are also affected.

Fiscal Impact

These amendments will not impose any increased costs on private persons, State or local governments. These amendments will not occasion the development of any additional reports or other paperwork requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. §§ 745.5(a)), on August 20, 1997, the Department submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 4439 to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Transportation Committees.

These final-form regulations were deemed approved by the Committees on December 8, 1997, and were deemed approved by IRRC on December 11, 1997, in accordance with section 5(c) of the Regulatory Review Act.

Sunset Date

The Department is not establishing a sunset date for these amendments, since these amendments are needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department will, however, continue to closely monitor these amendments for their effectiveness.

Contact Person

Lawrence Jones, Manager, Driver Safety Division, Bureau of Driver Licensing, Riverfront Office Center, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-7740.

Authority

These amendments are adopted under the authority contained in 75 Pa.C.S. §§ 1508, 1508.1, 1509 and 6103.

Findings

The Department finds that:

(1) Public notice of intention to amend the administrative regulations amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendment of the regulations of the Department in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 67 Pa. Code Chapters 71, 75 and 83, are amended by amending

§§ 71.2, 71.3, 75.2, 75.6, 83.1 and 83.2 to read as set forth at 27 Pa.B. 4439.

(b) The Secretary of the Department shall submit this order and 27 Pa.B. 4439 to the Office of Attorney General and the Office of General Counsel for approval as to legality, as required by law.

(c) The Secretary of the Department shall certify this order and 27 Pa.B. 4439 and deposit them with the Legislative Reference Bureau, as required by law.

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

BRADLEY L. MALLORY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6878 (December 27, 1997).)

Fiscal Note: Fiscal Note 18-342 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-122. Filed for public inspection January 23, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

[61 PA. CODE CHS. 7, 31—34, 42, 44—47 AND 58]

Sales and Use Tax

The Department of Revenue (Department), under authority contained in section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), proposes amendments to Chapters 7, 31—34, 42, 44—47 and 58, to read as set forth in Annex A.

Section 270(a) of the TRC specifically provides that the Department is authorized and empowered to prescribe, adopt, promulgate and enforce, rules and regulations consistent with Article II of the TRC (72 P. S. §§ 7201—7282) (Tax for Education) relating to any matter or thing pertaining to the administration and enforcement of Article II and the collection of taxes, penalties and interest imposed by Article II.

Purpose

The Department is proposing these amendments in part, as the result of a comprehensive review of Sales and Use Tax regulations in light of Legislative changes from 1991 to the present.

Explanation of Regulatory Requirements

Section 7.3 (relating to petitions) is proposed to be amended in a number of areas. Subsection (a) removes the requirement that petitions be filed with the Secretary of the Board of Appeals, because this position no longer exists. In addition, the Board's address has been updated for petitions filed by means of the United States Postal Service; for petitions being filed through other delivery services, the regulations will require delivery to specified Board locations.

Finally, § 7.3(a) is proposed to be amended as a result of the act of June 16, 1994 (P. L. 279, No. 48) (72 P. S. § 10006) to provide that petitions are deemed to be timely filed when postmarked by the United States Postal Service or presented to Departmental personnel on or before the petition due date. The burden is on the taxpayer to prove that the petition was timely postmarked by the United States Postal Service or timely presented to the Department. The statutory period within which the Board is required to render a decision on petitions deemed timely filed by reason of being timely postmarked by the United States Postal Service, or timely presented to Department personnel other than personnel at the Board, will begin to run on the date that the petition is actually received by the Board.

Section § 7.6(b) (relating to decision and order) is proposed to be amended to allow a final decision of the Board to be signed by a designee of a member of the Board.

The Department is proposing to add § 31.4(a)(3) (relating to rentals or leases of tangible personal property). Subsection (a) sets forth general guidelines regarding imposition. Taking into consideration the presumption set forth in paragraph (1), the new paragraph (3) clarifies that, if a person leases or rents equipment together with the services of an operator to another person, who is given the right to use or direct the use of the equipment, the transaction is subject to tax. The paragraph goes on to provide examples of transactions subject to tax. Sub-

section (b)(1) clarifies the Department's policy with regard to the taxability of property withdrawn from inventory.

The section title for § 31.5 (relating to persons rendering taxable services) is proposed to be amended to clarify that the section applies to tangible personal property and not the various services that became taxable in 1991. "Extended warranty" was added to the list of designations that an agreement may have when subject to tax. This addition was done to clarify the Department's policy. Section 31.5 was also expanded generally with text and examples to better guide the taxpayer.

Section 31.7(c)(1) (relating to use tax) generally provides that, with respect to property purchased 6 months or more prior to its first taxable use in this Commonwealth, the taxpayer may elect to pay the tax on the fair market value of the property at the time of its first use in this Commonwealth or on its original purchase price. To conform this paragraph to 1991 amendments to section 201(g)(5) of the TRC (72 P. S. § 7201(g)(5)), the Department is proposing to amend the paragraph to provide that the election to use the alternative base shall be made by filing a return within 6 months of the first taxable use. Prior to the 1991 amendments, the deadline had been within 1 year from the date the return for the taxable use was due.

Section 31.26 (relating to financial institutions) currently sets forth the sales tax obligations for financial institutions. Subsection (a) provides that a financial institution shall pay tax at the time of purchase of tangible property to be used by it in the conduct of its business. Subsection (b) provides two alternatives for financial institutions selling personalized checks, coin banks and other tangible personal property subject to tax: (1) obtain a license and collect the tax from its customers, remitting the tax collected along with monthly returns; or (2) elect not to register and file returns, provided that the financial institution pay tax to its suppliers based upon the price which the merchandise is to be sold by the financial institution to its customers and reimburse itself for the tax so paid by collecting the tax from its customers. Because the regulation could be construed to provide an unfair tax advantage for financial institutions, the Department is proposing to delete § 31.26 in its entirety.

The definitions in § 32.1 (relating to definitions) apply to Chapter 32 (relating to exemptions), unless the context clearly indicates otherwise. Section 32.1 is proposed to be amended to delete the definition of "isolated sales" because the definition is only applicable to § 32.21 (relating to charitable, volunteer firemen's and religious organizations, and nonprofit educational institutions), and a definition of "isolated sales" is being added to § 32.21.

To reflect the 1991 amendment to the definition of "manufacture" in section 201(c)(6) of the TRC, the Department is proposing to add the definition of "remanufacturing motor vehicle parts for wholesale distribution" to § 32.1. A 1994 amendment to the definition of "manufacture" in section 201(c)(7) of the TRC has prompted the addition of the definition of "remanufacturing selected items of military equipment" to § 32.1.

The proposed revisions to § 32.2 (relating to exemption certificates) clarify the Department's policy with regard to exemption certificates and delete references to out-of-date forms. Subsection (b)(2)(iii) is proposed to be rewritten to clarify that the exemption certificate shall be properly

completed and that the Department will not recognize it as such if it is not in the possession of the seller or lessor within 60 days after the date of the transaction. Subsection (d)(2) is proposed to be amended to delete outdated instructions and form references and to add language consistent with the current policy and forms.

The current language in § 32.3 (relating to sales for resale) is proposed to be deleted and replaced with a section entitled "resale exemption." The proposed new language clarifies this area (which has been the source of confusion) and provides more detail and direction with regard to the resale exemption.

Consistent with confining references to "isolated sales" to § 32.21, § 32.4 (relating to isolated sales) is proposed to be amended to remove paragraph (6) and to renumber the remaining paragraphs accordingly.

Section 32.5 (relating to multistate sales) is proposed to be amended in a number of areas. As a result of 1991 Legislation, the sale, lease or service of tangible personal property, or the performance of various services enumerated in section 201(k)(11)—(18) of the TRC is now subject to tax. Subsection (a) has been amended and subsection (b)(2) has been added to reflect this statutory change. Subsection (b)(1) is proposed to be amended to properly refer to the United States Postal Service and to clarify that an interstate carrier may be engaged by either the vendor or purchaser without causing the transaction to become subject to tax. The two examples set forth in paragraph (1) are proposed to be deleted and replaced with new examples to modify the amendments in paragraph (1). Subsections (c)—(f) are proposed to be amended to clarify that these subsections address both tangible personal property and taxable services.

The proposed amendment to § 32.21 (relating to charitable, volunteer firemen's and religious organizations, and nonprofit educational institutions) adds a new subsection (a) for definitions. This subsection contains the definition of "isolated sales" as it applies to this section. As a result of creating a subsection devoted to definitions, the current subsections have been relettered accordingly. Within the new subsection (d) pertaining to sales by exempt organizations, the new subparagraph (ii) provides examples of nontaxable and taxable sales by exempt organizations.

To clarify two areas where the Department has noted confusion among taxpayers, § 32.22 (relating to sales to the United States Government or within areas subject to the jurisdiction of the Federal Government) is proposed to be amended. The proposed subsection (a) treats sales of tangible personal property to the United States Postal Service as sales to the United States Government. A new subsection (b) provides that certain sales to or use of tangible personal property for or on behalf of the United States Government are subject to tax and that building maintenance services sold to or used by the United States Government are not subject to tax. The existing subsections have been relettered accordingly.

As a result of 1991 Legislation, the performance of various services enumerated in section 201(k)(11)—(18) of the TRC is now subject to tax. Sections 32.31—32.35 specify the various services that are subject to tax when not directly used in dairying; manufacturing; processing; farming; public utilities or mining. In addition, language is proposed to be added to §§ 32.31 and 32.33 (relating to dairying; and farming) to explain that the farming and dairying exclusion applies to disinfecting or pest control services.

Section 32.36 (relating to printing and related businesses) proposes to add a new subsection (b) to address

the taxability of the various services described in § 32.32(a)(3) (relating to manufacturing; processing) when they are not directly used in printing operations. This new language is also being added to § 32.37 (relating to photographers and photofinishers) in subsection (b)(2)(i). The current § 32.36(b) will be relettered accordingly.

To clarify the existing definition of "credit sales" forth in § 33.1 (relating to definitions), the Department is proposing amendments to the definitions to provide that a credit sale is a sale in which the purchaser pays all or part of the total purchase price after the date of purchase. Because of its use within the chapter and to remove any ambiguity, the definition of "sale" is proposed to be added to § 33.1.

When § 33.2 (relating to scope) was amended in 1994, the Department changed the name of the section to scope. After reviewing this change, the Department has concluded that the original name of the section, "purchase price" is more appropriate. Therefore, this proposal changes the section name to "purchase price." To correct an error in the 1994 publication, § 32.2(b)(5) is proposed to be amended to provide that a gratuity is a voluntary payment by the purchaser or a reasonable mandatory charge by the vendor in lieu of the voluntary payment, that is billed to the purchaser and distributed directly to the vendor's employees for services rendered in connection with the purchase of food or beverages or hotel or motel accommodations. In addition, a new paragraph (6) is proposed to be added to categorize as retail excise taxes various new taxes now in existence within this Commonwealth.

Subsection (a) of § 33.4 (relating to credit and lay-away sales) is proposed to be amended to add three examples that explain when tax shall be remitted to the Department. The Department felt these examples would clarify the section and reduce confusion among some taxpayers.

As a result of *Suburban Cable TV Co. v. Commonwealth*, 570 A.2d 601 (Pa. Cmwlth. 1990) *aff'd per curiam* 527 Pa. 364, 591 A.2d 1054 (1991), the definition of "licensed commercial or educational station" is amended in § 42.1 (relating to definitions) to include a registered cable television company operated under the authority of the Federal Communications Commission.

Section 42.3 (relating to property) is proposed to be amended to conform the section to terminology utilized in the cable industry.

Minor revisions are proposed to §§ 44.2 and 45.1 (relating to cooperative agricultural associations; and exemption of electric cooperative corporations) to incorporate the 1991 Legislation that provides for the taxation of various services enumerated in section 201(k)(11)—(18) of the TRC.

Consistent with the 1991 and 1994 statutory amendments in sections 201(aa) and 204(51) of the TRC (72 P. S. §§ 7201(aa) and 7204(51)), § 46.9 (relating to financial institution security equipment) is proposed to be amended to clarify that building maintenance and building repair services performed on financial institution security equipment are subject to tax.

Section § 47.18(a) (relating to totalizer equipment) is proposed to be amended by deleting the term "resident" because it was determined to be unnecessary and to more appropriately define the term "totalizer company." The section is also being amended to clarify that when the term "corporation" is used in this section, it is referring to a racing corporation. In response to the repeal of taxation

of computer services in Act 1997-7, the section is also being amended to clarify that the nontaxable service referenced in (b)(1) and (2) is a nontaxable computer service.

Finally, § 58.13 (relating to carpeting and other floor coverings) is proposed to be amended to reflect the taxation of various services enumerated in sections 201(k)(11)—(18) of the TRC. Additionally, subsection (a) is deemed unnecessary and is proposed to be deleted. The remaining subsections are relettered accordingly.

Affected Parties

Taxpayers obligated to collect or remit Sales and Use Tax and persons and businesses filing petitions with the Board of Appeals may be affected by the proposed amendments.

Fiscal Impact

The Department has determined that the proposed amendments will have no significant fiscal impact on the Commonwealth.

Paperwork

The proposed amendments will not generate additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*. These regulations are scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed amendments to Anita M. Doucette, Office of Chief Counsel, PA Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 13, 1998, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Finance. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed amendments to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Department, the General Assembly and the Governor of objections raised.

(Editor's Note: A proposal to amend § 32.21 remains outstanding at 27 Pa.B. 6469 (December 13, 1997)).

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-386. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart A. GENERAL PROVISIONS

CHAPTER 7. BOARD OF APPEALS

§ 7.3. Petitions.

(a) *Filing.* Petitions [**should be filed with the Secretary of the Board of Appeals, Post Office Box 8480, Harrisburg, Pennsylvania 17105**] sent through the United States Postal Service shall be addressed to the Pennsylvania Department of Revenue, Board of Appeals, Department 281021, Harrisburg, PA 17128-1021. Petitions sent through all other delivery services shall be addressed to the Pennsylvania Department of Revenue, Board of Appeals, 4th and Walnut Streets, Strawberry Square, 10th Floor, Harrisburg, PA 17120. Petitions should be filed within the time limits prescribed by statute or this title—see § 7.4 (relating to filing of special petitions). Petitions are filed on the date received by the Board. Written petitions received by the Board after the date prescribed by statute or this title, but **either postmarked by the United States Postal Service or presented to other Department personnel [prior to or on the date prescribed by statute or this title] on or before the petition due date**, are deemed to be timely filed [**as of the date of receipt by the other Department personnel**]. The burden is on the taxpayer to present evidence sufficient to prove that the petition was timely postmarked by the United States Postal Service or timely presented to the Department. **When a petition is deemed timely filed by reason of being timely postmarked by the United States Postal Service or timely presented to Department personnel other than personnel at the Board, the statutory period in which the Board is required to render a decision begins to run on the date that the petition is actually received by the Board.**

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§ 7.6. Decision and order.

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(b) The Board's final decision and order will be in writing and signed by one or more members of the Board or a member's designee, except that, in the case of taxes subject to audit and approval by the Department of the Auditor General, the final decision and order is subject to the approval of the Department of the Auditor General.

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CHAPTER 31 IMPOSITION

GENERAL PROVISIONS

§ 31.4. Rentals or leases of tangible personal property.

(a) *Imposition.* Transfers of possession or of custody of tangible personal property for consideration, by whatever means effected and irrespective of the terms employed by the parties to describe the transaction, are taxable. The rental, lease or license to use or consume tangible personal property is subject to tax. For example, when a machine shop grants to another the right to use its machinery on weekends for a fee, the transaction is taxable. Similarly, the grant of a right to use an electronic

computer for a fee is subject to tax. If a transferee fails to pay the tax to the transferor in connection with a taxable transaction, the Commonwealth may collect the tax from either the transferor or transferee.

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(3) If a person leases or rents equipment together with the services of an operator to another person, who is given the right to use or direct the use of the equipment, the transaction is subject to tax. For example, when a company furnishes a motor vehicle with a driver to a customer on a time, mileage or load basis, the transaction is subject to tax if the customer has the right to direct where the vehicle is driven or to otherwise control its use. Similarly, when an owner of a crane furnishes a crane with an operator to a construction contractor, although the technical operation and maintenance of the crane are under the control of the operator, the transaction is subject to tax because the contractor has the right to direct the use of the crane.

(b) Exemptions. Persons who purchase tangible personal property for the predominant purpose of renting or leasing it to others are entitled to claim the resale exemption. Purchases of repair parts or otherwise taxable services for the property are similarly entitled to exemption. Purchases of equipment or supplies used in conjunction with the service or care of rental property are subject to tax [since] because the materials are not considered to be resold.

(1) [If a purchaser uses or consumes property purchased for resale or disposes of property purchased for resale in a manner other than for resale, the purchaser becomes the ultimate consumer or user of the property and shall pay use tax with respect to the taxable use. When the property is used or consumed in a manner other than for resale, the purchaser shall also pay use tax on otherwise taxable services which were performed on the property if the purchaser purchased the services exempt from tax by claiming the resale exemption.] When property is withdrawn from inventory, it will be taxed as follows:

(i) Property permanently withdrawn from inventory is subject to Use Tax upon the prevailing market price of the property at the time it is withdrawn from inventory.

(ii) Property temporarily withdrawn from inventory is subject to Use Tax upon the fair rental value of the property during the period of use. For purposes of this subparagraph, the term "fair rental value" means the amount which would be charged for the property in the open market for a similar period of time and place. When the actual fair rental value is unknown, the Department will recognize 3% of the purchase price as a monthly fair rental value of the property if the purchase price is the fair market value of the property.

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§ 31.5. Persons rendering taxable services to tangible personal property.

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(e) Application of tax to service or maintenance agreement. [Persons] A person who [enter] enters into a "service" [agreements] agreement to render a taxable service [are] to tangible personal property is mak-

ing ["sales] a "sale at retail" and shall collect sales tax [on the entire charge made under the agreement] in accordance with this section. The fact that the agreement may be designated "Inspection," "Maintenance," "Extended Warranty" or by any other name does not change this rule if, under the terms of the agreement, the persons [shall be] are obligated to render a taxable service upon the tangible personal property of their customers. For example, when a firm enters into [agreements] an agreement with a serviceman to have its office equipment inspected, repaired and cleaned, the entire charge, without any deduction for separately stated items, is subject to tax.

(1) If payment for repairs made under the agreement is made by the obligor of the agreement directly to the person making the repairs, the purchaser of the agreement shall pay tax on the purchase price of the agreement and on the amount of each deductible paid under to the agreement.

(2) If under the agreement the obligor of the agreement reimburses the purchaser for the cost of repairs paid for by the purchaser, the purchase price of the agreement is not subject to tax.

(3) Examples are as follows:

(i) "L" law firm purchases an extended service contract for its new photocopier from "M." The cost of the contract is \$200. The contract provides that "M" pays the person making the repairs less a \$50 deductible, which "L" pays. Under the contract, repairs of \$125 are made. At the time "L" purchases the extended service contract, "L" shall pay tax on the \$200 purchase price of the contract and, at the time the \$125 repairs are made, "L" shall pay tax on the \$50 deductible paid in connection with the repairs.

(ii) Mike purchases a new leaf blower and a maintenance agreement from a retail store. The cost of the maintenance agreement is \$15. The maintenance agreement provides that Mike pays for the cost of repairs and is then reimbursed. Mike has \$36 of repairs made to the leaf blower. At the time the repairs are purchased, Mike shall pay tax on \$36 paid for repairs but the \$15 purchase price of the maintenance agreement is not subject to tax.

(iii) Sherry purchases an extended warranty for her new automobile. The cost of the warranty is \$690. Under the warranty, the seller of the warranty pays directly the person making the repairs less a \$100 deductible that Sherry pays. At the time Sherry purchases the warranty, she shall pay tax on the \$690 purchase price and, at the time she pays the deductible in connection with repairs made under the warranty, she shall pay tax on the deductible.

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§ 31.7. Use [tax] Tax.

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(c) Alternate imposition. Use [tax] Tax is generally imposed upon the original purchase price of tangible personal property. Exceptions to this general rule are as follows:

(1) Purchases made 6 months or longer prior to first taxable use—fair market value. For property purchased 6 months or more prior to its first taxable use in this

Commonwealth, the taxpayer may elect to pay the tax on the fair market value of the property at the time of its first use in [the] this Commonwealth rather than on its original purchase price. The fair market value is the prevailing market price of similar personal property at the time and place of its first taxable use. The election to use this alternative base shall be made [within 1 year from the date the return for the taxable use is due] by filing [notice with the Bureau on Form PA-3] a return within 6 months of the first taxable use and by paying the proper tax together with any accrued penalties and interest due.

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§ 31.26. [Financial institutions] (Reserved).

[(a) Purchases by financial institutions. A financial institution shall pay the tax at the time of purchase of all tangible personal property to be used by it in the conduct of its business. This includes all tangible personal property gratuitously furnished by the financial institutions to its customers, such as passbooks, check books, deposit slip books or similar items.

(b) Sales by financial institutions. A financial institution selling personalized check books, coin banks or other items of tangible personal property subject to tax may do one of the following:

(1) Obtain a license, collect the tax from its customers and remit the tax collected along with its monthly returns.

(2) Elect not to register and file returns, if in the latter case it pays tax to its suppliers based upon the price at which the merchandise is to be sold by the financial institution to its customers and reimburse itself for the tax so paid by collecting the tax from its customers.]

CHAPTER 32. EXEMPTIONS

GENERAL PROVISIONS

§ 32.1. Definitions.

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

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[Isolated sales—Sales of taxable property or services which:

(1) Occur no more frequently than three times nor for more than a total of 7 days in any 1-calendar year.

(2) Are not made from a location at which other businesses are making similar sales of the same taxable property or services upon which tax is required to be collected.]

Manufacturing—The performance as a business of an integrated series of operations which places personal property in a form, composition or character different from that in which it was acquired whether for sale or use by the manufacturer. The change in form, composition or character shall result in a different product having a distinctive name, character and use. Operations such as compounding, fabricating or processing are illustrative of the types of [operation which] operations that may result in such a change although any operation [which

has that result] that results in such a change may be manufacturing. Mere changes in chemical composition or slight changes in physical properties are not sufficient. For example, the C Company, as its business operation, takes coffee beans and thereafter, by mechanical and hand labor, cleans [them] the beans, removes the outer skins and roasts the beans. The roasted coffee, resulting from the C Company's activities, is not a manufactured product, notwithstanding the fact that there has been a change in the color, weight and size of [bean] the beans. The term includes remanufacturing motor vehicle parts for wholesale distribution and remanufacturing selected items of military equipment.

* * * * *

Remanufacturing motor vehicle parts for wholesale distribution—The remanufacture for wholesale distribution of motor vehicle parts from used parts acquired in bulk by a remanufacturer that uses an assembly line process involving the complete disassembly of the parts and the integration of the components thereof with other used or new components. The term includes the salvaging, recycling or reclaiming of used parts by the remanufacturer.

Remanufacturing selected items of military equipment—The remanufacture or retrofit of aircraft, armored vehicles or other defense-related vehicles having a finished value of at least \$50,000 using a process that involves the disassembly of the aircraft, vehicles, parts or components, including electric or electronic components; the integration of those parts and components with other used or new parts or components, including the salvaging, recycling or reclaiming of the used parts or components; and the assembly of the new or used aircraft, vehicles, parts or components. For purposes of this definition, the following terms or phrases have the following meanings:

(i) "Aircraft" means fixed wing aircraft, helicopters, powered aircraft, tilt-rotor or tilt-wing aircraft, unmanned aircraft and gliders.

(ii) "Armored vehicles" means tanks, armed personnel carriers and all other armed track or semi-track vehicles.

(iii) "Other defense-related vehicles" means trucks, truck tractors, trailers, jeeps and other utility vehicles, including any unmanned vehicles.

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§ 32.2. Exemption certificates.

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(b) Relief from tax liability. A seller or lessor who accepts in good faith an exemption certificate which discloses a proper basis for exemption upon its face is relieved of liability for collection or payment of tax upon transactions covered by the certificate.

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(2) Acceptance in good faith. An exemption certificate to be accepted in good faith shall also meet the following requirements:

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(iii) [The] A properly completed certificate shall be in the physical possession of the seller or lessor, and available for Departmental inspection, on or before the

60th day following the date of the sale or lease to which the certificate relates. [Where a certificate is not made available for Departmental inspection on or before that time, the seller or lessor shall prove to the satisfaction of the Department, by means of evidence other than an exemption certificate, that the sale or lease in question is, in fact, exempt. In the absence of proof the transaction will be deemed taxable and assessed as such.] If the purchaser claims the resale exemption, a properly completed certificate shall contain the purchaser's sales tax license number or reasonable explanation as to why the purchaser is not required to have a sales tax license number. The Department will not recognize a properly completed exemption certificate that is not in the possession of the seller or lessor within 60 days after the date of the transaction. A vendor of taxable property or services who fails to obtain a properly completed certificate shall have the burden of establishing that the sale is exempt from tax.

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(d) *Forms of certificates.* The following exemption certificate forms and instructions have been promulgated by the Department:

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(2) *Forms for purchase of motor vehicles.* [The following form is designed for purchase of motor vehicles, and is not valid for purposes other than that for which it is designed: *Form REV-191 Vehicles Sales and Use Tax Return.* This form shall be used for claims of exemption upon the purchase or lease of a motor vehicle, trailer, semitrailer or tractor which is required by law to be registered with the Bureau of Motor Vehicles, and shall accompany the application for title.] The Department of Transportation forms MV-1 and MV-4ST shall be used in connection with the payment of tax or the claim for exemption upon the purchase or use of a motor vehicle, trailer, semitrailer, tractor or motorcycle requiring title or registration for use on the highway.

§ 32.3. [Sales for resale] Resale exemption.

(a) [Sales for resale exempt. A transfer for consideration of the ownership, custody or possession of tangible personal property or the rendition of taxable services for the purpose of resale is exempt from tax. Transfer for the purpose of resale shall include the following:

(1) The transfer of tangible personal property or rendition of taxable services on, or purchase of, repair parts for property which is:

(i) To be sold, rented or leased in the regular course of business. However, the sale of malt or brewed beverages or liquor to a person who is a retail dispenser or a holder of a retail liquor license under The Liquor Code (47 P. S. §§ 1-101—9-902), does not qualify for the resale exemption.

(ii) To be physically incorporated as ingredient or constituent into other personal property which is to be sold in the regular course of business or transported in interstate commerce to a destination outside of this Commonwealth.

(2) Personal property purchased or having a situs within this Commonwealth solely for the purpose of being processed, fabricated or manufactured into,

attached to or incorporated into personal property and thereafter transported outside of this Commonwealth for use exclusively outside this Commonwealth.

(b) *Presumption of taxability.* Every sale of tangible personal property is presumed to be at retail and therefore subject to tax. A purchaser claiming the resale exemption shall therefore establish that the specific property purchased is to be resold. A purchaser who uses or consumes property purchased for resale or who disposes of property purchased for resale in a manner other than by resale becomes the ultimate consumer or user of the property and shall pay a use tax with respect to the taxable use.]

Resale exemption. The following transactions qualify for a resale exemption:

(1) The transfer of ownership, custody or possession of, including the grant of a license to use, tangible personal property or taxable services that is sold, rented or leased in the regular course of the purchaser's business.

(2) The transfer of ownership of tangible personal property that is physically incorporated as an ingredient or constituent of other tangible personal property that is sold in the regular course of the purchaser's business.

(3) The obtaining of the following taxable services performed upon tangible personal property that is sold, rented or leased in the regular course of the purchaser's business:

(i) The service of printing or imprinting tangible personal property furnished either directly or indirectly by the purchaser.

(ii) The service of washing, cleaning, waxing, polishing or lubricating of motor vehicles.

(iii) Inspecting of motor vehicles under the mandatory requirements of 75 Pa.C.S. §§ 101—9805 (relating to the Vehicle Code).

(iv) The service of repairing, altering, mending, pressing, fitting, dyeing, laundering, dry cleaning or cleaning tangible personal property other than wearing apparel or shoes.

(v) The service of applying or installing tangible personal property as a repair or replacement part of other tangible personal property other than wearing apparel or shoes.

(b) *Special resale exemption.* The following transactions qualify for a special resale exemption:

(1) The obtaining of the following taxable services performed upon tangible personal property that is transported in interstate commerce to a destination outside this Commonwealth.

(i) The service of printing or imprinting tangible personal property furnished either directly or indirectly by the purchaser.

(ii) The service of washing, cleaning, waxing, polishing or lubricating of motor vehicles.

(iii) Inspecting of motor vehicles under the mandatory requirements of 75 Pa.C.S. §§ 101—9805.

(iv) The service of repairing, altering, mending, pressing, fitting, dyeing, laundering, dry cleaning or cleaning tangible personal property other than wearing apparel or shoes.

(v) The service of applying or installing tangible personal property as a repair or replacement part of other tangible personal property other than wearing apparel or shoes.

(2) The transfer of ownership of tangible personal property purchased solely for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into tangible personal property within this Commonwealth and thereafter transported outside this Commonwealth.

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§ 32.4. Isolated sales.

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(b) Transactions which are not isolated sales. The following are examples of transactions which [shall] will not be considered isolated sales:

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(6) [The sale of a property by a charitable, volunteer firemen's or religious organization or non-profit educational institution as a fund raising activity, if the following is applicable:

(i) The sales or series of sales is conducted more than three times or more than a total of 7 days in any year.

(ii) The organization or institution is making sales of taxable property other than food or beverages sold at or from a school or church, on the same premises in competition with other vendors required to collect tax.

(7) [The sale of motor vehicles, trailers, [semitrailers] semitrailers, motor boats, aircraft, snowmobiles or other similar tangible personal property required under Federal law or the laws of the Commonwealth to be registered or licensed.

[(8)](7) * * *

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§ 32.5. Multistate sales.

(a) Transactions where delivery is made to locations within this Commonwealth. [Where delivery of taxable property or services is made to locations within this Commonwealth, the transactions shall be subject to tax. Delivery in this Commonwealth to a nonresident purchaser does not make the transaction exempt.] The sale, rental or lease of, or service performed on, tangible personal property, or the performance of a taxable service enumerated in section 201(k)(11)—(18) of the TRC (72 P. S. § 7201(k)(11)—(18)), which is delivered in this Commonwealth to a purchaser, lessee or an agent of the purchaser or lessee is subject to tax, notwithstanding that the purchaser, lessee or agent of the purchaser or lessee may subsequently transport the property to a location outside this Commonwealth.

(b) Transactions where delivery is made to locations outside this Commonwealth.

(1) When tangible personal property is sold, leased or serviced within this Commonwealth and the vendor, lessor or serviceperson is obligated to deliver it to a point outside of this Commonwealth, or to deliver it to [a] an interstate carrier or to the [mails] United States Postal Service for transportation to a point outside this

Commonwealth, [sales tax does not apply] the transaction is not subject to tax. [However, where tangible personal property under a sale, lease or service is delivered in this Commonwealth to the buyer or lessee or their agent, other than an interstate carrier, the tax applies, notwithstanding that the buyer or lessee may subsequently transport the property out of this Commonwealth.] The interstate carrier may be engaged by either the vendor or purchaser.

Examples:

[Henrietta Higgins, a speech pathologist, purchased disposable laboratory supplies from a Commonwealth retailer. The retailer delivers the supplies (cost and freight) to Providence, Rhode Island. Title to the supplies passed to Higgins at the Commonwealth point of shipment, but sales tax does not apply because delivery is made out-of-State.

Ahab Inc., a maker of specialized steel in this Commonwealth, supplies harpoons to Neptune Inc., a Massachusetts fishing concern. The harpoons are delivered to Neptune Inc.'s agent (freight on board) Harrisburg, Pennsylvania for ultimate delivery in Massachusetts. Sales tax applies to this transaction because delivery is made and title passes in this Commonwealth.]

"A," a resident of New Jersey, obtains a repair service for his motor vehicle at a repair shop located in this Commonwealth. The repair shop performs the repairs and delivers the motor vehicle to "A" at "A's" New Jersey residence. The charge for the repair service is not subject to Pennsylvania Sales or Use Tax.

"B," a Delaware resident, has his french horn repaired by a Philadelphia instrument repair shop. The repair shop performs the required repairs and ships the horn to "B" in Delaware by the United States Postal Service. The charge for the repair service is not subject to Pennsylvania Sales or Use Tax.

(2) When an otherwise taxable service is performed within this Commonwealth and the vendor, lessor or serviceperson is obligated to deliver the service to a point outside of this Commonwealth, or to deliver the service to an interstate carrier or to the United States Postal Service for transportation to a point outside this Commonwealth, the transaction is not subject to tax.

Examples:

"K," a New York business, contracts with "H," a Pennsylvania temporary help supply agency, to provide a temporary employe whose wages are paid by "H." The employe reports for work at "K's" New York business location where the employe will perform duties under "K's" supervision. The contract represents a help supply service but is not subject to Pennsylvania Sales or Use Tax because the service was delivered outside of this Commonwealth.

"J," an Ohio retailer, purchases an employment contract from "M," a Pennsylvania employment agency. The employe is required to report for work at a location in Ohio. The purchase is not subject to Pennsylvania Sales

or Use Tax because the employment service was delivered outside of this Commonwealth.

(c) [When] Collection of tax by a vendor, lessor or serviceperson shall collect tax. A vendor, lessor or serviceperson [engaged in business activity] maintaining a place of business within this Commonwealth shall collect the tax imposed by the [act] TRC with respect to the following transactions unless they are otherwise exempt:

(1) [Where] If the tangible personal property or the taxable service is shipped from a point outside this Commonwealth to a point within this Commonwealth.

(2) [Where] If the tangible personal property or the taxable service is shipped from a point within this Commonwealth to another point within this Commonwealth by a route a portion of which is outside this Commonwealth.

(3) [Where] If the tangible personal property or the taxable service is purchased and delivered within this Commonwealth [even though] and the purchaser subsequently transports the tangible personal property or the taxable service to a location outside this Commonwealth. [with the following exceptions:

(i) Property purchased or having a situs within this Commonwealth solely for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into personal property and thereafter transported outside this Commonwealth for use exclusively outside this Commonwealth shall be deemed to be a resale and therefore is not subject to tax.

(ii) The sale at retail or use of motor vehicles, trailers or semitrailers, or bodies attached to the chassis thereof sold to a nonresident of this Commonwealth to be used outside this Commonwealth which are registered in a state other than this Commonwealth within 20 days after delivery to the vendee is not subject to tax.]

(d) Maintenance of records. A vendor, lessor or serviceperson [making sales of] selling tangible personal property [exempt from the] or a service which is not subject to tax [set forth in this section] because the property or service is delivered to an out-of-State location shall maintain records of the transactions, together with documents evidencing the delivery of the tangible personal property or taxable service to a destination outside this Commonwealth. The documents include waybills, bills of lading, insurance or registry receipt issued by the United States [Post Office] Postal Service, mail orders, shipping orders or other data pertinent to the purchase and delivery.

(e) [Property] Tangible personal property or a taxable service [is] not exempt by reason of being used in interstate [and] or foreign commerce. Unless the tangible personal property or taxable service is otherwise exempt by reason of this section or this chapter, the sale or use of tangible personal property or a taxable service in this Commonwealth [shall be] is subject to [the] tax notwithstanding the fact that the purchaser is engaged in interstate or foreign commerce or that the tangible personal property or taxable service may be intended for use in interstate or foreign commerce.

(f) [Interim storage of property to be used exclusively outside this Commonwealth. Effective March 4, 1971, the interim storage in] Use within this Commonwealth purchased outside. The use within this Commonwealth of tangible personal property or a taxable service purchased outside this Commonwealth for use outside this Commonwealth and upon which no work or services are performed is [a taxable use] subject to tax. The use tax shall be based upon the original purchase price of the tangible personal property or taxable service. [The storage charges are exempt from tax.]

Examples:

"P," a Pennsylvania corporation, operates from its corporate headquarters in Philadelphia. "P" also has business locations in Ohio, Indiana and California. "P" purchased word processor paper in bulk which was shipped to its Philadelphia location. "P" broke down the bulk shipment and rewrapped and shipped quantities of the paper to its business locations in Ohio, Indiana and California. "P's" purchase of the entire shipment of paper is subject to tax because "P" made a use of the paper in this Commonwealth.

Contractor "C" purchases lumber within the state of Delaware which is delivered by the vendor to "C's" business location in this Commonwealth. The lumber is stored in "C's" warehouse and later transported to New Jersey where "C" uses the lumber to construct a building. No work or services are performed on the lumber during storage. "C's" storage of the lumber within this Commonwealth constitutes a taxable use. Thus, the lumber is subject to Pennsylvania use tax.

NONBUSINESS EXEMPTIONS

§ 32.21. Charitable, volunteer firemen's and religious organizations, and nonprofit educational institutions.

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

Isolated sales—Sales of taxable property or services which:

(i) Occur no more than three times nor for more than a total of 7 days in a calendar year.

(ii) Are not made from a location at which other businesses are making sales of similar property or services upon which tax is required to be collected.

[(a)](b) * * *

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[(b)](c) * * *

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[(c)](d) Sales by exempt organizations.

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(2) Isolated [sale] sales.

(i) An exempt organization need not collect and remit tax upon the sale of property in an isolated sale [as defined in § 32.1 (relating to definitions)].

(ii) The following are examples of nontaxable and taxable sales by an exempt organization:

(A) "E", an exempt organization, sells stadium cushions to the public on three separate Saturdays during a calendar year from a location at which no other organizations or businesses are selling similar items. "E" makes no other taxable sales during the calendar year. "E" would not be required to collect sales tax on its sales of stadium cushions.

(B) "E", an exempt organization, sells spaghetti dinners every Sunday afternoon. The dinners are consumed on the premises. All sales of spaghetti dinners by "E" are subject to tax because "E" makes taxable sales more than three times in a calendar year.

(3) *Food and beverages.* An exempt organization [which is either] engaged in the business of catering or [the operation of] operating a restaurant, cafe, lunch counter or other eating [place] establishment for the purpose of selling prepared food or beverages is required to obtain a sales tax license number and collect and remit tax upon its sales of food or beverages unless the [sales] sale of food or beverages:

(i) Qualifies as an isolated sale [as defined by § 32.1.].

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(4) *Purchases of property for resale.* An exempt organization purchasing property for resale in connection with fundraising activities is required to hold a Pennsylvania [sales tax] Sales Tax license number for the purpose of collecting tax, unless the sale qualifies as an isolated sale [as defined in § 32.1].

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§ 32.22. Sales to the United States Government or within areas subject to the jurisdiction of the Federal Government.

(a) *Sales to the United States Government.* Sales of tangible personal property or services to the [Government of the] United States Government are not subject to tax under the [act] TRC. Tax need not be collected on the sales to a [regular department] governmental agency, such as Defense, Interior, Agriculture, [Post Office,] Commerce of the United States. [Reference should be made to § 32.2 (relating to exemption certificates).] Sales of tangible personal property to the United States Postal Service shall be considered sales to the United States Government. Federal Reserve Banks and their branch banks are exempt from the payment of [sales and use taxes] Sales and Use Tax under the [act] TRC. Reference should also be made to section 7 of the Federal Reserve Act (12 U.S.C.A. § 290). However, commercial banks which are merely member banks of the Federal Reserve System are subject to sales and use tax. The only banks in [the] this Commonwealth entitled to this exemption are the Federal Reserve Bank of Philadelphia, District No. 3, and the Pittsburgh Branch of the Federal Reserve Bank of Cleveland, District No. 4.

(b) *Construction contracts.* The sale to or use of tangible personal property by construction contractors in the construction, reconstruction, remodeling, repair and maintenance of real estate, includ-

ing buildings, roads, structures and bridges, for or on behalf of the United States Government, is subject to tax. However, the sale to or use of building maintenance services by the United States Government is not subject to tax.

[(b)] (c) *Nonexempt agencies.* Nonexempt agencies include National Banks, Federal Savings and Loan Associations, Joint Stock Land Banks[,] and National Park Concessionaires [, The Atomic Energy Commission, Federal licensees such as warehouses and stockyards, and construction contractors engaged in the improvement of real estate such as buildings, roads, structures, bridges owned by an exempt Federal agency, and similar corporations, companies, institutions or persons may not be exempt].

[(c)](d) * * *

BUSINESS EXEMPTIONS

§ 32.31. Dairying.

(a) *Equipment, machinery, parts and foundations therefor and supplies used directly in dairying.* The purchase or use of tangible personal property or services performed thereon by a person engaged in the business of dairying [shall be] is exempt from tax if the property is predominantly used directly [by him] in dairying operations. Purchases of vehicles required to be registered under 75 Pa.C.S. §§ 101—[9821] 9805 (relating to the Vehicle Code) as well as supplies and repair parts for the vehicles are subject to tax. There is no exemption for maintenance facilities or for materials or supplies to be used or consumed in [a] construction, reconstruction, remodeling, repair or maintenance of real estate other than machinery, equipment or parts therefor that may be affixed to the real estate. [Beginning March 4, 1971, foundations for equipment and machinery became subject to tax and remained taxable until February 9, 1981. Effective February 7, 1981, foundations] Foundations used to support equipment, machinery and parts used directly in dairying [shall be] are exempt from tax.

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(2) *Property directly used; predominant use.* The purchase or use by a dairyman of property in the following categories, when predominately used directly in dairying, [shall be] is exempt from tax. [Where] If a single unit of the property is put to use in two different activities, one of which is a direct use and the other of which is not, the property may not be exempt from tax unless the dairyman makes use of the property more than 50% of the time directly in dairying operations.

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(vi) *Disinfecting or pest control services.*

(3) *Property or services not directly used.* Property or services in the following categories [is] are not directly used in dairying operations, and the purchase or use of the property or services [shall be] is subject to tax.

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(ii) *Maintenance facilities.* Maintenance, service and repair work is not a dairying operation. Maintenance facilities, including tools, equipment and supplies predominantly used in performing the work [.For], for example: chain hoists, tire spreaders, welding equipment, drills, sanders, wrenches, paint brushes and sprayers,

oilers, absorbent compounds, dusting compounds, air blowers and wipers[) shall be], are subject to tax. However, replacement parts [which] that are used to replace worn parts upon exempt machinery and equipment [(For), for example: motors, belts, screws, bolts or gears()], and operating supplies [which] that are [actively and continuously] directly used in the operation of exempt machinery and equipment [(For), for example: fuel, lubricants, paint and compressed air()] shall be], are also exempt from the tax. Equipment and supplies, including soaps and cleaning compounds, brushes, brooms, mops[,] and similar items, used in general cleaning and maintenance of dairy property [shall be] are subject to tax.

* * * * *

(iv) **Selected services.** The following services are not directly used in dairying and are subject to tax:

- (A) Building maintenance or building cleaning services.
- (B) Lawn care services.
- (C) Help supply services.
- (D) Employment agency services.
- (E) Lobbying services.
- (F) Secretarial and editing services.
- (G) Adjustment and collection services.
- (H) Credit reporting services.
- (I) Self-storage services.

* * * * *

§ 32.32. Manufacturing; processing.

(a) *Equipment, machinery, parts and foundations therefor and supplies used directly in manufacturing or processing.* The purchase or use of tangible personal property or services performed thereon by a person engaged in the business of manufacturing or processing is exempt from tax if the property is predominantly used directly by him in manufacturing or processing operations. Purchases of vehicles required to be registered under 75 Pa.C.S. §§ 101—[9821] 9805 (relating to the Vehicle Code) as well as supplies and repair parts for the vehicles [shall be] are subject to tax. There is no exemption for maintenance facilities or for materials or supplies to be used or consumed in construction, reconstruction, remodeling, repair or maintenance of real estate other than machinery, equipment or parts therefor that may be affixed to the real estate. [Beginning March 4, 1971, foundations for equipment and machinery became subject to tax and remained taxable until February 9, 1981. Effective February 7, 1981, foundations] Foundations used to support equipment, machinery and parts used directly in manufacturing or processing [shall be] are exempt from tax.

* * * * *

(3) *Property or services not directly used.* Property or services in the following categories [is] are not directly used in manufacturing or processing operations and the purchase or use of the property [shall be] or services are subject to tax.

* * * * *

(iv) **Selected services.** The following services are not directly used in manufacturing or processing and are subject to tax:

- (A) Building maintenance or building cleaning services.
- (B) Lawn care services.
- (C) Disinfecting or pest control services.
- (D) Help supply services.
- (E) Employment agency services.
- (F) Lobbying services.
- (G) Secretarial and editing services.
- (H) Adjustment and collection services.
- (I) Credit reporting services.
- (J) Self-storage services.

* * * * *

§ 32.33. Farming.

(a) *Equipment, machinery, parts and foundations therefor and supplies used directly in farming.* The purchase or use of tangible personal property or services performed thereon by a person engaged in the business of farming is exempt from tax if the property is predominantly used directly by him in farming operations. Purchases of vehicles required to be registered under 75 Pa.C.S. §§ 101—[9821] 9805 (relating to the Vehicle Code) as well as supplies and repair parts for the vehicles are subject to tax. There [shall be] is no exemption for maintenance facilities or tools, materials or supplies which are used or consumed in the construction, reconstruction, remodeling, repair or maintenance of real estate or farm equipment. [Beginning March 4, 1971, foundations for equipment and machinery became subject to tax and remained taxable until February 9, 1981. Effective February 7, 1981, foundations] Foundations used to support equipment, machinery and parts used directly in farming [shall be] are exempt from tax.

* * * * *

(2) *Property directly used; predominant use.* The purchase or use by a farmer of property in the following categories, when predominantly used directly in farming, is exempt from tax. When a single unit of the property is put to use by a farmer in two different activities, one of which is a direct use and the other of which is not, the property is not exempt from tax unless the farmer makes use of the property more than 50% of the time directly in farming operations.

* * * * *

(iv) *Packaging; preserving.* Wrapping equipment and supplies, including internal packing materials and returnable containers, used in packaging which passes to the ultimate consumer are directly used and therefore exempt. Property used to handle and preserve farm products upon the farm premises, and to prevent or deter the destruction, injury or spoilage of farm products, or productive animals or plants, is exempt from tax. Examples of [such] this property include the following:

* * * * *

- (F) Disinfecting or pest control services.

* * * * *

(3) *Property or services not directly used.* Property or services in the following categories [is] are not used directly in a farming operation and the purchase or use of the property [shall be] or services are subject to tax.

* * * * *

(iv) *Selected services.* The following services are not directly used in farming and are subject to tax:

(A) Building maintenance or building cleaning services.

(B) Lawn care services.

(C) Help supply services.

(D) Employment agency services.

(E) Lobbying services.

(F) Secretarial and editing services.

(G) Adjustment and collection services.

(H) Credit reporting services.

(I) Self-storage services.

* * * * *

§ 32.34. Public utilities.

(a) *Equipment, machinery, parts and foundations therefor, and supplies used directly in rendering public utility service.* The purchase or use by a public utility of tangible personal property or services performed thereon to be predominantly used directly by it in producing, delivering or rendering of a public utility service or constructing, reconstructing, remodeling, repairing or maintaining facilities directly used in the service is exempt from tax, whether or not the facilities constitute real estate. [However, for purposes of this exemption, real estate does not include buildings, roads or similar facilities. Effective March 4, 1971, foundations for exempt machinery or equipment became subject to tax and remained taxable until February 9, 1981. Effective February 7, 1981, foundations] Foundations used to support equipment, machinery and parts used directly in rendering a public utility service are exempt from tax. The term "foundations" includes sand, gravel, crushed rock, concrete or similar material used as bedding or surrounding pipe used directly in rendering a public utility sanitary sewer or water service. [Purchases of any vehicles] The purchase of a vehicle required to be registered under 75 Pa.C.S. §§ 101— [9909] 9805 (relating to the Vehicle Code), except those vehicles used directly by a public utility engaged in business as a common carrier as well as supplies and repair parts for the vehicles, is subject to tax.

* * * * *

(3) *Property or services not directly used.* Property or services in the following categories [is] are not directly used in public utility operations and the purchase or use of the property or services is subject to tax.

* * * * *

(iv) *Selected services.* The following services are not directly used in public utility operations and are subject to tax:

(A) Building maintenance or building cleaning services.

(B) Lawn care services.

(C) Disinfecting or pest control services.

(D) Help supply services.

(E) Employment agency services.

(F) Lobbying services.

(G) Secretarial and editing services.

(H) Adjustment and collection services.

(I) Credit reporting services.

(J) Self-storage services.

* * * * *

§ 32.35. Mining.

(a) *Equipment, machinery, parts and foundations therefor and supplies used directly in mining.* The purchase or use of tangible personal property or services performed thereon by a person engaged in the business of mining is exempt from tax if the property is predominantly used directly by the person in mining operations. Purchases of a vehicle required to be registered under 75 Pa.C.S. §§ 101— [9909] 9805 (relating to the Vehicle Code), as well as supplies and repair parts for the vehicles [is] are subject to tax. There is no exemption for maintenance facilities or for materials or supplies to be used or consumed in construction, reconstruction or remodeling of real estate other than machinery, equipment and parts therefor that may be affixed to the real estate. [Beginning March 4, 1971, foundations for equipment and machinery became subject to tax and remained taxable until February 9, 1981. Effective February 7, 1981, foundations] Foundations used to support equipment, machinery and parts used directly in mining are exempt from tax.

* * * * *

(3) *Property or services not directly used.* Property or services in the following categories [is] are not used directly in mining operation, and the purchase or use of the property or services is subject to tax.

* * * * *

(iv) *Selected services.* The following services are not directly used in mining and are subject to tax:

(A) Building maintenance or building cleaning services.

(B) Lawn care services.

(C) Disinfecting or pest control services.

(D) Help supply services.

(E) Employment agency services.

(F) Lobbying services.

(G) Secretarial and editing services.

(H) Adjustment and collection services.

(I) Credit reporting services.

(J) Self-storage services.

* * * * *

§ 32.36. Printing and related businesses.

(a) [*The printing*] *Printing exemption.* Printing and related businesses are exempt from sales and use taxes in accordance with the following:

(1) *Machinery*[,]; *equipment*[,]; *parts; foundations for machinery, equipment and parts; and supplies used directly in printing.* Printing, when engaged in as a business, is included in manufacturing under the TRC

and regulations applicable to manufacturers are also applicable to printers. Equipment, **or** machinery [—], including components of a computer system, accessories, parts and supplies therefor [**which are**] used predominantly and directly in the business of printing, regardless of the technology involved, is exempt from tax. [**Where**] **If** equipment is used for both exempt and nonexempt purposes, the predominant use test shall determine its tax status. [**Effective February 7, 1981, foundations**] **Foundations** used to support equipment, machinery and parts used directly in printing are exempt from tax. See § 32.32 (relating to manufacturing; processing). [**With the exception of purchases involving improvements to real estate, directly used property**] **Property directly used in printing/manufacturing** may be purchased free of tax upon the presentation to a vendor of a properly executed exemption certificate [**certifying that the purchase will be directly used in printing—manufacturing**]. For example, company X has a computer printer and photocopy machine [**which**] that predominantly [**supports**] **support** administrative operations. Neither device qualifies for the printing exemption. Company Y [**has**] **operates** a print shop [**operated as a separate profit-center reproducing**] that reproduces multiple copies of substantially identical printed matter. The tangible personal property in this print shop [**which is**] predominantly used in printing qualifies for the sales tax exemption.

* * * * *

(b) Property or services not directly used. Property and services described in § 32.32(a)(3)(relating to manufacturing; processing) are not directly used in printing operations and the purchase or use of the property or services is subject to tax.

[(b)](c) * * *

* * * * *

§ 32.37. Photographers and photofinishers.

* * * * *

(b) Manufacturing exemption. The purchase or use of materials, equipment and supplies by a photographer or photofinisher is exempt from tax if the property is predominantly used directly [**by him**] in the photography or photofinishing operation. This exemption is restricted to photographers and photo-finishers and is not available to photo-refinishers.

* * * * *

(2) Property or services not directly used.

(i) Property and services described in § 32.32(a)(3) (relating to manufacturing; processing) are not directly used in photography and photofinishing operations and the purchase or use of the property or services is subject to tax.

(ii) The following are examples of equipment, materials and supplies [**which**] that do not qualify for the manufacturing exemption: camera cases, gadget bags, lens cases, projectors, screens, projection lamps, projection tables, stands, slide files, motion picture reels and cans, viewers, viewing tables, negative files, negative envelopes, bulk film loaders, film cassettes, paper safes and cleaners for film and lenses.

* * * * *

CHAPTER 33. COMPUTATION OF TAX

§ 33.1. Definitions.

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

Credit [sales] sale—[Sales] A sale in which the purchaser pays **all or** part of the total purchase price subsequent to the [**time**] **date** of purchase. [**A sale shall be deemed to be on credit whether by open credit—including the use of a credit card—or a secured transaction such as a chattel mortgage, conditional sale or bailment lease.**] **The term does not include a lease, a bailment lease, a conditional sale or an installment sale.**

* * * * *

Purchase price—The total value of anything paid or delivered or promised to be paid or delivered, whether it be money or otherwise, in consideration of a sale at retail or purchase at retail not including a rental or license to use. See § 31.4 (relating to rentals or leases of tangible personal property). **The term does not include separately stated employe costs related to the provision of interior office building cleaning services, help supply services or employment agency services. See §§ 60.1, 60.4 and 60.5 (relating to building maintenance or building cleaning services; help supply services; and employment agency services).**

Sale—A transaction in which the seller transfers ownership of tangible personal property to a purchaser for a purchase price.

§ 33.2. [Scope] Purchase price.

* * * * *

(b) Exclusions. Amounts which are excluded from the taxable portion of purchase price, if separately stated and identified, include:

* * * * *

(5) Gratuity. A voluntary payment by the purchaser or a reasonable mandatory charge by the vendor in lieu of the voluntary payment, which is billed to the purchaser **and distributed directly to the vendor's employes** for services rendered in connection with the purchase of food or beverages or hotel or motel accommodations.

(6) Retail excise taxes. Excise taxes such as **local sales tax, public transportation assistance tax and vehicle rental tax imposed upon the purchase price and paid by the purchaser.**

* * * * *

§ 33.4. Credit and lay-away sales.

(a) Tax collection for credit sales. If a sale, with respect to which a tax is required to be collected, is wholly or partly on credit, the seller shall require the purchaser to pay the full amount of the tax due on the entire purchase price at the time the purchase is made or within 30 days thereafter. The failure of the purchaser to remit the tax due to the seller does not relieve the seller of the obligation [**of reporting**] **to report** the sale and [**paying**] **pay** to the Commonwealth the tax [**he should have collected**] **due.** The tax shall be remitted by the seller with the tax return covering the period in which either the [**purchase**] **sale** was made or the tax [**was or**] should have been collected.

Examples:

(1) "S" seller makes a cash sale of taxable property on May 10. "S" collects the applicable tax at the time of the sale. "S" is required to remit the tax with the tax return for the month of May because the tax was collected at the time of sale.

(2) "S" seller makes a credit sale of taxable property on May 10. "S" collects the applicable tax on June 10. "S" is required to remit the tax with the tax return for the month of May which is due June 20.

(3) "S" seller makes a credit sale of taxable property on May 22. "S" collects the tax on July 31. "S" is required to remit the tax with the return for the month of June because "S" is required to remit the tax within 30 days of the date of sale.

* * * * *

CHAPTER 34. REGISTRATION, RECORDKEEPING AND RETURNS

§ 34.4. Direct payment permit.

* * * * *

(b) *Requirements.* To receive a Direct Payment Permit, the following requirements shall be met by the taxpayer:

* * * * *

(5) Direct Payment Permit holders are required, as a condition of the issuance of the permission, to provide the Department access to the records, **including electronic tapes or disks**, maintained to account for the tax due.

(6) The taxpayer shall be licensed or registered at the time of applying for a Direct Payment Permit and shall maintain the license or registration during the period in which it holds a Direct Payment Permit number.

* * * * *

(e) *General restrictions upon use of Direct Payment Permit.* A Direct Payment Permit may never be used in conjunction with the following transactions:

* * * * *

(2) Purchase of prepared food or beverages at an eating place **or from a caterer.**

* * * * *

CHAPTER 42. BROADCASTING

§ 42.1. Definitions.

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

* * * * *

Licensed commercial or educational station—A broadcasting station operating under one of the following Federal Communications Commission licenses is a licensed commercial or educational station:

* * * * *

(v) **Cable television company.**

§ 42.3. Property.

(a) *Property directly used.* The following are examples of equipment, parts and accessories, and materials and supplies which, when predominantly used directly by a licensed commercial or educational station in the process

of broadcasting are exempt from tax. This exemption applies even though the equipment is part of a mobile unit.

* * * * *

(2) **Transmitter or receiver** equipment, including technical equipment located at transmitter **or receiver** sites.

* * * * *

(7) Cable television distribution system equipment, including video switching equipment, modulators, combiners, amplifiers, cable, converter boxes and similar items.

* * * * *

CHAPTER 44. FARMING AND DAIRYING

§ 44.2. Cooperative agricultural associations.

* * * * *

(b) *Sales and use tax exemption.* Cooperative agriculture associations which are required to pay corporate net income tax under the provisions of the Cooperative Agriculture Association Corporate Net Income Tax Act (72 P. S. §§ 3420-21—3420-30) are exempt from the payment of sales and use tax on their purchases of tangible personal property **and services**. The exemption does not apply to the purchase, lease, repair or maintenance service of any motor vehicle required to be registered under 75 Pa.C.S. §§ 101—[**9910**] **9805** (relating to the Vehicle Code). The exemption does not inure to a construction contractor who, under a construction contract with a cooperative agriculture association, is required to purchase materials, supplies or equipment which are installed so as to become part of the real estate under a construction contract.

* * * * *

CHAPTER 45. PUBLIC UTILITIES

§ 45.1. Exemption of electric cooperative corporations.

Corporations formed under 15 Pa.C.S. §§ 7301—7359 (relating to the Electric Cooperative Law of 1990) are by reason of 15 Pa.C.S. § 7333 (relating to license fee; exemption from excise taxes) exempt from the payment of [**sales and use tax**] **Sales and Use Tax upon their purchase of tangible personal property and services** under [**the provisions of**] Article II of the TRC (72 P. S. §§ 7201—7282). The corporations shall furnish their vendors with an exemption certificate setting forth that they are corporations formed under the Electric Cooperative Corporation Act and that they are therefore exempt from the [**sales and use tax**] **Sales and Use Tax** imposed by that act on purchases of property to be used in the activities of the corporations.

CHAPTER 46. CONSTRUCTION CONTRACTORS

§ 46.9. Financial institution security equipment.

* * * * *

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Building maintenance services—The performance of routine and periodic services upon a building to keep the building in a satisfactory operating condition. The term includes cleaning, oiling, greasing and replacing parts. The term does not include building repair services.

Building repair services—Services to a building that do not qualify as building maintenance or building cleaning services.

* * * * *

(e) [**Maintenance**] **Repair and maintenance.** [**Maintenance**] **Repair and maintenance** shall conform [**with**] to the following:

(1) **Repair.**

(i) [**Maintenance**] **Repair** of installed security equipment on the premises in which it is installed, or maintenance of installed security equipment by a person who removes it from the premises for the work and later reinstalls it, is a construction contract. As a construction contract, the work is a nontaxable service to real estate, and the person performing the service may not charge tax to [**his customer upon the contract price**] the purchaser. Rather, the person performing the service is responsible for the payment of tax upon the purchase price of any part or other tangible personal property [**which is**] transferred to the customer in the course of performing the service.

[(2)](ii) [**Maintenance**] **Repair** of security equipment [**which**] that is the subject of a straight sale because it does not require installation as defined in subsection (b), or maintenance of installed security equipment [**which**] that is removed by the owner or a designee and taken to the service premises, is a taxable service to tangible personal property. The person rendering the service shall register with the Department and collect tax upon both the labor charge and the charge for any part or other tangible personal property which is transferred to the customer in the course of the service. The resale exemption from tax is available to the serviceman upon the purchase of property which is to be transferred.

(2) **Maintenance.**

(i) **Maintenance of installed security equipment on the premises in which it is installed, or maintenance of installed security equipment by a person who removes it from the premises for the work and later reinstalls it, is a building cleaning and maintenance service. As a building cleaning and maintenance service, the charges are subject to tax. The person performing the service is entitled to claim the resale exemption upon the purchase of any tangible personal property or services transferred to the purchaser in connection with the performance of the building cleaning and maintenance service.**

(ii) **Maintenance of security equipment which is the subject of a straight sale because it does not require installation as defined in subsection (b), or maintenance of installed security equipment which is removed by the owner or a designee and taken to the service premises, is a taxable service to tangible personal property. The person rendering the service shall register with the Department and collect tax upon both the labor charge and the charge for any part or other tangible personal property which is transferred to the customer in the course of the service. The resale exemption from tax is available to the serviceman upon the purchase of property which is to be transferred.**

* * * * *

CHAPTER 47. RENTALS

§ 47.18. Totalizator equipment.

(a) **Definitions.** The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

[**Resident**—A natural person, partnership, corporation, association or other entity which is domiciled, maintains a place of business or is authorized to do business in this Commonwealth.]

Totalizator company—A business providing [**electronic totalizator equipment to a corporation**] **computerized pari-mutuel services.**

(b) **Scope.** A totalizator company shall conform with the following:

(1) **Charges to a racing corporation.** A totalizator company which provides [**electronic totalizator equipment**] a computer service to a racing corporation in connection with parimutuel betting is deemed to be rendering a nontaxable service. [**Therefore, charges**] A charge made by the totalizator company to a racing corporation in connection with rendering its nontaxable computer service is exempt from [**sales and use taxes**] **Sales and Use Tax.**

(2) **Purchases by a resident totalizator company.** A totalizator company is considered to be the consumer of equipment, materials or supplies, and services thereto, which it uses in the rendition of its nontaxable computer service. Accordingly, a totalizator company shall pay [**sales or use tax of**] this **Sales and Use Tax to the Commonwealth** in accordance with this subsection:

* * * * *

CHAPTER 58. MISCELLANEOUS

§ 58.13. Carpeting and other floor coverings.

(a) [**General.** This section pertains to the sale and/or installation of carpeting, tile, linoleum and other similar floor coverings. This ruling is intended to amplify the provisions of § 31.16 (relating to contractors acting as agents for their exempt customers).

(b)] **Definitions.** The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

[(c)] (b) **Straight sales.** A straight sale of floor covering is a taxable sale of tangible personal property under the [**sales tax**] **Sales Tax** law. Dealers making [**taxable**] straight sales of floor covering are required to be licensed with the Department and collect and remit [**sales tax**] **Sales Tax** upon the total purchase price, as defined in subsection [(b)] (a), unless the purchaser submits a properly executed exemption certificate or other documentary evidence establishing that the transaction is exempt. See subsection (h). The amount representing the purchase price of a taxable "straight sale" is reported on the taxable sale line of the dealer's regular [**sales tax**] **Sales Tax** return (Form PA-3).

[(d)] (c) **Construction contracts.** A construction contract does not constitute a taxable sale of tangible

personal property. Charges for the sale and installation of floor covering (construction contract) are not subject to tax. The dealer making the construction contract is not exempt from tax. He is considered to be the consumer of property which he uses or transfers in the performance of the "construction contract" and is liable for the payment of the applicable tax. The tax which the dealer is required to pay is based upon his purchase price, as defined in subsection **[(b)] (a)**, of property used, consumed or transferred in the performance of the construction contract. The tax may be paid by utilizing one of two procedures **[set forth at]** in subsection (g). The amount representing a construction contract is reported at the nontaxable sales line of the dealer's regular sales tax return (Form PA-3).

[(e)] (d) *Repairing of floor covering.* Repairing of floor covering shall conform with the following:

* * * * *

(e) Cleaning of floor covering. Persons who provide the service of cleaning floor covering, whether or not the floor covering is removed from the place where it is located, are performing a taxable building cleaning service and are required to collect **[sales tax] Sales Tax** upon the purchase price, unless the purchaser qualifies for exemption under subsection (h).

(f) *Subcontractors' charges for installing floor covering.* A subcontractor's charges for floor covering installation services, as defined in subsection **[(b)] (a)**, are not subject to sales tax as a separately stated item on the customer's invoice, since a subcontract to perform the services falls within the definition of a "construction contract."

* * * * *

(h) *Exemptions.* Exemptions shall conform with the following:

* * * * *

(2) *Straight sales.* Straight sales shall conform with the following:

* * * * *

(ii) A dealer shall be required to collect the applicable **[sales tax] Sales Tax** upon the straight sale of floor covering and related materials to the following organizations or institutions where the floor covering and related materials are of the type which require installation as that term is defined in subsection **[(b)] (a)**.

* * * * *

[Pa.B. Doc. No. 98-123. Filed for public inspection January 23, 1998, 9:00 a.m.]

**[61 PA. CODE CH. 155]
Single Factor Apportionment**

The Department of Revenue (Department), under the authority contained in section 408 of the Tax Reform Code of 1971 (TRC) (72 P.S. § 7408), proposes amendments to § 155.10 (relating to single factor apportionment) to read as set forth in Annex A.

Purpose of the Proposed Amendment

It has long been the public policy of the Commonwealth to improve higher educational opportunities by assisting persons in meeting the educational expenses of higher education and by enabling the Pennsylvania Higher Education Assistance Agency, other lenders and postsecondary institutions to make loans available to students and the parents of students for postsecondary educational purposes. Financial assistance to students is provided through various Federal, State and private postsecondary student loan programs.

The business trust form is frequently used as a financing vehicle to increase the availability of financing for student loans. In these trust structures, a trust is established to acquire student loan notes from originators of student loans. The trust certificates of beneficial interest and debt securities issued by these trusts to raise funds to acquire student loans from originators are secured by the student loan notes acquired, related Federal and State guarantees and subsidies of the student loans, and certain other related assets commonly held by student loan trusts to facilitate the ownership, maintenance and management of, and investment in or purchase and sale of, student loans. Legal title to the student loan notes is typically held by a financial institution serving as trustee and qualifying to hold title to the loans under applicable student loan laws and regulations. The investment in student loans through these trust structures serves the public purpose of increasing liquidity in the student loan market and increasing the total funding available to make student loans.

The act of May 7, 1997 (P.L. __, No. 7) (Act 7) amended section 601 of the TRC (72 P.S. § 7601) so as to change the definitions of "domestic entity" and "foreign entity" with the effect of subjecting business trusts to the Capital Stock Tax/Foreign Franchise Tax, effective for tax years beginning on or after January 1, 1998.

Explanation of Regulatory Requirements

Currently, certain assets exempt from taxation by reason of public policy are listed in § 155.10(d)(4). Student loan assets have not previously been listed as exempt assets because prior to Act 7 trusts holding these assets were not included within the definition of "domestic entity" or "foreign entity" for purposes of the Capital Stock Tax/Foreign Franchise Tax since these trusts are not taxable as corporations for Federal income tax purposes. Treating student loan assets commonly held by these trusts to facilitate the securitization of student loans as taxable assets would contravene public policy in favor of promoting higher education and financial assistance to students pursuing higher education.

Therefore, it is the policy of the Department that for tax years beginning on or after January 1, 1998, student loan assets in § 155.10(d)(4)(vi) that are owned or held by a trust or other entity created or formed for the securitization of student loans, or by a trustee on its behalf, are exempt by reason of public policy from taxation for purposes of the taxable assets fraction under § 155.10.

Fiscal Impact

The Department has determined that the proposed amendment will have a negligible fiscal impact on the Commonwealth.

Paperwork

The proposed amendment will not generate additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposed amendment will become effective upon final publication in the *Pennsylvania Bulletin*. The regulation will be scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposal to Anita M. Doucette, Office of Chief Counsel, PA Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days of the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 13, 1998, the Department submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Committees on Finance. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the amendment, by the Department, the General Assembly and the Governor.

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-397. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE VI. CORPORATION TAXES

CHAPTER 155. CAPITAL STOCK TAX AND FOREIGN FRANCHISE TAX

§ 155.10. Single factor apportionment.

* * * * *

(d) *Exempt and taxable assets.* The following assets are exempt or taxable, as specified, for purposes of the taxable assets fraction. This listing is not exclusive.

* * * * *

(4) Certain assets are exempt by reason of public policy. These include:

* * * * *

(vi) Student loan assets that are owned or held by a trust or other entity created for the securitization of student loans, or by a trustee on its behalf, including:

(A) Student loan notes.

(B) Federal, State or private subsidies or guarantees of student loans.

(C) Instruments that represent a guarantee of debt, certificates or other securities issued by an entity created for the securitization of student loans, or by a trustee on its behalf.

(D) Contract rights to acquire or dispose of student loans and interest rate swap agreements related to student loans.

(E) Interests in or debt obligations of other student loan securitization trusts or entities.

(F) Cash or cash equivalents representing reserve funds or payments on or with respect to student loan notes, the securities issued by an entity created for the securitization of student loans, or the other student loan assets exempted in this subsection. Solely for purposes of this public policy exemption for student loan assets, "cash or cash equivalents" include:

(I) Direct obligations of the United States Department of the Treasury.

(II) Obligations of Federal agencies which represent the full faith and credit of the United States of America.

(III) Investment grade debt obligations or commercial paper.

(IV) Deposit accounts.

(V) Federal funds and banker's acceptances.

(VI) Prefunded municipal obligations.

(VI) Money market instruments and money market funds.

* * * * *

[Pa.B. Doc. No. 98-124. Filed for public inspection January 23, 1998, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective January 7, 1998.

The organization chart at 28 Pa.B. 383 (January 24, 1998) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 98-125. Filed for public inspection January 23, 1998, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

DEPARTMENT OF STATE

[49 PA. CODE CH. 61]

Policies and Procedures Relating to Use of Buildings Outside of the Capitol Complex

The Department of State (Department) adopts the following statement of policy announcing policies and procedures relating to the maintenance of order and security within the offices and public areas of the bureaus of the Department located outside of the Capitol Complex.

Department offices are located within the Capitol Complex in the North Office Building and in leased facilities in Harrisburg. The offices of the Department including, but not limited to, the Bureau of Professional and Occupational Affairs, the State Athletic Commission, the Bureau of Enforcement and Investigation and the Bureau of Charitable Organizations, are in leased premises at 116 and 124 Pine Street, Harrisburg. With regard to Department offices located in the Capitol Complex, the recent policy statement of the Department of General Services published at 26 Pa.B. 4906 (October 12, 1996) applies (Codified at 4 Pa. Code Chapter 86). The purpose of this statement of policy is to implement a policy and procedure, consistent with the Department's lease of those premises in a manner to best perform the statutory duties of the Department and its bureaus, administrative boards and commissions.

This statement of policy is not intended to circumscribe any administrative discretion given to the Department under any law or rule or regulation.

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

YVETTE KANE,
Secretary of the Commonwealth

Fiscal Note: 16-12. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart C. SECRETARY OF THE COMMONWEALTH

CHAPTER 61. USE OF PUBLIC AREAS OUTSIDE THE CAPITOL COMPLEX—STATEMENT OF POLICY

Sec.

- 61.1. Additional jurisdiction over properties.
- 61.2. Office hours.
- 61.3. Firearms and weapons.

§ 61.1. Additional jurisdiction over properties.

The public areas of 116 and 124 Pine Street, Harrisburg, under the jurisdiction of the Department of State and subject to this chapter, include the interior offices of the Department of State, Bureau of Professional and Occupational Affairs, Bureau of Charitable Organizations, Bureau of Enforcement and Investigation, State Athletic Commission and leased offices and facilities related thereto.

§ 61.2. Office hours.

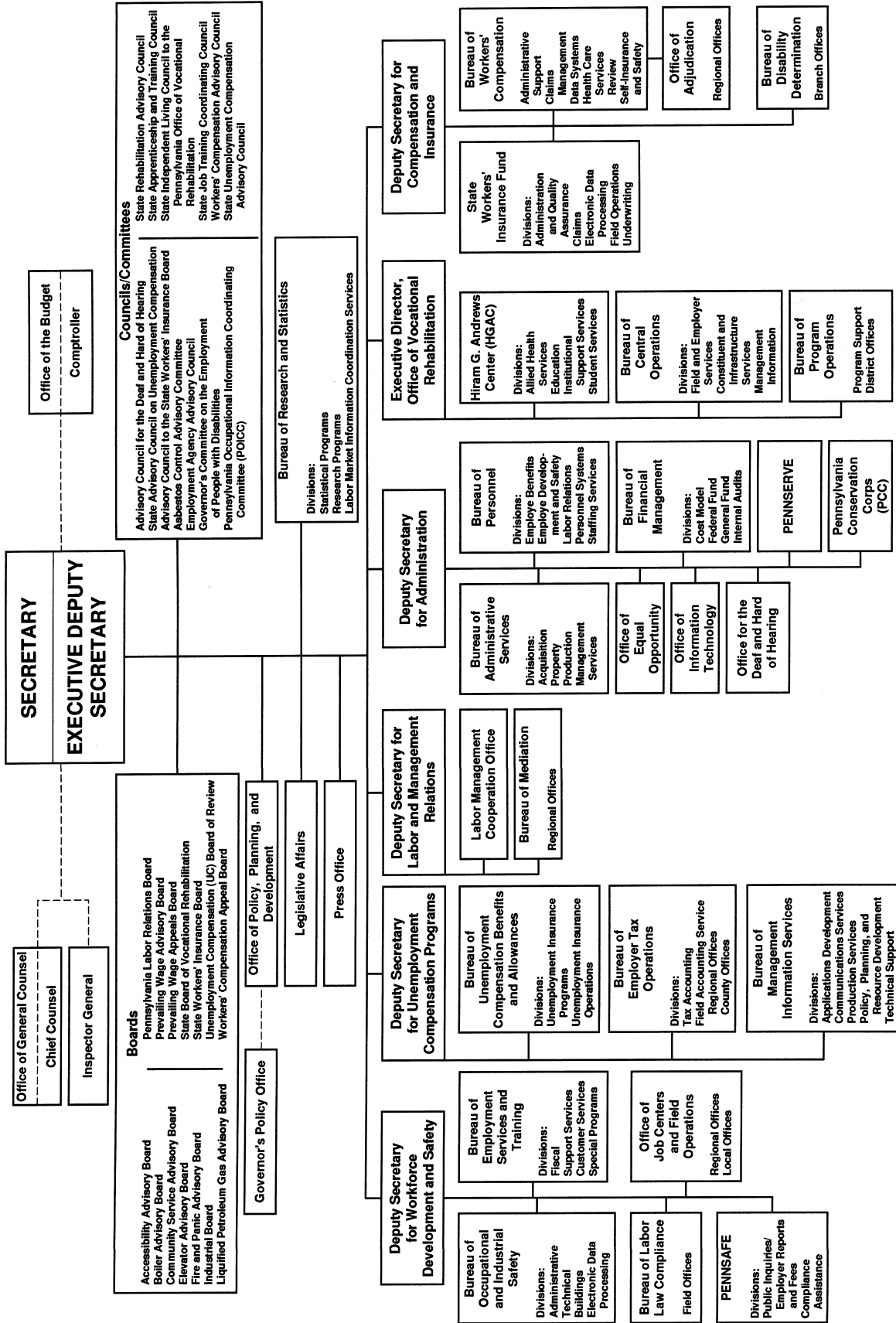
Offices are open to the public for licensing and related business from the hours of 8 a.m. to 5 p.m., excluding Saturdays, Sundays and State holidays. Hours in which the offices will be open to the public will be posted. The facilities may be closed during any of these periods upon a determination that an emergency or threat endangering the public health, safety and welfare exists.

§ 61.3. Firearms and weapons.

The possession of firearms or other prohibited offensive weapons as defined in 18 Pa.C.S. § 908(c) (relating to prohibited offense weapons), while on the leased premises of the Department with the exception of State or Federal officers, in connection with the performance of an official duty, is prohibited. This prohibition does not apply to attorneys listed as counsel of record in connection with the offering of an exhibit in any administrative proceeding, if the counsel of record who intends to offer the item as an exhibit, has obtained written authorization from a hearing examiner to do so.

[Pa.B. Doc. No. 98-126. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY



NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, January 28, 1998. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, NJ.

A presentation on the Commission's retreat process will be held at 11 a.m. at the same location. In December 1995, the Commission conducted a retreat to examine the agency and its future. The process progressed through interviews with key constituents; an extensive constituent survey; a niche selection process; and preparation of a vision and mission statement entitled "Charting the Future," adopted by the Commission on December 17, 1997. The results of the retreat process and next steps will be reviewed at this presentation. A "Summary of Delaware River Basin Commission Retreat Process" and "Charting the Future" are available upon request by contacting Susan M. Weisman at (609) 883-9500, Ext. 203.

In addition to the subjects listed which are scheduled for public hearing at the 1 p.m. business meeting, the Commission will also address the following: minutes of the December 17, 1997 business meeting; announcements; General Counsel's Report; report on Basin hydrologic conditions; a resolution to adopt the current expense and capital budgets for Fiscal Year 1999; a resolution to designate the Chair of the Flow Management Technical Advisory Committee as the Chair at meetings of the Parties to the 1954 United States Supreme Court Decree concerning drought-related resolutions; a resolution to amend the Ground Water Protected Area Regulations for Southeastern Pennsylvania by the establishment of numerical withdrawal limits for Protected Area subbasins; and public dialogue. A "Response Document on Proposed Amendments to the Southeastern Pennsylvania Ground Water Protected Area Regulations" is also available upon request by contacting Susan Weisman at the number provided above.

The subjects of the hearing will be as follows:

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

1. *Portland Borough Authority D-97-29 CP.* An application for approval of a groundwater withdrawal project to supply up to 5.18 million gallons (mg)/30 days of water to the applicant's distribution system from new Well No. 3, and to increase the existing withdrawal limit from all wells to 5.7 mg/30 days. The project is located in Upper Mount Bethel Township, Northampton County, PA.

2. *Pennsylvania Power & Light Company D-97-37.* A project to construct two 12-kilowatt aerial power line crossings: one on a reach of the Schuylkill River and one on a reach of the Little Schuylkill River near their

confluence. Both crossings are on reaches of the rivers designated as Scenic Rivers by the Pennsylvania Department of Conservation and Natural Resources and included in the Commission Comprehensive Plan. The proposed power line will provide service to an existing commercial enterprise in Port Clinton, Schuylkill County, PA. The line will cross on poles located near two bridges; one just upstream of a railroad bridge over the Schuylkill River between Tilden Township, Berks County and Port Clinton Borough, Schuylkill County, and one at the Broad Street Bridge over the Little Schuylkill River in Port Clinton Borough.

3. *Glen Mills Schools D-97-39.* A surface water withdrawal project to provide a monthly average of 367,000 gallons per day (gpd) (11 mg/30 days) for irrigation of the proposed 18-hole Golf Course at Glen Mills located in Thornbury Township, Delaware County, PA. The applicant proposes to withdraw water from Chester Creek and, if needed to supplement flow, from two existing onsite wells (averaging less than 100,000 gpd).

4. *American Cyanamid Company D-97-41.* A project to upgrade an existing 120,000 gpd average monthly capacity industrial wastewater treatment plant (IWTP) located at the applicant's Agricultural Research Division facilities at U.S. Route 1 and Quakerbridge Road in West Windsor Township, Mercer County, NJ. The IWTP will continue to provide secondary biological treatment utilizing an extended aeration activated sludge process. Tertiary filtration will be provided as well as ultraviolet disinfection prior to discharge via an aeration cascade to an unnamed tributary of the Assunpink Creek. The applicant's facilities are located on property that straddles the Delaware River Basin divide and a major portion of the applicant's water source is obtained from wells located outside the Delaware River Basin. However, the applicant proposes a high overall BOD removal rate (98%) that will offset the imported load.

5. *City of Bethlehem Authority D-97-47 CP.* A proposed temporary emergency surface water withdrawal project that entails installation of an intake structure in the Beltzville Reservoir, just downstream of the confluence of Pohopoco Creek with the Reservoir's backwater, in Towamensing Township, Carbon County, PA. The withdrawal is planned to provide an average of 15 million gallons per day during a 3-year period while the applicant's Penn Forest Dam is undergoing reconstruction and refilling. The applicant's distribution system serves the City of Bethlehem and 11 other municipalities in its vicinity, in both Lehigh and Northampton Counties.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact Thomas L. Brand at (609) 883-9500, Ext. 221 concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary at (609) 883-9500, Ext. 203 prior to the hearing.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 98-127. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 13, 1998.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-5-98	First Savings Bank of Perkasio Perkasie Bucks County	6999 Easton Road Pipersville Bedminster Twp. Bucks County	Opened
1-5-98	The Glen Rock State Bank Glen Rock York County	R. D. 10, Route 616 and Noss Road North Codorus Twp. York County	Opened
1-7-98	Jefferson Bank Haverford Montgomery County	7500 Bustleton Ave. Philadelphia Philadelphia County	Approved
1-8-98	Berks County Bank Reading Berks County	742 E. Philadelphia Avenue Douglass Township Montgomery County	Approved
1-12-98	Summit Bank Bethlehem Northampton County	Genuardi's Family Markets Jeffersonville Shopping Center 1930 West Main Street Norristown Montgomery County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-9-98	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	1150 Muhlenberg St. Reading Berks County	Approved
1-9-98	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	1288 N. Mountain Road Harrisburg Dauphin County	Approved
1-9-98	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	36 Burd Coleman Road Cornwall Lebanon County	Approved
1-9-98	Northern Central Bank Williamsport Lycoming County	Main Street (Rte. 220) New Albany Bradford County	Filed
1-9-98	Northern Central Bank Williamsport Lycoming County	111 Main Street Ulster Bradford County	Filed
1-9-98	Northern Central Bank Williamsport Lycoming County	Eagles Mere Avenue Eagles Mere Sullivan County	Filed

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-7-98	Allentown Teachers Credit Union Allentown Lehigh County	Pennsylvania and Independence Drives Schnecksville North Whitehall Twp. Lehigh County	Approved

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-128. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

1998-99 Community Services Block Grant State Plan

The Department of Community and Economic Development (Department) publishes its Community Services Block Grant State Plan to the Department of Health and Human Services for the 1998-99 program year.

Comments will be received at a Public Hearing to be held at 10 a.m., Thursday, February 5, 1998 in Room 321 of the Forum Building, Commonwealth Avenue and Walnut Street, Harrisburg, PA 17120.

Written comments may be submitted to Dennis Darling, Director of the Community Empowerment Office, Department of Community and Economic Development, Room 352 Forum Building, Harrisburg, PA 17120, until 5 p.m. on February 5, 1998.

Persons with a disability who wish to attend this hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact Dennis Darling at (717) 787-1984 to discuss how the Department may accommodate their needs.

Copies of the State Plan are available in the Community Empowerment Office, Room 352 Forum Building, Harrisburg, PA 17120 or by calling (717) 787-1984.

SAMUEL MCCULLOUGH,
Secretary

Legislative Background and Purpose

The Community Services Block Grant (CSBG) is a Federal block grant program administered by the United States Department of Health and Human Services, Administration for Children and Family, Office of Community Services. Created by the Omnibus Budget Reconciliation Act of 1981, the CSBG replaced eight Federal categorical programs originally authorized by the Economic Opportunity Act of 1964.

The Commonwealth of Pennsylvania accepted the CSBG for the purpose of providing a full range of services and activities having a measurable and potentially major impact on the causes of poverty in a community or those areas of a community where poverty is a particularly acute problem.

Recognizing the importance of a commitment by the State, the Pennsylvania General Assembly, as a matter of public policy, affirmed the commitment of the Commonwealth to eliminating the causes and effects of poverty by enacting and subsequently amending the Community Services Act of July 10, 1986 (act) (P.L. 1263, No. 116). The act is also intended to stimulate a better focusing of human and financial resources on the goal of eliminating poverty by providing for the continuity of programs which presently exist throughout the Commonwealth for this purpose, and delineates the activities for which the Federal funds can be used.

Report on 1996 Goals and Objectives

A. Introduction

The Department has continued its efforts to have Community Action Agencies increase the provision of comprehensive family development/case management services so that families served have a greater opportunity to achieve self-sufficiency. During the 1996 program year, family development/case management services remained a top Statewide priority. We also continued to administer our case management demonstration project which was initiated during the 1994 program year. An independent evaluation of the demonstration project, after the third year of funding, indicated that the four agencies involved in the project had:

- * leveraged additional funds for the project;
- * identified clients with multiple barriers such as long term dependence on subsidized programs, enrolled in public welfare and having a limited education or work history;
- * extended case management to clients outside the original target population;
- * expanded their budget for case management services in FY 1997; and
- * expanded their capacity to measure outcomes for their self-sufficiency activities, and have developed a standardized process, and use standardized assessment and measurement tools

For the 1996 program year, other Statewide priorities included holistic community development, the provision of housing services, emergency assistance to homeless families and individuals, employment, job training and educational programs and services designed to reduce the school drop-out rate for low-income youth.

During the 1996 program year, the Department (through a subcontract with the CAP Directors Associa-

tion), also provided training to all community action agencies concerning the utilization of outcome based objectives, and Results Oriented Management and Accountability (ROMA).

B. *Progress on 1996 Program Objectives*

Agencies submitted quarterly program progress reports for each category of service provided. For the purpose of this plan, the total number of persons served for the 12-month period from July 1, 1996 to June 30, 1997, is the unduplicated count of persons served in each service category. The number of persons served was determined by reviewing the quarterly reports submitted by each agency.

The following is the status of the objectives as listed in the 1996 State Plan.

Objective #1:

To increase the number of Community Action Agencies involved in holistic approaches to community development. Activities involved in this effort will include, but not be limited to, defining and implementing community strategies, linking housing and social services, coordination of workforce development and economic development, community based leadership development and community institution building, including community development credit unions or banks, and micro-enterprise development.

Results:

The Department has recognized that community and economic development is important in moving Pennsylvania's low-income population into the workforce. In 1996, 4,146 individuals directly benefited from community and economic development programs supported with CSBG funds. In addition, 45 individuals were aided by economic development programs administered with CSBG funds. Examples of these programs include: the development of a small business expansion loan fund; the development of a Business Leadership Council that identifies resources and investment opportunities; and the development of a charter school plan.

The Community Action Committee of the Lehigh Valley (CACLV) is a community action agency who has recognized the positive results of a holistic approach for the revitalization of urban neighborhoods through community development. Considerable public and private development efforts have been focused on the physical character of central business districts, but little attention has been given to the individuals who live or would prefer to live in the residential neighborhoods surrounding central business districts. CACLV realized that the first step in stabilizing the central business district was to stabilize the neighborhoods in which the district is located. CACLV, in conjunction with its subsidiary, the Community Action Development Corporation of the Lehigh Valley (CADLV), has developed a two-fold strategy for neighborhood revitalization. First, work with local residents who want to create and own their own businesses. Second, engage in community organizing for the purpose of encouraging residents to find their own voice in solving neighborhood problems. In the last year, CADLV has assisted in the development of four new businesses, owned and operated by low-income persons: a house painting business; a paint recycling company; a mobile canteen catering business; and a house weatherization company. In the area of community development, CADLV organized a slum tour. Local government officials were taken on a tour of substandard rental housing units occupied by low-income families. This re-

sulted in the agency developing an ordinance, that is pending, that would mandate apartments to be inspected once a year. An additional code enforcement officer would be hired and the landlords would be billed for the inspections to offset the costs.

CACLV's goals are consistent with the Consolidated Plan of the City of Allentown and CACLV has received funding from the city of Allentown, the Department of Housing and Urban Development, local corporations and national foundations.

Objective # 2:

To promote and increase the number of Community Action Agencies using a holistic approach to move low-income families and individuals toward self-sufficiency. This would be accomplished by a case management/family development approach within the agency and/or by a collaborative multi-agency approach to the multiple needs of low-income persons.

Results:

The Commonwealth has continued to encourage Community Action Agencies to utilize CSBG funds to provide a holistic approach when servicing the needs of low-income individuals. Through the Community Action Association of Pennsylvania (CAAP), and consultants, in-depth training on the holistic approach of services to low-income people was available to all of the Commonwealth's community action agencies. At a community action agency's request, staff training was provided that explained the reasoning for using a holistic approach and steps required to provide holistic services. The training also exposed the agency's staff to a variety of holistic approach tracking systems and provided follow-up services.

During 1996, 13,003 individuals received case management services directly through the use of CSBG funds and another 9,088 individuals received services from programs administered with CSBG funds.

A positive example of using an holistic approach to move low-income families and individuals toward self-sufficiency is the program conducted at Bucks County Opportunity Council. An individualized client profile is developed for each client by a trained caseworker. Responses to the profile are used to collect information about the client's needs as well as socialization skills, values, attitudes, support systems and relevant habits and behavior patterns. Program staff then determine which needs can be addressed by agency programs and which can be met by appropriate referrals. Short and long term goals are established and the steps the client needs to accomplish each goal are jointly planned and agreed upon by the client and the caseworker. Caseworkers complete a self-sufficiency scale for each client. The scale provides an indication as to the client's level of economic self-sufficiency and is an indicator of the barriers and obstacles to be addressed. The progress on these goals is reviewed, on agreed upon intervals, so that adjustments can be made to the client's personal plan.

Objective# 3

Promote and facilitate the use of outcome-based management techniques by Community Action Agencies. Included will be efforts to promote and increase the number of Community Action Agencies that utilize effective outcome-based objectives and evaluation methods in their annual CSBG applications.

Results:

Through a CSBG discretionary funds grant to a subcontractor, the Community Action Association of Pennsylva-

nia (CAAP), the Commonwealth continued to provide specialized training and onsite assistance in outcome-based management to Community Action Agencies across Pennsylvania. The activities of this grant focused on group training on introductory and intermediate level topics regarding outcome-based management and an introduction to the six National goals and objectives required under ROMA.

Objective # 4

To increase the capacity of Community Action Agencies to produce or preserve low-cost housing units through repair or rehabilitation. Whenever possible, the production of new housing units shall be supported by the provision of needed social services. CSBG funds will not be used for the purchase or improvement of real property unless a waiver for such use is granted by OCS. Emergency assistance to meet the immediate individual and family needs of homeless persons will also be provided. This assistance will include emergency shelter, food, nutrition and related emergency services.

Results:

The support of programs that produce or preserve low-cost housing units and address the needs of the homeless and near homeless is a continuing effort of Pennsylvania's Community Action Agencies. With the help of State Employment and Community Conservation funds, beginning in 1992, 19 Community Action Agencies were able to begin housing capacity building programs to build new housing or rehabilitate existing structures to create new housing units. When State funding ended in 1995, 12 agencies continued to administer their housing programs and do so today.

In 1996, Community Action Agencies also received \$42,500 in Pennsylvania's Neighborhood Assistance Program (NAP) tax credits in partnership with other funds to renovate 34 units, that provided housing for 130 low-income individuals. NAP is a State tax credit program that improves distressed neighborhoods and communities through the creation of an effective partnership between community-based organizations and the business community. NAP authorizes tax credits, against specified Pennsylvania taxes, to private companies that make investments to promote community and economic development in distressed neighborhoods.

The Economic Opportunity Cabinet of Schuylkill County administers a variety of programs that address local housing needs. They have rehabilitated a building that now contains their office as well as six low-income apartments. They have also rehabilitated four single family homes that have been sold to low-income persons.

Also, 25 low-income persons have been able to remain in their homes or obtain permanent housing through the provision of mortgage payment assistance or first month's rental assistance and 80 individuals experienced the resolution of emergency housing crisis situations through the provision of emergency shelter services.

Objective # 5:

To support employment, job training and educational programs for chronically unemployed economically disadvantaged youths and adults which: 1) have high job placement potential; 2) give them skills related to the labor needs of business and industry located in their local service areas; and 3) provide supportive services for parents who are unemployed, marginally employed, enrolled in approved education, employment/training and/or job search activities. To the extent possible, these pro-

grams shall be coordinated with other job training programs such as the Job Training and Partnership Act (JTPA) and Private Industry Council (PIC) sponsored programs and those conducted by local educational agencies and existing employment/training programs in disadvantaged communities. Services may also include the provision of educational programs for upgrading adult literacy skills to increase opportunities for employment and the development of self-sufficiency, and programs designed to facilitate the transition from school to work place, reduce the drop-out rate and enhance the academic performance of low-income youth.

Results:

Community Action Agencies continued to address the problems of unemployed and underemployed individuals through employability assessment, remedial education, training in interviewing skills, resume writing and job readiness and job search services.

For the 1996 program year, 18,617 individuals were directly served with CSBG funds and another 9,164 individuals received services through programs administered with CSBG funds.

Greater Erie Community Action Committee (GECAC) administers a variety of educational and employment and training programs. As part of welfare reform, their Up Front Job Placement Program placed 550 welfare recipients into unsubsidized employment, thus removing them from the welfare roles.

Their Pregnant and Parenting Youth Program provides counseling, GED training, clerical skills training job readiness preparation and job placement. During 1996, GECAC placed 30 parenting youths in employment and/or post-secondary education. An additional 205 people were placed into employment in their Dislocated Workers and Senior Aide Programs.

Through the GECAC Learning Center clients are provided the opportunity to participate in clerical skills training and adult basic education. Seventy-five clients completed skills training and were placed into jobs. One hundred individuals experienced an increase of two grade levels in reading, language and math skills through an adult basic education program and 150 individuals received their GED.

Objective #6

To monitor Community Action Agencies to assure compliance with all contractual obligations.

In compliance with Pennsylvania Act 116 (as amended), monitoring procedures shall be established by the Department and included in the State Plan. The Department shall monitor CSBG grantees to assure compliance with all contractual objectives and to assess the effectiveness of local agencies in meeting their stated objectives for ameliorating the causes and effects of poverty in their service areas.

Results:

In their monitoring of grantees, State monitors use a standardized CSBG Monitoring Report form. During their visit, they review all of the agency's required quarterly reports as well as other administrative and program related aspects of the agency.

For the 1996 program year, 26 Community Action Agencies were monitored, of which two were cited for incorrect board composition and/or incomplete client income verification. Both agencies responded within 14 days of written notification and the findings were cor-

rected. The monitoring covered a variety of agencies: large, small, urban and rural.

Services Provided

The following figures provide, by category of service, the number of unduplicated persons served by CSBG grantee agencies during the 1996-97 program year. The number of persons served was derived by reviewing and tabulating each grantee's quarterly reports.

	<i>Direct Service</i>	<i>Other</i>
Education	4,242	1,888
Drug & Alcohol	219	260
Consumer Services	4,040	0
Youth Development	3,449	6,122
Health	2,394	2,466
Housing	17,133	7,261
Homemaker	519	3,117
Legal	192	125
Nutrition	41,115	142,352
Outreach & Referral	131,564	28,540
Recreation	1,528	623
Transportation	1,774	3,120
Weatherization/Energy	30,578	33,891
Community Organizing	4,058	0
Employment & Training	1,764	3,061
Case Management	13,003	9,088
Economic Development	106	45
	257,678	241,959

Program Plan for 1998

1. Statement of Goals and Objectives

The 1998 CSBG Program will comply with all the requirements of Act 116 the Pennsylvania Community Services Act of 1986 (as amended). The intent of Act 116 (as amended) is to affirm the commitment of the Commonwealth to ameliorating the causes and effects of poverty.

The goal of the CSBG Program is to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. The Commonwealth, whenever possible and appropriate, encourages the use of CSBG funds to increase the availability of low-cost housing and to promote economic development, employment and training initiatives and education programs to upgrade literacy skills that will lead to the economic self-sufficiency of low-income individuals and the chronically unemployed, including among others, Temporary Assistance to Needy Families (TANF) and General Assistance (GA) recipients. To meet these goals, Statewide priorities were established under the direction of the Pennsylvania Act 116 of 1986 (as amended). Decisions regarding which of the State priorities and qualified services shall be provided by CSBG eligible entities shall be established by the local agency. Each local agency shall submit its application to the Department for review to ensure the eligibility of proposed services under the provision of Federal law and regulations and consistency with Statewide priorities.

The following are the goals and objectives for the 1998 program:

Objective 1:

To increase agency participation, at higher levels, in Outcome Based Management (OBM), that is, to increase the number of agencies at the basic and intermediate levels of progress in transition to OBM. Included in this

objective is the implementation of a data collection system that requires the Community Action Agencies to provide data on designated outcome measures for each of the six National goals. To accomplish this, the Department, through a contract with the State CAP Association, provides on-going training to the CAAs in the area of basic and intermediate levels of OBM, and is developing scales to measure their improvement.

Objective 2:

To continue CAA participation in Pennsylvania's Welfare Reform activities. CAAs will continue to participate in a joint Department of Public Welfare/Department of Community and Economic Development Welfare Reform initiative, the Supported Work Program. The objective of this partnership is to facilitate the quick transition into the workforce of 1,000 TANF recipients.

Objective 3:

To continue CAA participation in programs utilizing a holistic approach to move low-income families and individuals toward self-sufficiency.

Objective 4:

To encourage CAAs to develop child care centers that would provide quality care at an affordable price while parents work, seek employment, or attend school.

Objective 5:

To ensure compliance with all State and Federal regulations and directives through Statewide monitoring activities.

Monitoring procedures shall include:

1. A review by the Department staff of the ROMA data collection document and/or any other monitoring documents utilized by the State that each agency will complete at least twice a year. The ROMA Collection document requires all CAAs to report on designated outcome measures for each of the six National goals.

Following the review, agencies are contacted by telephone and/or letter, as appropriate, for a discussion of the report.

2. An onsite monitoring visit which shall be determined after consultation with the agency by regional or central office staff, as appropriate. Onsite visits shall be conducted for the following purposes:

- * to ensure programmatic and contractual compliance through the review of agency records and interviews with agency personnel, board members and clients.

- * to clarify discrepancies that cannot be resolved from the program report review.

- * to follow-up on program and personnel complaints, made directly or indirectly; and

- * to comply with an agency's request for an onsite visit.

Procedures following the onsite visit:

1. A report of the onsite visit shall be given to the agency during the exit interview. It shall identify strengths and weaknesses of the program and any required remedial actions.

The agency may request a conference with the Department's Community Empowerment Office (CEO) to discuss the report and/or the office may request a conference with the agency to discuss the report and provide technical assistance.

2. In the case of violations or discrepancies of Federal and State laws governing CSBG programs discovered

through the Department's monitoring and auditing activities, the agency shall be notified of the violation or discrepancy immediately. The agency shall respond in writing to the notice of violation or discrepancy within 2 weeks of receipt of such notice.

Agency Noncompliance—Noncompliance may result in probation until compliance is attained. Probationary status may include intensified monitoring, increased reporting requirements, provision of technical assistance by the Department or its designee or temporary suspension of grant payments.

Agency Violation—A violation with willful disregard of Federal and State laws governing CSBG programs may result in suspension of grant payments for a designated period of time. The agency will be required to rectify the violation and re-establish itself as competent to carry out the responsibilities governing CSBG programs, as determined by the Department.

Termination for cause:

"Termination for cause" shall result when the Commonwealth determines that the agency has failed to comply with the conditions of the contract and/or Federal and State laws governing CSBG programs.

When the Department proposes to terminate a CSBG program, it will notify the agency, in writing, of the actions to be taken, the reasons for such actions, and the appeals procedure, including an opportunity for a hearing on the record. This notice shall be forwarded to the agency by certified mail.

Appeal Procedure:

If the agency wishes to appeal the determination, it must submit a written request by certified mail to the Secretary of the Department addressing the reasons for the proposed termination, and any corrective actions that has been or will be taken.

This request must be made within 20 calendar days of receipt of the termination notice.

The appeal may also include a request by the agency that the secretary, or his/her designee, hold a public hearing before making a decision, in which case such a public hearing shall be held.

The Secretary shall make one of the following decisions on the agency's appeal, and shall so notify the agency of such decision in writing within 30 calendar days following the appeal or following a hearing on the appeal:

The Secretary may uphold the appeal and remove the notice of intent to terminate.

The Secretary may remove the notice of intent to terminate but provide the agency with notice of specific corrective actions that must be taken. If the agency subsequently fails to take such corrective actions, the Secretary may reinstate the proposed termination procedures.

The Secretary may deny the appeal, in which case the agency shall be notified of the effective date of termination. This date shall be either the date contained in the original notice of intent to terminate or a specified date at least 30 days after the Secretary sends the decision, whichever is later. The notice of the decision shall also contain all requirements pertaining to termination of CSBG related activities and return of CSBG funds.

The agency may appeal the Department's final determination to the Secretary of the United States Department

of Health and Human Services in accordance with the Community Services Block Grant Act, Section 676 A (amended).

No community action agency or migrant and seasonal farm worker organization which received funding in the previous fiscal year will have its present or future funding terminated or reduced below the proportional share of funding it received in the previous fiscal year unless, after notice and opportunity for hearing on the record, the Department determines that cause exists for such termination and the review and confirmation of the Department's finding of cause by the Secretary of the United States Department of Health and Human Services.

When an agency's contract is terminated for cause, the agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the grantee for any completed work that the Department deems satisfactory.

II. Activities

Activities eligible for funding consideration out of the 90% grant monies, allocated to CAAs/LPAs designated as eligible entities in the CSBG Act, are those designed to assist chronically unemployed, low-income participants, including the elderly and poor:

1) To secure and retain employment, especially unsubsidized employment in the private sector;

2) To obtain an adequate education, through education initiatives and referrals that will enable low-income, chronically unemployed individuals to participate in job training programs which can include locally initiated Private Industry Council or JTPA Service Delivery Area sponsored job training programs;

3) To make better use of available income;

4) To remove obstacles and solve problems which block the achievement of self-sufficiency through the provision of support services to individuals participating in employment and training programs;

5) To obtain and maintain adequate housing and a suitable living environment;

6) To obtain emergency assistance through loans and grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment related assistance;

7) To achieve greater participation in the affairs of the community. However, in accordance with Section 675(c)(7) of the CSBG Act, any activities to provide voters and prospective voters with transportation to the polls or provide similar assistance in connection with an election or any voter registration activity is prohibited;

8) To make more efficient use of other programs related to the purposes of the CSBG and activities that: a) encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community, and b) provide, on an emergency basis, for the provision of such supplies and services, nutritious food, and related services as may be necessary to counteract the conditions of starvation and malnutrition among the poor;

9) To coordinate and establish linkages among governmental employment and training agencies, educational

institutions and other social service programs to assure the effective delivery of such services to low-income individuals.

Programs selected by eligible entities must relate to the problems identified and documented in the assessment of need of local service areas and included in the agency's annual application. The assessment of need shall be well defined and concisely stated, focusing on the causes of poverty and services to the number of low-income, chronically unemployed and economically disadvantaged, including the number of Temporary Assistance for Needy Families (TANF) and General Assistance (GA) recipients.

Special economic development projects, and unique programs that are consistent with the objectives of the CSBG Act may be funded from the 5% unrestricted funds included in the grant awarded to the Commonwealth.

Limit on the Use of Grants for Construction

CSBG grants may not be used by the Department or any agency with which the Department makes arrangements to carry out the purposes of the CSBG Act, for the purchase or improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility without a written waiver from the United States Department of Health and Human Services, Office of Community Services.

III. *Geographic Areas to be Served*

During Fiscal Year 1998, the State will allocate 90% funds to those geographic areas served by designated CAAs, LPAs and other eligible entities. This area covers all of Pennsylvania's 67 counties.

IV. *Individuals to be Served*

Participation in any CSBG program will be limited to persons whose income in relation to family size does not exceed 125% of the official poverty level established by the Federal Office of Management and Budget. Included in this category will be elderly poor, migrant and seasonal farm workers, Head-Start families and the chronically unemployed such as TANF and GA recipients.

V. *Conditions and Assurances*

Community Services Block Grant Statutory Assurances—As amended by P. L. 103-252, Human Services Amendments of 1994.

The Commonwealth agrees to:

(1) Ensure that, at its discretion and consistent with agreements with the State, each recipient of funds available under this subtitle will use such funds:

(A) To provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community;

(B) To provide activities designed to assist low-income participants, including homeless individuals and families, migrants and the elderly poor—

- (i) to secure and retain meaningful employment;
- (ii) to attain an adequate education;
- (iii) to make better use of available income;
- (iv) to obtain and maintain adequate housing and a suitable living environment;

(v) to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance;

(vi) to remove obstacles and solve problems which block the achievement of self-sufficiency;

(vii) to achieve greater participation in the affairs of the community; and

(viii) to make more effective use of other programs related to the purposes of this subtitle;

(C) To provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;

(D) To coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals; and

(E) To encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community; (675(c)(1)(A)—(E))

Implementation Plan for Assurance # 1

Each year the Community Empowerment Office requires local subgrantee agencies to submit applications and budgets that address one or more of the above-referenced purposes, based on a local needs assessment. The applications are incorporated into legally binding contracts. Most contracts are monitored on a regular basis throughout the year to ensure agencies are in compliance. As can be seen from past year's objectives, as well as the Services Provided section, agencies are providing a full range of services designed to positively impact the lives of the low-income.

(2) (A) “. . . to use not less than 90 percent of the funds allotted to the State under Section 674 to make grants for the purposes described in clause (1) to eligible entities (as defined in Section 673 (1)) or to organizations serving seasonal or migrant farm workers; except that not more than seven (7) percent of the funds available for this subclause shall be granted to organizations which were not eligible entities during the previous fiscal year.” (675(c)(2)(A))

(B) if less than 100% of the allotment is expended under subparagraph (A), provide assurances that with respect to the remainder of the allotment a reasonable amount shall be used for—

(i) providing training and technical assistance to those entities in need of such assistance and such activities will be considered administrative expenses;

(ii) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities funded under this subtitle, including out-posting appropriate State or local public employees into entities funded under this subtitle to ensure increased access to services provided by such State or local agencies;

(iii) supporting Statewide coordination and communication among eligible entities;

(iv) administrative expenses at the State level, including monitoring activities, but not more than 5% of its allotment under section 674; and

(v) considering the distribution of funds under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need. (675(c)(2)(B))

Implementation Plan for Assurance # 2

During Fiscal Year 1998, the 90% grant monies under the CSBG will go to CAAs and other eligible entities.

These monies will be used to fund ongoing programs in a CAA/LPA service area based on needs identified at the local level and the State priorities outlined in this plan. Ninety percent monies will also be made available for Rural Opportunities Inc., which serves low-income farm workers and poor rural families in Pennsylvania.

The program year 1998 allocation for eligible entities will be based on a formula comprised of two factors: the number of persons with incomes below 125% of poverty level in each service area (from 1990 U.S. Census data), on which 75% of the allocation will be based; and the number of unemployed persons in each service area (Pennsylvania Office of Employment Security, Pennsylvania Civilian Labor Force Data by County of Residence, 1996 Annual Average) on which 25% of the allocation will be based. All agencies receive a minimum base level allocation.

Funds up to the amount of 5% of the State allocation will be utilized for State administration. Funds in the amount of 5% of the Fiscal Year 1998 CSBG funding, and any otherwise available monies not used for Departmental program administration, will be used to augment funding to eligible entities and to support special projects or unique programs that are consistent with the objectives of the CSBG Act (discretionary funds). The Department may solicit applications for these funds, but will consider unsolicited requests. Decisions as to the funding of these applications will be made under the direction of the Secretary of the Department.

(3) Provide Assurances that—

(A) in the case of a Community Action Agency or nonprofit private organization, each board will be selected by the Community Action Agency or nonprofit organization and constituted so as to assure that—

(i) one-third of the members of the board are elected public officials, currently holding office, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third requirement.

(ii) at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; and

(iii) the remainder of the members are officials or members of business, industry, labor, religious, welfare, education or other major groups and interests in the community; and

(B) in the case of a public organization receiving funds under this subtitle, such organization either establish —

(i) a board of which at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representatives of the poor in the area served; or

(ii) another mechanism specified by the State to assure low-income citizen participation in the planning, administration and evaluation of projects for which such organization has been funded. (675(c)(3))

Implementation Plan for Assurance #3

Included with the submission of subgrantee applications is a breakout of the composition of the board, which is reviewed for compliance. Many agencies also include an updated list of board members. Additionally, as part of the monitoring process, board composition is reviewed.

The Community Empowerment Office has two directives (directives are designed to provide additional guidance to subgrantees on a particular subject, and included in the contracts by reference) related to board composition: CSBG Directive 91-2: Administrative Procedures for CSBG Grants; and CSBG Directive 93-4: CSBG Advisory Committees (for subgrantees that are units of local governments).

(4) Give special consideration in the designation of local Community Action Agencies under this subtitle to any Community Action Agency which is receiving funds under any Federal anti-poverty program on the date of the enactment of this act, except that—

(A) the State shall, before giving such special consideration, determine that the Agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such Agency because of any change in the assistance furnished to programs for economically disadvantaged persons, the State shall give special consideration in the designation of Community Action Agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds in the fiscal year proceeding the fiscal year for which the determination is made. (675(c)(4))

Implementation Plan for Assurance #4

The Commonwealth of Pennsylvania will give special consideration to all community action agencies and limited purpose agencies which received Federal anti-poverty funds on the date of the enactment of the CSBG Act and its predecessor act.

(5) Provide assurances that the State may transfer funds, but not to exceed 5% of its allotment under Section 674, for the provisions set forth in this subtitle to services under the Older Americans Act of 1965, the Head Start program under Subchapter B of Chapter 8 of Subtitle A of this title, the Energy Crisis Intervention Program under Title XXVI of this act (relating to low-income home energy assistance) or the Temporary Emergency Food Assistance Act of 1983. (675(c)(5))

Implementation Plan for Assurance #5

The Commonwealth of Pennsylvania does not plan to transfer any CSBG monies to any other eligible program.

(6) Section 675(c)(6) is no longer applicable. It was repealed by the Hatch Act Reform Amendments of 1993, P. L. 103.94.

(7) Prohibit any activities to provide voters and prospective voters with transportation to the polls or provide similar assistance in connection with an election or any voter registration activity. (675(c)(7))

Implementation Plan for Assurance #7

Article V, Section A of the standard contract with subgrantee agencies prohibits such activities.

(8) Provide for coordination between antipoverty programs in each community, where appropriate, with emergency crisis intervention programs under Title XXVI of this act (relating to low-income home energy assistance) conducted in such community. (675(c)(8))

The Community Empowerment Office actively encourages the coordination of various programs at the local level. Additionally, as State administrators of the Weatherization Assistance Program, which half the CAA's administer locally, the CEO instituted the Crisis Intervention Project in conjunction with the Department of Public Welfare, (which administers the LIHEAP) to serve

LIHEAP eligible persons in crisis emergency situations by providing utility and fuel assistance. The CEO will also coordinate its anti-poverty efforts by participating on the LIHEAP Advisory Committee.

(9) Provide that fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this subtitle, including procedures for monitoring and assistance provided under this subtitle and provide that at least every year each State shall prepare, in accordance with subsection (f), an audit of its expenditures of amounts received under this subtitle and amounts transferred to carry out the purposes of this subtitle; subsection (f) requires that at least annually each State, local government and Indian Tribe or tribal organization that receives \$100,000 or more (during the fiscal year) in all types of Federal financial assistance must conduct an audit in accordance with the Single Audit Act, Public Law 98-502 (31 U.S.C.A. 75 and OMB Circular A-128. (675(c)(9).

Implementation Plan for Assurance #9

As part of the monitoring procedures, a fiscal review is conducted, though not an extensive one. The Commonwealth requires audit reports as compliance with the provisions of the Single Audit Act of 1984 (P. L. 98-502) and the State's Budget and Accounting Act of 1921, as amended, and OMB Circular A-133. The Commonwealth's Auditor General's Office annually audits the Department in compliance with the Single Audit Act, and the audit is submitted to the Commonwealth's Federal cognizant agency, the Department of Agriculture. Audits are based on the state fiscal year July 1 to June 30.

(10) Permit and cooperate with Federal investigations undertaken in accordance with Section 679 and (675(c)(10)).

Implementation Plan for Assurance #10

The Commonwealth will comply with any and all Federal investigations undertaken in accordance with the above-referenced section.

(11) Provide assurances that any community action agency or migrant and seasonal farm workers organization which received funding in the previous fiscal year under this act will not have its present or future funding terminated under this act or reduced below the proportional share of funding it received in the previous fiscal year unless after notice, and opportunity for hearing on the record, the State determines that cause existed for such termination or such reduction subject to review by the Secretary as provided in Section 676 A.

(A) For purposes of making a determination with respect to a funding reduction, the term "cause" includes:

(i) a Statewide redistribution of funds under this subtitle to respond to:

(aa) the results of the most recently available census or other appropriate data;

(bb) the establishment of a new eligible entity;

(cc) severe economic dislocation; and

(ii) the failure of an eligible entity to comply with the terms of its agreement to provide services under this subtitle, and

(B) for purposes of making a determination with respect to a termination, the term "cause" includes the material failure of an eligible entity to comply with the

terms of its agreement and community action plan to provide services under this subtitle. (675(c)(11))

Implementation Plan for Assurance #11

In order to ensure that assurance #11 is complied with, Pennsylvania Act 116 (as amended) provides much the same language as the Federal assurance, that is,

Pennsylvania Act 116 (amended) provides that:

"As established by the formula . . . determination of annual funding levels shall be made by the Secretary based on input from local agencies and the CSBG Advisory Task Force. Any Community Action Agency or migrant and seasonal farm workers organization which received funding in the previous fiscal year under this Act will not have its present or future funding terminated under this Act or reduced below the proportional share of funding it received in the previous fiscal year unless, after notice and opportunity for hearing on the record, the Commonwealth determines that cause existed for such termination or such reduction, subject however to review under section 676 A of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, Stat. 357)."

(2) For purposes of making a determination with respect to a funding reduction, the term "cause" includes:

(i) a Statewide redistribution of funds under this act to respond to:

(A) the results of the most recently available census or other appropriate data;

(B) the establishment of a new eligible entity;

(C) severe economic dislocation; and

(ii) "the failure of an eligible entity to comply with the terms of its agreement to provide services under this act."

(12) In the case of a State which applied for and received a waiver from the Secretary under Public Law 98-189, provide assurances that funds will not be provided under this subtitle by such State to an organization to which such State made a grant under this subtitle in fiscal year 1984 unless such organization allows, before expending such funds, low-income individuals to comment on the uses for which such organization proposes to expend such funds. (675(c)(12))

Implementation Plan for Assurance #12

This Assurance is not applicable to Pennsylvania.

(13) Secure from each eligible entity as a condition to its receipt of funding under this act a community action plan (which shall be available to the Secretary for inspection) that includes—

(A) a community needs assessment (including food needs);

(B) a description of the service delivery system targeted to low-income individuals and families in the service area;

(C) a description of how linkages will be developed to fill identified gaps in service through information, referral, case management and follow-up consultations;

(D) a description of how funding under this act will be coordinated with other public and private resources; and

(E) a description of outcome measures to be used to monitor success in promoting self-sufficiency, family stability and community revitalization; (675(c)(13))

Implementation Plan for Assurance #13

With the notification of its allocation, each agency receives instructions for submission of its 1998 application.

Applications must include a community action plan, eligible services to be provided, the methods of operation to provide the services, a description of the system by which the proposed program can be measured, the accounting and fiscal control procedures for the proposed program, and a description of the agency's board composition. The applications for special projects have the same requirements.

Grantees receiving 90% funds must include documentation that the public at large had an opportunity to review, comment and provide input into the grantee's Work Plan.

(14) Provide assurances that cost and accounting standards of the Office of Management and Budget (OMB Circular A-110 and A-122) shall apply to a recipient of funds under this subtitle. (675(c)(14))

Implementation Plan for Assurance #14

The Department's standardized contract contains the following language under Article III;

(a) Compliance with Federal Statutes and Regulations: The Contractor agrees to comply with all applicable Federal statutes and regulations to which the Department is subject including Circular A-102, as amended, entitled Uniform Administrative Requirements for Grants-In-Aid to States and Local Governments; A-110 entitled Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-profit Organizations; A-87 entitled Cost Principles for States and Local Governments; and A-122 entitled Cost Principles for Non-profit Organizations.

(15) *Public Law 103-227, Part C. Environmental Tobacco Smoke*, also known as the Pro Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18 if the services are funded by Federal Programs either directly or through States or local governments by Federal grant, contract, loan or loan guarantee.

By signing and submitting these assurances the grantee certifies that it will comply with the requirements of the act. The grantee further agrees that it will require that language of this certification be included in any sub-awards which contain provisions for children's services and that all subgrantees shall certify accordingly.

Implementation Plan for Assurance #15

Appendix C of the Department's contract, Assurances and Special Conditions for the CSBG program, contains the following language:

"Pursuant to the Federal Pro-Children Act of 1994 (20 U.S.C.A. §§ 6081—6084), the Contractor understands that it may not permit smoking within any indoor facility owned or leased or contracted for and utilized by Contractor, or an assignee of Contractor, for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; and that, in addition, it may not permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by Contractor, or an assignee of Contractor, for the provision of regular or routine health care or day care or early

childhood development (Head Start) services to children or for the use of the employees of Contractor, or an assignee of Contractor, who provides such services."

[Pa.B. Doc. No. 98-129. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Pennsylvania Heritage Parks Program: Fiscal Year 1997-1998; Grant Application Announcement

The Department of Conservation and Natural Resources (Department) announces that applications are now being accepted for grants to be funded from the 1998-1999 fiscal year Pennsylvania Heritage Parks Program. Funding is subject to an appropriation being made available to the Department for the Pennsylvania Heritage Parks Program in the upcoming 1997-1998 fiscal year budget. The deadline for submission of applications is Friday, April 10, 1998. Applications must be received no later than 5 p.m. in the Harrisburg Central Office of the Department's Bureau of Recreation and Conservation. Applications received after this deadline will not be considered for funding. Fax submissions are not acceptable.

It is the intent of the program to create a system of State Heritage Parks that will preserve and interpret the significant contributions that certain regions of this Commonwealth have made to the industrial heritage of the State and nation. The historic, cultural, natural, scenic and recreational resources within a Heritage Park area are inventoried, preserved, enhanced and promoted as a strategy to enhance regional economic development through the attraction of tourists, creation of new jobs, stimulation of small business growth and the promotion of public and private investment opportunities. There are currently eight designated State Heritage Parks including the Allegheny Ridge State Heritage Park, the Delaware and Lehigh Canal Heritage Park Corridor, the Lackawanna Heritage Valley, the Lincoln Highway Heritage Corridor, the National Road Heritage Park, the Schuylkill Heritage Corridor, the Oil Heritage Region and the Rivers of Steel Heritage Area. A management action plan for the Endless Mountains Heritage Area is in its final stages of completion. Efforts are underway to determine the feasibility of establishing a Lumber Region Heritage Park in the Northcentral and Northwestern part of the State and a Lower Susquehanna Heritage Region in Lancaster and York counties.

Designated State Heritage Parks are eligible to apply for grants to undertake heritage park management activities, special purpose studies and implementation projects. Other regions wishing to participate in the Pennsylvania Heritage Parks Program may apply for feasibility study grants if they meet the following criteria:

- Must have a strong industrial theme based on one or more of the following industries—coal, oil, iron and steel, lumber, textile, transportation, machine and foundry and agriculture.

- Must be multicounty in size.

- Must have natural, cultural, historic, recreational and scenic resources of State or national significance.

—Have a broad-based public and private partnership and regional coalition supporting the project.

—Must demonstrate a local commitment and leadership capacity to undertake the initiative.

Program Manual/Application Forms

The Pennsylvania Heritage Parks Program Manual provides more specific information on funding levels, program requirements and the application process for this round of funding. The program manual and application forms are available from the Department. Since each project type has a specific set of application forms and instructions, specify the type of project when requesting application forms. The Program Manual, application forms and additional information about the program can be obtained from the Central Office of the Department's Bureau of Recreation and Conservation in Harrisburg or from one of the Department's Heritage Parks District Supervisors:

Tim Keptner, Chief, Heritage Parks Division, Bureau of Recreation and Conservation, Pennsylvania Heritage Parks Program, Department of Conservation and Natural Resources, 6th Floor Rachel Carson State Office Building,

P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 783-0988;

Allen Sachse, Supervisor, Eastern District—Pennsylvania Heritage Parks Program, Department of Conservation and Natural Resources, Room 201, Samters Building, 101 Penn Avenue, Scranton, PA 18503-2025, (717) 963-4973; and

Alan Chace, Supervisor, Western District—Pennsylvania Heritage Parks Program, Department of Conservation and Natural Resources, 5th Floor Forum Building, Harrisburg, PA 17120, (717) 772-4361.

Persons with a disability who wish to submit an application for Pennsylvania Heritage Parks Program funding and require assistance with the application should contact Darrel J. Siesholtz at (717) 783-2661 to discuss how the Department may best accommodate their needs. TTY or TDD users call 1 (800) 654-5984.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 98-130. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

Following the 30-day comment period, the Water Management Program 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 Field Office indicated above the application.

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

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

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

PA 0057240. Industrial waste, **Unisys Corporation**, 2476 E. Swedesford Road, Paoli, PA 19301.

This application is for issuance of an NPDES permit to discharge treated groundwater from a groundwater remediation system in Downingtown Borough, **Chester County**. This is a new discharge to dry swale to East Branch Brandywine Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.173 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30		60
pH	within limits of 6.0—9.0 standard units at all times		
Total Chromium	0.10	0.20	0.25
1,1,1, Trichlorethane	0.20	0.40	0.45

Other Conditions:

The EPA waiver is in effect.

PA 0026531. Sewage, **Downingtown Regional Water Pollution Control Center**, P. O. Box 8, 347 North Pottstown Pike, Downingtown, PA 19341.

This application is for amendment of an NPDES permit to discharge treated sewage from the Downingtown Regional Water Pollution Control Center in East Caln Township, **Chester County**. This is an existing discharge to East Branch Brandywine Creek.

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

The proposed amendment to the effluent limits for Outfall 001, based on an average flow of 7 mgd is as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.50		0.89

This requirement goes into effect after the third year from the renewal issuance date (June 21, 1996).

PA 0054062. Industrial waste, **Agway Energy Products**, P. O. Box 4852, Syracuse, NY 13221-4852.

This application is for renewal of an NPDES permit to discharge stormwater from an oil/water separator serving Agway Energy Product's Colmar Terminal in Hatfield Township, **Montgomery County**. This is an existing discharge to Storm Sewer to West Branch Neshaminy Creek.

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

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

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

Other Requirements:

1. DMR to DEP
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions

The EPA waiver is in effect.

Northeast Region: Environmental Protection Manager—Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.

PA 0062782. Industrial waste, SIC: 5171, **Farm and Home Oil Company**, Tank Farm Road, P. O. Box 146, Macungie, PA 18062.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater into an unnamed tributary to Swabia Creek in Lower Macungie Township, **Lehigh County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.286 mgd are:

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

This permit is also subject to Special Conditions regarding control and treatment of petroleum product-contaminated stormwater runoff.

The EPA waiver is in effect.

PA 0051811. Industrial waste, SIC: 4941, **Lehigh County Authority**, P. O. Box 3348, Allentown, PA 18106.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into an Unnamed Tributary to Little Cedar Creek in South Whitehall Township, **Lehigh County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.002 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	60.0	75.0
Total Aluminum	4.0	8.0	10.0
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
pH	between 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0021547. Sewerage, **Municipal Authority of Borough of Orwigsburg**, P. O. Box 128, Orwigsburg, PA 17961-0128.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Mahannon Creek in Orwigsburg Borough, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Pottstown Water Supply on Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of .6 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	8.5		17.0
Dissolved Oxygen	a minimum of 5 mg/l at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine (1st month through 36th month)	monitor and report		
(37th month through expiration)	.8		1.9

The EPA waiver is in effect.

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

PA 0087726. Sewage, SIC: 6515, **RBL Development Corp. (Eagle View MHP)**, R. D. 1, Box 1721, Stewartstown, PA 17363.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of the South Branch of Conewago Creek in Berwick Township, **Adams County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water

supply intake considered during the evaluation was the Hanover Water Supply Intake located on an unnamed tributary of South Branch of Conewago Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.069 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10.0	20.0
Total Suspended Solids	10.0	20.0
NH ₃ -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Total Residual Chlorine	0.17	0.55
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0—9.0 inclusive	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

The EPA waiver is in effect.

PA 0085537. Industrial waste, SIC: 4941, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Bells Gap Run, in Antis Township, **Blair County**.

The receiving stream is classified for trout stocking fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.035 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s.u.)		from 6.0—9.0	
Total Aluminum		monitor and report	

Report emergency overflows.

The EPA waiver is in effect.

PA 0119121. Industrial waste, SIC: 3251, **Glen Gery Corporation**, 423 Pottsville Pike, Shoemakersville, PA 19555.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of the Schuylkill River, in Perry Township, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough Authority located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.012 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper		monitor and report	
pH		6—9 s.u. at all times	
TSS	30	60	75
Oil and Grease		monitor and report	
Total Nitrogen	10	20	25
Total Dissolved Solids	500	1,000	1,250
Sulfate	250	500	625
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
TRC	0.68	XXX	1.36
Osmotic Pressure		monitor and report	

The EPA waiver is in effect.

PA 0110906. Industrial waste, SIC: 5171, **Scranton-Altoona Terminals Corporation**, P. O. Box 2621, Harrisburg, PA 17105.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of the Frankstown Branch, in Freedom Township, **Blair County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfalls 001 and 002 are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
Total Residual Petroleum Hydrocarbons	monitor and report

The EPA waiver is in effect.

PA 0036889. Sewage, SIC: 4952, **Reading Township Municipal Authority**, 50 Church Road, East Berlin, PA 17316.

This application is for renewal and amendment of an NPDES permit for an existing discharge of treated sewage to Conewago Creek, in Reading Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Co. located on the Susquehanna River in York County. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.13 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	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2.0	XXX	4.0
Total Residual Chlorine	monitor and report	XXX	monitor and report
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		
Fecal Coliforms	200/100 ml as a geometric average		
(5-1 to 9-30)	100,000/100 ml as a geometric average		
(10-1 to 4-30)			

The proposed final effluent limits for Outfall 001 for a design flow of 0.33 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	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	8.5	XXX	17
(11-1 to 4-30)	monitor and report	XXX	monitor and report
Total Phosphorus	2.0	XXX	4.0
Total Residual Chlorine	0.23	XXX	0.76
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		
Fecal Coliforms	200/100 ml as a geometric average		
(5-1 to 9-30)	31,500/100 ml as a geometric average		
(10-1 to 4-30)			

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 W. Third Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.

PA 0043681-A1. SIC: 4952, **Valley Joint Sewer Authority**. One South River Street, Athens, PA 18810.

This amendment is necessary to make the NPDES permit consistent with the recently issued Water Quality Management Permit No. 0897407, which rerated the sewage treatment plant to 2.25 mgd annual average flow.

This proposed action is to amend the NPDES permit for an increase in discharge of treated sewage to Susquehanna River in Athens Boro, **Bradford 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 downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 2.25 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	40	50
TSS	30	45	60
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		
pH	6.0—9.0 at all times.		

Other Conditions: none.

The EPA waiver is in effect.

PA 0115291. Sewerage, SIC: 4952, **Borough of Snyderstown**, 42 South Market Street, General Delivery, Snyderstown, PA 17877.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Shamokin Creek in Snyderstown Borough, **Northumberland 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 Dauphin Consolidated Water Company located at Dauphin approximately 50 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.026 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	40	50
TSS	30	45	60
Total Cl ₂ Residual (1st month—36th month)	report		
(37th month—permit expiration date)	1.0		2.3
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0101427. SIC: 4952, **Brian J. Buchsen**, R. R. 1, Box 259-C, Coudersport, PA 16915.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to unnamed tributary of Trout Run in Sweden Township, **Potter 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 assumed downstream potable water supply (PWS) considered during the evaluation is the PA-NY state line on the Allegheny River, 40 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0006 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 Coliform (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	
Total Chlorine Residual	monitor and report	

Other Conditions: none

The EPA waiver is in effect.

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

PA 0095176-A2. Industrial waste, SIC: 3511, **Elliott Company**, North Fourth Street, Jeannette, PA 15644-0800.

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

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Brush Creek, classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 003: existing discharge, design flow of 0.0864 mgd. Interim effluent limits.

<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				
Suspended Solids			31	60	78
Oil and Grease			15		30
Cadmium			0.26	0.69	0.86
Chromium			1.71	2.77	4.28
Copper			2.07	3.38	5.18
Lead			0.43	0.69	1.08
Nickel			2.38	3.98	5.95
Silver			0.24	0.43	0.60
Zinc			1.48	2.61	3.70
Cyanide			0.65	1.20	1.03
TTO				2.13	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.0864 mgd. Final effluent limits.

<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				
Suspended Solids			31	60	78
Oil and Grease			15		30
Cadmium			0.0014	0.0028	0.0035
Chromium			1.71	2.77	4.28
Copper			0.014	0.023	0.035
Lead			0.0038	0.0076	0.0095
Nickel			0.19	0.38	0.48
Silver			0.0031	0.0062	0.0078
Zinc			0.09	0.18	0.23
Cyanide			0.65	1.20	1.63
TTO				2.13	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0033405. Sewage, **Thomas P. Berch**, 1434 Greensburg Pike, West Newton, PA 15089.

This application is for amendment of an NPDES permit to discharge treated sewage from the Sewickley Pines Manor STP in Sewickley Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of .015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.2			4.4
(11-1 to 4-30)	5.0			10.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0043435. Sewage, **Cecil Wastewater Treatment Company, Inc.**, 10 Bayberry Lane, Cecil, PA 15321-1206.

This application is for renewal of an NPDES permit to discharge treated sewage from the Monaco Manor Sewage Treatment Plant in Cecil Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.03 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is in effect.

PA 0092339. Sewage, **Bell Acres Municipal Sewage Authority**, 1151 Camp Meeting Road, Sewickley, PA 15143.

This application is for renewal/transfer of an NPDES permit to discharge treated sewage from the Grouse Ridge Sewage Treatment Plant in Bell Acres Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a drainage swale which leads to an unnamed tributary of Big Sewickley Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough W. A. located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.00665 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is in effect.

PA 0093076. Sewage, **Brookhaven Estates Mobile Home Park**, 620 Highland Ridge Road, Claysville, PA 15323.

This application is for renewal of an NPDES permit to discharge treated sewage from the Brookhaven Estates Mobile Home Park Sewage Treatment Plant in South Franklin Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.02 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.15			0.35
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is in effect.

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

PA 0222470. Sewage, **Lundberg Treatment Facility Association**, R. D. 1, Box 114, Brockway, PA 15824.

This application is for a new NPDES permit to discharge sewage to Rattlesnake Creek in Snyder Township, **Jefferson County**. This is a new discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western Pennsylvania Water Company-Clarion on the Clarion River located at Clarion, approximately 48 miles below point of discharge.

The proposed discharge limits for Outfall 001 (after the chlorine contact tank), based on a design flow of 0.002 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
	Flow	monitor and report
CBOD ₅	10	20
Total Suspended Solids	20	40
Fecal Coliform		
(all year)	200/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0020605. Sewage, **Municipal Authority of the Borough of Union City**, 12 South Main Street, Union City, PA 16438.

This application is for renewal of an NPDES permit to discharge treated sewage to the South Branch of French Creek in Union Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water fishery, 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 Cambridge Springs on French Creek in Crawford County, approximately 24 miles downstream from the point of discharge.

The proposed effluent limits for Outfall 001, based on an average flow of 1.4 mgd, are:

Parameter	Effluent Concentrations (mg/l)		
	Average Monthly	Average Weekly	Instantaneous Maximum
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		27

Parameter	Effluent Concentrations (mg/l)		
	Average Monthly	Average Weekly	Instantaneous Maximum
Total Residual Chlorine (interim)	0.35		0.87
(final)	0.18		0.58
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	5,300/100 ml as a geometric mean		
Whole Effluent Toxicity Test (WETT)	monitor		
pH	6.0—9.0 standard units at all times		

The EPA waiver is not in effect.

PA 0023451. Sewage, **Borough of Mt. Jewett**, P. O. Box 7215, Mt. Jewett, PA 16740-7215.

This application is for a renewal of an NPDES permit to discharge treated sewage to the Unnamed Tributary to Kinzua Creek in Mt. Jewett, McKean Borough. 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 Emlenton Municipal Water Authority on the Allegheny River located at Emlenton, approximately 125 miles below point of discharge.

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

Parameter	Average Monthly (mg/l)	Weekly Average	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	1.5		3
(11-1 to 4-30)	4.5		9
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan, action or application to which the protest relates. 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.

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

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

A. 4097402. Sewerage. **John M. Giambra**, 31 Slocum Ave., Exeter, PA 18643. Application to construct and operate a sewage treatment plant to serve Bella Mundana Estates, located in Exeter and Franklin Townships, **Luzerne County**. Application received in the Regional Office: November 26, 1997.

A. 4597406. Sewerage. **King Arthur Room**, Box 271, Route 209, Sciota, PA 18354. Application to construct and operate a small flow sewage treatment facility, located in Hamilton Township, **Monroe County**. Application received in the Regional Office: December 1, 1997.

A. 5497405. Sewerage. **Greater Pottsville Area Sewer Authority**, 401 N. Centre Street, P. O. Box 1163, Pottsville, PA 17901-7163. Application to construct and operate a new Solids Processing Building at the Main Plant, located in the City of Pottsville, **Schuylkill County**. Application received in the Regional Office: December 17, 1997.

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

A. 0797403. Sewage, submitted by **Allegheny Township Sewer Authority**, 3131 Old 6th Avenue Road, Duncansville, PA 16635 in Allegheny Township, **Blair County** to construct the Fox Hollow Ridge subdivision pump station and sewer extension was received in the Southcentral Region on December 24, 1997.

A. 0797404. Sewage, submitted by **Frankstown Township Supervisors**, Box 19, Sylvan Drive, Hollidaysburg, PA 16648 in Frankstown Township, **Blair County** to construct sewer service to serve the Loop Area of Frankstown Township was received in the Southcentral Region on December 31, 1997.

A. 0598401. Sewage, submitted by **Susan and Larry Grubb**, R. D. 2, Box 122-A, Clearville, PA 15535 in West Providence Township, **Bedford County** to construct a small flow sewage treatment plant to serve their single residence was received in the Southcentral Region on January 5, 1998.

A. 0598402. Sewage, submitted by **Hopewell Borough**, P. O. Box 160, Hopewell, PA 16650 in Hopewell Borough, **Bedford County** to rerate their existing wastewater treatment plant to their maximum capacity was received in the Southcentral Region on January 5, 1998.

A. 3497402. Sewage, submitted by **Twin Boroughs Sanitary Authority**, P. O. Box 118, Mifflin, PA 17058 in Mildford Township and Mifflin Borough in **Juniata County** to upgrade their sewage treatment plant was received in the Southcentral Region on December 15, 1997.

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

WQM Permit No. 2598401. Sewage. **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA 16505-0158. This project is for the installation of the proposed Greengarden Relief Sewer to reroute all existing and projected future flows from the Manor Drive interceptor to the existing Manor Drive Extension Interceptor within Frontier Park and then conveyed for treatment to the Erie Wastewater Treatment Plant in the City of Erie, **Erie County**.

INDIVIDUAL PERMITS

(PAS)

NPDES Individual

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. 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 Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be 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 office noted above the application.

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

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

NPDES Permit PAS10-G297. Stormwater. **G. William and James R. Freese**, 203 Hilltop Road, Oxford, PA 19363, has applied to discharge stormwater from a construction activity located in East Nottingham Township, **Chester County**, to Big Elk Creek.

NPDES Permit PAS10-PAS10-G298. Stormwater. **Jonathan Thir**, 20 Keldon Court, Glenmoore, PA 19343, has applied to discharge stormwater from a construction activity located in West Vincent Township, **Chester County**, to Birch Run.

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

Lancaster County Conservation District, District Manager, 1383 Arcadia Road, Room 6, Lancaster, PA 17601, (717) 299-5361.

NPDES Permit PAS-10-O-070. Stormwater. **Joan Baribault**, P. O. Box 484, Bryn Mawr, PA 19010 has applied to discharge stormwater from a construction activity located in Little Britain Township, **Lancaster County**, to Unnamed Tributary of the West Branch Octoraro.

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

NPDES Permit PAS10X084. Stormwater. **Alan Latta**, 5543 Saltsburg Road, Murrysville, PA 15668 has applied to discharge stormwater from a construction activity located in Murrysville, **Westmoreland County** to Haymakers Run.

NPDES Permit PAS10X085. Stormwater. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106 has applied to discharge water from a construction activity located in Donegal and Cook Townships, **Westmoreland County** to Indian Creek.

Stormwater Individual

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

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.24(d).

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PAS02218	United Parcel Service Bruce Befort 359 East Park Drive Harrisburg, PA 17111	Northampton Bethlehem Twp.	Unnamed Tributary to Monocacy Crk.	

SAFE DRINKING WATER

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

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

A. 1597511. Public water supply. **Independence Park**, 341 Freemont Road. This proposal involves the permitting of an existing unpermitted water supply system to serve Independence Park Mobile Homes in West Nottingham Township, **Chester County**.

Bureau of Water Supply Management, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105, Godfrey C. Maduka, (717) 787-9037.

A. 9996217. Great Springs Waters of America, Inc., P. O. Box 499, Poland Spring, Maine 04274, Kristin Tardiff, Eastern Region Water Resources Manager. Applicant requests Department approval for a major permit amendment to replace their well no. 3 with a new production well located in Poland, Maine. The following bottled water brands will be marketed in Pennsylvania: Poland Spring Natural Spring Water, Deer Park Spring Water, Deer Park Distilled Water, Ice Mountain Spring Water, Great Bear Natural Spring Water and Poland Spring Distilled Water.

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

A. 3697509. Public water supply. **Northwestern Lancaster County Authority**, Penn Township, **Lancaster County**. *Responsible Official: Robert Tucci,*

Chairperson, 97 North Penryn Road, Manheim, PA 17545. *Type of Facility:* The addition of a new well and related treatment to augment the existing PWS system. Proposed includes approximately 3,600 feet of water line, manganese removal and disinfection treatment and the new well. *Consulting Engineer:* RETTEW Associates, Inc., Daniel J. Becker, P. E., 3020 Columbia Avenue, Lancaster, PA 17603.

A. 6797504. Public water supply. **Roman Catholic Diocese of Harrisburg**, Paradise Township, York County. *Responsible Official:* Very Reverend James M. Lyons—Vicar General/General Secretary, Roman Catholic Diocese, 4800 Union Deposit Road, Harrisburg, PA 17105. *Type of Facility:* Existing Community Water System seeks a permit to demolish an existing elevated storage tank and build a 49,000 gallon standpipe and booster station. *Consulting Engineer:* Thomas M. Harbert, P. E., Benatec Associates, 101 Erford Road, P. O. Box 8866, Camp Hill, PA 17001-8866.

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

A. 1498501. The Department has received a construction permit for **Whispering Pines, DKZ, Inc.** (625 Little Marsh Creek Road, Bellefonte, PA 16823) Boggs Township, Centre County for development of Well no. 3 and to provide 15 gpm submersible pump, disinfect with sodium hypochlorite, sequester manganese with aqua mag, meter flow, provide 4,000 gallons treated water storage and connecting piping.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

P. R. Hoffman Materials Processing Corporation, Carlisle Borough, Cumberland County. P. R. Hoffman Materials Processing Corporation, 321 Cherry Street, Carlisle, PA 17013, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet a combination of background and Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Carlisle Sentinel* on January 7, 1998.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation.

For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

CNG Peoples Valley Compressor Station, Cowanshannock Township, **Armstrong County**. Michael D. Antonetti, Dames & Moore, 322 Blvd. of the Allies, 5th Floor, Pittsburgh, PA 15222-1916 has submitted a Notice of Intent to Remediate soil, groundwater, surface water and sediment contaminated with PHCs and Triethylene Glycol. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Valley News Dispatch* on December 9, 1997.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

A. 101411. Minnesota Methane SKB Facility, 709 Swedeland Road, King of Prussia, PA 19406. The application was received for permit renewal and reissuance. The applicant also requests several modifications in addition to the renewal request. Facility located in Upper Merion Township, **Montgomery County**. Application received in the Southeast Regional Office on January 5, 1998.

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

A. 101559 and 101557. Milton Grove Construction/Demolition Landfill and Milton Grove Tire Processing Facility, Eagle Land Management, Inc., (110 West Lancaster Avenue, Suite 1, Wayne, PA 19087). Application for permit reissuance to transfer permits from Waste Management of Pennsylvania, Inc. to Eagle Land Management, Inc., for sites in Mt. Joy Township, **Lancaster County**. Application determined to be administratively complete in the Regional Office December 29, 1997.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

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

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

Genesis Environmental, LTD., 108 Atterburg Road, Monroeville, PA 15146; Richard W. Rupnik, Facility Manager; application received December 12, 1997.

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

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

Health Care Waste Services, Corp., 8 Slater Street, Port Chester, NY 10573; Phillip R. Kriebel, Director of Project Management; License No. **PA-HC 0184**; renewal application received on January 6, 1998.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Bureau of Deep Mine Safety

TJS Mining, Inc.

The Bureau of Deep Mine Safety has received a request for variance from TJS Mining, Inc. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich, (412) 439-7469.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701—702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 221(d) requires that in case of accident to a ventilating fan or its machinery, or if the fan stoppage is a planned interruption whereby the ventilation of the mine is interrupted, the mine foreman shall order the power to be disconnected from the affected portions and withdraw the men immediately from the face areas. In mines employing the use of multiple fans equipped with self-closing doors which operate automatically when the fan is stopped, such action need not be taken provided the

minimum requirements are met by other fans of the system. If the fan has been stopped for a period of time in excess of 15 minutes in a gassy mine, and 30 minutes in a non-gassy mine, the mine foreman shall order the men withdrawn from the mine. If the mine foreman shall deem it necessary, he may withdraw the men from a gassy mine in less than the said 15 minutes and from a non-gassy mine in less than the said 30 minutes. He shall not allow the men to return to their work until ventilation has been restored and the mine has been thoroughly examined by certified personnel and reported safe. A record shall be made of said examination.

Summary of the request: TJS Mining, Inc. requests a waiver of section 221(d) of the Bituminous Coal Mine Act. This waiver will provide accommodations for the evacuation of men from the **TJS #1 Mine** by way of battery-powered personnel carriers and/or mantrips.

TJS Mining, Inc.

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The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

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Section 221(d) requires that in case of accident to a ventilating fan or its machinery, or if the fan stoppage is a planned interruption whereby the ventilation of the mine is interrupted, the mine foreman shall order the power to be disconnected from the affected portions and withdraw the men immediately from the face areas. In mines employing the use of multiple fans equipped with self-closing doors which operate automatically when the fan is stopped, such action need not be taken provided the minimum requirements are met by other fans of the system. If the fan has been stopped for a period of time in excess of 15 minutes in a gassy mine, and 30 minutes in a non-gassy mine, the mine foreman shall order the men withdrawn from the mine. If the mine foreman shall deem it necessary, he may withdraw the men from a gassy mine in less than the said 15 minutes and from a non-gassy mine in less than the said 30 minutes. He shall not allow the men to return to their work until ventilation has been restored and the mine has been thoroughly examined by certified personnel and reported safe. A record shall be made of said examination.

Summary of the request: TJS Mining, Inc. requests a waiver of section 221(d) of the Bituminous Coal Mine Act. This waiver will provide accommodations for the evacuation of men from the **Darmac #3 Mine** by way of battery-powered personnel carriers and/or mantrips.

Canterbury Coal Company

The Bureau of Deep Mine Safety has received a request for variance from Canterbury Coal Company. The follow-

ing notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich, (412) 439-7469.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701—702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: Canterbury Coal Company requests a variance of section 242(c). In lieu of isolating the belt entry from other entries, Canterbury Coal Company proposes a maximum of two entries in common with the belt entry. They propose additional safety precautions in lieu of isolation to comply with section 242(c).

MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

Coal Applications Received

56970105. Cooney Brothers Coal Company (P. O. Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip-coal refuse reprocessing-coal refuse disposal mine in Paint Township, **Somerset County**, affecting 171 acres, receiving stream unnamed tributary to Stonycreek River, Stonycreek River; application received December 23, 1997.

11970201. Maple Coal Company (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143), commencement, operation and restoration of a coal refuse reprocessing mine in Barr and Blacklick Townships, **Cambria County**, affecting 47.1 acres, receiving stream unnamed tributary to Elk Creek and Elk Creek; application received December 30, 1997.

McMurray District Office

32841307. Tanoma Coal Company, Inc. (R. R. 1, Box 594, Marion Center, PA 15759), to revise the permit for the Tanoma Coal Co. in Rayne Township, **Indiana County**, addition of one 12" diameter vent/bleeder borehole, no additional discharges. Application received November 20, 1997.

30841316. Consol Pennsylvania Coal Co. (P. O. Box 174, Graysville, PA 15337), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to add 3E panel boreholes and 1 North Power Borehole, no additional discharge. Application received December 9, 1997.

30841312. Consolidation Coal Co. (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville No. 2 in Wayne Township, **Greene County**, Shepards Run. Application received December 12, 1997.

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

40980101. No. 1 Contracting Corporation (1001 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702), commencement, operation and restoration of an anthracite surface mine operation in Foster Township, **Luzerne County**, affecting 1,425.0 acres, receiving stream Sandy Run and Buck Mountain Creek. Fly Ash Disposal on site. Application received November 4, 1998.

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

Noncoal Permits Received

8073SM2A1C4. Glasgow, Inc. (P. O. Box 248, Glenside, PA 19038), renewal of NPDES Permit No. PA0595519 and a depth correction to an existing quarry operation in Upper Merion Township, **Montgomery County** affecting 191.7 acres, receiving stream unnamed tributary to Schuylkill River. Application received December 10, 1997.

54980301. Schuylkill Contracting Company, Inc. (R. R. 2, Box 2312, Pottsville, PA 17901), commencement, operation and restoration of a large quarry operation in Foster Township, **Schuylkill County** affecting 375.0 acres, receiving stream Swatara Creek. Application received December 12, 1997.

6275SM2C. Milestone Materials, Inc. (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231), correction to NPDES Permit No. PA0594539 in Limestone Township, **Montour County**, receiving stream unnamed tributary to Chillisquaque Creek. Application received December 15, 1997.

7775SM8A3C4. John T. Dyer Quarry (Box 188, Birdsboro, PA 19508), renewal of NPDES Permit No. PA0595748 in Robeson Township, **Berks County**, receiving stream Indian Corn Creek and Seidel Creek. Application received December 16, 1997.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects:

<i>Project</i>	<i>Municipality</i>	<i>County</i>	<i>Acre</i>
BF 344-103.1	Grant Twp.	Indiana	25
BF 428-101.1	Jefferson Twp.	Fayette	13.6
BF 429-101.1	Derry Twp.	Westmoreland	19

Letters of interest must be received by Ernest F. Giovannitti, Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., February 27, 1998, to be considered.

Telephone inquiries shall be directed to B. P. Rao, Chief, Division of Acid Mine Drainage Abatement, at (717) 783-1311.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

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

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

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

E46-790. Encroachment. **Gambone Brothers Dev. Company**, 1030 West Germantown Pike, P. O. Box 287, Fairview Village, PA 19409. To install and maintain 80 linear feet of three 12-foot by 4.66-foot roadway box culverts in and along a tributary to the Schuylkill River (WWF). This work is located just southeast of the intersection of Henderson Road and Shoemaker Road associated with the Gulph Mills Business Park (Norristown, PA Quadrangle N: 14.5 inches; W: 14.8 inches) in Upper Merion Township, **Montgomery County**.

E51-163. Encroachment. **Fairmount Park Commission**, Memorial Hall, Philadelphia, PA 19131. To improve Pennypack Park facilities by performing the following activities:

1. To construct softball and soccer fields by placing fill in the 100-year floodplain of the Delaware River (WWF/MF) and 0.64 acre of wetland (PEM).

2. To maintain a 15-inch stormwater outfall structure and headwall along the existing bulkhead of the Delaware River.

These activities are located in Pennypack Park situated at State Road and Rhawn Street (Frankford, PA Quadrangle N: 10.4 inches; W: 4.1 inches) in the City of Philadelphia, **Philadelphia County**.

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

E05-258. Encroachment. **Penn Detroit Diesel Allison**, Ralph Rankin, P. O. Box 147, Bedford, PA 15522. To fill in 0.24 acre of wetland in order to construct a detention basin of a proposed trucking terminal located on the north side of Weber Lane about 500 feet west of its intersection with the old US 220 (Bedford, PA Quadrangle N: 8.7 inches; W: 1.75 inches) in Bedford Township, **Bedford County**.

E07-287. Encroachment. **Willowbrook Mobile Home Park**, Ronald Felty, 97 Willowbrook Village, Duncansville, PA 16635. To authorize the construction and maintenance of two previously placed unpermitted culverts, 0.54-inch diameter reinforced concrete pipe at Elcona Street and a 48-inch diameter corrugated metal culvert at Sixth Street, in an unnamed tributary to Gillans Run and previously placed on permitted fill in the tributary's floodway for the purpose of further development of a residential mobile home park located about 1 mile northwest of the intersection of SR 0764 and SR 022 (Hollidaysburg, PA Quadrangle N: 10.9 inches; W: 10.2 inches) in Allegheny Township, **Blair County**.

E29-076. Encroachment. **Thompson Township Supervisors**, Bruce Bivens, HCR 81, Box 121, Big Cove Tanney, PA 17212. To construct and maintain a prestressed concrete adjacent box beam bridge having a clear single span of 104 feet on a 90 degree skew with a minimum underclearance of 9.53 feet across Licking Creek on T-331 located about 1 mile northwest of Dickey's Mountain Village (Big Cove Tanney, PA Quadrangle N: 7.38 inches; W: 12.88 inches) in Thompson Township, **Fulton County**.

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

E41-414. Encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105. To construct and maintain a low flow crossing utilizing nine 13-inch by 17-inch by 15-foot arch metal culvert spaced 32 inches apart with its associated hemlock endwalls and limestone cover for a total crossing length of 36 feet across Hawk Run located approximately 200 feet upstream of Hawk Runs confluence with Rock Run (Ralston, PA Quadrangle N: 8.2 inches; W: 0.6 inch) in McIntyre Township, **Lycoming County**. Estimated stream disturbance is approximately 35 feet of permanent impact; stream classification is HQ-CWF.

E41-415. Encroachment. **Lewis Township Supervisors**, P. O. Box 118, Trout Run, PA 17771. To modify and maintain a stone storage area in the floodway of Lycoming Creek located next to Mill St. just downstream of the confluence of Trout Run with Lycoming Creek (Trout Run, PA Quadrangle N: 1.4 inches; W: 7.5 inches) in Lewis Township, **Lycoming County**. There is no estimated stream or wetland disturbance; stream classification is CWF.

E41-416. Encroachment. **Loyalsock Township Supervisors**, 2501 E. Third St., Williamsport, PA 17701. To

construct and maintain a 48-inch diameter by 1,200 feet long polyethylene pipe enclosure with metallic coated steel end section and trash rack in Liberty Run located along T-575 approximately 2,000 feet north of the intersection of Lycoming Creek Road (Old Route 15) with T-575 (Cogan Station, PA Quadrangle N: 4.0 inches; W: 6.2 inches in Loyalsock Township, **Lycoming County**. Estimated stream disturbance is approximately 1,200 feet of Liberty Run with no wetland impact; stream classification is Warm Water Fishery.

E47-064. Encroachment. **Department of Environmental Protection**, P. O. Box 218, Montoursville, PA 17754. To 1) remove an existing Parker Thorough-truss bridge and to construct and maintain a seven span Continuous Composite Steel I-Girder Bridge with a reinforced concrete deck slab, six piers, a span of 1,440 feet and a minimum underclearance of 28.5 feet located on SR 0054, Section 14 over the North Branch of the Susquehanna River; 2) construct and maintain a 22 foot 7.25 inch long 6 foot by 8 foot cast-in-place concrete box culvert which will connect two existing culverts located 260 feet southeast of the SR 0054 and South D&H Ave. (Danville, PA Quadrangle N: 15.06 inches; W: 16.8 inches) in the Borough of Danville, **Montour County** and the Borough of Riverside, **Northumberland County**. The 2-year construction project will be using a variety of temporary causeways and coffer dams. Estimated stream disturbance is approximately 1,400 feet of stream; stream classification is Warm Water Fishery.

E53-307. Encroachment. **DCNR**, Bureau of Forestry, P. O. Box 673, Coudersport, PA 1915. To construct and maintain a 24-inch diameter C. M. culvert, 20 feet long, in an unnamed tributary to Wingerter Run located approximately 1,000 feet south of SR 44 and 0.6 mile east of the intersection of SR 44 and Junction Road (Cherry Springs, PA Quadrangle N: 3.2 inches; W: 6.8 inches) in Abbott Township, **Potter County**. Estimated stream disturbance is 20 long with no wetland impact; stream classification is EV.

E47-063. Encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. Project proposes I-80 road improvements from Station 14 to Station 376 involving road paving, bridge maintenance (deck replacement/repair) across Chillisquaque Creek and tributaries, and safety upgrade for roadside area with associated wetland and fill of .24 acre (Riverside, PA Quadrangle N: 21.3 inches; W: 13 inches) in Liberty and Valley Townships, **Montour County**. Stream classification is WWF.

Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1212. Encroachment. **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219. To rehabilitate and maintain the Monongahela Connecting Railroad Bridge across the Monongahela River (WWF) for use as a vehicular bridge and primary site access to the proposed Southside Works mixed-use development located near River Mile 3.1 (Pittsburgh East, PA Quadrangle N: 9.7 inches; W: 11.8 inches) in the City of Pittsburgh, **Allegheny County**.

E02-1213. Encroachment. **Edsel W. and Harriet Burkholder**, 510 Liggett Avenue, Monongahela, PA 15063. To construct and maintain a marina consisting of a dock and walkway in the channel of and along the right bank of the Monongahela River (WWF) approximately 2,000 feet southeast from the intersection of SR 136 and

the Monongahela City Bridge (Monongahela, PA Quadrangle N: 13.6 inches; W: 5.65 inches) in Forward Township, **Allegheny County**.

E63-443. Encroachment. **Dredge Docks, Inc.**, 1231 River Avenue, Pittsburgh, PA 15212. To construct and maintain a 525 foot long barge dock along the left bank of the Monongahela River, near River Mile 59.8 (Carmichaels, PA Quadrangle N: 22.3 inches; W: 9.2 inches) in Centerville Borough, **Washington County**.

E30-184. Encroachment. **Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. To replace an existing bridge damaged by longwall mining along S. R. 0019 near Kirby, 0.5 mile south of the intersection with S. R. 2018 over an Unnamed Tributary to Whiteley Creek (TSF) (Garards Fort, PA Quadrangle N: 8.5 inches; W: 16.2 inches) in Whiteley Township, **Greene County**.

E65-682. Encroachment. **Equitable Resources Exploration**, Cloverleaf Square, Building G, Big Stone Gap, VA 24219. To remove the existing structure and to construct and maintain a culvert crossing consisting of two 60-inch corrugated metal pipes in an unnamed tributary to Jacobs Creek (WWF) for the purpose of providing access to an existing gas well. The project is located off of T-748 (Mount Pleasant, PA Quadrangle N: 3.1 inches; W: 8.4 inches) in East Huntingdon Township, **Westmoreland County**.

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

E20-451. Encroachment. **Pennsylvania Department of Transportation, Engineering District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing single span steel stringer bridge and to construct and maintain a 30-foot-wide by 5 foot-8 inch-high reinforced concrete box culvert on S. R. 1007 across Indian Run (HQ-CWF). The box culvert will be placed 1 foot into the existing stream bed to allow for unobstructed access for aquatic organisms. The project is located on S. R. 1007 across Indian Run approximately 600 feet north of the intersection of S. R. 0077 and S. R. 1007 in the village of Little Cooley located in Athens Township, **Crawford County**.

E33-184. Encroachment. **Neko's Bar & Grill, Inc.**, R. R. 5, Box 291, Punxsutawney, PA 15767. To construct and maintain a 36-foot-wide by 42-foot-long building and gravel parking lot within the floodway of Elk Run as a replacement of the Neko's Bar & Grill building destroyed by the July, 1996 flood along the east side of Elk Run Avenue (S. R. 310) approximately 100 feet north of Graffius Avenue located in Punxsutawney Borough, **Jefferson County**.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631-640) relating to the acquisition of rights to divert waters of this Commonwealth.

Northwest Regional Office, Regional Program Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.

WA 25-1002. Water allocation. **Idyll Whyte Village, Inc.**, a Pennsylvania corporation, is requesting the right to withdraw 50,000 gpd from Elk Creek for treatment and distribution to the Idyll Whyte Village Mobile Home Park, located in McKean Township, **Erie County**. Treatment,

storage and distribution systems are in place and currently serving 91 mobile home units.

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

WA48-1004. Water allocation permit. **Bethlehem Water Authority, City of Bethlehem**, George J. Kostelnik, Exe. Director, City Admin. Bldg., Room 502, 10 E. Church Street, Bethlehem, PA 18018. This proposal involves the emergency withdrawal and use of Beltzville Lake Water Supply to supplement Bethlehem's existing Wild Creek supply until approximately December 31, 2000 due to drought and loss of the Penn Forest Dam. It is located in **Northampton County**.

Engineer: Scott R. Hughes, Project Manager, Gannett Fleming Inc.

ACTIONS

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

[National Pollution Discharge Elimination System
Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

NPDES Permit No. PA-0039861. Industrial waste. **Consolidated Cigar Corporation**, McAdoo—Trescow Road, McAdoo, PA 18237 is authorized to discharge from

a facility located in Banks Township, **Carbon County** to a wet weather channel to Catawissa Creek.

NPDES Permit No. PA-0070220. Sewerage. **Alfred A. Cas and Marie E. Cas, t/a Nis Hollow Estates**, is authorized to discharge from a facility located in Mahoning Township, **Carbon County** to an Unnamed Tributary to the Lehigh River.

NPDES Permit No. PA-0063037. Sewerage. **Stoney Creek Hotel**, HC 2, Box 2813, Jim Thorpe, PA 18229 is authorized to discharge from a facility located in Penn Forest Township, **Carbon County** to Stoney Creek.

NPDES Permit No. PA-0063711. Sewerage. **Central Carbon Municipal Authority**, P. O. Box 29, Lehighon, PA 18235 is authorized to discharge from a facility located in Mahoning Township, **Carbon County** to the Lehigh River.

NPDES Permit No. PA-0014681. Industrial waste. **Friskies PetCare Company, A Division of Nestle' USA, Inc.**, 2050 Pope Road, Allentown, PA 18104-9308 is authorized to discharge from a facility located in South Whitehall Township, **Lehigh County** to an Unnamed Tributary to Jordan Creek.

NPDES Permit No. PA-0011185. Industrial waste. **Air Products and Chemicals, Inc.**, 7201 Hamilton Boulevard, Allentown, PA 18195-1501 is authorized to discharge from a facility located in Upper Macungie Township, **Lehigh County** to Iron Run.

NPDES Permit No. PA-0013234. Industrial waste. **Tarkett, Inc.**, 1139 Lehigh Avenue, Whitehall, PA 18052 is authorized to discharge from a facility located in Whitehall Township, **Lehigh County** to the Lehigh River.

NPDES Permit No. PA-0046795-A1. Industrial waste. **Scranton-Altoona Terminals Corporation**, P. O. Box 2621, Harrisburg, PA 17105 is authorized to discharge from a facility located in Pittston Township, **Luzerne County** to an Unnamed Tributary of Collins Creek.

NPDES Permit No. PA-0063690. Sewage. **Melissa Evans, d/b/a Melroe's Restaurant**, R. R. 1, Box 1790, Berwick, PA 18603 is authorized to discharge from a facility located in Salem Township, **Luzerne County** to an Unnamed Tributary to the Susquehanna River.

NPDES Permit No. PA-0012394. Industrial waste. **Patterson Kelly Company**, P. O. Box 458, East Stroudsburg, PA 18301 is authorized to discharge from a facility located in East Stroudsburg, **Monroe County** to a wet weather channel to Brodhead Creek.

NPDES Permit No. PA-0013676-A1. **American Falcon Auto/Truckstop, Inc.**, P. O. Box 98, Bartonsville, PA 18321 is authorized to discharge from a facility (Pocono Auto/Truck Plaza) located in Hamilton Township, **Monroe County** to Pocono Creek.

NPDES Permit No. PA-0041076. Sewerage. **Commonwealth of Pennsylvania (DCNR)**, P. O. Box 8451, 400 Market Street, Rachel Carson State Office Building, 8th Floor, Harrisburg, PA 17105-8451 is authorized to discharge from a facility located in Pocono Township, **Monroe County** to an Unnamed Tributary to Scot Run.

NPDES Permit No. PA-0062464. Sewerage. **Blue Mountain Lake Associates. L. P.**, One Blue Mountain Lake, East Stroudsburg, PA 18301 is authorized to discharge from a facility (Blue Mountain Lake Development) located in Stroud Township, **Monroe County** to Sambo Creek.

NPDES Permit No. PA-0060283-A1. Sewerage. **Penn Estates Utilities, Inc.**, P. O. Box 240908, Charlotte, NC 28224 is authorized to discharge from a facility located in Stroud Township, **Monroe County** to an Unnamed Tributary to Broadhead Creek.

NPDES Permit No. PA-0012092. Industrial waste. **BOC Gases**, 1011 E. Market Street, Bethlehem, PA 18017 is authorized to discharge from a facility located in the City of Bethlehem, **Northampton County** to a Dry Swale Tributary to the Lehigh Canal.

NPDES Permit No. PA-0028495. Industrial waste. **Rhone-Poulenc, Inc.**, 275 Keystone Drive, Bethlehem, PA 18017 is authorized to discharge from a facility located in Lower Nazareth Township, **Northampton County** to Monocacy Creek.

NPDES Permit No. PA-0063088. Sewerage. **Charles Sobotka, III**, 2020 Raubsville Road, Hellertown, PA 18055 is authorized to discharge from a facility located in William Township, **Northampton County** to an Unnamed Tributary to the East Branch of Saucon Creek.

NPDES Permit No. PA-0041424. Sewerage. **Pocmont Hotels Corporation**, Bushkill, PA 18324 is authorized to discharge from a facility located in Lehman Township, **Pike County** to an Unnamed Tributary of Bushkill Creek.

NPDES Permit No. PA-0060887. Sewerage. **Tafton Diner & Sandy Beach Motel**, Box 43, Star Route 2, Hawley, PA 18428 is authorized to discharge from a facility located in Palmyra Township, **Pike County** to an Unnamed Tributary to Decker Mill Pond.

NPDES Permit No. PA-0060313. Sewerage. **Clean Treatment Sewage Company**, 1 S. Main Street, Wilkes-Barre, PA 18701 is authorized to discharge from a facility located in Delaware Township, **Pike County** to Dingmans Creek.

NPDES Permit No. PA-0061344. Industrial waste. **Westwood Energy Properties, L. P.**, P. O. Box 312, Tremont, PA 17981 is authorized to discharge from a facility located in Frailey Township, **Schuylkill County** to Lower Rausch Creek.

NPDES Permit No. PA-0061697. Industrial waste. **Gilberton Power Company**, P. O. Box 7299, Moreau Road, Frackville, PA 17931 is authorized to discharge from a facility located in Mahanoy Township, **Schuylkill County** to Mahanoy Creek.

NPDES Permit No. PA-0061263. Industrial waste. **Wheelabrator Frackville Energy Company**, P. O. Box 392, Frackville, PA 17931 is authorized to discharge from a facility located in Mahoning Township, **Schuylkill County** to Mill Creek.

NPDES Permit No. PA-0061310. Sewerage. **Marian High School**, R. R. 4, Box 446, Tamaqua, PA 18252-9789 is authorized to discharge from a facility located in Rush Township, **Schuylkill County** to the Little Schuylkill River.

NPDES Permit No. PA-0009601. Industrial waste. **Allied Signal, Inc.**, Route 46, Teterboro, NJ 07608 is authorized to discharge from a facility located in Bridgewater Township, **Susquehanna County** to an Unnamed Tributary of Meshoppen Creek.

NPDES Permit No. PA-0061441. Sewerage. **Harry and Joan Freeman**, R. R. 1, Box 160-14, Dallas, PA 18612 is authorized to discharge from a facility (Free-

man's Mobil Home Park) located in Monroe Township, **Wyoming County** to an Unnamed Tributary to Leonard's Creek.

NPDES Permit No. PA-0028908. **PA Department of Agriculture**, P. O. Box C, Route 92 South, Tunkhannock, PA 18657 is authorized to discharge from a facility located in Tunkhannock Township, **Wyoming County** to the North Branch of the Susquehanna River.

Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17011, (717) 657-4590.

NPDES Permit No. PA0031348. Sewerage. **Moselem Development Corporation**, 345 Penn Street, P. O. Box 582, Reading, PA 19603-0582 is authorized to discharge from a facility located in Richmond Township, **Berks County** to the receiving waters named Moselem Creek.

NPDES Permit No. PA0081841. Sewerage. **Thousand Trails, Inc.**, 2711 L.B.J. Freeway, Dallas, TX 75234 is authorized to discharge from a facility located in South Annville Township, **Lebanon County** to the receiving waters of an unnamed tributary of Gingrich Run.

NPDES Permit No. PA0030808. Sewerage. **Quincy United Methodist Home**, P. O. Box 217, Quincy, PA 17247-0217 is authorized to discharge from a facility located in Quincy Township, **Franklin County** to the receiving waters named West Branch of Antietam Creek.

NPDES Permit No. PA0033057. Sewerage. **Henry W. Nolt**, 455B Middlecreek Road, Lititz, PA 17543 is authorized to discharge from a facility located in Londonderry Township, **Dauphin County** to the receiving waters named Iron Run.

NPDES Permit No. PA0081566. Sewerage. **York Haven Sewer Authority**, P. O. Box 394, York Haven, PA 17370 is authorized to discharge from a facility located in York Haven Borough, **York County** to the receiving waters named Conewago Creek.

NPDES Permit No. PA0082589. Sewerage. **Fairview Township Municipal Authority**, 599 Lewisberry Road, New Cumberland, PA 17070-2399 is authorized to discharge from a facility located in Fairview Township, **York County** to the receiving waters of an unnamed tributary of Fishing Creek.

NPDES Permit No. PAG043510. Amendment No. 1. Sewerage. **Stacy D. Martin**, 110 A Woodside Road, Gettysburg, PA 17325 is authorized to discharge from a facility located in Straban Township, **Adams County** to the receiving waters of an unnamed tributary to Conewago Creek.

NPDES Permit No. PAG043584. Sewerage. **Lynn E. Myers**, 5345 Orrstown Road, Orrstown, PA 17244 is authorized to discharge from a facility located in Letterkenny Township, **Franklin County** to the receiving waters of an unnamed tributary to Lehman Run.

NPDES Permit No. PAG043580. Sewerage. **James Castillo**, 7052 Fishing Creek Valley Road, Harrisburg, PA 17112 is authorized to discharge from a facility located in West Hanover Township, **Dauphin County** to the receiving waters named Fishing Creek.

NPDES Permit No. PA0081485. Industrial. **Buckeye Pipe Line Co., Inc., LP**, P. O. Box 368, Emmaus, PA 18049-0368 is authorized to discharge from a facility located in Reed Township, **Dauphin County**.

NPDES Permit No. PA0008435. Amendment No. 1. Industrial. **PP&L Resources**, Two North Ninth

Street, Allentown, PA 18101 is authorized to discharge from a facility located in Martic Township, **Lancaster County**.

Permit No. 0195402. Sewerage. **Stacy D. Martin**, 110 A Woodside Road, Gettysburg, PA 17325. Modification to the construction/operation of sewage treatment facilities in Straban Township, **Adams County**.

Permit No. 2897402. Sewerage. **Lynn E. Myers**, 5345 Orrstown Road, Orrstown, PA 17244. Construction of small flow treatment system in Letterkenny Township, **Franklin County**.

Permit No. 2297405. Sewerage. **James Castillo**, 7052 Fishing Creek Valley Road, Harrisburg, PA 17112. Construction of sewage treatment facilities in West Hanover Township, **Dauphin County**.

Permit No. 2897401. Sewerage. **Cove Valley Christian Youth Camp**, 5857 Little Cove Road, Mercersburg, PA 17236. Construction of sewage treatment facilities and land application facilities in Warren Township, **Franklin County**.

Permit No. 0797402. Sewerage. **Greenfield Township Municipal Authority**, R. D. 1, Box 948, Claysburg, PA 16625. Construction of pump station in Greenfield Township, **Blair County**.

Permit No. 3685414. Amendment No. 1. Sewerage. **New Holland Borough Authority**, 436 East Main Street, New Holland, PA 17557-1404. Modifications to the construction/operation of sewage treatment facilities in Earl Township, **Lancaster County**.

Permit No. 0797401. Sewerage. **Blair Township Water & Sewer Authority**, 575 Cedarcrest Drive, Duncansville, PA 16635. The construction/operation of sewers and appurtenances in Blair Township, **Blair County**.

Permit No. 0697408. Sewerage. **Maxatawny Township Municipal Authority**, 663 Noble Street, Kutztown, PA 19530. The construction of sewers and appurtenances and pump station in Maxatawny Township, **Berks County**.

Northcentral Regional Office, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES Permit No. PA0113107. Sewerage. **Columbia County Commissioners**, Court House, Bloomsburg, PA 17815. Permittee granted renewal of NPDES permit to discharge treated domestic wastewater. Facility is located at Briar Creek Township, **Columbia County**.

NPDES Permit No. PA0028665. Sewerage. **Jersey Shore Borough**, P. O. Box 526, Jersey Shore, PA 17740. Issuance of renewal permit for Jersey Shore Borough to discharge treated wastewater. Facility located at Jersey Shore Borough, **Lycoming County**.

NPDES Permit No. PA0024759. Sewerage. **Curwensville Municipal Authority**, 900 Susquehanna Avenue, Curwensville, PA 16833-1532. Issuance of renewal permit to discharge treated wastewater to the West Branch of the Susquehanna River. Facility located at Curwensville Borough, **Clearfield County**.

WQM Permit No. 0897407. Sewerage. **Valley Joint Sewer Authority**, 1 South River Street, Athens, PA 18810. Rerate of existing sewage treatment plant was done by the Department. The facility is located at Athens Township, **Bradford County**.

NPDES Permit No. PA0044547-A2, Amendment. Sewerage. **Hills Creek State Park**, R. R. 2, Box 328, Wellsboro, PA 16901-9676. The amendment was necessary to reduce the permitted flow by modifying one of the two existing treatment units by installing a bulkhead in the aeration tank to reduce the treatment capacity flow. The facility is located at Charleston Township, **Tioga County**.

Permit No. PA0027359. Industrial waste NPDES. **Danville Municipal Authority**, 12 West Market Street, Danville, PA 17821. Renewal of NPDES was granted to the Authority to accept treated waste water discharge. Facility is located at Danville Borough, **Montour County**.

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

WQM Permit No. 2097409. Sewerage. **Northwest Crawford County Sewer Authority**, P. O. Box 56, Springboro, PA 16435. This project is for the construction of an additional aerobic digester for an existing permitted facility in Springboro, **Crawford County**.

NPDES Permit No. PA0002143. Industrial waste, **Willamette Industries, Inc.**, 3800 First Interstate Tower, Portland, OH 97201 is authorized to discharge from a facility located in Johnsonburg, **Elk County** to the Clarion River. This notice reflects changes in the draft permit published on June 15, 1996.

Outfall 001

Parameter

Total Suspended Solids
2,3,7,8-TCDD
2,3,7,8-TCDF

<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
monitor and report	
monitor and report	
monitor and report	

Outfall 002

Parameter

2,3,7,8-TCDF

<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
monitor and report	

Suboutfall 202

Parameter

2,3,7,8-TCDD

<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
monitor and report	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
2,3,7,8-TCDF	monitor and report	

INDIVIDUAL PERMITS

(PAS)

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G295	Taylor's Mill, Inc. 175 Strafford Avenue Wayne, PA 19087	Uwchlan Township Chester County	Shamona Creek
PAS10-G285	Stephen Cushman P. O. Box 294 Thorndale, PA 19372	Honeybrook Twp. and West Caln Twp. Chester County	Octorara Creek
PAS10-T090	Ritter Estates, Inc. 649 North Lewis Rd. Royersford, PA 19468	Lower Pottsgrove Twp. Montgomery Co.	Sprougles Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U076	Robert Ciccone P. O. Box 86 Bath, PA 18014-0086	Northampton Co. East Allen Twp.	Monocacy Crk.
PAS10U081	Triple Net Investments III, L. P. 171 Rt. 173, Suite 201 Asbury, NJ 08802	Northampton Co. Bethlehem Twp.	Monocacy Crk.
PAS10S054	Monroe County Recreation & Park Com. 4221 Manor Drive Stroudsburg, PA 18360-9406	Monroe Co. Hamilton Twp.	McMichael Crk.
PAS10S056	Pasteur Merieux Connaught P. O. Box 187 Swiftwater, PA 18370	Monroe Co. Pocono Twp.	Swiftwater Crk.
PAS105716	Ringtown Valley Sunrise Enterprises R. R. 2, Box 518A Ringtown, PA 17967	Schuylkill Co. Boro of Ringtown/ Union Township	Little Catawissa Crk. Dark Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A101	Urban Redevelopment Authority of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Allegheny Pittsburgh	Monongahela River

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A104	Oxford Development Co. One Oxford Centre Pittsburgh, PA 15219	Allegheny Pine Township	UNT North Fork Pine Creek
PAS10A105	PA 5-Screen, Inc. Commonwealth Warehouse Bldg. 123 36th Street Pittsburgh, PA 15201	Allegheny North Versailles Township	Turtle Creek
PAS10A107	Gateway School District 2609 Mossie Boulevard Monroeville, PA 15146	Allegheny Monroeville	Turtle Creek
PAS100241	Kenneth H. Remley, III 160 Hickory Drive Beaver Falls, PA 15010	Beaver South Beaver Twp.	UNT North Fork Little Beaver Crk.
PAS100242	National Gypsum Company 2001 Rexford Road Charlotte, NC 28211-0000	Beaver Shippingport Borough	Unnamed swale to Ohio River
PAS10W055	Burgettstown-Smith Township Joint Sewerage Authority 415 Joffre-Cherry Valley Rd. Burgettstown, PA 15021	Westmoreland Export Borough	Burgetts Fork
PAS10X079	PA DEP Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105	Westmoreland Export Borough	Tributaries to Turtle Creek
PAS10X083	Hempfield Point Development L. P. 955 Executive Parkway Suite 210 St. Louis, MO 63141	Westmoreland Hempfield Township	Tributary to Brush Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS802217	Overnight Transportation Co. 3342 Stokes Park Bethlehem, PA 18017	Northampton Hanover Township	Unnamed Tributary to Monocacy Creek
PAS202206	Aurora Equipment Co. 225 Main Street Tatamy, PA 18085	Northampton Tatamy Borough	Bushkill Creek
PAS202207	Victaulic Co. of America P. O. Box 31 Easton, PA 18044-0031	Northampton Forks Township	Unnamed Tributary to Bushkill Creek
PAS212204	GAF Premium Products, Inc. T. Kevin Sheehy 1361 Alps Road Wayne, NJ 07470	Northampton Wind Gap Borough	Unnamed Tributary to Bushkill Creek
PAS212205	Quiet Core, Inc. 1440 Schoenersville Road Bethlehem, PA 18017	Northampton Hanover Township	Monocacy Creek
PAS802210	Pocono Mountains Municipal Airport Authority Pocono Mountains Airport Coolbaugh Township Monroe County	Monroe County Coolbaugh Twp.	Red Run
PAS802211	Roadway Express, Inc. Route 715 South Tannersville, PA 18372	Monroe County Pocono and Jackson Twps.	Reeders Run and Unnamed Tributary to Pocono Creek

NOTICES

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS802209	Nationwide Equipment 5224 Oak View Drive Allentown, PA 18104	Lehigh County Upper Macungie	Little Lehigh
PAS232204	Texapol Corporation 177 Mikron Rd. Bethlehem, PA 18017	Northampton County Bethlehem	Monocacy Creek
PAS322201	Binney & Smith Inc. 1100 Church Lane Easton, PA 18044	Northampton Easton Boro	Unnamed Tributary to Bushkill Crk.
PAS802214	Schwerman Trucking 3190 Daniels Road Nazareth, PA 18064	Northampton Nazareth Boro	Tributary to East Branch Monocacy Creek
PAS802215	Federal Express Corporation 126 North Commerce Way Bethlehem, PA 18014	Northampton Hanover Township	Monocacy Creek
PAS802216	C. C. Eastern Inc. 6955 Chrisphalt Drive Bath, PA 18014	Northampton East Allen Twp.	Monocacy Creek
PAS202205	Banner Metals, Inc. Box 431, Main Street Stroudsburg, PA 18360	Monroe Stroud Township	Wigwam Run
PAS212203	Rock Hill Materials Co. 339 School Street Catasauqua, PA 18021	Monroe Hamilton Twp.	Lake Creek
PAS802213	United Parcel Service R. R. 2, Box 2129C Stroudsburg, PA 18360	Monroe Stroudsburg	McMichaels Creek

INDIVIDUAL PERMITS

(PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

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

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

*List of NPDES and/or other
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application

*List of NPDES and/or other
General Permit Type*

PAG-8

General Permit For Beneficial Use of Non-Exceptional Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site

PAG-9

General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG 2

Facility Location

*County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

Lehigh County
N. Whitehall Twp.

PAR10Q003-R

Joseph Margusity
Routes 23 and 100
Pottstown, PA 19464

Lehigh River

Lehigh CD
(610) 391-9583

Lehigh Co.
N. Whitehall Twp.

PAR10Q004-R

Joseph Margusity
Routes 23 and 100
Pottstown, PA 19464

Lehigh River

Lehigh CD
(610) 391-9583

Lehigh County
Whitehall Twp.

PAR10Q096

MBR Associates
3268 W. Columbia St.
Whitehall, PA 18052

Lehigh River

Lehigh CD
(610) 391-9583

Northampton Co.
Lower Saucon Twp.

PAR10U050-R

Saucon Valley Square, LP
179 Mikron Rd.
Bethlehem, PA 18020

Saucon Crk.

Northampton CD
(610) 746-1971

Northampton Co.
Forks Twp.

PAR10U055-R

Northampton Land Co.
P. O. Box 86
Bath, PA 18014

Delaware River
(U.N.T.)

Northampton CD
(610) 746-1971

Northampton Co.
Lehigh Twp.

PAR10U083

Dennis Eisenhardt and
James Bambu
c/o Ike's Airport Exxon
3200 Airport Rd.
Allentown, PA 18103

Hokendauqua Crk.

Northampton CD
(610) 746-1971

Northampton Co.
Bethlehem Twp.

PAR10U085

Nancy Run Est. Family
Limited Partnership
6065 William Penn Hwy.
Easton, PA 18045

Lehigh River
(U.N.T.)

Northampton CD
(610) 746-1971

Northampton Co.
Bethlehem Twp.

PAR10U033-R

Jack Callahan, Inc.
P. O. Box 20204
Lehigh Valley, PA 18002

Lehigh River
(U.N.T.)

Northampton CD
(610) 746-1971

Northampton Co.
Lower Saucon Twp.

PAR10U003-R

Sakele Brothers Co.
7 Dey Street
New York, NY 10007

Saucon Crk.

Northampton CD
(610) 746-1971

Northampton Co.
East Allen Twp.

PAR10U006-R

Blue Ridge Realty Assoc.
65 Friar Lane
Watchung, NJ 07060

Catasauqua Crk.

Northampton CD
(610) 746-1971

Northampton Co.
Palmer Twp.

PAR10U009-R

Nicholas Puguese
1072 Grand St.
Philipsburg, NJ 08865

Lehigh River
(U.N.T.)

Northampton CD
(610) 746-1971

Northampton Co.
Lehigh Twp.

PAR10U011-R

Franklin Scott
3591 Spruce Dr.
Northampton, PA
18067-9123

Hokendauqua Crk.

Northampton CD
(610) 746-1971

Northampton Co.
Palmer Twp.

PAR10U014-R

Gary Strausser
483 S. Nolton Ave.
Easton, PA 18042

Shoeneck Crk.

Northampton CD
(610) 746-1971

Northampton Co.
Palmer Twp.

PAR10U019-1-R

HIC Zawarski & Sons at
Palmer 1, Inc.
1441 Linden St.
Bethlehem, PA 18018

Lehigh River
(U.N.T.)

Northampton CD
(610) 746-1971

Northampton Co.
Lower Saucon Twp.

PAR10U030-R

William Thompson
1016 W. Broad St.
Bethlehem, PA 18018

Saucon Crk.

Northampton CD
(610) 746-1971

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Northampton Co. Lower Saucon Twp.	PAR10U031-R	Roeder's Glen Dev. Co., Inc. 155 S. Limekiln St. Chalfont, PA 18914	Saucon Crk.	Northampton CD (610) 746-1971
Northampton Co. Lehigh Twp.	PAR10U032-R	LURRS 453 Main St. P. O. Box 68 Walnutport, PA 18088	Bertsch Crk.	Northampton CD (610) 746-1971
Northampton Co. Bethlehem Twp.	PAR10U034-R	Santo Calantoni 6065 William Penn Hwy. Easton, PA 18042	Nancy Run	Northampton CD (610) 746-1971
Northampton Co. Lehigh Twp.	PAR10U037-R	James Merkel 857 Columbia Ave. Palmerton, PA 18071	Lehigh River (U.N.T.)	Northampton CD (610) 746-1971
Northampton Co. Bethlehem Twp.	PAR10U039-R	L&L Emerald Hills Assoc., L. P. 489 Fifth Ave., 28th Flr. New York, NY 10017	Nancy Run	Northampton CD (610) 746-1971
Northampton Co. Lower Saucon Twp.	PAR10U040-R	Richard Campbell, Pres. Weyhill Est., Inc. 628 W. Broad St. Bethlehem, PA 18018	Saucon Crk.	Northampton CD (610) 746-1971
Northampton Co. Lehigh Twp.	PAR10U047-R	Umberto and Elizabeth Fantozzi 4035 Cedar Dr. Walnutport, PA 18088-9536	Beltsch Crk.	Northampton CD (610) 746-1971
Northampton Co. Williams Twp.	PAR10U049-R	Richard Mansfield 305 Kichline Rd. Hellertown, PA 18055	Saucon Crk.	Northampton CD (610) 746-1971
Northampton Co. Lower Saucon Twp.	PAR10U053-R	Meadow View Land Development Corp. 4511 Falmer Dr. Bethlehem, PA 18020	Saucon Crk.	Northampton CD (610) 746-1971
Northampton Co. Williams Twp.	PAR10U056-R	Antonio and Soccorso Calantoni 2900 Swanson St. Easton, PA 18045	Lehigh River (U.N.T.)	Northampton CD (610) 746-1971
Northampton Co. Williams Twp.	PAR10U062-R	John Murray 2375 Morgan Hill Rd. Easton, PA 18042	Delaware River (U.N.T.)	Northampton CD (610) 746-1971
Northampton Co. Bethlehem Twp.	PAR10U064-R	Bethlehem Twp. 2740 Fifth St. Bethlehem, PA 18017	Nancy Run	Northampton CD (610) 746-1971
Northampton Co. City of Bethlehem	PAR10U065-R	Lehigh University Facilities Services 461 Webster St. Bethlehem, PA 18015-1755	Lehigh River	Northampton CD (610) 746-1971
Northampton Co. Upper Nazareth Twp.	PAR10U066-R	Nazareth Area S. D. 8 Center Square Nazareth, PA 18064	Shoeneck Crk.	Northampton CD (610) 746-1971
Northampton Co. Upper Nazareth Twp.	PAR10U068-R	Nazareth Area S. D. 8 Center Square Nazareth, PA 18064	Shoeneck Crk.	Northampton CD (610) 746-1971
Northampton Co. Allen Twp. Northampton Boro	PAR10U070-R	Joseph Keglovits, Pres. Keglovits Enter., Inc. 1492 Main St. Catasauqua, PA 18032	Hokendauqua Crk.	Northampton CD (610) 746-1971
Northampton Co. Lower Nazareth Twp.	PAR10U071-R	Wegmans Food Mk., Inc. 1500 Brooks Ave. Rochester, NY 14692	Shoeneck Crk.	Northampton CD (610) 746-1971

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Northampton Co. N. Catasauqua Boro	PAR10U072-R	Willow Brook Land Development Corp. LLC Howertown Road P. O. Box 32 Catasauqua, PA 18032	Catasauqua Crk.	Northampton CD (610) 746-1971
Northampton Co. Hanover Twp.	PAR10U073-R	Liberty Property Trust 1510 Valley Center Parkway Suite 240 Bethlehem, PA 18017	Lehigh River (U.N.T.)	Northampton CD (610) 746-1971
Northampton Co. Lower Nazareth Twp.	PAR10U054-R	Willard Setzer 3812 Newburg Rd. Easton, PA 18045	Shoeneck Crk.	Northampton CD (610) 746-1971
Clinton Co. Wayne Twp.	PAR101912-R	First Quality Products Box 270 McElhattan, PA 17748	West Branch Susquehanna River	Clinton CCD 2 St. Rt. 150 Mill Hall, PA 17751 (717) 726-3798
Clinton Co. City of Lock Haven	PAR101906-R	Drake Chemical Superfund Site 180 Myrtle St. Lock Haven, PA 17745	Bald Eagle Crk.	Clinton CCD 2 St. Rt. 150 Mill Hall, PA 17754 (717) 726-3798
Clinton Co. Woodward Twp.	PAR101902-R	Nestlerode Real Estate 145 E. Walnut St. Lock Haven, PA 17745	West Branch Susquehanna River	Clinton CCD 2 St. Rt. 150 Mill Hall, PA 17754 (717) 726-3798
Columbia Co. Berwick Borough	PAR102108-R	Briar Meadow Partnership Don Bower R. R., Box 3355 Berwick, PA 18603	East Branch Briar Creek	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Briar Creek Twp.	PAR102119-R	Mr. and Mrs. George Masich R. R. 3, Box 3563 Berwick, PA 18603	East Branch Briar Creek	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Mifflin Twp.	PAR102126-R	Mr. and Mrs. Robert Young Mr. and Mrs. Mark Young 2 and Fair Sts. Mifflinville, PA 18637	Ten Mile Run	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Scott Twp.	PAR102109-R	Patricia W. Gensemer R. R. 5, Box 272 Ridge Rd. Bloomsburg, PA 17815	Appleman's Run	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Scott Twp.	PAR102101-R	Kile & Kile Real Estate 15 Apple Lane Bloomsburg, PA 17815	Appleman's Run	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Beaver Twp.	PAR102111-R	Thomas L. and Daniel Arnold R. R. 3, Box 126 Bloomsburg, PA 17815	Beaver Run	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Scott Twp.	PAR102110-R	Randall Bond 1099 Lightstreet Rd. Bloomsburg, PA 17815	Kinney's Run	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Hemlock Twp.	PAR102105-R	Zeisloft Construction Co. P. O. Box 338 Bloomsburg, PA 17815	Little Fishing Crk.	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Columbia Co. Orange Twp.	PAR102104-R	Zeisloft Construction Co. P. O. Box 338 Bloomsburg, PA 17815	Big Fishing Crk.	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Hemlock Twp.	PAR102107-R	Pinebrook Home Inc. 801 Montour Blvd. Danville, PA 17821	Frozen Run	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Scott Twp.	PAR102117-R	Charles Pursel Donald Pursel 120 W. Main St. Bloomsburg, PA 17815	Susquehanna River	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia County Scott Township	PAR102112-R	Rod and Fred Berlin R. R. 3, Box 3827 Berwick, PA 18603	North Branch Susquehanna River	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Scott Twp.	PAR102102-R	Roger and Joan Zeisloft 43 Crestmont Circle Bloomsburg, PA 17815	Kinney's Run, Trib. to	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Columbia Co. Scott Twp.	PAR102121-R	Shangrila Dev. Corp. P. O. Box 660 Riverside, PA 17868	Neels Run, Trib. to	Columbia CCD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Northumberland Co. Point Twp.	PAR104903-R	Point Township Supervisors R. R. 2, Box 485 Northumberland, PA 17857	Susquehanna River, Trib. to	Northumberland CCD R. R. 3, Box 238C Sunbury, PA 17801
Northumberland Co. Coal Twp.	PAR104907-R	DEP, Bur. Abandoned Mine Recl. P. O. Box 8476 Harrisburg, PA 17105-8476	Shamokin Crk.	Northumberland CCD R. R. 3, Box 238C Sunbury, PA 17801
Northumberland Co. Ralpho Twp.	PAR104909-R	Eastern Dev. & Planning 5520 Derry St. Harrisburg, PA 17111	Shamokin Crk., Trib. to	Northumberland CCD R. R. 3, Box 238C Sunbury, PA 17801
Northumberland Co. West Cameron and Zerbe Twp.	PAR104915-R	DEP, Abandoned Mine Recl. 2 Public Sq., 5th Floor Wilkes-Barre, PA 18711-0790	Mahonoy Crk. and Zerbe Run	Northumberland CCD R. R. 3, Box 238C Sunbury, PA 17801
Union Co. West Buffalo Twp.	PAR106805-R	Arlene C. Shaffer R. R. 5, Box 41 Mifflinburg, PA 17844	Buffalo Crk.	Union CCD 60 Bull Run Crossing Lewisburg, PA 17837
Union Co. Buffalo Twp.	PAR106823-R	Dale Miller 315 Cherry St. New Berlin, PA 17855	Buffalo Crk.	Union CCD 60 Bull Run Crossing Lewisburg, PA 17837
Union Co. Limestone Twp.	PAR106819-R	John D. Griffith R. R. 5, Box 430 Mifflinburg, PA 17844	Buffalo Crk.	Union CCD 60 Bull Run Crossing Lewisburg, PA 17837
Union Co. White Deer Twp.	PAR106820-R	Robert Yoder R. R. 2, Box 181 Turbotville, PA 17772	Dog Run	Union CCD 60 Bull Run Crossing Lewisburg, PA 17837
Union Co. East Buffalo Twp.	PAR106821-R	Lewisburg Area Sch. Dist. R. R. 5, Box 155 Mifflinburg, PA 17844	Limestone Run	Union CCD 60 Bull Run Crossing Lewisburg, PA 17837

General Permit Type—PAG 3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lackawanna Co. Dunmore/Throop Boroughs	PAR502203	Keystone Sanitary Landfill Inc. P. O. Box 249 Dunmore, PA 18512	Eddy Creek	Northeastern Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 Water Quality (717) 826-2511
Schuylkill Co. Foster Twp.	PAR502208	Commonwealth Environmental Systems P. O. Box 322 Hegins, PA 17938	Swatara Crk. and Middle Crk.	Northeastern Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 Water Quality (717) 826-2511
Ellwood City Boro. Lawrence Co.	PAR118332	L & N Metallurgical Products Co. 3 Fountain Ave. Ellwood City, PA 16117	Municipal Storm Sewer to Connoquenessing Crk.	DEP NW Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Linesville Boro. Crawford Co.	PAR228314	Ronald C. Noll, President Tel-O-Post Div. Cardinal American Corp. P. O. Box 217 Linesville, PA 16424	Linesville Crk.	DEP NW Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

General Permit Type—PAG 04

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Berks Co. Caernarvon Twp.	PAG043585	Ellsworth F. Moore R. R. 3, Box 157 Elverson, PA 19520	UNT to E. Br. Conestoga River	DEP—Southcentral 1 Ararat Blvd. Harrisburg, PA 17110
Bedford Co. West Providence Twp.	PAG043586	Susan and Larry Grubb R. D. 2, Box 122A Clearville, PA 15535	Juniata River	DEP—Southcentral 1 Ararat Blvd. Harrisburg, PA 17110
Wilmington Twp. Mercer Co.	PAG048467	David G. Dawson 30 Willow Dr. New Wilmington, PA 16142-1836	Tributary of W. Br. Little Neshannock Crk.	DEP NW Region Water Management 230 Chestnut St. Meadville, PA 16335-3481

General Permit Type—PAG 05

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lancaster Co. East Hempfield Twp.	PAG053517	Herr & Sacco, Inc. P. O. Box 99 Elmwood Ave. Landisville, PA 17538	Swarrs Run	Southcentral Rm. 126, 1 Ararat Blvd. Harrisburg, PA 17110 (717) 657-4590
Cranberry Twp. Butler Co.	PAG058315	BetteLou Bertoncello Asst. Township Manager Cranberry Township 2525 Rochester Rd. Cranberry Township, PA 16066	Unnamed Tributary to Brush Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

*Facility Location
County and
Municipality*

Union City
Erie Co.

Permit No.

PAG058314

*Applicant Name
and Address*

Ron Baumgart
Country Fair, Inc.
2251 East 30th St.
Erie, PA 16510

*Receiving Stream
or Body of Water*

Unnamed
Tributary
S. Br. French Crk.

*Contact Office and
Telephone No.*

Northwest Region
Water Management
230 Chestnut St.
Meadville, PA 16335
(814) 332-6942

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

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

*Location: Franklintown Borough, York County,
P. O. Box 88, Franklintown, PA 17323.*

The plan is disapproved because Franklintown Borough failed to address the remaining two plan deficiencies identified in the Department's letter dated October 10, 1991. As discussed in the Department's August 18, 1997 letter, failure to respond within 60 days from the date of that letter would result in plan disapproval. No response was received from Franklintown Borough. The remaining deficiencies are listed as follows.

1. Response to item #1 of your June 28, 1991 letter—Unavoidable delays are expected from time to time which may prevent you from meeting the target dates established in the implementation schedule of your 537 Plan. If this should occur, then the municipality only has to restructure the implementation schedule to reflect the change, adopt it through resolution and submit it to the Department for approval. I must remind you that this is only to be done when unavoidable delays have occurred and should not be used to delay the implementation of the plan. Therefore, we will expect Franklintown Borough to establish dates in their implementation schedule for completion of items recommended by their engineer.

2. Response to Item #4 of your June 28, 1991 letter—Preparing a 537 Plan does not always insure that someone else has kept records that you can plug into your computer system. Sometimes you have to search out information on your own.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

Under Act 2, 1995

Preamble 3

**The following final reports were submitted 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 (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for se-

lecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

Distribution Pole 15280S31266, Carlisle Borough, **Cumberland County**. Pennsylvania Power & Light, Inc., Two North Ninth Street, Allentown, PA 18101-1179 has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

Wedgewood Hills Apartments, Susquehanna Township, **Dauphin County**. Wedgewood Hills Associates, LP, 160 Clubhouse Drive, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

**Licenses issued under the Solid Waste Management
Act (35 P. S. §§ 6018.101—6018.1003) and regula-
tions for license to transport hazardous waste.**

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

Advanced Distribution System, Inc., P. O. Box 28228, Columbus, OH 43228; License No. **PA-AH 0579**; license issued December 23, 1997.

Asche Transfer, Inc., 10214 North Mt. Vernon Road, Shannon, IL 61078; License No. **PA-AH 0577**; license issued December 22, 1997.

RSO, Inc., P. O. Box 1526, Laurel, MD 20725-1526; License No. **PA-AH 0578**; license issued December 22, 1997.

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

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

CWM Chemical Services, Inc., 1550/1135 Balmer Road, Model City, NY 14107-0200; License No. **PA-AH 0503**; renewal license issued December 24, 1997.

Edward Armstrong & Sons, Inc., 205 Greenfield Road, Lancaster, PA 07601; License No. **PA-AH 0027**; renewal license issued December 30, 1997.

Ensco, Inc., DBA Division Transport, 309 American Circle, El Dorado, AR 71730; License No. **PA-AH 0322**; renewal license issued December 30, 1997.

Frank's Vacuum Truck Service, Inc., 4500 Royal Avenue, Niagara Falls, NY 14303; License No. **PA-AH 0289**; renewal license issued December 8, 1997.

Marine Pollution Control Corporation, 8631 West Jefferson Avenue, Detroit, MI 48209; License No. **PA-AH 0509**; renewal license issued January 6, 1998.

Nortru, Inc., 515 Lycaste, Detroit, MI 48214; License No. **PA-AH 0451**; renewal license issued December 18, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit ID No. 101176. Deep Valley Landfill, Inc., 7111 Old Steubenville Pike, Oakdale, PA 15071. Operation of a construction and demolition waste landfill in North Fayette Township, **Allegheny County**. Permit modification changing the permittee of the facility issued in the Regional Office on January 7, 1998.

Permit ID No. 101176. Deep Valley Landfill, Inc., 7111 Old Steubenville Pike, Oakdale, PA 15071. Operation of a construction demolition landfill in North Fayette Township, **Allegheny County**. Permit modification reducing the property boundary issued in the Regional Office on January 8, 1998.

Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.

Permit No. 100008. Creswell Landfill, Lancaster County Solid Waste Management Authority, (P. O. Box 4425, Lancaster, PA 17604). Application for major modification to revise the groundwater monitoring plan at a site in Manor Township, **Lancaster County**. Permit issued in the Regional Office January 8, 1998.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

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

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

White Bros. Trucking Company, 864 Julia Street, Elizabeth, NJ 07201; License No. **PA-HC 0133**; renewal license issued December 17, 1997.

Licenses expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

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

Brookville Hospital, 100 Hospital Road, Brookville, PA 15825; License No. **PA-HC 0137**; license expired December 31, 1997.

Environmental Control Co., Inc., 1830 Gilford Avenue, Hyde Park, NY 11040; License No. **PA-HC 0044**; license expired December 31, 1997.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Applications Issued

32910105. Permit Revision. GLR Mining, Inc. (P. O. Box 105, Clymer, PA 15728), revision to an existing bituminous strip operation for the restoration of pastureland rather than forestland on the lands of the David G. Mock Estate and Elmer V. and Laura Mae Willard properties, in Canoe Township, **Indiana County**, affecting 52.8 acres, receiving streams unnamed tributary to Brewer Run; received October 15, 1997, issued January 7, 1998.

McMurray District Office

30841302. Consolidation Coal Co. (P. O. Box 100, Osage, WV 26543), to revise the permit for the Humphrey #7 in Dunkard Township, **Greene County** to add permit and subsidence control plan acres, no additional discharges. Permit issued January 5, 1998.

56950702. PBS Coal Inc. (P. O. Box 260, Friedens, PA 15541), to operate the Cambria Refuse in Stonycreek Township, **Somerset County**, new refuse site Schrock Run. Permit issued January 5, 1998.

11841604. RNS Services, Inc. (P. O. Box 38, Blossburg, PA 16912), to renew the permit for the Lancashire #25 prep plant in Barr and West Carroll Township, **Cambria County** to transfer from Lancashire Coal Co., no additional discharges. Permit issued January 7, 1998.

03831305. Keystone Coal Mining Corp. (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Jane Mine in Plumcreek Township, **Armstrong County** to add coal fines pipeline and two disposal boreholes, no additional discharges. Permit issued January 8, 1998.

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

35870201R2. Fell Coal Company (475 5th Avenue, Suite 1200, New York, NY 10017), renewal of an anthracite coal refuse reprocessing operation in Fell and Clinton Townships and Vandling Borough, **Lackawanna and Wayne Counties**, affecting 173.0 acres, receiving stream none. Renewal issued January 6, 1998.

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

Noncoal Permits Issued

58900302C. Stateline Quarries, Ltd. (P. O. Box 533, Vestal, NY 13851-0533), renewal of NPDES Permit No. PA0595471 in Apolaccon Township, **Susquehanna County**, receiving stream unnamed tributary to Apalachin Creek. Renewal issued January 5, 1998.

4873SM1A1C4. J. E. Baker Company (P. O. Box 1189, York, PA 17405), renewal of NPDES Permit No. PA00020451 in West Manchester Township, **York County**, receiving stream unnamed tributary to Codorus Creek and Honey Run. Renewal issued January 5, 1998.

21970301. Community Refuse Service, Inc. (142 Vaughn Road, Shippensburg, PA 17257), commencement, operation and restoration of a large quarry operation in North Newton Township, **Cumberland County** affecting 65.0 acres, receiving stream none. Permit issued January 6, 1998.

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

General Small Noncoal Authorizations Granted

58970867. John Kowalewski (P. O. Box 54, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted January 9, 1998.

ABANDONED MINE RECLAMATION

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

Bond Forfeiture Contract Awarded: BF 389-101.1. Location: East Franklin Township, Armstrong County.

Description: Abandoned Mine Land Reclamation Project, Darmac Coal, Inc., East Franklin Township, Armstrong County, PA. Contractor: Casselman Enterprise, Inc.. Amount: \$439,005. Date of Award: November 24, 1997.

Bond Forfeiture Contract Awarded: BF 320-101.1. Location: South Beaver Township, Beaver County. Description: Abandoned Mine Land Reclamation Project, Sunnyside Coal Mining Company, South Beaver Township, Beaver County, PA. Contractor: Maud Mining Company. Amount: \$675,840. Date of Award: November 24, 1997.

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

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

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), (*Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

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

E15-556. Encroachment Permit. **PA Department of Transportation**, 200 Radnor Chester Road, St. Davids, PA 19087-5178. To remove a steel girder bridge and to construct and maintain a single-span prestressed concrete spread box beam bridge, with a clear span of 50 feet and an underclearance of 9 feet 2 inches on a 76 degree skew. This bridge spans Buck Run along Park Avenue (S. R. 3077, Section 67S) (Coatesville, PA Quadrangle N: 12.2 inches; W: 15.75 inches), in East Fallowfield and Highland Townships, **Chester County**.

E15-511. Encroachment Permit. **Pennsylvania Department of Transportation**, 200 Radnor-Chester

Road, St. Davids, PA 19087-5178. To remove an existing one span encased steel I-beam bridge having a span length of 18-foot and 20-foot width, and to construct and maintain a bridge across Goose Creek (WWF) having a 40-foot span, 32-foot width, and rip-rap scour protection at the abutments. Bridge construction will impact a de minimis 0.05 acre of adjacent wetlands. The site is located along Westbourne Road (S. R. 2006), at a point approximately 500 feet east of Wood Lane, (West Chester USGS Quadrangle N: 10.8 inches; W: 8.2 inches) in Westtown Township, **Chester County**.

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

E35-284. Encroachment. **Martin Media**, 200 Walnut Street, Scranton, PA 18509-2709. To construct and maintain a 25-foot × 12-foot advertising sign on a single column approximately 23 feet above grade within the floodway of Leggetts Creek. The project is located on the north side of S. R. 0006 approximately 0.1 mile southeast of the intersection of S. R. 1027 and S. R. 0006 (Scranton, PA Quadrangle N: 17.6 inches; W: 7.5 inches) in South Abington Township, **Lackawanna County**.

E35-286. Encroachment. **County of Lackawanna**, 200 Adams Avenue, Scranton, PA 18502. To remove the existing structure and to construct and maintain a 17 foot by 8 foot concrete box culvert depressed 12 inches in the channel and 48 linear feet of gabion basket retaining wall approximately 11 feet in height along the left bank of Rush Brook. This project is located on Jefferson Avenue approximately 0.2 mile west of the intersection of S. R. 107 and S. R. 1023 (Carbondale, PA Quadrangle N: 5.9 inches; W: 6.5 inches) in Jermyn Borough, **Lackawanna County**.

E35-287. Encroachment. **Department of Transportation, District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 15-foot × 8.5-foot concrete box culvert depressed 1.0 foot below streambed elevation, on an 80 degree skew, in Elm Brook. The project is located on S. R. 1013 approximately 0.5 mile southwest of the intersection of S. R. 1013 and S. R. 0107 (Carbondale, PA Quadrangle N: 15.3 inches; W: 16.5 inches) in Scott Township, **Lackawanna County**.

E40-470. Encroachment. **Borough of Yatesville**, 33 Pittston Avenue, Yatesville, PA 18640. To remove the existing structure and to construct and maintain 155 linear feet of 6-foot-diameter CMP stream enclosure in a Tributary to the Susquehanna River. The project includes construction of a 4-foot-high berm to the right of the enclosure inlet for the purpose of increasing the available headwater depth and culvert capacity. The project is located on DeLuca Drive, approximately 0.1 mile south of the intersection of S. R. 2017 and S. R. 2028 (Pittston, PA Quadrangle N: 9.3 inches; W: 4.9 inches), in the Borough of Yatesville, **Luzerne County**.

E40-471. Encroachment. **Luzerne County Redevelopment Authority**, 16 Luzerne Avenue, West Pittston, PA 18643. To construct and maintain a 10-foot by 6-foot precast concrete box culvert in Mill Creek, and to repair and maintain approximately 100 linear feet of railroad embankment along the left bank of Mill Creek (approximately 200 feet upstream of the culvert), for the purpose of restoring an existing railroad crossing (the Langcliff Spur). The project is located approximately 0.3 mile upstream of York Avenue (S. R. 2029) (Avoca, PA Quadrangle N: 16.6 inches; W: 16.5 inches), in Avoca Borough, **Luzerne County**.

E40-472. Encroachment. **Ecumenical Enterprises, Inc.**, 1075 Memorial Highway, Dallas, PA 18612. To construct and maintain a low-flow pedestrian crossing of a Tributary to Toby Creek, and approach walkways within the floodway, for the purpose of connecting the two sections of The Meadows Campus. The crossing will consist of a 49-inch by 33-inch corrugated steel pipe arch culvert, depressed 6 inches below stream bed elevation. The project is located on the west side of S. R. 1047 (Lake Street), approximately 0.1 mile northwest of the intersection of S. R. 1047 and S. R. 1044 (Center Hill Road) (Kingston, PA Quadrangle N: 16.6 inches; W: 12.8 inches), in Dallas Township, **Luzerne County**.

E40-474. Encroachment. **TFP Limited**, 1140 Route 315, Wilkes-Barre, PA 18711. To construct and maintain a stream enclosure of Coal Brook, consisting of approximately 1,633 linear feet of 66-inch aluminized steel pipe with an improved (side-tapered) inlet, and to place fill in 2.05 acres of wetlands, for the purpose of constructing a retail-commercial shopping center (The Arena Hub). The project is located south of Mundy Street and north of Interstate 81, approximately 1.0 mile southwest of Interchange 47 of I-81 (Wilkes-Barre East, PA Quadrangle N: 21.1 inches; W: 12.5 inches), in Wilkes-Barre Township, **Luzerne County**. The permittee is required to provide 2.05 acres of replacement wetlands.

E40-475. Encroachment. **Leo A. Haydt and Jean E. Haydt**, 1698 Stairville Road, Mountaintop, PA 18637. To excavate in wetlands, within the drainage basin of Little Wapwallopen Creek, for the purpose of constructing two swales to convey stormwater drainage from highway culverts, through pasture areas, impacting approximately 0.37 acre of wetlands; and to maintain fill placed in approximately 0.11 acre of wetlands for the purpose of expanding an existing parking area. The project is located southeast of the intersection of S. R. 2042 (Stairville Road) and T-404 (St. Mary's Road) (Wilkes-Barre West, PA Quadrangle N: 1.0 inch; W: 16.3 inches), in Dorrance Township, **Luzerne County**. The permittee is required to provide 0.58 acre of replacement wetlands.

E45-329. Encroachment. **Outletter Associates**, 285 Crossings Outlet Square, Tannersville, PA 18372. To construct and maintain a three-span pedestrian bridge across Pocono Creek, having a total span of approximately 135 feet and an underclearance of approximately 9.5 feet to provide access to an additional parking lot for Crossings Outlet Center. Two 15-inch PE stormwater outfall structures are also proposed in the floodway to discharge run-off directly to Pocono Creek. This project is located along the west side of S. R. 0611, 400 feet south of T628 (Scot Run Avenue) (Mount Pocono, PA Quadrangle N: 9.3 inches; W: 8.9 inches) in Pocono Township, **Monroe County**.

E45-335. Encroachment. **Anthony Ponder**, 860-Penn Estates, East Stroudsburg, PA 18301. To place fill in a de minimis area of wetlands less than or equal to 0.05 acre for the purpose of constructing a single family dwelling and associated driveway on Lot 154 of Penn Estates residential subdivision, Section D. The project is located approximately 1.7 miles west of the intersection of S. R. 0447 and S. R. 0191 (East Stroudsburg, PA Quadrangle N: 6.7 inches; W: 15.9 inches) in Stroud Township, **Monroe County**.

E45-339. Encroachment. **Monroe County Recreation and Park Commission**, 4221 Manor Drive, Stroudsburg, PA 18360-9406. To regrade 0.3 acre of the 100-year floodway and floodplain of McMichael Creek for the purpose of constructing Monroe County Park including

two soccer fields, a gravel access road, gravel parking areas and walking paths. The project is located between S. R. 0033 and McMichael Creek, approximately 0.4 mile northeast of the intersection of S. R. 0033 and S. R. 2010 (Manor Drive) (Saylorburg, PA Quadrangle N: 14.0 inches; W: 5.3 inches) in Hamilton Township, **Monroe County**.

E48-260. Encroachment. **Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103. To remove the existing structure and to construct and maintain a single span bridge having a span of approximately 113 feet and minimum underclearance of approximately 55 feet across an abandoned, flooded quarry. The project is associated with the proposed S. R. 0329 realignment project and is located just south of the existing bridge, along S. R. 0329, Section 04B approximately 0.4 mile west of the intersection of S. R. 0329 and S. R. 3017 (Catasauqua, PA Quadrangle N: 12.8 inches; W: 15.0 inches) in Allen Township, **Northampton County**.

E52-150. Encroachment. **Gregory P. Hoeper**, Chauncy Thomas Road, Shohola, PA 18458. To excavate an area 190 feet by 210 feet (0.92 acre) to a depth of 5 feet below the natural bottom in the reservoir area of an existing dam. This project is located along the west side of Township Road T-426, approximately 2,000 feet north of Township Road T-403 (Shohola, PA Quadrangle N: 7.8 inches; W: 7.2 inches) in Shohola Township, **Pike County**.

E52-151. Encroachment. **Charles and Marie Dowd**, P. O. Box 547, Millrift, PA 18340-0547. To construct and maintain a pedestrian bridge utilizing the existing concrete abutments and having a span of 28 feet and a minimum underclearance of 8 feet across Bushkill Creek. This project is located on the southwest side of S. R. 1017 at the rear of 126 Blue Stone Boulevard (Port Jervis South, PA Quadrangle N: 6.1 inches; W: 16.3 inches) in Westfall Township, **Pike County**.

E54-233. Encroachment. **Davis S. Wise**, R. R. 3, Box 246, Schuylkill Haven, PA 17972. To maintain fill in the floodway of a tributary to the Schuylkill River for a residential yard. This project is located along Long Run Road (S. R. 0443) approximately 2 miles west of Schuylkill Haven (Friedensburg, PA Quadrangle N: 21 inches; W: 10.9 inches) in North Manheim Township, **Schuylkill County**.

E54-236. Encroachment. **West Penn Township**, R. R. 1, Box 100-D, New Ringgold, PA 17960. To remove the existing culvert and to construct and maintain an 84-inch diameter culvert depressed 12 inches in the channel of a tributary to Lizard Creek. This project is located on Winter Mountain Drive (T-956), 300 feet north of Andreas Road (T-382) (Nesquehoning, PA Quadrangle N: 1.3 inches; W: 6.5 inches) in West Penn Township, **Schuylkill County**.

E54-237. Encroachment. **Branch Township Board of Supervisors**, P. O. Box 265, Llewellyn, PA 17944. To repair and maintain the existing Silverton Road bridge which has a span of 33 feet and approximate underclearance of 6 feet across the West Branch of the Schuylkill River. Repairs consist of beam replacement, lateral bracing, guiderail construction and abutment work. This project is located along Silverton Road (T-553) 0.5 mile south of the town of Llewellyn (Minersville, PA Quadrangle N: 7.5 inches; W: 4.0 inches) in Branch Township, **Schuylkill County**.

E54-238. Encroachment. **Lake Hauto Club**, R. D. 1, Nesquehoning, PA 18240. To restore and maintain an

existing beach on Lake Hauto by dredging and placing sand on a 300 foot by 70 foot area. This project is located at Crescent Beach on the northwestern shoreline of Lake Hauto, along S. R. 0054, 2.8 miles east of S. R. 309 (Tamaqua, PA Quadrangle N: 15.7 inches; W: 7.4 inches) in Rush Township, **Schuylkill County**.

E58-222. Encroachment. **Cecil and Marilyn Kilmer**, R. R. 1, Box 1130, Nicholson, PA 18446-9415. To maintain the placement of fill in the floodway of the East Branch of the Tunkhannock Creek at two separate locations having lengths of 645 linear feet and 750 linear feet for the construction of the Kimaquan Golf Course. This project is located along the west side of S. R. 2021, 300 yards north of S. R. 0374 (Lenoxville, PA Quadrangle N: 5.9 inches; W: 8.2 inches) in Lenox Township, **Susquehanna County**.

E66-107. Encroachment. **Paul and Lynda Jencel-eski**, 52 Armstrong Street, Edwardsville, PA 18704. To construct and maintain a private bridge having a single-span of 50 feet and an underclearance of approximately 6.0 feet across Leonard Creek. The project is located on the east side of S. R. 0309, approximately 500 feet southeast of the intersection of S. R. 0309 and S. R. 0029 (Noxen, PA Quadrangle N: 10.8 inches; W: 2.3 inches) in Monroe Township, **Wyoming County**.

E66-114. Encroachment. **Exeter Township**, P. O. Box 88, Falls, PA 18615-9801. To maintain a single span bridge having a span of approximately 31 feet and average underclearance of 7.3 feet across Whitelock Creek. The project is located along Township Road T336 (Coolbaugh Mountain Road), approximately 0.2 mile south of its intersection with S. R. 0292 (Ransom, PA Quadrangle N: 10.5 inches; W: 15.4 inches) in Exeter Township, **Wyoming County**.

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

E01-183. Encroachment. **Gettysburg Area School District**, David Mowery, 900 Biglerville Road, Gettysburg, PA 17325. To construct and maintain an 8-foot × 5-foot box culvert stream enclosure having a total length of 230 feet along the channel of an unnamed tributary to Rock Creek (locally called Culps Run) located in high school campus to be connected to the existing 72-inch diameter culvert at Lefever Street downstream and 8-foot × 5-foot culvert upstream (Gettysburg, PA Quadrangle N: 14.13 inches; W: 14.5 inches) in Gettysburg Borough, **Adams County**. This permit also includes 401 Water Quality Certification.

E50-188. Encroachment. **DCNR Bureau of Forestry District 3**, Marcus Snyder, 400 Rachel Carson Bldg., 8th Floor, P. O. Box 8451, Harrisburg, PA 17105. To remove an existing structure and to construct and maintain a bridge having a span of 25.5 feet and an underclearance of 5.4 feet across the channel of the South Branch of Laurel Run at a point at Laurel Run Road (Andersonburg, PA Quadrangle N: 1.6 inches; W: 16.1 inches) in Jackson Township, **Perry County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E50-189. Encroachment. **John Rautzahn, PA Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103. To maintain a bridge having a normal span of 32.0 feet and an underclearance of 4.0 feet across the channel of Horse Valley Run at a point at SR 3002 (Blain, PA Quadrangle N: 16.2 inches; W: 13.4 inches) in Toboyne Township,

Perry County. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E67-603. Encroachment. **Cornerstone Development Group, Inc.**, John Huenke, P. O. Box 179, Felton, PA 17322. To construct and maintain 340 feet of twin 36-inch pipe culverts for enclosure of a tributary to Ebaugh's Creek for a commercial parking lot and Bailey Drive, for access to 111 units of Carriage House cluster housing, and a Convenience Center in Bailey Springs. 0.38 acre of wetlands will be filled for a Community Center parking lot and the grading of Bailey Drive. The site is located along the south side of Hill Street (SR 0851) Stewartstown, PA Quadrangle N: 0.8 inch; W: 13.7 inches) in Hopewell Township and Stewartstown Boro, **York County.** The permittee is required to provide 0.38 acre of replacement wetlands. 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.

E12-104. Encroachment. **Emery R. Hanscom**, 10 Aprian Dr., Rochester, NY 14606. To remove an existing structure and to construct and maintain a 75-inch by 112-inch corrugated metal pipe arch in Plank Road Hollow Run located approximately 2,500 feet northwest on Plank Hollow Road/Oak St. from Portage St. (Emporium, PA Quadrangle N: 2.88 inches; W: 14.50 inches) in Shippen Township, **Cameron County.** This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E18-238. Encroachment. **Richard C. Bowman Jr., Supervisor**, Lamar Township, R. R. 1, Box 135-A1, Mill Hall, PA 17751. To remove an existing structure and to construct, operate and maintain a single cell reinforced concrete box culvert to carry T-352 across Duck Run. The box culvert shall be constructed with a clear span of 14 feet, a rise of 3.5 feet and a length of 32 feet. The project is located along the southern right of way of SR 0080 approximately 1,000 feet northwest of the intersection of SR 2004 and T-352 (Mill Hall, PA Quadrangle N: 10.6 inches; W: 13.6 inches) in Lamar Township, **Clinton County.** This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E49-212. Encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a single span, composite prestressed concrete box beam bridge on a 50 degree right skew with a normal span of 67.4 feet, a minimum underclearance of 5.7 feet and a minimum waterway opening of 386 square feet. The project is located on SR 1007 across Warrior Run approximately 700 feet north of the intersection of SR 1007 with Rt. 44 (Milton, PA Quadrangle N: 14.1 inches; W: 9.4 inches) in Delaware Township, **Northumberland County.**

E53-304. Encroachment. **Harrison Township Supervisors**, 205 E. Main St., Harrison Valley, PA 16927. To maintain an existing steel beam, steel deck bridge with a clear span of 34 feet, concrete wingwalls and an underclearance of approximately 8 feet on T-495 over the White Branch of the North Fork of the Cowanesque River approximately 0.1 mile west of the intersection of T-495 with SR 1016 (Potter Brook, PA Quadrangle N: 17.0 inches; W: 16.2 inches) in Harrison Township, **Potter**

County. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E55-149. Encroachment. **Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754. To repair, operate and maintain a single span bridge that carries SR 1007, Segment-Offset 0180/0968 across an unnamed tributary to Tuscarora Creek. The proposed work shall consist of 1) casting in place bridge footing jackets; 2) installing R-4 riprap protection at curtain walls; and 3) paving the streambed with 6 inches of reinforced concrete. The project is located along the northern right of way of SR 522 approximately 2,000 feet south of the intersection of SR 1007 and SR 1006 (Freeburg, PA Quadrangle N: 16.5 inches; W: 11.2 inches) in Jackson Township, **Snyder County.** This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E59-346. Encroachment. **The Cowanesque Valley Recreation Assoc.**, R. R. 4, Box 582, Westfield, PA 16950. To realign a section of Jamison Creek back to its original location in order to minimize flooding of the fairway and install riprap at the upstream end of the existing channel. The project is located on the west side of SR 249 approximately 0.6 mile south of SR 249 (Knoxville, PA Quadrangle N: 10.1 inches; W: 14.2 inches) in Westfield Township, **Tioga County.**

E60-130. Encroachment. **Thomas A. Poust**, R. R. 1, Box 331, New Columbia, PA 17856. To maintain a 28 foot by 48 foot double wide home in the floodway of White Deer Creek located on SR 1010 approximately 1 mile west of Rt. 15 (Allenwood, PA Quadrangle N: 13.6 inches; W: 2.2 inches) in White Deer Township, **Union County.** This permit was issued under section 105.13(e) Small Projects.

Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E30-182. Encroachment. **Whiteley Township Supervisors**, R. D. 3, Box 119-A, Waynesburg, PA 15370. To remove the existing structure and construct and maintain a 9.3-foot by 6.2-foot, 57-foot long arch culvert in Patterson Run (WWF) for the purpose of relocating T-439 from S. R. 2003. The structure is located on T-439 approximately 500 feet south of the existing structure (Oak Forest, PA Quadrangle N: 11.00 inches; W: 5.8 inches) in Whiteley Township, **Greene County.** This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL)

Pennypack Creek Basin

The Department of Environmental Protection (Department) is holding a public meeting on February 19, 1998 beginning at 1 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428 to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. The Pennypack Creek was listed on Pennsylvania's 1996 section 303(d) List because water quality standards for Trichloroethylene (TCE), Bacteria and Dissolved Oxygen needed to support the designated uses of potable water supply, water contact sports and trout stocking fishery are not expected to be met even after technology-based

controls required by law are installed. This TMDL establishes the following allowable pollutant loadings for Pennypack Creek from its confluence with an unnamed tributary near Moreland Avenue in Hatboro Boro, Montgomery County downstream 1.1 miles (for TCE); from the headwaters of Pennypack Creek in Montgomery County to the head-of-tide in the City of Philadelphia (for Bacte-

ria); and from the Upper Moreland-Hatboro Joint Sewer Authority discharge point in Upper Moreland Township, Montgomery County (River Mile 19.9) to Lower Rhawn Street in Philadelphia (River Mile 3.4) (for Organic Enrichment/Dissolved Oxygen). Pennypack Creek is a tributary to the Delaware River in the City of Philadelphia:

<i>Pollutant</i>	<i>TMDL = (Total Maximum Daily Load)</i>	<i>WLA + (Wasteload Allocation -by source)</i>	<i>LA + (Load Allocation)</i>	<i>MOS (Margin of Safety)</i>
TCE	0.516 lb/day	0.03 lb/day	0.0 lb/day	0.484 lb/day
Bacteria	200 col/100 m/l	200 col/100 ml	200 col/100 ml	**
Organic Enrichment/DO	988 lbs/d	988 lbs/d	0.0 lb/d	**

** MOS is implicit in determination of water quality criteria, but is unquantifiable.

Point Source Discharges Affected

Fisher and Porter	PA0012238
Upper Moreland Hatboro Joint Sewer Authority	PA0025976
Academy of the New Church	PA0030023
HPC (aka Meadowbrook Apts)	PA0050831

The Department has determined that Fisher and Porter is the only significant contributor of TCE and Upper Moreland Hatboro Joint Sewer Authority, Academy of the New Church and HPC are the only significant contributors of Bacteria and Organic Enrichment/DO consuming wastes to Pennypack Creek under critical conditions (the 7-day—10 year low flow). Nonpoint source contributions for these pollutants are negligible at critical low flow conditions.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Robert Ryan, Chief, Water Quality Assessment Section, PA DEP Southeast Region, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6000. 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).

Written comments will be accepted at the above address and must be postmarked by February 23, 1998. Persons who plan to make a presentation at the public meeting, should notify the Department no later than 4

p.m. on Friday, February 13, 1998. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Trout Creek Basin

The Department of Environmental Protection (Department) is holding a public meeting on February 19, 1998 beginning at 10 a.m. at the Southeast Regional Office, Lee Park, Suite 6010, Conshohocken, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. The Trout Creek was listed on Pennsylvania's 1996 section 303(d) List because water quality standards for Ammonia Nitrogen and Total Residual Chlorine needed to support the designated use of warm water fishery are not expected to be met even after technology-based controls required by law are installed. This TMDL establishes the following allowable pollutant loadings for Trout Creek, located in Upper Merion Township, Montgomery County, and extending from the Upper Merion Municipal Authority's Sewage Treatment Plant outfall to its confluence with the Schuylkill River, a distance of approximately 0.13 mile:

<i>Pollutant</i>	<i>TMDL = (Total Maximum Daily Load)</i>	<i>WLA + (Wasteload Allocation Source)</i>	<i>LA + (Load Allocation)</i>	<i>MOS (Margin of Safety)</i>
Ammonia Nitrogen	63 lbs/day	63 lbs/day	0 lb/day	*
Total Residual Chlorine	2.2 lbs/day	2.2 lbs/day	0 lb/day	*

* MOS is implicit in determination of water quality criteria, but is unquantifiable.

Point Source Discharges Affected

Upper Merion Municipal Authority PA0026131

The Department has determined that Upper Merion Municipal Authority is the only significant contributor of these pollutants to Trout Creek under Q7-10 critical conditions. Nonpoint source contributions for these pollutants are negligible at critical low flow conditions.

The date and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Robert Ryan, Chief, Water Quality Assessment Section, PA DEP Southeast Region, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6000. 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).

Written comments will be accepted at the above address and must be postmarked by February 23, 1998. Persons who plan to make a presentation at the public meeting, should notify the Department no later than 4 p.m. on February 13, 1998. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 98-131. Filed for public inspection January 23, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1998.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

Final Technical Guidance—Substantive Revision

DEP ID: 254-5401-001 Title: Best Practices for Environmental Protection in the Mushroom Farm Community Description: Provides uniform instructions and operating procedures for the use or disposal of spent mushroom

substrates. Effective Date: December 12, 1997 Page Length: 74 pages Location: Vol 06, Tab 25 Contact: Stephen Socash at (717) 787-7381.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-132. Filed for public inspection January 23, 1998, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board Meeting Change

The Cleanup Standards Scientific Advisory Board meeting has been rescheduled from February 4th to February 17th. The meeting will be held at 400 Market Street, Rachel Carson State Office Building, 12th Floor conference room, beginning at 9:30 a.m.

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 783-7509 or e-mail to Wooding.Marilyn@a1.dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding directly at (717) 783-7509 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-133. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION ENVIRONMENTAL QUALITY BOARD

Notice of Hearing; Areas Unsuitable for Coal Mining; Petition No. 11969901

The Department of Environmental Protection (Department) and the Environmental Quality Board invite all interested persons to attend a public hearing on a proposal to designate the Muddy Run watershed in Reade Township, Cambria County, and the upper portion of the Muddy Run watershed in Beccaria and Gulich Townships, Clearfield County, as an area unsuitable for surface mining operations.

The hearing will be held at 6:30 p.m. on Thursday, February 26, 1998, in the Glendale High School auditorium, located at 1466 Beaver Valley Road, Flinton, PA 16640-8900.

The hearing concerns Petition No. 11969901, which was submitted by the Reade Township Municipal Authority.

The petitioners allege that surface mining operations could result in the degradation of or loss of surface and groundwater resources, including aquifers and aquifer recharge areas used for public water supply.

The hearing will be legislative and fact-finding in nature where interested persons will be afforded an opportunity to present oral or written testimony and comments on the merits of the petition. All persons wishing to present oral testimony must register with the Department before 4:30 p.m. on Friday, February 20, 1998, and must bring three copies of the testimony to the hearing. Persons can register by calling (717) 783-8846 between 8 a.m. and 4:30 p.m. Monday through Friday. It is requested that only one person from each organization present testimony. No cross-examination of witnesses will be permitted. Written comments will be accepted by the Department of Environmental Protection, Bureau of Mining and Reclamation, Room 213 Executive House, P. O. Box 8461, Harrisburg, PA 17105-8461 until 4:30 p.m., March 13, 1998, when the public record will close. Submission of comments by facsimile (fax) machine will not be accepted. Comments may also be submitted electronically to the Board at RegComments@a1.dep.state.pa.us and must be received by March 13, 1998.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact M. C. McCommons at (717) 787-4761 before 4:30 p.m. on Friday, February 15, 1998, to discuss how the Department may best accommodate their needs. If necessary, persons may use the AT&T Relay Service by calling 1 (800) 654-4983 (T.D.D. users) or 1 (800) 654-5988 (voice users) and request that they relay the call to M. C. McCommons at (717) 787-4761.

Persons with an interest within the petition area which may be affected by a designation may request to become an intervenor, for or against these proceedings, by filing allegations of fact, supporting evidence, a short statement identifying the petition to which the allegations pertain, their interests which could be affected, and a request for intervenor status including name, address and phone number. Requests for intervenor status will be accepted until 3 days before the public hearing on the petition.

This notice is given under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66) and the regulations promulgated thereunder.

JAMES M. SEIF,
Secretary and Chairperson

[Pa.B. Doc. No. 98-134. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Division; Request for Bids

The Department of General Services, State Surplus Property Division is offering the following items for sale through sealed bids to the public. (1) We have approxi-

mately 494 various types of used toner cartridges for recycling to include Hewlett Packard, Lexmark, Xerox and other brands. (2) We also have a Phillips Alum. Co. Coal Conveyor, mounted on wheels and is in fair to good condition.

Persons who would like to obtain a bid packet for either one of these items can write to the Department of General Services, State Surplus Property Division, Room G-48, 2221 Forster Street, Harrisburg, PA 17105 or call (717) 787-4085 prior to the bid opening of February 6, 1998.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-135. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 1997, the maximum compensation payable under the Workers' Compensation Act, under Article 1, subsections 105.1 and 105.2, shall be \$561 per week for injuries occurring on and after January 1, 1998. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 1998, the percentage increase in the Statewide Average Weekly Wage is 3.5%.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 98-136. Filed for public inspection January 23, 1998, 9:00 a.m.]

Self-Employment Assistance (SEA) Program

The Self-Employment Assistance (SEA) Program plan received Federal approval on January 9, 1998. The SEA Program plan was prepared and submitted to the United States Department of Labor for review and approval in response to the November 26, 1997, enactment of Act 54, the "Self-Employment Assistance Program Act."

Act 54 authorizes the creation of Pennsylvania's SEA Program, one of the initiatives in Governor Ridge's Project for Community Building. The SEA Program is a reemployment option for unemployed individuals who are profiled as likely to exhaust their regular unemployment compensation (UC) benefits and are interested in becoming self-employed. To reach that goal, the SEA Program will provide temporary income support allowances and business counseling and training. The income support will be paid in the same amount and at the same interval as regular UC benefits.

Act 54 is not an amendment to the Pennsylvania UC Law. Rather, it is separate, independent legislation which

affects the eligibility for allowances paid to this group of affected claimants.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 98-137. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Office of Social Programs, Bureau of Blindness and Visual Services; Meetings

The Department of Public Welfare (Department), Office of Social Programs, Bureau of Blindness and Visual Services (BVS), under the Rehabilitation Act of 1973, as amended (29 U.S.C.A. § 101 et seq.) announces a series of public meetings throughout this Commonwealth. The purpose of these meetings is to allow interested groups, organizations and all segments of the public an opportunity to share their input and suggestions regarding the development of the Bureau's State and Strategic Plans for Federal Fiscal Years 1999-2000.

These plans provide for the expenditure of State and Federal funds which may be used to provide goods and services reasonably expected to lead to the Vocational Rehabilitation of individuals who are blind or visually impaired.

These plans are the compliance documents which are filed with the Commissioner of the Rehabilitation Services Administration, United States Department of Education.

The Bureau is interested in hearing from persons with disabilities, advocates and the interested public regarding: (1) views on BVS policies related to the administration of these plans; (2) plans, policies and procedures regarding the transition to Vocational Rehabilitation services of students with disabilities; (3) procedures and activities regarding the establishment and maintenance of a comprehensive system of personnel development; (4) methods to expand and improve services to individuals with the most severe disabilities; (5) due process procedures; (6) rehabilitation technology services; (7) personal assistance services; (8) policies and procedures relating to consumer choice; (9) utilization of community rehabilitation programs; (10) quality, scope and extent of Supported Employment services; and (11) outreach procedures and practices for identifying and serving individuals with the most severe disabilities who are minorities.

Persons having any special needs in regard to their participation at these public meetings should contact the Manager of the BVS District Office serving the county in which they live. Persons unable to attend these meetings may submit written comments to the appropriate Manager no later than 5 p.m., Friday, April 3, 1998. The schedule of public meetings on these plans is listed as follows.

Pittsburgh

(Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)

Tuesday, February 3, 1998

4 p.m.—6 p.m.

Blindness and Visual Services
Room G-10 Kossman Building
400 Stanwix Streets
Pittsburgh, PA 15222
(412) 565-5240 (Voice)
(412) 565-5509 (TDD)

Philadelphia

(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)

Wednesday, February 11, 1998

10 a.m.—1 p.m.

Room 101A Philadelphia State Office Building
1400 Spring Garden Street
Philadelphia, PA 19130-4064
(215) 560-5700 (Voice)
(215) 560-5725 (TDD)

Harrisburg

(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)

Friday, February 13, 1998

11 a.m.—2 p.m.

Conference Room
Blindness and Visual Services
2923 North 7th Street, Suite B
Harrisburg, PA 17110
(717) 787-7500 (Voice)
(717) 787-1733 (TDD)

Erie

(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)

Wednesday, February 18, 1998

11 a.m.—2 p.m.

Conference Room
Blindness and Visual Services
448 West 11th Street
Erie, PA 16501
(814) 871-4401 (Voice)
(814) 871-4599 (TDD)

Altoona

(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)

Tuesday, February 24, 1998

1 p.m.—3 p.m.

Conference Room
Blindness and Visual Services
Executive House #1
615 Howard Avenue
Altoona, PA 16601
(814) 946-7330 (Voice)
(814) 949-7955 (TDD)

Wilkes-Barre
 (Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne,
 Monroe, Northampton, Pike, Schuylkill, Sullivan,
 Susquehanna, Tioga, Wayne and Wyoming Counties)
 Thursday, March 5, 1998
 1 p.m.—3 p.m.
 Conference Room
 Blindness and Visual Services
 Third Floor
 111 North Pennsylvania Avenue
 Wilkes-Barre, PA 18701-3602
 (717) 826-2361 (Voice and TDD)

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 98-138. Filed for public inspection January 23, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Blair County **Project Reference No. 08430AG2150**

The Department of Transportation will retain an engineering firm to perform an environmental overview and needs analysis to develop recommended improvement alternatives for a four (4) mile section of S.R. 4013, Section 003, from U.S. Route 220 (I-99) near Pinecroft to the intersection of Fourth Street in the Juniata section of Altoona, Blair County.

This study involves a comprehensive and systematic process which will follow the integrated highway project development process, Steps 3 and 4. The selected firm will be required to provide a Transportation Analysis/Needs Document, Engineering Analysis, Associated Environmental Studies (i.e., Socio-Economic and Land Use, Cultural Resources, Air, Noise, etc.) and an extensive public/agency involvement program.

Letters of interest will be evaluated at the Engineering District 9-0 office with emphasis on the following factors which are listed in order of importance.

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" Section.
- b. Specialized experience and technical competence of firm.
- c. Workload and available staff of prime and subconsultants.
- d. Past records of performance with respect to technical competence, cost control, work quality and ability to meet or exceed schedules.
- e. Quality Assurance/Quality Control Plan of prime and subconsultants.
- f. Location of office to perform work.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for March 6, 1998 at 10:00 a.m., to be held at Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

All candidates who submit a letter of interest will be notified if this date is changed. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Earl Neiderhiser, P.E., District Engineer, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Attn: Mr. David L. Sherman, P.E.

Any technical questions concerning the requirements for this project should be directed to Mr. Walter W. Bagley, P.E., District 9-0, (814) 696-7170.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Chester County

Project Reference No. 08430AG2151

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately fourteen (14) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

1. S.R. 0001, Section M13, Chester County—Concrete rehabilitation, upgrading the shoulders and guide rail, and stabilizing the slopes including the rams on U.S. 1 in London Grove, New Garden, Kennett and East Marlborough Townships.
2. S.R. 0041, Section S15 & S57, Chester County—Various intersection improvements and upgrading of existing signals along Traffic Route 41 in Avondale Borough.
3. S.R. 0041, Section S52, Chester County—Intersection improvements including widening and reconstruction of the shoulders for left turning lanes in the area of T.R. 41 and T.R. 10, West Fallowfield Township.
4. S.R. 0041, Section S55, Chester County—Intersection improvements including widening for left turning lanes at T.R. 41 and Highland Road in West Fallowfield Townships.
5. S.R. 0041, Section S58, Chester County—Intersection improvements and widening for left turning lanes at T.R. 41 and T.R. 926 in Londonderry Township.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Preview of inspectors' resumes with emphasis on construction inspection capabilities, Department and District experience and supervisory experience.

b. Specialized experience in concrete and bituminous paving, drainage and signalization.

c. Number of NICET certified inspectors in each payroll classification.

d. Understanding of Departments' requirements, policies and specifications.

e. Ability to provide three (3) operators or persons capable of inputting data into a personal computer (TCIS Classification).

f. Past performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	7 (5)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCIS)	\$39.36
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

a. Five (5) 35MM cameras (one per project)

b. Four (4) two-way radios/repeater equipment and base unit (maximum number per project) - SR 0001 (M13) only.

c. Safety vests—high visibility for inspectors—each project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-2, TCM-1 and/or TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i> *****
TCIS	9
TCI	8

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to Russell Swallow, District 6-0, at (610) 964-6686.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief
 Consultant Selection Committee
 7th Floor, Forum Place,
 555 Walnut Street
 P.O. Box 3060
 Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one 8 1/2" x 11" page, one side)

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A must include the number of subconsultant personnel and Column B must include the number of prime consultant personnel to be assigned to work on this project reference number. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantage Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-139. Filed for public inspection January 23, 1998, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Daniel Marino, Jr. v. DEP; EHB Doc. No. 98-001-R

Daniel Marino, Jr. has appealed the revocation by the Department of Environmental Protection of an NPDES permit to Daniel Marino, Jr. for a facility in Hempfield Township, Westmoreland County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 98-140. Filed for public inspection January 23, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Rate Filing; Coal Mine Compensation Rating Bureau of Pennsylvania; Workers' Compensation Loss Cost Filing

On January 14, 1998, the Insurance Department received from the Coal Mine Compensation Rating Bureau of Pennsylvania a filing for a loss cost level change for Workers' Compensation insurance. The Bureau requests an overall 5.80% decrease which includes loss based assessments.

Copies of the filings are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-141. Filed for public inspection January 23, 1998, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with his company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Michael Dolich; file no. 97-267-36957; Markel American Insurance Co.; doc. no. PH98-01-007; February 24, 1998, 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-142. Filed for public inspection January 23, 1998, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Lycoming County, Wine & Spirits Shoppe #4103, 354 Allegheny Street, Jersey Shore, PA 17740-1329.

Lease Expiration Date: October 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,600 to 2,100 net useable square feet of new or existing retail commercial space within the Borough of Jersey Shore.

Proposals due: February 20, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, (717) 657-4228

Dauphin County, Wine & Spirits Shoppe #2212, W Harrisburg Pike, 11 Jamesway Plaza, Middletown, PA 17057-4812.

Lease Expiration Date: January 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of new or existing retail commercial space within Lower Swatara Township along PA Route 230.

Proposals due: February 20, 1998 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

Union County, Wine & Spirits Shoppe #6001, 326 Market Street, Lewisburg, PA 17837-1420.

Lease Expiration Date: January 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 4,200 net useable square feet of new or existing retail commercial space within Lewisburg Borough or East Buffalo Township.

Proposals due: February 20, 1998 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

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 98-143. Filed for public inspection January 23, 1998, 9:00 a.m.]

OFFICE OF ADMINISTRATION

Summary of Findings, Working Conference on Pennsylvania Acquisition Strategies for Telecommunication Services, Systems and Infrastructure.

The Governor's Office of Administration, Office for Information Technology (OIT) sponsored a unique, one-and-a-half-day, working conference on September 22 and 23, 1997. The conference was hosted and managed by The Department of Information Science and Telecommunications, University of Pittsburgh.

The conference brought together important stakeholders in the development of telecommunications services and infrastructure in our State. During the conference, 11 Working Groups began discussions, which continued on-

line through November, 1997. The Working Group reports developed recommendations for the Commonwealth to use in its acquisition of major telecommunications services for State government agencies, acquisitions which can influence and support the development of the telecommunications infrastructure throughout Pennsylvania.

The "Summary of Findings" report from this conference will be available by February 4, 1998. OIT is seeking comment on this report before developing its major telecommunications services acquisition, which begins later this year. Comments need to be received no later than close of business March 6, 1998.

The "Summary of Findings" report will be available over the Internet through the Pennsylvania State government home page (www.state.pa.us), under "Technology Initiatives," or go directly to OIT's home page, www.oit.state.pa.us). A paper copy may also be obtained by sending a request to Charles F. Gerhards, Director, Commonwealth Technology Center, 1 Technology Park, Harrisburg, PA 17110-2913, FAX: (717) 772-8113.

Comments may be submitted by e-mail (telecom@state.pa.us), or by fax or regular mail to the same telephone number or address listed above. Detailed instructions for submission of comments will be available with the report.

Summary of important dates and information:

- * February 4, 1998, "Summary of Findings" report available.
- * Either on-line (www.state.pa.us, under "Technology Initiatives").
- * or go directly to OIT's home page (www.oit.state.pa.us).
- * or by FAX or mail request to C. Gerhards.
- * March 6, 1998: Comments must be received by close of business.
- * Comments may be submitted by e-mail (telecom@state.pa.us)
- * or by FAX or mail addressed to C. Gerhards.

THOMAS G. PAESE,
Secretary

[Pa.B. Doc. No. 98-144. Filed for public inspection January 23, 1998, 9:00 a.m.]

Finance Building, Harrisburg, PA 17120 at (717) 787-8128, at least 24 hours in advance so arrangements can be made.

LOIDA ESBRI,
Executive Director

[Pa.B. Doc. No. 98-145. Filed for public inspection January 23, 1998, 9:00 a.m.]

PENNSYLVANIA DEVELOPMENTAL DISABILITIES COUNCIL

Annual Report for FFY 97

Under the provisions of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 1996, P. L. 104-183 (act), this announcement serves to notify the public of the availability of Pennsylvania's "1997 Annual Report to the Federal Administration on Developmental Disabilities." The 1997 Annual Report describes the activities of the Pennsylvania Council over Federal Fiscal Year 1997 which is the period of October 1, 1996 to September 30, 1997. During this period, the Council concluded the remainder of its funded projects under its last Federally approved 3-Year Plan for 1993-1995; and most of the funded projects begun under the new 1996-1998 Plan were operational for a year. The 1997 Annual Report follows Federal instructions for its preparation and indicates the achievement of Council-set outcomes for projects. The Goals and Objectives of both 3-Year Plan cycles were developed with public input as per the requirements of the act. The 1997 Annual Report, a 73 page document, is available upon mailed written request to: Developmental Disabilities Council, Attention: Mary Kent, Room 569 Forum Building, Harrisburg, PA 17120.

Alternative formats of the 1997 Annual Report are available upon specified request. The act is available through county public library systems and county courthouse law libraries.

GRAHAM MULHOLLAND,
Executive Director

[Pa.B. Doc. No. 98-146. Filed for public inspection January 23, 1998, 9:00 a.m.]

PENNSYLVANIA COMMISSION FOR WOMEN

Meeting Notice

The Pennsylvania Commission for Women has scheduled the Commissioner's Meeting for the first quarter of 1998 to be held Monday, January 26, 1998 at 9 a.m. until 2 p.m. The Commissioner's Meeting will be held in the Green Room of the Forum Building at Walnut Street and Commonwealth Avenue, Harrisburg, PA 17120. The public is invited to attend. Persons who need an accommodation due to a disability and want to attend should contact Christine Anderson, PA Commission for Women, 205

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-310637. Bell Atlantic-Pennsylvania, Inc. and Spartan Debt Services Corp. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Spartan Debt Services Corp. for approval of a Resale Agreement under section 252 (e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Spartan Debt Services Corp., by its counsel, filed on January 8, 1998 at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Spartan Debt Services Corp. Joint Petition are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-147. Filed for public inspection January 23, 1998, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Condensed Balance Sheet and Condensed Statement of Operations and Accumulated Deficit

Condensed Balance Sheet 30-Jun-97 (Unaudited) (In Thousands)

Assets

Current assets	5,842
Restricted assets	5,759
Fixed assets (net)	82,591
Other assets	1,398
Total assets	<u>95,590</u>

Liabilities and Fund Equity

Current liabilities	5,564
Long-term liabilities	59,604
Total liabilities	<u>65,168</u>
Contributed capital	42,994
Accumulated deficit	(12,572)
Total fund equity	<u>30,422</u>
Total liabilities and fund equity	<u>95,590</u>

Condensed Statement of Operations and Accumulated Deficit Year ended June 30, 1997 (Unaudited) (In Thousands)

Operating revenues and grants	13,060
Operating expenses	(8,079)
Depreciation and amortization	(3,199)
Net interest income/(expense)	(3,101)
Net loss	(1,319)
Accumulated deficit, beginning of year	(11,253)
Accumulated deficit, ending of year	<u>(12,572)</u>

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-148. Filed for public inspection January 23, 1998, 9:00 a.m.]

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project #9725.4, Electrical Repairs—Fire Pumps at Pier 80 South until 2 p.m. on Thursday, January 29, 1998. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Sq., 13th Fl., Philadelphia, PA 19106, (215) 928-9100 and will be available January 20, 1998. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal opportunity laws and regulations. Mandatory prebid job site meeting will be held January 22, 1998, 10 a.m. at the job site.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-149. Filed for public inspection January 23, 1998, 9:00 a.m.]

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, February 19, 1998, for Project #98-006-001, Purchase of Galvanized Steel Crowd Control Barriers. The bid documents can be obtained from the Procurement Administrator, Philadelphia Regional Port Authority (PRPA), 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available Tuesday, January 27, 1998. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-150. Filed for public inspection January 23, 1998, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa. C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 04, 1998	John C. Novotny (Multiple Service Membership) Helen E. Martin (Purchase of Special Sick Leave)	1 p.m. 2:30 p.m.
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February 04, 1998	John C. Novotny (Multiple Service Membership)	1 p.m.
February 06, 1998	Theodora Emberg (Multiple Service) James Despot (Multiple Service Membership)	12:30 p.m. 2:30 p.m.
February 18, 1998	Gregory Weems (Change of Option)	1 p.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JAMES A. PERRY,
Secretary

[Pa.B. Doc. No. 98-151. Filed for public inspection January 23, 1998, 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:

January 28, 1998	Nancy Knarr Kast (Purchase of Service)	2:30 p.m.
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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 § 250.01 (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. 98-152. Filed for public inspection January 23, 1998, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Expanded Letters of Interest

Retention of a construction inspection/project management firm for Phase II of the Advanced Travelers Information System (ATIS) Reference No. 3-104

The Turnpike Commission (Commission) will retain a construction inspection/project management firm for the inspection services for Phase II of the Commission's Advanced Travelers Information System (ATIS) Project located on the entire length of the Pennsylvania Turnpike System.

The services will encompass construction inspection/project management for expansion of the Commission's Advanced Traveler Information System. This work will include inspection of the installation sites for the highway advisory radio system, variable message signs, closed circuit television cameras.

Construction Inspection/Project Management services will be an integral part of this project. It is anticipated that there will be three construction projects. One project will be from the Carlisle Interchange to the east, one project west of Carlisle Interchange to the Ohio border and the third project will involve system integration of all components and facilities of the operations center in Harrisburg.

Phase II of the Integrated Traveler Information System will be a Federally funded project. The total cost of this construction project is approximately \$3,300,000. The Consultant Agreement is anticipated to start in March 1998, and terminate in January 2000.

The selected firm will be required to provide a full-time onsite construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm will also be required to attend the prebid meeting and preconstruction conference, write all project correspondence and review and approve contractor's submissions. In addition, the selected firm will be required to keep records utilizing the Turnpike's Construction Documentation System (CDS) to document the construction work, prepare current and final estimates for payment to the construction contractor, prepare change orders, conduct monthly job conferences, monitor the monthly progress, conduct semifinal and final inspections, determine the final quantities of each contract item and perform other duties as may be required.

Sixty percent (60%) of the inspection staff assigned to this Commission constructed project must meet the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies, (NICET) as a Transportation Engineering Technician—Construction Level 2 or higher.
2. Be registered as a professional engineer by the Commonwealth of Pennsylvania with 1 year highway inspection experience acceptable to the Commission.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway inspection experience acceptable to the Commission.
4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with 2 years of highway inspection experience acceptable to the Commission.

5. Hold an Associate Degree in Civil Engineering Technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 40% assigned to this project shall meet the following education and experience requirements:

Education—Graduation from High School or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for High School graduation.

Experience—One year of experience in construction inspection or workmanship which requires reading and interpreting construction plans and specifications, or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

Questions and inquiries concerning this Project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, Ext. 5210.

General Requirements and Information for Reference No. 3-104

Firms interested in performing the above services are invited to submit expanded letters of interest (three copies) to Paul A. Edmunds, P.E., Assistant Chief Engineer—Construction, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg- East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each expanded letter of interest. Explanation that the firm has successfully completed similar type projects, of the same magnitude, is required. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each expanded letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The 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. A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the Prime consultant and each subconsultant. If a FAR rate is not available, the latest overhead rate available from a Certified Public Accountant must be presented. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

The following factors should be identified by the Consultant in their submission:

(A) Specialized experience and technical competence of firm. The firm must clearly demonstrate their capabilities

of completing this project by identifying similar full depth highway pavement replacement projects that they have inspected, the magnitude of the project and the client.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded letters of interest must include an indication of the prime consultant's and subconsultant's current workload for all Department of Transportation and Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the expanded letter of interest will require written approval from the Commission. (Please note DBE/MBE/WBE participation requirements following)

(F) Special requirements of the project.

(G) An organization chart for the Project, identifying key personnel. Only resumes of key personnel should be included.

(H) Other factors, if any, specific to the project.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 12%. Responding firms shall identify DBE/MBE/WBE firms, expected to participate in this contract, in their expanded letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation at the time of the submission of the expanded letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Pennsylvania Turnpike Commission at the above address, or by calling (717) 939-9551, Ext. 4241.

Three copies of the expanded letter of interest and required forms must be received by 12 p.m., Friday, February 6, 1998. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest received in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all expanded letters of interest, to cancel solicitation requested under this notice and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III
Chairperson

[Pa.B. Doc. No. 98-153. Filed for public inspection January 23, 1998, 9:00 a.m.]

Request for Letters of Interest

Retention of an Engineering Firm for Phase III of the Advanced Travelers Information System (ATIS) Reference No. 3-101

The Turnpike Commission (Commission) will retain an engineering firm for design and inspection services for Phase III of the Commission's Advanced Travelers Information System (ATIS) Project located on the entire length of the Pennsylvania Turnpike System.

The services will encompass design, construction inspection/project management and project evaluation services for expansion of the Commission's Advanced Traveler Information System. This work will include sites for the highway advisory radio system, variable message signs, closed circuit television cameras, installation of weather and traffic sensors, truck rollover system and the remodeling of the Turnpike's Operation Center in Harrisburg to provide a state of the art facility.

Other improvements to the operation center include development of a Graphical User Interface. This system will allow operators to identify on the map, location of incidents, the number of lanes opened at an interchange, lane closures, and will automatically identify the locations of call box calls and the nature of the call, status of the detectors and cameras, slow moving traffic, weather sensor information and messages on the Travelers Information System components.

Construction Inspection/Project Management services will be an integral part of this project. It is anticipated that there will be three construction projects. One project will be from the Carlisle Interchange to the east, one project west of Carlisle Interchange to the Ohio border, and the third project will involve system integration of all components and facilities of the operations center in Harrisburg.

Project Evaluation Services will involve before and after studies to determine the effectiveness of the various systems. This work will also include beneficial cost analysis of the system.

Phase III of the Integrated Traveler Information System will be a Federally funded project in design and construction.

Questions concerning this advertisement should be directed to Timothy M. Scanlon, at (717) 939-9551, Ext. 5590.

General Requirements and Information for Reference No. 3-101

Firms interested in performing the above services are invited to submit letters of interest (three copies) to Barry L. Troup, P.E., Assistant Chief Engineer, Pennsylvania Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The 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 this Commonwealth as provided by the Department of State.

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the Prime consultant and each subconsultant. If a FAR rate is not available, the latest overhead rate available from a Certified Public Accountant must be presented. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

The following factors may be considered by the Committee during their evaluation of the firms submitting letters of interest:

(A) Specialized experience and technical competence of firm, including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.

(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) Letters of Interest should include an indication of the prime consultant's and subconsultant's current workload listing all Department of Transportation and Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected (Please note DBE/MBE/WBE requirements following).

(F) Special requirements of the project.

(G) Other factors, if any, specific to the project.

The Commission is committed to the inclusion of disadvantaged, minority, and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 12%. Responding firms shall identify DBE/MBE/WBE firms, expected to participate in this contract, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Pennsylvania Turnpike Commission at the above address, or by calling (717) 939-9551 Ext. 4241.

Three copies of the Letters of Interest and required forms must be received by 12 p.m., Friday, February 6, 1998. 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 submitting an acceptable letter of interest. The Commission will be shortlisting this project at a public meeting after the evaluation of the acceptable letters of interest. Technical proposals will then be requested from the shortlisted firms. The Commission

reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-154. Filed for public inspection January 23, 1998, 9:00 a.m.]

Retention of Engineering Firm

Systemwide Reference No. 3-102

The Turnpike Commission (Commission) will retain an engineering firm for open-end contract to perform traffic engineering services. The amount of the contract will be \$500,000, and will be for a period of 2 years, with work orders assigned on an as needed basis.

The services will encompass but may not be limited to the following: capacity analysis, traffic and revenue studies, origination and destination studies, traffic studies including counts, traffic signal design, accident evaluation, modal interrelationships and deficiencies, review of traffic control standards, preparation of interstate guide signing plans, design of intelligent transportation systems and evaluation of intelligent transportation systems.

The Commission intends to utilize this contract on Federally funded and/or potentially Federally funded projects as well as other Commission projects on an as needed basis.

Questions and inquiries concerning this Project should be directed to Timothy M. Scanlon, P.E., at (717) 939-9551, Ext. 5590.

General Requirements and Information for Reference No. 3-102

Firms interested in performing the above services are invited to submit expanded letters of interest to Barry L. Troup, P.E., Assistant Chief Engineer, Pennsylvania Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each 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 this Commonwealth as provided by the Department of State.

The Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less.

The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited over-

head rate, whichever is less. This overhead limitation will be utilized on all work orders, under this open end contract, being funded by the Commission. However, any work orders that may have Federal participation will utilize the consultant's latest audited overhead rate. Therefore, a single page summary must be included in the letter of interest, indicating 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 overhead rate available from a Certified Public Accountant must be presented. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

The following factors may be considered by the Committee during their evaluation of the firms submitting expanded letters of interest:

(A) Specialized experience and technical competence of firm, including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.

(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 listing all Department of Transportation and Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected (Please note DBE/MBE/WBE requirements below).

(F) Special requirements of the project.

(G) Other factors, if any, specific to the project.

Each firm shall demonstrate in its 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 Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs for work orders in this contract will be 12%. The particular participation may vary depending on the efforts required for each work order. Responding firms shall identify DBE/MBE/WBE firms, expected to participate in this contract, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Pennsylvania Turnpike Commission at the above address, or by calling (717) 939-9551, Ext. 4241.

The expanded letters of interest and required forms must be received by 12 p.m., Friday, February 6, 1998. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest in response to this advertisement, one firm

will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical proposals will not be requested for final selection.

The Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested

under this notice and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-155. Filed for public inspection January 23, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.
 Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division 787-0000

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1575387 Agricultural supplies—18,000 each five foot light brown colored tree shelters (each shelter includes tube, tie and stake); 600 each four foot light brown colored tree shelters (each shelter includes tube, tie and stake); 10,000 each four foot light brown colored tree shelters (each shelter includes tube and tie).

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1606117 Agricultural supplies—45 ton fertilizer 0-20-30 bulk composition: nitrogen 0%, phospho 20%, potash 30%; 105 ton fertilizer 10-20-10 (bulk) corn starter composition: nitrogen 10%, phosphate 20%, potash 10%; 10 ton fertilizer 10-20-10 w/boron bulk, composition nitrogen 10%, phosphate 20%, boron 2 lbs. per ton; 50 ton fertilizer 19-19-19 composition nitrogen 18.89% (approximate), phosphate 18.89% (approximate), potash 18.89% (approximate); 8 ton fertilizer 40-0-0 bulk composition urea 75%, ammonium sulfate 25%.

Department: Corrections
Location: Correctional Industries, Bellefonte, Centre County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1611117 Agricultural supplies—7,000 lbs. snap bean seeds, green; 5,000 lbs. snap bean seeds, bush, yellow, wax; 5,500 lbs. sweet pea seed; 11,000 lbs. sweet pea seed; 10,000 lbs. sweet pea seed; 40 bags hybrid field corn seed; 50 bags hybrid field corn; 35 bags hybrid field corn; 25 bags hybrid field corn; 300 bags soybean seeds; 300 bags soybean seeds.

Department: Corrections
Location: Correctional Industries, Bellefonte, Centre County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1535157 Construction—1 lot furnish and install wood case work at the new science building at University of Pittsburgh, Titusville.

Department: University of Pittsburgh
Location: Titusville, Crawford County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1544157 Construction—1 lot replace and modify Forum Building auditorium house lighting systems.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8234570 Construction, mining, excavating and highway maintenance equipment—3 each latest model loader, belt w/16' swivel and air conditioning.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1624357 Laboratory instruments and equipment—1 each Cat No. 9102290-82 Preiser Air Crying Oven, conforms to ASTM D2013; 1 each Cat No. 91-7121-01 Holmes Model 501XL, belt driven pulverizer spring accuated container; 1 each Part No. 91-6730-01 Holmes Crusher Model 201XL 7" x 6".

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1573157 Medical, dental and vet equipment and supplies—1 each Infra Red Spectrometer: Genesis II Model FTIR and Winfirs TV3.5 Data Acquisition and Data Analysis Software.

Department: University of Pittsburgh
Location: Titusville, Crawford County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1589357 Medical, dental and vet equipment and supplies—9 each Infrared Thermometers temperature range—18 to 870 C (0-1600-F); 1 each Infrared Thermometers optical resolution D:S): 120:1.

Department: Environmental Protection
Location: Uniontown, Fayette County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8234590 Motor vehicles, trailers and cycles—15 each 1998 model sign truck w/aerial bucket, automatic.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1626157 Paper and printing—140M STD-191 Travel Expense Voucher, 4 part snap set.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1640237 Paper and printing—1300M Antlerless Deer License envelopes.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8504210 Paper and printing—68,800 M/page Pub 95 PA Manual for Drivers 84 ctn.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1615157 Photographic equipment—24 each Mila-Wall display for art display; 24 each 2500MM panel finish: MBA vinyl laminate 9,540 Order No. 3.112.003; 4 each 2500MM corner profile 40x40/1x90, white Order No. 4.103.003; 2 each 2500MM corner profile (40x40/2x90) white Order No. 4.102.003; 2 each 2500MM rotating profile (90-180/180-270) white Order No. 4.112.003; 2 each 2500MM corner profile (1x90-2x135) white Order No. 4.106.003; 2500MM angle profile (40x20/1x90) white Order No. 4.109.003; 12 each 2500MM removable tongue profiles Order No. 4.114.003; 16 each 2500MM end cover profiles, white Order No. 4.113.003; 24 each Rigidf Module Fasteners to be plugged in Order No. 6.100.010; 12 each adjustable Module Fasteners Order No. 6.100.050; 100 each clip No. 1 for end cover profiles Order No. 6.100.200; 1 each lever roller Order No. 9.104.006; 1 each Mila-Wall Tool Kit Inc., Bag Order No. 9.104.011; 1 each adjusting disc Order No. 9.104.006; 1 each 2700x1170x1450 transport container Order No. 9.101.003; 1 lot powder-coat all profiles to match MBA vinyl laminate 9,540; 1 lot shipping and handling for above order.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, Columbia County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1539217 Prefabricated structures and scaffolding—1 complete job furnish and install new padmounted switchgear Cooper power system, Model 285-20, no substitute.

Department: Bensalem Youth Development Center
Location: Bensalem, Bucks County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1596117 Prefabricated structures and scaffolding—145 rolls razor wire, razor ribbon II maze, double coil, 24 inch and 30 inch, 24 linear feet per coil.

Department: Corrections
Location: Cresson, Cambria County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Advertising—01

1997-A-01 Advertising in and printing of the "Summary of Fishing Regulations and Laws" booklet.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: July 1, 1998—December 31, 2000, with up to 3 additional years possible
Contact: Dennis Grove, (717) 657-4533

Audio/Video—04

205613 Vendor to provide airtime and cellular phone services for YDC New Castle and the South West Secure Treatment Unit. Call for specifications, (412) 656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: July 1, 1998 through June 30, 2001
Contact: T. F. Mateja, Purchasing Agent, (412) 656-7310

8000-04 The contractor shall provide all parts and labor necessary to keep the institution's radio system operational. The contractor will also install and move radios from one vehicle to another as needed.

Department: Corrections
Location: State Correctional Institution Waynesburg, R. D. 1, Box 67, Waynesburg, Greene County, PA 15370
Duration: July 1, 1998 to June 30, 2001
Contact: Judith Cook, (412) 852-5609

IN-746.4 CATV/Communications Wiring for Various Buildings. The project consists of electrical construction for the installation of CATV, Category 5 cabling and fiber optic cabling system in various academic buildings at Indiana University of PA, Main Campus at Indiana, PA. The work includes the installation of data cabling, minor construction/modification of communications closets, providing electric power in various locations, testing and documentation of all CATV and data cables. As part of the project, one building is to be connected to the University Campus cabling system via new underground raceways. This work includes boring under a State highway, the installation of raceways and manholes. Notice to Contractors may be requested from IUP. Phone: (412) 357-2289, fax: (412) 357-6480, Internet: <http://www.iup.edu/phyfac>.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

Barber—05

205614 Contractor to provide barbering services on the grounds of the Youth Development Center at New Castle, as needed, for male student residents. Call for specifications, (412) 656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: July 1, 1998 through June 30, 2001
Contact: T. E. Mateja, Purchasing Agent, (412) 656-7310

Construction—09

401-BL-555 Elwell Hall Computer Wiring Installation—work will include all labor, material and equipment necessary to install a new fiber optic data backbone, category 3 voice backbone, patch panels, LAN equipment racks, enhanced category 5 wiring, surface mount nonmetallic raceway and testing/certification of all data/voice cabling. There will be three prime contracts—general, HVAC and electrical—with the electrical being the major contract in the project. Bid documents can be obtained by submitting a nonrefundable \$90 deposit by February 15, 1998 made payable to Reilly Associates, 222 Wyoming Avenue, West Pittston, PA 18643-2822, (717) 654-2473. Documents will be released in mid-February, and actual dates of the prebid and bid opening will be obtained in these documents.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA 17815
Duration: Three months
Contact: Joseph C. Quinn, (717) 389-4311

00701-000-97-SMS Parking Lot Repairs and Paving. Lot 1 and driveway entrance; approximately 2,500 square yards to resurface. This includes the following: A. Clean existing asphalt to prepare for resurfacing; B. Repair cracks if needed with petro tack or equivalent; C. Apply a tack oil for the bonding of the new asphalt; D. Level existing lot and place an average of 13/4" compacted course ID2 wearing asphalt. Other: Restripe both parking areas and crosswalks. Lot 2—Upper Lot; Crack sealing; A. Clean out cracks and fill with a hot rubberized sealer. Apply sealer on the entire surface.

Department: Historical and Museum Commission
Location: Ephrata Cloister, 632 West Main Street, Ephrata, PA 17522
Duration: FY 97-98
Contact: Robert D. Eshelman, Building Maintenance Supervisor, (717) 733-6600

FC-009H Construction of a vehicle storage building at Sweet Valley Law Enforcement Regional Office, Ross Township, Luzerne County, PA.

Department: Fish and Boat Commission
Location: Engineering Section, 450 Robinson Lane, Bellefonte, PA 16823; Sweet Valley Regional Office, Ross Township, Luzerne County, PA 60 days ARO
Duration: 60 days ARO
Contact: Amos Ferguson, (814) 359-5105

FM-47 Furnish all labor, materials and equipment to install an elastomeric acrylic roof coating system on the BESO Building at the PA State Police Academy, 175 East Hershey Park Drive, Hershey, PA 17033. Detailed work schedule and bid specifications must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, BESO Building, Academy, 175 East Hershey Park Drive, Hershey, PA 17033
Duration: February 1, 1998 to June 30, 1998
Contact: Les Brightbill or Joan Berkoski, (717) 783-5484

SO-131 The State Correctional Institution at Somerset will be bidding paving to include all labor, equipment, materials and supplies necessary to construct various roadways and parking lots on the premises of the State Correctional Institution at Somerset.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: February 1, 1998 through June 30, 1998
Contact: Theresa Solarczyk, Purchasing Agent, (814) 443-8100, Ext. 311

SP341961 Paving of handicapped paths and parking areas.

Department: Conservation and Natural Resources
Location: Gifford Pinchot State Park, 2200 Rosstown Road, Lewisberry, PA 17339
Duration: 45 days from notice to proceed
Contact: Larry Adams, Park Manager, (717) 432-5011

Court Reporting—10

RFP PUC 1998-01 Qualified individuals and businesses are invited to submit proposals to provide stenographic court reporter services for the transcribing of proceedings held by the Public Utility Commission through the Office of the Administrative Law Judge. Statewide coverage is required.

Department: Public Utility Commission
Location: Office of Administrative Law Judge, Scheduling Office
Duration: July 1, 1998—June 30, 2000
Contact: Norma Lewis, (717) 787-5633

Engineering Services—14

08430AG2150 Retain an engineering firm to perform an environmental overview and needs analysis of S. R. 4013, Section 003 from Route 220 (I-99) near Pinecroft to the intersection of Fourth Street in the Juniata section of Altoona, Blair County.

Department: Transportation
Location: Engineering District 9-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2151 To provide supplementary construction inspection staff to perform construction inspection and documentation services for the following projects: 1) S. R. 0001, Section M13—Chester County. 2) S. R. 0041, Section S15 and S57—Chester County. 3) S. R. 0041, Section S52—Chester County. 4) S. R. 0041, Section S55—Chester County. 5) S. R. 0041, Section S58—Chester County.

Department: Transportation
Location: Engineering District 6-0
Duration: Nineteen (19) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance—15

HSCP 1-011-101.1 Waste Remediation, Quakertown Foundry Site, involves approximately 105 c.y. of tar pit waste disposal, 60,000 c.y. of waste materials handling, 28,000 c.y. of backfilling and grading, and 13.2 acres of topsoil cover and revegetation. A prebid conference is scheduled for February 10, 1998, 10 a.m. at the Upper Bucks YMCA, 451 California Road, Quakertown, Bucks County, PA, (215) 536-8841. Bidder attendance at the prebid conference is mandatory. Failure to attend the prebid conference will be cause for rejection of the bid.

Department: Environmental Protection
Location: Quakertown, Bucks County, PA
Duration: 360 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Extermination—16

9556 Provide extermination service for the State Correctional Institution Muncy.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: July 1, 1998 through June 30, 2001
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

SP-297984 Provide extermination services to PA Soldiers and Sailors Home for fiscal year 1998-1999, 1999-2000 and 2000-2001 with two 1-year renewals. Additional information can be obtained by contacting this facility.

Department: Military and Veterans Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: July 1, 1998 through June 30, 2001
Contact: Jeanette Gualtieri, (814) 878-4930

Food—19

351 Items will be bid monthly, all amounts are approximate for period July 01, 1998 to June 30, 1999. Pounds are approximate for 12-month period. 6,000 lbs. veal steaks, 4 oz. portions, and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

352 Items will be bid monthly, all amounts are approximate for period July 01, 1998 to June 30, 1999. Pounds are approximate for 12-month period. 20,000 lbs. cheese, processed American; 10,000 lbs. cheese, processed Swiss; 7,000 lbs. Longhorn cheese, and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

353 Ice cream in 4 oz. cups, minimum of 1/3 delivery to be with toppings and one meal of sherbet per month. Approximately 480 dozen cups weekly, from July 01, 1998 to June 30, 1999. Bids will be sent out quarterly.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

354 All items to be bid monthly, all amounts are approximate for period July 01, 1998 to June 30, 1999. Pounds are approximate for 12-month period. 8,000 lbs. beef liver; 12,000 lbs. frankfurters, all beef; 9,600 lbs. ham, skinless; 15,000 lbs. pork chops and all related items. 8,000 lbs. bacon; 5,000 lbs. bologna, garlic (all beef); 5,000 lbs. bologna (all beef); 15,000 lbs. beef sandwich steaks; 4,500 lbs. Braunsweiger; 4,000 lbs. chopped ham; 14,400 lbs. beef rib-b-que and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

355 48,000 each, milk, skim in 1/2 pint containers for period July 01, 1998 to June 30, 1999 and all related items. Bids will be sent out quarterly.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

356 Items to be bid monthly, all amounts are approximate for period July 30, 1998 to June 30, 1999. 62,000 each, cheese pizza, 5.5 ounce prepared frozen, individual pizza to contain 1-1/2 oz. mozzarella or mozzarella substitute, 1-1/2 oz. tomato sauce and 1 oz. on a 2-1/2 oz. enriched crust. Packed 48/case. New weight: 16 lbs./case (and all related items).

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

357 Eggs, fresh, consumer Grade A, medium, must be candled inspected, Class I, brown and white, packed 30 dozen/case, 40 lb. carton U.S.D.A. certificate required (and all related items). Approximately 1,500 dozen each Monday from July 01, 1998 to June 30, 1999. (Bids will be sent out quarterly).

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

358 Items to be bid monthly, all amounts are approximate for period July 01, 1998 to June 30, 1999. Pounds are approximate for 12-month period. 8,000 lbs. fish portions, raw, unbreaded, cod, 4 oz. portions. (USDC certificate required). 8,000 lbs. crab cakes, 4 oz. portion, precooked. (Certificate of Compliance required). 1,200 lbs. clams and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

359 Items to be bid monthly, all amounts are approximate for period July 01, 1998 to June 30, 1999. Pounds are approximate for 12-month period. 46,000 lbs. chicken, ready to cook, Grade A, Type II, fresh frozen, Class I broilers or fryers, Style II, quartered, no livers, gizzards or necks. Weight range: 3 lbs. per chicken. PA Spec C-94, eff. April 11, 1973. U.S.D.A. Certificate required (and all related items).

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

360 Potatoes, to be bid monthly for period July 01, 1998 to June 30, 1999. Approximately 32,000 lbs. per month. Potatoes to be US No. 2, First Choice, 6 oz. minimum, if available the 3 inch round, white, US No. 1 is acceptable. 50 lb. bags, USDA Certificate required.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

361 Items will be bid monthly, all amounts are approximate for period of July 1, 1998 to June 30, 1999. (Cases are approximate for 12-month period). 20,000 each, chicken burritos; 20,000 each, beef burritos and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

362 Items to be bid monthly, all amounts are approximate for period July 01, 1998 to June 30, 1999. 18,000 lbs. broccoli, frozen; 7,000 lbs. brussel sprouts, frozen; 9,000 lbs. cauliflower, frozen and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

363 All items to be bid monthly, all amounts are approximate for period of July 01, 1998 to June 30, 1999. Pounds are approximate for 12-month period. 22,000 lbs. poultry meat; 14,000 lbs. turkey breast; 12,000 lbs. chicken patties; 4,000 lbs. turkey sausage; 8,000 lbs. turkey ham; 9,000 lbs. chicken franks; 12,000 lbs. ground turkey and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

364 Items to be bid monthly, all amounts are approximate for period July 01, 1998 to June 30, 1999. (Cases are approximate for 12-month period). 1,050 cases of Hot Pockets, Beef and Cheddar. Ingredients: sliced beef and real cheddar cheese, 24—5 oz. cases, and all related items. (No pork or pork by-products will be accepted).

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

365 Items to be awarded monthly, all amounts are approximate for period July 01, 1998 to June 30, 1999. Onions, carrots, celery, lettuce, cabbage, bananas, apples, oranges, grapefruit, pears and all related items. U.S.D.A. Certificate required.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

366 All items are approximate for period of July 01, 1998 to June 30, 1999. 400 bags flour, hi-gluten, 100 lb. bags; 200 bags flour, rye, 100 lb. bags; 300 bags flour, whole wheat, 100 lb. bags; 4,200 bags flour, bread, 100 lb. bags; and all related items. Bids sent out monthly.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1998 to June 30, 1999
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

B-1 through B-12 Processed white American cheese, solid block, presliced or shredded, 30 lb. containers or any other related products as required. To be bid out on a monthly basis.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-13 through B-24 Fresh eggs, shell, white Grade A, Class 1, medium natural 30 dozen per case. PA Spec. E-10 approximate monthly usage 9,000 dozen. To be bid out monthly or as needed. To include any other related items.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-25 through B-36 Pizza, cheese, frozen, ready to bake. Portion cut made with natural cheese and no sauce extenders. To include any other related product. To be bid out monthly or as needed.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-49 through B-60 Fresh fruit and vegetables. Items to be bid out monthly. To include any other related items.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-61 through B-72 Fish, precooked and oven ready. To include any other related product. To be bid out monthly on an as-needed basis. Average—6,000 lbs.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-73 through B-84 Meat items to be bid out monthly on an as-needed basis. To include any other related items.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-85 through B-96 Oleo, Type II Style A, in 30 lb. plastic buckets. PA Spec. C-94, eff. amend. No. 1, May 21, 1973. To include any other related items. To be bid out on an as needed basis.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-97 through B-108 Frozen eggs, average monthly usage, 10,000 lbs. To include any other related products. Items to be bid out monthly, on an as needed basis.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-109 through B-120 Diet dinners, TV dinners. Dinners cannot contain any pork products. To be bid out on an as needed basis.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-121 through B-132 Ice cream, average monthly usage 1,500 gallon. Ice cream sandwich, and any other related products. Items to be bid out on a monthly basis, as needed.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-133 through B-144 Frozen food items, pancakes, French toast, waffles. Cannot contain any pork products. Equal to Aunt Jemima frozen products. To include any other related items. To be bid out monthly or as needed.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-145 through B-156 Broccoli, chopped fresh frozen, PA Spec. V-14 packed 30 lb. bulk; cauliflower fresh, frozen, PA Spec. V-14 packed 30 lb. bulk. Approximate pounds used per month 4,000 lbs. To include any other related items. To be bid out monthly or as needed.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-157 through B-168 Coffee, institutional blend, Grade 1, 20 lb. bags, to be bid out on an as needed basis. To include any other related products.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-181 through B-192 Cheddar cheese sauce mix, dry, add water only. Equal to Cage Brand Mfg. by Cage Foods Product Co. Ingredients shall be as follows: cheddar cheese solids malto dextrin, buttermilk solids, modified food starch, sweet whey, partially hydrogenated soybean oil, sodium caseinate, salt, guar gum, yeast, potassium phosphate, polysorbate and monoglyceride. No monosodium glutamate. 4 x 10 cans/case. No. 10 can—8 3/4 qt. To include any other related products. To be bid out monthly on an as needed basis.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

B-277 through B-289 Milk, whole and skim, 1/2 pint individual container. Must be pasteurized and homogenized. To be bid out as needed.

Department: Corrections
Location: State Correctional Institution Graterford, P. O. Box 246 Off Route 29, Graterford, PA 19426-0246
Duration: One year
Contact: Kelly Richardson, (610) 489-4151

Z-2 Fresh produce—to be delivered 2 times weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1998 through June 30, 1998
Contact: Francis J. Bellan, Purchasing Agent, (610) 948-2492

Z-3 Bread and rolls—to be delivered 3 times weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1998 through June 30, 1998
Contact: Francis J. Bellan, Purchasing Agent, (610) 948-2492

Z-5 Meat—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1998 through June 30, 1998
Contact: Francis J. Bellan, Purchasing Agent, (610) 948-2492

Z-6 Poultry—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1998 through June 30, 1998
Contact: Francis J. Bellan, Purchasing Agent, (610) 948-2492

Z-7 Frozen foods—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1998 through June 30, 1998
Contact: Francis J. Bellan, Purchasing Agent, (610) 948-2492

HVAC—22

6500-060 Furnish and install refrigeration equipment to convert existing Dietary Department bread storage room to cold food storage area.

Department: Corrections
Location: State Correctional Institution at Retreat, R. D. 5, Box 500, Hunlock Creek, PA 18621
Duration: March 1, 1998 through October 31, 1998
Contact: Tony Valania, Facility Maintenance Manager, (717) 735-8754

0850-01 To provide maintenance to the boiler and heating system for the Department of Transportation. Detailed requirements and an SPC are available upon request.

Department: Transportation
Location: Dauphin County Maintenance, 2140 Herr Street, Harrisburg, PA 17103-1699
Duration: July 01, 1998 through June 30, 2002
Contact: Dennis Deitch, (717) 787-5284

IN-735 Air conditioning system replacement Davis Hall. Work included under this project consists of air conditioning system replacement, Davis Hall. Notice to contractors may be requested from IUP. Notice will also be available at <http://www.iup.edu/phyfac/> and will include a list of potential bidders. Phone: (412) 357-2289; Fax: (412) 357-6480.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: 500 days
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

Janitorial Services—23

78349 Window cleaning services for Warren State Hospital. Complete specifications and instructions may be obtained by contacting the hospital. Award to be made on an aggregate basis.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, N. Warren, Warren County, PA 16365-5099
Duration: June 01, 1998—November 30, 1998
Contact: JD Sample, (814) 726-4448

4700-01 Janitorial and mowing service to be provided in accordance with Department's specifications. All materials and labor shall be provided for a period of 12 months. Estimated days of janitorial service is 156 days. Estimated number of mowings needed is 20 each and the estimated hours of brush and weed trimming is 5 hours.

Department: Transportation
Location: Bureau of Highway Safety and Traffic Engineering, Sign Shop Distribution Center, 21st and Herr Streets, Harrisburg, PA 17120
Duration: April 1, 1998 through March 31, 1999, with options of three renewals
Contact: David H. Stewart, Manager, (717) 787-6105

Lodging/Meeting—27

SPC No. 344303 Contractor will provide lodging, meals (breakfast/lunch/dinner/a.m. and p.m. breaks), meeting rooms and ancillary equipment for training/scoring sessions to be held in Eastern, Central and Western, PA. Contractor should bid on one, two or all of the following meetings: Meeting No. 1 April 28—May 1, 1998; Meeting No. 2 May 5—8, 1998; and Meeting No. 3 May 12—15, 1998. All meetings are for 110 participants. Only one meeting will be awarded in each region. Quiet/well lighted/spacious meeting facilities are mandatory. All sites will be subject to inspection prior to contract award.

Department: Education
Location: Eastern, Central and Western, PA
Duration: April 1, 1998—May 31, 1998
Contact: Diann Kitner, (717) 783-2862

Medical Services—29

8000-02 Contractor shall provide psychological services at the State Correctional Institution at Waynesburg to include testing and evaluation, individual and group therapy with following training and follow-up.

Department: Corrections
Location: State Correctional Institution Waynesburg, R. R. 1, Box 67, Waynesburg, Greene County, PA 15370
Duration: July 1, 1998 through June 30, 2001
Contact: Judith Cook, Purchasing Agent, (412) 852-5609

8000-03 Contractor shall provide a program of group and individual therapy dealing with substance abuse at the State Correctional Institution Waynesburg for approximately 16 hours of service per week.

Department: Corrections
Location: State Correctional Institution Waynesburg, R. R. 1, Box 67, Waynesburg, Greene County, PA 15370
Duration: July 1, 1998 through June 30, 2001
Contact: Judith Cook, Purchasing Agent, (412) 852-5609

205612 Contractor to provide BLS/ALS ambulance service, as needed, for the South West Secure Treatment Unit, which is located on the grounds of Torrance State Hospital, Torrance, PA.

Department: Public Welfare
Location: Youth Development Center New Castle, South West Secure Treatment Unit, Wiseman Blvd., TSH, St. Route 1014, Torrance, PA 15779
Duration: July 1, 1998 through June 30, 2001 (36 months)
Contact: T. E. Mateja, (412) 656-7310

205615 Contractor to provide psychiatric consulting services on the grounds of the Youth Development Center at New Castle. Approximately 8 hours service required weekly for student residents. Call for specifications (412) 656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: July 1, 1998 through June 30, 2001
Contact: T. E. Mateja, Purchasing Agent, (412) 656-7310

Personnel—31

SP 328000 The PA Board of Probation and Parole is seeking a vendor to provide temporary clerical assistance within State Correctional Institutions Statewide. These services are required to assist in providing emergency clerical assistance when permanent employees are absent and immediate clerical assistance is needed. Services will be on an as needed basis. Vendors may bid on one or all office locations for which they can provide the requested services.

Department: Board of Probation and Parole
Location: Statewide
Duration: March 01, 1998 through February 29, 2001
Contact: Michelle Carl, (717) 787-8879

SP 328001 The PA Board of Probation and Parole is seeking a vendor to provide temporary clerical assistance within State Correctional Institutions Statewide. These services are required to assist in covering peak workload within these offices. These services will be utilized pending filling permanent positions. Services will be on an as needed basis. Vendors may bid on one or all office locations for which they can provide the requested services.

Department: Board of Probation and Parole
Location: Statewide
Duration: March 01, 1998 through October 31, 1998
Contact: Michelle Carl, (717) 787-8879

Property Maintenance—33

010-331 This work shall consist of furnishing all specified material, equipment, personnel, pesticide certifications, liability insurance, safety equipment and practices necessary for the professional application of pesticides to roadside vegetation or other areas as directed by the engineer. This work will be conducted along various State routes in Crawford, Erie, Forest, Mercer, Venango and Warren Counties. Detailed requirements and an SPC are available upon request by contacting Cindy Smith at 437-4213.

Department: Transportation
Location: Crawford, Erie, Forest, Mercer, Venango and Warren Counties, PA
Duration: 12 months
Contact: Cindy Smith, (814) 437-4213

11098001 This work consists of complete maintenance and 24 hour staffing of a pair of all weather safety rest areas on I-79 between exits 30 and 31 in Plain Grove Township, Lawrence County. Contractor to provide a total turn key operation. A performance bond and payment bond are required.

Department: Transportation
Location: Engineering District 11-0, Sites located on I-79, Plain Grove Township, Lawrence County between exits 30 and 31 N.B. and S.B.
Duration: April 01, 1998 through March 31, 1999 with four 1-year renewal options
Contact: Joe DiPietro, (412) 429-4954

CL-485 Clarion University is soliciting bids for interior painting of selected areas in Marwick Boyd Fine Arts Center. Includes refinishing of approximately 70,000 sq. ft. including masonry walls, ceiling grid, restroom partitions and approximately 125 wood doors and metal frames. Bid package deposit, \$15, nonrefundable, by check made payable to Clarion University and mailed to 218 Carrier Hall, Clarion University, Clarion, PA 16214. Prebid conference: 10 a.m., February 10, 1998. Bids due: 1:30 p.m., February 23, 1998. Public bid opening: 10 a.m., February 24, 1998.

Department: State System of Higher Education
Location: Clarion University, Clarion, Clarion County, PA 16214
Duration: 90 days from notice to proceed
Contact: Judy McAninch, Contract Manager, (814) 226-2240

CL-486 Clarion University is soliciting bids for interior painting of selected areas in Gemmell Student Complex. Includes refinishing of approximately 22,500 sq. ft. of surface area including corridors, stairwells, railings, window trim, meeting rooms and approximately 70 doors and frames. Bid package deposit, \$10, nonrefundable, by check made payable to Clarion University and mailed to 218 Carrier Hall, Clarion University, Clarion, PA 16214. Prebid conference: 10 a.m., February 10, 1998. Bids due: 1:30 p.m., February 23, 1998. Public bid opening: 10:30 a.m., February 24, 1998.

Department: State System of Higher Education
Location: Clarion University, Clarion, Clarion County, PA 16214
Duration: 45 days from notice to proceed
Contact: Judy McAninch, Contract Manager, (814) 226-2240

K98065 Edinboro University of Pennsylvania is seeking bids for roof replacement and renovation at the Commonwealth House, 214 Meadville Street, Edinboro, PA 16412. Bids are due by 2 p.m. on February 12, 1998, in the Purchasing Office, 219 McNERNEY Hall, Edinboro, PA 16444. Plans and documents are available for a \$15 nonrefundable fee from Tom Anderson, Purchasing Office, (814) 732-2704. Contact Tom Anderson for the time and location of prebid meeting. Nondiscrimination and equal opportunity are the policies of the State System of Higher Education. MBE/WBE firms are urged to respond.

Department: State System of Higher Education
Location: Edinboro University of Pennsylvania, Edinboro, PA 16444
Duration: 45 days
Contact: Tom Anderson, Contract Specialist, (814) 732-2704

RFBP: RRMP-98-001 The Railroad Museum of Pennsylvania is seeking bid proposals for exterior painting and caulking on old Rolling Stock Hall. Project includes surface preparation, priming and painting of ten steel entry doors, 5 steel (galvanized) roll-up doors and 24 steel support columns. The contractor will also be responsible for caulking two expansion joints between the Admin. Building and old Rolling Stock Hall, 24 soffit and fascia panels, 48 windows (30 inches by 25 feet) and any soffit or fascia panels which need to be refastened or sealed. Mailing address: Railroad Museum of PA, P. O. Box 15, Strasburg, PA 17579.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Railroad Museum of Pennsylvania, 300 Gap Road, Route 741 East, Strasburg, PA
Duration: April 1—June 30, 1998
Contact: Allan Martin or David Dunn, (717) 687-8628

SP 342154 Building No. 5, Greenwood Furnace State Park, R. R. 2, Box 118, Huntingdon, PA 16652. Replace approximately 19 double hung windows and install approximately 2,600 square feet vinyl siding, aluminum trim and rain removal system.

Department: Conservation and Natural Resources
Location: Greenwood Furnace State Park, Huntingdon County, PA
Duration: July 30, 1998
Contact: Barry F. Wolfe, (814) 667-1800

SP-297985 Provide municipal waste removal services at the PA Soldiers and Sailors Home for fiscal years 1998-1999, 1999-2000 and 2000-2001 with two 1-year renewals. Additional information can be obtained by contacting this facility.

Department: Military and Veterans Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: July 1, 1998 through June 30, 2001
Contact: Jeanette Gualtieri, (814) 878-4930

Vehicle, Heavy Equipment—38

321164 Provide parts and labor to maintain all dietary equipment in operable condition.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoe Road, Bensalem, PA 19020
Duration: July 1, 1998 to June 30, 2001
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

SO-132 The State Correctional Institution at Somerset will be bidding a contract on Baker's Aid Ovens and Mixer to include repairs and repair parts.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 through June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-133 The State Correctional Institution at Somerset will be bidding a contract on Cleveland Combination Ovens and Tilt Skillet to include repairs and repair parts.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 through June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

Real Estate Services—35

010330 Provide professional appraisal services for a bridge replacement project in Engineering District 1-0. This project is known as State Route 3008-B00 (Emlenton Bridge) and is located in Venango County. Appraisers must hold a general certification in the Commonwealth of Pennsylvania along with being listed on the Department's current prequalified fee appraiser roster.

Department: Transportation
Location: PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323
Duration: February 15, 1998—February 14, 2003
Contact: William R. Pixley, Chief Appraiser, (814) 437-4203

Sanitation—36

SO-134 The State Correctional Institution at Somerset will be bidding a contract for waste removal services. The anticipated contract will be for a 3-year period.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 through June 30, 2001
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

Miscellaneous—39

RFP No. 17-97 The purpose of this RFP is to perform services for an Independent Enrollment Assistance Program. The Department intends to begin phasing in the HealthChoices capitated, mandatory managed care program in 10 counties in the Southwestern area of the Commonwealth in 1999. The Lehigh/Capital Zone will be implemented in 2000. The Commonwealth is interested in contracting with an entity that has expertise in dealing with the issues of medical assistance managed care implementation, hiring, training, materials development, community involvement and enrollment issues. The contractor will be responsible for these activities in the HealthChoices-Southwest and Lehigh/Capital Zones.

Department: Public Welfare
Location: Southwest Zone: Allegheny, Armstrong, Butler, Beaver, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland Counties. Lehigh/Capital Zone: Adams, Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, Perry and York Counties.
Duration: 36 month contract
Contact: Polly Hahn, (717) 787-7585

Project No. 97-10 "Rail Freight Industrial Site Directory." The objective of this project is to satisfy a need of the Department of Transportation to develop a directory of industrial sites available for economic development along various short line and regional freight railroads located throughout Pennsylvania. Contractor will work with these freight railroads, property owners, real estate tax offices and other organizations in developing this directory. Detailed requirements and an RFP are available upon request. Fax requests to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA: Throughout Pennsylvania
Duration: 12 months
Contact: Tom Schumacher, (717) 783-8906

035 The Department of Environmental Protection is extending the deadline for proposals from political subdivisions to provide grants for the construction or renovation of public recreational areas utilizing waste tires and waste tire-derived materials. Proposals are now due by noon, February 24, 1998. For copies of the Request for Proposal, contact Shuvonna Ballard, Bureau of Land Recycling and Waste Management, 400 Market Street, 14th Floor Rachel Carson State Office Building, Harrisburg, PA 17101-2301.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: January, 1998—August, 1998
Contact: Shuvonna Ballard, (717) 787-9870

9557 Provide a Parenting Program for the inmates at the State Correctional Institution Muncy.

Department: Corrections
Location: State Correctional Institution, Route 405, P. O. Box 180, Muncy, PA 17756
Duration: July 1, 1998 through June 30, 2001
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

SO-135 The State Correctional Institution at Somerset will be bidding a contract for inmate training and vocational services. Program will be in the field of masonry and carpentry. The proposed contract will be for a period of 1 year. Other vocations may be proposed in addition or instead of the listed vocations.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SP 328020 The PA Board of Probation and Parole will be soliciting proposals to provide consulting service for the conduct of a job analysis of Parole Agent positions, and the development of medical guidelines and standards to evaluate applicants for Parole Agent positions with this agency.

Department: Board of Probation and Parole
Location: 3101 North Front Street, Harrisburg, PA 17110
Duration: June 01, 1998 to May 31, 1999
Contact: Michelle Carl, (717) 787-8879

[Pa.B. Doc. No. 98-156. Filed for public inspection January 23, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
1228317-01	01/06/98	The Lerro Corporation	13,944.00	1485217-01	01/08/98	Bellco Drug Corp.	12,718.40
1320227-01	01/08/98	E-Town Dodge	67,300.00	1487117-01	01/13/98	OLES Envelope Corp.	291,600.00
1320227-02	01/08/98	Register Chevrolet Inc.	21,978.00	1495217-01	01/08/98	Zeneca Pharmaceuticals	29,240.00
1322227-01	01/08/98	Elizabethtown Dodge	24,633.00	1500217-01	01/08/98	Bellco Drug Corporation	30,912.00
1324227-01	01/13/98	Northeast Auto Outlet	43,780.52	1513307-01	01/08/98	Pacific Western Timber	27,505.00
1364117-01	01/06/98	ATD American Co.	23,430.00	1516217-01	01/13/98	Reidy Associates Inc.	10,965.00
1378117-01	01/13/98	TRI State Equipment Co.	11,200.00	1518217-01	01/08/98	Abbott Laboratories	11,527.50
1386117-01	01/13/98	Johnnys Restaurant & Hotel Service	19,233.00	1545217-01	01/08/98	Bellco Drug Corp.	38,976.00
1388187-01	01/13/98	Bortek Industries, Inc.	8,588.00	1566137-01	01/08/98	Herre Bros. Inc.	5,801.00
1402117-01	01/08/98	Chemtick Coated Fabrics Inc.	58,050.00	4110-01	01/15/98	Weinstein Supply Corporation	64,376.37
1412317-01	01/06/98	Frontline Communications	678,762.00	5805-03	01/21/98	Telesource	74,000.00
1416117-01	01/08/98	Economy PLBG & HTG Supply Inc.	20,875.00	5805-03	01/21/98	CMS Communications, Inc.	9,155.00
1416117-02	01/08/98	THE Gage Company/ Carlisle	2,415.00	5805-03	01/21/98	Sprint United Telephone of Pa.	668,052.74
1416117-03	01/08/98	Duff Company	495.00	5805-03	01/21/98	Jean M. Paslawsky & Associates	28,068.00
1448117-01	01/08/98	Telematic Co. Inc.	37,948.00	5805-03	01/21/98	Morocco Electric, Inc.	1,277.50
1448117-01	01/08/98	Telematic Co. Inc.	37,948.00	5805-03	01/21/98	Executone Telephone Systems	187,031.00
1458217-01	01/08/98	Bellco Drug Corporation	58,251.25	5805-03	01/21/98	Eastern Telephone & Telecomm	5,150.00
1459217-01	01/08/98	Novartis Pharmaceuticals Corp.	21,012.00	5805-03	01/21/98	Red Rose Systems, Inc.	55,699.30
1466217-01	01/08/98	Novartis Pharmaceuticals Corp.	15,088.15	5805-03	01/21/98	Graybar Electric Co., Inc.	443,242.19
1468217-01	01/08/98	Novartis Pharmaceuticals Corp.	26,316.50	5805-03	01/21/98	Siemens Rolm Communications, Inc.	25,764.00
1469217-01	01/08/98	Bellco Drug Corporation	98,335.33	5805-03	01/21/98	Telephone & Data Systems, Inc.	499,750.46
				5805-03	01/21/98	Vision Communications, Inc.	7,047.00
				5805-03	01/21/98	KGP Telecommunications, Inc.	73,860.54
				5805-03	01/21/98	Anixter, Inc.	10,399.25

STATE CONTRACTS INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of
5999-01 RIP #1	01/12/98	Power Battery Company	49,000.00
7920-06	01/15/98	Galer & Hults	11,000.00
7920-06	01/15/98	Quaker City Paper	7,000.00
7920-06	01/15/98	Graham Distributing/TA Airwick Prod.	14,000.00
7920-06	01/15/98	Customized Environmental	31,000.00
7920-06	01/15/98	Sanolite Corp.	14,000.00
7920-06	01/15/98	Ecolab, Inc.	112,000.00
7920-06	01/15/98	Dynasurf Corp.	32,000.00
7920-06	01/15/98	Butchers	29,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
7920-06	01/15/98	3 M Home & Commercial Care	22,000.00
7920-06	01/15/98	Buckeye Inter- national, Inc.	31,000.00
8214740-01	01/06/98	Flint Trading Inc.	91,476.00
8234500-01	01/08/98	Moyer Elec- tronics	20,340.00
8234530-01	01/08/98	Manchester Industries, Inc.	25,780.00
8540-01 Supp. #1	01/15/98	Airwick Pro- fessional Products	40,000.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-157. Filed for public inspection January 23, 1998, 9:00 a.m.]