

# PENNSYLVANIA BULLETIN

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

**No. 254, January 1996**

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**PENNSYLVANIA**

**BULLETIN**

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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*.

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211**  
**GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

#### Printing Format

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

#### Fiscal Notes

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

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

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1996.

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# THE GENERAL ASSEMBLY

## Recent Actions During the 1995 Regular and Special Sessions of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1995 Regular and Special Sessions.

### 1995 ACTS—Acts 71 through 80 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1995-71	Dec. 14	HB701	PN773	60 days	Borough Code—adopting property maintenance regulations and standard codes and eliminating provisions for milk inspection
1995-72	Dec. 15	HB48	PN2928	60 days*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
1995-73	Dec. 20	HB409	PN429	60 days	Cemetery companies—extending liability limitations to landowners of historic burial places
1995-74	Dec. 20	SB476	PN1590	Immediately*	Vehicle Code (75 Pa.C.S.)—transfer of ownership of vehicle and development of electronic lien program
1995-75	Dec. 20	SB578	PN1591	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
1995-76	Dec. 20	HB215	PN2882	60 days*	Domestic Relations Code (23 Pa.C.S.)—personal and medical history information and involuntary termination of parental rights
1995-77	Dec. 20	HB1238	PN2901	Immediately*	Education (24 Pa.C.S.) and State Government (71 Pa.C.S.)—omnibus amendments
1995-78	Dec. 20	HB2189	PN2878	Immediately	Phosphate Detergent Act—prohibiting certain cleaning agents and extending expiration date
1995-79	Dec. 21	HB602	PN2903	60 days	Insurance Company Law of 1921—omnibus amendments
1995-80	Dec. 21	HB1582	PN2905	Immediately	Military Code (51 Pa.C.S.)—omnibus amendments

### 1995 APPROPRIATIONS—Acts 47A and 48A (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1995-47A	Dec. 20	SB1303	PN1577	Immediately	Organ Donation Awareness Trust Fund—administration
1995-48A	Dec. 21	HB2222	PN2851	Immediately	Department of Commerce—various projects from Sunny Day Fund

\*with exceptions

\*\*line item veto

#### *Effective Dates of Statutes*

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

#### *Advance Copies of Statutes*

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

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

## THE GENERAL ASSEMBLY

*Legislative Bills and Documents*

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

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

CARL MEASE,  
*Acting Director*

[Pa.B. Doc. No. 96-34. Filed for public inspection January 12, 1996, 9:00 a.m.]

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 200]

Landlord and Tenant Act of 1951; Acts 33 and 36 of 1995; No. 156; Doc. No. 1

### Amendatory Order

*Per Curiam:*

*And Now*, this 28th day of December, 1995, Order No. 156 of Judicial Administration is hereby amended to read as follows:

*And Now*, this 30th day of December, 1995, the following Acts of Assembly are hereby suspended for a period of 60 days insofar as they are inconsistent with the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices:

(1) Act 33 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951; and

(2) Act 36 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951.

The following Acts of Assembly are hereby suspended for a period of 60 days insofar as they are inconsistent with the Philadelphia Municipal Court Rules of Civil Procedure:

(1) Act 33 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951; and

(2) Act 36 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951.

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

Mr. Justice Montemuro participates by designation as a senior judge as provided by Rule of Judicial Administration 701(f).

[Pa.B. Doc. No. 96-35. Filed for public inspection January 12, 1996, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

Amended Philadelphia Civil Rule \*1303(f)

### Order

*And Now*, this 28th day of December, 1995, it is hereby *Ordered* that Philadelphia Civil Rule \*1301(f) Transfer from Major List to Arbitration be amended and the following rule adopted in its place.

EDWARD J. BLAKE,  
*President Judge*

Phila. Civ. R. No. \*1303.

(f) *Transfer From Major List to Arbitration.*

(1) *By Any Party.* [ *By Plaintiff.* When a case is initially filed as a major case and thereafter the plaintiff decides to transfer the case to Compulsory Arbitration, a Praeceptum to Transfer from Major to Arbitration must be filed with the Prothonotary. Plaintiff shall indicate on the Praeceptum if there is an agreeable date for the Arbitration hearing. If no such date is agreed upon, the Prothonotary shall assign a hearing date no sooner than 60 days after filing of the Praeceptum. ]

a. *Within Six Months of Date of Filing.* When a case is initially filed as a major case, plaintiff may, within six (6) months of its commencement, transfer the case to compulsory arbitration without leave of Court by filing a Praeceptum with the Prothonotary who shall assign an arbitration hearing no sooner than sixty days hence. Plaintiff must serve notice of the arbitration hearing date upon all counsel of record and any unrepresented parties within forty-eight (48) hours after receipt of the Order scheduling the Arbitration Hearing and shall file an Affidavit of Service with the Prothonotary.

b. *After Six Months or Date of Filing.* When a case is initially filed as a major case and, after the expiration of six (6) months from the commencement date of the action, any party desires to transfer the case to Compulsory Arbitration, a Petition must be filed with the Prothonotary and Motion Court to Transfer from Major to Arbitration. The Petition shall be assigned to the Supervising Program Judge (defined hereunder). If the Petition to Transfer from Major to Arbitration is granted, the Prothonotary shall assign an Arbitration Hearing no sooner than sixty (60) days hence. Counsel for a party requesting transfer must serve notice of the hearing date up on all counsel of record and any unrepresented parties within forty-eight (48) hours after receipt of the Order scheduling the Arbitration Hearing and shall file an Affidavit of Service with the Prothonotary.

(2) *Supervising Program Judge.* The Supervising Program Judge for purposes of subsection (1)b. above is defined as the Team Leader of the respective Day Backward or Day Forward Team to which the case is assigned. If the case has not been specifically assigned, the Motion Court Judge will be the Supervising Judge. [ *By Defendant.* If it appears that the amount in controversy does not exceed the arbitration limits, the defendant may transfer the case to the Arbitration Program only by leave of Court. ]

(3) *By Court.* As provided by Pa.R.C.P. No. 1021(d).

*Explanatory Note:* Pa.R.C.P. No. 1021(d) provides that "The Court on its own motion or motion of any party may by discovery, pre-trial conference, hearing or otherwise, determine the amount actually in controversy and enter an order of reference to arbitration. [ " ] The within local rule does not limit the Court from transferring appropriate cases to Compulsory Arbitration.

**Adopted by the Board of Judges of Philadelphia County on November 16, 1995.”**

[Pa.B. Doc. No. 96-36. Filed for public inspection January 12, 1996, 9:00 a.m.]

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## Title 255—LOCAL COURT RULES

### CLINTON COUNTY

**Amending Rule of Misc. Proc. 202(b); Rescinding  
Rule of Misc. Proc. 202A**

#### Order of Court

*And Now*, this 29th day of December, 1995, due to the dismantling of the Health Care Conciliation Program of the Commonwealth of Pennsylvania *It Is Hereby Ordered and Decreed* as follows:

1. Clinton County Rule of Miscellaneous Procedure 202(b) is *Amended* to read:

(b) Praecepte for Trial:

**The only cases to be placed on the trial list are those directed by praecipe of an interested party or by an Order of Court.** A party praeciping a matter for trial shall certify that:

2. Clinton County Rule of Miscellaneous Procedure 202A is *Rescinded*.

3. These changes are effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of the Pennsylvania Courts and two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

*By the Court*

RICHARD N. SAXTON, Jr.,  
*President Judge*

[Pa.B. Doc. No. 96-37. Filed for public inspection January 12, 1996, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

#### [7 PA. CODE CH. 21]

#### General Provisions; Kennels; Licensure; Dog-Caused Damages

The Department of Agriculture (Department) amends Chapter 21 (relating to general provisions; kennels; licensure; dog-caused damages) as set forth in Annex A. These amendments are adopted under the authority of sections 206 and 902 of the Dog Law (act) (3 P. S. §§ 459-206 and 459-902) which, respectively, direct the Department to be the issuing agency for kennel licenses and delegate to the Department the power to adopt regulations necessary to implement the act.

Chapter 21 addresses the sanitation, housing, recordkeeping and other requirements attendant to kennel licensure. These amendments are intended to facilitate enforcement of the act by providing kennel licensees a clearer picture of what is expected of them. The amendments draw language from kennel regulations promulgated by the United States Department of Agriculture (USDA) at 9 CFR Chapter 1, Subchapter A, Part 3, which contain more specific language regarding housing and sanitation requirements for kennels.

#### Comments

Notice of proposed rulemaking was published at 24 Pa.B. 4205 (August 20, 1994), and provided for a 30-day public comment period.

Comments were received from four members of the Dog Law Advisory Board (Board), representing the Federated Humane Societies of Pennsylvania, the research community, the Pennsylvania Veterinary Medical Association and the Pennsylvania Federation of Dog Clubs, Inc. The Pennsylvania Legislative Animal Network (PLAN), the Erie Humane Society, the Society for the Prevention of Cruelty to Animals (SPCA), the Pet Industry Joint Advisory Council (PIJAC), two pet shop owners, three sporting dog groups, the Caernarvon Township Board of Supervisors (Lancaster County) and several other private individuals also offered comments. In addition, comments were received from the Independent Regulatory Review Commission (IRRC), the House Committee on Agriculture and Rural Affairs (House Committee) and three other Legislators.

The Pennsylvania Veterinary Medical Association, PLAN, the Pennsylvania Federation of Dog Clubs, the Federated Humane Societies of Pennsylvania, Senator Stewart J. Greenleaf, the SPCA and two other commentators offered general comments endorsing the proposed amendments.

In the course of its review of the proposed version of these amendments, the Office of Attorney General recommended that the term "attending veterinarian" be clearly defined at § 21.1 (relating to definitions). The Department inadvertently excluded this definition from the proposed amendments, but has included it in these final-form regulations.

After the Department submitted the proposed versions of these amendments to the Legislative Reference Bureau (LRB), the LRB made numerous editorial revisions to the text of the proposal before publishing it in the

*Pennsylvania Bulletin*. The revisions which the Department accepts are included in Annex A.

The House Committee noted that § 21.23 (relating to space) had been modified by deleting any reference to dog runs, and requested that the Department explain the space requirements that will be applicable to dog runs.

Section 21.23 sets forth the minimum space requirements for primary enclosures. By definition, at § 21.1, the term "primary enclosure" includes a "run." The space requirements for primary enclosures and runs, therefore, are identical. The Department deleted the reference to runs that had previously appeared at § 21.23(b) in order to clarify that the minimum space requirements in § 21.23 are applicable to all types of primary enclosures and that no particular type of primary enclosure is regarded differently than any other.

Section 21.23 had based the minimum space requirements for a primary enclosure upon the weight of the dog housed therein. That section has now been amended to base minimum space requirements upon the shape and size of the dog. The Pennsylvania Federation of Dog Clubs, Inc., offered its approval of this approach, noting that a 50 pound Basset Hound would not need as much space as a 50 pound Dalmatian.

The Erie Humane Society suggested that the section differentiate between short-term and long-term housing of dogs, and impose different minimum space requirements with respect to each. The Pennsylvania Federation of Dog Clubs, Inc., on the other hand, commented that dogs sheltered on a short-term basis require the same minimum space as dogs sheltered on a long-term basis.

In assessing the appropriate minimum space requirements for dogs, the Department does not believe it is necessary (or particularly enforceable) to differentiate between dogs that are sheltered on a short-term basis or a long-term basis. The basic minimum space necessary to protect a dog's health and well-being remains a constant.

Senator Roger A. Madigan, PIJAC and two pet shop owners offered comments against the space requirements in the proposal at § 21.23. In summary, these comments were based upon assertions that: 1) pet shop operators would be forced to incur substantial costs in rebuilding dog display cages and other primary enclosures to meet the new space requirements; 2) pet shop operators would have to display fewer dogs to the public and would lose business as a result; 3) the dogs housed in primary enclosures at pet shops are likely to be so housed for only short periods of time before sale; and 4) the space requirements set forth in the original proposal were adequate to protect the health of dogs housed at pet shops.

The SPCA and another commentator offered their support of the space requirements set forth in § 21.23 of the proposal.

The Department gave careful consideration to these comments, and concludes that an exception should be drawn to allow dogs which are kept on display and offered for sale to the public at licensed pet shop-kennels to be sheltered in primary enclosures that meet the minimum space requirements which preceded those set forth in this order. To this end, § 21.23(e) has been added.

In summary, subsection (e) is applicable only to dogs that are kept on display to the public and offered for sale

at licensed pet shop-kennels. A dog that is kept under these circumstances need not be kept in a primary enclosure that meets the minimum space requirements in § 21.23(b) and (c), as long as the primary enclosure either meets the minimum space requirements in subsection (e)(4)(i) or has been approved by the attending veterinarian in accordance with subsection (e)(4)(ii).

A dog that is not kept on display to the public, but is located at a licensed pet shop-kennel, is not subject to the exception in subsection (e).

The Department believes that proposed § 21.23 would have had an unreasonable adverse economic impact upon the pet shop industry. This is particularly so in light of the fact that pet shops have a built-in interest in making sure that dogs that are displayed for sale to the public are kept in primary enclosures that afford them adequate space. A pet shop risks a loss of business if potential customers believe that dogs that are displayed for sale to the public are not afforded adequate space to ensure their health and well-being. For these reasons, the Department agrees that the addition of § 21.23(e) is a reasonable accommodation of the pet shop industry's concerns.

IRRC recommended that the Department meet with PIJAC to find common ground which adequately addresses both the concerns of PIJAC and the goals of the proposed amendments' proponents.

Although the Department declines to implement this recommendation, it does so with the belief that the addition of subsection (e) has addressed PIJAC's primary concern by allowing the owner of a licensed pet shop-kennel to house dogs that are displayed for sale to the public in primary enclosures that meet the same minimum space requirements as were imposed upon them prior to this regulatory amendment, or that have been approved by the pet shop-kennel's attending veterinarian. In addition, a new representative of dog dealers has been appointed to the Board. That representative, who has been a pet shop owner for over 20 years, and the other members of the Board considered and approved this notice of final rulemaking at the Board's January 12, 1995, meeting.

PLAN suggested that § 21.24(a) (relating to shelters) be amended to add the requirements that housing facilities for dogs be constructed so as to preserve the body heat of any dog sheltered within. This language is also found in the Cruelty to Animals provisions of the Crimes Code, at 18 Pa.C.S. § 5511 (relating to cruelty to animals). Both Senator Greenleaf and IRRC supported PLAN's suggestion, although IRRC also recommended that the Department review the USDA kennel regulations at 9 CFR 3.2—3.4 (relating to indoor housing facilities, sheltered housing facilities and outdoor housing facilities, respectively) to determine whether these final-form regulations fully address the need to protect dogs from temperature extremes.

The Department accepts PLAN's suggestion, and has amended § 21.24(a) accordingly. The Department also reviewed the USDA kennel regulations in accordance with IRRC's recommendation and has determined that no greater depth of detail is necessary in order to protect dogs from temperature extremes. These final-form regulations incorporate the language from the USDA kennel regulations which the Department believes will enhance the clarity and enforceability of these amendments and protect the health and well-being of dogs sheltered at licensed kennels without establishing regulatory standards that fail to allow for reasonable variations based

upon the size, construction, location and other unique circumstances of an individual kennel.

Proposed § 21.24(c) would have required a licensed kennel that keeps dogs tethered outdoors and sheltered in dog houses to erect a fence at least 6 feet high around the dogs. In the Preamble which was published with the proposal, the Department stated that it would reevaluate this fencing requirement during the regulatory promulgation process, and that it may yet elect to delete this fencing requirement from the final version of the regulation.

The Department has, in fact, elected to delete this fencing requirement from § 21.24(c) of these final-form regulations.

The House Committee, Representative Sheila Miller and three representatives of hunting dog organizations offered comments in opposition to the proposed fencing requirement. IRRC, the Pennsylvania Veterinary Medical Association and three members of the Board offered comments in support of the proposed fencing requirement. At the January 12, 1995, meeting of the Board, though, the three members who had originally supported the proposed fencing requirement voted their endorsement of these final-form regulations.

The expense of erecting the required 6 foot fence was the primary objection to this proposed requirement. Commentators also noted that hunting dogs are the most common type of dog that would be affected by the proposed fencing requirement, and that it made questionable sense to protect kenneled hunting dogs from exposure to rabid animals or attacking animals when these dogs are exposed to the same dangers each time that they are released to pursue game animals in the wild. In addition, commentators observed that under the Rabies Prevention and Control in Domestic Animals and Wildlife Act (3 P. S. §§ 455.1—455.12) all dogs, including hunting dogs that are tethered outdoors at licensed kennels, are required to be vaccinated against rabies. It was also pointed out that, regardless of any vaccination requirement, dog owners have an economic interest in protecting their dogs from rabies and from attacks by other animals.

IRRC stated that it considers dogs that are involved in hunting foxes and raccoons to be a public health concern since they may become infected with rabies. The Department's Bureau of Animal Industry confirms that in the 3 most recent years for which annual rabies statistics have been compiled (1992, 1993 and 1994), there have been only two reported incidents of rabies in dogs. During those same 3 years, 51 rabid foxes and 536 rabid raccoons were reported. In both cases when rabid dogs were reported, the dogs were unlicensed strays. One was a pit bull and the other a mixed-breed. No statistical information is available to confirm whether the rabid dogs reported to the Department were wild dogs, dogs kept at licensed kennels or individually licensed dogs. Based on the statistical evidence available, the Department believes that Statewide rabies vaccination efforts have been effective with respect to dogs, and that there is no significant public health benefit that would be derived from the proposed fencing requirements.

On balance, the Department agrees that the fencing requirement in proposed § 21.24(c) should be deleted. That section has been amended accordingly.

Several comments were received with respect to rest boards, which are referenced at § 21.24(d). That subsection was originally applicable only to outdoor wire-floored primary enclosures. This order makes the subsection

applicable to indoor wire-floored primary enclosures, as well. In proposed form, this subsection would require wire-floored primary enclosures to either contain a rest board or have a solid floor covering at least 25% of the primary enclosure's total floor space.

One commentator expressed general opposition to allowing wire flooring in a primary enclosure. The commentator stated that dogs sheltered in wire-floored primary enclosures risk injury or disfigurement of their paws, and suggested that pet shops (which commonly use wire-floored primary enclosures) be prohibited from selling dogs. The Erie Humane Society recommended that the minimum percentage of solid floor space in a wire-floored primary enclosure that does not have a draft free place for resting off the wire floor be increased from 25% to 75%. IRRC suggested that the Department consider language from the USDA kennel regulation at 9 CFR 3.6(a)(2)(x), which requires that a primary enclosure contain a solid resting place large enough to comfortably hold its occupants.

The Department agrees that the language of proposed § 21.24(d) should be amended to adequately address the need for a solid resting surface. Since this subsection now addresses both indoor and outdoor wire-floored primary enclosures, and since indoor wire-floored primary enclosures are often smaller than their outdoor counterparts, a solid resting surface comprising 25% of an indoor wire-floored primary enclosure's floor space might meet the requirement of proposed subsection (d) without affording a dog adequate resting space.

For this reason the Department implemented IRRC's suggestion, and has revised subsection (d) of these final-form regulations to require solid resting surfaces that are large enough to hold the occupants of the wire-floored primary enclosure comfortably. This standard appears in the USDA kennel regulations at 9 CFR 3.6(a)(2)(x).

In further response to the comments received with respect to this subsection, the Department has added language to § 21.24(d) to require that flooring in a wire-floored primary enclosure be constructed so as to prevent the feet of a dog sheltered therein from passing through any opening in the floor. This new language, which was drafted with the assistance of the Board, should help prevent injury to dogs sheltered in these primary enclosures.

Proposed § 21.28 (relating to food, water and bedding) required that potable fluids be offered to kenneled dogs for at least two 1-hour periods each day. The Erie Humane Society offered the suggestion that this section be amended to require that water be made available to kenneled dogs at all times or at least 10 hours a day. The commentator offered two reasons in support of its suggestion: 1) it would be hard for the Department to prove that a kennel owner had not provided water for at least two 1-hour periods in a given day; and 2) if the two 1-hour periods were consecutive, a dog might go without water for 22-consecutive hours.

IRRC agreed with the Erie Humane Society's comment, and suggested that the Department borrow language from the USDA kennel regulations at 9 CFR 3.6(a)(2)(viii) and 3.10.

The Department accepts these comments to the extent that it has amended § 21.28(b) to require that potable fluids be offered to kenneled dogs for at least 6 hours each day, and to allow these 6 hours to be consecutive or staggered throughout the day.

The Department believes, though, that any standard that it sets with respect to the availability of potable fluids for kenneled dogs—be it the original standard, the proposed standard, the final-form standard or the USDA standard—will be difficult to enforce in that it might require 24-hour observation of a kennel in order to prosecute for a violation of that standard. The Department believes that there is merit to the Erie Humane Society's observation that the standard set forth in proposed § 21.28(b) might have resulted in a dog being deprived of water for too long a period (up to 22 hours); and bases its amendment of § 21.28(b) upon this observation. The Department notes that subsection (b) now imposes a stricter standard than does its counterpart in the USDA kennel regulations, at 9 CFR 3.10.

The Erie Humane Society suggested that § 21.32 (relating to food and water) be amended to require that dogs being transported be offered fresh water for 10 minutes at intervals of no greater than 3 hours, and that dogs under 6 months of age be offered fresh water for 10 minutes at intervals of no greater than 2 hours. The Department consulted with the Board on this subject. That Board agreed that § 21.32(b) should be amended to allow dogs in transport more frequent access to water, but felt that 6-hour and 4-hour intervals were adequate. Subsection (b) has been amended accordingly.

The Erie Humane Society also recommended that § 21.33 (relating to care in transit) be amended to require that dogs in transit be visually observed every 2 hours (rather than every 4 hours) in temperatures below 10° F or above 80° F.

The Department declines to implement this recommendation, in the belief that the current 4-hour observation interval is adequate.

The Erie Humane Society also suggested that § 21.51 (relating to lifetime dog license issuance) be amended to allow dogs with lifetime licenses to be identified by implanted microchips.

Although the Department believes that implanted microchips may one day be the means through which licensed dogs are commonly identified, section 201(b) of the act (3 P. S. § 459-201(b)) does not currently allow a dog with a lifetime license to be identified by any method of identification other than a tattoo. In addition, most, if not all, the enforcement authorities lack the equipment that would be necessary to read microchip implants in dogs. For these reasons, the Department declines to implement this suggestion.

Caernarvon Township, in Lancaster County, and IRRC requested that local zoning approval be made a prerequisite to the issuance of a kennel license by the Department.

The Department rejects this suggestion. The act does not provide a basis upon which the Department can refrain from issuing a kennel license once the conditions of licensure are met. A person seeking to operate a licensed kennel in this Commonwealth must obtain a kennel license and comply with local zoning. The Department views these as two distinct requirements, and is disinclined to entangle them.

In preparing these final-form regulations, the Department has come to the belief that it would be beneficial to all persons affected by these amendments if they were afforded a reasonable period within which to come into compliance. This order specifies that these final-form regulations will not become effective until 90 days after publication in the *Pennsylvania Bulletin* (April 12, 1996).

During that 90-day period, personnel from the Bureau of Dog Law Enforcement will endeavor to educate affected kennel licensees on their new responsibilities.

#### *Fiscal Impact*

##### *Commonwealth*

These amendments will impose no costs and have no fiscal impact upon the Commonwealth.

##### *Political Subdivisions*

These amendments will impose no costs and have no fiscal impact upon political subdivisions.

##### *Private Sector*

These amendments may impose additional costs upon the private sector. In particular, kennel license holders may incur costs in bringing their facilities into compliance with the sanitation, space and environmental requirements imposed by these amendments.

##### *General Public*

These amendments may impose some additional costs upon that portion of the general public which conducts business with licensed kennel operators. Costs incurred in bringing a kennel into compliance with these amendments may be passed along to its customers.

#### *Paperwork Requirements*

These amendments are not expected to result in an appreciable increase in paperwork.

#### *Contact Person*

Further information is available by contacting the Department of Agriculture, Attention: Richard Hess, Director, Bureau of Dog Law Enforcement, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 5, 1994, the Department submitted a copy of the notice of proposed rulemaking published at 24 Pa.B. 4205, to IRRC and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were approved by the Committees on October 16, 1995, and were approved by IRRC on October 19, 1995, in accordance with section 5(c) of the Regulatory Review Act.

#### *Findings*

The Department finds that:

(1) Public notice of intention to amend the regulations encompassed 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The modifications that were made to these amendments in response to comments received do not enlarge that purpose of the proposed amendments published at 24 Pa.B. 4205.

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

#### *Order*

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

(a) The regulations of the Department of Agriculture, 7 Pa. Code Chapter 21, are amended by amending §§ 21.1, 21.2, 21.4, 21.21—21.24, 21.26—21.29, 21.31, 21.32 and 21.41 and by adding § 21.30 to read as set forth in Annex A.

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

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

(d) This order shall take effect April 12, 1996.

CHARLES C. BROSIUS,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 25 Pa.B. 4741 (November 4, 1995).)*

**Fiscal Note:** Fiscal Note 2-90 remains valid for the final adoption of the subject regulations.

### **Annex A**

#### **TITLE 7. AGRICULTURE**

#### **PART II. DOG LAW ENFORCEMENT BUREAU CHAPTER 21. GENERAL PROVISIONS; KENNELS; LICENSURE; DOG-CAUSED DAMAGES**

#### **GENERAL PROVISIONS**

##### **§ 21.1. Definitions.**

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

*Account*—The Dog Law Restricted Account under section 1001 of the act (3 P. S. § 459-1001).

*Act*—The Dog Law (3 P. S. §§ 459-101—459-1205).

*Attending veterinarian*—A person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education or has a Certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, and who is either a licensed doctor of veterinary medicine in accordance with the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.33) or the holder of a valid temporary permit to practice veterinary medicine issued under authority of that act, and who has received training or experience in the care and management of dogs, and who is familiar with the relevant aspects of the kennel or kennel procedures with respect to which that person renders an opinion.

*Department*—The Department of Agriculture of the Commonwealth.

*Domestic fowl*—Chickens, turkeys, ducks, geese and guinea fowl.

*Employee of the Department*—An employee of the Department who is assigned responsibility in regard to enforcement of the act, including a State Dog Warden.

*Housing facility*—Any land, premises, shed, barn, building, trailer or other structure or area housing or intended to house dogs.

*Primary conveyance*—The main method of transportation used to convey dogs from origin to destination, such as a motor vehicle.

*Primary enclosure*—A structure used to immediately restrict a dog to a limited amount of space, such as a room, pen, run, cage, crate or compartment.

*Rest board*—A waterproof or water resistant platform that dogs may use to recline on, positioned off the floor of the kennel.

*Sanitize*—To make physically clean and to remove and destroy, to a practical minimum, agents injurious to the health of a dog.

*Secretary*—The Secretary of the Department.

**§ 21.2. Scope.**

The standards for operation of all classes of kennels in this Commonwealth are detailed in this chapter. These standards are in addition to requirements for kennels detailed in the act. Each type of kennel and the restrictive licensing fee are set forth in section 206 of the act (3 P. S. § 459-206).

**§ 21.4. Penalties.**

A person found in violation of any provision of this chapter shall be guilty of one of the following:

- (1) A summary offense for the first and second convictions under this chapter or the act within a 1-year period.
- (2) A misdemeanor of the third degree for a third or subsequent violation under this chapter or the act within 1 year of conviction for the first and second violations.

**KENNELS—PRIMARY ENCLOSURES**

**§ 21.21. Dog quarters.**

(a) Indoor and outdoor housing facilities for dogs shall be maintained in a manner to protect the dogs from injury and to contain the dogs.

(b) The interior building surfaces of housing facilities shall be constructed and maintained so that they are water resistant and may be readily sanitized.

(c) Adequate drains shall be provided to rapidly eliminate excess water from housing facilities.

**§ 21.22. Housing.**

(a) Dogs that display ferocious or aggressive behavior shall be kept inaccessible to other dogs.

(b) Dogs under quarantine shall be maintained separately from susceptible species of animals and humans according to conditions described in the quarantine notice.

(c) Adult dogs shall be segregated by sex except for health, welfare or breeding reasons.

(d) Dogs that are not acclimated to the outdoor temperatures prevalent in the area or region where they are maintained, breeds of dogs that cannot tolerate the prevalent outdoor temperatures without stress or discomfort (such as short-haired breeds in cold climates), and sick, infirm, aged or young dogs may not be kept in outdoor facilities unless that practice is specifically approved by the attending veterinarian.

**§ 21.23. Space.**

(a) Primary enclosures shall be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position.

(b) Each dog housed in a primary enclosure shall be provided with a minimum amount of floor space, which shall be calculated according to the following procedure:

- (1) Measure the length of the dog, in inches, from the tip of its nose to the base of its tail.
- (2) Add 6 inches to that number.
- (3) Square that sum.
- (4) Divide that product by 144.
- (5) That quotient equals the minimum required floor space for that dog, in square feet.

*Example:* A dog measures 24 inches from the tip of its nose to the base of its tail (Step 1). Adding 6 inches to that number (Step 2) gives a sum of 30 inches. Squaring that sum (Step 3) gives a product of 900 square inches. Dividing that product by 144 (Step 4) gives a quotient of 6.25. 6.25 square feet is the minimum amount of floor space which must be provided to that particular dog.

(c) Each bitch with nursing puppies shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than 5% of the minimum requirement for the bitch, the housing shall be approved by the attending veterinarian.

(d) The interior height of a primary enclosure shall be at least 6 inches higher than the head of the tallest dog in the primary enclosure when it is in normal standing position.

(e) Subsections (b) and (c) do not apply if all of the following conditions are met:

- (1) The dog is located in a kennel that is licensed under the act solely as a pet shop-kennel Class I, II, III or IV.
- (2) The dog is being offered for sale on a retail basis, or has been sold and is awaiting physical transfer to its new owner.
- (3) The dog is maintained in a primary enclosure that keeps the dog on display to patrons of the pet shop-kennel during its normal business hours.

(4) The primary enclosure meets one of the following conditions:

- (i) Affords each dog sheltered therein at least 5 square feet for a dog weighing 25 pounds or less, 8 square feet for a dog weighing more than 25 pounds but not more than 45 pounds, and 12 square feet for a dog weighing more than 45 pounds.
- (ii) Has been approved by the attending veterinarian, in advance and in writing, as being of adequate size to protect the health and well-being of the particular dog or dogs sheltered therein.

**§ 21.24. Shelters.**

(a) Dogs shall be provided access to shelter which protects them against inclement weather, preserves their body heat and keeps them dry. Housing facilities for dogs shall be constructed to provide for the health and comfort of the animals.

(b) Shelter shall be provided for dogs kept outdoors. Sufficient clean bedding material or other means of protection from the weather shall be provided.

(c) If dog houses with tethers are used as primary enclosures for dogs kept outdoors, the tethers used shall be placed or attached so that they cannot become entangled with other objects or come into physical contact with other dogs in the housing facility, and to allow the dog to roam to the full range of the tether. The tether shall be of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted collar that will not cause trauma or injury to the dog. The tether shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and allow the dog convenient access to the dog house and food or water container.

(d) A dog may be sheltered in a primary enclosure having wire flooring if the wire flooring is kept in good repair, is of mesh or slatted construction that does not allow the dog's feet to pass through any opening in the floor and does not otherwise cause injury to the dog. A dog being housed in a primary enclosure with wire flooring shall be provided with a draft free solid resting surface that, in the aggregate, is large enough to hold all the occupants of the primary enclosure at the same time comfortably.

(e) A dog may not be housed on a temporary or permanent basis in a drum or barrel dog house, regardless of the material of which the drum or barrel is constructed.

**§ 21.26. Ventilation in indoor housing facilities.**

Indoor housing facilities for dogs shall be sufficiently ventilated when dogs are present to minimize drafts, odors, ammonia levels and moisture condensation. Ventilation shall be provided by means of windows, doors, vents or air conditioners. Auxiliary ventilation from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dog housed therein in accordance with generally accepted husbandry practices.

**§ 21.27. Lighting in indoor housing facilities.**

Indoor housing facilities in kennels shall have ample lighting by natural or artificial means. Lighting in indoor housing facilities shall be sufficient to allow observation of the physical condition of the dogs so housed, and to allow observation of the sanitary condition of the indoor housing facility. Dogs housed in these facilities shall be provided a regular diurnal lighting cycle.

**§ 21.28. Food, water and bedding.**

(a) Dogs kept in kennels shall be fed at least once each day unless otherwise directed by a veterinarian. The food shall be free from contamination or disease, and shall be of sufficient quantity and nutritive value to maintain the health of the dogs.

(b) If potable water is not accessible to the dogs in their primary enclosures, potable fluids shall be offered to the dogs at least 6 hours daily unless otherwise directed by a veterinarian. The Department may require that a kennel licensee have samples of the water that it provides to dogs analyzed to confirm potability, and may require a licensee to submit the results of the water analysis to the Department. The analysis shall be conducted at the licensee's expense. The Department may also sample and analyze the water.

(c) Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination by excreta. The receptacles shall be durable and shall be kept clean. Self-feeders and waterers may be used but shall be sanitized regularly to prevent molding, deterioration or caking of feed.

(d) If bedding is used in primary enclosures, it shall be kept clean.

**§ 21.29. Sanitation.**

(a) Excreta shall be removed from the primary enclosure, including any floor area or ground surface beneath the primary enclosure, on a daily basis.

(b) Primary enclosures for dogs shall be sanitized a minimum of once daily, and as often as is necessary to prevent an accumulation of debris or excreta or a disease hazard. A dog may not be placed in a primary enclosure previously occupied unless the enclosure has been sanitized.

(c) The buildings and grounds of kennels shall be maintained, kept clean and in good repair to protect the animal from injury and to facilitate practices required by this chapter. Kennels shall have an effective program that controls ingress by insects, ectoparasites and avian and mammalian pests. Evidence of insects, ectoparasites and avian and mammalian pests or conditions that would allow or encourage infestation in a kennel are indicative of an ineffective program and unsanitary environmental sanitation in the kennel.

**§ 21.30. Condition of dog.**

An employe of the Department may visually observe the physical condition of a dog sheltered at a kennel. A dog sheltered at a kennel shall be free of infectious and contagious diseases, and shall be in general good health. If a dog exhibits signs of poor health, the kennel owner shall have proof of adequate veterinary care for the dog.

**KENNELS—PRIMARY CONVEYANCES**

**§ 21.31. General requirements.**

(a) The animal cargo space of primary conveyances used in transporting dogs shall be constructed to ensure the health, safety and comfort of the dogs contained therein and shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during the transportation.

(b) The animal cargo space of a primary conveyance shall be large enough to ensure that each dog contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position.

(c) A dog may not be placed in an animal cargo space that does not have adequate ventilation for each dog contained therein, and the primary enclosures shall be positioned in a manner so each dog has access to sufficient air for normal breathing. Unless the primary enclosure is permanently affixed to the conveyance, there shall be ventilation openings on two opposing walls of the primary enclosure. These openings shall be at least 16% of the surface area of each wall, and the total combined surface area of the ventilation openings shall be at least 14% of the total combined surface area of the walls of the primary enclosure. At least 1/3 of the ventilation area shall be located on the upper half of the primary enclosure.

(d) Primary enclosures used to transport dogs shall have a solid bottom to prevent leakage in shipment and



shall be cleaned and sanitized in a manner prescribed in § 21.29 (relating to sanitation).

(e) Primary enclosures used to transport dogs shall contain clean, absorbent bedding material, which is safe and nontoxic.

(f) Puppies—dogs 7 weeks of age or under—shall be separated from adult dogs, other than their dams, when being transported.

(g) The number of dogs in a primary enclosure shall be limited to assure each dog sufficient space to turn about freely, to stand erect and to lie down in a natural position.

**§ 21.32. Food and water.**

(a) Dogs being transported shall be fed at least once in every 24-hour period. Dogs under 6 months of age shall be fed at least once every 12 hours.

(b) Dogs being transported shall be offered fresh water for at least 10-consecutive minutes at intervals of no more

than 6 hours. Dogs under 6 months of age shall be offered fresh water for at least 10 consecutive minutes at intervals of no more than 4 hours.

**KENNELS—RECORDS**

**§ 21.41. General requirements.**

(a) Complete records shall be kept on dogs within a kennel or being transported in a primary conveyance as prescribed by section 207 of the act (3 P. S. § 459-207), and the records shall be kept at the kennel location or, when applicable, shall accompany dogs being transported.

(b) Kennels shall maintain records as required by section 207 of the act. Records shall be maintained on forms issued or approved by the Department.

[Pa.B. Doc. No. 96-38. Filed for public inspection January 12, 1996, 9:00 a.m.]

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# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 61, 63 AND 69]

### Fish Tournaments

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 61, 63 and 69 as set forth in Annex A. The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code of 1980) (code). The proposed amendments deal with fishing tournaments.

#### A. *Effective Date*

These proposed amendments will, if approved on final rulemaking, go into effect upon publication of an order adopting amendments.

#### B. *Contact Person*

For further information on the proposed amendments, contact Dennis Guise, Chief Counsel, (telephone 717-657-4525), P. O. Box 67000, Harrisburg, PA 17106-7000.

#### C. *Statutory Authority*

These amendments are published under the statutory authority of sections 741 and 2102 of the code (relating to control of property; and rules and regulations).

#### D. *Purpose and Background*

The proposed amendments update various Commission regulations relating to fishing tournaments.

#### E. *Summary of Proposal*

Under current regulations, fishing tournaments are subject to two permit requirements. Tournaments conducted using Commission access areas or property require a permit for special use of Commission property, and most other tournaments apply for and receive a special activities permit since they involve an unusual congregation of boats for a specific purpose.

In 1991, the Commission proposed to update its tournament regulations and published a notice of proposed rulemaking to seek comment on a comprehensive update. At the October 1991, meeting, the Commission, on an evenly divided vote, failed to approve the regulations as final rulemaking.

Based on input from interested sportsmen and the public, the staff was asked to revisit the subject of tournament regulations during 1994. Draft regulations were prepared and circulated to Commissioners and staff for comment. At the November joint meeting of the Commission's Committees on Fisheries and Law Enforcement, these draft regulations were discussed in considerable detail with representatives of various user groups, including groups that sponsor or participate in tournaments. In November, the Commission received a request from the American Bass Association of the Lake Erie Region to waive culling regulations for so-called catch-and-release tournaments. The Coalition of Concerned Pennsylvania Anglers has issued a position statement on fishing tournaments expressing alarm at the number of tournaments within this Commonwealth and the manner in which some tournaments are conducted.

In light of this interest and the need for updated tournament regulations, the Commission is publishing a

notice of proposed rulemaking and seeking public comment on the proposed updated tournament regulations set forth at Annex A. These proposed amendments are divided into two separate, but somewhat overlapping, sections. Section 53.24 (relating to tournament permit) relates to use of Commission property and § 63.40 (relating to fishing tournaments) relates to general tournament regulations. Both sections list some of the factors to be considered in reviewing applications for tournament permits and describe possible permit conditions. These factors provide expanded scrutiny of tournament applications focusing on fisheries impacts and impacts on fishing and boating opportunities of both tournament and non-tournament anglers and boaters. The proposed amendments encourage catch-measure-release tournaments in which the fish taken are not reduced to possession. The proposed amendments streamline permit procedures by providing for a single joint tournament permit for a tournament that applies to use Commission property. The proposed amendments also change the definition of a "fishing tournament" from a competitive event involving two or more anglers to one involving ten or more anglers.

Under the code, the entire control of Commission property is vested in the Commission, and the agency has broad discretion to regulate the use and protection of its property. The proposed amendments on use of Commission property include items that would not be applicable to general fishing regulations, such as regulation of parking and requirements to clean up and restore the site after the tournament.

The Commission recognizes that tournaments are an area of some controversy. Tournament anglers are vocal and organized. On the other hand, it is not uncommon for the Commission to receive complaints from anglers who have been unable to gain access to the water because of overcrowding or who are concerned about the impacts of increased fishing pressure caused by tournaments. The goal of the proposed regulations is to take a balanced approach to these divergent views. If adopted, the regulations would give the Commission more flexibility to deal with tournaments.

One of the more contentious issues related to tournament fishing relates to culling of fish. Under current regulations, culling is prohibited since a fish counts against the creel limit of the angler once it is reduced to possession by placing it in a livewell regardless of whether it is subsequently released. The tournament anglers insist that placing fish in carefully designed and operated aerated or recirculating livewells does not hurt the fish and that such fish may be returned to the waters from which taken without adverse impacts. Many other object to culling as a use of the resource for competitive purposes.

The proposed amendments seek public comment on a possible change to culling regulations. Under the proposal, a tournament could ask that its permit include a special provision permitting limited culling under carefully controlled circumstances involving use of aerated or recirculating temperature-controlled livewells. Using wording similar to that used in New York regulations, a single, uninjured largemouth bass or smallmouth bass that an angler is landing, measuring or in the process of releasing from a recirculated or aerated livewell will not be considered as part of the daily creel limit if the fish is caught during a tournament that meets certain strict requirements.

### F. Paperwork

The proposed amendments will not increase paperwork since nearly all fishing tournaments currently apply for one or more permits from the Commission. The proposed amendments do expand and clarify the criteria by which the Commission reviews applications for fishing tournaments.

### G. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 60 days after publication of this notice in the *Pennsylvania Bulletin*. The Commission will conduct two public hearings with regard to the proposed tournament regulations. One of the hearings will be held in the Harrisburg area and the other in the Erie area.

PETER A. COLANGELO,  
*Executive Director*

*(Editor's Note: Proposals to amend the following sections, proposed to be amended in this document, remain outstanding as noted: § 61.2—25 Pa.B. 5738 (December 16, 1995); § 61.3—25 Pa.B. 4134 (September 30, 1995); § 69.12—25 Pa.B. 5738 (December 16, 1995); § 69.13—25 Pa.B. 5738 (December 16, 1995).)*

**Fiscal Note:** 48A-53. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

##### Subpart A. GENERAL PROVISIONS

#### CHAPTER 53. COMMISSION PROPERTY

##### § 53.24. Tournament permit.

(a) [ *General.* The Commission finds that fishing tournaments that utilize Commission property constitute special uses of that property which place special demands on Commission facilities and may interfere with the opportunity of the general fishing and boating public to use the property for its intended purposes.

(b) *Special use permit required.*

(1) It is unlawful for a person to conduct a fishing tournament in which ten or more persons participate as anglers on a Commission lake or using a Commission access area without first obtaining a special use permit from the Executive Director or a designee.

(2) An applicant for a tournament permit shall apply at least 30 days before the date of the proposed tournament and indicate the following:

- (i) The date, time and place.
- (ii) The nature of the proposed tournament.
- (iii) The anticipated number of participants and water craft involved.
- (iv) The proposed disposition of fish caught.
- (v) The species and source of fish sought.
- (vi) The entry fees.
- (vii) The basis on which prizes may be awarded.

(3) It is unlawful to conduct a tournament on Commission-owned or -controlled property except in compliance with the permit conditions.

(4) Permit conditions may include cleanup requirements, such as a requirement for payment of a deposit to ensure the area is restored to its appearance before the event. ]

*Definition.* As used in this section, the term "fishing tournament" means an organized event in which ten or more individuals fish during a specified time period. An activity that involves one or more of the following factors is considered a fishing tournament:

(1) The event is sponsored or promoted by an individual or organization.

(2) The event involves the award of trophies, prizes or other recognition requirements for participants in the tournament.

(b) *General.* The Commission finds that fishing tournaments that use Commission property constitute special uses of that property which place special demands on Commission facilities and may affect the opportunity of the general fishing and boating public to use the property for its intended purposes.

(c) *Special use permit required.*

(1) *Special use permit.* It is unlawful for a person to conduct a fishing tournament on a Commission lake or using Commission access areas, without first obtaining a special use permit from the Executive Director or a designee.

(2) *Content of application.* An applicant for a special use permit for a fishing tournament shall apply at least 60 days before the date of the proposed tournament and indicate the following:

- (i) The date, time and place.
- (ii) The nature of the proposed tournament.
- (iii) The anticipated number of participants, watercraft and vehicles that will use Commission property.
- (iv) The proposed disposition of fish caught.
- (v) The species and source of fish sought.
- (vi) The entry fees.

(3) *Review of applications.*

(i) The Commission staff will review applications for special activity permits to conduct fishing tournaments on Commission property. The factors to be reviewed include:

(A) Whether the proposed tournament at the proposed time and location will have adverse impacts on the protection and management of fish in the waters to be fished in connection with the tournament. "Catch-and-release" tournaments will be given preference over tournaments that involve taking or killing fish.

(B) Whether the proposed tournament at the proposed time and location will impede or reduce fishing and boating opportunities for members of the angling and boating public who are not participants in the tournament.

(C) Whether the proposed tournament is scheduled on the opening weekend of the season for any species of game fish.

(D) Whether the proposed tournament at the proposed time and location competes with another tournament already permitted for the same time and place.

(E) Whether the proposed tournament at the proposed time and location may result in congestion of vehicles on Commission property or watercraft on the waters of this Commonwealth.

(F) Whether the sponsors of the proposed tournament have demonstrated their ability to conduct the tournament in accordance with the rules and regulations of the Commission and the conditions of the permit.

(ii) If the Bureau of Law Enforcement determines to deny the application for the special use permit for a fishing tournament, it will notify the applicant in writing of the denial and the reasons therefor. The applicant may, within 10 days of notification, request the Executive Director to reconsider the denial of the permit. If the Executive Director denies the permit after reconsideration, the applicant may appeal to the Commission in accordance with 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

(4) *Permit conditions.* The Bureau of Law Enforcement may impose conditions in connection with the issuance of a permit under this section. The conditions may include:

- (i) Requirements for offsite parking.
- (ii) Limitations on the numbers of boats or participants in the tournament.
- (iii) Limitations on the time or duration of the tournament.
- (iv) Limitations on taking, catching, possessing and killing fish, including, when appropriate for the protection and management of fish, requiring that the tournament be conducted as a catch-measure-and-release tournament.
- (v) Requirements for the proper disposal of fish taken in the tournament.
- (vi) Clean-up requirements, including a requirement for the posting of a bond or security to guarantee that Commission property is restored to its prior condition.
- (vii) Requirements for filing of catch reports within 10 days after completion of the tournament.
- (viii) Requirements for locating weigh-in stations and prize awarding events at locations that will not interfere with normal public use of Commission facilities.
- (ix) Upon request of an applicant for a tournament permit, the Commission may include a condition providing that a single, uninjured largemouth bass or smallmouth bass that an angler is landing, measuring or in the process of releasing from a recirculated or aerated livewell will not be considered as part of the daily creel limit if the fish is caught during a tournament that as part of its rules forbids the return of dead or distressed bass to the water, establishes a daily limit of less than the Statewide creel limit, requires use of recirculating or aerated temperature-controlled livewells, distributes to contestants instructions on the proper maintenance and use of livewells and limits the fishing hours to no more than 8 hours per day. This

permit condition will be included only in circumstances when the Commission finds that permitting limited culling will have no substantial adverse impacts on the protection and management of fish. The permit condition will provide that livewells used in the tournaments will be equipped with:

- (A) A direct water supply line to recirculate main lake water through the livewell.
- (B) Either a properly functioning timer set to run aeration at intervals of 5 minutes or less or constant running of the aerator from the time the first fish enters the livewell until the fish are removed.
- (C) Mandatory systems to ensure addition of oxygen to the livewell.
- (D) Mandatory cooling during summer months.

(d) *Prohibited acts.* It is unlawful to conduct a tournament on Commission-owned or -controlled property except in compliance with permit conditions. It is unlawful to conduct a tournament on Commission-owned or -controlled property on the opening weekend for any species of game fish unless the applicant has made an extraordinary showing that the proposed tournament will not interfere with normal fishing and boating activities and the Commission issues a special use permit containing a specific finding, based upon the applicant's showing, that the permitted activity will not constitute interference.

(e) *Joint permit.* An application for a special use permit under this section also constitutes an application for a special activity permit for a fishing tournament under § 63.40 (relating to fishing tournaments), and a permit issued under this section constitutes a joint permit for use of Commission property and for a fishing tournament under § 63.40.

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

\* \* \* \* \*

(c) It is unlawful to take, catch or kill more than 1 day's limit of a species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of a species of fish as specified in the [ following ] chart in subsection (d) except under the following circumstances:

\* \* \* \* \*

(3) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament permit; and fish tournaments), fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(4) Game fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess, while in the act of fishing, more than the limit allowed.

\* \* \* \* \*

§ 61.2. Delaware River and River Estuary.

\* \* \* \* \*

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the [ following ] chart in subsection (d) during 1 calendar day. A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

\* \* \* \* \*

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament permit; and fishing tournaments), fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned to the water by hand or basket and not thrown or dropped.

(5) Game fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess, while in the act of fishing, more than the limit allowed.

\* \* \* \* \*

§ 61.3. Pymatuning Reservoir.

\* \* \* \* \*

(b) It is unlawful to take, catch or kill more than 1 day's limit of a species of fish as specified in the chart in subsection (c) during 1-calendar day. It is unlawful to possess more than 1 day's limit of a species of fish as specified in the chart in subsection (c) except under the following circumstances:

\* \* \* \* \*

(3) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament permit; and fishing tournaments), fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned to the water unharmed.

(4) Game fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess, while in the act of fishing, more than the limit allowed.

\* \* \* \* \*

§ 61.4. Conowingo Reservoir.

\* \* \* \* \*

(c) It is unlawful to take, catch or kill more than 1 day's limit of a species of fish as specified in the chart in subsection (d) during 1 calendar day. It is unlawful to possess more than 1 day's limit of a species of fish as specified in the chart in subsection (d) except under the following circumstances:

\* \* \* \* \*

(3) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament permit; and fishing tournaments), fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned to the water unharmed.

(4) Game fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess, while in the act of fishing, more than the limit allowed.

\* \* \* \* \*

§ 61.7. Susquehanna River and tributaries.

\* \* \* \* \*

(c) It is unlawful to take, catch or kill more than 1 day's limit of a species of fish as specified in the [ following ] chart in subsection (d) during 1 calendar day. It is unlawful to possess more than 1 day's limit of a species of fish as specified in the chart in subsection (d) except under the following circumstances:

\* \* \* \* \*

(3) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to fishing tournament; or fishing tournaments), fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned to the water unharmed.

(4) Game fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess, while in the act of fishing, more than the limit allowed.

\* \* \* \* \*

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.40. [ Seasons for fishing ] Fishing tournaments.

(a) Definition. As used in this [ chapter ] section, the term "fishing tournament" means an organized event where [ two ] ten or more individuals fish during a specified time period. An activity that involves one or more of the following factors is considered a fishing tournament:

\* \* \* \* \*

(b) [ *Prohibition.* It is unlawful to conduct or participate in a fishing tournament involving the catch or attempted catch of a particular species of fish during the closed season for that species. ]

*Permits.* It is unlawful to conduct a fishing tournament on Commonwealth waters without obtaining a Special Activity Permit under this section.

(1) *Content of application.* An applicant for a special use permit for a fishing tournament shall apply at least 60 days before the date of the proposed tournament and indicate the following:

- (i) The date, time and place.
- (ii) The nature of the proposed tournament.
- (iii) The anticipated number of participants, watercraft and vehicles that will be involved in the tournament.
- (iv) The proposed disposition of fish caught.
- (v) The species and source of fish sought.
- (vi) The entry fees.

(2) *Review of applications.*

(i) The Commission staff will review applications for special activity permits to conduct fishing tournaments. The factors to be reviewed include:

(A) Whether the proposed tournament at the proposed time and location will have adverse impacts on the protection and management of fish in the waters to be fished in connection with the tournament. "Catch-and-release" tournaments will be given preference over tournaments that involve taking or killing fish.

(B) Whether the proposed tournament at the proposed time and location will impede or reduce fishing and boating opportunities for members of the angling and boating public who are not participants in the tournament.

(C) Whether the proposed tournament is scheduled on the opening weekend of the season for any species of game fish.

(D) Whether the proposed tournament at the proposed time and location competes with another tournament already permitted for the same time and place.

(E) Whether the proposed tournament at the proposed time and location may result in the congestion of watercraft on the waters of this Commonwealth.

(F) Whether the sponsors of the proposed tournament have demonstrated their ability to conduct the tournament in accordance with the rules and regulations of the Commission and the conditions of the permit.

(ii) If the Bureau of Law Enforcement determines to deny the application for the special activity permit for a fishing tournament, it will notify the applicant in writing of the denial and the reasons therefor. The applicant may, within 10 days of notification, request the Executive Director to reconsider the denial of the permit. If the Executive Director denies the permit after reconsideration, the applicant may appeal to the Commission in accordance with 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

(3) *Permit conditions.* The Bureau of Law Enforcement may impose conditions in connection with the issuance of a permit under this section. The conditions may include:

(i) Limitations on the numbers of boats or participants in the tournament.

(ii) Limitations on the time or duration of the tournament.

(iii) Limitations on taking, catching and killing fish, including, when appropriate for the protection and management of fish, requiring that the tournament be conducted as a catch-measure-and-release tournament.

(iv) Requirements for the proper disposal of fish taken in the tournament.

(v) Requirements for filing of catch reports within 10 days after completion of the tournament.

(vi) Upon request of an applicant for a tournament permit, the Commission may include a condition providing that a single, uninjured largemouth bass or smallmouth bass that an angler is landing, measuring or in the process of releasing from a recirculated or aerated livewell will not be considered as part of the daily creel limit if the fish is caught during a tournament that as part of its rules forbids the return of dead or distressed bass to the water, establishes a daily limit of less than the Statewide creel limit, requires use of recirculating or aerated temperature-controlled livewells, distributes to contestants instructions on the proper maintenance and use of livewells and limits the fishing hours to no more than 8 hours per day. This permit condition will be included only in circumstances when the Commission finds that permitting limited culling will have no substantial adverse impacts on the protection and management of fish. The permit condition will provide that livewells used in the tournaments will be equipped with:

(A) A direct water supply line to recirculate main lake water through the livewell.

(B) Either a properly functioning timer set to run aeration at intervals of 5 minutes or less or constant running of the aerator from the time the first fish enters the livewell until the fish are removed.

(C) Mandatory systems to ensure addition of oxygen to the livewell.

(D) Mandatory cooling during summer months.

(c) *Prohibited acts.* It is unlawful to conduct a tournament on Commonwealth waters except in compliance with permit conditions. It is unlawful to conduct a tournament on Commonwealth waters on the opening weekend for any species of game fish unless the applicant has made an extraordinary showing that the proposed tournament will not interfere with other fishing and boating activities and the Commission issues a special activity permit containing a specific finding, based upon the applicant's showing, that the permitted activity will not constitute interference. It is unlawful to conduct or participate in a fishing tournament involving the catch or attempted catch of a particular species of fish during the closed season for that species.

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES**

**Subchapter B. SPORT FISHING AND ANGLING**

**§ 69.12. Seasons, sizes and creel limits—Lake Erie.**

\* \* \* \* \*

(c) It is unlawful to take, catch or kill more than 1 day's limit of a species of fish as specified in the chart in subsection (d) during 1 calendar day. It is unlawful to possess more than 1 day's limit of a species of fish as specified in the chart in subsection (d) except under the following circumstances:

\* \* \* \* \*

(3) A fish caught that is not be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament permit; and fishing tournaments), fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned to the water unharmed.

(4) Game fish shall be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess, while in the act of fishing, more than the limit allowed.

\* \* \* \* \*

**§ 69.13. Seasons, sizes and creel limits—Lake Erie tributaries.**

\* \* \* \* \*

(c) It is unlawful to take, catch or kill more than 1 day's limit of a species of fish as specified in the chart in subsection (d) during 1 calendar day. It is unlawful to possess more than 1 day's limit of a species of fish as specified in the chart in subsection (d) except under the following circumstances:

\* \* \* \* \*

(3) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned to the water unharmed.

(4) Game fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess, while in the act of fishing, more than the limit allowed.

\* \* \* \* \*

[Pa.B. Doc. No. 96-39. Filed for public inspection January 12, 1996, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Apple Marketing Board; Requests for Proposals

The Pennsylvania Apple Marketing Program is issuing a Request For Proposal for merchandising, public relations and related services for the promotion of Pennsylvan-

nia apples. For a copy of the Request For Proposal, contact Brenda Beleski Briggs at (717) 783-5418 or by fax at (717) 783-4262. Bids must be received by 3 p.m. on March 1, 1996.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-40. Filed for public inspection January 12, 1996, 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 2, 1996.

#### BANKING INSTITUTIONS

##### Intrastate Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-29-95	Keystone Financial, Inc., Harrisburg, to acquire 100% of the voting shares of National American Bancorp, Inc., Towanda	Harrisburg	Effective

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-22-95	Butler Wick Trust Company Sharon Mercer County	One E. State St. Sharon Mercer County	Commenced Operations

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-29-95	Northern Central Bank, Williamsport, and First National Bank of Bradford County, Towanda surviving institution— Northern Central Bank, Williamsport	Williamsport	Effective
<i>Branches Acquired:</i>			
	312 Main Street Towanda Bradford County	U. S. Route 6 Wysox Bradford County	
	103 Taylor Avenue Wayalusing Bradford County	230 Desmond Street Sayre Bradford County	
	Front Street New Albany Bradford County	100 S. Henry Street South Waverly Bradford County	
	Colonial Plaza Shopping Center North Towanda Bradford County	422 North Elmira Street Athens Bradford County	



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	Route 220 Ulster Bradford County	R. D. 3 Gillett Bradford County	
12-29-95	Harris Savings Bank Harrisburg, and First Federal Savings and Loan Association of Harrisburg, Harrisburg surviving institution— Harris Savings Bank, Harrisburg	Harrisburg	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-26-95	First Valley Bank Bethlehem Northampton County	Centerville Square Route 30 and Centerville Road East Hempfield Twp. Lancaster County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-2-96	Mid-State Bank and Trust Company Altoona Blair County	1315 11th Avenue Altoona Blair County	Approved
1-2-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	540 Penn Street Reading Berks County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-29-95	Delaware Management Trust Company Philadelphia Philadelphia County	To restate Article 8 of the Articles of Incorporation in its entirety to authorize the trust company to make certain investments with this Department's prior written approval.	Approved and Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-41. Filed for public inspection January 12, 1996, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AFFAIRS

### Emergency Shelter Grant Program; Applications for Funding

The Department of Community Affairs has been invited to apply for funding through the U. S. Department of Housing and Urban Development.

The Emergency Shelter Grant Program is established within the Stewart B. McKinney Homeless Assistance Act. The grant will provide for the repair and operations of shelters which provide assistance to homeless families and individuals.

Applications may be submitted to the Department by local governments on behalf of homeless service providers through February 16, 1996. Application forms and instructions may be obtained by contacting the Department's regional offices. Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternate format (large type, braille, and the like) should contact David Chittister, Room 507 Forum Building, Harrisburg, PA 17120, telephone (717) 787-7156 to discuss how the Department may best accommodate their needs. The following is the listing of DCA Regional Offices and the counties they serve:

## DCA Regional Offices

Southeast Regional Office  
908 State Office Building  
Broad and Spring Garden Streets  
Philadelphia, PA 19130  
(215) 560-2256

Northeast Regional Office  
Suite 201 Samters Building  
101 Penn Avenue  
Scranton, PA 18503-2025  
(717) 963-4571

Northcentral and Southcentral Regional Office  
402 Finance Building  
Harrisburg, PA 17120  
(717) 787-7347

Southwest Regional Office  
413 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5002

Northwest Regional Office  
Third Floor, Rothrock Building  
121 West 10th Street  
Erie, PA 16501  
(814) 871-4241

Bucks, Chester, Delaware, Montgomery and Philadelphia.

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming.

Adams, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Somerset, Fulton, Huntingdon, Union, York.

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington, Westmoreland.

Cameron, Clarion, Clearfield, Crawford, Elk, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, Warren.

WILLIAM C. BOSTIC,  
*Secretary*

[Pa.B. Doc. No. 96-42. Filed for public inspection January 12, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact the Community Relations Coordinator at (717) 657-4585. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

**Application for National Pollutant Discharge Elimination System (NPDES) Permit to discharge to State waters.**

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

**PA 0021491.** Sewage, SIC: 4952, **Williamstown Borough Sewer Authority**, P. O. Box 44, Williamstown, PA 17098.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Wiconisco Creek, in Williams Township, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.375 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
Total Residual Chlorine	0.5			1.63
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	13,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0024350.** Sewage, SIC: 4952, **Dauphin Borough Municipal Authority**, Delaware and Canal Streets, P. O. Box 487, Dauphin, PA 17018.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Susquehanna River, in Dauphin Borough, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.20 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
Total Residual Chlorine	0.5			1.63
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	100,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0080721.** Sewage, SIC: 6515, **Frank Perano** (Cedar Manor Mobile Home Park), Box 278, King of Prussia, PA 19406.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary of Conewago Creek, in Londonderry Township, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Borough Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.07 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH <sub>3</sub> -N				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
Total Phosphorus	2.0			4.0
Total Residual Chlorine	1.0			2.0
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
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 0024040.** Sewage, SIC: 4952, **Borough of Highspire**, 640 Eshelman Street, Highspire, PA 17034-1698.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Susquehanna River, in Highspire Borough, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
Total Phosphorus	2.0			4.0
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	100,000/100 ml as a geometric average			

The EPA waiver is not in effect.

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

**PA 0053864.** Industrial waste, **Plummer Precision Optics**, 601 Montgomery Avenue, Pennsburg, PA 18073.

This application is for renewal of an NPDES permit to discharge cooling water from the Plummer Precision Optics facility in Upper Hanover Township, **Montgomery County**. This is an existing discharge to unnamed tributary to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 94,000 gpd are as follows:

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

The proposed effluent for Outfall 002, based on an average flow of 6,700 gpd are as follows:

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

The EPA waiver is in effect.

**PA 0056707.** Industrial waste, **Alex C. Fergusson, Inc.**, Spring Mill Drive, Frazer, PA 19355.

This application is for issuance of an NPDES permit to discharge untreated stormwater from Alex C. Fergusson, Inc. facility in Charlestown Township, **Chester County**. This is a new discharge to Cedar Hollow, a tributary of Valley Creek.

The receiving stream is classified for cold water fish, warm water fish, migratory fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports, exceptional value waters and esthetics.

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	monitor/report	monitor/report
COD	monitor/report	monitor/report
Total Suspended Solids	monitor/report	monitor/report
Oil and Grease	monitor/report	monitor/report
Total Kjeldahl Nitrogen	monitor/report	monitor/report
Phosphorus (as P)	monitor/report	monitor/report
Iron Dissolved	monitor/report	monitor/report
pH	monitor/report	monitor/report
MBAS Surfactant	monitor/report	monitor/report

The EPA waiver is in effect.

**PA 0056545.** Industrial waste, **Graphic Packaging Corporation**, Matthews and Cedar Hollow Roads, P. O. Box 500, Paoli, PA 19301.

This application is for issuance of an NPDES permit to discharge untreated stormwater from an industry in Tredyffrin Township, **Chester County**. This is a new discharge to Little Valley Creek.

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

The proposed effluent limits for Outfalls 001, 002 and 003, are as follows:

<i>Parameter</i>	<i>Maximum Daily</i>
CBOD <sub>5</sub>	report
COD	report
Oil and Grease	report
pH	report
Total Suspended Solids	report
Total Kjeldahl Nitrogen	report
Total Phosphorus	report
Dissolved Iron	report

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

**PA 0209309.** SIC: 9959, **Travel Ports of America, Inc.**, 3495 Winton Place, Rochester, NY 14623.

This proposed action is for issuance of an NPDES permit for an existing discharge of treated industrial wastewater to an unnamed tributary to Bald Eagle Creek in Boggs Township, **Centre County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.0144 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total BTEX	100.0	200.0
Benzene	5.0	10.0
TPH-DRO	monitor	

The proposed effluent limits for Outfall 002 based on a design flow of 0.0144 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total BTEX	100.0	200.0
Benzene	5.0	10.0
TPH-GRO	monitor	

The EPA waiver is in effect.

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

**PA 0056731.** Sewage, **Historic Salem Village Homeowner's Association**, c/o Charles F. Line, R. D. 5, Box 25, Yellow Springs Road, Malvern, PA 19355.

This application is for issuance of an NPDES permit to discharge treated sewage from a small flow treatment facility to an unnamed tributary to Valley Creek in Tredyffrin Township, **Chester County**. This is a new discharge to unnamed tributary of Valley Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1,700 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus (as P)	1.0	2.0
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

**PA 0004979-A1.** Industrial waste, SIC: 2821, 2869 and 2818, **Neville Chemical Company**, 2800 Neville Road, Pittsburgh, PA 15225.

This application is for an amendment of an NPDES permit to discharge treated process water, cooling water, stormwater, leachate and untreated cooling water stormwater from Neville Chemical, Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters of the Ohio River (main channel and the back channel) classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Robinson Township Authority, located at Mile 8.8—Ohio River, 2.43 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.134 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>
Flow (mgd)	monitor and report			
BOD <sub>5</sub> day	29.075	77.164	26.000	69.000
TSS	46.967	150.964	42.000	135.000
Acenaphthene	0.024	0.066	0.022	0.059
Acenaphthylene	0.024	0.066	0.022	0.059
Acrylonitrile	0.107	0.271	0.096	0.242
Anthracene	0.024	0.066	0.022	0.059
Benzene	0.042	0.152	0.037	0.136
Benzo(a)Anthracene	0.024	0.066	0.022	0.059
3,4-Benzo-Fluoranthene	0.025	0.068	0.023	0.061
Benzo(k)Fluoranthene	0.024	0.066	0.022	0.059
Benzo(a)Pyrene	0.025	0.068	0.023	0.061
Bis(2-Ethylhexyl) phthalate	0.115	0.312	0.103	0.279
Carbon Tetrachloride	0.020	0.043	0.018	0.038
Boron	268.00	318.00	monitor and report	
Chlorobenzene	0.016	0.032	0.015	0.028
Chloroethane	0.016	0.300	0.104	0.268
Chloroform	0.024	0.052	0.021	0.046
2-Chlorophenol	0.034	0.110	0.031	0.098
Chrysene	0.024	0.066	0.022	0.059
Di-N-Butylphthalate	0.030	0.063	0.027	0.057
1,2-Dichlorobenzene	0.086	0.182	0.077	0.163
1,3-Dichlorobenzene	0.034	0.049	0.031	0.044
1,4-Dichlorobenzene	0.016	0.032	0.015	0.028
1,1-Dichloroethane	0.024	0.066	0.022	0.059
1,2-Dichloroethane	0.076	0.236	0.068	0.211
1,1-Dichloroethylene	0.018	0.028	0.016	0.025

	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>
1,2-trans-Dichloroethylene	0.024	0.061	0.021	0.054
2,4-Dichlorophenol	0.043	0.125	0.039	0.112
1,2-Dichloropropane	0.171	0.257	0.153	0.230
1,3-Dichloropropylene	0.033	0.049	0.029	0.044
Diethylphthalate	0.091	0.228	0.081	0.203
2,4-Dimethylphenol	0.020	0.040	0.018	0.036
Dimethylphthalate	0.021	0.053	0.019	0.047
4,6-Dinitro-o-Cresol	0.087	0.310	0.078	0.277
2,4-Dinitrophenol	0.080	0.138	0.071	0.123
2,4-Dinitrotoluene	0.126	0.319	0.113	0.285
2,6-Dinitrotoluene	0.286	0.717	0.255	0.641
Ethylbenzene	0.035	0.121	0.032	0.108
Fluoranthene <sup>2</sup>	0.028	0.076	0.025	0.068
Fluorene	0.024	0.066	0.022	0.059
Fluoride	1,273.00	1,651.00	monitor and report	
Hexachlorobenzene	0.016	0.032	0.015	0.028
Hexachlorobutadiene	0.023	0.054	0.020	0.049
Hexachloroethane	0.024	0.061	0.021	0.054
Methyl Chloride	0.096	0.212	0.086	0.190
Methylene Chloride	0.044	0.100	0.040	0.089
Naphthalene	0.024	0.066	0.022	0.059
Nitrobenzene	0.030	0.076	0.027	0.068
Fluoroborate	monitor and report		monitor and report	
2- Nitrophenol	0.046	0.077	0.041	0.069
4-Nitrophenol	0.081	0.139	0.072	0.124
Phenol	0.016	0.029	0.015	0.026
Phenanthrene	0.024	0.066	0.022	0.059
Pyrene	0.028	0.075	0.025	0.067
Tetrachloroethylene	0.024	0.063	0.022	0.056
Toluene	0.029	0.090	0.026	0.080
Total Chromium	1.241	3.097	1.110	2.770
Total Copper	1.622	3.780	1.450	3.380
Total Cyanide	0.470	1.343	0.420	1.20
Total Lead	0.358	0.771	0.320	0.690
Total Nickel	1.890	4.451	1.690	3.980
Total Zinc	1.174	2.919	1.050	2.610
1,2,4-Trichloro-benzene	0.076	0.157	0.068	0.140
1,1,1-Trichloro-ethane	0.024	0.061	0.021	0.054
1,1,2-Trichloro-ethane	0.024	0.061	0.021	0.054
Trichloroethylene	0.024	0.061	0.021	0.054
Vinyl Chloride	0.116	0.300	0.104	0.268
pH	6.0—9.0			

Outfall 201: existing discharge to Outfall 003. Design discharge flow of 2.484 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>
Flow (mgd)	monitor and report		<i>Monthly</i>	<i>Daily</i>
Temperature				110°F
Benzene			monitor and report	
Toluene			monitor and report	
Xylenes			monitor and report	
Vinyl Chloride			monitor and report	
Styrene			monitor and report	
Hexachlorobenzene			monitor and report	
pH	6.0—9.0			

Outfall 004: existing discharge to the Ohio River—Main Channel. Design discharge flow of 0.245 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average	Maximum	Average	Maximum
	Monthly monitor and report	Daily	Monthly	Daily
Flow (mgd)				
TSS			30	60
Oil and Grease			15	30
Acetone			monitor and report	
Benzene			0.032	0.064
Cis-1,2-Dichloroethylene			0.004	0.008
Ethylbenzene			0.035	0.070
Methylene Chloride			0.065	0.13
Methyl Isobutylketone			0.091	0.18
Naphthalene			0.548	1.09
Toluene			0.028	0.056
P-Xylene			0.057	0.114
Total Iron				7
pH	6.0—9.0			

**Part C: Other Requirements**

Part C.7 was added to the permit to require additional data to be provided on Boron, Fluoride and Fluoroborate at internal outfall 101.

The EPA waiver is not in effect.

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 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 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.

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

**NPDES Permit PAS104102.** Stormwater. **Lewis Run Borough**, 60 Main Street, Lewis Run, PA 16738, has applied to discharge stormwater from a construction activity located in Lewis Run Borough, **McKean County**, to East Branch Tunungwant Creek.

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

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

**A. 3195403.** Sewage, **Marklesburg Authority**, P. O. Box 24, James Creek, PA 16657 in Marklesburg Borough, **Huntingdon County** to construct a sewer extension, pump station, and an extended aeration sewage treatment plant was received in the Southcentral Region on September 18, 1995.

**A. 2295201.** Industrial waste, **Bethlehem Steel Corporation**, Steelton Plant, 215 South Front Street, Steelton, PA 17113 in Steelton Borough, **Dauphin County** to construct a water treatment system on the blowdown from the existing vacuum degasser process water treatment system was received in the Southcentral Region on December 13, 1995.

**NOI Received and Final Actions Under NPDES General Permits**

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to waters of the Commonwealth.



<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR123537	2	Utz Quality Foods Plant No. 1 900 High Street Hanover, PA 17331	York Hanover Borough	Susquehanna River	2096
PAR123538	2	Utz Quality Foods Plant No. 3 900 High Street Hanover, PA 17331	York/Adams Hanover/Conewago	Susquehanna	2096
PAR123539	2	Utz Quality Foods 900 High Street Hanover, PA 17331 Plant No. 2	York Hanover/Penn	Susquehanna	2096
PAR123536	2	Hershey Foods Technical Center P. O. Box 810 Hershey, PA 17033-0810	Dauphin Derry Twp.	UNT to Swatara Creek	2064
PAR143518	2	C-P Converters Inc. 15 Grumbacher Rd. York, PA 17402	York Manchester Twp.	Storm Sewer Codorus Creek	2751

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

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

**A. 4695506.** Public water supply. **North Penn Water Authority**, 300 Forty Foot Road, Lansdale, PA 19446. This proposal involves the construction of a new booster pumping station in Lower Salford Township, **Montgomery County**.

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

**A. 4195505.** **Tri-Lateral Investment Corporation**, (Heatherbrooke Estates Mobile Home Park), R. D. 5, Box 344, Muncy, PA 17756, Muncy Creek Township, **Lycoming County**. Use of drilled well no. 2 will chlorination as a source of water supply.

*Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**A. 3695514.** **Borough of Quarryville**, Quarryville Boro. Providence Twp., Eden Twp., E. Drumore Twp., **Lancaster County**, (Daniel Mylin, Borough Manager—Boro of Quarryville, 300 Saint Catherine Street, Quarryville, PA 17566), fluoride feed system to the Chase Well, (Gerald R. McClune, P.E., Acer Engineers & Consultants, Inc., 270 Granite Run Drive, Lancaster, PA 17601).

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

**A. 6195503.** **Rouseville Municipal Waterworks**, P. O. Box 317, 8 Main Street, Rouseville, PA 16344-0317. This proposal involves an electronic metering pump to be added to the existing system to dispense sequesterant (Aquamag) to wells no. 1 and no. 2 and springs no. 1 and no. 2 in Cornplanter Township, **Venango County**.

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**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), act of July 28, 1988, (P. L. 556, No. 101) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit I.D. No. 100933.** **Empire Sanitary Landfill, Inc.**, P. O. Box 28, Taylor, PA 18517. A Major Permit Modification, requesting an increase in the permitted average and maximum daily tonnage from 5,000 tons per day to 5,500 tons per day and from 5,500 tons per day to 6,000 tons per day for this Municipal Waste Landfill, located in Taylor and Old Forge Boroughs and in Ransom Township, **Lackawanna County**. This application was received on December 13, 1995 and was determined to be complete in the Regional Office on December 21, 1995.

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

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

**Permit No. 100008.** **Cresswell Landfill, Lancaster County Solid Waste Authority**, (1299 Harrisburg Pike, P. O. Box 4425, Lancaster, PA 17604). Application for request for reduction of bond for a site in Caernarvon Township, **Lancaster County**. Reduction of bond was granted December 18, 1995.

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**Applications (Form R) received for the modification of municipal and residual solid waste management permits to authorize the management of a previously unpermitted class of residual solid waste.**

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

**A. 101397.** **Homestand Land Corporation**, Greentree Landfill, 635 Toby Road, Kersey, PA 15846, located in Fox Township, **Elk County**. A permit modification to revise the acceptance procedures and permit the treatment of nonhazardous liquid wastes at the leachate treatment plant and to revise the Solid Waste Form

R—Waste Analysis and Classification Plan was determined to be administratively complete in the Regional Office on December 27, 1995.

### Acknowledgment of Notices of Intent to Remediate

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

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

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

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

**Gabe Staino Chrysler Plymouth**, Birmingham Township, **Delaware County**. Thomas R. Buggiey, 2325 Maryland Road, Willow Grove, PA 19090 has submitted a Notice of Intent to Remediate site soils contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide health standard.

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

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

**01-318-011**. Replacement of a finish spray paint booth by **Schindler Elevator Corporation** (1200 Biglersville Road, Gettysburg, PA 17325) in Cumberland Township, **Adams County**.

**06-1007A**. Replacement of three natural gas-fired reheat furnaces by **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) in Reading and Muhlenberg Township, **Berks County**.

**06-302-089A**. Modification of an existing multi-fuel boiler by **Dietrich Milk Products** (100 McKinley Avenue, Reading, PA 19605) in Muhlenberg Township, **Berks County**.

**06-308-028A**. Installation of a back-up lead-acid battery shredder and wet scrubber by **General Battery Corporation** (P. O. Box 14294, Reading, PA 19612-4294) in Laureldale, **Berks County**. The source is subject to Part 63, Subpart X of the National Emission Standards for Hazardous Air Pollutants.

**06-309-008B**. Installation of a fabric collector on a conveyor system by **Allentown Cement Company, Inc.** (P. O. Box 619, Blandon, PA 19510) in Maiden Creek Township, **Berks County**.

**06-313-006A**. Modification of the existing plastic powder processing plant by **Morton International, Inc.** (P. O. Box 15240, Reading, PA 19612-5240) in Reading, **Berks County**.

**06-318-075**. Installation of an electrocathodic dip coating system by **Reading Body Works, Inc.** (P. O. Box 650, Shillington, PA 19607) in Reading, **Berks County**.

**36-309-077B**. Installation of a back-up pneumatic conveying system for the no. 1 mottle line by **Armstrong World Industries, Inc.** (Liberty and Charlotte Street, Lancaster, PA 17604) in Lancaster City, **Lancaster County**.

**36-310-013D**. Modification of an existing source and installation of a new screen by **Compass Quarries, Inc.** (Stone Crushing Plant, 47 McIlvane Road, Paradise, PA 17562) in Paradise Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**36-310-023D**. Modification of an existing source and control device by **Compass Quarries, Inc.** (Lime Plant, 47 McIlvane Road, Paradise, PA 17562) in Paradise Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**36-320-026**. Construction of three new presses, modification of two existing presses and reactivation of an existing control device by **R. R. Donnelley & Sons** (Northeastern Division—Lancaster East—216 Greenfield Road, Lancaster, PA 17601-5885) in Lancaster City, **Lancaster County**.

**67-309-105**. Modification of the railcar transport tank operation by **The Pfaltzgraff Company** (P. O. Box 244, Bowman Road, Thomasville, PA 17364) in Jackson Township, **York County**.

### Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

**01-310-009F**. The Department intends to issue an air quality operating permit to **ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214) for a crushing and screening plant in Hamiltonban Township, **Adams County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**01-323-003**. The Department intends to issue an air quality operating permit to **AMP, Incorporated** (222

East King Street, East Berlin, PA 17316) for an electroplating line in East Berlin Township, **Adams County**.

**06-318-042C.** The Department intends to issue an air quality operating permit to **Reynolds Metals Company** (County Line Road, R. D. 1, Boyertown, PA 19512) for a flexible packaging operation controlled by a thermal oxidizer and a catalytic oxidizer in Colebrookdale Township, **Berks County**.

**36-302-181.** The Department intends to issue an air quality operating permit to **Grinnell Corporation** (1411 Lancaster Avenue, Columbia, PA 17512) for a natural gas-fired boiler in Columbia, **Lancaster County**. The source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**67-309-047C.** The Department intends to issue an air quality operating permit to the **J. E. Baker Company** (P. O. Box 1189, York, PA 17405) for a refractory specialties plant in West Manchester Township, **York County**.

**67-309-001D.** The Department intends to issue an air quality operating permit to the **J. E. Baker Company** (P. O. Box 1189, York, PA 17405) for a limestone crushing and handling operation in West Manchester Township, **York County**.

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

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

**60-303-002.** Construction of a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) by **Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) in Union Township, **Union County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

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

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

**17-302-021.** The Department intends to issue an operating permit to the **Moshannon Valley School District** (R. D. 1, Box 314, Houtzdale, PA 16651) for the operation of two coal/number 2 fuel oil fired boilers and associated air cleaning devices (centrifugal fly ash collectors) at the Moshannon Valley Jr/Sr High School in Bigler Township, **Clearfield County**.

**53-328-001.** The Department intends to issue an operating permit to **Tennessee Gas Pipe Line Company** (P. O. Box 2511, Houston, TX 77252-2511) for the operation of a natural gas fired turbine at Station 313 in Hebron Township, **Potter County**. This turbine is subject to Subpart GG of the Federal Standards Of Performance For New Stationary Sources.

**49-309-007H.** The Department intends to issue an operating permit to **Meckley's Limestone Products, Inc.** (R. D. 1, Box 950, Herndon, PA 17830) for the operation of a triple deck screen in Lower Mahanoy Township, **Northumberland County**.

**49-312-004C.** The Department intends to issue an operating permit to **Eldorado Properties Corporation,**

Owner, and Petroleum Products Corporation, Operator, (P. O. Box 2621, Harrisburg, PA 17105) for the operation of a bulk gasoline storage tank (no. 31) and associated air cleaning device (an internal floating roof with a metallic shoe seal) at the Northumberland Terminal in Point Township, **Northumberland County**. This tank is subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

**MINING ACTIVITY APPLICATIONS**

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

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—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. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 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 confer-

ence 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.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

*Coal Applications Received*

**43850105. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous surface strip operation in Pine and Mercer Townships, **Mercer and Butler Counties** affecting 96.0 acres. Receiving streams two unnamed tributaries to Swamp Run. Application received December 21, 1995.

**10890114. Rosebud Mining Company** (R. D. 2, Box 324B, Parker, PA 16049). Renewal of an existing bituminous surface strip operation in Bruin Borough and Parker Township, **Butler County** affecting 211.5 acres. Receiving streams unnamed tributaries to South Branch Bear Creek; South Branch Bear Creek. Application received December 21, 1995.

**33820142. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Revision to an existing bituminous surface strip operation in Porter Township, **Jefferson County** affecting 92.0 acres. Receiving streams unnamed tributary to Hamilton Run; Nye Branch to Pine Run. Revision to include a post-mining landuse change from "forestland" to "pastureland, land occasionally cut for hay" on the lands of Byron A. Kelsy. Application received December 18, 1995.

**16950109. Rosebud Mining Company** (R. D. 2, Box 324B, Parker, PA 16049). Commencement, operation and restoration of a bituminous surface strip operation in Toby Township, **Clarion County** affecting 311.0 acres. Receiving streams Fiddlers Run and an unnamed tributary to Black Fox Run. Application to include a stream encroachment to construct erosion and sedimentation control facilities within 100 feet of an unnamed tributary to Black Fox Run. Application received November 22, 1995.

**10930112. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Transfer of an existing bituminous surface strip, auger and coal preparation plant operation in Cherry Township, **Butler County** affecting 98.5 acres. Receiving streams an unnamed tributary to Slippery Rock Creek and Slippery Rock Creek. Transfer from D.W.L. Coal Co. Application received November 30, 1995.

**33840125. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip operation in Snyder Township, **Jefferson County** affecting 344.0 acres. Receiving streams Rattlesnake Creek and McEwen Run. Application for reclamation only. Application received December 4, 1995.

**16910101. Reichard Contracting, Inc.** (R. D. 3, Box 20, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip operation in Perry Township, **Clarion County** affecting 27.0 acres. Receiving streams two unnamed tributaries to the Allegheny River and two unnamed tributaries to Black Fox Run. Application for reclamation only. Application received December 7, 1995.

**33850115. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Renewal of an existing bituminous surface strip and auger operation in Perry Township, **Jefferson County** affecting 412.8 acres. Receiving

streams unnamed tributaries to Big Run; unnamed tributaries to Rose Run. Application for reclamation only. Application received December 7, 1995.

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

**11840110. Permit renewal, Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), commencement, operation and restoration of bituminous strip mine in West Carroll Township, **Cambria County**, affecting 107.0 acres, receiving stream Fox Run to west branch Susquehanna River, application received December 18, 1995.

**32850112. Permit renewal, B & W Coal, Inc.** (R. D. 1, Box 1275, Homer City, PA 15748), commencement, operation and restoration of bituminous strip mine in Young Township, **Indiana County**, affecting 59.5 acres, receiving stream Nesbit Run and Harpers Run, tributaries to Blacklegs Creek, application received December 19, 1995.

**11693000. K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692), permit revision to modify the 3,075 acre surface mine permit to include the land application of sewage sludge in Chest Township, **Cambria County**, receiving stream Rogues Harbor Run and Rock Run and unnamed tributaries to Chest Creek to west branch of Susquehanna River, application received December 14, 1995.

**11910101. Permit renewal, E. P. Bender Coal Company, Inc.** (Main and Lehmier Streets, Carrolltown, PA 15722), commencement, operation and restoration of bituminous strip mine in Reade Township, **Cambria County**, affecting 88.0 acres, receiving stream unnamed tributary to/and Powell Run, application received December 20, 1995.

**11850111. Permit renewal, E. P. Bender Coal Company** (P. O. Box 565-566, Carrolltown, PA 15722), commencement, operation and restoration of bituminous strip mine in Dean Township, **Cambria County**, affecting 160.0 acres, receiving stream unnamed tributary to Brubaker Run and Brubaker Run, application received December 20, 1995.

**32950109. Dunamis Resources, Inc.** (R. R. 4, Box 1542, Homer City, PA 15748), commencement, operation and restoration of bituminous strip mine in White Township, **Indiana County**, affecting 70.1 acres, receiving stream Yellow Creek and unnamed tributary to Yellow Creek to Two Lick Creek to Black Lick Creek to Conemaugh River, application received December 21, 1995.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**63841302. Maple Creek Mining, Inc.** (P. O. Box 517, Bentleyville, PA 15314), to renew and revise the permit for the Maple Creek bituminous deep mine in New Eagle Borough, **Washington County** to add permit and subsidence acres, no additional discharge. Application received December 19, 1995.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54900105R. Tuscarora Mines & Minerals Corp.** (Box 116, Tuscarora, PA 17982), renewal of an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 40.0 acres, receiving stream Schuylkill River. Application received December 19, 1995.

**54951303. International Anthracite Corporation** (One Norwegian Plaza, Suite 315, Pottsville, PA 17901), commencement, operation and restoration of an anthracite deep mine operation (Phase III), in Hegins Township, **Schuylkill County**, affecting 5.0 acres, receiving stream Good Spring Creek. Application received December 15, 1995.

*District Mining Operations, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**03910107R. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Washington Township, **Armstrong County**. Receiving streams unnamed tributaries to Limestone Run to the Allegheny River and unnamed tributaries to the Allegheny River. Renewal application received December 18, 1995.

**04840101R. Kerry Coal Company** (P. O. Box 19, Portersville, PA 16051). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Big Beaver Borough, **Beaver County**. Receiving streams Stockman Run to Beaver River to the Ohio River and unnamed tributary to Clarks Run to Beaver River to the Ohio River. Renewal application received December 19, 1995.

**65910102R. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**. Receiving streams Laurel Run Watershed. Renewal application received December 19, 1995.

**65950111. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Application received for commencement, operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, proposed to affect 73.8 acres. Receiving streams unnamed tributary to Saxman Run and unnamed tributary to Miller Run. A social and economic justification is included. Application received December 15, 1995.

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

*Large Noncoal Applications Received*

**31950301. Glass Bagging Enterprises, Inc.** (P. O. Box 120, Duncansville, PA 16635), commencement, operation and restoration of bituminous strip mine in Hopewell Township, **Huntingdon County**, affecting 55.0 acres, receiving stream unnamed tributaries to Shy Beaver Creek, application received December 21, 1995.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Noncoal Applications Received*

**7774SM2A1C. Berks Products Corporation** (726 Spring Street, Reading, PA 19603), correction to an existing quarry operation to add two additional lifts in Ontelaunee Township, **Berks County** affecting 152.0 acres, receiving stream Maiden Creek. Application received December 13, 1995.

**6176SM2A1C2. Berks Products Corporation** (726 Spring Street, Reading, PA 19603), correction to an existing quarry operation to add an additional lift in Maxatawny Township, **Berks County** affecting 21.7 acres, receiving stream none. Application received December 13, 1995.

**09840301C3. G.R.O.W.S., Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067), renewal of NPDES Permit #PA0614301 in Falls Township, **Bucks County**, receiving stream unnamed tributary to Delaware River. Application received December 15, 1995.

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

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 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.

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**Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), 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.**

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

**E18-207. Encroachment. Dept. of Transportation,** Eng. Dist. 2-0, 1924-30 Daisy St., Clearfield, PA 16830. The applicant proposes to remove an existing structure and to construct and maintain a precast box culvert to carry S.R. 1014, Seg. 90, across an unnamed tributary to the east branch of Hyner Run: a High Quality-Cold Water Fishery. The proposed structure shall be constructed with a span of 15.0 feet, an underclearance of 6.5 feet and a skew of 70 degrees that impacts 73.0 linear feet of stream, but does not impact any wetlands. The project is located approximately 2.7 miles west of the intersection of S.R. 0044 and S.R. 1014 (Glen Union, PA Quadrangle N: 20.4 inches; W: 12.3 inches) in Grugan Township, **Clinton County**.

**E18-208. Encroachment. Dept. of Transportation,** 1924-30 Daisy St., Clearfield, PA 16830. Remove the existing structure and to construct and maintain a prestressed, precast concrete box culvert with parallel wing walls having a span of 14 feet and a rise of 4 feet in Cleveland Hollow a HQ, CWF located approximately 2.82 miles northeast of the Village of Hyner on SR 1014 (Glen Union, PA Quadrangle N: 19.5 inches; W: 15.6 inches) in Chapman Township, **Clinton County**.

**E41-354. Encroachment. Robert J. Kinley,** Lycoming Creek Road, Williamsport, PA 17701. The applicant proposes to place fill in 0.2 acre of a .35 acre PEM wetland along an unnamed tributary to Lycoming Creek classified as a WWF. Purpose of the fill is for the construction of a

commercial business. Wetland replacement is proposed at a 1:1 ratio. The project is located at 2652 Lycoming Creek Road (Business S.R. 0015), (Cogan Station, PA Quadrangle N: 4.5 inches; W: 7.0 inches) in Loyalsock Township, **Lycoming County**.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), 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.**

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

**E10-231.** Encroachment. **R. Gordon Matthews & Associates**, 650 Washington Road, Pittsburgh, PA 15228. To install and maintain a 175-foot long, 72-inch wide reinforced concrete pipe culvert in Wolfe Run (WWF) and to place fill in a deminimus wetland area for a road crossing into Ehrman Farms, a residential community. Project site is located approximately 6,000 feet northeast of the intersection of S.R. 0019 and S.R. 3026 (Ehrman Road) (Mars, PA Quadrangle N: 21.0 inches; W: 12.5 inches) in Cranberry Township, **Butler County**.

**E25-532.** Encroachment. **Lake View Development Corp.**, Lake View Country Club, Route 89 Box 481, North East, PA 16428. To fill a deminimus area of wetlands less than 0.05 acre for the creation of a golf driving range at the Lake View Country Club. Project is located 500 feet east of S.R. 0089 approximately 2,000 feet south of the intersection of SR 0089 and I-90. Due to size of impacts (less than 0.05 acre) no replacement wetland area required (North East, PA Quadrangle N: 10.7 inches; W: 10.0 inches) in North East Township, **Erie County**.

**E27-052.** Encroachment. **Tennessee Gas Pipeline Company**, 2000 Corporate Drive, Suite 200, Wexford, PA 15090. To rehabilitate, maintain and operate existing 24-inch and 30-inch high pressure natural gas pipeline crossings of Hemlock Creek (EV, TSF, Wild Trout) and associated wetlands. Project is located approximately 1.9 miles northeast of the point where Venango County/Forest County/Clarion County meet (Tionesta, PA Quadrangle N: 7.0 inches; W: 13.4 inches) in Tionesta Township, **Forest County**.

**E43-247.** Encroachment. **Tennessee Gas Pipeline Company**, 2000 Corporate Drive, Suite 200, Wexford, PA 15090. To rehabilitate, operate and maintain a 14-inch (300-1) and a 30-inch (300-2) diameter high pressure natural gas pipelines across the impoundment of Lake Latonka Dam (DEP File No. D43-049) on Cool Spring Creek approximately 3,500 feet upstream of the dam (Jackson Center, PA Quadrangle N: 5.25 inches; W: 7.8 inches) in Coolspring and Jackson Townships, **Mercer County**. The lines are within a common right-of-way and are approximately 25 feet apart.

**E61-200.** Encroachment. **Tennessee Gas Pipeline Company**, 2000 Corporate Drive, Suite 200, Wexford, PA 15090. To rehabilitate, maintain and operate several existing 24-inch and 30-inch pressure natural gas pipeline crossings in the Hemlock Creek watershed (EV, TSF, Wild Trout). Specifically, the pipelines will cross: a 1.38-acre wetland approximately 3,000 feet west of the Porcupine Creek crossing (President, PA Quadrangle N: 3.9 inches; W: 9.05 inches), Porcupine Creek and associated wetlands (President, PA Quadrangle N: 4.6 inches; W: 7.85 inches), tributary to Porcupine Creek and associated wetland

(President, PA Quadrangle N: 5.1 inches; W: 5.05 inches), and Reese Run and associated wetlands (President, PA Quadrangle N: 5.85 inches; W: 1.7 inches). The pipeline crossings are located east of Coal Hill to the Venango County/**Forest County**, Pinegrove Township, **Venango County**.

*Southwest Regional Office: Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Permit Applications*

**E32-363.** Encroachment. **Clair L. and Donna M. Ruffner**, R. R. 6 Box 237, Indiana, PA 15701. To place and maintain fill along Crooked Creek for the purpose of development of a retail fuel service station located on the east side of S. R. 286, approximately 2.8 miles from S. R. 119 overpass (Clymer, PA Quadrangle N: 7.2 inches; W: 11.55 inches) in Rayne Township, **Indiana County**.

**E65-627.** Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To operate and maintain a bridge constructed under Emergency Permit No. EP6595205 to carry S. R. 2007, Segment 0010, Offset 0247 over Shupe Run and to maintain fill in a deminimus area of wetlands greater than or equal to 0.05 acre. The bridge is located 250 feet from the intersection of SR 0819 and SR 2007 (Mt. Pleasant, PA Quadrangle N: 6.2 inches; W: 5.1 inches) in Mt. Pleasant Township, **Westmoreland County**.

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641 relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southeast Regional Office: Bureau of Water Supply and Community Health, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WA 09-959A.** Water allocation. **Warrington Township Municipal Authority**, 852 Easton Road, Warrington, PA 18976. The applicant is requesting the right to purchase up to 250,000 gpd of potable water from North Wales Water Authority in Warrington Township, **Bucks County**.

**ACTIONS**

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

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

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


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*Permits Issued*

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

**NPDES Permit No. PA0043648.** Industrial waste, **Pennsylvania Electric Company**, 1001 Broad Street, Johnstown, PA 15907 is authorized to discharge from a facility located at Homer City Coal Cleaning Plant, Center Township, **Indiana County** to unnamed tributary of Cherry Run.

**NPDES Permit No. PA0098035.** Industrial waste, **American Refining Group, Inc.**, 2010 William Pitt Way, Pittsburgh, PA 15238 is authorized to discharge from a facility located at Indianola Facility, Indiana Township, **Allegheny County** to Deer Creek.

**NPDES Permit No. PA0217093.** Industrial waste, **Johnstown Wire Technologies**, 124 Laurel Avenue, Johnstown, PA 15906 is authorized to discharge from a facility located at Johnstown Plant, City of Johnstown, Cambria River to Conemaugh River.

**NPDES Permit No. PA0029840.** Sewage, **Armstrong County Commissioners**, Armstrong County Courthouse, Kittanning, PA 16201 is authorized to discharge from a facility located at Armsdale Sewage Treatment Plant, Rayburn Township, **Armstrong County** to Cowanshannock Creek.

**NPDES Permit No. PA0094099.** Sewage, **PA District Brethren Church**, 431 Salisbury Street Meyersdale, PA 15552 is authorized to discharge from a facility located at Camp Peniel Sewage Treatment Plant, Greenville Township, **Somerset County** to unnamed tributary of Miller Run.

**NPDES Permit No. PA0094471.** Sewage, **Forest Hills School District**, P. O. Box 158, Sidman, PA 15955 is authorized to discharge from a facility located at Forest Hills Senior High School Sewage Treatment Plant, Adams Township, **Cambria County** to South Fork Little Conemaugh River.

**NPDES Permit No. PA0094994.** Sewage, **Kennywood Park Corporation**, Idlewild Park Division, 4800 Kennywood Boulevard, West Mifflin, PA 15122 is authorized to discharge from a facility located at Idlewild Park Sewage Treatment Plant, Ligonier Township, **Westmoreland County** to Loyalhanna Creek.

**NPDES Permit No. PA0096377.** Sewage, **Forest Hills Municipal Authority**, P. O. Box 111, 401 Grant Street, South Fork, PA 15956 is authorized to discharge from a facility located at Crabapple Hill Sewage Treatment Plant, Adams Township, **Cambria County** to South Fork Little Conemaugh River.

**NPDES Permit No. PA0096547.** Sewage, **West Haven Nursing Home, Inc.**, P. O. Box 278, Goodview Drive, Apollo, PA 15613 is authorized to discharge from a facility located at West Haven Nursing Home STP, Washington Township, **Westmoreland County** to unnamed tributary to Beaver Run.

**NPDES Permit No. PA0098621.** Sewage, **Interstate R. V. Center, Inc.**, Jerry W. Seaman, R. D. 3, Box 00, Claysville, PA 15323 is authorized to discharge from a facility located at Interstate R. V. Center, Inc. Sewage Treatment Plant, Donegal Township, **Washington County** to Dutch Fork.

**NPDES Permit No. PA0217140.** Sewage, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701 is authorized to discharge from a facility located at Shelocta Sewage Treatment Plant, Armstrong Township, **Indiana County** to Crooked Creek.

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


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*Permits Issued*

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

**Permit No. 3095403.** Sewerage, **Consolidation Coal Company**, Northern West Virginia Region, P. O. Box 1314, Morgantown, WV 26507-1314. Construction of Sewage Treatment Plant located in Wayne Township, **Greene County** to serve the Kuhntown Mine Portal Sewage Treatment Plant.

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


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*Permits Issued*

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

**NPDES Permit No. PA0053503.** Industrial waste, **Ennis Oil and Burner Service Company**, Route 1 and Valley Brook Road, Chester Heights, PA 19017 is authorized to discharge from a facility located in Chester Heights Borough, **Delaware County** into an unnamed tributary to west branch of Chester Creek.

**NPDES Permit No. PA0056651.** Industrial waste, **Exxon Company, USA**, 140 South Village Avenue, Lionfield Building, Suite 200, Exton, PA 19341 is authorized to discharge from a facility located in the Borough of Jenkintown, **Montgomery County** into Tacony Creek.

**NPDES Permit No. PA0026018.** Sewerage, **Borough of West Chester**, Gay and Adams Streets, West Chester, PA 19380 is authorized to discharge from a facility located in East Bradford Township, **Chester County** to Taylor Run.

**NPDES Permit No. PA0056677.** Sewerage, **Steve and Carolini Macri**, 535 School House Lane, Willow Grove, PA 19090 is authorized to discharge from a single family home located in Plumstead Township, **Bucks County** to Geddes Run.

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

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

These actions of the Department may be appealed to the Environmental Hearing Board, Rachel Carson State Office Building, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under The Environmental Hearing Board (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing 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.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR106404	Henry T. and Lynn C. Butler P. O. Box 173 Harford, PA 18823	Susquehanna Lathrop Township	Holly Pond/ Martins Creek
PAS10S038	L & L Land Inc. One Landmark Centre East Stroudsburg, PA 18301	Monroe Jackson Township	UNT to Appenzell Creek

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

**Permit No. PA0112291.** Sewerage. **Stanley G. Robinson**, 332 Bombay Road, Howard, PA 16841 is authorized to discharge from facility located in Howard Township, **Centre County** to receiving waters named unnamed tributary to Bald Eagle Creek.

**Permit No. PA0112534.** Sewerage. **Spring Lake Village**, R. R. 4, Box 29, Selinsgrove, PA 17870 is authorized to discharge from facility located in Delaware Township, **Northumberland County** to receiving water named Delaware Run.

**Permit No. PA0209279.** Sewerage. **Robert and Roxanne Sarvis**, R. R. 1, Box 35A, Danville, PA 17821 is authorized to discharge from facility located in Madison Township, **Columbia County** to receiving waters named Little Fishing Creek.

**Permit No. PAG044816.** Sewerage. **James C. VanCampen**, 90 Selkirk Road, Williamsport, PA 17701 is authorized to discharge from facility located in Benton Township, **Columbia County** to receiving waters named Fishing Creek.

**Permit No. PAG044813.** Sewerage. **J. Calvin Dixon**, R. D. 2, Box 394, DuBois, PA 15801 is authorized to discharge from facility located in Sandy Township, **Clearfield County** to receiving waters named Muddy Run.

**Permit No. PA0114588.** Industrial waste. **Sun Company Inc.**, c/o Nancy L. Snyder, 10 Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699 is authorized to discharge from facility located in State College Borough, **Centre County** to receiving waters named Slab Cabin Run.

**Permit No. PA0024325.** Sewerage. **Muncy Borough Municipal Authority**, 14 North Washington Street, Muncy, PA 17756 is authorized to discharge from facility located in Muncy Borough, **Lycoming County** to water named west branch Susquehanna River.

**Permit No. 5395402.** Sewerage. **Roulette Township**, R. R. 1 Station Road, Roulette, PA 16746. Permit application has been approved for Roulette Township for construction of treatment facility to serve Roulette Township, **Potter County**. The design parameters, specifications and plans meet with Department approval and are consistent with the Domestic Wastewater Facility Manual.

**Permit No. 1995404.** Sewerage. **Robert and Roxanne Sarvis**, R. R. 1, Box 35A, Danville, PA 17821. Permit application has been approved for construction of a small flow treatment system to serve a four unit

The following approvals for coverage under NPDES PAG-2 General Permit for Discharges of Stormwater from Construction Activities have been issued.

apartment complex, located in Madison Township, **Columbia County**. The design meets requirements of the small flow treatment manual.

**Permit No. 4195405.** Sewerage. **Muncy Creek Township**, P. O. Box 336, Muncy, PA 17756. Permit application has been approved for construction of septic tank, dosing tank and grinder pump stations, to serve Muncy Creek Township, **Lycoming County**. The design meets requirements of the PA Domestic Wastewater Facilities Manual.

**Permit No. 0895406.** Sewerage. **Arthur Dean Beers**, R. R. 1, Box 279E, Monroeton, PA 18832. Permit application has been approved for construction of septic tank, dosing tank sand filter with liner and tablet chlorinator to discharge to an unnamed tributary to French Run. The facility is located in Monroe Township, **Bradford County**.

**Permit No. 1795409.** Sewerage. **J. Calvin Dixon**, R. D. 2, Box 394, Dubois, PA 15801. Permit application has been approved for construction of septic tank, sand filter, chlorinator to discharge to Muddy Run a cold water fishery. The facility is located in Sandy Township, **Clearfield County**.

**Permit No. 1895404.** Sewerage. **Bald Eagle Township Authority**, R. R. 2, Box 93, Mill Hall, PA 17751. Permit application has been approved for construction of sewers and five pump stations, to serve residential and commercial dwellings. Facilities located in Bald Eagle Township, **Clinton County**.

*Southeast Regional Office: Regional Manager Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6000.*

**Permit No. PA0026018.** Sewage. SIC: 4952, **Borough of West Chester**, Gay and Adams Streets, West Chester, PA 19380.

This notice reflects changes from the notice published in the May 6, 1995, *Pennsylvania Bulletin*:

Average interim limits for copper and total residual chlorine are revised to 0.07 mg/l and 0.8 mg/l respectively. Based on additional information, the final limits for copper and total residual chlorine are revised to 0.019 mg/l and 0.046 mg/l respectively. A requirement to conduct site-specific criteria study for copper has been added to the permit.

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

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



*Location:* Dover Township, **York County**, 2480 West Canal Road, Dover, PA 17315. The approved plan provided for enlarging the existing wastewater treatment plant to a new flow capacity of 8 mgd. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority.

*Location:* Glen Rock Borough, **York County**, P. O. Box 116, Glen Rock, PA 17327. The approved plan provided for enlarging and upgrading an existing .3 mgd wastewater treatment plant to a new flow capacity of .6 mgd. A sewer line replacement project will eliminate known sources of inflow and infiltration. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority.

*Location:* Tuscarora Township, **Perry County**, R. D. 1, Box 157, Millerstown, PA 17062-0702. The approved plan provided for establishing growth areas, on-lot education and administrative programs, a Well Drillers Ordinance, an On-lot Disposal Management Ordinance, replacement area testing and Zoning Ordinance amendments. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

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

**Permit No. 6594504.** Public water supply. **Westinghouse Electric Corporation**, Speciality Metals Plant, R. D. 4, Box 333, Blairsville, PA 15717. *Type of Facility:* Water treatment plant. *Consulting Engineer:* Chester Environmental, P. O. Box 15851, Pittsburgh, PA 15244. *Permit to Operate Issued:* December 22, 1995

**Permit No. 0285505-T1.** Public water supply. **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601. *Type of Facility:* Transfer of the Monongahela Boulevard Chlorination Station. *Consulting Engineer:* Bankson Engineers, 100 Blue Run Road, P. O. Box 200, Indianola, PA 15051. *Permit to Construct Issued:* December 28, 1995

**Permit No. 0391502.** Public water supply. **Rural Valley Borough**, Box 342, Rural Valley, PA 16249. *Type of*

*Facility:* Springs nos. 1 and 2. *Consulting Engineer:* Bankson Engineers, 100 Blue Run Road, P. O. Box 200, Indianola, PA 15051. *Permit to Construct Issued:* December 22, 1995

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

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

**I. D. No. 100265. Grand Central Sanitary Landfill**, 1963 Pen Argyl Road, Pen Argyl, PA 18072. A permit for a Major Permit Modification, authorizing the construction and operation of a municipal waste landfill, which includes an increase in the daily average tonnage limit to 1,800 tons per day while maintaining the maximum tonnage limit at 3,000 tons per day; a definition of the permitted area; an earthen materials stockpile plan; and a transfer of waste operation for waste received at Grand Central Landfill and unloaded on the landfill. The waste for this Municipal Waste Landfill, located in Plainfield Township, **Northampton County**, will then be reloaded and transported to other permitted solid waste disposal facilities. This permit provides for landfill operations for the next 8 years. The permit was issued by the Regional Office on December 18, 1995.

**I. D. No. 100022.** A permit for a Major Permit Modification, authorizing a permit reissuance of the Solid Waste Permit #100022 from the name of **Chrin Brothers** (a partnership) to **Chrin Brothers, Inc.** (a corporation) for this Municipal Waste Landfill, located in Williams Township, **Northampton County**. The permittee name change is the only change that is being authorized by this permit modification. The permit was issued by the Regional Office on December 5, 1995.

**Operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to operate air contaminant sources during the month of November, 1995.**

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

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
09-310-052A	Mellott, H. B. Estate, Inc.	Portable Rock Crushing Plant	Nockamixon Township, Bucks County
15-312-007A	Sico Co., The	Gasoline Bulk Plant	Oxford Borough, Chester County
46-399-066C	Elastomeric Technologies, Inc.	Conductive Silicone Connector Mfg. Proc.	Hatboro Borough, Montgomery County

*Regional Office: Northeast Regional Office, Regional Air Quality Manager, Two Public Square, Wilkes-Barre, PA 17811-0790.*

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
35-318-073	Loral Control Systems	6 Spray Paints, 2 Ovens	Archbald Borough, Lackawanna County

## NOTICES

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
35-399-030	Pennsylvania Extruded Tube Co. (PEXCO)	Cut-off Saw in Finishing Dept.	Scott Township, Lackawanna County
39-310-009A	Coplay Aggregates, Inc.	Jaw Crusher	Whitehall Township, Lehigh County
40-313-025A	National Starch & Chemical Co.	System 1—Blending/Mixing Tanks	Hazle Township, Luzerne County
40-399-036	NRG Barriers West, Inc.	Baghouse	Hazle Township, Luzerne County
48-302-076	GAF Premium Products, Inc.	No. 6 oil fired boiler	Wind Gap Borough, Northampton County
48-302-092	GAF Premium Products, Inc.	No. 2 Boiler 350HP, No. 6 Oil/Natural Gas	Wind Gap Borough, Northampton County
48-305-013	Bethlehem Steel Corp.	Coke Oven Battery 2A—Pushing	Bethlehem, Northampton County
48-318-122	GAF Premium Products, Inc.	Acrylic Tile Coater	Wind Gap Borough, Northampton County
48-319-001	GAF Premium Products, Inc.	Shingle punch presses (4, 5) and Coating Line	Wind Gap Borough, Northampton County
48-319-002	GAF Premium Products, Inc.	Shingle punch presses 1, 2 and 3	Wind Gap Borough, Northampton County
48-319-003	GAF Premium Products, Inc.	Asbestos Shingle Forming Line	Wind Gap Borough, Northampton County

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

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
01-308-006	Gettysburg Foundry	Shredder	Cumberland Township, Adams County
21-303-016	New Enterprise Stone & Lime Co., Inc.	Portable Blacktop Plant	Southampton Township, Cumberland County
22-320-006A	Hargrow Flexible Packaging	6-unit Flexographic Printing Press	Harrisburg, Dauphin County
31-309-029	Owens-Corning Fiberglass Corp.	South Forming Batch Level Dust Collector	Huntingdon Borough, Huntingdon County
36-302-179	Thaddeus Stevens State School of Technology	Water Tube Boiler	Lancaster City, Lancaster County
36-308-024D	C & D Charter Power Systems, Inc.	Central Vacuum System	Upper Leacock Township, Lancaster County
36-308-033J	C & D Charter Power Systems, Inc.	Plate Wrapping/Stacking	Upper Leacock Township, Lancaster County
36-308-055G	U.S. Aluminum Corp.	Aluminum Reverberating Furnace	Marietta Borough, Lancaster County
38-303-006	Pennsy Supply, Inc.	Hot Mix Asphalt Batch Plant	South Lebanon Township, Lebanon County

*Regional Office: Northcentral Regional Office, Regional Air Quality Manager, 208 West 3rd Street, Williamsport, PA 17701.*

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
08-316-007C	Masonite Corp.	Dryers and Cyclone	Wysox Township, Bradford County
08-318-012D	DuPont de Nemours, E. I. & Co., Inc.	Hold Tanks (8 MOS) and Mix Booths (2 MOS)	North Towanda Township, Bradford County
08-318-023B	Rynone Manufacturing Corp.	Furniture Production	Sayre Borough, Bradford County
12-399-002	Department of Transportation	Sandblasting operation	Lumber Township, Cameron County
12-399-011	Pennsylvania Presses Metals	Steam Treater	Emporium Borough, Cameron County

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
14-320-001A	Sonoco Products Co.	Corona Treatment Tunnel	Boggs Township, Centre County
17-309-013B	North America Refractories Co.	Crusher and Conveyors	Pike Township, Clearfield County
17-309-021B	North America Refractories Co.	Refractory Drying Oven	Pike Township, Clearfield County
41-310-008B	Stone, P., Inc.	Crusher	Limestone Township, Lycoming County

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

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
04-307-069A	Brighton Electric Steel Casting Co.	Mold Shakeout Sand Reclamation Unit	Beaver Falls, Beaver County
04-307-099A	Shasta, Inc.	3 Grinding Machines	Aliquippa Borough, Beaver County
04-309-035	Armstrong World Industries, Inc.	Perlite Expander	Beaver Falls, Beaver County
04-312-031	Interstate Chemical Co., Inc.	Aboveground Storage Tank	Beaver Borough, Beaver County
63-302-041	Flexsys America, L.P.	Two Boilers (NG/#2 Oil Fired)	Carroll Township, Washington County
63-308-037	Ritchey Metals Co., Inc.	Zinc Alloy Furnaces	Cecil Township, Washington County
65-399-030	Sony Corp. of America	Acid Bulb Washers	East Huntingdon Township, Westmoreland County

*Regional Office: Northwest Regional Office, Regional Air Quality Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
25-307-033	McInnes Steel Co.	Sandblast Cleaning Room	Corry, Erie County
25-327-003	Owens-Brockway Closure & Specialty Products	Vapor Degreaser	Erie City, Erie County
37-318-007A	United States Can Co.	Lithographic Line and Oven	Shenango Township, Lawrence County

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

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

**05-310-012B.** On December 19, 1995, the Department issued a plan approval to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for a portable limestone crushing plant controlled by wet suppression in Snake Spring Valley Township, **Bedford County**.

**21-312-021.** On December 21, 1995, the Department issued a plan approval to **Star Enterprise** (303 Fellowship Road, CS-18, Moorestown, NJ 08057) for a petroleum products loading rack controlled by a vapor combustion unit in Silver Spring Township, **Cumberland County**. The source is subject to 40 CFR 60, Subpart XX, Standards of Performance for New Stationary Sources.

**22-317-033A.** On December 19, 1995, the Department issued a plan approval to **Hershey Chocolate, USA** (19 East Chocolate Avenue, Hershey, PA 17033) for dry raw material handling systems controlled by 12 fabric collectors in Derry Township, **Dauphin County**.

**28-301-020.** On December 22, 1995, the Department issued a plan approval to **Bio-Oxidation, Inc.** (P. O. Box 8A, Greencastle, PA 17225) for four bio-oxidizer testing systems in Greencastle Borough, **Franklin County**.

**36-308-083.** On December 21, 1995, the Department issued a plan approval to **Alumax Mill Products, Inc.** (P. O. Box 3167, Lancaster, PA 17604) for a 72 inch aluminum cold rolling mill controlled by a cyclone separator in Manheim Township, **Lancaster County**.

*Northwest Regional Office: Air Quality Program, Devendra Verma, Engineering Services Chief, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6940.*

**61-320-001.** On December 21, 1995, a plan approval was issued to **Seneca Printing & Label, Inc.** (P. O. Box 1211, Franklin, PA 16323) for permitting existing lithographic printing lines (6) at DeBence Drive, Sandycreek Township, **Venango County**.

**MINING ACTIVITY ACTIONS**

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal

Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 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).

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

#### *Coal Applications Issued*

**17950110. K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of a bituminous strip-auger mine in Chest and Chest Townships, **Cambria and Clearfield Counties**, affecting 201 acres, receiving stream unnamed tributaries to/and Chest Creek, Crooked Run, application received June 8, 1995, permit issued December 18, 1995.

**32920101. Pitt Mining Company** (R. D. 3, Box 95B, Shelocta, PA 15774), permit revision to modify the 272.3 acre surface mine permit to include the land application of sewage sludge in Young Township, **Indiana County**, receiving stream unnamed tributaries to Gobblers Run to Gobblers Run to Crooked Creek, approval issued December 18, 1995.

**11950201. Ridge Energy Company** (R. D. 2, Box 429, Clymer, PA 15728), commencement, operation and restoration of a bituminous strip (Coal Refuse Reprocessing and Coal Refuse Disposal mine) in West Carroll Township, **Cambria County**, affecting 18.0 acres, receiving stream unnamed tributary to west branch Susquehanna River and west branch Susquehanna River, application received February 1, 1995, permit issued December 21, 1995.

**56950102. Dunamis Resources, Inc.** (R. R. 4, Box 1542, Homer City, PA 15748), commencement, operation and restoration of a bituminous strip-auger mine in Lincoln and Jenner Townships, **Somerset County**, affecting 278.1 acres, receiving stream two unnamed tributaries to Quemahoning Creek and Quemahoning Creek, application received February 28, 1995, permit issued December 21, 1995.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**32841602. Mears Enterprises, Inc.**, (P. O. Box 157, Clymer, PA 15728), to renew the permit for the Clymer Tipple in Cherryhill Township, **Indiana County**, no additional discharge. Permit issued December 20, 1995.

**56841315. Reitz Coal Company**, (509-15th Street, Windber, PA 15963), to revise the permit for the Camp Hamilton No. 24 bituminous deep mine in Paint Township, **Somerset County** to delete 10.0 surface acres, no additional discharge. Permit issued December 20, 1995.

**56743701. Custom Coals International**, (100 First Avenue, Suite 500, Pittsburgh, PA 15222), to transfer the Laurel Refuse area in Shade Township, **Somerset County** from Laurel Mines Corporation, no additional discharge. Permit issued December 15, 1995.

**32841301. Mears Enterprises, Inc.**, (P. O. Box 157, Clymer, PA 15728), to revise the permit for the Bear Run No. 2 bituminous deep mine in Banks Township, **Indiana**

**County** to add 1.5 surface acres and modify subsidence control plan, no additional discharge. Permit issued December 15, 1995.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54763013R2. Harriman Coal Corporation**, (P. O. Box 127, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Hegins, Frailey and Porter Townships, **Schuylkill County** affecting 658.0 acres, receiving stream none. Renewal issued December 21, 1995.

*District Mining Operations, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**65890107R. Heritage Mining Co., Inc.** (P. O. Box 126, Cresson, PA 16630). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Unity Township, **Westmoreland County**, affecting 46.1 acres. Receiving streams unnamed tributaries to Loyalhanna Creek. Renewal application received March 29, 1995. Renewal issued December 18, 1995.

**65950108. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 15.0 acres. Receiving streams unnamed tributary to Laurel Run to Jacobs Creek to the Youghiogheny River. Application received June 30, 1995. Permit issued December 20, 1995.

**04840101T. Kerry Coal Company** (P. O. Box 19, Portersville, PA 16051). Transfer permit issued from Grant R. Wright, Inc. for continued operation and reclamation of a bituminous surface mine with coal refuse disposal located in Big Beaver Borough, **Beaver County**, affecting 462.8 acres. Receiving streams unnamed tributary to Clark's Run to Clark's Run to Beaver River to Ohio River, and Stockman Run to Beaver River to Ohio River. Transfer application received May 2, 1994. Transfer permit issued December 20, 1995.

**65773019T. Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15610). Revision issued to add mining on the Upper Kittanning Coal Seam, add blasting, revise the erosion and sedimentation control plan, and to add 4.5 acres to an existing bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, now affecting 164.5 acres. Receiving streams unnamed tributaries to Laurel Run and Laurel Run. Revision application received May 24, 1995. Revision issued December 22, 1995.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *General Small Noncoal Authorizations Granted*

**45950801. John Heller**, (1233 Hellers Lane, Long Pond, PA 18334), commencement, operation and restoration of a small noncoal quarry operation in Tunkhannock Township, **Monroe County** affecting 1.0 acre, receiving stream none. Authorization granted December 18, 1995.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's 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 act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).**

*Permits Issued and Actions on 401 Certification:*

*Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**Environmental Assessment Approvals and Actions on 401 Certification**

**Environmental Assessment No. D45-140EA. Diane Snyder**, 298 Mutton Hollow Road, Snydersville, PA 18360. To remove accumulated sediment from the pool area of a dam across Kettle Creek (HQ-CWF) impacting approximately 0.9 acre of wetlands (PEM/PSS) for the purpose of maintaining the lake located adjacent to Township Road T-305 approximately 1.1 miles north of Snydersville (Saylorsburg, PA Quadrangle N: 18.0 inches; W: 6.75 inches) in Hamilton Township, **Monroe County**.

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

**E10-225. Encroachment. Adams Ridge, Inc.**, 1150 Broadhead Road, Monaca, PA 15061. To construct and maintain a 72-inch diameter RC pipe culvert having a length of 96 feet in a tributary to Kaufman Run for the extension of Norwegian Spruce Drive to Village 13 of the Adams Ridge development. To fill a total of 0.27 acre of wetland adjacent to the stream associated with the construction of the road crossing and the development of residential lots nos. 627 and 628 located upstream of the road crossing. This project is in the Adams Ridge development approximately 2,400 feet southwest of the intersection of S.R. 228 and Adams Ridge Boulevard (Mars, PA Quadrangle N: 10.0 inches; W: 10.1 inches) in Adams Township, **Butler County**. This project includes the creation of 0.3 acre of replacement wetland adjacent to the stream and upstream of the culvert crossing.

**E10-226. Encroachment. Hampton Concrete Products, Inc.**, 1435 Pittsburgh Road, Valencia, PA 16059. To

construct and maintain a 103-inch wide by 71-inch high CM pipe arch stream enclosure having a length of 400 feet in Glade Run east of S.R. 8 approximately 1,000 feet north of the Butler-Allegheny County line (Valencia, PA Quadrangle N: 9.0 inches; W: 7.9 inches) in Middlesex Township, **Butler County**.

**E42-239. Encroachment. B-B Electric & Systems Corporation**, 550 E. Main Street, P. O. Box 386, Bradford, PA 16701. To construct and maintain a 50-foot wide by 140-foot long addition to the existing B-B Electric & Systems Corporation building within the delineated FEMA floodway of Kendall Creek located upstream of East Main Street along the right side of the stream (Derrick City, PA-NY Quadrangle N: 16.9 inches; W: 17.0 inches) in the City of Bradford, **McKean County**. This permit was issued under section 105.13(e) "Small Projects".

**E19-147. Encroachment. Scott Township Supervisors**, 350 Tenny St., Bloomsburg, PA 17815. To repair, operate and maintain 340.0 linear feet of an existing levee for the purpose of flood protection along an unnamed tributary to the Susquehanna River. The proposed work will be conducted on a minimum of 85.0 linear feet that shall consist of repairing the existing levee to have a maximum height of 2.50 feet above existing ground elevation, a top width of 5.00 feet and an entirely riprap protection stream face. The project is located along the eastern right-of-way of S.R. 1001 approximately 500.0 feet northwest of the intersection of S.R. 0011 and S.R. 1002 (Bloomsburg, PA Quadrangle N: 2.9 inches; W: 4.2 inches) in Scott Township, **Columbia County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**SPECIAL NOTICES**

**Settlement Under the Hazardous Sites Cleanup Act**

Publicker Industries, Inc.  
City of Philadelphia

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, (35 P. S. §§ 6020.101—6020.1304) (HSCA), has entered into a settlement regarding the Publicker Industries, Inc. Federal Superfund Site (Site) in Philadelphia, Pennsylvania. This settlement was lodged with the United States District Court for the Eastern District of Pennsylvania by the Department and the United States Environmental Protection Agency (EPA) in the form of a Partial Consent Decree (Consent Decree) on December 28, 1995. The parties to the Consent Decree will move the Court to enter the decree, if appropriate, upon the satisfaction of statutory public notice requirements.

The settlement would resolve certain potential claims of the Department for injunctive relief, reimbursements of costs, and natural resource damages, against Publicker Industries, Inc. and American Cryogas Industries, Inc. (the Settling Corporate Defendants). The claims originate under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.A. §§ 9601—9675 (CERCLA), the Resource Conservation and Recovery Act, 42 U.S.C.A. §§ 6901—6992k, and HSCA. The settlement would require the Settling Corporate Defendants to pay the Department \$1 million, plus interest, over a period of approximately 4 years.

The settlement also would resolve certain potential claims of the EPA against the Settling Corporate Defendants, as well as against certain Federal agencies. The

settlement also would resolve certain potential claims of the Federal natural resource trustees (the Department of the Interior and the National Oceanic and Atmospheric Administration) against the Settling Corporate Defendants.

This notice is provided under section 1113 of HSCA (35 P. S. §§ 6020.1113). Under that section, the settlement shall become final upon the filing of the Department's response to the significant written comments. The Consent Decree which contains the specific terms of the settlement is available for public review and comment. The Consent Decree can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting Matthew Miller at (610) 832-6192. A public comment period on the Consent Decree will extend for 60 days from today's date. Persons may submit written comments regarding the Consent Decree to the Department by March 13, 1996, by submitting them to Matthew Miller at the above address.

[Pa.B. Doc. No. 96-43. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Air and Water Quality Technical Advisory Committee; Schedule of 1996 Meetings**

The Air and Water Quality Technical Advisory Committee (AWQTAC), including its Air and Water Subcommittees, announces its schedule of 1996 meetings. The meetings will be held in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, on the following dates:

<i>Date</i>	<i>Meeting</i>	<i>Time</i>
January 16	Air Subcommittee	10:30 a.m.
February 14	Air Subcommittee	(to be determined)
February 14	Water Subcommittee	(to be determined)
February 15	Full AWQTAC	9:30 a.m.
April 18	Full AWQTAC	9:30 a.m.
June 13	Full AWQTAC	9:30 a.m.
August 22	Full AWQTAC	9:30 a.m.
October 10	Full AWQTAC	9:30 a.m.
December 12	Full AWQTAC	9:30 a.m.

Questions concerning this schedule or agenda items concerning the full AWQTAC and the Water Subcommittee can be directed to Keith Gentzler at 772-2724 or e-mail at [Gentzler.Keith@a1.dep.state.pa.us](mailto:Gentzler.Keith@a1.dep.state.pa.us). Questions concerning Air Subcommittee issues can be directed to Arleen Shulman at 787-4310 or e-mail at [Shulman.Arleen@a1.dep.state.pa.us](mailto:Shulman.Arleen@a1.dep.state.pa.us). This schedule and an agenda for each meeting will also 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 Wanita Walters directly at (717) 772-2724 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. 96-44. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Cleanup Standards Scientific Advisory Board; Schedule of 1996 Meetings**

The Cleanup Standards Scientific Advisory Board, established by Act 2 of 1995, announces its schedule of 1996 meetings. Meetings will be held in the Rachel Carson State Office Building, 400 Market Street, Harrisburg on the dates listed. The 1-day meetings will begin at 8:30 a.m. and conclude at 4 p.m. The 2-day meetings will begin at 10 a.m. and conclude at noon on the second day.

- January 11
- February 2
- February 29-March 1
- April 17
- May 22-23
- June 12
- August 14-15
- October 16-17
- December 18-19

Questions concerning this schedule or agenda items can be directed to DEP's Bureau of Land Recycling and Waste Management at (717) 787-8179 (or e-mail at [Wooding.Marilyn@a1.dep.state.pa.us](mailto:Wooding.Marilyn@a1.dep.state.pa.us)). This schedule and an agenda for each meeting will also 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 787-8179 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. 96-45. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Coastal Zone Advisory Committee; Meeting Notice**

The Coastal Zone Advisory Committee will meet January 24, 1996, from 10 a.m. to 12:30 p.m. in the 2nd Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

Questions concerning the agenda can be directed to James Tabor at (717) 787-2529 or e-mail at [Tabor.James@a1.dep.state.pa.us](mailto:Tabor.James@a1.dep.state.pa.us). The agenda is also 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 James Tabor directly at (717) 787-2529 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. 96-46. Filed for public inspection January 12, 1996, 9:00 a.m.]

### Municipal Waste Stakeholders Group; Meeting Notice

Meetings of the Municipal Waste Stakeholders Group will be held on January 23 and 24, 1996, to finalize the recommendations of the Group for submission to the Department of Environmental Protection (DEP). The meeting on January 23, 1996, is expected to begin at 10 a.m. and 9 a.m. on January 24, 1996. The meeting location for both dates is the 14th Floor Conference Room in the Rachel Carson State Office Building located at 4th and Market Streets in Harrisburg.

Questions concerning this meeting can be directed to Keith Kerns, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, at (717) 787-7382 or through e-mail at kerns.keith@a1.dep.state.pa.us. The Group's recommendations will be available following the meeting through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons with a disability who wish to attend and require an auxiliary aid, service or other accommodation should contact Keith Kerns at (717) 787-7382 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. 96-47. Filed for public inspection January 12, 1996, 9:00 a.m.]

### Pennsylvania Bituminous Mine Safety Advisory Committee; Schedule of 1996 Meetings

The Pennsylvania Bituminous Mine Safety Advisory Committee announces its schedule of 1996 meetings. The meetings will be held at the Fayette County Health Center in Uniontown, Pennsylvania, at 10 a.m. on the following dates:

February 14  
April 10  
June 12  
August 14  
October 9  
December 11

Questions concerning this schedule or agenda items can be directed to Allison Trader at (412) 439-7469 or e-mail at [Trader.Allison@a1.dep.state.pa.us](mailto:Trader.Allison@a1.dep.state.pa.us). This schedule and an agenda for each meeting will also 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 Allison Trader directly at (412) 439-7469 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. 96-48. Filed for public inspection January 12, 1996, 9:00 a.m.]

### Six-Month Regulatory Agenda: January—June 1996

The Department of Environmental Protection (DEP) announces its 6-month regulatory agenda. This agenda will be published biannually and will list those proposed and final regulations which DEP is likely to forward to the Environmental Quality Board (EQB) for consideration in the approaching 6-month period.

The 6-month regulatory agenda for January through June 1996 includes these items:

#### *Proposed*

*Act 149 Sewage Facilities Amendments*—The second of two rulemakings to address Act 149 amendments, this proposal would offer local agencies incentives by increasing reimbursement for qualifying municipalities to administer onlot system permitting programs and delegating the new land development planning program to local agencies. The proposal includes several exemptions and waivers from current requirements and makes numerous changes to local agency permitting procedures. DEP is working with the Sewage Advisory Committee to develop this rule.

*Conformity of General Federal Activities*—This proposal would adopt EPA's General Conformity rule by reference. Under this Federal rule, departments, agencies or instrumentalities of the Federal Government are not permitted to engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable State Implementation Plan (SIP). The intent of integrating Federal actions with air quality planning is to protect the integrity of the Commonwealth's SIP by helping to ensure that SIP growth projections are not exceeded, emission reductions progress targets are achieved, and air quality attainment and maintenance efforts are not undermined. DEP is working with the Air and Water Quality Technical Advisory Committee to develop this rule.

*Open Market Trading Program for VOCs and NO<sub>x</sub>*—This is a proposed alternative compliance regulation proposed by EPA which would allow states to adopt open market emission trading programs without having to undergo revision to their State Implementation Plans (SIPs), thereby making compliance easier. Sources would be able to generate emission credits through discrete emission reductions. DEP is working with the Air and Water Quality Technical Advisory Committee to develop this rule.

*Storage Tank Technical Standards*—This proposal represents the final major new rulemaking for implementation of Pennsylvania's storage tank program. The rulemaking consists of minor revisions to Chapter 235, Subchapter A, and additions of Subchapters C, E, F and G, dealing with permitting, underground technical standards, aboveground technical standards and a simplified program for small aboveground tanks. DEP is working with the Storage Tank Advisory Committee to develop this rule.

*Universal Waste Rule*—This proposal would amend the hazardous waste regulations and govern collection and management of certain widely generated wastes identified

as universal wastes. Regulatory controls placed on certain hazardous wastes would be reduced to encourage recycling. DEP is working with the Solid Waste Advisory Committee to develop this rule.

*Corrections to Drainage Lists*—This proposal would contain a number of stream redesignations, including petitioned streams such as French Creek (Chester County), Sutton Creek (Luzerne County), Cove Creek (Bedford County), Cedar Run and Slate Run (Tioga and Lycoming Counties), and Trout Run (York County). It also contains minor corrections to drainage lists.

*Amendment to Chapter 285.147*—This proposal would make several changes to the municipal waste regulations concerning labeling requirements for infectious and chemotherapeutic waste. The proposal was initiated by DeRoyal Industries, Inc., of Knoxville, Tennessee, who petitioned the EQB to allow labeling in lieu of color requirements for containers. DEP is working with the Solid Waste Advisory Committee to develop this rule.

#### Final

*Stream Redesignations—Pine and Elk Creeks*—This proposal will provide Special Protection status for the Pine and Elk Creek Watersheds in Centre County. The streams were studied in response to a petition submitted by the Penns Valley Conservation Association. It was published for public review on December 3, 1994, and a public hearing was held in January 1995.

*Stream Redesignations—Tincum Creek, et al.*—Eleven streams were studied in this proposal. Five streams—Tincum, Unami, Pine, Sideling Hill, and Lofty Creeks—were studied as a result of petitions. With the exception of Lofty Creek, which was recommended to retain its current designation of Cold Water Fishes, all streams would be provided Special Protection status. It was published for public review on August 5, 1995.

*Stream Redesignations—Kettle Creek, et al.*—This proposal would upgrade several streams in Clinton, Centre, Dauphin, Blair and McKean Counties to High Quality or Exceptional Value status. None of the streams were studied as a result of a petition. It was published for public review on September 9, 1995.

*Sewage Amendments*—The first of two rulemakings to implement Act 149 amendments, this proposal addresses the 10-acre permit exemption and a process to resolve disputes involving mottled soils, as well as other provisions. It was published for public review on August 5, 1995. DEP is working with the Sewage Advisory Committee to finalize this rule.

*Municipal and Residual Waste/Sewage Sludge*—This proposal amends the municipal waste regulations by adding Subchapters I and J to Chapter 271, providing for the issuance of general permits for the beneficial use or processing of municipal waste/sewage sludge. The proposal also amends the residual waste regulations to provide consistency in the implementation of general permits between the two programs. It was published for public review on October 1, 1994. DEP is working with the Solid Waste Advisory Committee to finalize this rule.

The Department will add and delete items from the agenda in order to help keep the public informed on items likely to be considered. In addition, the Department will add initiatives developed through the Regulatory Basics Initiative to this agenda as they are being developed.

To inquire about the status of these items, contact Barbara Sexton, Regulatory Coordinator, at (717) 783-1303 or e-mail: Sexton.Barbara@a1.dep.state.pa.us.

Draft regulations, advisory committee meetings and other information related to the development of regulation changes can be found in the Public Participation Center on DEP's World Wide Web site at: <http://www.dep.state.pa.us>.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 96-49. Filed for public inspection January 12, 1996, 9:00 a.m.]

### Small Business Assistance Program Compliance Advisory Committee; Schedule of 1996 Meetings

The Small Business Assistance Program Compliance Advisory Committee announces its schedule of 1996 meetings. The meetings will be held in the 16th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, at 10:30 a.m. on the following dates:

April 24  
July 24  
October 23

Questions concerning this schedule or agenda items can be directed to Jon Miller at (717) 787-1663 or e-mail at [Miller.Jon@a1.dep.state.pa.us](mailto:Miller.Jon@a1.dep.state.pa.us). This schedule and an agenda for each meeting will also 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 Jon Miller directly at (717) 787-1663 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. 96-50. Filed for public inspection January 12, 1996, 9:00 a.m.]

### Solid Waste Advisory Committee; Schedule of 1996/1997 Meetings

Notice is hereby given of the 1996/1997 Solid Waste Advisory Committee (SWAC) meeting dates. SWAC meetings are generally held the second Thursday of every other month. Additional meetings may be scheduled to accommodate agenda items for the Committee. Meetings are expected to begin at 10 a.m. and will be held at the following locations, on the following dates:

January 11, 1996	—1st Floor Conference Room, RCSOB, Harrisburg
March 14, 1996	—1st Floor Conference Room, RCSOB, Harrisburg
January 11, 1996	—1st Floor Conference Room, RCSOB, Harrisburg
May 9, 1996	—1st Floor Conference Room, RCSOB, Harrisburg



- January 11, 1996 —1st Floor Conference Room,  
RCSOB, Harrisburg
- July 11, 1996 —RECYCLING FUND ADVISORY  
COMMITTEE  
1st Floor Conference Room, RCSOB,  
Harrisburg
- September 12  
and 13, 1996 —Kings Gap Environmental Educa-  
tion Center, Carlisle, PA
- November 14,  
1996 —1st Floor Conference Room,  
RCSOB, Harrisburg
- January 9, 1997 —1st Floor Conference Room,  
RCSOB, Harrisburg
- March 13, 1997 —1st Floor Conference Room,  
RCSOB, Harrisburg
- May 8, 1997 —1st Floor Conference Room,  
RCSOB, Harrisburg
- July 10, 1997 —RECYCLING FUND ADVISORY  
COMMITTEE  
1st Floor Conference Room, RCSOB,  
Harrisburg
- September 11  
and 12, 1997 —Kings Gap Environmental Educa-  
tion Center, Carlisle, PA
- November 13,  
1997 —1st Floor Conference Room,  
RCSOB, Harrisburg

The Rachel Carson State Office Building (RCSOB) is located at 4th and Market Streets in Harrisburg.

Questions concerning this schedule can be directed to Rose Prough, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, at (717) 787-9871. Persons may be placed on a mailing list to receive agendas of upcoming meetings by calling Rose Prough at this number. Questions concerning the agenda items can be directed to Gayle Leader at the same address and number or through e-mail at leader.gayle@a1.dep.state.pa.us.

Persons with a disability who wish to attend and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Gayle Leader directly at (717) 787-9871 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. 96-51. Filed for public inspection January 12, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Centre County Reference No. 08430AG1964

The Department of Transportation will retain an engineering firm to prepare final design plans for S. R. 0220, Section C11 in Worth Township beginning 1 mile southwest of Port Matilda and ending 1 mile Northeast of Port Matilda, Centre County. The project includes the design of 2.4 miles of S. R. 0220 consisting of a four lane divided, limited access highway with one interchange complex and 1.4 miles of a four lane divided, limited access highway required to connect S. R. 0322 with S. R. 0220. The

interchange complex consists of a conventional diamond interchange connecting S. R. 0220 with existing S. R. 0322 and two directional ramps connecting the limited access highways S. R. 0220 and S. R. 0322. This project includes the design of approximately seven single or multispan structures.

This project includes the preparation of one right-of-way plan with an anticipated submission being 12 months from the notice to proceed. One construction plan is anticipated with an assumed 18 month submission schedule. Five hundred scale digitized mapping will be available. This project will have an accelerated schedule.

The required services will include Intent to Enter notices; field surveys; Step 9 submissions; traffic control plans; Hydraulic Reports; 105 submissions; type, size and location studies; foundation studies; final bridge design; preliminary and final geotechnical studies; bidding and inspection of core borings; wetland mitigation design; right-of-way plans and final construction plans, specifications and estimates.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Technical questions concerning the requirements for this project should be directed to Vasco A. Ordonez, P. E., District 2-0, at (814) 765-0439.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

#### Centre County Reference No. 08430AG1965

The Department of Transportation will retain an engineering firm to prepare final design plans for S. R. 0220, Section C12 in Worth, Huston and Patton Townships beginning 1 mile northeast of Port Matilda and ending at the Mt. Nittany Expressway S. R. 0322, Centre County. The project includes the design of 6.4 miles of S. R. 0220 consisting of a four lane divided, limited access highway with one interchange, partial cloverleaf type. This project includes the design of approximately six single or multispan structures.

This project includes the preparation of one right-of-way plan with an anticipated submission being 12 months from the notice to proceed. One construction plan is anticipated with an assumed 24 month submission schedule. Five hundred scale digitized mapping will be available. This project will have an accelerated schedule.

The required services will include Intent to Enter notices; field surveys; Step 9 submissions; traffic control plans; Hydraulic Reports; 105 submissions; type, size and location studies; foundation studies; final bridge design; preliminary and final geotechnical studies; bidding and inspection of core borings; wetland mitigation design; right-of-way plans and final construction plans, specifications and estimates.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Technical questions concerning the requirements for this project should be directed to Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

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 performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

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. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."

2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint

venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. 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.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women 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.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

a. Specialized experience and technical competence of firm.

b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

c. Current workload and capacity of firm to perform the work within the time limitations.

d. Location of consultant.

e. Special requirements of the project.

f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees per-

forming work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-52. Filed for public inspection January 12, 1996, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Tagged-Fish Contest

The Fish and Boat Commission has received an application to conduct a tagged-fish contest on a boundary lake under section 2907.1 of the Fish and Boat Code of 1980 (30 Pa.C.S. § 2907.1) and 58 Pa. Code §§ 69.41 et seq. Persons objecting on the grounds of public or private interest to the approval of this application may submit written comments, objections, protests or suggestions to the Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

Application 96-1. Submitted by American Outdoors, Inc./Crappiethon U.S.A. to conduct a tagged-fish contest on Pymatuning Lake from 12:01 a.m. on April 27, 1996, to 12:00 p.m. on June 25, 1996. The proposed tagged-fish contest will involve award of prizes for catching tagged crappies taken from Pymatuning Lake. The applicant expects to tag about 1,000 crappies. The applicant expects about 3,500 participants in the tagged-fish contest.

PETER COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 96-53. Filed for public inspection January 12, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered

within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
#14-412	Department of Public Welfare Long-Term Structured Residences	12/27/95

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-54. Filed for public inspection January 12, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Aegis Security Insurance Company; Motorcycle Insurance

On December 20, 1995, the Insurance Department received from Aegis Security Insurance Company a filing for a rate level change for Motorcycle Insurance.

The company requests a number of changes, including to split the current program into a Standard Program and an Elite Program. The overall rate effect is 0.24% increase amounting to \$2,519 annually. All changes are to be effective upon approval.

Unless formal administrative action is taken prior to February 18, 1996, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection on Monday, Wednesday and Friday, during normal working hours at the Insurance Department's Offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Jin Liu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-55. Filed for public inspection January 12, 1996, 9:00 a.m.]

### The Automobile Insurance Company of Hartford, CT; The Standard Fire Insurance Company; Homeowners Insurance

On December 19, 1995, the Insurance Department received from The Automobile Insurance Company of Hartford, Connecticut, and The Standard Fire Insurance Company, a filing for a rate level change for Homeowners Insurance.

The company requests an overall 5.2% increase amounting to \$2,445,697 annually, to be effective March 29, 1996 for new business and May 28, 1996 for renewals.

Unless formal administrative action is taken prior to January 18, 1996, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection on Monday, Wednesday and Friday, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions, or objections to Jin Liu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-56. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Amendment to Hospital Services Agreement; Filing No. 293-HOSP-AMEND3-12-95; Form No. HOSP-AMEND3-12-95**

Blue Cross of Northeastern Pennsylvania requests the Department's approval to utilize an amendment to its Standard Hospital Services Agreement. The amendment creates certain Non-DRG based per-case payment systems for certain member hospitals.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday during normal work hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-57. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Blue Cross of Western Pennsylvania; Keystone Health Plan West, Incorporated; Home Health Agency Provider Agreement; Filing No. 1-HOME-95-WP**

Blue Cross of Western Pennsylvania (Blue Cross) and Keystone Health Plan West, Inc. (KHPW) have filed a Home Health Agency Provider Agreement. The agreement will be offered to those home health agencies which meet or exceed the minimum participation standards and agree to accept all obligations established by the agreement. The approved provider network will provide to Blue Cross and KHPW sponsored indemnity and managed care members all home healthcare services covered by the member's benefit agreement.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-58. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Blue Cross of Western Pennsylvania; Keystone Health Plan West, Incorporated; Hospice Provider Agreement; Filing No. 1-HPCE-95-WP**

Blue Cross of Western Pennsylvania (Blue Cross) and Keystone Health Plan West, Inc. (KHPW) have filed a Hospice Agency Provider Agreement. The agreement will be offered to those hospice agencies which meet or exceed the minimum participation standards and agree to accept all obligations established by the agreement. The approved provider network will provide to Blue Cross and KHPW sponsored indemnity and managed care members all hospice care services covered by the member's benefit agreement.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-59. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Blue Cross of Western Pennsylvania; Pennsylvania Blue Shield and Blue Cross and Blue Shield Preferred Provider Program; Filing No. 1-DPP-95-WP; Amendment to Filing No. 1-DPP-93-WP; Hospital Provider Agreement for the UHN Program (Owner Hospital); Filing No. 1-UHS-95-WP; Hospital Provider Agreement for the UHN Program (Nonowner Hospitals); Filing No. 2-UHS-95-WP**

By filing no. 1-DPP-95-WP, Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield jointly submitted a revised agreement between Blue Cross of Western Pennsylvania, Pennsylvania Blue Shield and University Health Services, Inc. In conjunction with this filing, Blue Cross of Western Pennsylvania has submitted two

revised Hospital Provider Agreements for the University Health Network under filing no. 1-UHS-95-WP and Filing No. 2-UHS-95-WP.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-60. Filed for public inspection January 12, 1996, 9:00 a.m.]

### Donegal Mutual Insurance Company; Homeowners Rate and Rule Filing

On December 18, 1995, the Insurance Department received from Donegal Mutual Insurance Company a filing for a rate level change for Homeowners Insurance.

The company requests an overall 2.5% increase amounting to \$587,000 annually, to be effective February 1, 1996.

Unless formal administrative action is taken prior to January 17, 1996, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection on Monday, Wednesday and Friday, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael Anstead, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-61. Filed for public inspection January 12, 1996, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received.

For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 205.16—Compliance with the Whistleblower Law, Act 1986-169, Amended November 22, 1995.

Management Directive No. 215.11—Contractor Responsibility Provisions for Commonwealth Contracts, Amended December 7, 1995.

Management Directive No. 310.17—Accounting for Payments of Federal Funds to Subrecipients, Amended November 21, 1995.

Management Directive No. 310.19—Accounting for Disbursements of Funds in Interagency Agreements and Memorandum of Understanding Documents, Amended November 21, 1995.

Management Directive No. 315.1—Calculation and Payment of Statutory Salaries, Amended December 14, 1995.

Administrative Circular No. 95-52—Christmas Trees and Decorations, Dated December 1, 1995.

Administrative Circular No. 95-53—Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Mifflin County, Dated December 1, 1995.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 96-62. Filed for public inspection January 12, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Integrated Resource Planning for Gas Utilities; Section 115 of the Energy Policy Act; Doc. No. L-00920066

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

Public meeting held  
June 29, 1995

#### Opinion and Order

*By the Commission:*

The provisions of the Energy Policy Act of 1992 (Act) (P. L. 102-486) require State commissions to consider whether adoption of certain standards would carry out the purposes of the Public Utility Regulatory Policies Act of 1978. 15 U.S.C.A. §§ 3201—3211. These purposes, as defined in section 101 of PURPA, and mirrored in PURPA Title III, are to encourage (1) conservation of energy supplied by electric and gas utilities, (2) optimization of the efficient use of facilities and resources by electric and gas utilities, and (3) equitable rates to consumers. 15 U.S.C.A. §§ 3201, 3203.

Section 115 of the Act deals specifically with gas utilities and amends PURPA sections 302 and 303, 15 U.S.C.A. §§ 3202—3203, by adding two new standards for consideration under PURPA Title III. These two standards include (1) the use of Integrated Resource Planning

(IRP) by each gas utility and (2) the encouragement of investments in conservation and demand-side management (DSM) mechanisms. 15 U.S.C.A. §§ 3202—3203. The IRP standard has as its objective that each gas utility employ integrated resource planning “in order to provide adequate and reliable service to its gas customers at the lowest system cost.” 15 U.S.C.A. § 3203(b)(3). The investment in conservation and demand management standard requires that rates are such that “the gas utility’s prudent investment in, and expenditures for, energy conservation and DSM are at least as profitable as a utility’s prudent investments in, and expenditures for, the acquisition or construction of supplies or facilities.” 15 U.S.C.A. § 3203(b)(4).

Section 115 requires states to consider and make determinations regarding the implementation of the following standards:

**INTEGRATED RESOURCE PLANNING.**—Each gas utility shall employ, in order to provide adequate and reliable service to its gas customers at the lowest system cost. All plans or filings of a State regulated gas utility before a State regulatory authority to meet the requirements of this paragraph shall (A) be updated on a regular basis, (B) provide the opportunity for public participation and comment, (C) provide for methods of validating predicted performance, and (D) contain a requirement that the plan be implemented after approval of the State regulatory authority. Subsection (c) shall not apply to this paragraph to the extent that it could be construed to require the State regulatory authority to extend the record of a State proceeding in submitting reports to the Federal Government.

**INVESTMENTS IN CONSERVATION AND DEMAND MANAGEMENT.**—The rates charged by any State regulated gas utility shall be such that the utility’s prudent investments in, and expenditures for, energy conservation and load shifting programs and for other demand-side management measures which are consistent with the findings and purposes of the Energy Policy Act of 1992 are at least as profitable (taking into account the income lost due to reduced sales resulting from such programs) as prudent investments in, and expenditures for, the acquisition or construction of supplies and facilities. This objective requires that (A) regulators link the utility’s net revenue at least in part, to the utility’s performance in implementing cost-effective programs promoted by this section; and (B) regulators ensure that, for purposes of recovering fixed costs, including its authorized return, the utility’s performance is not affected by reductions in its retail sales volumes.

15 U.S.C.A. § 3203(b).

In addition, section 303 of PURPA, 15 U.S.C.A. § 3203(c), requires State commissions to determine that the standard is consistent with State law, and is otherwise appropriate. Moreover, the Commission is required, in the case of implementation of either of the Act’s two gas efficiency standards, to consider the impact that the standard would have on small businesses engaged in the design, sale, supply, installation, or servicing of energy conservation, energy efficiency, or other demand-side management measures, and to implement the standard in a way to assure that utility actions would not provide such utilities with unfair competitive advantages over such small businesses. 15 U.S.C.A. § 3203(c).

At the March 11, 1993 public meeting, the Commission approved an order, at Docket No. L-00920066, to amend reporting requirements for integrated resource planning

for natural gas utilities. At that time, current reporting requirements were deemed inadequate in order for the Commission to monitor and plan appropriate Commission natural gas policy. The proposed regulations provided for the integration of supply-side and demand-side resource options, including the integration of all feasible supply-side resources. These proposed regulations were published at 23 Pa.B. 4095 (August 28, 1993). Comments were submitted by Columbia Gas of Pennsylvania, Inc. (Columbia Gas); Equitable Gas Company (Equitable Gas); National Fuel Gas Distribution Corporation; Office of Consumer Advocate (OCA); Pennsylvania Gas Association; Peoples Gas Company; PECO Energy; T. W. Phillips Gas and Oil Co.; Pike County Light and Power Company and UGI Utilities, Inc.—Gas Division.

On June 30, 1994, the Commission issued an order requesting supplemental comments pertaining to the section 115 requirements of consideration and determination. The order was published at 24 Pa.B. 3587 (July 23, 1994).

In the Commission’s judgment, the work done to that date on the rulemaking at this docket paralleled to a large extent the “considerations and determinations” regarding conservation and energy efficiency standards set forth in the Federal legislation at section 115 of the Act. As such, we believed then, as we do now, that our State’s obligations under the Act for gas utilities were already in the process of being completed. Accordingly, the Commission identified those aspects of the Act which were not yet addressed by the rulemaking and requested further comment and input from interested parties concerning these areas. The Commission wrote:

[I]n order to satisfy the consideration and determination requirements of section 115 of the Act, the Commission has decided to issue this order for comment, pertaining to the effects of IRP and DSM on the rate structure of natural gas utilities. The specific requirements of section 115 of the Act are restated in Appendix A. In particular, the Commission now requests supplemental comments regarding whether any additional information is required pursuant to the Act which was not addressed during the proposed rulemaking proceeding at this docket. The supplemental comments herein should be limited solely to the Commission’s need for information concerning the Commission’s statutory requirement under section 115 of the Act. Comments submitted earlier to the Commission will be considered in this process but should not be duplicated herein.

Order at 4 (attachment omitted).

Supplemental comments were filed by Columbia Gas, Equitable Gas, OCA, Pennsylvania Industrial Energy Coalition (PIEC), PGA and T. W. Phillips jointly (Gas Association). The Gas Association filed supplemental reply comments addressing supplemental comments of the OCA and PIEC.

The Commission has reviewed the comments and supplemental comments filed in this proceeding. We are encouraged that the respondents were, for the most part, in agreement that the Commission meets the standards and purposes of the Act in that it promotes the implementation of IRP and DSM programs. In addition, no respondent recommended a radical departure from existing methodologies. We will discuss the standards more specifically below.

*Standard No. 1. Integrated Resource Planning*

Section 115 requires that the Commission consider the following:

... All plans or filings of a State regulated gas utility before a State regulatory authority... shall (A) be updated on a regular basis, (B) provide the opportunity for public participation and comment, (C) provide for methods of validating predicted performance, and (D) contain a requirement that the plan be implemented after approval of the State regulatory authority....

15 U.S.C.A. § 3202(b)(3).

*IRPs filed on a regular basis.* By order entered November 9, 1995 at this docket, the Commission ordered that Gas IRPs be filed annually. Accordingly, the Commission has considered and has determined that this component of the Act's IRP standard is currently adopted in Pennsylvania.

*Opportunity for public participation and comment.* PIEC was the only commentator which requested a full evidentiary hearing regarding IRP filings. PIEC claimed that input will be "hampered and informal" without an evidentiary hearing to provide for a detailed review. The utility companies did not support this idea. Equitable Gas, for example, noted that formal procedures should not be mandated but review and comment should satisfy due process requirements. Columbia Gas further commented that a procedure in which notice of the IRP filing, with an opportunity for comment should satisfy the requirements of the Act. Finally, the Gas Association reminded the Commission that it has the authority to order an evidentiary hearing if deemed necessary. PIEC also remarked that a more formal IRP for local distribution companies (LDC) is not necessary given the comparatively small level of non-natural gas costs that can be impacted by IRP outside the context of a section 1307(f) proceeding. 66 Pa.C.S. § 1307(f).

We believe that a full evidentiary hearing is not warranted to review IRP filings. Our current review process is adequate and provides for public participation and comment as written in the Act. Accordingly, we have considered and determined that this component of the Act is presently adopted by this Commission.

*Validating predicted performance.* The OCA commented that DSM activities will be subject to specified cost/benefit analyses and the integration of options requires economic evaluations which must be iterated in the report. After the fact evaluation is most appropriately conducted in a rate proceeding rather than annually due to the length of the planning period and the multitude of experts which assemble during a rate proceeding. We believe that prescribed DSM cost/benefit tests, economic analysis of integration of options, and after the fact review in the context of a rate proceeding satisfy our obligations for validating performance under the Act.

*Plan be implemented after approval of the State regulatory authority.* The Gas Association commented that the plan be implemented as written in our proposed regulation (that is, 2 years) rather than be confused with the 10 year forecast period contemplated by the proposed regulations. We affirm, however, that as warranted by changing conditions, an LDC is not bound by its plan when a mid-stream correction may be preferable and can be supported. To this end, we will require LDCs to report significant departures from the plan to the Bureau of CEEP, the Secretary's Bureau, OCA, the Office of Small Business Advocate and the Commission's Office of Trial Staff in writing as an addendum to the plan. We conclude that we have satisfied our obligation regarding this section of the standards. Accordingly, we have considered this component of the Act and determined that the

implementation and approval of the IRP is best determined in the context of a rate proceeding.

*Standard No. 2. Demand-side Management*

Section 115 requires that the Commission consider the following:

The rates charged by any State regulated gas utility shall be such that the utility's prudent investments in, and expenditures for, energy conservation and load shifting programs and for other demand-side management measures which are consistent with the findings and purposes of the Energy Policy Act of 1992 are at least as profitable (taking into account the income lost due to reduced sales resulting from such programs) as prudent investments in, and expenditures for, the acquisition or construction of supplies and facilities. This objective requires that (A) regulators link utility's net revenue at least in part, to the utility's performance in implementing cost-effective programs promoted by this section; and (B) regulators ensure that, for purposes of recovering fixed costs, including its authorized return, the utility's performance is not affected by reductions in its retail sales volumes.

15 U.S.C.A. § 3203(b)(4).

*Utility investments in demand-side management be at least as profitable as investments in supply-side resources.* Our regulations at 52 Pa. Code § 69.23 state that such investments "shall be afforded rate treatment at least on a par with any other supply options." As a practical matter, however, we may lack the ability to guarantee in advance such profitability for all demand-side investments because of a recent Commonwealth Court ruling which prohibits guaranteed future recovery of certain deferred costs (FASB 106 costs) outside the context of a rate case. *Popowsky v. Pa.P.U.C.*, 164 Pa. Commonwealth Ct. 338, 642 A.2d 648 (1994), *allocatur petition pending*. This is not to say that demand-side investments will not ultimately be as profitable as supply-side investments, but rather that we may not be able to guarantee cost recovery in advance of a rate case adjudication in which a claim for the firm's demand-side investments is made.

*Regulators link utility's net revenue to the utility's performance in implementing cost-effective programs.* The Act requires that the Commission consider the linkage of utility revenues with plan performance. The Gas Association, Columbia and PIEC all commented that existing regulations at 52 Pa. Code § 69.36 are adequate for purposes of satisfying the Act's requirements. We agree. Our regulations at 52 Pa. Code § 69.36 require that the Commission review utilities' performance regarding development of energy supply alternatives in the context of rate or other proceedings. Accordingly, we determine that this regulation satisfies the purposes of the Act because these requirements are currently in place before this Commission.

*Assurance that utility's performance is not affected by reduction in its retail volumes.* The OCA and PIEC both oppose automatic recovery of lost revenue, and the utilities advocate such an automatic mechanism. In fact, the Gas Association and Columbia suggest the Commission authorize gas utilities to recover DSM costs through a surcharge with a true-up mechanism which will result in full recovery of costs recognizing competitive market conditions. This issue, however, is not before the Commission at this docket and will not be determined in this context.

Because we cannot guarantee the result of an adjudication proceeding, we are unable to adopt this standard. At

present, the issue of lost revenue resulting from sales reductions caused by successful DSM programs is properly the subject of an adjudication proceeding with the utility having the burden of proof under 52 Pa. Code § 69.32 to demonstrate that allowing lost revenue recovery is necessary to ensure the profitability of the DSM investment relative to a similar supply-side investment.

*Small Business Impact*

The Act requires that the Commission consider and make determinations regarding the local distribution companies' competitive advantage over small businesses. The Act states:

If a State regulatory authority implements a standard established by subsection (b)(3) or (4), such authority shall—

(1) consider the impact that implementation of such standard would have on small businesses engaged in the design, sale, supply, installation, or servicing of energy conservation, energy efficiency, or other demand-side management measures and

(2) implement such standard so as to assure that utility actions would not provide such utilities with unfair competitive advantages over such small businesses.

15 U.S.C.A. § 3203.

The Gas Association commented that they would expect participation by small businesses in the provision of certain DSM services because of the likelihood that utilities will outsource part or all of DSM program work. They concluded, then, that the Commission's adoption of the IRP and DSM standards would not negatively impact small business and rather, may provide small business with increased business opportunities. Columbia agreed with this premise and added that it would not be competing with small businesses. No commentator offered evidence contrary to this position. Accordingly, we believe that this component of the Act has been considered and is presently adopted by this Commission.

*Conclusion*

Having considered the comments and discussion as they pertain to the purposes of the Act, we confirm that our regulations are, for the most part, in compliance with section 115 of the Act. The only exception to this tenet is with regard to guaranteed profitability and lost revenue due to sales reductions caused by DSM programs.

Because there is no flexibility in the Federal standards, we will reject the standards in part and adopt those standards consistent with our current practice, as discussed herein. Furthermore, the whole question of whether gas IRP is desirable must be addressed. The evolution of competition, both upstream and inside the city-gate, will make gas IRP a less necessary Commission function in order to insure least-cost gas service. If properly structured, competition will minimize the discrimination against efficient gas conservation because the LDC will be increasingly decoupled from the adverse consequences of the reduction in sales. Hence, the Commission will continue to review its regulations as necessary, while rejecting the Act's standards in part and adopting the standards in part, as they are consistent with the Commission's current practice, as discussed herein, *Therefore*,

*It Is Ordered:*

1. That the Federal standards listed in section 115 of the Energy Policy Act, 15 U.S.C.A. §§ 3202—3203 are

considered and are hereby rejected in part and adopted in part.

2. That this order shall be served upon all natural gas utilities in Pennsylvania, the Pennsylvania Gas Association, the Office of Consumer Advocate, Office of Small Business Advocate, the Pennsylvania Energy Office, and the Industrial Energy Consumers of Pennsylvania.

3. The Secretary shall duly certify this order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-63. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Railroad  
With Hearing**

**A-00111716. Cambria and Indiana Railroad Company.** An application has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The application requests the approval of the abolition of specified crossings (at, under and above-grade) where the tracks of said company cross public highways in Cambria and Indiana Counties.

An initial hearing upon this proceeding will be held Wednesday, January 31, 1996, in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-64. Filed for public inspection January 12, 1996, 9:00 a.m.]

**Railroad  
With Hearing**

**C-00957088 and C-00957089. Dick Myers, Jr. v. Allegheny Valley Land Trust (Rails to Trails).** Complaints have been filed with the Pennsylvania Public Utility Commission alleging hazardous conditions at the former railroad bridge over Mahoning Creek, in Pine Township, Armstrong County, requesting removal of the bridge structure; and alleging hazardous conditions at the former railroad bridge over Whiskey Hollow in Templeton, Pine Township, Armstrong County, requesting repairs of the bridge structure under the provisions of Public Utility Code.

An initial hearing upon this proceeding will be held Wednesday, January 24, 1996, at 10 a.m., in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-65. Filed for public inspection January 12, 1996, 9:00 a.m.]



## Service of Notice of Motor Carrier Applications

**Notice of Motor Carrier Applications—  
Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before January 29, 1996.

- A-00112713 Ronald, Raynard & Rodney McGlynn, t/d/b/a R. McGlynn's Auto Exchange and Towing 1246 San Souci Parkway, Wilkes-Barre, PA 18702; Christopher Zettlemyer, 213 Market Street, Harrisburg, PA 17107-2132
- A-00112714 Melvyn Tiernan, t/d/b/a Tiernan Trucking R. D. 1, Box 314, Perryopolis, PA 15473; Robert J. Colaizzi, 55 South Main Street, Washington, PA 15301
- A-00112715 Gerald W. Rice, t/d/b/a Gerald Rice Trucking 2078 Old Route 100, Brechtelsville, PA 19505
- A-00112719 George, Albert, Jr. & M. I. Keklak, t/d/b/a Loomis Development Co. P. O. Box 2750, Wilkes-Barre, PA 18703-2758
- A-00112722 Kratz Trucking, Inc. 108 Branch Road, Sellersville, PA 18960

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-66. Filed for public inspection January 12, 1996, 9:00 a.m.]

Water Service  
Without Hearing

**A-213550F0011. The York Water Company.** Application of The York Water Company for approval of (1) the transfer by sale of all waterworks property and rights of Jefferson Borough to The York Water Company, and (2) the right of The York Water Company to begin to offer or furnish water service to the public in the Borough of Jefferson and portions of Codorus Township, York County, Pennsylvania.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before January 29, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Michael W. Gang, Esquire, Michael W. Hassell, Esquire, Morgan, Lewis & Bockius, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-67. Filed for public inspection January 12, 1996, 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 \$5,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET THAT COMPETITIVE EDGE—FOR FREE!**

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**

**Commodities**

**1950205** Aircraft and airframe structural components—6 each; global positioning system Northstar Avionics Model M-3 GPS IFR navigator. (No substitute).

**Department:** State Police  
**Location:** Hershey, Dauphin County, PA 17033  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2060115** Books and reading material—various amounts; dictionaries, legal research, etc.

**Department:** Corrections  
**Location:** Houtzdale, Clearfield County, PA 16698-1000  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2126115** Chemicals and chemical products and fertilizer—various amounts (tonnage)—different compositions.

**Department:** Corrections  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8112840** Construction, mining, excavating and highway maintenance equipment—2 each; upgrade of existing South Dakota Road Profiler MDR 4085 to an MDR 4085-12 Laser Road Profiler system.

**Department:** Transportation  
**Location:** PennDOT, Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2074225** Construction, mining, excavating and highway maintenance equipment—5,870 gal.; coal tar emulsion sealer and admixture for coal tar pitch emulsion, blended products based on a modified nitrate latex.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2089215** Containers, household, commercial, packaging and packing—1 each; sealer, brand and model: Eastey L-bar sealer T-series. No substitute.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Harrisburg, Dauphin County, PA 17105-1300  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2092215** Containers, household, commercial, packaging and packing and supplies—1 each; rotary blister sealer, 4 station referenced brand and model: Visual Thermoforming SDS4C or approved equal.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Harrisburg, Dauphin County, PA 17105-1300  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**1437215** Copiers and supplies—32 each; copiers—36 month lease with purchase option, or approved equal.

**Department:** Public Welfare  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8160820** Data processing and computer equipment and supplies—1 lot; Digital recording system, eight (8) port, five (5) hour system with three (3) transcribe stations, and one (1) system management console (Dictaphone Model 8001-M2 or approved equal).

**Department:** Transportation  
**Location:** Clearfield, Clearfield County, PA 16830  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8175810** Electric and electronic equipment components—50 each; furnish and deliver automatic volume traffic recorders and accessory equipment.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2138205** Fabrics and cloth and materials—12,000 lin. yd.; fabric, 100% wool serge weave, color to match existing winter trouser and "Ike" jacket material and tropical weave, 55% Dacron polyester, 45% wool, color to match existing summer trouser and "Ike" jacket material.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA 17103  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**1918115** Fabrics and cloth and materials—40,000 yards; poplin—white and khaki different widths.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA 16654-1112  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**1694115** Food preparation and serving equipment—688 each; various size steam table pans.

**Department:** Corrections  
**Location:** Houtzdale, Clearfield County, PA 16698-1000  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2154155** Materials handling equipment—2 each; Bil-Jax No. XLT-CAT 23-DC telescopic lift, (or equal) w/XLT-T15 spanner auditorium kit for lift.

**Department:** State System of Higher Education  
**Location:** Pennsylvania State University, University Park, Centre County, PA 16801  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2358354** Motor vehicles, trailers and cycles—1 each; 1996 model 3/4 ton low profile utility body truck.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-8474  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2148125** Motor vehicles, trailers and cycles—1 each; 1996 model 4x4 crew cab pickup truck.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA 17121  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8205190** Office supplies—various amounts; furnish and deliver desk accessory sets, card file organizer for business cards, business card holder.

**Department:** Transportation  
**Location:** PennDOT, Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**1635355** Paper and printing—various amounts and sizes; furnish and deliver labels and full cut tabs.

**Department:** Environmental Protection  
**Location:** Wilkes-Barre, Luzerne County, PA 18711-0790  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

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## SERVICES

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### Barber Services—01

**SP- 555** Cosmetology services for female residents at Hollidaysburg Veterans Home to include: perm, color, wash, sets and cuts.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** 01 July 96 through 30 June 99  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

### HVAC—05

**269359** Air conditioners and refrigeration units, contractor shall perform air conditioning/refrigeration equipment repairs to approximately 350 units throughout the hospital. Bidders required to visit site prior to submitting bid.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** Gary Raisner, Acting F.M.M., (610) 270-1464

### Construction—04

**Project No. DGS A 251-297** Project title: Addition to Driver Licensing Facility No. 54. Brief description: addition includes site development, concrete foundations, masonry walls, steel framing, roof, windows, doors, interior finishes and revisions to heating, ventilating and air conditioning and electrical systems. General construction, HVAC and electric construction. Plans deposit: \$64.00 per set. Payable to: Brawer and Hauptman, Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Brawer and Hauptman, Architects, 20 North 3rd Street, Philadelphia, PA 19106-2113. Telephone (215) 829-0084. Bid date: Wednesday, February 14, 1996 at 11:00 a.m. Pre-bid conference has been scheduled for Wednesday, January 24, 1996 at 10:00 a.m. at PennDOT, 200 Radnor-Chester Road, 2nd Floor Conference Room, Saint Davids, PA. Contact person: Mike Twigg, telephone (717) 783-2561. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Driver Licensing Facility No. 54, Philadelphia, Philadelphia County, PA  
**Duration:** 200 calendar days from date of award of contract  
**Contact:** Bidding Unit, (717) 787-6556

**080876** Northampton County, Group 5-95-POC5C and Beaver County, SR 68(B10).

**Department:** Transportation  
**Location:** District 5-0 and 11-0  
**Duration:** FY 1995/96  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**AE-3092** Construction of a 36' x 45' pole building on pad provided by PennDOT. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** Maintenance District 12-5, Stockpile No. 18, Donegal, Westmoreland County, PA  
**Duration:** 90 calendar days; proposed bid February 1996  
**Contact:** Tina Chubb, (717) 787-7001

**AE-3087** Construction of a 36' x 45' pole building. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** Maintenance District 12-4, Stockpile 30, Atlasburg, Westmoreland County, PA  
**Duration:** 120 calendar days, proposed bid February 1996  
**Contact:** Tina Chubb, (717) 787-7001

### Consulting Services—07

**PEMA-TLD's** Awarded contractor will provide TLD's to the PA Emergency Management Agency to use by (5) nuclear power and generating stations in the Commonwealth. The contractor will supply the TLD's for distribution and reading the TLD's after one year. Contact agency at (717) 783-7380 for additional information and the bid package.

**Department:** Pennsylvania Emergency Management Agency  
**Location:** Fort Indiantown Gap, Area 16, Building No. 5, Annville, PA  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Larry Eslinger, (717) 783-8408

**5850-02** The Commonwealth of Pennsylvania intends to establish a Statewide contract for local area network (LAN) services. Planning, design, implementation, and support services are included in the scope of this acquisition. It is expected that an invitation to qualify (ITQ) will be issued late January. Vendors who are interested in receiving a copy of this ITQ must submit a request on company letterhead to the LAN Contract Committee, 2221 Forster Street, Room G-10, Harrisburg, PA 17125 or it can be faxed to us at (717) 783-6681.

**Department:** General Services  
**Location:** 2221 Forster Street, Room G10, Harrisburg, PA 17125  
**Duration:** 3/20/96 through 12/21/96  
**Contact:** LAN Committee, FAX (717) 783-6681

**SP-554** Licensed physical therapy consultant—average of 20 hours per week not to exceed 52 weeks/year.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** 01 July 96 through 30 June 98  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**Demolition and Renovation—09**

**3034-003-1** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of residential properties for the Chartiers Street Bridge Project in the Borough of Bridgeville, Allegheny County. Contractor will be required to demolish or remove all structures, outbuildings and any site improvements. He will also be required to comply with FHWA and State regulations. For bid forms, specifications and further information, please contact Mr. Michael Sudar, District Property Manager at (412) 428-4830.

**Department:** Transportation  
**Location:** Borough of Bridgeville, Allegheny County, PA  
**Duration:** 30  
**Contact:** Michael Sudar, (412) 429-4830

**Medical Services—10**

**9517** Medical testing for employees in asbestos abatement work.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** 7/01/96—6/30/99  
**Contact:** Stanley Rygelski, (717) 587-7291

**204926** Provide pathology services: to perform autopsies as requested by the hospital staff. Hospital will transport body, death certificate and chart to the vendor. Vendor must be licensed with PA physician with specialty in pathology. Must be board certified in Pathology.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** March 1, 1995 to June 30, 1998  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**SP-560** Optometry services for approximately 475 residents to include one complete eye examination every two years, purchase of frame and a pair of lenses every two years.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** 01 July 96 through 30 June 97  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**SP-561** Psychiatric services as required by facility.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** 01 July 96 through 30 June 99  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**SP-558** Emergency ambulance service as required for residents' transport to Veterans Hospital and/or one of the local hospitals as ordered by physicians. Note: low response time of 10 minutes required due to medical necessity.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** 01 July 96 through 30 June 97  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**SP-557** Oral surgery as required for residents at this facility.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** 01 July 96 through 30 June 97  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**SP-556** Dental laboratory services as required for residents at this facility as follows: make/reline dentures and denture repair work.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** 01 July 96 through 30 June 97  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**Inquiry No. 8739** Optometrist services—to include refractions and visual field examinations, referrals, and fitting new and repaired glasses. Approximately one visit per week to be scheduled mutually between contractor and agency. Contractor must provide trial lens set, trial frame, and retinoscope. Services to be provided by a PA licensed individual. Must meet MA, AC and ICF/MR standards.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1996 to June 30, 2001  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Engineering Services—11**

**08430AG1964** Final design services for S. R. 0220, Section C11, Centre County.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Eighteen (18) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG1965** Final design services for S. R. 0220, Section C12, Centre County.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Firefighting, Safety and Rescue Services—12**

**SP-559** Testing and inspection of fire alarm systems at Hollidaysburg Veterans Home (once a year).

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** 01 July 96 through 30 June 99  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**Food Services—13**

**5026** Frozen vegetables—for delivery April through June, 1996. Specifications, delivery dates and quantity/delivery available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Attn: Dietary Storeroom, Torrance, PA 15779-0111  
**Duration:** April through June, 1996  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5030** Produce and prepared vegetables—for delivery April through June, 1996. Specifications, delivery dates and quantity/delivery available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Attn: Dietary Storeroom, Torrance, PA 15779-0111  
**Duration:** April through June, 1996  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5029** Miscellaneous frozen food—for delivery April through June, 1996. Specifications, delivery dates and quantity/delivery available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Attn: Dietary Storeroom, Torrance, PA 15779-0111  
**Duration:** April through June, 1996  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5028** Poultry and poultry products—for delivery April through June, 1996. Specifications, delivery dates and quantity/delivery available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Attn: Dietary Storeroom, Torrance, PA 15779-0111  
**Duration:** April through June, 1996  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5027** Meat and meat products—for delivery April through June, 1996. Specifications, delivery dates and quantity/delivery available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Attn: Dietary Storeroom, Torrance, PA 15779-0111  
**Duration:** April through June, 1996  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**95-005-CI** Vendors shall provide clear poly bags for food storage at State Correctional Institution Camp Hill, Correctional Industries, Meat Processing Plant. Must meet USDA specifications.

**Department:** Corrections  
**Location:** P. O. Box 598, 2520 Lisburn Road, Camp Hill, PA 17001-0598  
**Duration:** Approximately 1 year  
**Contact:** Linda Malinak, (717) 975-4931

**8256** Juices, frozen, Vitality, 4/3 liter express pak. Delivery date(s), special delivery instructions and quantities may be obtained from the hospital. Award to be made on an aggregate basis. Delivery schedules 8 a.m.—3:30 p.m., Monday through Friday, except State and National holidays.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Institutional Storeroom, Route 62 North, North Warren, Warren County, PA 16365  
**Duration:** February, 1996  
**Contact:** BD Muntz, (814) 726-4496

## Janitorial Services—15

**SP-288200** Provide janitorial service at the Venango County Assistance Office. Vendor to provide all equipment and supplies to meet the cleaning requirements including liquid soap, toilet tissue, paper towels and paper cups. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Venango County Assistance Office, 1272 Elk Street, P. O. Box 391, Franklin, PA 16323  
**Duration:** 01/01/97 to 12/31/99  
**Contact:** Linda Reynolds, (717) 783-9699

## Maintenance and Repair Services—20

**11095026** Contractor to perform bi-monthly preventive maintenance service to approximately 50 Department vehicles.

**Department:** Transportation  
**Location:** Contractor's location within 10 mile radius of Engineering District 11-0 Office Building, Bridgeville, Allegheny County, PA  
**Duration:** March 20, 1996 through March 19, 1997 with renewal options  
**Contact:** Sam Patterson, (412) 429-4942

**AE-2679 (Rebid)** Restroom renovations to include fixture replacements, door alterations and minor tile patching and painting. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** Driver Licensing Center No. 37, Lewistown, Mifflin County, PA  
**Duration:** 120 calendar days; proposed bid February, 1996  
**Contact:** Tina Chubb, (717) 787-7001

## Sanitation—24

**269358** Provide service to remove infectious waste from grounds of Norristown State Hospital and dispose of same in accordance with all governmental regulations. Bidders shall not be convicted or under indictment for improper disposal of waste materials. Provider to furnish disposable 30 gallon size containers, as required, over the course of each year, as needed.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19491  
**Duration:** 7/1/96—6/30/01 (5 year period)  
**Contact:** Earl Person, C.S.M., (610) 270-1096

**8000-S** The contractor shall treat, provide all equipment and manpower necessary to pump sludge from sludge waste tank from the institution's sewage treatment plant and transport to and dispose of at an approved waste water treatment plant.

**Department:** Corrections  
**Location:** State Correctional Institution Waynesburg, R. R. 1, Box 67, Waynesburg, Greene County, PA 15370  
**Duration:** 04/01/96 through 06/30/99  
**Contact:** Judith A. Cook, Purchasing Agent, (412) 627-6185

**SP-562** Refuse removal—following established procedures as mandated by Department of Environmental Protection. Pick-up daily—all trash cans at buildings will be furnished by the facility unless otherwise specified. Dumpster style bins will be supplied by vendor.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, Blair County, PA 16648  
**Duration:** 01 July 96 through 30 June 99  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

## Data Processing Services—27

**5850-02** The Commonwealth of Pennsylvania intends to establish a Statewide contract for local area network (LAN) services. Planning, design, implementation, and support services are included in the scope of this acquisition. It is expected that an invitation to qualify (ITQ) will be issued late January. Vendors who are interested in receiving a copy of this ITQ must submit a request on company letterhead to the LAN Contract Committee, 2221 Forster Street, Room G-10, Harrisburg, PA 17125 or it can be faxed to us at (717) 783-6681.

**Department:** General Services  
**Location:** 2221 Forster Street, Room G10, Harrisburg, PA 17125  
**Duration:** 3/20/96 through 12/21/96  
**Contact:** LAN Committee, FAX (717) 783-6681.

**Real Estate Services—35**

**862A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with 6,825 useable square feet of new or existing office space, in Lewistown, Mifflin County, PA, with minimum parking for thirty-four (34) vehicles within the Lewistown Borough and within four (4) miles of the Lewistown Borough limits. In areas where no street or public parking is available, an additional fifty (50) parking spaces must be provided. Proposals due: March 18, 1996. Solicitation No.: 092166.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

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**Rentals/Leases—37**

**1200-95-002** Services are needed for use and rental w/operator of road reclaimer w/recycling capabilities. Contact agency for more information and bid specifications.

**Department:** Transportation  
**Location:** District 12-0, Fayette, Greene, Washington and Westmoreland Counties  
**Duration:** 4-1-96 through 12-31-96  
**Contact:** Liberty Hill, (412) 439-7361

[Pa.B. Doc. No. 96-68. Filed for public inspection January 12, 1996, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p>01. <b>BARBER SERVICES</b><br/>general</p> <p>02. <b>PERSONNEL/CLERICAL SERVICES</b><br/>transcribing, telephone answering, radio dispatch, secretarial, temporary help employment agency</p> <p>03. <b>TELECOMMUNICATIONS SERVICES AND EQUIPMENT</b><br/>mobile radios, P. A. systems, televisions, radios and telephones: equipment and repair</p> <p>04. <b>CONSTRUCTION</b><br/>alterations, miscellaneous, roofing, building, flooring, remodeling, asphalt and concrete, paving, highway projects, stream rehabilitation projects</p> <p>05. <b>HVAC</b><br/>air conditioning and heating, water conditioner, miscellaneous repair, refrigeration services, furnace and steam plant</p> <p>06. <b>ELEVATOR MAINTENANCE SERVICES</b><br/>elevator maintenance</p> <p>07. <b>CONSULTING SERVICES</b><br/>miscellaneous, training, workshops, education, research, testing service, technical assistance legal, certified public accountant, management, public relations, bilingual services, planning, financial planning, environmental research</p> <p>08. <b>COURT REPORTING SERVICES</b><br/>hearing</p> <p>09. <b>DEMOLITION AND RENOVATION</b><br/>structure, equipment</p> <p>10. <b>MEDICAL SERVICES</b><br/>medicine and drugs, general, consultant, laboratory, optical, mortuary, dental, ambulance, health care, veterinarian</p> <p>11. <b>ENGINEERING SERVICES</b><br/>miscellaneous, geologic, civil, mechanical, electrical, surveying, solar</p> <p>12. <b>FIREFIGHTING, SAFETY AND RESCUE SERVICES</b><br/>guard, burglar alarm, private investigator, armed courier, miscellaneous equipment</p> <p>13. <b>FOOD SERVICES</b><br/>commodities, surplus food processing, employment opportunities, etc.</p> <p>14. <b>FUEL-RELATED SERVICES</b><br/>installation of fuel tanks, pumping stations, pipe lines for fuel, includes utility related services</p> <p>15. <b>JANITORIAL SERVICES</b><br/>includes general, commercial maintenance, sweeping, cleaning, property maintenance</p> <p>16. <b>LANDSCAPING SERVICES</b><br/>general, pruning, tropical plants, design, harvesting crops</p> <p>17. <b>LAUNDRY AND DRY CLEANING SERVICES</b><br/>linen, laundry</p> <p>18. <b>LODGING/MEETING FACILITIES</b><br/>rooms and service, meals, room and board</p> <p>19. <b>MAIL SERVICES</b><br/>delivery, labeling, stuffing</p> | <p>20. <b>MAINTENANCE AND REPAIR SERVICES</b><br/>installation and/or repair of windows, doors, siding, fencing, walls, tanks, recapping tires, plumbing, electrical, equipment maintenance, painting and restoration, carpeting services, welding, drilling, excavating</p> <p>21. <b>MOVING SERVICES</b><br/>moving, car rental, storage, hauling, flying, bus, freight, travel service</p> <p>22. <b>MUSICAL SERVICES</b><br/>tuning and repair of musical instruments, use of instructors</p> <p>23. <b>PHOTOGRAPHY SERVICES</b><br/>general, aerial, lab development, consultant, blueprint reproduction art studios and schematic, advertising, graphic arts</p> <p>24. <b>SANITATION</b><br/>sanitation, recycling</p> <p>25. <b>SUBSCRIPTION SERVICES</b><br/>textbook educational material, testing material, miscellaneous, newsletter, miscellaneous printing, advertising</p> <p>26. <b>UPHOLSTERING SERVICES</b><br/>repair, refinishing, restoration</p> <p>27. <b>DATA PROCESSING SERVICES</b><br/>computer, keypunch, programming, analysis miscellaneous, equipment rental</p> <p>28. <b>PEST CONTROL SERVICES</b><br/>pest control, termite control, biological pest control</p> <p>29. <b>RELIGIOUS SERVICES</b><br/>contracting various clergy for hospitals, centers, etc.</p> <p>30. <b>AUCTIONEER SERVICES</b><br/>assistance in the sale of motor vehicles, equipment, etc.</p> <p>31. <b>CHILD CARE SERVICES</b><br/>Statewide child care services</p> <p>32. <b>INSURANCE SERVICES</b><br/>miscellaneous brokerage insurance services</p> <p>33. <b>MECHANICAL MAINTENANCE AND REPAIRS</b><br/>installation of handicap equipment into vehicles, homes, etc.</p> <p>34. <b>RAILROAD SERVICES</b><br/>transporting of goods by rail</p> <p>35. <b>REAL ESTATE SERVICES</b><br/>acquisition, disposition, leasing and appraisals of real estate</p> <p>36. <b>SHOE REPAIRS</b><br/>repair of shoes, braces and prosthetics</p> <p>37. <b>RENTALS/LEASES</b><br/>of medical equipment, construction equipment, movies, canvas tents, laboratory equipment, vehicles, storage facilities, office space</p> <p>38. <b>MINE RECLAMATION</b><br/>backfilling mine openings, extinguishing abandoned mine fires, flushing of mine voids, acid mine drainage abatement, regrading surface mines</p> <p>39. <b>DRILLING SERVICES</b><br/>well drilling, core drilling and exploratory drilling</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
				5610-15	1/1/96	Blooming Glen Quarry, Div. of Haines & Kibblehouse	5,000.00
1366185-01	12/29/95	Memorex Telex	92,818.20	5610-15	1/1/96	Abe Materials—Easton, Div. of Haines & Kibblehouse	5,000.00
1537135-01	12/28/95	Kaplan Bros. Blue Flame Corp.	14,640.00	5610-15	1/1/96	Locust Ridge Quarry, Div. of Haines & Kibblehouse	5,000.00
1553385-01	12/28/95	Apex Services Company	10,300.00	5610-15	1/1/96	H&K Materials Inc., Div. of Haines & Kibblehouse	5,000.00
1584115-01	12/28/95	Buffalo Batt and Felt Corp.	10,300.00	5610-15	1/1/96	Eureka Stone Quarry, Inc.	5,000.00
1617215-01	12/28/95	Science Products	58,625.00	5610-15	1/1/96	HRI, Inc./Columbia Asphalt Div.	5,000.00
1629165-01	12/28/95	Clearview Printing Co.	3,630.00	5610-15	1/1/96	Process Recovery Corp.	5,000.00
1649115-01	12/29/95	Merck US Human Health Division	28,826.28	5610-15	1/1/96	Beaver Valley Aggregates	5,000.00
1664215-01	12/28/95	Keystone Ford Truck Sales, Inc.	28,250.00	5610-15	1/1/96	Glacial Sand & Gravel Co.	5,000.00
1683215-01	12/28/95	Control Products USA, Inc.	6,890.00	5610-15	1/1/96	Barletta Materials and Const., Inc.	5,000.00
1706385-01	12/29/95	Pinnacle Micro, Inc.	10,500.00	5610-15	1/1/96	M & M Lime Co.	5,000.00
1724235-01	12/28/95	Keystone Ford Truck Sales, Inc.	42,519.00	5610-15	1/1/96	Siegel Thomas E.	5,000.00
1742215-01	12/28/95	Abbott Laboratories	22,602.00	5610-15	1/1/96	Pikes Creek Sand and Stone	5,000.00
1755155-01	12/28/95	American Sterilizer Company	42,349.00	5610-15	1/1/96	Martin Limestone, Inc.	5,000.00
1774155-01	12/28/95	Daniel B. Scott Enterprises	3,289.00	5610-15	1/1/96	Hempt Brothers	5,000.00
1804115-01	12/28/95	Worthington Steel Co.	41,725.00	5610-15	1/1/96	Kibblehouse Quarries, Inc.	5,000.00
1815305-01	12/29/95	Dugan Tractor, Inc.	22,746.00	5610-15	1/1/96	Berks Products Corp.	5,000.00
1822215-01	12/28/95	Armco Medical Supply	21,282.65	5610-15	1/1/96	Silver Hill Quarry	5,000.00
1824215-01	12/29/95	Sandoz Pharmaceuticals Corporation	32,900.00	5610-15	1/1/96	General Crushed Stone Co.	5,000.00
1842215-01	12/29/95	Bellco Drug Corporation	33,983.62	5610-15	1/1/96	Huss Contracting Co.	5,000.00
1853215-01	12/29/95	Sandoz Pharmaceuticals Corporation	57,900.00				
1946215-01	12/29/95	Sandoz Pharmaceuticals Corporation	36,400.00				

## STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-15	1/1/96	Mahoning Valley Aggregates Co.	5,000.00	5610-15	1/1/96	Idding Quarry, Inc.	12,000.00
5610-15	1/1/96	Codorus Stone and Supply Co., Inc.	5,000.00	5610-15	1/1/96	Rhinehart Sand and Gravel	5,000.00
5610-15	1/1/96	Medure Aggregates Co.	5,000.00	5610-15	1/1/96	Joseph Ciccone & Sons, Inc.	5,000.00
5610-15	1/1/96	Buffalo Limestone, Inc.	5,000.00	5610-15	1/1/96	HRI, Inc. Stroudsburg	5,000.00
5610-15	1/1/96	York Silica Sand, Inc.	5,000.00	5610-15	1/1/96	Refractory Sand	5,000.00
5610-15	1/1/96	J. Miller Eshleman & Son, Inc.	5,000.00	5610-15	1/1/96	Small Mountain Quarry	5,000.00
5610-15	1/1/96	Handwerk Materials/ Div. Haines & Kibblehouse, Inc.	5,000.00	5610-15	1/1/96	Brokenstraw Gravel Co., Inc.	5,000.00
5610-15	1/1/96	Grannas Bros. Stone and Asphalt Co., Inc.	5,000.00	5610-15	1/1/96	Chestnut Ridge Sand, Div. of Haines & Kibblehouse	5,000.00
5610-15	1/1/96	Colony Materials Div. of Haines & Kibblehouse	5,000.00	5610-15	1/1/96	Keystone Lime Co., Inc.	5,000.00
5610-15	1/1/96	State Aggregates, Inc.	26,615.00	5610-15	1/1/96	Buffalo Crushed Stone, Inc.	5,000.00
5610-15	1/1/96	Edward C. Griffith Quarrying, Inc.	12,500.00	5610-15	1/1/96	H. B. Mellott Estate	5,000.00
5610-15	1/1/96	Martin Stone Quarries	12,110.00	5610-15	1/1/96	Better Materials Corp.	5,000.00
5610-15	1/1/96	A.G. Kurtz & Sons, Inc.	14,300.00	5610-15	1/1/96	Temple Crushed Stone	5,000.00
5610-15	1/1/96	Davison Sand and Gravel	473,655.00	5610-15	1/1/96	Hoover Sand and Gravel Co.	5,000.00
5610-15	1/1/96	IA Construction Corp.	16,175.00	5610-15	1/1/96	Dalrymple Gravel and Contracting	5,000.00
5610-15	1/1/96	Quality Aggregates	19,560.00	5610-15	1/1/96	Greer Limestone Co.	5,000.00
5610-15	1/1/96	Waylite Corp.	36,890.00	5610-15	1/1/96	Martin Marietta Aggregates	27,875.00
5610-15	1/1/96	Commonwealth Stone, Inc.	5,000.00	5610-15	1/1/96	HRI, Inc. Keystone Pavement Div./ Lake Ariel	5,000.00
5610-15	1/1/96	Valley Quarries, Inc.	44,850.00	5610-15	1/1/96	Dunbar Gravel	15,880.00
5610-15	1/1/96	International Mill Service	82,600.00	5610-15	1/1/96	Earl F. Dean, Inc.	10,430.00
5610-15	1/1/96	Wyoming Sand and Stone Co.	13,000.00	5610-15	1/1/96	Clifford Cross, Jr.	30,960.00
				5610-15	1/1/96	E.F. Lippert Co.	30,725.00

## STATE CONTRACTS INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-15	1/1/96	Wayne Gravel Products	15,475.00	5610-15	1/1/96	American As- phalt Paving Co.	14,760.00
5610-15	1/1/96	Johnson Exca- vating	46,875.00	5610-15	1/1/96	South Bend Limestone	17,950.00
5610-15	1/1/96	Gordon C. Martin	10,890.00	5610-15	1/1/96	Meckleys Limestone Prod., Inc.	5,000.00
5610-15	1/1/96	Graham Con- struction and Excavat.	11,040.00	5610-15	1/1/96	Russell Miner- als, Inc.	21,500.00
5610-15	1/1/96	P. Stone, Inc.	5,000.00	5610-15	1/1/96	Millard Lime and Stone Co.	38,600.00
5610-15	1/1/96	Jay Fulkroad & Sons	30,150.00	5610-15	1/1/96	D.M. Stoltzfus & Sons, Inc.	28,450.00
5610-15	1/1/96	National Limestone Quarry	15,050.00	5610-15	1/1/96	Global Stone Penroc, Inc.	32,375.00
5610-15	1/1/96	Bear Gap Stone, Inc.	14,562.00	5610-15	1/1/96	Erie Aggre- gates, Inc.	5,000.00
5610-15	1/1/96	White Haven Red Rock Sales Co.	20,625.00	5610-15	1/1/96	Atlantic States Materials of PA	5,000.00
5610-15	1/1/96	Hasbrouck Sand and Gravel Co.	30,800.00	5610-15	1/1/96	County Line Quarry, Inc.	11,850.00
5610-15	1/1/96	Medusa Aggre- gates Co.	50,050.00	5610-15	1/1/96	Coolspring Stone Sup- ply Co., Inc.	126,500.00
5610-15	1/1/96	Allegheny Mineral Cor- poration	15,000.00	5610-15	1/1/96	Lakeland Sand and Gravel	5,000.00
5610-15	1/1/96	Gernatt As- phalt Prod- ucts, Inc.	19,165.00	5610-15	1/1/96	Latrobe Con- struction Co.	89,050.00
5610-15	1/1/96	Erie Sand and Gravel Co.	27,975.00	5610-15	1/1/96	Commercial Stone Co., Inc.	118,075.00
5610-15	1/1/96	G.F. Edwards	20,360.00	5610-15	1/1/96	Glasgow, Inc.	5,000.00
5610-15	1/1/96	Eastern Indus- tries, Inc.	34,600.00	5610-15	1/1/96	Compass Quarries, Inc.	55,080.00
5610-15	1/1/96	North Star Aggregates	19,120.00	5610-15	1/1/96	Eureka Stone Quarry, Inc.	7,750.00
5610-15	1/1/96	New Enter- prise Stone and Lime	155,525.00	5610-15	1/1/96	Penn/MD Ma- terials Div. of Haines & Kibblehouse, Inc.	11,500.00
5610-15	1/1/96	Lycoming Silica Sand	58,054.00	5610-15	1/1/96	Sheridan Corp.	8,550.00
5610-15	1/1/96	Tionesta Sand and Gravel	17,160.00	5610-15	1/1/96	Keystone Ag- gregates Products Co.	23,900.00
5610-15	1/1/96	HRI, Inc. Boalsburg PA	193,995.00	5610-15	1/1/96	Bedford Quar- ries	18,400.00
5610-15	1/1/96	Glen O. Hawbaker, Inc.	48,025.00	5610-15	1/1/96	Wimpey Min- erals USA	12,825.00
5610-15	1/1/96	Duffy Sand and Gravel	8,250.00	5610-15	1/1/96	Union Quar- ries, Inc.	5,000.00
5610-15	1/1/96	Binkley & Ober, Inc.	5,000.00				

## STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-15	1/1/96	Pennsy Sup- ply, Inc.	74,325.00	8010-01	01/01/96	Gateway Paint and Chemi- cal Co.	206.14
5610-15	1/1/96	York Building Prod. Co., Inc.	20,125.00	8010-07	01/01/96	Sherwin Will- iams Co.	15,000.00
5610-15	1/1/96	Devault Crushed Stone Co., Inc.	9,220.00	8010-07	01/01/96	Finnaren & Haley, Inc.	7,500.00
5610-15	1/1/96	General Crushed Stone, Inc.	9,495.00	8010-07	01/01/96	PA Paint, Inc.	25,000.00
5610-15	1/1/96	Eastern Indus- tries—West	43,580.00	8010-07	01/01/96	Sherwin Will- iams DBA Con Lux	25,000.00
5680-02	1/1/96	Continental Concrete Products, Inc.	52,794.00	8010-07	01/01/96	Duron, Inc.	25,000.00
5680-02	1/1/96	Bill McCarrol Precast	63,521.25	8010-07	01/01/96	Glidden Co.	25,000.00
5680-02	1/1/96	Concrete Con- cepts, Inc.	107,550.00	8010-07	01/01/96	Gateway Paint and Chemi- cal	25,000.00
5680-02	1/1/96	Dox Planks of North- eastern PA	6,696.00	8010-07	01/01/96	Birk Paint Manufac- turers, Inc.	15,000.00
5680-02	1/1/96	Syracuse Cast- ing Sales	61,192.05	8104300-01	12/29/95	Intergraph Corporation	2,690,617.00
5680-02	1/1/96	Morgan Weld- ing	182,329.00	8117870-01	12/29/95	New Enter- prise Stone and Lime	87,005.12
5680-02	1/1/96	Terre Hill Concrete	72,803.00	8160830-01	12/28/95	Keystone Pre- cision In- struments	27,400.00
7313210-01	12/28/95	Double Enve- lope Co.	1,706.00	8204740-01	12/29/95	Nittany Valley Offset	40,925.00
8010-01	01/01/96	Birk Paint Manufac- turers, Inc.	801.01				

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-69. Filed for public inspection January 12, 1996, 9:00 a.m.]