

# PENNSYLVANIA BULLETIN

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

**No. 259, June 1996**

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**PENNSYLVANIA**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

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

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# THE GENERAL ASSEMBLY

## Recent Actions During the 1996 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.

### 1996 ACTS—Acts 49 through 51 (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>
1996-49	May 31	HB1431	PN3485	Immediately	Liquor Code—omnibus amendments
1996-50	May 31	HB1868	PN3546	60 days	County land preservation—use of land by wireless or cellular telecommunication provider
1996-51	May 31	HB1869	PN3547	60 days	Pennsylvania Farmland and Forest Land Assessment Act of 1974—separation, splitoff or transfer of land for use by wireless or cellular telecommunication provider

### 1996 SPECIAL SESSION ACTS—Acts 2 and 3 (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>
1996-2	May 31	HB4	PN45	Immediately	Emergency Management Services Code (35 Pa.C.S.)—omnibus amendments
1996-3	May 31	HB6	PN46	Immediately	Weather Disaster Relief Act for January 1996—enactment

### 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 the 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."

### 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. 96-951. Filed for public inspection June 14, 1996, 9:00 a.m.]

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART III. JUDICIAL CONDUCT BOARD

[207 PA. CODE CHS. 101 AND 117]

#### Amendment to Judicial Conduct Board Rules of Procedure

The following Rules of Procedure of the Judicial Conduct Board were adopted at the Board's meeting on April 22, 1996 and are effective immediately.

JOSEPH A. DELSOLE,  
*Chairperson*

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART III. JUDICIAL CONDUCT BOARD

#### CHAPTER 101. GENERAL PROVISIONS

##### Rule 2. Rules of Construction.

(A) As used in these rules, unless the context otherwise requires:

(1) Words in the singular number include the plural, and words in the plural include the singular.

(2) The word "person" shall include corporations, societies, associations, partnerships, and organizations.

(3) "Shall" is mandatory and "may" is permissive.

(4) "Knowingly" includes reckless disregard for the truth or falsity of a statement.

(B) These rules shall be construed to secure just and reliable determinations of probable cause in all matters considered by the Board.

(C) An error or defect of procedure shall not confer any substantive rights on any party.

#### CHAPTER 117. DISPOSITION; CONTINUANCES

##### Rule 31. Disposition of Complaint.

(A) Except as provided in paragraph (C), within 180 days of the Board's receipt of the Judicial Officer's written response pursuant to Rule 30(B)(2)(c) or written response to any subsequent letter requesting information by the Board, the Board shall:

(1) dismiss the complaint upon a finding that there is no existing probable cause to file formal charges;

(2) dismiss the complaint with the issuance of a letter of counsel upon a determination that, even if the alleged conduct occurred, it was not conduct which requires that formal charges be filed, provided that the Judicial Officer:

(a) consents in writing;

(b) stipulates that the letter of counsel may be used during proceedings involving new complaints against the Judicial Officer; and

(c) agrees to and satisfies any conditions required by the Board; or

(3) authorize the filing of formal charges with the Court of Judicial Discipline.

(B) If the Board dismisses a complaint following a full investigation, Chief Counsel shall promptly notify the Judicial Officer and the complainant.

(C) Exceptions.

(1) The Board may continue a full investigation of a matter beyond the 180-day period set forth in paragraph (A) upon a good faith belief that further investigation is necessary.

(2) The Board may defer disposition of a complaint pursuant to paragraph (A) upon discovery or receipt of additional, corollary, or cognate allegations which may necessitate an investigation.

(3) The receipt of the Judicial Officer's written response to any Rule 30(B) notice or supplemental or investigatory letter is a necessary prerequisite to the tolling and calculation of the 180-day period set forth in paragraph (A). Thus, the 180-day time period is wholly inapplicable if the Judicial Officer fails to file a written response and the investigation will continue to conclusion.

[Pa.B. Doc. No. 96-952. Filed for public inspection June 14, 1996, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Administrative Order Establishing Costs to Fund the Custody Mediation Program; File No. 96-J-6

*And Now*, this 24th day of May, 1996, *It Is Ordered* that the following Administrative Order relating to Establishing Costs to Fund the Custody Mediation Program for the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Domestic Relations Procedural Rules Committee; that one (1) certified copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

*By the Court*

JAMES N. DIEFENDERFER,  
*President Judge*

#### Order

*And Now*, this 24th day of May, 1996, in accordance with 23 Pa.C.S. Section 3902, twenty dollars (\$20.00) shall be added to the filing fee for each divorce complaint and each custody complaint filed in Lehigh County, Pennsylvania, which fee shall be used to fund the Custody Mediation Program.

*By the Court*

WILLIAM E. FORD,  
*Administrative Judge*

[Pa.B. Doc. No. 96-953. Filed for public inspection June 14, 1996, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

#### [7 PA. CODE CH. 104]

#### Sheep and Lamb Marketing Program

The Department of Agriculture (Department) adopts amendments to §§ 104.21, 104.22, 104.24—104.26 and 104.28—104.30. These amendments are adopted under sections 3 and 11 of the Pennsylvania Agricultural Commodities Act of 1968 (act) (3 P. S. §§ 1003 and 1011) which, respectively, require the Department to administer commodity marketing programs and delegate to the Department the power to adopt regulations necessary to implement the act.

Chapter 104, Subchapter C (relating to sheep and lamb marketing program) was adopted in 1993, and addresses the Pennsylvania Sheep and Lamb Marketing Program (Program). The primary purpose of Subchapter C was to involve sheep and lamb sales agents in the process of collecting the 25¢-per-head producer charge owed the Program by sheep and lamb producers. As a result of the Program Board's experience in administrating the Program under Subchapter C, though, it has determined it can better enlist the cooperation of sales agents in the producer charge collection process by minimizing the responsibilities and paperwork and recordkeeping requirements imposed upon sheep and lamb producers and sales agents. The amendments will streamline Subchapter C to establish a less-intrusive method of collecting and verifying the payment of producer charges due the Program.

#### *Comments*

Notice of proposed rulemaking was published at 25 Pa.B. 3345 (August 19, 1995), and provided for a 30-day public comment period.

Only two comment letters were received with respect to the notice of proposed rulemaking: one from a member of the Program Board and the other from the Independent Regulatory Review Commission (IRRC).

The Program Board member offered general comments in support of these amendments, noting that the amendments were long overdue and that it would save time and effort on the part of those involved in the producer charge collection process.

IRRC noted that §§ 104.25(a), 104.26(a) and 104.28(b) (relating to accounting and payment by sales agents; accounting and payment by producers; and exemptions) of the proposed amendments would require producers and sales agents to retain certain records for 5 years. IRRC recommended this required record retention period be shortened to 2 or 3 years. For the reasons which follow, the Department accepts IRRC's comment in part, and has shortened the 5-year record retention period to 4 years.

The Department does not view the record retention requirements at §§ 104.25(a), 104.26(a) and 104.28(b) as placing some new burden on sheep and lamb producers and sales agents. The records required under these sections are the type of records that would be kept in the ordinary course of business.

In addition, the records required under these sections are not so voluminous as to constitute a burden upon those who are required to keep them. The Department

views the fact that no producer or sales agent offered any comment against the proposed 5-year record retention period as some evidence that this is the case.

The Department reviewed record retention requirements imposed under other commodity marketing programs. The Pennsylvania Apple Marketing Program requires (at § 104.6(a)) apple sales agents to retain records of certain transactions "... for at least 3 marketing seasons beyond the marketing season within which the transaction occurred." In effect, this record retention period is more than 3 years and less than 4 years.

The Pennsylvania Vegetable Marketing and Research Program requires (at §§ 104.55 and 104.56(b)) vegetable producers and sales agents to retain records for at least 2 growing seasons beyond the growing season within which particular events occur. In effect, this record retention period is more than 2 years and less than 3 years.

Based on the foregoing, the Department and the Program Board believe it reasonable to accommodate IRRC's concerns and decrease the required record retention period from the 5-year period originally proposed. To this end, §§ 104.25(a), 104.26(a) and 104.28(b) now require that the specific records referenced in those sections be retained for 4 years. The Program Board voted its approval of this 4-year record retention period on November 30, 1995.

#### *Fiscal Impact*

##### *Commonwealth*

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

##### *Political Subdivisions*

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

##### *Private Sector*

The amendments will decrease the costs of compliance which were imposed upon the private sector by the current regulations. The recordkeeping and paperwork requirements of Subchapter C would be decreased and, presumably, this would result in some tangible savings among sheep and lamb producers and sales agents.

##### *General Public*

The amendments will impose no costs and have no fiscal impact upon the general public.

#### *Paperwork Requirements*

The 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: Michael Varner, Bureau of Market Development, 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 9, 1995, the Department submitted a copy of the notice of proposed rulemaking published at 25 Pa.B. 3345 (August 19, 1995) 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 all comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House Committee on May 6, 1996, was deemed approved by the Senate Committee and were approved by IRRC on May 16, 1996, in accordance with section 5(c) of the Regulatory Review Act.

#### Findings

The Department finds that:

(1) Public notice of intention to adopt the amendments 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 all comments received were considered.

(3) The modifications that were made to these amendments in response to comments received do not enlarge the purpose of the proposed amendments published at 25 Pa.B. 3345.

(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, 7 Pa. Code Chapter 104, are amended by amending §§ 104.21, 104.22, 104.24, 104.29 and 104.30 to read as set forth at 25 Pa.B. 3345 (August 19, 1995) and by amending §§ 104.25, 104.26 and 104.28 to read as set forth in Annex A.

(b) The Secretary of Agriculture shall submit this order, 25 Pa.B. 3345 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, 25 Pa.B. 3345 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

CHARLES C. BROSIUS,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 2669 (June 1, 1996).)*

**Fiscal Note:** 2-96. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 7. AGRICULTURE

#### PART IV. MARKETS

### CHAPTER 104. ENFORCEMENT OF MARKETING PROGRAMS

#### Subchapter C. SHEEP AND LAMB MARKETING PROGRAM

#### § 104.25. Accounting and payment by sales agents.

(a) *Required records.* A sales agent whose business is located within this Commonwealth shall maintain, for 4

years, a record of the following information with respect to each producer from whom the sales agent purchases sheep or lambs, or on whose behalf he sells sheep or lambs:

(1) The name and address of the producer.

(2) The number of head of sheep or lambs subject to the producer charge.

(3) The number of head of sheep or lambs exempt from the producer charge.

(4) The amount of money collected or deducted as producer charges owed the Program.

(b) *Inspection of records.* The records described in subsection (a) shall be made available for inspection, during reasonable business hours or at some mutually agreeable time, upon the written request of the Program.

(c) *Accounting by collecting sales agents.* If a collecting sales agent whose business is located within this Commonwealth purchases sheep or lambs from a producer or sells sheep or lambs on behalf of a producer within a particular calendar month, the collecting sales agent shall submit a monthly report and remittance form with respect to that calendar month, together with payment of the producer charges owed the Program as reflected on that form, to the Program no later than the 15th day of the subsequent calendar month. Monthly report and remittance forms shall be provided by the Program upon request of the collecting sales agent. The monthly report and remittance form shall reflect the time period to which it is applicable, the total number of sheep or lambs marketed, the total number of sheep or lambs exempt from producer charges under § 104.28 (relating to exemptions), the total number of sheep or lambs subject to producer charges and the total producer charges due the Program. The collecting sales agent shall sign a verification that the contents of the monthly report and remittance form are true and accurate. The monthly report and remittance form and the payment of producer charges owed the Program shall be submitted by mail or delivery to:

Commonwealth of Pennsylvania  
Department of Agriculture  
Bureau of Market Development  
Attn: PA Sheep and Lamb Marketing Program  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

#### § 104.26. Accounting and payment by producers.

(a) *Required records.* A producer shall maintain, for 4 years, a record of the following information with respect to sheep or lambs which the producer sells, whether the sale is through the producer or a sales agent:

(1) The name and address of the person to whom the sheep or lambs were sold.

(2) The date of the sale.

(3) The number of head of sheep or lambs sold.

(4) Whether the producer charge owed the Program with respect to the sale was deducted or collected by a collecting sales agent or whether it is being submitted by the producer contemporaneously with its producer record form.

(b) *Inspection of records.* The information required in subsection (a) shall be made available for inspection, during business hours or at some mutually agreeable time, upon the written request of the Program.

(c) *Accounting.* A producer shall submit its producer record form for a particular calendar year, together with payment of the producer charges owed the Program as reflected on that form, to the Program by January 20 of the subsequent calendar year. The producer record form shall be provided by the Program upon request of the producer. The form shall clearly identify the producer, the time period to which it is applicable, the total number of sheep or lambs marketed, the total number of sheep or lambs exempt from producer charges under § 104.28 (relating to exemptions), the total number of sheep or lambs subject to producer charges and the total production charges due the Program. A producer may submit two producer record forms with respect to a particular calendar year, the first of which shall cover sales from January 1 through June 30 and be submitted by July 20, and the second of which shall cover sales from July 1 through December 31 and be submitted by January 20 of the subsequent calendar year. The producer shall sign a verification that the contents of the producer record form are true and accurate. The producer record form and the payment of producer charges owed the Program shall be submitted by mail or delivery to the address in § 104.25(c) (relating to accounting and payment by sales agents).

**§ 104.28. Exemptions.**

(a) *Generally.* A person who produces sheep or lambs or causes sheep or lambs to be produced within this Commonwealth is exempt from the requirement that he pay producer charges with respect to the following:

(1) Sheep or lambs which have not been within this Commonwealth for 30 consecutive days immediately prior to sale or slaughter.

(2) Sheep or lambs that were sold, transferred or slaughtered for other than business purposes. Purposes that are "other than business purposes" include the sale or transfer of sheep or lambs, without profit, for use as pets or as zoo or exhibition animals or the donation of sheep or lambs for charitable purposes such as feeding needy individuals.

(b) *Records supporting exemptions.* To claim an exemption, the producer shall retain, for 4 years, records to demonstrate that a particular sheep or lamb met one of the requirements of subsection (a). These records shall be made available for inspection, during business hours or at some mutually agreeable time, upon the written request of the Program.

[Pa.B. Doc. No. 96-954. Filed for public inspection June 14, 1996, 9:00 a.m.]

guidance to applicants for examinations for licensure on issues relating to the required examinations for licensure in this Commonwealth, the qualifications for licensure and the limitations imposed on temporary permit holders. The amendments also provide greater guidance to licensees of the Board on issues relating to licensure renewal, continuing education and approved providers of continuing education courses.

Notice of proposed rulemaking was published at 24 Pa.B. 4482 (September 3, 1994). Publication was followed by a 30-day public comment period during which the Board received written comments from Clifford G. Cummings, D.V.M., on behalf of the Pennsylvania Veterinary Medical Association (PVMA). Comments were also received from the Honorable Clarence D. Bell, Chairperson, Senate Consumer Protection and Professional Licensure Committee, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC).

The amendments reflected in Annex A are responsive to the comments and suggestions received from these commentators. For ease of reference, the Board will address the comments in the order in which the amendments appear.

*§ 31.11. Application for licensure.*

Editorial changes have been made by the Board to § 31.11(b) (relating to application for licensure) to clarify that, as a prerequisite to original licensure as a veterinarian, applicants must submit specified documentation to the Board to verify their qualifications.

The Board also added language to § 31.11(b)(1) to recognize as evidence of graduation from graduates of schools or colleges outside of the United States and Canada, certification from other programs which may be subsequently approved by the American Veterinary Medical Association (AVMA). The Board recently received information that discussions are anticipated to begin between the National Board Examining Committee (NBEC) and the AVMA to transfer the Educational Commission for Foreign Veterinary Graduates (ECFVG) to the NBEC.

Commenting on § 31.11(b), IRRC questioned why the requirements of section 9(b)(4) of the Veterinary Medicine Practice Act (63 P. S. § 485.9(b)(4)) (act) (which requires an applicant to submit satisfactory evidence that he has not been convicted of a felonious act prohibited by The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144)) has not been included under § 31.11(b). IRRC opined that this statutory requirement should not be omitted from the regulatory requirements, and recommended that the Board add a paragraph to § 31.11(b) to incorporate this language. The Board has complied with this request.

*§ 31.13. Licensure renewal.*

IRRC expressed a similar concern regarding proposed § 31.13(b) (relating to licensure renewal). IRRC noted that the language, as proposed, does not include the statutory requirement of section 9(d) of the act that a licensee of this Commonwealth, who is also licensed to practice veterinary medicine elsewhere, report any disciplinary action taken in another state, territory or country to the Board at the time of biennial renewal or within 90 days of disposition, whichever is sooner. In response to this comment, subsection (b) has been amended by adding language to track the statutory reporting requirement. Subsections (b)—(d) as originally proposed have been relettered as subsections (c)—(e), respectively.

**Title 49—PROFESSIONAL  
AND VOCATIONAL  
STANDARDS**  
**STATE BOARD OF VETERINARY MEDICINE**  
**[49 PA. CODE CH. 31]**  
**General Information**

The State Board of Veterinary Medicine (Board) adopts amendments to Chapter 31, to read as set forth in Annex A.

The purpose of the amendments is to expand and consolidate existing language, and to provide greater

The HPLC and IRRC each expressed concern that subsection (b) as originally proposed states that failure of a veterinarian to cease practice if the veterinarian does not renew his license may result in disciplinary action. Both commentators recommended that the Board retain the language from the original regulation which provides that failure of a veterinarian to cease practice if the veterinarian does not renew his license will result in disciplinary action. The commentators opined that use of the word "may" as opposed to "will" could imply that the Board is now more willing to overlook unlicensed practice than it was in the past. In light of these concerns, the Board has amended the language of subsection (b) (now subsection (c)), accordingly.

IRRC's final concern respecting § 31.13 was the Board's deletion of language under proposed subsection (c) which required that a holder of an expired license who wishes to reactivate and renew the license be required to pay fees as would have been paid had the holder maintained his license in good standing. The Board originally proposed to delete this language because the general practice of the Bureau of Professional and Occupational Affairs is to require a licensee who wishes to renew an expired license to sign an affidavit of nonpractice (verifying the period of time in which the licensee abstained from practice in this Commonwealth) and to pay only the current biennial renewal fee. Notwithstanding this practice, the Board acknowledges that section 19(a)(2) of the act (63 P. S. § 485.19(a)(2)) specifically states that one of the requirements for reinstatement of an expired license to practice veterinary medicine is "[p]ayment of all fees that would have been paid if [the veterinarian] had maintained his or her license in good standing . . ." This being so, the Board has added language under new subsection (d) to incorporate this statutory language.

*§ 31.15. Continuing education.*

Language has been added to § 31.15 (relating to continuing education), at the suggestion of IRRC, to clarify that the period of time for meeting the continuing education requirement is the 24 months preceding the renewal date. The language added by the Board tracks the statutory language of section 18 of the act (63 P. S. § 485.18).

*§ 31.16. Continuing education provider approval.*

In response to concerns raised by the HPLC and IRRC to the language of proposed § 31.16(a) (relating to continuing education provider approval), the Board has deleted the phrase, "as long as the programs are specifically designed to increase the skills, knowledge and competency of veterinarians," where that language appeared in subsection (a). Upon reconsideration, the Board is of the view that this language, as originally proposed, was out of place.

Commenting on proposed subsection (d), the HPLC and IRRC questioned why members of the faculties of approved schools of veterinary medicine are exempt from the requirement under subsection (e) to submit to the Board a resumé of their qualifications to teach a continuing education course. The Board has exempted these individuals from the resumé requirement because the qualifications of faculty members of approved schools of veterinary medicine are closely scrutinized by qualified academicians associated with these schools. Further review by Board members of the qualifications of these instructors to teach a continuing education course is unnecessary.

Commenting on behalf of the PVMA, Dr. Cummings urged the Board to amend subsection (a) to include,

among the list of providers that do not require prior Board approval, constituent associations of the PVMA. Dr. Cummings explained that local constituent association programs are an important means of continuing education for many practitioners in this Commonwealth, and that programs offered by PVMA's constituent associations utilize university staff members and other specialists to provide meaningful continuing education to licensed practitioners. The Board agrees with this suggestion and has amended subsection (a) accordingly.

IRRC's final comment regarding subsection (d) pertains to the Board's word choice in paragraphs (2) and (3). IRRC noted that in paragraph (2), the Board states that licensed veterinarians who are not faculty members of approved schools of veterinary medicine may be instructors of a continuing education program if, by virtue of their professional activities and achievements in a particular field, the doctors are recognized by the Board as qualified to speak on a particular subject. In paragraph (3), the Board states that instructors of continuing education programs may include other lecturers or instructors who are not licensed veterinarians, if the Board determines that they are qualified to speak on a particular subject. At the suggestion of IRRC, and for consistency, the Board has amended paragraph (2) to read "determined" as opposed to "recognized."

IRRC also questioned how a continuing education provider is advised that he has been determined by the Board as qualified to speak on a particular subject. In response, the Board carefully reviews the resumé submitted by the individual to evaluate the individual's education and experience background to speak on a particular subject, and communicates its decision to the individual in writing, stating the reason, if any, for disapproval.

*Statutory Authority*

These amendments are adopted under the authority of section 5(1) of the act (63 P. S. § 485.5(1)), which empowers the Board to adopt reasonable rules and regulations governing the practice of veterinary medicine as are necessary to enable the Board to carry out and make effective the purpose and intent of its enabling statute.

*Fiscal Impact and Paperwork Requirements*

The amendments should have no fiscal impact and should require no additional paperwork by the Commonwealth, its political subdivisions or the private sector.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 24 Pa.B. 4482, to IRRC and to the Chairpersons of the HPLC and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

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

These final-form regulations were approved by the HPLC on May 13, 1996, and approved by the Senate Committee on May 14, 1996. IRRC met on May 16, 1996, and approved the regulations in accordance with section 5(c) of the Regulatory Review Act.



*Further Information*

Persons who wish further information about the amendments may communicate with Deborah Orwan, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

*Findings*

The Board finds that:

(1) Public notice of the Board's intention to adopt the amendments herein was 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) The regulations adopted herein are necessary and appropriate for the administration of the act.

*Order*

The Board, acting under its authorizing statute, therefore orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by adding §§ 31.3, 31.15 and 31.16 and by amending §§ 31.11—31.13 to read as set forth in Annex A.

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

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

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

JOY LOUISE ELLWANGER, C.A.H.T.,  
*Chairperson*

**Fiscal Note:** Fiscal Note 16A-572 remains valid for the final adoption of the subject regulations.

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 2669 (June 1, 1996).)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE**

**GENERAL INFORMATION**

**§ 31.3. Examinations.**

(a) The examinations required as a prerequisite to original licensure as a veterinarian are the National Board Examination (NBE), the Clinical Competency Test (CCT) and the Pennsylvania Veterinary Legal Practice Examination. The examinations will be given at least annually and at other times deemed appropriate by the Board, in consultation with the professional testing organization providing these examinations to applicants of the Board.

(b) Applications to take the licensing examinations, together with instructions for applicants, including deadlines for filing and paying fees, may be obtained from the Administrative Office of the Board by writing or telephon-

ing the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389.

(c) Examination applications and the fee required by § 31.41 (relating to schedule of fees) shall be submitted directly to the professional testing organization designated by the Board at least 60 days prior to the examination date.

**LICENSURE**

**§ 31.11. Application for licensure.**

(a) *Application forms.* Application forms for original or reciprocal licensure may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389.

(b) *Original licensure.* As a prerequisite to original licensure as a veterinarian, an applicant shall submit the following documentation to the Board:

(1) Evidence of graduation from an approved school or college of veterinary medicine. The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medicine Association, Educational Commission for Foreign Veterinary Graduates or another program which may subsequently be approved by the American Veterinary Medical Association, as proof of graduation from an approved school or college of veterinary medicine.

(2) National Board Examination (NBE) and Clinical Competency Test (CCT) examination results as furnished through a national examination grade reporting service. The Board will accept an applicant's grades from an examination taken within the last 5 years as furnished through a National examination grade reporting service in lieu of retaking these examinations, if the applicant passed these examinations with a score equivalent to or higher than the passing score then prevailing in this Commonwealth.

(3) A letter of good standing from the licensure board of each state where the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

(4) A statement from the applicant that the applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction so that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications contained in the act.

(c) *Reciprocal licensure.* An applicant for licensure by reciprocity who has held a valid license from another state and has been actively engaged in clinical practice in that state for 5 years immediately preceding application for licensure in this Commonwealth, may be granted a license to practice veterinary medicine in this Commonwealth after having passed the Pennsylvania Veterinary Legal Practice Examination, paid the fee required by § 31.41 (relating to schedule of fees), and submitted the following documentation to the Board:

- (1) An application form under subsection (a).
- (2) A verification of clinical practice, completed by the applicant, describing in detail the applicant's clinical practice during the immediately preceding 5 years.
- (3) A letter from the licensure board of the state wherein the applicant has been actively engaged in clinical practice during the immediately preceding 5 years, certifying 5 years of continued licensure in that state.
- (4) Two certificates of recommendation from licensed veterinarians regarding the applicant's character and competence and attesting to the fact that the applicant has been in active clinical practice during the immediately preceding 5 years.
- (5) A letter of good standing from each board office in which the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

#### § 31.12. Temporary permits.

(a) *Original licensure.* An applicant for original licensure who desires a temporary permit under section 10 of the act (63 P. S. § 485.10) may be granted a temporary permit to practice veterinary medicine upon graduation from an approved school or college of veterinary medicine, completion of an application form prescribed by the Board and payment of the fee required by § 31.41 (relating to schedule of fees). The applicant's official transcript provided by the degree-granting institution or a verification of graduation from the degree-granting institution shall be evidence of graduation from an approved school or college of veterinary medicine. A graduate of a school or college of veterinary medicine outside of the United States and Canada shall submit certification by the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or another program which may subsequently be approved by the American Veterinary Medical Association, as proof of graduation from an approved school or college of veterinary medicine.

(b) *Reciprocal licensure.* An applicant for reciprocal licensure who desires a temporary permit under section 10 of the act may be granted a temporary permit to practice veterinary medicine in this Commonwealth pending passage of the Pennsylvania Veterinary Legal Practice Examination if the applicant completes an application form prescribed by the Board, pays the fee required by § 31.41, and otherwise meets the requirements of subsections (a) and (c) and section 10 of the act.

(c) *Temporary permit holder limitations.* A temporary permit holder shall be associated with a licensed doctor of veterinary medicine, shall limit his work to the practice of the licensed doctor of veterinary medicine and may not participate in any practice or operation of a branch office, clinic or allied establishment. The associating veterinarian shall be responsible for all veterinary activities of the temporary permit holder and shall be accessible to the

temporary permit holder either by telephone or personal contact. When contact by telephone or personal contact is not possible as, for example, in the case of vacations or other travel, the associating veterinarian shall delegate the supervisory responsibilities to another licensed veterinarian. The associating veterinarian will continue to assume responsibility for the veterinary activities of the temporary permit holder in his absence. A temporary permit holder shall report to the next scheduled examination of the Board following the issuance of the temporary permit. The temporary permit shall expire on the day following the announcement of the grades of the first examination given after the temporary permit is issued.

#### § 31.13. Licensure renewal.

(a) Licenses expire on November 30 of each even-numbered year, regardless of the date of issuance. Licenses are renewable for a 2-year period beginning December 1 of each even-numbered year. The fee for biennial renewal is as set forth in § 31.41 (relating to schedule of fees). Late fees are prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101—1401-501) will be added to the renewal fees of licensees who do not submit their renewal applications by December 1 of the year of expiration of their licenses. Upon renewing their licenses, licensees will receive a blue 5 × 7 wall certificate and wallet-size license card which show the next expiration date of the license. These documents are the only evidence of valid, current licensure.

(b) A licensee who is also licensed to practice veterinary medicine in another state, territory or country shall report this information on the biennial registration form. Disciplinary action taken in other states, territories or countries shall be reported to the Board on the biennial registration application or within 90 days of final disposition, whichever is sooner.

(c) Licensed veterinarians who fail to renew their license shall cease from the practice of veterinary medicine in this Commonwealth on the last day of November of the renewal year. Failure to do so will result in disciplinary action by the Board under section 9(a) of the act (63 P. S. § 485.9(a)).

(d) A holder of an expired license to practice veterinary medicine may reactivate and renew the license within 5 years from the date of its expiration, upon application to and approval of the Board and upon payment of the current biennial renewal fee as set forth in § 31.41 and the payment of the fees that would have been paid if the license had been maintained in good standing. The application for renewal shall also be accompanied by certificates of attendance at continuing education courses as required by § 31.15 (relating to continuing education) for the current and preceding biennial renewal periods in which the license was expired, and an Affidavit of Non-Practice, verifying the period of time in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.

(e) A licensee will not be assessed a late renewal fee for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.

#### § 31.15 Continuing education.

As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian shall attend eight clock hours of continuing education courses approved by the Board during the 24 months preceding

the renewal date. Continuing education credit will not be given for a course in office management or practice building.

**§ 31.16. Continuing education provider approval.**

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers:

- (1) The American Veterinary Medical Association (AVMA).
- (2) Approved schools.
- (3) Allied organizations of the AVMA.
- (4) AVMA-approved major regional veterinary organizations.
- (5) Specialty boards of the AVMA.
- (6) The Pennsylvania Veterinary Medical Association and its constituent associations.
- (7) Other states' veterinary medical associations.

(b) Continuing education courses which are offered by providers not covered under subsection (a) shall receive prior approval of the Board. An application for approval of continuing education programs may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389. A request for approval shall be filed with the Board at least 60 days prior to the date of the proposed program, and shall be accompanied by the fee required by § 31.41.

(c) Organizations approved under subsections (a) and (b) shall provide certificates of attendance to the veterinarian which includes the name of the provider, the name of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

(d) Instructors of continuing education programs may include:

- (1) Members of the faculties of approved schools of veterinary medicine.
- (2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of the schools covered under paragraph (1) if, by virtue of their professional activities and achievements in a particular field, the doctors are determined by the Board to be qualified to speak on subjects of pertinent value to the profession.

(3) Other lecturers or instructors who are not licensed to practice veterinary medicine, if the Board determines that they are qualified to speak upon a subject which will be of value to the profession.

(e) A resume of the qualifications of instructors of continuing education programs under subsection (d)(2) and (3) shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

[Pa.B. Doc. No. 96-955. Filed for public inspection June 14, 1996, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 285]

### Marking of Infectious Waste Containers

The Environmental Quality Board (Board) proposes to amend Chapter 285 (relating to storage, collection and transportation of municipal waste) to read as set forth in Annex A.

This proposal was adopted by the Board at its regular meeting on April 16, 1996.

#### A. *Effective Date*

These proposed amendments will go into effect immediately upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. *Contact Persons*

For further information, contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th Floor, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472, telephone: (717) 787-7381, or Marc A. Roda, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th Floor, 400 Market Street, P. O. Box 8464, Harrisburg, PA 17105-8464, telephone (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. These proposed amendments are available electronically through the Department of Environmental Protection (Department) Web site (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

This proposal is being made under the provisions of sections 105 and 201 of the Solid Waste Management Act (35 P. S. §§ 6018.105 and 6018.201); sections 1 and 4 of the Infectious and Chemotherapeutic Waste Disposal Act (35 P. S. §§ 6019.1 and 6019.4); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). Under sections 105 and 201 of the Solid Waste Management Act and sections 1 and 4 of the Infectious and Chemotherapeutic Waste Disposal Act, the Board has the power and duty to adopt rules and regulations concerning the storage, treatment, disposal and transportation of infectious and chemotherapeutic waste as are necessary to protect the public's health, safety and welfare, as well as protect the environmental resources of the Commonwealth. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations that are necessary for the proper work of the Department.

#### D. *Background and Purpose of the Proposed Rulemaking*

The purpose of this proposed amendment is to provide greater flexibility in the Department's regulations pertaining to the marking and labeling of containers holding infectious and chemotherapeutic waste (ICW). Currently, generators and transporters of ICW must both color code (red for infectious and yellow for chemotherapeutic) and label. These amendments will allow color coding or labeling to be alternative methods of identifying the container. This proposed rulemaking is in response to a petition by DeRoyal Industries Incorporated (DeRoyal) to

amend § 285.147(d) (relating to marking of containers) to allow an alternative to the requirement that ICW containers must be red or yellow in color.

On August 1, 1995, DeRoyal submitted to the Board a petition to amend § 285.147(d) to allow an alternative to the requirement that ICW containers used for storage and transportation be red or yellow in color. DeRoyal has submitted this petition to facilitate the sale of its product the "TraceCart." The TraceCart is a medical product and ICW storage and transportation container. The TraceCart is blue in color with a red lid and is designed to have labels attached which appropriately describe the nature of the container's contents.

The TraceCart is marketed Nationally. According to DeRoyal, the mandatory color coding requirements of § 285.147 are unique to the Commonwealth. Furthermore, this unique color coding requirement makes it more expensive to manufacture the TraceCart for sale in this Commonwealth.

At its March 14, 1996, meeting, the Department's Solid Waste Advisory Committee (Committee) voted to recommend the Department proceed with the draft regulations as they pertain to rigid containers.

Section 285.146 (relating to storage containers) requires that bags used as ICW containers be color coded, red for infectious and yellow for chemotherapeutic waste. The Department had proposed to the Committee to amend § 285.146(d) to allow as an alternative to the container color coding, labeling the containers with the universal biological hazard symbol and the words "infectious and chemotherapeutic waste", as described in § 285.147(c). The Committee voted to recommend deletion of the draft language that would have changed this requirement.

This proposed rulemaking reflects the recommendations of the Committee as made in their March 14, 1996, meeting. The Department wishes to solicit additional comment through this notice on § 285.146(d) as described in this Preamble.

#### E. *Summary of Proposed Rulemaking*

When the Department's container color coding requirements were first promulgated in 1988, those requirements were consistent with industry practice at that time. However, since 1988 several changes have taken place at the Federal level, including rule changes at the United States Department of Labor's Occupational Safety and Health Administration (OSHA) and the United States Department of Transportation (USDOT).

Currently, the Department's container color coding requirements for ICW containers are more stringent than what is required by Federal law. OSHA is responsible for promulgating regulations setting standards for the protection of workers. Under OSHA's Bloodborne Pathogen Rule (29 CFR Part 1910.1030), infectious waste containers must either be labeled with the universal biological hazard symbol or colored red. USDOT is responsible for promulgating regulations establishing standards for the safe transportation of hazardous materials. USDOT recently amended 49 CFR Parts 171-173 which in part applied OSHA's labeling requirements to the packaging requirements for shipments of infectious materials.

The Department's container color coding requirements are also more stringent than the practices recommended by the United States Environmental Protection Agency

(USEPA). USEPA is responsible for promulgating standards for the storage and transportation of hazardous wastes. USEPA does not currently have regulations addressing infectious or chemotherapeutic wastes. However, their guidelines recommend using either the universal biological hazard symbol as described in the OSHA regulations, color coding or clearly labeled (*EPA Guide for Infectious Waste Management* (May, 1986)).

There are no legal requirements or environmental or public health reasons mandating that the Department maintain its dual labeling and color coding requirements for infectious and chemotherapeutic wastes. Allowing either labeling or color coding as alternative methods of identifying containers of infectious and chemotherapeutic waste is reasonable and appropriate and is consistent with the Department's commitment to adopt environmental regulations that are no more stringent than Federal requirements when there is no purpose served by being more stringent.

The existing requirements at § 285.147(d) and (e) require that all containers be color coded as well as labeled with the biological hazard symbol. The Board proposes to amend § 285.147(d) and (e) to allow color coding as an alternative to the labeling requirements.

F. *Benefits and Costs*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendment.

*Benefits*

By amending § 285.147, companies that manufacture and Nationally market containers for the storage and transportation of ICW will be able to market the same container in this Commonwealth. This should reduce the cost of the containers in this Commonwealth.

*Costs*

If adopted, this proposed amendment will not impose any new costs on individuals managing infectious and chemotherapeutic wastes.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed amendment on June 4, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed amendment, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the agency in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

H. *Sunset Review*

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

I. *Public Comments.*

*Written Comments*—Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Environmental Quality Board, 15th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8477). Comments received by facsimile will not be accepted. Comments, suggestions or objections must be received by the EQB by July 15, 1996, within 30 days of publication in the *Pennsylvania Bulletin*. Interested persons may also submit a summary of their comments to the Board. The summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which final regulations will be considered. The summary shall not exceed one page in length and must be received by July 15, 1996.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by July 15, 1996.

Persons with a disability who require an accommodation to comment on these proposed regulations should contact the Department at (717) 787-4526 to discuss how we may best accommodate their needs. If necessary, use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (voice users) and request that they relay the call to Sharon Freeman at (717) 787-4526.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-298. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE VIII. MUNICIPAL WASTE**

**CHAPTER 285. STORAGE, COLLECTION AND TRANSPORTATION OF MUNICIPAL WASTE**

**Subchapter A. STORAGE OF MUNICIPAL WASTE**

**§ 285.147. Marking of containers.**

\* \* \* \* \*

(c) The following information shall be printed on the outermost container for each package of infectious or chemotherapeutic waste for either onsite movement or offsite transportation:

(1) The words "infectious waste" or "chemotherapeutic waste," whichever is applicable.

(2) The universal biohazard symbol that conforms to the design shown in regulations of the United States Occupational Safety and Health Administration at 29 CFR 1910.145(f)(8)(ii) (relating to specifications for accident prevention signs and tags).

(d) **[ Except for sharps containers used in patient or examination rooms, for corrugated fiberboard boxes, or for stationary waste storage containers,**

the color of the outermost container for each package of infectious or chemotherapeutic waste shall be as follows:

(1) Red for infectious waste.

(2) Yellow for chemotherapeutic waste. ]

The labeling information specified in subsection (c) shall be fluorescent orange or orange-red in color, or predominately so, with a background of a contrasting color for infectious waste, and yellow in color, or predominately so, with a background of a contrasting color for chemotherapeutic waste.

(e) Red bags or red containers for infectious waste and yellow bags or yellow containers for chemotherapeutic waste may be substituted for the marking requirements in subsection (c).

[ (e) ] (f) \*\*\*

[Pa.B. Doc. No. 96-956. Filed for public inspection June 14, 1996, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 51]

Administration

The Fish and Boat Commission (Commission) proposes to adopt Chapter 51, Subchapter J (relating to royalties for sand and gravel permits). The Commission is publishing these additions as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed regulations deal with adjustments to the royalty rates for merchantable sand and gravel extracted from Commonwealth waters.

### A. Effective Date

These proposed regulations will, if approved on final rulemaking, go into effect on October 1, 1996, or upon publication of an order adopting the regulations, whichever occurs later.

### B. Contact Person

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

### C. Statutory Authority

These proposed regulations are published under the statutory authority of section 503(c) of the Conservation and Natural Resources Act (CNRA) (71 P. S. § 1340.503(c)).

### D. Purpose and Background

There are six companies that currently dredge material from the navigable waters of this Commonwealth and pay royalties under section 1808(d) of The Administrative Code of 1929 (71 P. S. § 468(d)). Royalties from sand and gravel extracted from Commonwealth waters are paid to the Fish Fund, which is administered under Chapter 5 of the code (relating to fiscal affairs).

Current royalty rates for merchantable sand and gravel extracted from Commonwealth waters were set in 1970 at 10¢ per adjusted dry ton of 2,000 pounds, or alternatively, 15¢ per cubic yard based on 3,000 pounds per adjusted

dry weight for usable and merchantable sand or gravel, or both, or other minerals, or both, extracted, but in any event an amount of at least \$1,000 per year. When the royalty rates were established in 1970, the royalty payment of 10¢ per adjusted dry ton or 15¢ per cubic yard was about 6% of the selling price of the dredged material. Section 503(c) of the CNRA provides that the Commission may by regulation, with the concurrence of the Department of Environmental Protection (DEP), adjust the amount of the royalty payments per ton or cubic yard of usable or merchantable sand or gravel extracted from Commonwealth waters.

### E. Summary of Proposal

The Commission is seeking public comment on proposed regulations that would increase the sand and gravel royalties to 6% of the average Pennsylvania Free On Board price of the material or 25¢ per dry ton/37.5¢ per cubic yard, whichever is greater (but at least \$1,000 per year).

### F. Fiscal Impact

The proposed regulations will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed regulations, however, will impose new costs on the private sector. These costs will total approximately \$300,000 to \$600,000 per year for all businesses engaged in dredging.

### G. Paperwork

The proposed regulations will not increase paperwork and will create no new paperwork requirements.

### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed regulations to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
Executive Director

**Fiscal Note:** 48A-56. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

##### Subpart A. GENERAL PROVISIONS

#### CHAPTER 51. ADMINISTRATIVE PROVISIONS

##### Subchapter J. ROYALTIES FOR SAND AND GRAVEL PERMITS

Sec.	Authority.
51.91.	Royalty rates
51.92	

#### § 51.91. Authority.

Under section 503(c) of the Conservation and Natural Resources Act (71 P. S. § 1340.503(c)), the Commission, with the concurrence of the Department of Environmental Protection, is authorized to adjust the amount of royalty payments per ton or cubic yard of usable or merchantable, or both, sand or gravel, or both, extracted from Commonwealth waters.

#### § 51.92. Royalty rates.

(a) Persons holding permits granting them nonexclusive rights and privileges of dredging, excavating, removing and carrying away merchantable sand and

gravel under agreements between the permittees and the Department of Environmental Protection (DEP) shall pay royalties equal to the greater of one of the following amounts:

- (i) One thousand dollars per year.
- (ii) Twenty-five cents per adjusted dry ton of 2,000 pounds or 37 1/2¢ per cubic yard of 3,000 pounds, adjusted dry weight of merchantable sand and gravel or other merchantable material which is removed.
- (iii) Six percent of the average Pennsylvania Free On Board (F.O.B.) price of the material, as determined by the Commission, after consultation with DEP.
- (b) On or before \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal), the Commission, after consultation with DEP will determine the average Pennsylvania F.O.B. price applicable to the remainder of the year in which this subchapter takes effect for the materials to be extracted. The Commission will notify permittees of the average Pennsylvania F.O.B. price.
- (c) On or before December 1 of each year, the Commission, after consultation with DEP, will determine the average Pennsylvania F.O.B. price applicable to the following year for the materials to be extracted. The Commission will notify permittees of the average Pennsylvania F.O.B. price.

[Pa.B. Doc. No. 96-957. Filed for public inspection June 14, 1996, 9:00 a.m.]

## MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CHS. 201 AND 203]  
Administration of the Training Program

The Municipal Police Officers' Education and Training Commission (Commission) proposes to reserve Chapter 201 (relating to administration of the program) and to adopt Chapter 203 (relating to administration of the program) under the authority of section 5 of the act of June 18, 1974 (act) (P. L. 359, No. 120) (53 P. S. § 744 (15)), to read as set forth in Annex A.

### *Purpose*

The purpose of these proposed amendments is to implement mandatory recruit training for all police officers subject to the act, to provide certification procedures for those individuals who successfully complete the training, pass a State certification test and are employed by a political subdivision or certain colleges or are deputy sheriffs employed by the Allegheny County Sheriff's Office. The proposal also provides that certifications must be renewed every 2 years and mandates that an officer must complete at least 12 hours of in-service training yearly and maintain certification in first aid, CPR and weapons qualification. The proposal also sets physical, psychological and criminal standards for police officers and requires a job related certification test. Those officers that do not meet the standards are subject to decertification by the Commission.

### *Effect*

The proposal affects every police officer as that term is defined in section 2 of the act (53 P. S. § 741). All existing school certifications shall continue. All existing police office certifications shall continue until their expiration date. Those police officer certifications without an expiration date shall expire upon the effective date of these rules and regulations. All existing instructor certifications issued to instructors who have taught at a certified school during the 2 years preceding publication for adoption of the final rulemaking shall continue, all others shall expire upon the effective date of the final rulemaking.

### *Legal Issues*

There is a possible legal issue that has arisen in the development of these proposed amendments. The act provides that certification runs for 2 years. The proposed amendments provide, however, that if the officer fails to complete 12 hours of mandatory in-service training yearly and maintain certification in first aid, CPR and weapons qualifications his certification would be considered expired. The Commission would not revoke the certification of that officer, however, until the end of the 2-year period. An officer who fails to meet the standards as set forth in Chapter 203 could be decertified by the Commission.

### *Policy*

There is a policy issue concerning the impact of the proposed amendments on current officers. Officers will have to comply with mandatory in-service training, first aid, CPR and weapons qualifications yearly, or they may be decertified. Therefore, some officers who were grandfathered for basic training purposes will now have to comply with mandatory in-service training, first aid, CPR and weapons qualification requirements for the first time. Most police officers have been complying with these requirements on a nonmandatory basis since Act 180 of 1988 became law. Police officers will also be required to meet standards for physical and psychological fitness and with regard to criminal convictions, or face the possibility of being decertified.

### *Fiscal Impact*

The proposed amendments will have no additional fiscal impact on the Commonwealth.

The costs to municipalities would be for transportation of officers to in-service training schools and in maintaining first aid, CPR and firearms qualifications and costs associated with paying overtime or salaries to officers attending the aforementioned. The proposed amendments do not, however, require political subdivisions to pay salaries to officers attending in-service training.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of these proposed amendments on May 21, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee. In addition to submitting these proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has any objections to the proposed amendments, it will notify the Commission within 30 days of the close of the public comment period. The notification shall

specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Commission, the General Assembly and the Governor of objections raised.

#### *Sunset Date*

The legislation under which the Commission was re-established has a sunset date of December 31, 1998.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Commission within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. All comments should be directed to: Major Richard C. Mooney, Executive Director, Municipal Police Officers' Education and Training Commission, 75 East Derry Road, Hershey, PA 17033, who may be contacted at (717) 533-5987 for further information.

COLONEL PAUL J. EVANKO,  
*Chairperson*

*(Editor's Note: The Commission is proposing to delete Chapter 201 as it currently appears in the Pennsylvania Code serial pps. (41063)—(41068), (26077), (26078), (83495)—(83498), (26083), (26084), (83499), (83500), (52570), (52511), (52596), (52597), (52634), (52635), (83501), (83502), (26087), (26088), (41071)—(41078), (52582)—(52591), (41081)—(41092), (110687) and (110688)) and replace it with Chapter 203 which appears in Annex A.)*

**Fiscal Note:** 17-55. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 37. LAW**

#### **PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION**

#### **Subpart A. MUNICIPAL POLICE OFFICERS TRAINING PROGRAM**

#### **CHAPTER 203. ADMINISTRATION OF THE PROGRAM**

##### **Subch.**

- A. GENERAL**
- B. POLICE OFFICER CERTIFICATION REQUIREMENTS**
- C. SCHOOL REQUIREMENTS**
- D. COURSE REQUIREMENTS**
- E. INSTRUCTOR CERTIFICATIONS**
- F. REIMBURSEMENT OF EXPENSES**
- G. NOTICE AND HEARINGS**

#### **Subchapter A. GENERAL**

- Sec.  
203.1. Definitions.

#### **§ 203.1. Definitions.**

In addition to the definitions contained in the act, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

*Act*—The act of June 18, 1974 (P. L. 359, No. 120) (53 P. S. §§ 740—749).

*Certification*—The assignment of a certification number to a police officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the Commission and successful completion of mandatory in-service training.

*Certified police officer*—A police officer who is authorized to enforce 18 Pa.C.S. (relating to the Crimes Code) moving violations of 75 Pa.C.S. (relating to the Vehicle Code) and carry a firearm.

*Chairperson of the Commission*—The Commissioner of the State Police.

*Commission*—The Municipal Police Officers Education and Training Commission.

*Conviction*—An adjudication of guilt including the imposition of a sentence.

*Disqualifying criminal offense*—A criminal offense for which more than 1 year in prison can be imposed as punishment.

*Executive Director*—The Commission elected head of staff responsible for administration. See section 5(10) of the act (53 P. S. § 744(10)).

*Program*—The Municipal Police Officers' Education and Training Program.

*School*—A training school or academy which provides a basic police training course. The term includes an organization which provides such a course within the functional organization of a police department or an educational entity within this Commonwealth which provides such a course at its base facility and at other locations approved by the Commission. Each separate geographical location is considered a school.

#### **Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS**

- Sec.  
203.11. Qualifications.  
203.12. Waiver of training.  
203.13. Certification as a municipal police officer.  
203.14. Revocation of certification.  
203.15. Application packet submission.

#### **§ 203.11. Qualifications.**

Persons who are to be employed as police officers by police departments in this Commonwealth from \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal*), shall meet the following requirements:

- (1) Applicants shall be 18 years of age or older.
- (2) Applicants shall possess a high school diploma or GED Equivalency.
- (3) Applicants shall be citizens of the United States.
- (4) Applicants shall be personally examined by a doctor of medicine licensed by the State Board of Medicine or a doctor of osteopathy licensed by the State Board of Osteopathic Medicine and found to meet the physical standards contained in this chapter. The examination shall include the following elements:
  - (i) Applicants shall be free from the addictive or excessive use of alcohol or drugs which shall be determined using current laboratory testing procedures.
  - (ii) Applicants shall be free from the use of illegal controlled substances which shall be determined using current laboratory, testing procedures.
  - (iii) Applicants physical condition shall be such that applicants could reasonably be expected to withstand significant cardiovascular stress.
  - (iv) Applicants shall be free from debilitating conditions such as tremor, incoordination, convulsion, fainting episodes or other neurological conditions which may affect the applicants' ability to perform as police officers.



(v) Applicants shall have visual acuity of at least 20/70, uncorrected in the stronger eye, correctable to at least 20/20; and at least 20/200, uncorrected in the weaker eye, correctable to at least 20/40. In addition, applicants shall have normal depth and color perception and be free of any other significant visual abnormality.

(vi) Applicants shall have audio acuity sufficient to distinguish a normal whisper at a distance of 15 feet. The test shall be independently conducted for each ear while the tested ear is facing away from the speaker and the other ear is firmly covered with the palm of the hand. The applicant may not use a hearing aid or other aid to perform the test. If the applicants fail this test, the applicant shall be required to take a decibel audio test and meet standards established by the Commission.

(vii) Applicants may not be missing any extremities, including appropriate digits, which would prevent performance of required police duties or meeting minimum training requirements.

(viii) Applicants shall be free from other significant physical defects or disorders which would, in the physician's opinion, impair the applicant's ability to perform the duties of a police officer or complete the required minimum training requirements.

(5) Applicants shall be personally examined by a psychologist who is licensed by the State Board of Psychology and found to be psychologically capable to exercise appropriate judgment or restraint to perform the duties of a police officer at the time of the examination. The examination shall include the following elements:

(i) *Interview and history.* The psychologist shall personally interview the applicant. The interview shall include a summary of the applicant's personal, educational, employment and criminal history.

(ii) *Required psychological test.* Applicants shall be administered any current standard form of the Minnesota Multiphasic Personality Inventory (MMPI) by a licensed psychologist or a paraprofessional employed by and under the direct control and supervision of a licensed psychologist.

(iii) *Other testing methods.* After initial testing, if the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment and restraint to perform the duties of a police officer including the handling of a lethal weapon, the psychologist shall employ whatever other psychological techniques are deemed necessary to form a professional opinion of the applicant's psychological ability. The use of these additional techniques requires a full and complete written explanation to the Commission.

(6) Applicants shall certify that they have not failed a physical examination or psychological evaluation conducted in conjunction with an application for police employment within the previous year.

(7) Applicants shall be subject to a thorough background investigation conducted by the applicant's employing police department. The investigation shall include the following:

(i) A criminal history check including the submission of fingerprints to the Central Repository for the Commonwealth and to the Federal Bureau of Investigation.

(ii) A check of the applicant's credit history.

(iii) Personal interviews conducted with at least 3 people that have personal knowledge of the applicant but are not related to the applicant.

(iv) Interviews of the applicant's employers for the past 5 years to determine the applicant's work history.

(v) A check of the applicant's driving record verifying that the applicant has a valid driver's license.

(vi) Other investigative techniques deemed appropriate by the applicant's employing police department which are consistent with law.

(8) Applicants shall successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training as enumerated in § 203.12 (relating to waiver of training).

(i) Successful completion of a basic police training course shall be determined by the training school, based upon Commission standards.

(ii) In order to qualify for this certificate, each applicant shall:

(A) Achieve a minimum qualifying firearms score of 75%.

(B) Receive certification for first aid and CPR from the American Red Cross, the Department of Health or the American Heart Association.

(C) Comply with Commission and school rules and regulations.

(D) Pass the same certification exam administered to those seeking waiver of training as set forth in § 203.12(4).

(E) Attend 100% of all classes.

(I) Excused absences shall be mutually agreed upon by the police officer's department head and school director. School directors shall determine excused absences for applicants not employed as police officers.

(II) Excused absences shall include personal illness or injury, illness in the immediate family requiring the applicant's attention or death in the immediate family.

(F) Complete the basic training course approved by the Commission with a minimum grade of 75% on each tested area of examination.

(I) Applicants not achieving the minimum grade in a tested area are permitted to take that tested area at another Commission-certified school. If the applicant fails to achieve the minimum grade on his second attempt, the applicant shall be required to successfully complete the entire basic police training course at a later time in order to qualify for certification.

(II) Applicants not achieving the minimum grade in two separate tested areas during one basic police training course shall be required to successfully complete the entire basic police training course at a later time in order to qualify for certification.

#### § 203.12. Waiver of training.

Applications for certification for which waivers of training are requested shall be submitted by the applicant's employing police department. All applicants for a waiver of training shall satisfy the following requirements:

(1) Applicants for a waiver of training shall be employed as police officers.

(2) Applicants for a waiver of training shall satisfy one of the following requirements:

(i) Successfully completed a Pennsylvania basic police training course approved by the Commission.

(ii) Previously was a Commission-certified police officer.

(iii) Previously was employed as a full-time police officer in this Commonwealth before June 18, 1974, who was not required to obtain certification from the Commission, and worked as a full time police officer for at least 5 years.

(iv) Previously or currently employed as a full-time police officer of another state and met the certification standards of that state, as evidenced by documentation from the state agency responsible for establishing the standards.

(3) All applicants for waiver of training shall undergo proficiency testing in the following three areas. Documentary proof of each qualification shall accompany the waiver of training application.

(i) *Firearms.* Applicants shall qualify on a police firearms course conducted by a certified police firearms instructor with the weapon the applicant will use in the performance of his police duties. The Commission will publish the requirements for a police firearms course in the Commission Newsletter on an annual basis.

(ii) *First aid/CPR.* Applicants shall have valid certification in first aid and adult, child and infant CPR, from the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.

(iii) *Patrol vehicle operation.* Applicants shall successfully pass the patrol vehicle operation test required in the basic police training course at a certified school or by a certified instructor.

(4) Applicants for a waiver of training shall take a certification examination administered by the Commission at a location and time designated by the Commission. The schedule for the examinations can be obtained by writing the Commission office.

(i) The examination will be comprised of sections which shall coincide with each major topic in the basic training curriculum, but shall exclude those topics which can be proficiency tested only. See paragraph (3).

(ii) The minimum passing score for each tested section shall be established by the Commission.

(A) Applicants for a waiver of training who do not achieve a passing score in any tested area shall take the basic police training course corresponding to the failed examination section at a school certified by the Commission, in order to be permitted to retake the certification examination.

(B) Applicants will not be certified without obtaining a passing score on the certification examination.

(iii) Examination results shall be valid for 2 years. For applicants obtaining a passing score, no further examinations will be administered within this period.

#### **§ 203.13. Certification as a municipal police officer.**

##### *(a) General.*

(1) The Commission will supply written verification to the applicant's employing police department upon completion of the Commission's requirements for certification as a police officer.

(2) Verification shall be valid only in the department identified on the document provided. Upon termination of employment in a department, certification for that department shall be void and shall be returned to the Commission by the department.

(3) If the certification document has been lost or destroyed, a notarized statement shall be provided to the Commission concerning the certification.

##### *(b) Initial certification.*

(1) Initial certification is valid for 2 years from the date of issuance. The document provided by the Commission will contain the date of issuance and expiration in addition to a certification number for identification purposes.

(2) Upon receipt of certification a police officer is authorized to enforce 18 Pa.C.S. (relating to the Crimes Code) and moving violations of 75 Pa.C.S. (relating to Vehicle Code) and to carry a firearm.

##### *(c) Renewal of certification.*

(1) The Commission will issue a renewal certificate only to police officers who have satisfied the mandatory in-service training requirement set forth in § 203.52 (relating to mandatory in-service training courses). Mandatory in-service training schools shall provide written notice to the Commission of police officers who have successfully completed the mandatory in-service training course.

(2) Certification shall be renewed every 2 years.

(3) Renewal certification has the same force and effect as the initial certification.

#### **§ 203.14. Revocation of certification.**

(a) The Commission maintains the right to revoke certification for one or more of the following:

(1) Failure to maintain employment as a police officer under the act.

(2) Failure to maintain first aid or CPR certification.

(3) Failure to qualify with firearms as specified in the Commission newsletter.

(4) Failure to successfully complete annual mandatory in-service training as specified in the Commission newsletter.

(5) Physical or psychological impairment which renders the officer permanently unable to perform his duties.

(6) Conviction for a disqualifying criminal offense.

(7) Submission to the Commission of any documents that contain known false information including fraudulent application.

(8) A certification issued in error.

(9) Cheating.

(10) Other just cause determined by the Commission.

(b) Under subsection (a)(1), (5) and (6), it shall be the responsibility of the head of the applicant's employing police department to provide written notice to the Commission of the following:

(1) An officer's termination of employment.

(2) An officer who has been determined to have a permanent physical or psychological condition which renders the officer unable to perform his duties.

(3) An officer's arrest for a disqualifying offense within 15 days from the date of arrest.

#### **§ 203.15. Application packet submission.**

##### *(a) General.*

(1) Forms shall be original.

(2) Forms shall be typewritten.

(3) Signatures shall be original.

(b) *Application packets.* Application packets may be obtained by contacting the Commission at the Commission office. Each application packet shall include:

(1) One application form for certification. All questions shall be answered and appropriate sections completed.

(2) Two fingerprint cards—one State Police Applicant Fingerprint Card and one FBI Applicant Fingerprint Card.

(i) Only fingerprint cards obtained from the Commission can be submitted with the application for certification.

(ii) The fingerprints of the applicant shall be affixed on the fingerprint cards.

(iii) Both fingerprint cards shall contain the contributor number PAPSP0100. Criminal fingerprint cards or fingerprint cards not containing this contributor number will not be accepted.

(3) One physical examination form.

(i) Physical examinations shall be performed by a licensed physician or osteopath as described in § 203.11(4) (relating to qualifications).

(ii) The physical examination form shall be submitted regardless of the results of the examination.

(iii) At the discretion of the hiring authority, a physical examination conducted in conjunction with police employment may be valid for 6 months and may be used in support of any police employment application during that period. If a change in the applicant's physical condition invalidates the prior physical examination, a reexamination shall be necessary.

(4) One psychological evaluation form.

(i) Psychological evaluations shall be performed by a licensed psychologist as described in § 203.11(5).

(ii) The psychological evaluation form shall be submitted regardless of the results of the evaluation.

(iii) At the discretion of the hiring authority, a psychological evaluation specifically conducted in conjunction with police employment may be valid for 6 months and may be used in support of any police employment application during that period. If a change in the applicant's psychological condition invalidates the prior psychological evaluation, a reevaluation shall be necessary.

(c) *Submission of packets.* Application packets shall be submitted by the head of the applicant's employing police department when an officer must attend basic police training or when a waiver of training is requested.

**Subchapter C. SCHOOL REQUIREMENTS**

- Sec. 203.31. Eligibility for school certification.
- 203.32. Initial school certification procedure.
- 203.33. Minimum school standards and requirements.
- 203.34. School inspections.
- 203.35. Emergency suspension of school certification.
- 203.36. Revocation of school certification.

**§ 203.31. Eligibility for school certification.**

(a) The Commission will promote the most efficient and economical program for police training by utilizing existing facilities, programs and qualified State, local and Federal police personnel.

(1) The Commission will determine the need for police training schools by:

(i) Considering the police population in the area.

(ii) Determining if there is adequate police training available to support the police population.

(2) The Commission will have the authority to revoke the certification of schools, either Statewide or regionally, when it determines that excess police training schools exist.

(b) Until the Commission determines that additional schools are required, only those schools in existence and Commission-certified on or before January 1, 1994, shall be eligible for Commission certification.

**§ 203.32. Initial school certification procedure.**

(a) In the event the Commission determines there is a demonstrated need for additional schools and programs for police training, applications for initial school and training course certification will be accepted from all potential schools within limitations defined by the Commission.

(b) Schools applying for initial school and training course certification shall:

(1) File an application for approval with the Commission on a form supplied by the Commission, which shall be signed by the school's director.

(2) Meet the requirements contained in § 203.33 (relating to minimum school standards and requirements).

(c) Commission approval will be as follows:

(1) Upon receipt of an application, the Commission Chairperson will designate an inspection committee to inspect the facilities of eligible entities applying for certification. The inspection committee shall prepare a report indicating which entities meet the minimum Commission standards along with appropriate documentation, which shall subsequently be presented to the Commission for final review.

(2) The Commission will review the application and inspection reports of the committee and certify those schools which meet the minimum standards of the act and this chapter, and which promote the policy stated in § 203.31 (relating to eligibility for school certification).

(d) Certification of approved school and training course will be as follows:

(1) If the Commission determines that the application of the school and course complies with the requirements of the act and this chapter, the Executive Director, in the name of the Commission, will affix a certification number to the approved application and the corresponding approval. This certification number will have the prefix MPS, for municipal police school. The certification number shall be issued Statewide in numerical sequence, starting with 0001.

(2) If the Commission determines that the school does not meet the requirements of the act and this chapter, the Executive Director will notify the school by certified mail, return receipt requested, of the reasons upon which the adverse determination is based under Subchapter G (relating to notice and hearings).

(3) Notice of the Commission's determination will be issued within 120 days following receipt of the application, except in instances for cause shown.

**§ 203.33. Minimum school standards and requirements.**

(a) Schools shall initially meet and subsequently maintain the following standards:

(1) Comply with all Federal, State or local statutes, ordinances, and rules and regulations pertaining to the statutes and ordinances.

(2) School buildings shall comply with public safety standards set forth in sections 1-14 of the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221-1235), known as the Fire and Panic Act.

(3) A comfortable temperature shall be maintained in all classrooms.

(4) Ventilation shall assure a proper supply of fresh air and its circulation in all parts of the school. Provisions shall be made to prevent direct drafts on students and staff members.

(5) Noise control will be such that each student can hear all instruction.

(6) Smoking shall be prohibited in any training facility authorized, approved or funded by the Commission, except in Commission-approved outdoor smoking areas.

(7) Artificial lighting facilities shall provide an adequate light intensity in all rooms used for instructional purposes, dormitory or study facilities.

(8) The drinking water facilities shall conform to the requirements prescribed for these facilities by the governmental authority having jurisdiction.

(9) There shall be separate, properly ventilated toilet and lavatory facilities for males and females. There shall be a sufficient number of flush toilets for females and a sufficient number of urinals and flush toilets for males. Each toilet room shall have at least one lavatory.

(10) Provisions shall be made for separate men's and women's locker and shower facilities. A sufficient number of showers and lockers shall be available.

(11) The furniture, equipment and supplies of the school shall be of such type, quality and amount as to meet with the approval of the Commission.

(12) Sufficient space shall be available in the classrooms. Classrooms shall be a minimum physical size determined by the Commission.

(13) Dining facilities, cafeterias, kitchens, dormitory facilities and recreational facilities shall comply with the construction and maintenance requirements prescribed for these facilities by the governmental authority having jurisdiction.

(14) Each school shall have and use a suitable area adequate for conducting physical conditioning and defensive tactics in a safe manner. At a minimum, the facilities shall contain the following:

- (i) An isokinetic weight machine.
- (ii) A measured running course.
- (iii) A sufficient number of batons to be utilized during that portion of training (minimum of 1 baton for every 2 students).
- (iv) A sufficient number of handcuffs for handcuffing portion of training (minimum of 1 pair of handcuffs for every 2 students).
- (v) A stopwatch or chronograph.
- (vi) A sit and reach flexibility evaluation station.
- (vii) Skinfold calipers or cloth tape to determine body fat.

(viii) Additional exercise equipment related to physical conditioning training which may include free weights, an exercycle, a rowing machine and boxing equipment.

(ix) Other equipment required by the curriculum.

(15) An approved type of outdoor firing range shall be available to the school and used for firearms training. The range does not have to be a part of the school facilities; however, it shall have at least ten firing points with a minimum firing distance of 50 yards. The range shall be within a reasonable traveling distance from the school. The range shall present no apparent danger to the public as determined by the Commission inspector.

(i) The school shall ensure that all weapons utilized in this portion of training are safe. A minimum of .38 caliber or .380 auto caliber with a capacity of at least 6 rounds of ammunition shall be required for firing.

(ii) No weapon may be utilized during the training program that is not normally carried by police officers while on duty. At the discretion of the firearms instructor, students working for departments that utilize "exotic" or "unusual" weapons shall utilize a more conventional weapon for training purposes. Upon the student's successful completion of the training program, the student's employing police department shall also qualify the student with the weapon prior to assuming duties as a police officer.

(iii) The school can refuse to allow the use of a weapon that the firearms instructor determines to be unsafe, inadequate or not appropriate for police training.

(iv) The school shall maintain adequate supplies of common ammunition utilized in law enforcement handguns, shotguns and rifles for training programs.

(v) Schools may not permit participation in firearms training that violates 18 Pa.C.S. Chapter 61, Subchapter A (relating to Pennsylvania Uniform Firearms Act).

(vi) The school may not utilize students in a training program to reclaim lead from impact areas at any police firearms course, nor may students be involved in any range construction projects whereby they may be exposed to lead or other toxic substances.

(16) A sufficient number of parking spaces shall be available to accommodate all students, staff and visitors of the school whether at the firing range, classroom facilities or physical fitness facilities.

(17) Insure the availability of all audio/visual equipment necessary to properly present the curriculum prepared by the Commission. The equipment shall, at a minimum, consist of:

- (i) A 16 mm movie projector.
  - (ii) A 35 mm slide projector.
  - (iii) Overhead transparency projector or Opaque overhead projector.
  - (iv) Projection screens or other appropriate projection surface.
  - (v) A video cassette player.
  - (vi) Nineteen inch or larger color television monitors.
  - (vii) A chalk board or equivalent.
- (18) Other standards deemed necessary by the Commission to conduct basic police training.
- (19) Equipment, facilities, supplies, books, and the like, shall be maintained in a safe and proper working condition.

(b) In addition to subsection (a), schools shall comply with the following requirements:

(1) Conduct at least one basic police training course every year the school is certified.

(2) Submit a training calendar to the Commission containing dates and class size for each basic training course to be conducted during the fiscal year. The calendar shall be received by the Commission by June 1st of each year.

(3) Develop course outlines and update as changes occur.

(4) Prepare and update class schedules.

(5) Establish a records management system as needed for the Commission records which shall consist of class rosters, attendance, academic grades, firearms scores, student critiques of course content and a list of instructors.

(6) Develop rules and regulations, including discipline, for student conduct, school operation and instructor standards.

(7) Develop and update detailed written standards for application procedures, including a statement about the maximum enrollment the school can accommodate within the standards established by the Commission.

(8) Prepare a current list of tuition charges for students attending the basic training program.

(9) Utilize only certified instructors as described in Subchapter E (relating to instructor certifications).

(i) Prepare and update the roster of certified instructors and the areas of their certification.

(ii) Instructors may not teach more than 180 hours of any one Basic Police Training Course.

(10) Prepare lesson plans and course outlines for each area of the curriculum using the basic training manuals provided by the Commission as source material. Lesson plans and course outlines shall be accessible in the classrooms to Commission inspectors and official visitors.

(11) Provide to the Commission a copy of tentative weekly class schedules, including dates, times, locations, instructors, subjects, and the like, by the first day of a basic training program. Changes to the schedule provided shall be submitted to the Commission as necessary.

(12) Prepare tests and quizzes as required by the Commission.

(13) Obtain required textbooks, supplemental textbooks, movies, videos, overhead transparencies, and the like, that are listed as necessary in the curriculum prepared by the Commission.

(14) Prior to administering a written examination, instructors shall inform students taking the examination of the Commission cheating policy. See § 203.54 (relating to Commission cheating policy).

(15) Other requirements the Commission deems necessary to conduct basic police training.

(c) Upon completion of the basic police training course, the school shall submit a roster of all students, including grades and Social Security numbers, to the Commission within 5 working days of the date of course completion. Under 20 U.S.C.A. § 1232(g) (The Buckley Amendment), no personally identifiable information of a student may be disclosed by the school without the school first obtaining a written waiver from the student.

(d) A proposed change in the location of an approved school shall be reported to the Executive Director at least 30 days before the move.

(1) If a fire marshal or an inspector from the Department of Labor and Industry deems the new location satisfactory, the Executive Director may give tentative approval of the new location.

(2) After the new location has been visited by an inspection committee from the Commission, final approval for the move shall be voted upon by the Commission.

(3) If final approval is given for the new location, certification to conduct training at the previous location shall automatically be rescinded.

#### § 203.34. School inspections.

(a) *Frequency of inspections.*

(1) An initial inspection will be made of all schools that have applied for certification to conduct basic police training.

(2) The Commission's inspectors will visit and inspect each approved school at least once a year.

(3) Schools shall meet the minimum school standards set forth in § 203.33 (relating to minimum school standards and requirements).

(b) *Commission inspectors.* For the purpose of school inspections, the following shall constitute a Commission Inspector:

(1) A Commission member.

(2) A full time staff employe so designated by the Executive Director.

(3) Other contractual personnel employed by the Commission to conduct school inspections.

#### § 203.35. Emergency suspension of school certification.

If a Commission inspector determines that a condition exists at a school which presents a clear and present danger to the public, students or staff of the school, the inspector, with the approval of the Executive Director, may immediately suspend the school's certification and cause all training to cease. In those situations:

(1) The school may correct the situation or request an administrative hearing as outlined in this chapter.

(2) Schools electing to correct the situation shall notify the Commission in writing by certified mail, return receipt requested, when the correction is complete. The Commission inspector shall re-inspect the facility within 30 days of receipt of notice from the school, except in instances for cause shown.

(3) Notice of results of the reinspection shall verbally be provided to the school by the inspector after the inspection has concluded and in writing within 10 days of the reinspection, except in instances for cause shown.

#### § 203.36. Revocation of school certification.

The Commission maintains the right to revoke the certification of a school for one or more of the following reasons:

(1) A Commission determination that excess police training schools exist under § 203.31 (relating to eligibility for school certification).

(2) Failure to comply with the minimum school standards set forth in this chapter.

(3) Submission of a known false or fraudulent document or allowing the submission of known false or fraudulent documents to the Commission.

(4) Subcontracting of police training to another non-certified entity.

(5) Failure to take corrective action after suspension under § 203.35 (relating to emergency suspension of school certification).

(6) Failure to conduct one basic police training course each year the school is certified.

#### **Subchapter D. COURSE REQUIREMENTS**

Sec.

- 203.51. Basic police training course curriculum.  
 203.52. Mandatory in-service training courses.  
 203.53. Nonmandatory in-service training courses.  
 203.54. Commission cheating policy.

#### **§ 203.51. Basic police training course curriculum.**

(a) The Commission will set the number of hours required in the basic police training course.

(b) The Commission will reserve the right to determine the course content of each area as needed. The basic police training course curriculum shall include instruction in at least the following areas:

- (1) Pennsylvania criminal law.
- (2) Pennsylvania Rules of Criminal Procedures.
- (3) Pennsylvania Vehicle Code.
- (4) Antisocial behavior.
- (5) Professional relations.
- (6) Physical conditioning.
- (7) Human relations skills.
- (8) Application of force.
- (9) Firearms training.
- (10) Patrol Procedures and Operations.
- (11) Investigations.
- (12) Communications.
- (13) Handling violent and dangerous people.
- (14) Custody.
- (15) First aid and CPR.
- (16) Operation of patrol vehicle.
- (17) Other subjects the Commission deems necessary.

#### **§ 203.52. Mandatory in-service training courses.**

(a) Mandatory in-service training is required of all police officers.

(b) Mandatory in-service training shall consist of continuous in-service requirements and academic in-service requirements.

(1) Continuous in-service requirements shall consist of the following:

(i) Qualify annually on a police firearms course with any firearm, shotgun or rifle authorized for use, including personal weapons carried in lieu of issued weapons or as a second weapon. At no time may a weapon be carried on duty for which an officer is not qualified.

(ii) Maintenance of a first aid and CPR certification issued by the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.

(iii) Other requirements deemed necessary by the Commission.

(2) Academic in-service requirements shall consist of at least 12 hours of annual training as determined yearly by the Commission. The course content and specific hours shall be published in the Commission newsletter.

(c) Mandatory in-service administration shall consist of the following:

(1) Applicants for instructor in the mandatory in-service training program shall meet the requirements of § 203.72(b) (relating to certification requirements).

(2) Each school shall submit a training calendar to the Commission prior to the beginning of each quarter of the calendar year. Included in the calendar shall be: course title, dates of training, time of classes and location.

(3) Maximum class size for mandatory in-service courses shall be established by the Commission.

(4) Mandatory in-service training courses are subject to inspection by a Commission inspector.

(i) Certification of instructors may be withdrawn immediately by a Commission inspector for one or more of the following reasons:

- (A) Failing to present the full program.
- (B) Teaching improper or incorrect material or not presenting the Commission program.
- (C) Cheating.
- (D) Inadequate preparation for class.
- (E) Being intoxicated in class.
- (F) Using inappropriate language.
- (G) Any other activity or behavior the Commission Inspector finds to be inappropriate or objectionable.

(ii) Withdrawal of mandatory in-service instructor certification by a Commission inspector will be reviewed by the Commission and the instructor's certification may be subject to revocation by the Commission under § 203.73 (relating to revocation of instructor certification).

(iii) Classes may be suspended immediately during an inspection by a Commission inspector for cause. Costs for classes suspended during an inspection for cause will not be paid by the Commission.

(5) Acceptance into classes for which reimbursement is to be requested from the Commission shall be limited to currently employed police officers and county detectives. No fee will be charged to these individuals for any program paid for by the Commission.

(6) Only examinations prepared by the Commission shall be used to determine successful completion of academic requirements for these courses. Minimum passing scores will be determined by the Commission for each examination.

(7) An individual failing to pass the examination to be administered at the end of a course shall be given the opportunity for an immediate re-examination by the course instructor. The re-examination process shall consist of a review of course objectives, content and course summary, prior to an orally administered re-examination utilizing a different examination from the failed examination. If an individual fails the re-examination, a written notice of failure shall immediately be sent by certified mail, return receipt requested, to the employing municipality. An individual failing both the examination and the re-examination for a course shall be permitted to partici-

pate in another offering of the course, if the individual continues to be a currently employed police officer.

(8) The certified school, and the course instructors, shall be held responsible by the Commission for proper administration of in-service training courses, including maintenance of proper examination security.

(9) Newly certified police officers are not required to participate in the mandatory in-service training courses in the year they were certified. Departments are encouraged to have these officers participate in the mandatory in-service training program.

(10) Municipalities may request extensions of time from the Commission for officers unable to complete in-service training enumerated within the time frame. This is accomplished by filing with the Commission a request for the extension, supported by proper justification.

**§ 203.53. Nonmandatory in-service training courses.**

(a) A political subdivision of the Commonwealth may apply for in-service training grants for the actual expenses of providing nonmandatory in-service training programs to police officers. A political subdivision shall apply for a nonmandatory in-service training grant by filing an application and resolution with the Commission.

(1) A copy of the application and resolution shall be obtained from the Commission.

(2) The Commission will only consider requests for nonmandatory in-service training grants that comply with the following:

- (i) All sections of the application shall be completed.
- (ii) The application shall be accompanied by a certified copy of the resolution. The resolution shall be adopted by the governing body and shall provide that the political subdivision will adhere to the standards for training established by the Commission while receiving Commonwealth funds under the act and this chapter.

(3) Applications and resolutions shall be filed with the Commission and received at least 45 days prior to the commencement of the proposed training program. The Commission, or its designee, has the discretion to waive the 45-day filing limitation for good cause, but only if the grant request was submitted prior to the commencement of the proposed training program.

(b) Limitations for funding of nonmandatory in-service training programs shall be as follows:

(1) Only courses approved by the Commission will be eligible for nonmandatory in-service training grants.

(i) The Commission has the discretion to approve or disapprove a proposed course, based upon law enforcement requirements.

(ii) Approved courses shall be published in the Commission newsletter.

(2) Courses with less than 12 or more than 40 police officers enrolled will not be approved for nonmandatory in-service training grants. However, at the discretion of the Executive Director or by a majority vote of the In-Service Training Committee, a different minimum or maximum enrollment may be established for a specific course.

(3) Nonmandatory in-service training grant requests will not be approved unless the instructors for the course are approved by the Commission or the In-Service Training Committee.

(4) The Commission will not approve nonmandatory in-service training grant requests for the following:

- (i) Firearms qualification.
- (ii) Special Weapons and Tactics (SWAT) type training.
- (iii) First aid and CPR training.

(c) Nonmandatory in-service training grant requests in the amount of \$3,000 or less may be approved by the Commission's In-Service Training Committee. The Committee will be appointed by the Commission chairperson and consist of five Commission members including a designated chairperson of the Committee.

(1) The Committee chairperson has the authority to convene a Committee meeting for reviewing grant requests. The Committee may not act on a grant request unless at least three Committee members are present at the meeting.

(2) The Committee members shall vote to either approve or deny each grant request based on the information presented and the standards established by this chapter. In the case of a tie vote by the Committee, the Commission will make the final determination on the grant request.

(3) The Committee chairperson shall formally report all action taken by the Committee at the next regularly scheduled Commission meeting.

(d) Nonmandatory in-service grant requests in excess of \$3,000 may be approved only by the Commission. The In-Service Training Committee shall review every request and make a recommendation to the Commission.

(1) The chairperson of the Committee shall formally report the recommendation of the Committee, including dissenting or minority statements, to the Commission prior to the Commission's final decision on the grant request.

(2) The Commission members shall vote to approve or deny each grant request based on the Committee's recommendations, the information presented and the standards established by this chapter.

(e) The Executive Director shall notify the political subdivision in writing of the Commission's determination concerning the grant request. Notice shall be forwarded to the requesting political subdivision by certified mail, return receipt requested.

**§ 203.54. Commission cheating policy.**

(a) An individual observed cheating shall be barred from further participation in Commission-required training.

(b) A written notice of the cheating incident will immediately be sent to the individual's employing municipality by the school, with a copy forwarded to the Commission. A copy of the notice will be made available to the individual by the school.

(c) Prior to administering a written examination, the instructors shall inform students taking the examination of the Commission cheating policy.

**Subchapter E. INSTRUCTOR CERTIFICATIONS**

- Sec. 203.71. General.
- 203.72. Certification requirements.
- 203.73. Revocation of instructor certification.

**§ 203.71. General.**

(a) Certifications shall be approved by the Commission and issued by the Executive Director.

(b) Instructor certifications issued under this chapter are for the sole purpose of identifying those qualified to teach in a police training course—basic or mandatory in-service—certified by the Commission.

(c) The instructor application procedure is as follows:

(1) Application for instructor certification shall be made on a form supplied by the Commission. The form may be obtained by writing to the Commission office.

(2) Application for instructor certification shall be submitted by the Director of a school certified by the Commission. Individual instructors may not apply on their own behalf. Applications may be made only for individuals teaching at a certified school.

(3) Documentary proof shall accompany each application verifying satisfaction of all requirements for certification including required degrees. See § 203.72 (relating to certification requirements).

(4) Applicants shall be interviewed by the director of the school at which time the director shall review the supporting documentation to be submitted with the application and the director shall so indicate on the application.

(5) The application shall be notarized.

(6) Applicants may not have been convicted of a disqualifying criminal offense.

#### § 203.72. Certification requirements.

(a) *Basic police training instructors.*

(1) *Types.* The Commission will certify the following two types of instructors for basic police training:

(i) *General instructors.* An instructor eligible to teach a course other than first aid, CPR, firearms, physical conditioning, application of force and patrol vehicle operation.

(ii) *Special instructors.* An instructor eligible to teach first aid, CPR, firearms, physical conditioning, application of force and patrol vehicle operation.

(2) *Qualifications.*

(i) Attorneys licensed to practice in this Commonwealth or other instructors for topic areas that require professional education or licensure, need not meet the following requirements concerning police experience. In order to obtain certification as a general instructor, an applicant shall satisfy the following requirements:

(A) Successfully complete a Commission approved instructor development course, or possess a teaching certificate issued by the Department of Education, or have full-time employment with academic rank at an accredited college or university.

(B) Have 5 years police experience, or have an associate of arts degree and 4 years police experience, or have a bachelor of arts degree and 3 years police experience. Copies of degrees shall be accompanied by transcripts.

(ii) In order to obtain certification as a special instructor in one of the courses listed in this subparagraph, an applicant shall provide documentation evidencing the special requirements listed for each course:

(A) *First aid and CPR.* Possess a current instructor certification issued by the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health. (40 hour curriculum)

(B) *Firearms.* Possess a current Police Firearms Instructor rating from the National Rifle Association, the State Police, the Federal Bureau of Investigation, Smith and Wesson Academy, the Philadelphia Police Academy, United States Secret Service or other certification approved by the Commission.

(C) *Physical conditioning.* Provide documentation of successful completion of an instructor development course and training or education which evidences expertise as a physical conditioning instructor.

(D) *Application of force.* Provide documentation of successful completion of an instructor development course and training or education which evidences expertise as a defensive tactics instructor.

(E) *Patrol vehicle operation.* Provide documentation of successful completion of an instructor development course and an instructor's course in emergency vehicle operation or police driver proficiency.

(3) *Renewal and lapse of basic police training instructor certification.*

(i) Basic police training instructor certification shall be valid for 2 years and each certificate shall contain an expiration date. No instructor will be permitted to teach without a current certificate.

(ii) Renewal of basic police training instructor certification shall be effected automatically by the Commission if the certified instructor has satisfied the following requirements:

(A) Has taught in either a basic training course or a mandatory in-service training course certified by the Commission at least one time during the 2-year period he is certified, as evidenced by the records of a certified school which must be submitted to the Commission on an annual basis.

(B) Maintained current qualifications in the main subject areas for which certification has been granted, and provides documentation of these qualifications to the Commission.

(iii) Failure to satisfy subparagraph (ii) shall prevent renewal of the instructor certification and cause the certification to expire. A lapsed certification cannot be renewed and to regain certification, the school shall submit an application on behalf of the individual as a new instructor.

(b) *Mandatory in-service training instructor qualifications.* In order to obtain certification as a mandatory in-service training instructor, an applicant shall satisfy the following requirements:

(1) Be employed by a certified basic training academy.

(2) Be certified as a basic police training instructor in the area of instruction the applicant will present or satisfy one of the following:

(i) If not currently a basic police training certified instructor but eligible for certification, an application for certification shall be submitted to the Commission and a temporary certificate obtained. At the discretion of the Executive Director, a temporary certification may be issued which shall be valid for 6 months. Temporary certificates are not renewable.

(ii) When courses are offered in mandatory in-service training that are not available in the basic police training course, the Commission will determine requirements for selections as an instructor in the program.



(3) Attend Commission instructor training programs for the courses in which certification is sought. Application for certification as a basic police training instructor shall be submitted to the Commission prior to attending any instructor training programs.

(4) Other requirements deemed necessary by the Commission.

**§ 203.73. Revocation of instructor certification.**

The Commission may revoke an instructor certification for one or more of the following reasons:

- (1) Conviction of a disqualifying criminal offense.
- (2) Conduct which reflects unfavorably upon a certified school or the Commission.
- (3) Evidence of inability to instruct, including those conditions enumerated in § 203.52(c)(4)(i) (relating to mandatory in-service training courses).
- (4) Knowing falsification of a document submitted to the Commission or submission to the Commission of a document knowing it to be false. False documents include: scores on examinations, grades for a course, classroom hours presented, attendance of participants or other information received directly from the instructor or through a certified school or police department.
- (5) Assisting a student to cheat in a Commission training course.
- (6) Use of instructor certification for an unauthorized purpose.
- (7) Termination for any reason of the instructor by a certified school
- (8) Any other condition which the Commission deems of such seriousness as to warrant revocation.

**Subchapter F. REIMBURSEMENT OF EXPENSES**

- Sec. 203.81. Basic training.
- 203.82. Mandatory in-service training.
- 203.83. Grants for nonmandatory in-service training programs.

**§ 203.81 Basic training.**

(a) The Commission will reimburse each political subdivision for allowable tuition and expenses incurred by its police officers while attending certified basic police training, if the political subdivision adheres to the training standards established by the Commission. Application for reimbursement shall be made in the following manner:

- (1) A political subdivision shall file an application with the Commission on a form supplied by the Commission within 120 days of the completion of the training.
  - (i) Requests submitted after 120 days shall be accompanied by a justification for late submission. The Commission will not consider requests for reimbursement received more than 1 year after the completion of the training.
  - (ii) A separate form shall be submitted for each police officer requesting reimbursement in accordance with this chapter.
  - (2) Following the political subdivision's annual audit, the head of the political subdivision and the individual performing the audit shall verify the proper expenditure of Commission funds.
    - (i) Verification shall be provided on a form supplied by the Commission.
    - (ii) The verification shall be filed with the Commission.

(iii) The political subdivision shall file the form only for fiscal years in which Commission funding was provided.

(b) The political subdivision may request reimbursement for the following:

- (1) Sixty percent of the police officer's regular salary while attending a certified basic training course.
- (2) Reasonable tuition for the basic police training course.
  - (i) The Commission must approve the tuition rate prior to reimbursement. Tuition rate approval will require a majority vote of the Commission.
  - (ii) The Commission will consider the reasonableness of the tuition rate based on the following:
    - (A) The length of the course.
    - (B) The instructor salaries.
    - (C) The facility costs.
    - (D) The administrative costs.
    - (E) The supply costs.
    - (F) The cost-effectiveness of the tuition compared with tuition charged by other institutions.

(iii) The Commission-approved tuition rate shall be the only amount a certified school may charge a participant in the training program.

(iv) A certified basic police training school may not change its tuition rate for a particular course without prior approval from the Commission.

- (A) Requests for tuition increases will not be considered by the Commission more than once every 2 years.
- (B) Requests for tuition increases shall enumerate all sources of revenue the institution receives.

(C) The Commission will consider any tuition increase requests in conjunction with program changes mandated by the Commission.

(3) The Commission will reimburse reasonable subsistence and lodging costs for police officers who are not commuting to and from the basic police training course. A police officer who is commuting to and from the basic police training course shall only be reimbursed for the cost of lunch.

(4) Reasonable travel expenses are as follows:

- (i) The Commission will reimburse for police officers commuting to the basic police training course for the mileage incurred while attending the course.
- (ii) Noncommuters are eligible for mileage of one round trip while attending the course.
- (iii) Mileage reimbursement, whether for commuters or noncommuters, shall only be allowed to the nearest available certified basic police training school from the police officer's place of employment.
- (iv) Travel shall be by the most direct route.

(5) Reasonable living and travel expenses shall be governed by 4 Pa. Code Chapter 40 (relating to travel and subsistence).

(c) Limitations on reimbursement are as follows:

(1) A police officer who has successfully completed a certified basic training course, and for whom reimbursement was claimed or obtained by a political subdivision, may not again be claimed for reimbursement for repeat-

ing a basic police training course regardless of employment by another police department.

(2) A police officer who does not successfully complete the certified basic police training course and for whom reimbursement has been claimed or obtained by a political subdivision is not eligible for additional reimbursement while attending a subsequent basic police training course.

(d) If the Commission determines that a request for reimbursement does not meet the requirements of the act and this chapter, the Executive Director will specify in writing and forward to the requesting political subdivision, by certified mail, return receipt requested, the reason upon which the adverse determination is based. The Commission will issue notice of the adverse determination, within 45 days following receipt of the request, except for good cause.

**§ 203.82. Mandatory in-service training.**

(a) The Commission will reimburse all schools certified by the Commission or other training resources deemed necessary by the Commission only in the form of tuition.

(1) The Commission will establish the tuition for each course considering the following factors: historical training costs; course requirements; and course development costs.

(2) The tuition established by the Commission will be published in the Commission newsletter and remain in effect for the duration of each course.

(3) The tuition established by the Commission for each course shall apply to all schools certified by the Commission and all other training resources deemed necessary by the Commission.

(4) Certified schools or other training resources unable to conduct the required training at the established tuition rate shall have the right to a hearing under Subchapter G (relating to notice and hearings).

(b) The Commission will reimburse schools or other training resources for law enforcement officers authorized by the Commission. Law enforcement officers employed by a law enforcement agency not eligible for reimbursement under the act may attend mandatory in-service training courses after the law enforcement agency pays the tuition to the Commission.

(c) The Commission will only reimburse a school or other training resource for a police officer to attend a course one time. Invoices of police officers who have attended the mandatory in-service training course shall be submitted to the Commission within 30 days of the course's completion.

**§ 203.83. Grants for nonmandatory in-service training programs.**

(a) The Commission will provide grants only for actual expenses incurred by political subdivisions for providing nonmandatory in-service training programs to police officers within this Commonwealth in accordance with the act and this chapter.

(1) Allowable nonmandatory in-service training expenses shall be limited to the following:

(i) *Instructors.* Reasonable expenditures, as determined by the Commission.

(ii) *Services.* Reasonable expenditures for rental and contractual services.

(iii) *Supplies.* Expenditure for necessary supplies for course instruction not including nonexpendable equipment purchases.

(iv) *Administration.* Reasonable expenditures for developing and implementing the training program. This expenditure may not exceed 5% of the total grant amount unless otherwise approved by the Commission or in-service training committee. This expenditure may not exceed 10% of the total grant amount.

(2) The Commission has the discretion to approve additional expenditures not explicitly provided for in this chapter. Expenses which are not approved by the Commission shall be borne by the political subdivision providing the training program.

(b) The Commission has the authority to establish the maximum amount of funds which may be granted to each county for providing nonmandatory in-service training to police officers.

(c) The Commission will disburse moneys approved for nonmandatory in-service training grants in the following manner:

(1) The Commission will disburse one half of the grant to the political subdivision within 45 days of the Commission's approval, except for good cause.

(2) In order to receive the remaining grant moneys, the political subdivision shall submit a final audit and course roster to the Commission within 120 days following the conclusion of the training course. Requests for reimbursement will not be considered after 120 days following the conclusion of the training course.

(3) The Commission has the discretion to request an independent audit of the political subdivision to verify its actual nonmandatory training expenditures prior to disbursing the remaining grant amount.

(d) Nonmandatory in-service training grant funds that have been disbursed to a political subdivision in error or as a result of an unauthorized or improper request for reimbursement shall immediately be returned to the Commission. A political subdivision which fails to comply with the Commission's demand for the return of funds in accordance with this subsection shall be ineligible for further funding from the Commission until the funds are returned.

(e) The allocation of grants for nonmandatory in-service training programs shall be contingent upon the availability of funds appropriated for the programs.

**Subchapter G. NOTICE AND HEARINGS**

Sec.  
203.101. General.  
203.102. Adverse determination.  
203.103. Hearing procedures.

**§ 203.101. General.**

A notice or hearing required under this chapter will be conducted in accordance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

**§ 203.102. Adverse determination.**

Notices of an adverse determination by the Commission and requests for a hearing shall be as follows:

(1) The Commission will specify in writing and forward to the individual/school by certified mail, return receipt requested, the reasons upon which the adverse determination is based. This notice is required in all cases when the Commission:

(i) Disapproves an application or a reapplication for enrollment in a municipal police officers' training course.

(ii) Disapproves an application for which waiver of training is requested.

(iii) Revokes a previously issued certification under § 203.14 (relating to revocation of certification).

(iv) Disapproves an application for school or course certification.

(v) Revokes a previously issued school certification under § 203.36 (relating to revocation of school certification).

(vi) Disapproves an application for instructor certification.

(vii) Revokes a previously issued instructor certification under § 203.73 (relating to revocation of instructor certification).

(viii) Acts in accordance with the Commission cheating policy.

(ix) Disapproves an application for reimbursement.

(2) An individual school given notice of an adverse determination by the Commission may file a written request for a hearing. Any request for a hearing shall be received by the Commission within 15 days after receipt of the adverse notice.

### § 203.103. Hearing procedures.

(a) When a hearing is requested as a result of any adverse determination by the Commission as enumerated in § 203.101 (relating to general), a hearing shall be scheduled and a notice of the hearing shall be sent to all parties to the proceedings. Hearings shall be held at the Commission in Hershey, Pennsylvania, unless otherwise stipulated by the parties.

(b) A hearing examiner will be appointed by a majority vote of the Commission to preside over an authorized hearing.

(c) Hearings shall be stenographically recorded and a transcript of the record shall be made part of the record.

(d) The parties shall have the right to obtain independent counsel, submit motions and briefs, present evidence and witnesses, object to evidence, cross-examine witnesses and argue their position to the hearing examiner. The hearing examiner is not bound by the technical rules of evidence at the hearing. Rather, all relevant and material evidence with probative value may be admissible at the discretion of the hearing examiner.

(e) Upon request by a party, the Commission will provide subpoenas for the attendance of witnesses or for the production of documentary evidence. Compliance with subpoenas may be excused by the hearing examiner if he determines that the testimony or documents are not relevant or material to the proceedings.

(f) At the conclusion of the proceedings the hearing examiner shall issue a recommendation, findings of fact and conclusions of law.

(1) The Commission will review the hearing examiner's recommendation, findings of fact, and conclusions of law in arriving at a final decision.

(2) The Commission will specify in writing and forward to all the relevant parties by certified mail, return receipt requested, the final decision of the Commission.

[Pa.B. Doc. No. 96-958. Filed for public inspection June 14, 1996, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[L-00960116]

[52 PA. CODE CH. 59]

## Meter Tests

The Pennsylvania Public Utility Commission (Commission) adopted a proposed rulemaking to modify regulations of gas meter tests pursuant to petitions filed by the Pennsylvania Gas Association. The proposed amendment will correct a typographical error in the present regulations, increase by 4 years the time between tests of residential gas meters, and allow for two alternative testing methods. The two new methods will permit a regulated gas utility to choose to adopt a program of random testing based on a statistical sampling or a variable interval model. The contact persons are Janet M. Sloan, Assistant Counsel, Law Bureau, (717) 787-3663 and Jerry Wells, Utility Standards Supervisor, Bureau of Transportation and Safety, (717) 787-2805.

### *Executive Summary*

By order entered April 2, 1996, the Commission adopted a Proposed Rulemaking to Modify Regulations of [Gas] Meter Tests pursuant to petitions filed by the Pennsylvania Gas Association. The proposed amendment will correct a typographical error in the present regulations, increase by 4 years the time between tests of residential gas meters, and allow for two alternative testing methods. The two new methods will permit a regulated gas utility to choose to adopt a program of random testing based on a statistical sampling or a variable interval model.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of this proposed amendment on May 30, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendment, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Legislative Committees have any objection to any portion of the proposed amendment, they will notify the Commission within 20 days of the close of the public comment period. If IRRC has any objections to any portion of the proposed amendment, it will notify the agency within 30 days after the close of the public comment period. Such notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the agency, the General Assembly and the Governor of any objections raised.

Public Meeting held  
March 28, 1996

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

### Proposed Rulemaking Order

*By the Commission:*

This matter is before the Commission pursuant to several petitions filed by the Pennsylvania Gas Association (PGA) seeking to amend the regulation regarding meter tests at 52 Pa. Code § 59.21. After reviewing the proposed changes to the Commission's regulation, we are persuaded that the modifications would be prudent and should be considered.

Under 52 Pa. Code § 59.21(b), PGA suggests that the regulation clearly define "A," "B" and "C" as separate and distinct classes by including the word "Class" before each designation. We believe that it is a reasonable clarification of our regulation and we will thus propose that amendment.

The "Extended Test Schedule" enumerated under 52 Pa. Code § 59.21(c) sets forth the requirements for testing Classes A, B and C meters. PGA's petition requests that the Commission extend the C meters. PGA's petition requests that the Commission extend the testing periods for Class A meters (residential) by an additional 4 years.

Commission staff has looked into the viability of allowing an additional 4 years for its regulated gas utilities to test the Class A meters. Staff concurs with PGA's representation that testing these particular meters involves a large economic outlay for regulated utilities, mostly associated with personnel costs. Extending the time requirements for testing will probably reduce the economic costs sustained by the utilities for the Class A testing.

The Commission is acutely aware of its duty to ensure the safety of utility service. Consequently, staff has made inquiries of various manufacturers and other experts as to the safety factor of extending meter testing by 4 years for Class A meters. It is our belief that safety would not be compromised by the longer testing periods. Therefore, we are proposing to lengthen the extended meter testing requirements for Class A meters by 4 years.

In a separate petition, PGA points to a typographical error in our regulation at § 59.21(c)(2) for Class B meters. Under the "Current Year's Permitted Test Period (Years)" listing, the second number is indeed an error. PGA is correct in suggesting that the number "6" on the second line of that table should be "7." We will correct this error through this rulemaking process.

Finally, PGA recently submitted a third petition seeking to add two additional subsections to our meter tests regulation at 52 Pa. Code § 59.21. PGA's proposal will provide two alternative meter testing formats for Pennsylvania's gas utilities. The first subsection will allow for a statistical sampling method whereby the utility will group its meters into categories based on their technology, design, manufacture, model, and other operating characteristics. The utility would then draw a test sample of sufficient size to assure 90% statistical accuracy within a 2% range. Based on this test sample, the utility will have to either remove all the meters in this category (in the case of the test showing meter inaccuracy) or take no further action (in the case of the test showing meter accuracy).

The second proposed alternative meter testing is a variable interval approach. Under this subsection, the retirement rate for a meter category is tied directly to that category's demonstrated level of accuracy.

Both of the proposed alternatives have been explored within Pennsylvania by pilot programs. These programs have been successful. In addition, the proposed alternatives are similar to the protocols suggested by the Ameri-

can National Standards Institute (ANSI), a group that is developing National standards for meter testing. The PGA petition adopts the protocol suggested by ANSI for the variable integral alternative and for the statistical sampling alternative with the modification of tightening the allowance for the failure rate under this latter alternative. Specifically, the statistical sampling as proposed calls for 80% of the meters tested to be within the accuracy rate; the ANSI standard allows for 75% passing.

However, the proposed rulemaking does contain several changes to PGA's proposed language in its third petition after consultation with PGA representatives. Section references to the ANSI specifications were erroneous. The corrected references have been incorporated into our proposed rulemaking. In addition, representatives from PGA agreed to change the statistical sampling section in order to clarify the proposal.

After careful review of our pilot programs' results and with consideration to the efficiency of adopting National standards, we are persuaded that including these alternatives is economically sound and safety conscious. Accordingly, pursuant to sections 501, 1501 and 1504 of the Public Utility Code (66 Pa.C.S. §§ 501, 1501 and 1504) and the Commonwealth Documents Law and the regulations promulgated thereunder, we institute a rulemaking proceeding.

*Therefore, It Is Ordered That:*

1. A rulemaking proceeding is hereby instituted at this docket.
2. The Commission's regulations are thereby proposed to be amended as per the Annex A attached to this order.
3. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
5. The Secretary shall submit this order and Annex A for informal review by the designated standing committees of both houses of the General Assembly, and for informal review and approval to the Independent Regulatory Review Commission.

6. That the Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Interested persons may submit written comments, an original and 10 copies, to John G. Alford, Secretary, Pennsylvania Public Utility Commission, and shall have 30 days from the date this order is published to submit comments.

JOHN G. ALFORD,  
*Secretary*

*(Editor's Note: A proposal to amend § 59.21, proposed to be amended in this document, remains outstanding at 26 Pa.B. 1370 (March 30, 1996).)*

**Fiscal Note:** 57-152. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 52. PUBLIC UTILITIES PART I. PUBLIC UTILITY COMMISSION Subpart C. FIXED UTILITY SERVICES CHAPTER 59. GAS SERVICE SERVICE AND FACILITIES

#### § 59.21. Meter tests.

\* \* \* \* \*

(b) *Standard test schedule for Class A, Class B and Class C Meters.* Unless otherwise provided by this section, each public utility shall make and record tests of Class A, Class B and Class C meters on the following schedule:

\* \* \* \* \*

(c) *Extended test schedule for Class A, Class B and Class C meters.* Extended schedules shall conform with the following:

(1) A public utility may depart from the requirements of subsection (b) as to Class A, Class B or Class C meters

in a year, and in lieu thereof make and record tests of the class of meters under the schedule prescribed therefor in paragraph (2), if [all of] the following qualifications are met:

\* \* \* \* \*

(2) Subject to the qualifications prescribed in paragraph (1), a public utility may make and record tests of Class A, Class B or Class C meters on the following schedule:

<i>Next Preceding Year</i>		<i>2d Preceding Years</i>		<i>Current Year's</i>
<i>Slow Meter</i>	<i>Fast Meter</i>	<i>Slow Meter</i>	<i>Fast Meter</i>	<i>Permitted Test</i>
<i>Ratio (%)</i>	<i>Ratio (%)</i>	<i>Ratio (%)</i>	<i>Ratio (%)</i>	<i>Period (Years)</i>
CLASS A METERS				
10	10	12	12	[ 10 ] 14
8	8	10	10	[ 12 ] 16
6	6	8	8	[ 14 ] 18
4	4	6	6	[ 16 ] 20
CLASS B METERS				
10	10	12	12	6
8	8	10	10	[6] 7
6	6	8	8	8
4	4	6	6	10
* * * * *				

(d) *Statistical sampling.* A public utility may depart from the requirements of subsections (b), (c) or (e) as to Class A, Class B or Class C meters, and instead make and record tests of the Class A, Class B or Class C meters under a statistical sampling program, if the following qualifications are met:

(1) The composition and description of each group of meters shall be fully described in the annual report to the Commission.

(2) Sufficient meters shall be tested annually to insure a 90% confidence level that the meter groups are performing within prescribed limits.

(3) For a group to remain in service, at least 80% of the meters in the sample test shall meet the accuracy limits of 98% average accuracy (2% slow) and 102% average accuracy (2% fast). If a group of meters does not meet the performance standards, corrective action shall be taken. The corrective action may consist of removing the entire group from service within 4 years or, if the group consists of one or more subgroups, implementing a selective meter removal program to improve the accuracy of the group to within acceptable limits. The selective removal program may be as follows:

(i) If test results indicate that one or more subgroups do not meet the performance standards, the subgroup shall be identified and removed within 4 years.

(ii) Once identified as a group or subgroup not meeting the performance standards and during the removal process, that group or subgroup shall be eliminated from the sampling plan.

(4) The statistical sampling schedule shall be in accordance with the provisions of ANSI B109.1 Part IV Sec. 4.3.2.1 or its successor.

(5) A utility electing the statistical sampling program shall remain on that program for a minimum of 4 years and shall remove groups or subgroups of meters scheduled for removal within the 4-year requirement.

(e) *Variable interval.* A public utility may depart from the requirements of subsection (b), (c) or (d), as to Class A, Class B or Class C meters, and instead make and record tests of the Class A, Class B or Class C meters under a variable interval program, if the following qualifications are met:

(1) The composition and description of each group of meters shall be fully described in the annual report to the Commission and shall be in accordance with ANSI Spec. B109.1 Part IV Sec. 4.3.2.2 or its successor.

(2) The number of meters to be removed in any year will be determined from the test results of the next preceding year's incoming meters.

(3) Except as provided in paragraphs (4) and (5), the ratio (r) of the number of meters in a test group to be removed to those in service in that test group shall be determined by the formula  $(r = .02 + .3d)$  where (d) is the ratio of meters which have an average accuracy of less than 98% or more than 102% as reported to the nearest 1/2%.

(4) Meters removed in a test group in excess of the ratio (r) as described in paragraph (3) shall be credited towards the ratio (r) for a better performing test group.

(5) A utility may apply to the Commission for an Accelerated Retirement Program (ARP) for a specific meter type that the utility may desire to purge from its system. Meters removed in an ARP in excess of the ratio (r) as described in paragraph (3)

may be credited towards the ratio (r) for any other test group regardless of performance.

(6) A utility electing the variable interval plan shall remain on that plan for 4 years.

- [ (d) ] (f) \*\*\*
- [ (e) ] (g) \*\*\*
- [ (f) ] (h) \*\*\*
- [ (g) ] (i) \*\*\*
- [ (h) ] (j) \*\*\*
- [ (i) ] (k) \*\*\*
- [ (j) ] (l) \*\*\*
- [ (k) ] (m) \*\*\*
- [ (l) ] (n) \*\*\*
- [ (m) ] (o) \*\*\*

[Pa.B. Doc. No. 96-959. Filed for public inspection June 14, 1996, 9:00 a.m.]

## [52 PA. CODE CHS. 29—31]

[L-950111]

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

The Pennsylvania Public Utility Commission (Commission) adopted a rulemaking order December 14, 1995, that rescinds obsolete regulations regarding motor carriers and provides for cross-referencing of existing, interdependent regulations. The Commission also proposes to amend two regulations. The first amendment would require motor carriers of property to ensure that the equipment they are using has a valid inspection decal or complies with Federal inspection requirements. The second amendment adds to the list of prohibited discriminations, the discrimination by taxicab drivers against a person with a disability. The contact person is John Herzog, Assistant Counsel, Legal Division, Bureau of Transportation and Safety, (717) 783-3173.

#### *Executive Summary*

This rulemaking rescinds obsolete regulations regarding motor carriers and provides for cross referencing of existing, interdependent regulations. The Commission also proposes to amend two regulations. The first amendment would require motor carriers of property to ensure that the equipment they are using has a valid inspection decal or complies with Federal inspection requirements. The second amendment adds to the list of prohibited discriminations, the discrimination by taxicab drivers against a person with a disability.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of these proposed amendments on May 30, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting these proposed amendments, the Commission has provided IRRC and the Committees with a copy of a

detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed amendments, they will notify the Commission within 20 days of the close of the public comment period. If IRRC has any objections to any portion of the proposed amendments, it will notify the Commission within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of any objections raised.

Public meeting held  
December 14, 1995

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

### Proposed Rulemaking Order

*By the Commission:*

By Order entered May 23, 1995, we issued an Advance Notice of Proposed Rulemaking To Review And Rescind All Obsolete And Excessive Rules And Regulations at Docket No. L-950103. The advance notice was published in the *Pennsylvania Bulletin* on June 3, 1995, 25 Pa.B. 2188, and 60-day comment period set.

We received comments from Erie Limousine Service, the Western Pennsylvania Limousine Association, and our own Bureau of Transportation and Safety which reveal the need to evaluate and update the procedures contained in the affected chapters. We are setting forth proposed changes in four sections in Chapters 29 and 31. We believe these changes will clarify, simplify and remove excessive and burdensome requirements from our motor carrier regulations.

Our review of the affected chapters was careful and meticulous. We are well aware of our duty to ensure the safety of utility service, and our proposed changes will not result in any lapse in our mandate. At the same time, this is not a complete list of regulations which have become obsolete. Due to the Federal legislation which preempted a portion of the Commission's jurisdiction in the motor carrier field, we are preparing another rulemaking to bring affected regulations up to date. Those included in the present rulemaking are those which are not affected by the Federal legislation but should be amended or deleted for other reasons.

What follows is a summary of the proposed changes.

#### *Chapter 29. Motor Carriers of Passengers.*

§ 29.71. *Marking of vehicles.* This section is amended to provide a cross-reference to § 29.333(b).

#### *Chapter 31. Motor Carrier Property.*

§ 31.13. *Transportation of explosives.* This section is deleted as obsolete in light of the existing hazardous materials regulations.

§ 31.14. *Transportation of unauthorized persons.* This section is deleted as obsolete in light of Chapter 37, which addresses the transportation of passengers by property carriers.

§ 31.32. *Equipment.* Additional language permits a motor carrier to take possession of equipment under lease

after either performing an inspection or ensuring that the vehicle has a valid inspection decal, or complies with the periodic inspection requirements now found at § 37.204(7).

In proposing these changes, we believe that our efficiency as a regulatory agency will be enhanced. We are eliminating those sections which no longer serve a useful purpose and we are modifying others to promote the ease of application as well as fairness. We encourage those affected by these changes to file comments.

Further, as part of this rulemaking, we are amending the regulations found at 52 Pa. Code Chapter 30, concerning taxicab service in cities of the first class. Specifically, Subchapter F of those regulations provides for regulation of taxicab drivers. 52 Pa. Code § 30.75 provides for driver standards. Subsection (f) of that provision prohibits drivers from refusing service to a member of the public on the basis of sex, race, religion, nationality, age, and origin and destination points. We wish to add to this list a prohibition against drivers refusing service to persons with a disability.

Accordingly, under sections 501, 504, 505, 506, 1301 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 505, 506, 1301 and 1501, and the Commonwealth Documents Law, 45 P. S. §§ 1201 et seq., and the regulations promulgated thereunder, we shall institute a rulemaking proceeding to accomplish the objectives described in the body of this order. *Therefore,*

*It Is Ordered that:*

- 1. A rulemaking proceeding is hereby instituted at this docket.
- 2. The Commission's regulations are hereby proposed to be amended by:
  - (a) deleting §§ 31.13 and 31.14;
  - (b) amending §§ 29.71, 30.75 and 31.32.
- 3. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
- 4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
- 5. The Secretary shall submit this order and Annex A for informal review by the designated standing committees of both houses of the General Assembly, and for informal review and approval by the Independent Regulatory Review Commission.
- 6. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Interested persons may submit written comments, an original and 10 copies, to John G. Alford, Secretary, Pennsylvania Public Utility Commission, and shall have 30 days from the date this order is published to submit comments.
- 7. A copy of this order shall be served upon all persons who submitted comments in this rulemaking proceeding.

JOHN G. ALFORD,  
*Secretary*

*Statement of Chairperson John M. Quain*

Before us today are two significant rulemakings that, when combined, will delete or rescind 62 obsolete and redundant sections of our regulations and revise another 43 sections. Furthermore, when this Commission again

meets on January 11, 1996, we will consider another 58 sections pertaining to Chapters 63, 64 and 56 for possible rescission or revision.

I wish to express my appreciation to all of the staff of the various bureaus, and those public commentators who contributed to this massive undertaking.

**Fiscal Note:** 57-167. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**  
**PART I. PUBLIC UTILITY COMMISSION**  
**Subpart B. CARRIERS OF PASSENGERS OR PROPERTY**  
**CHAPTER 29. MOTOR CARRIERS OF PASSENGERS**  
**Subchapter B. COMMON CARRIERS**  
**MARKINGS AND POSTING NOTICE**

**§ 29.71. Marking of vehicles.**

\* \* \* \* \*

(b) [ *Exception* ] *Exceptions.*

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

(2) **Subsection (a) is not applicable to vehicles operated in luxury limousine service as provided in § 29.333(b) (relating to vehicle and equipment requirements).**

\* \* \* \* \*

**CHAPTER 30. MEDALLION PROGRAM**  
**Subchapter F. DRIVER REGULATIONS**

**§ 30.75. Driver standards.**

\* \* \* \* \*

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

\* \* \* \* \*

**CHAPTER 31. MOTOR CARRIER PROPERTY TRANSPORTATION**

**GENERAL PROVISIONS**

**§ 31.13. [ Transportation of explosives ] (Reserved).**

**[ (a) A common carrier by motor vehicle, contract carrier by motor vehicle and forwarder, when transporting an article or commodity now classified, or which may be classified as dangerous for transportation by motor vehicle under the regulations of the Interstate Commerce Commission for the transportation of explosives and other dangerous articles, shall transport the same as provided by the laws of the Commonwealth and the regulations of the Interstate Commerce Commission not inconsistent with those laws.**

(b) Subsection (a) is subject to changes and modifications that the laws of the Commonwealth or the regulations of the Interstate Commerce Commission may provide. ]

§ 31.14. [ Transportation of unauthorized persons ] (Reserved).

[ No person, other than employes of the common carrier by motor vehicle, contract carrier by motor vehicle or forwarder, may be transported on a motor vehicle not designed or adapted and used for the transportation of passengers, unless specifically authorized in writing by the carrier. Nothing contained in this section shall be construed to prohibit the carrying of a person in case of an accident or in other emergencies. ]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

§ 31.32. Equipment.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

[Pa.B. Doc. No. 96-960. Filed for public inspection June 14, 1996, 9:00 a.m.]

[L-960113]

[52 PA. CODE CHS. 63 and 64] Residential Telephone Service

The Pennsylvania Public Utility Commission (Commission) on February 8, 1996, adopted a proposed rulemaking regarding revisions to telephone regulations contained in Chapters 63 and 64. The proposed changes are necessary to: (1) clarify and simplify existing requirements; (2) update certain regulations to reflect present industry standards; and finally, (3) eliminate provisions believed to be excessive and to no longer serve a useful purpose. The contact persons are Maureen A. Scott, Assistant Counsel, Law Bureau, (717) 787-3639 and Louis Sauer, Bureau of Consumer Services, (717) 783-6688.

Executive Summary

By Order entered May 23, 1995, the Commission issued an Advance Notice of Proposed Rulemaking to Review and Rescind All Obsolete and Excessive Rules and Regulations. Comments were received from the Pennsylvania Telephone Association, GTE North and the Pennsylvania Office of Consumer Advocate. Based upon the comments received and upon its own review, the Commission has identified approximately 30 sections of its telephone regulations contained in Chapters 63 and 64, which are in need of revision. These changes were incorporated in the above proposed rulemaking by Order adopted February 8, 1996.

The proposed changes are necessary to: (1) clarify and simplify existing requirements; (2) update certain regulations to reflect present industry standards; and finally, (3) eliminate provisions believed to be excessive and to no longer serve a useful purpose.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of these proposed amendments on May 30, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Legislative Committees have objections to any portion of the proposed amendments, they will notify the Commission within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Commission within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Commission, the General Assembly and the Governor of any objections raised.

Public Meeting held February 8, 1996

Commissioners Present: John M. Quain, Chairperson, Concurring and Dissenting in Part—Statement follows; Lisa Crutchfield, Vice Chairperson; John Hanger, Concurring and Dissenting in Part—Statement follows; David W. Rolka, Concurring and Dissenting in Part—Statement follows; Robert K. Bloom, Concurring and Dissenting in Part

Proposed Rulemaking Order

By the Commission:

By Order entered May 23, 1995, we issued an Advance Notice of Proposed Rulemaking To Review And Rescind All Obsolete And Excessive Rules And Regulations and Docket No. L-950103. The advance notice was published in the Pennsylvania Bulletin on June 3, 1995, 25 Pa.B. 2188, and a 60-day comment period set.

We received detailed comments from the telephone industry on sections in Chapters 63 and 64, regarding those sections which are obsolete, excessive and in need of revision. Accordingly, we have reviewed the comments and have developed proposals dealing with 30 sections. The following is a summary of the proposed changes



which we request comment on from interested parties. In addition to the specific modifications set forth below, the Commission is interested in receiving comment from parties on whether Chapters 63 and 64 adequately provide for the special circumstances of customers with disabilities. In particular, the Commission requests comment on the following questions. Do the procedures and standards in Chapters 63 and 64 adequately serve and provide sufficient protections for customers with disabilities? Are current regulations adequate or are more specific requirements necessary? For instance, are the proposed regulations adequate to serve the hearing impaired? Should braille notices be required for the visually impaired? Is in-person customer contact necessary to convey the required information to customers with certain disabilities? Interested parties are encouraged to address these and related questions, and to give concrete suggestions on specific revisions to Chapters 63 and 64 which the Commission should incorporate to better address the special needs of Pennsylvanians with disabilities.

#### *Chapter 63. Telephone service*

§ 63.15. *Complaint procedures.* Subsection (a) has been changed to clarify the nature of the utility's required response, which has been perceived by the utilities to be the preparation of a supplemental report. The proposed amendment clearly establishes that the utility may terminate the investigation by submitting a copy of the service order which identifies the action taken by the utility to resolve the service complaint.

§ 63.17. *Number of subscribers per line.* This section is being deleted since it contains standards and procedures applicable prior to December 19, 1983. The four subscriber maximum presently used by the industry is being added to Section 63.18.

§ 63.18. *Multiparty line subscribers.* A single sentence changing the limit for maximum subscribers to a multiparty line is being added to reflect the change in industry standards.

§ 63.21. *Directories.* Subsection (e) is replaced to clarify a local exchange carrier's (LEC's) authority to investigate, evaluate and require modification or deletion of misleading directory listings without being as duplicative or onerous as the present language.

§ 63.31. *Classification of telephone public utilities.* This section is being amended to reflect the standards included in Chapter 30 and recent Commission rulemakings to provide for two classes of telephone utilities: Class A carriers are defined as those with more than 50,000 access lines; while Class B carriers are defined as carriers with 50,000 access lines or less. The Commission also requests comment on whether parties believe that the definitions should also contain a revenue threshold to further distinguish between Class A and Class B carriers.

§ 63.95. *Sufficiency of public telephone service.* The existing section is being replaced as outdated and excessive with wording closely following the legislative mandate of 66 Pa.C.S. § 2912, which it is intended to implement. The new wording continues to restrict when a public coin telephone can be removed by a LEC, as intended by the statute.

§ 63.96. *Service requirements for coin telephones.* Subsections (b) through (h) are replaced to update the Commission's requirements for converting two-way coin telephone service to one-way. Under the proposal, the Bureau of Consumer Services has 10 days to determine

whether the request is justified and will then provide written notice of its determination.

#### *Chapter 64. Standards and Billing Practices for Residential Telephone Service*

##### *§ 64.2. Definitions.*

*Dispute*—The definition of dispute is changed to allow a customer or applicant to resolve a disagreement with the LEC during either the initial contact or follow-up response without the LEC being charged with a dispute.

The definition of dispute has also been modified to specifically exclude a disagreement which arises from: (1) any matter outside the scope of Chapter 64; (2) the inability of a customer or the customer's designee and the LEC to enter into a mutually satisfactory payment arrangement; or (3) billing data provided to the LEC by an interexchange carrier.

§ 64.11. *Method of payment.* This section is modified to provide that a LEC may treat an unpaid check as a payment never made by the customer, and consequently, may take immediate action to suspend or terminate service once a check is returned as "unpaid." The proposed language prohibits suspension or termination of service when the bill is in dispute and further provides that a LEC may not impose a handling charge if the customer stops payment on a check due to a good faith billing dispute.

§ 64.12. *Due date for payment.* The proposed language adds an exception to the 20 day rule in those instances where the LEC has negotiated earlier due date arrangements with the customer.

§ 64.17. *Application of partial payments.* This section is being altered to provide that partial payments be applied first to payment of basic charges before going toward payment of any other service. This change corrects a problem that arises when basic service is not always afforded the highest degree of protection.

§ 64.18. *Application of partial payments between past and current bills.* This section is being deleted as repetitive of the previous section.

§ 64.21. *Separate billing for nonbasic service, toll service and basic service.* The proposed changes allow LECs to bill in two "pots" rather than one for each service, with the requirement that basic service be billed separately being retained.

§ 64.31. *Policy statement.* New language clarifies that a LEC is not required to furnish service to any applicant if any member of applicant's household is indebted to the LEC for service previously furnished.

§ 64.33. *Payment of outstanding balance.* Subsection (b), which prohibits a LEC from requiring payment for a residential service previously furnished under an account in the name of persons other than the applicant without a legal determination that the applicant is obligated to pay, has been deleted.

§ 64.34. *Written procedures.* This section is modified to permit LECs to give a "brief" explanation of credit and deposit procedures rather than the lengthy explanation given by some LECs now.

§ 64.41. *Interest.* The interest rate is being changed from 9% per annum to the current legal rate.

§ 64.61. *Authorized suspension of service.* This section is changed to allow a LEC to suspend service whenever there exists an unpaid indebtedness for telephone service

from a previous customer and the previous customer continues to occupy the premises.

§ 64.63. *Unauthorized suspension of service.* Reason number (7) has been replaced to remove the requirement that a legal obligation must be established prior to suspending service. Under the proposed language, service may not be suspended for nonpayment of a previous occupant of the residence unless that occupant continues to reside there.

§ 64.71. *General notice provisions.* Additional language to this section provides that a LEC may revert to the 24 hour personal notice of suspension provision of § 64.81 when the customer fails to comply with the material terms of a payment agreement for toll and/or nonbasic service.

§ 64.74. *Procedures upon customer contact before suspension.* Language is added to subsection (b) to provide that the LEC may suspend toll or nonbasic service after complying with the limited notice provision in § 64.81 when a customer breaches a payment agreement for toll or nonbasic service.

§ 64.81. *Limited notice upon noncompliance with report or order.* Proposed language expands this section to allow the LECs to use limited notice in instances where a customer fails to keep the terms of a payment agreement for toll or nonbasic service.

§ 64.108. *Right of LEC to petition the Commission.* This section recognizes the new section 64.109 which deals with the circumstances under which a LEC can suspend service before the expiration of a medical certification.

§ 64.109. *Suspension prior to expiration of medical certification.* This new section provides that a telephone company may suspend service prior to the expiration of a medical certification if the customer has failed to make timely payments for service provided if the company follows the notice procedures in section 64.71.

§ 64.133. *Termination stayed.* Added language provides that the disputing party shall pay or enter into a reasonable payment agreement on all undisputed portions of the bill.

§ 64.141. *General rule.* Subsection (5) is changed to reduce the paperwork of a company if a customer is satisfied with the dispute resolution.

§ 64.142. *Contents of the LEC report.* Subsection (6) is revised to specify that a LEC must provide the information at § 64.152(a)(1), (2), (3) and (6) when a written report is neither requested or deemed necessary.

§ 64.153. *Commission informal complaint procedures.* Proposed language prohibits a LEC from suspending or terminating service based on the complaining party's nonpayment of other billed amounts where these other amounts reflect the same underlying problem as the contested billed amounts.

§ 64.161. *General rule. (Formal complaints).* Added language limits a broad stay provision to specifically provide that a LEC may still suspend or terminate service based on the complaining party's nonpayment of other billed amounts.

§ 64.191. *Public information.* Language is added to this section to specify which verbal information must be transmitted to an applicant in order to relieve the LECs of the necessity of giving all information to the applicant.

Accordingly, under sections 501, 504, 505, 506, 1301 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501,

504, 505, 506, 1301 and 1501) and the Commonwealth Documents Law (45 P. S. § 1201 et seq.) and the regulations promulgated thereunder, we shall institute a rulemaking proceeding to accomplish the objectives described in the body of this order. *Therefore, It Is Ordered That:*

1. A rulemaking proceeding is hereby instituted at this docket.

2. The Commission's regulations are hereby proposed to be amended by:

(a) adding § 64.109.

(b) deleting §§ 63.17 and 64.18.

(c) amending §§ 63.15, 63.18, 63.21, 63.31, 63.95, 63.96, 64.2, 64.11, 64.12, 64.17, 64.21, 64.31, 64.33, 64.34, 64.41, 64.61, 64.63, 64.71, 64.74, 64.81, 64.108, 64.133, 64.141, 64.142, 64.153, 64.161 and 64.191.

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

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

5. The Secretary shall submit this order and Annex A for informal review by the designated standing committees of both houses of the General Assembly, and for informal review and approval by the Independent Regulatory Review Commission.

6. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Interested persons may submit written comments, an original and 10 copies, to John G. Alford, Secretary, Pennsylvania Public Utility Commission, and shall have 30 days from the date this order is published to submit comments.

7. A copy of this order shall be served upon all persons who submitted comments in this rulemaking proceeding.

JOHN G. ALFORD,  
Secretary

*Statement of Chairperson John M. Quain*

I respectfully dissent from the Motions offered today by my colleagues which delete sections from the Law Bureau's recommendation regarding this rulemaking.

It was my hope that this Commission could have gained some important perspectives by at least publishing these sections for comments. Unfortunately, that input will not be possible at this time.

Many of these recommendations, in fact, were suggested and supported by the Bureau of Consumer Services for the purpose of soliciting comments on whether modifications to our procedures are appropriate.

*Statement of Commissioner John Hanger*

Most of the proposed changes appropriately eliminate unnecessary or obsolete regulations and should be adopted subject to public comment. These rules reduce unnecessary regulatory expense and give utilities greater flexibility to do their job well. Several of the proposals, however, could make life difficult for those already strenuously attempting to overcome poor health, lack of income or other problems. Such proposals are not consistent with the goals of this rulemaking which is to rescind obsolete or unnecessary regulations. Regulations which retain important consumer protection without unnecessary administrative burdens must be retained. Some other proposed modifications require a great deal of

common sense in order to apply them effectively, and comments are encouraged so that the Commission may determine whether changes are in order.

Consequently, while I support most of the proposed rule changes, I specifically reject changes to the following provisions and dissent from any order that may change them:

(1) Section 64.33. Payment of outstanding balances.

The proposed changes to Section 64.33 would permit a LEC to deny service for non-payment of bills that are more than 4 years old. While this section does not change liability for the old bills, it makes no sense to take pressure off the LEC to collect bills in a timely fashion. The 4 year limitation should be retained.

(2) Section 64.61. Authorized suspension of service.

The proposed changes to section 64.61 would permit a LEC to suspend service whenever it determines that an applicant who has received service should have been required to pay a debt that accrued in someone else's name. Commission policy requires that the LEC seek Commission approval of this type of action on a case-by-case basis. Consequently, this proposal should not be entertained in this rulemaking.

The proposed changes regarding the advanced payment of toll and/or nonbasic service and the imposition of credit limits on toll and/or nonbasic service violate section 1509. Therefore, the proposed changes in the following sections should not be addressed in this rulemaking:

1. 64.12. Due date for payment.
2. 64.14. Billing Information.
3. 64.15. Advance payments.
4. 64.32. Credit standards.
5. 64.34. Written procedures. Subsection (3).
6. 64.35. Deposit, advance payment, and credit limits requirements for existing customers.
7. 64.61. Authorized suspension of service. Subsections (10) and (11).
8. 64.71. General notice provisions. Subsection (b) only.

*Statement of Commissioner David W. Rolka*

I disagree with the proposed inclusion of PTA's recommendation regarding section 64.11. No rationale is offered for including this proposal in the proposed rulemaking or for rejecting the reasoned evaluation of the Bureau of Consumer Services. Given the current language that permits a LEC to refuse further payment by check from a customer whose tendered check was returned for non-sufficient funds, should not the limited notice provision of section 64.81 be invoked when a check that is tendered as part of a payment agreement is returned for non-sufficient funds? If the LEC refused further payments by check, would not the notice be required on a one-time basis? If the check covers basic charges, should a 7 day notice for failure to keep a payment agreement be issued in regard to basic service? I request commenting parties to address these specific questions.

I support the proposed changes to sections 64.31 and 64.63 with some reservation. These proposals contemplate the assignment of the legal obligation to pay a telephone bill to an individual who lives in the dwelling to which service is provided; and who uses and benefits from telephone service, although the individual may not be the customer of record. In certain egregious circumstances this result may be appropriate. However, it should be

made clear that this result can only be attained upon a ruling of this Commission or some other formal legal tribunal such as a court. The utility should not be permitted to exercise this level of discretion on its own initiative. Commentators are requested to identify specific standards that should be used to evaluate whether someone other than the billing responsible party may be held legally accountable for accrued charges.

**Fiscal Note:** 57-170. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 63. TELEPHONE SERVICE**

**Subchapter B. SERVICE AND FACILITIES**

**§ 63.15. Complaint procedures.**

(a) *Investigations.* A public utility shall make a full and prompt investigation of **service** complaints made to it through the Commission by its customers or **third parties. Upon receiving a service complaint from a customer of a utility, the Commission will transmit a summary of the service report to the utility. If a service complaint is resolved, the utility may terminate the investigation by submitting or transmitting a copy of the service order which identified the action taken by the utility to resolve the service complaint. When complaints are referred to the public utility through the Commission, the public utility and the Commission shall work to process and resolve all complaints.**

\* \* \* \* \*

**§ 63.17. [Number of subscribers per line] (Reserved).**

**[(a) The number of subscribers connected to a multiparty line shall be limited to a maximum of ten before December 19, 1983, and to a maximum of six after December 18, 1983, except for seasonal and temporary connections and circumstances arising from national emergencies.**

**(b) A public utility may file a petition with the Commission for waiver from the 1-year time limitation found in subsection (a) by setting forth the reasons for the waiver request and the date on which the number of subscribers per line will be limited to six, which date in no event may be later than December 18, 1985.**

**(c) A public utility may file a petition with the Commission for exemption from the six subscriber per line limitation found in subsection (a), setting forth the circumstances justifying the exemption and other information as requested by the Commission.**

**(d) Subsections (b) and (c) supplement § 5.43 (relating to petitions for issuance, amendment, waiver or repeal of regulations). ]**

**§ 63.18. Multiparty line subscribers.**

A multiparty line subscriber may be required to take service of a different grade if his use of service interferes unreasonably with the necessary service of the other

subscribers on the line. The number of subscribers connected to a multiparty line is limited to a maximum of four.

§ 63.21. Directories.

\* \* \* \* \*

(e) [ Upon receipt of a written complaint by the public utility that a listing is misleading, deceptive or confusing or where the public utility has reason to believe that the listing will mislead or deceive or confuse the public, the public utility shall investigate the matter permitting the listing-party an opportunity to respond before rendering a decision. If no response is received within 15 days, the public utility shall delete the listing from future issues of the directory. The utility's investigation and decision shall be made within 45 days of receipt of the complaint. After reaching its decision the public utility shall advise interested parties in writing of its opinion and shall inform them of the right to file a complaint with the Commission. ] Upon receiving a customer complaint alleging misleading, deceptive or confusing directory listings, a public utility shall investigate the complaint under § 63.15 (relating to complaint procedures). If the utility determines that a directory listing is misleading, deceptive or confusing, it shall delete the listing from future directories.

Subchapter C. ACCOUNTS AND RECORDS

§ 63.31. Classification of [ telephone ] public utilities.

[ (a) ] For accounting and reporting purposes, telephone public utilities are classified as follows:

(1) *Class A.* [ Telephone public ] Public utilities having [ average annual operating revenues exceeding \$100,000 ] 50,000 or more access lines.

(2) *Class B.* [ Telephone public ] Public utilities having [ average annual operating revenues exceeding \$50,000 but not more than \$100,000 ] less than 50,000 access lines.

\* \* \* \* \*

[ (b) Classification of a telephone public utility is determined by its average annual telephone operating revenues for 3 consecutive years. A change in the classification of a utility shall be made when its average annual telephone operating revenues for 3 consecutive years exceed the maximum of its class. ]

Subchapter G. PUBLIC COIN TELEPHONE SERVICE

§ 63.95. Sufficiency of public coin telephone service.

[ (a) A local exchange carrier shall maintain the number of public telephones within its service territory which existed on December 31, 1985, except where a local exchange carrier public telephone is replaced by a comparable public telephone. As of January 1, 1986, a local exchange carrier may eliminate a public telephone where it is replaced by a comparable public telephone.

(b) A local exchange carrier or nonpublic utility shall notify the Commission of a plan to remove a public telephone. The notification shall be submitted in writing to the Commission. This notification

is not required if the public telephone is replaced by a comparable public telephone.

(c) The Commission may require a local exchange carrier or a nonpublic utility to place or replace a public telephone at a particular location if it is determined that a placement or replacement is in the public interest. ]

A local exchange carrier may not remove an existing public coin telephone station except in the following circumstances:

(1) The local exchange carrier's public coin telephone is replaced by a comparable public telephone.

(2) Removal of a public coin telephone is required by a law enforcement agency or other governmental entity.

(3) The local exchange carrier determines that a public coin telephone has insufficient usage to justify its placement, which insufficient usage is caused by one or more competing comparable public telephones.

§ 63.96. Service requirements for coin telephones.

\* \* \* \* \*

(b) [ A local exchange carrier or nonpublic utility shall investigate each request from a coin telephone agent or another party for conversion of a coin telephone to one-way outgoing service. If the local exchange carrier or nonpublic utility concludes on the basis of its investigation that the requested conversion is warranted it shall submit a written request to the Commission seeking Commission approval of the conversion. The written request shall specify the reasons for the conversion, location of the telephone to be converted and the identity of the agent of the party who requested the conversion. If the conditions underlying the request are believed to be temporary, the request shall state the anticipated duration of the conditions. The request shall also certify that the notice required by subsection (c) has been posted. ] A local exchange carrier, nonpublic utility or other interested party may seek Commission review of whether conversion of a coin telephone from two-way service to one-way is justified by extraordinary circumstances. Conversion requests shall be made in writing and shall identify the telephone number and location of the coin telephone, and describe the circumstances which justify conversion.

(c) [ On or before the date the request is sent, the local exchange carrier or nonpublic utility shall post a conspicuous notice on or immediately adjacent to the public telephone advising users of the telephone of the request to convert the telephone to one-way outgoing service. The notice shall state reasons for the request, advise users how to provide comments to the Commission regarding the request, and set forth the date by which comments shall be provided, which date shall be at least 20 days from the date of the request. The notice shall also set forth both a nonpublic utility or a public utility telephone number and the Commission's toll-free Consumer Hot-Line number, and shall advise users that they should call either number if they do not understand the notice or desire further information, and shall call the Consumer Hot-Line

number if they wish to provide oral comments. ] Upon review of a conversion request, the Commission's Bureau of Consumer Services will determine whether the request is justified within 10 days of receipt of the conversion request unless the information provided by the requesting party is inadequate to make a determination. The Bureau may initially notify the requesting party and the owner of the coin telephone of its determination by telephone. The Bureau will provide the requesting party and the owner of the coin telephone written notice of its determination. The Bureau may limit the duration of the conversion authorization if it appears that the circumstances justifying the conversion are temporary in nature.

(d) [ The local exchange carrier, nonpublic utility or other party requesting the conversion, and a person who submits comments regarding the conversion request, shall be deemed parties to the request proceeding. ] A party may appeal the Bureau's determination or request that a coin telephone previously approved for one-way conversion be returned to two-way service by filing a formal complaint with the Commission.

(e) [ After the 20-day comment period and not later than 45 days from the date of the request, the Commission's Bureau of Consumer Services will issue a written determination of the conversion request setting forth the reasons for its determination. A copy of the determination, together with a notice of appeal rights detailed in this section, will be mailed to the public utility or nonpublic utility and to parties of record to the proceeding. A determination approving a conversion based on a condition expected to be of limited duration shall specify that the public utility or nonpublic utility is required to reconvert the telephone to two-way service upon the termination of the condition. ] In instances where a conversion request involves allegations of drug trafficking from a coin telephone or other emergency circumstances pertaining to public health, safety or welfare concerns, the Bureau may telephonically authorize the owner of the coin telephone to convert the telephone to one-way service on the same day the emergency conversion request is received. Following an emergency conversion authorization, the Bureau will review the conversion request under the procedures established in subsection (c).

[ (f) A party to a conversion request proceeding who is aggrieved by the staff determination may appeal the determination by filing a formal complaint with the Commission within 20 days of the date the determination is mailed from the Commission. In an appeal from a conversion approval, the timely filing of a formal complaint stays the conversion unless the determination finds that a stay is inappropriate due to exigent circumstances or frivolous complaint.

(g) A formal complaint appealing a staff conversion determination will be heard and decided in the same manner as an appeal of an informal complaint decision under § 64.163 (relating to formal complaint procedures).

(h) A request to reconvert public telephones from one-way outgoing service to two-way service shall initially be made to the local exchange carrier or

non-public utility responsible for the public telephone. The local exchange carrier or nonpublic utility shall promptly investigate and decide the requests based upon the standard for conversion in subsection (a). If a reconversion request is denied, the requesting party shall have the right to seek Commission relief under the Commission's informal and formal complaint procedures. ]

**CHAPTER 64. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL TELEPHONE SERVICE**

**Subchapter A. PRELIMINARY PROVISIONS**

**§ 64.2. Definitions.**

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

\* \* \* \* \*

*Dispute*—[ A disagreement between an ] (i) An applicant, [ a ] customer, or [ a customer's designee and an LEC with respect to the ] customer designee's grievance about a utility's application of one or more provisions covered by this chapter [—including ], regarding credit determinations, deposit requirements, accuracy of amounts billed [ or ], and the proper party to be charged, which remains unresolved after the initial contact or utility follow-up response when the applicant, customer or customer's designee consents to the utility reviewing pertinent records or other information and calling back. If, at the conclusion of [ an initial inquiry, ] the initial contact or utility follow-up response, the applicant, customer or [ the ] customer's designee [ indicates satisfaction ] is satisfied with the resulting resolution or explanation, the contact [ may ] will not be considered a dispute. The term does not include failure to negotiate a mutually satisfactory payment agreement regarding undisputed amounts.

(ii) The term does not apply to any disagreement which arises from one or more of the following:

(A) A matter which is outside the scope of this chapter.

(B) The inability of a customer or the customer's designee and the LEC to enter into a mutually satisfactory payment arrangement.

(C) Billing data provided to the local exchange carrier by an interexchange carrier.

\* \* \* \* \*

**Subchapter B. PAYMENT AND BILLING STANDARDS**

**§ 64.11. Method of payment.**

Payment may be made in any reasonable manner including payment by personal check, unless the customer within the past year has tendered a check which has been returned **unpaid to the local exchange carrier** by a financial institution for a reason for which the customer is at fault. When [ payment is made by ] a tendered personal check [ which ] is returned **unpaid to the LEC** by a financial institution for a reason for which the customer is at fault, the LEC **may treat the unpaid check as a payment never made by the customer and, if it does so, will not be obligated to halt suspension or termination action based on its**

receipt of this check from the customer. The LEC also may impose a handling charge, the amount of which shall be set forth in the carrier's approved tariff. Notwithstanding the provisions of this section, the LEC may not proceed with suspension or termination of service based on a disputed billed amount or impose a [ No ] handling charge [ will be imposed ] if the customer stops payment on a check due to a good faith billing dispute.

§ 64.12. Due date for payment.

The due date for payment of a monthly bill shall be at least 20 days from the date of mailing by the LEC to the customer except when the LEC has negotiated earlier due date arrangements with the customer.

§ 64.17. Application of [ Partial ] partial payments.

(a) Payments received by a LEC which are insufficient to pay the balance due for [ telephone ] basic service, toll service and nonbasic service shall first be applied to [ telephone ] any balance due for earlier basic service, then to basic service billed during the current billing period, then to toll service before being applied to nonbasic service.

(b) Payments received by [ a ] an LEC which are insufficient to pay the amount due for [ telephone ] basic and toll service shall first be applied to any balance due for earlier basic service and then to basic service billed during the current billing period.

\* \* \* \* \*

§ 64.18. [ Application of partial payments between past and current bills ] (Reserved).

[ In the absence of written instruction, or a disputed bill or a payment arrangement, payments received by the LEC which are insufficient to pay a balance due both for earlier services and for services billed during the current billing period shall first be applied to the balance due for earlier services, including late payment charges. ]

§ 64.21. Separate billing for [ nonbasic service, toll service and ] basic service.

(a) Charges for [ nonbasic service, toll service and ] basic service shall be billed separately from charges for other services.

(b) A customer's failure to pay charges for [ nonbasic service ] other services may not be a basis for termination of basic service unless the LEC is technically unable to terminate toll service without also terminating basic service as provided in § 64.63 (relating to unauthorized suspension of service).

[ (c) A customer's failure to pay charges for toll service may not be a basis for termination of basic service unless the LEC is technically unable to terminate toll service without also terminating basic service. ]

Subchapter C. CREDIT AND DEPOSIT STANDARDS POLICY

§ 64.31. Policy statement.

An essential ingredient of the credit and deposit policies of each [ local exchange carrier ] LEC shall be the equitable and nondiscriminatory application of those pre-

cepts to potential and actual customers throughout the service area or a part thereof. Deposit policies shall be based on the credit risk of the applicant or customer rather than upon the credit history of the affected premises or upon the collective credit reputation or experience in the area in which the applicant or customer lives without regard to race, religion, gender, age if over 18, national origin or marital status. An LEC will not be required to furnish its service to an applicant if, at the time of the application, the applicant or a member of applicant's household is indebted, under an undisputed bill, to the LEC for service previously furnished the applicant, or furnished another member of the applicant's household.

§ 64.33. Payment of outstanding balance.

(a) The LEC may require, as a condition for furnishing residential service to an applicant, the payment of an outstanding residential account with the LEC which accrued within the past 4 years, and for which records consistent with the information requirements in § 64.192 (relating to record maintenance) maintained by the LEC for the period covering collection, for which the applicant is legally responsible and for which the applicant was billed properly. However, the outstanding residential account with the LEC may be spread out over a reasonable period of time. Factors to be taken into account shall include, but not be limited to, the size of the unpaid balance, the payment history of the customer, and the length of time over which the bill accumulated.

[ (b) A LEC may not require, as a condition for the furnishing of residential service, payment for residential service previously furnished under an account in the name of persons other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished.

(c) ] (b) \*\*\*

§ 64.34. Written procedures.

Each LEC shall establish written procedures for determining the credit status of an applicant. Each LEC employ processing applications or determining the credit status of an applicant shall be familiar with and have ready access to a copy of the written procedures of the LEC. A copy of the procedures shall be maintained on file in each business office of the LEC and be made available, upon request, for inspection by the public and the Commission.

(1) Informing applicants of procedures. The LEC personnel shall [ fully explain ] provide a brief explanation of the credit and deposit procedures to each customer or applicant for service.

\* \* \* \* \*

§ 64.41. Interest.

Interest rate at the legal rate [ of 9% per annum ] provided for in section 202 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 202) shall be payable on deposits without deductions for taxes thereon unless otherwise provided by law. Interest shall be paid annually to the customer or, at the option of either the LEC or the customer, shall be applied to the customer's bill.

Subchapter E. SUSPENSION OF SERVICE  
**GROUND S FOR SUSPENSION**

**§ 64.61. Authorized suspension of service.**

Telephone service to a dwelling may be suspended for any of the following reasons:

\* \* \* \* \*

**(9) Unpaid indebtedness for telephone service rendered to a previous customer who occupied the premises and continues to occupy the premises.**

**§ 64.63. Unauthorized suspension of service.**

Unless expressly and specifically authorized by the Commission, basic service may not be suspended and a suspension notice may not be sent for any of the following reasons:

\* \* \* \* \*

**(7) [ Nonpayment for residential service already furnished in the name of persons other than the customer unless a court, district justice, or administrative agency has determined that the customer is legally obligated to pay for the service previously furnished. This paragraph may not affect the creditor's rights and remedies of the LEC otherwise permitted by law. ] Nonpayment for services rendered to a previous customer who occupied the premises unless the customer continues to occupy the premises.**

\* \* \* \* \*

**NOTICE PROCEDURES PRIOR TO SUSPENSION**

**§ 64.71. General notice provisions.**

**(a)** The LEC shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless of the grounds upon which suspension is sought.

**(b)** An exception to subsection (a) is made for failure to comply with the material terms of a payment agreement for toll or nonbasic, or both, service. In these cases, the LEC shall comply with § 64.81 (relating to limited notice upon noncompliance with report or order).

**§ 64.74. Procedures upon customer contact before suspension.**

\* \* \* \* \*

**(b)** The LEC, through its employes, shall exercise good faith and fair judgment in attempting to enter into a reasonable payment agreement regarding undisputed amounts or to otherwise equitably resolve the matter. Factors to be taken into account when attempting to make a reasonable payment agreement shall include but not be limited to the size of the unpaid balance, the payment history of the customer[, ] and the length of time over which the bill accumulated. **If the customer breaches a payment agreement for toll or nonbasic, or both, service, the LEC may suspend the toll or nonbasic, or both, service after complying with § 64.81 (relating to limited notice upon noncompliance with report or order). At the time a payment agreement is entered into, the LEC shall explain to the customer the consequences of breaching the payment agreement, including the possible suspen-**

**sion of toll or nonbasic, or both, service without further written notice.** The LEC may not suspend service for an undisputed delinquent bill under either of the following circumstances:

\* \* \* \* \*

**NOTICE PROCEDURES AFTER DISPUTE FILED**

**§ 64.81. Limited notice upon noncompliance with report or order.**

Upon the customer's failure to timely appeal from or comply with [ a ] an LEC report as defined in § 64.142 (relating to contents of the LEC report), an informal complaint report [ or ], an order from a formal complaint, or a payment agreement negotiated for toll or nonbasic, or both, service, the original grounds for suspension shall be revived and the LEC may not be required to give further written notice before suspension if the telephone company makes a reasonable attempt to contact the customer personally at least 24 hours before suspension.

**EMERGENCY PROVISIONS**

**§ 64.108. Right of LEC to petition the Commission.**

**(a)** To completely suspend service before the expiration of the medical certification, except where allowed according to § 64.109 (relating to suspension prior to expiration of medical certification) [ a ] an LEC may petition the Commission for waiver from the medical certification procedures to contest the validity of a certification.

\* \* \* \* \*

**§ 64.109. Suspension prior to expiration of medical certification.**

A telephone company may suspend service prior to the expiration of the medical certification when the customer fails to make timely payments for service provided by the LEC after the date on which service is restored or suspension postponed. The company shall follow notice procedure prior to suspension according to §§ 64.71—64.74.

**Subchapter G. DISPUTES; INFORMAL AND FORMAL COMPLAINTS  
  GENERAL PROVISIONS**

**§ 64.133. Termination stayed.**

Except as otherwise provided in this chapter, where a dispute is properly registered in accordance with this subchapter, suspension or termination based on disputed portions of the bill is prohibited until resolution of the dispute [ ; however, ]. However, the disputing party shall pay, or enter into a reasonable payment agreement on, all undisputed portions of the bill[ . ]; if the disputing party does not do so, the LEC may suspend or terminate service based on the nonpayment, if the suspension or termination is otherwise permitted under this chapter.

**TELEPHONE COMPANY DISPUTE PROCEDURES**

**§ 64.141. General rule.**

If, at any time before suspension or termination of service, a customer registers a dispute, the LEC shall do the following:

\* \* \* \* \*

**(5)** Within 30 days of the registration of the dispute, review findings with the customer in a manner which

outlines clearly the results of the investigation and which indicates what action will be necessary for the customer to continue service. The findings shall be [ included in a written summary and shall be sent to the customer and the Commission upon request, or if deemed necessary by the LEC ] summarized in a report as follows:

(i) If the complainant is not satisfied with the dispute resolution, the LEC report shall be in writing and conform to § 64.142 (relating to contents of the LEC report). Further, in these instances, the written report shall be sent to the complaining party if requested, or if deemed necessary by the LEC. The written report shall also be sent to the Commission upon request.

(ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written LEC report may be limited to the information at § 64.142(1), (2), and, when applicable, § 64.142(7).

(iii) If the complaining party expresses satisfaction but requests a written report, the report shall conform with § 64.142, in its entirety.

§ 64.142. Contents of [ written summary by ] the LEC report.

[ Each written summary of a dispute, whether conveyed orally or in writing to the customer, ] An LEC report shall include the following:

\* \* \* \* \*

(6) A complete explanation of procedures for filing an informal complaint with the Commission [ including ] see § 64.152 (relating to informal complaint filing procedures). If a written report is not requested by the complaining party or deemed necessary by the LEC, the LEC shall provide the information at § 64.152(a)(1)—(3) and (6). In addition, the LEC should always provide the telephone number and address of the [ nearest regional ] office of the Commission where the informal complaint may be filed.

\* \* \* \* \*

INFORMAL COMPLAINT PROCEDURES

§ 64.153. Commission informal complaint procedures.

(a) The timely filing of an informal complaint acts as a limited stay and the LEC may not suspend or terminate service [ pending resolution of the informal complaint ] based on the complaining party's nonpayment of a billed amount which is contested in the informal complaint until the complaint is resolved. The LEC may not suspend or terminate service based on the complaining party's nonpayment of additional billed amounts that reflect the same underlying problem as the billed amounts contested in the informal complaint. This limited stay does not prevent the LEC from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, where the suspension or termination is otherwise permitted under this chapter.

\* \* \* \* \*

FORMAL COMPLAINTS

§ 64.161. General rule.

\* \* \* \* \*

(b) The timely filing of a formal complaint acts as a limited stay and the LEC [ shall ] may not suspend or terminate service [ pending resolution of the formal complaint ] based on the complaining party's nonpayment of any billed amount which is contested in the formal complaint until the complaint is resolved. This limited stay does not prevent the LEC from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, if the suspension or termination is otherwise permitted under this chapter, and if the suspension or termination is preceded by the required notification.

Subchapter I. PUBLIC INFORMATION; RECORD MAINTENANCE

§ 64.191. Public information.

(a) LEC service representatives shall provide applicants who apply for residential telephone service in person with a concise, easy-to-understand[ , ] and printed price list showing all available service and equipment options. The price of basic, plain rotary dial telephone service shall be clearly and conspicuously displayed on the list. If an applicant applies for service by telephone, the applicant shall be given a verbal recitation first of [ all available ] the choices available for basic service [ and equipment options and their prices. The price of basic, plain rotary dial telephone service shall be recited first. If an applicant applies ], including installation (payment options, access line), dial tone line charge (available local calling plans), touch tone (explanation identifying it as optional), directory listing options, available blocking options (900, 976, collect call), and, if applicable, services for customers with disabilities. Second, the applicant shall be given an explanation of choices for toll service that would include choice of carrier and choice of calling cards. The LEC shall then inform the applicant of the date that service will be installed and working, and then ask if the LEC may present other optional services that the applicant might be interested in purchasing. At the conclusion of an application for telephone service by telephone, the LEC service representative shall tell the applicant that a written price list of available service and equipment options will be mailed to the applicant upon request. Applicants for residential telephone service shall be informed that, instead of leasing a telephone, they have the option to purchase a telephone and that, if they do so, their monthly bill will not include a rental charge. Applicants shall be quoted the basic monthly charge for the service and equipment they select, with and without the lease of a telephone.

\* \* \* \* \*

[Pa.B. Doc. No. 96-961. Filed for public inspection June 14, 1996, 9:00 a.m.]



# STATE BOARD OF PSYCHOLOGY

## [49 PA. CODE CH. 41] Continuing Education

The State Board of Psychology (Board) proposes to amend § 41.59 (relating to continuing education) to read as set forth in Annex A.

The purpose of the proposal is to amend the existing continuing education requirements for biennial renewal to give psychologists more flexibility in their choice of continuing education programs and to expand the opportunities for meeting the requisite contact hours for continuing education credit.

The existing provisions of § 41.59 were adopted by the Board on June 13, 1992 (22 Pa.B. 2982). Since that date, the Board has evaluated the effectiveness of the regulation. Also, a number of licensed psychologists subject to the regulation have offered comments and suggestions on how to improve the regulation for the betterment of the profession.

Following is a summary of the proposed amendment:  
*§ 41.59. Continuing education.*

(b) *Continuing education requirement for biennial renewal.*

Language is proposed to be added to subsection (b) to require psychologists to obtain at least 3 contact hours of continuing education per biennium in ethical issues. A significant percentage of consumer complaints which are filed against licensed psychologists (approximately 66.66%) are focused on ethical issues. With this proposal, the Board hopes to increase psychologists' understanding of ethical issues as they develop in today's practice and thereby reduce the number of complaints which result from ethical infractions.

The Board also proposes to delete obsolete language relative to 1993 renewals under paragraph (1), and to eliminate paragraph (2). As amended, the language originally appearing in paragraph (2) will appear under subsection (b), with one exception. The Board proposes to allow up to 10 contact hours in excess of 30 from the preceding biennium to be carried over from one biennium to the next. This proposed amendment is responsive to comments received from several psychologists opining that contact hours in excess of 30 for the preceding biennium should be able to be carried forward and credited toward the next renewal period.

(c) *Reports to the Board.*

The Board proposes to delete the requirement under subsection (c) that psychologists list, at the time of biennial renewal, the continuing education courses or programs attended. This information is now required only from psychologists who are randomly selected by the Board for an audit of continuing education compliance.

An amendment is also proposed to subsection (c) to clarify that psychologists shall retain documentation showing completion of the prescribed number of continuing education contact hours for at least two bienniums.

(d) *Approved providers; acceptable courses and programs.*

In response to comments from licensed psychologists, the Board proposes to add under paragraph (3) an

additional "approved provider" of continuing education courses and programs. As amended, the Board would approve for continuing education purposes, courses and programs offered by providers approved by the American Medical Association (AMA) who meet the criteria of paragraph (4)(i)—(ii), if the programs offered by the AMA relate to the practice of psychology.

### *Additional Amendments*

The Board proposes to shift the language of existing subsections (f) and (g), relating to "exemptions and proration" and "reinstatement of licensure," respectively, to new subsections (h) and (i), and to provide two additional means under new subsections (f) and (g) for psychologists to receive credit for 50 to 60 minutes of participation in professional activities. As amended, subsection (f) would be entitled "instruction," and would allow a psychologist to accrue up to 15 of the required 30 contact hours of continuing education by offering a course in psychology for a regionally accredited college or university (if the course generates semester/quarter hour credit), or by offering a workshop for an approved sponsor. As proposed, a clock hour of instruction would equal 1 contact hour. An individual course or workshop would be credited to an instructor only once. The number of hours granted to a psychologist for participation as an instructor in a workshop would be determined by dividing the number of continuing education hours granted for the workshop by the number of instructors participating in the workshop.

As amended, proposed subsection (g) would be entitled "professional writing." Under this new subsection, a psychologist would be permitted to accrue up to 10 of the required 30 contact hours of continuing education by writing an article published in a journal abstracted in PSYCHLIT, or by writing one or more chapters in a text or trade book for psychologists which is published by a commercial publisher or by a state or National psychological association. As proposed, no more than 10 contact hour equivalents of professional writing may be granted for an article or chapter published during the preceding biennium. The number of contact hours granted per person per publication would be determined by dividing 10 hours per publication by the number of participating authors.

Consistent with the amendments to existing subsections (f) and (g), the existing language of subsections (h) and (i), relating to "waivers" and "curing deficiencies," respectively, will now appear in subsections (j) and (k).

### *Fiscal Impact*

The proposed amendment should have no negative fiscal impact upon the Commonwealth, its political subdivisions or the general public.

### *Paperwork Requirements*

The proposed amendment should not result in additional paperwork requirements.

### *Statutory Authority*

The amendment is proposed under the dual authority of sections 3.2(2) and 15 of the Professional Psychologists Practice Act (act) (63 P. S. §§ 1203.2(2) and 1215). Section 3.2(2) of the act empowers the Board to adopt and, from time to time, revise the rules and regulations as may be necessary to carry into effect the provisions of the act. Section 15 of the act authorizes the Board to require continuing education as a condition of biennial renewal.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), a copy of this proposal was submitted on June 3, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a copy of the Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

Public Comment

Interested parties are invited to submit written comments, suggestions or objections regarding the proposed amendment to Jackie Wiest Lutz, Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of the proposed amendment in the *Pennsylvania Bulletin*.

PATRICIA M. BRICKLIN, PH.D.,  
Chairperson

**Fiscal Note:** 16A-632. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 41. STATE BOARD OF PSYCHOLOGY MISCELLANEOUS

§ 41.59. Continuing education.

\* \* \* \* \*

(b) *Continuing education requirement for biennial renewal.* As a condition of biennial license renewal, a psychologist shall have completed during the preceding biennium [ **the required number** ] a minimum of 30 contact hours (3 CEUs) of continuing education in acceptable courses [ **or** ], programs [ **offered by approved providers** ] or activities which shall include at least 3 contact hours in ethical issues. Up to 10 contact hours in excess of 30 from the preceding biennium may be carried over from one biennium to the next.

[ (1) For 1993 renewals, a psychologist shall have completed a minimum of 15 contact hours (1.5 CEUs) between December 1, 1991, and November 30, 1993.

(2) For 1995 renewals and thereafter, a psychologist shall have completed a minimum of 30 contact hours (3 CEUs). Contact hours in excess of 30 may not be carried over from one biennium to the next. ]

(c) *Reports to the Board.* A psychologist shall certify to compliance with the contact hours requirement [ **and list**

**the courses/programs attended on forms provided by the Board** ] at the time of biennial renewal. A psychologist shall retain [ **until** ] for at least [ **the next relicensing cycle** ] two bienniums, certificates, transcripts or other documentation showing completion of the prescribed number of contact hours. These records are subject to audit by the Board.

(d) *Approved providers; acceptable courses and programs.*

(1) [ **Only courses** ] Courses and programs offered by Board-approved providers will be accepted as satisfying **all or part of** the continuing education requirement. It is the responsibility of the psychologist to ascertain the approval status of the provider before undertaking a continuing education activity.

\* \* \* \* \*

(3) The Board has approved the following providers:

\* \* \* \* \*

(iii) **Providers approved by the American Medical Association who meet the criteria of paragraph (4). Programs offered by these providers shall relate to the practice of psychology.**

\* \* \* \* \*

(f) [ *Exemptions and prorrations.*

(1) The Board will exempt from the continuing education requirement a psychologist who received a license within 2 years of the psychologist's first application for biennial renewal.

(2) A psychologist who is licensed under § 41.52 (relating to persons licensed in other states) shall comply with the continuing education requirement, but the psychologist's contact hours will be prorated on a quarterly basis from the date of licensure in this Commonwealth to the next biennial renewal date. Each quarter will consist of 3 months. Beginning with the quarter immediately following licensure in this Commonwealth, at least 3.75 contact hours (.375 CEU) shall be earned for each quarter. ]

*Instruction.*

(1) A psychologist may accrue up to 15 of the required contact hours by offering one of the following:

(i) A course in psychology for a regionally accredited college or university if the course generates semester/quarter hour credit.

(ii) A workshop for an approved sponsor.

(2) A clock hour of instruction equals one contact hour. An individual course or workshop may be credited to the instructor only once. The hours of continuing education granted to a psychologist who participates as a workshop instructor will be determined by dividing the number of continuing education hours granted for the workshop by the number of instructors participating in the workshop.

(g) [ *Reinstatement of licensure.* Reinstatement of licensure shall be subject to the following conditions:

(1) A person whose license has lapsed or been inactive shall show compliance with the continuing

education requirement during the biennium immediately preceding the request for reinstatement.

(2) A person whose license has been suspended or restricted shall show compliance with the continuing education requirement during the period of suspension or restriction. ]

*Professional writing.*

(1) A psychologist may accrue the equivalent of up to 10 of the required contact hours by writing one of the following:

(i) An article published in a journal abstracted in PSYCHLIT.

(ii) A chapter, or more, in a text or trade book for psychologists published by a commercial publisher or a state or National psychological association.

(2) No more than 10 contact hour equivalents of professional writing may be granted for one article or chapter published during the preceding biennium. Ten hours per publication, divided by the number of authors, will result in the number of contact hours granted per person per publication.

(h) *Exemptions and prorations.*

(1) The Board will exempt from the continuing education requirement a psychologist who received a license within 2 years of the psychologist's first application for biennial renewal.

(2) A psychologist who is licensed under § 41.52 (relating to persons licensed in other states) shall comply with the continuing education requirement, but the psychologist's contact hours will be prorated on a quarterly basis from the date of licensure in this Commonwealth to the next biennial renewal date. Each quarter will consist of 3 months. Beginning with the quarter immediately following licensure in this Commonwealth, at least 3.75 contact hours (.375 CEU) shall be earned for each quarter.

(i) *Reinstatement of licensure.* Reinstatement of licensure shall be subject to the following conditions:

(1) A person whose license has lapsed or been inactive shall show compliance with the continuing education requirement during the biennium immediately preceding the request for reinstatement.

(2) A person whose license has been suspended or restricted shall show compliance with the continuing education requirement during the period of suspension or restriction.

[ (h) ] (j) \*\*\*

[ (i) ] (k) \*\*\*

[Pa.B. Doc. No. 96-962. Filed for public inspection June 14, 1996, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective May 28, 1996.

The organization chart at 26 Pa.B. 2823 (June 15, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 96-963. Filed for public inspection June 14, 1996, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Fish and Boat Commission

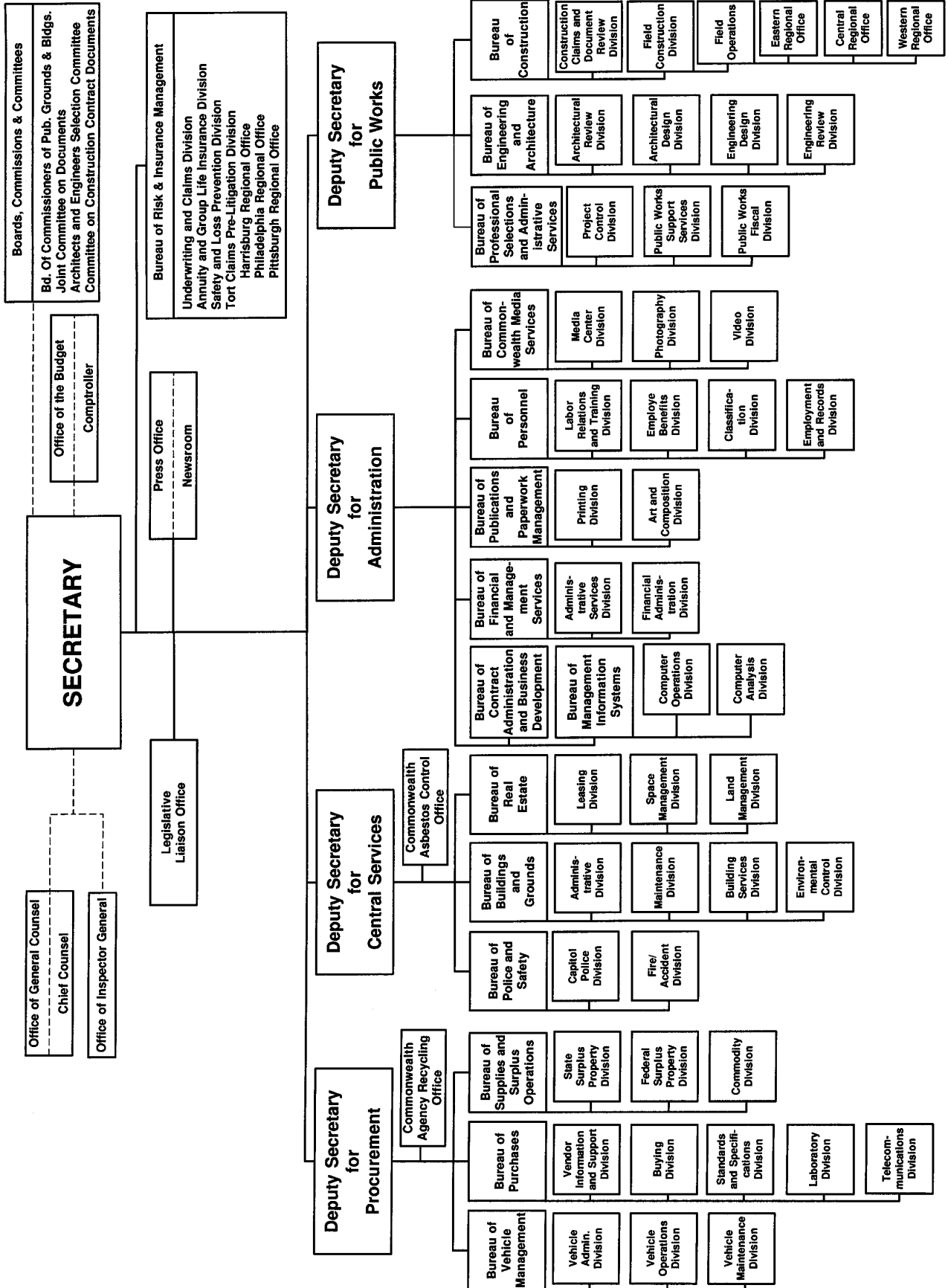
The Executive Board approved a reorganization of the Fish and Boat Commission effective May 28, 1996.

The organization chart at 26 Pa.B. 2824 (June 15, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

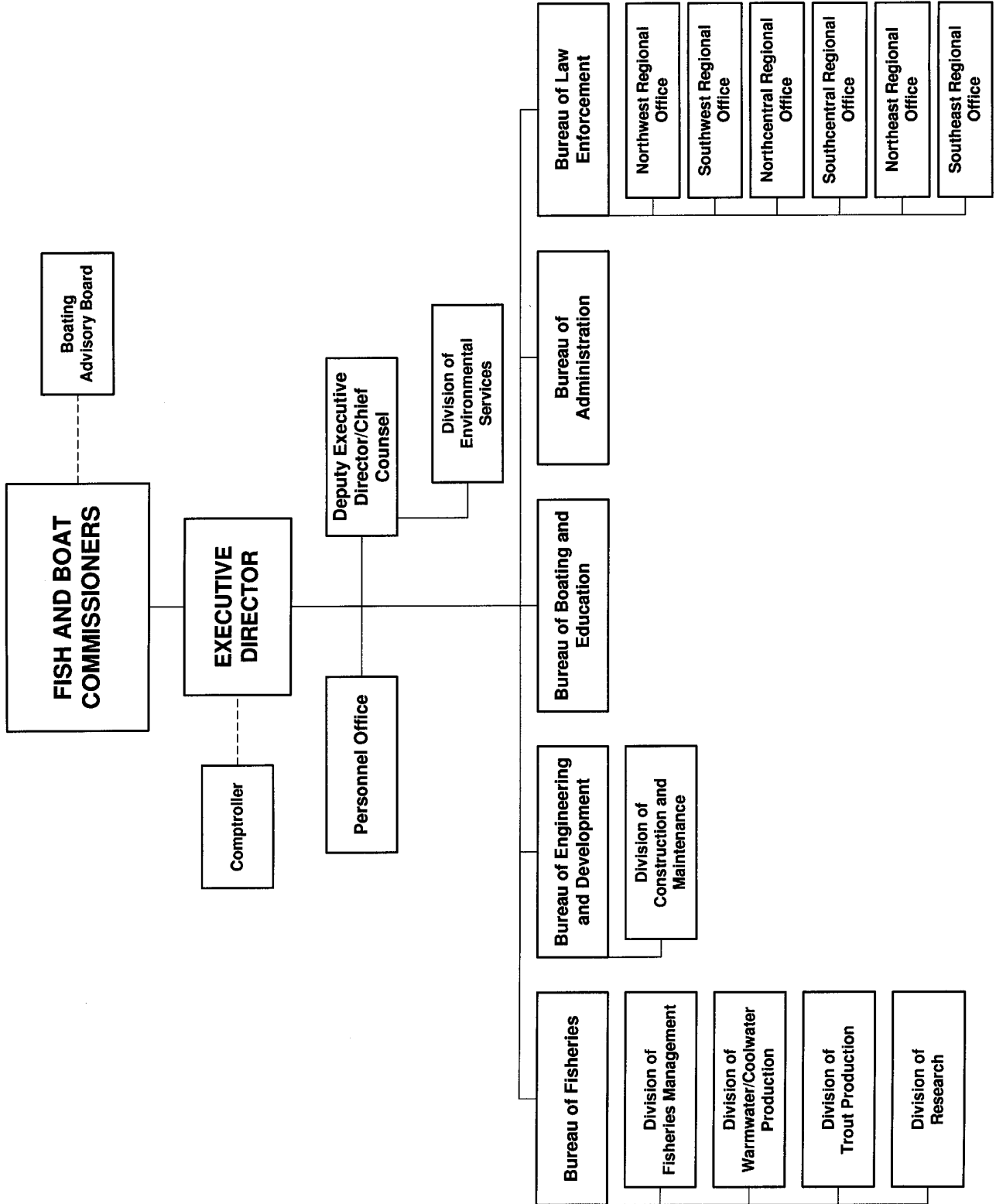
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 96-964. Filed for public inspection June 14, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES



FISH AND BOAT COMMISSION



# NOTICES

## AUTOMOBILE THEFT PREVENTION AUTHORITY

### Meeting Notice

A public meeting of the Automobile Theft Prevention Authority will be held on June 24, 1996, at 10 a.m. in the offices of the Insurance Department located in Strawberry Square, Harrisburg. The meeting will be held in Conference Room #1 on the 13th Floor.

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

RONALD L. PRICE,  
*Chairperson*

[Pa.B. Doc. No. 96-965. Filed for public inspection June 14, 1996, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Pseudorabies Advisory Committee

The Secretary of the Department of Agriculture, under amendment of 7 Pa. Code, Chapter 10, Pseudorabies Disease, effective May 11, 1996, is establishing an Advisory Committee to provide consultation regarding pseudorabies eradication.

It will be the responsibility of the Advisory Committee to do the following:

(1) Inform and educate all segments of the Commonwealth's swine industry regarding pseudorabies eradication activities;

(2) Review the Eradication Program and make recommendations to the Department and to USDA-APHIS officials;

(3) Consult with the Department, as appropriate, on the subjects of Eradication Program budgeting, regulations, the use of vaccine and the Commonwealth's progress through the various stages of the Eradication Program;

(4) Maintain a liaison with other states and the National Pseudorabies Eradication Program through the National Pork Producers Council, the United States Animal Health Association, the Livestock Conservation Institute and USDA-APHIS; and

(5) Perform the duties of a "State Pseudorabies Committee," as that term is defined in the Eradication Program.

Notice is hereby given that nominations of representatives of the Commonwealth's swine industry for appointment to this Advisory Committee are solicited and will be accepted until July 1, 1996. At least six, but no more than eight, industry representatives will be appointed for a term of 2 years.

Nominations for the (Pseudorabies) Advisory Committee shall be made by writing to Max A. Van Buskirk, Jr., Director, Bureau of Animal Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-966. Filed for public inspection June 14, 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 June 4, 1996.

### BANKING INSTITUTIONS

#### Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-30-96	Suburban Community Bank Chalfont Bucks County	195 Butler Avenue Chalfont Bucks County	Approved

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-31-96	Integra Bank Pittsburgh Allegheny County	Pittsburgh	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	<i>To:</i> National City Bank, Pennsylvania Pittsburgh Allegheny County		
	Represents conversion from a State-chartered banking institution to a National banking association.		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-14-95	Elderton State Bank Elderton Armstrong County	121 N. McKean St. Kittanning Armstrong County	Opened
5-13-96	Standard Bank, PaSB Murrysville Westmoreland County	Davis Supermarket Eastgate Plaza 730 East Pittsburgh St. Greensburg Westmoreland County	Opened
5-28-96	The York Bank and Trust Company York York County	Weis Market 800 South 12th St. Lebanon Lebanon County	Opened
5-29-96	Mid-State Bank and Trust Company Altoona Blair County	West College Ave. and Whitehall Rd. State College Ferguson Township Centre County	Approved
5-29-96	Northwest Savings Bank Warren Warren County	151 Pittsburgh Road Butler Butler County	Filed
5-30-96	The Dime Bank Honesdale Wayne County	Route 507 Greentown Pike County	Filed
5-31-96	Keystone Savings Bank Bethlehem Northampton County	Laneco Store 4933 Route 873 Schnecksville Lehigh County	Opened
6-4-96	The Drovers & Mechanics Bank York York County	Northeast Intersection of Kreuz Creek Rd. and E. Market St. (Route 462) Hellam Township York County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-20-96	C & G Savings Bank Altoona Blair County	<i>To:</i> 433 Railroad Ave. Patton Cambria County (Formerly noted as 410 Patton Plaza.)  <i>From:</i> 447 Magee Avenue Patton Cambria County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-3-96	The Drovers & Mechanics Bank York York County	2 East Main Street Windsor York County	Filed



## SAVINGS ASSOCIATIONS

## Branch Applications

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
5-29-96	East Stroudsburg Savings Association Stroudsburg Monroe County	U. S. Highway 209 and Edward F. Smith Boulevard Bushkill Middle Smithfield Twp. Monroe County	Approved

## CREDIT UNIONS

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-1-96	Nationwide Federal Credit Union, Columbus, OH, and Nationwide Pennsylvania Employees Credit Union, Harrisburg, PA surviving institution—Nationwide Federal Credit Union, Columbus, OH	Columbus, OH	Effective

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-967. Filed for public inspection June 14, 1996, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 1996

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of July is 9 1/2%.

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

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 7.08 to which was added 2.50 percentage points for a total of 9.58 that by law is rounded off to the nearest quarter at 9 1/2%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-968. Filed for public inspection June 14, 1996, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AFFAIRS

### Weatherization Assistance Program; Public Hearing

The Department of Community Affairs hereby publishes notice of a public hearing to be held at 10 a.m. on June 26, 1996, in Room 321 of the Forum Building, Commonwealth Avenue and Walnut Streets, Harrisburg, PA 17120. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan, to be submitted to the Department of Energy for program year 1996-97.

A copy of this plan may be obtained by contacting the Department of Community Affairs, Bureau of Human Resources, Room 362 Forum Building, Harrisburg, PA 17120. The phone number is (717) 783-2576. A copy may also be obtained at the following Department of Community Affairs' Regional Offices:

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

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

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

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

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

Written comments may be submitted to Dennis Darling, Director, Bureau of Human Resources, Room 358, Forum Building, Harrisburg, PA 17120, until 5 p.m. on June 26, 1996.

Persons with a disability who wish to attend this hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should contact Dennis Darling at (717) 787-1984, to discuss how the Department of Community Affairs may best accommodate their needs. Alternative formats of the document, (for example, large print or cassette tape) can be made available to the public upon request.

DAVID E. BLACK,  
*Acting Secretary*

[Pa.B. Doc. No. 96-969. Filed for public inspection June 24, 1996, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### State Parks Natural Areas

The following areas are proposed to be added to the State Parks Natural Areas listing under 17 Pa. Code § 17.5 (relating to natural area designation procedure).

Questions or comments on the proposed additions should be forwarded to Roger Fickes, Director, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551. Comments must be received within 30 days following publication of this notice.

#### State Parks Natural Areas Proposed Additions

<i>Name</i>	<i>Acreage</i>	<i>Park</i>	<i>Location</i>	<i>Feature</i>
Swamp Forest	246	Cook Forest	Clarion and Forest Counties, Cooksburg Quad, off PA Route 66 and No. Pine Grove	Perched water table gives rise to palustrine wetland of old growth eastern hemlock and white pine at the headwaters of Brown's Run.
Mud Run	1,335	Hickory Run	Carbon County, Hickory Run Quad, north of PA Route 903	Remote mountain stream lined with rhododendron and eastern hemlock, buffered by mature hardwood forest. Stream contains a viable native trout population.
Mud Swamp	152	Hickory Run	Carbon County, Hickory Run Quad, south of PA Route 903	Remote emergent wetland containing rare plant species of concern.
Hemlock Trail	5.8	Laurel Hill	Somerset County, Bakersville Quad, off Buck Run Road	Scenic area of old growth eastern hemlock. Includes a picturesque portion of Laurel Hill Creek which contains a viable native trout population.
Neshaminy Tidal Marsh	70	Neshaminy	Bucks County, Beverly PA-NJ Quad, off State Road, Bensalem	Freshwater intertidal marsh along the shores of the Delaware River and Neshaminy Creek containing many rare plants.
Black Jack Swamp	725	Pymatuning	Crawford County, Leon, OH-PA and Linesville Quad, off Phelps Road	Palustrine, scrub-shrub, and emergent wetlands adjacent to Pymatuning Lake. Provides habitat for plant and animal species of concern.
Clark Island	161	Pymatuning	Crawford County, Linesville Quad, northernmost portion of Pymatuning Lake	Mature forest of hardwood and white pine containing an inland, lake-fed pond. Provides habitat for plant species of concern.

Name	Acreage	Park	Location	Feature
Fall Brook	34	Salt Spring	Susquehanna County, Franklin Forks, PA-NY Quad, off PA Route 29	Area contains many old growth hemlocks and includes a steep gorge with picturesque stream and series of waterfalls.

JOHN C. OLIVER,  
Secretary

[Pa.B. Doc. No. 96-970. Filed for public inspection June 14, 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 Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

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

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

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

**PA 0004936.** Industrial waste, SIC: 3264 and 3269, **Vesuvius McDanel**, 510 Ninth Avenue, P. O. Box 560, Beaver Falls, PA 15010.

This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from Vesuvius McDanel Refractory Company in the City of Beaver Falls, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters Walnut Bottom Run 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 Beaver Falls Municipal Authority, Eastvale Plant, located at Beaver Falls, 0.189 mile below the discharge point.

Outfall 001: existing discharge, design flow of 0.003 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Total Suspended Solids			30		60
pH	6.0—9.0				

Outfall 003: stormwater runoff discharge to Walnut Bottom Run.

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

The discharge via this outfall shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

**PA 0022004.** Industrial waste, SIC: 2819, **Akzo Nobel Chemicals, Inc.**, Route 481, R. D. 2, Box 12, Monongahela, PA 15063.

This application is for renewal of an NPDES permit to discharge treated process water cooling water, and untreated stormwater from its Monongahela Plant in Carroll Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters of Pigeon Creek 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 West Penn Water Company, located at Elrama, 8.3 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.027 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report				
Total Suspended Solids	10	20	30		60
Oil and Grease		3.34			10
Carbon Disulfide	0.33	0.66	1.0		2.0
pH	6.0—9.0				

Outfall 001: existing discharge to Pigeon Creek.

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

Discharges from this outfall shall consist of uncontaminated stormwater runoff and sources monitored at Internal Monitoring Point 101.

Outfall 002: existing discharge to Pigeon Creek.

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

Discharges from this outfall shall consist of uncontaminated stormwater runoff.

The EPA waiver is in effect.

**PA 0204153.** Industrial waste, SIC: 4911, **Air Products and Chemicals, Inc.**, 7201 Hamilton Boulevard, Allentown, PA 18195-1501.

This application is for renewal of an NPDES permit to discharge treated process water, untreated stormwater and raw water (pump recycle water) from Cambria CoGen Company in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters of Little Conemaugh River classified as cold 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 Saltsburg Municipal Water Works, located 57.0 miles below the discharge point.

Internal Monitoring Point 101: existing discharge, design flow of 0.248 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Temperature					110
Free Available Chlorine			0.2		0.5

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine			0.5		1.25
pH	6.0—9.0				

Outfall 001: existing discharge (0.248 mgd) to Little Conemaugh River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
The discharge via this outfall shall only consist of sources limited at Internal Monitoring Point 101.					

Outfall 002: existing discharge to north branch of Little Conemaugh River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
The discharge shall only consist of raw water (pump recycle water) from Wilmore Dam.					

Outfall 003: existing stormwater discharge to north branch of Little Conemaugh River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
The discharge shall consist of uncontaminated stormwater runoff only.					

The EPA waiver is in effect.

**PA 0030082.** Sewage, **Brownsville General Hospital**, 125 Simpson Road, Brownsville, PA 15417.

This application is for renewal of an NPDES permit to discharge treated sewage from the Brownsville General Hospital Sewage Treatment Plant in Redstone Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.045 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0092045.** Sewage, **Stanton Enterprises, Inc.**, 127 West Byers Avenue, New Stanton, PA 15672.

This application is for renewal of an NPDES permit to discharge treated sewage from the Stanton Enterprises Sewage Treatment Plant in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Gist Run, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority.

Outfall 001: existing discharge, design flow of .010 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0095702.** Sewage, **Rosewood Farm Manor**, R. D. 1, Prosperity, PA 15329.

This application is for renewal of an NPDES permit to discharge treated sewage from the Rosewood Farm Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tenmile Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Marianna Municipal Water Works.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	3,500/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.5			1.2
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0096164.** Sewage, **Jeffrey Smith**, 264 East Beaver Street, Sewickley, PA 15143.

This application is for renewal of an NPDES permit to discharge treated sewage from Little Village STP in Donegal Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a high quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland Municipal Water Authority.

Outfall 001: existing discharge, design flow of .014 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	monitor and report			
1st month—36th month	1.4			3.3
37th month—expiration date				
Fecal Coliforms	200/100 ml as a geometric mean			
(5-1 to 9-30)	20,000/100 ml as a geometric mean			
(10-1 to 4-30)	not less than 5.0 mg/l			
Dissolved Oxygen	6.0—9.0			
pH				

The EPA waiver is in effect.

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

**PA 0110191.** Industrial waste, SIC: 2015, **Empire Kosher Poultry, Inc.**, R. D. 1, P. O. Box 165, Mifflintown, PA 17059-0165.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Juniata River, in Wayne Township, **Mifflin County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, 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 just north of Fort Hunter near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.304 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
pH (s.u.)	from 6.0—9.0 inclusive		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Total Residual Chlorine	1.5		2.5
Total Suspended Solids	25	50	75
CBOD <sub>5</sub>	20	40	50
NH <sub>3</sub> -N			
(5-1 to 10-31)	15		37.5
(11-1 to 4-30)	monitor and report		monitor and report
Fecal Coliforms			
(5-1 to 9-30)	200		
(10-1 to 4-30)	100,000		
Oil and Grease	15		30

The EPA waiver is in effect.

**PA 0087386.** Industrial waste, SIC: 5541, **Worley and Obetz, Inc.**, 85 White Oak Road, Manheim, PA 17545.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Chickies Creek, in Penn Township, **Lancaster 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 the 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 0.144 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Total BTEX	0.1	0.2	0.25
Benzene	0.01	0.02	0.025
MTBE	11.0	22.0	27.5
Oil and Grease	15.0		30.0
Toluene	monitor and report		
Ethylbenzene	monitor and report		
Xylene	monitor and report		
pH	from 6.0—9.0 inclusive		

The EPA waiver is in effect.

**PA 0084395.** Industrial waste, SIC: 4941, **Department of Corrections**, P. O. Box 200, Camp Hill, PA 17001-0200.

This application is for issuance of an NPDES permit for an existing discharge of treated industrial waste to Cedar Run, in Lower Allen Township, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of .020 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	from 6.0—9.0 inclusive		
Total Suspended Solids	30	60	75
Total Aluminum	4	8	10
Total Iron	2	4	5
Total Manganese	1	2	2.5
Total Residual Chlorine	report	report	

Stormwater requirements are in effect for Outfall 002.

The EPA waiver is in effect.

**PA 0086916.** Industrial waste, SIC: 7538, **Wolfe's Auto Service**, 3063 Lebanon Road, Manheim, PA 17545.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to a dry swale of Shearer's Creek, in Rapho Township, **Lancaster County**.

The receiving stream is classified for high quality cold 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 the 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 0.014 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total BTEX	0.1	0.2	0.25
Benzene	0.001	0.002	0.0025
Toluene	monitor and report		
Ethylbenzene	monitor and report		
Xylene	monitor and report		
pH	6.0—9.0		

The EPA waiver is in effect.

**PA 0087408.** Sewage, SIC: 7011, **Midway Lodgings, Incorporated** (Comfort Inn), P. O. Box 6, Bethel, PA 19507.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Little Swatara Creek, in Bethel Township, **Berks County**.

The receiving stream is classified for cold 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 Pennsylvania American Water Company located in South Hanover Township, Dauphin County on the Swatara Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.024 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>	15			30
Suspended Solids	30			60
NH <sub>3</sub> -N				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Total Residual Chlorine	<0.1			<0.2
Dissolved Oxygen	minimum of 6.0 at all times			
pH	from 6.0 to 9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	3,000/100 ml as a geometric average			

The EPA waiver is in effect.



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

**PA 0034941.** Sewage, **West Mead Industrial Park Crawford County Development Corporation**, R. D. 2, Dunham Road, Meadville, PA 16335.

This application is for a renewal and transfer of a Part I NPDES permit to discharge treated sewage to the unnamed tributary to French Creek in West Mead Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority on French Creek located at Franklin, approximately 24 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank) based on a design flow of .0102 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0222054.** Sewage, **New Life Baptist Church**, Route 208, New Wilmington, PA 16142.

This application is for a new Part I NPDES permit to discharge treated sewage to an unnamed tributary to Little Neshannock Creek in Wilmington Township, **Mercer County**. This is a new discharge.

The receiving water is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver River and is used by the Municipal Authority of the Township of North Sewickley which is 31.95 miles below the discharge at Beaver River mile 7.56.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.001500 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0003247.** Industrial waste, SIC: 3241. **EMAI Corporation, Essroc Materials, Inc.** (Bessemer), 6969 Center Road, Lowell, OH 44436.

This application is for a renewal of an NPDES permit to discharge noncontact cooling water and stormwater runoff to Hickory Run in Bessemer Borough, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocking fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver River and is used by the Authority of North Sewickley Township located in North Sewickley Township 20.7 miles below this facility.

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

- Outfall No. 001 (\*0.255 mgd)
- Outfall No. 002 (\*0.0432 mgd)
- Outfall No. 003 (\*0.0288 mgd)
- Outfall No. 104 (\*0.0432 mgd)
- Outfall No. 204 (\*0.0216 mgd)
- Outfall No. 005 (\*0.4104 mgd)
- Outfall No. 006 (\*0.3024 mgd)

Outfall No. 108 (\*0.0216 mgd)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report	monitor and report	monitor and report
Total Suspended Solids			5
Temperature (Net)			3.0°C
Discharge Temperature	monitor and report		
Inlet Temperature	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 308 based on a design flow of N/A mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Total Suspended Solids			50
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0002143.** Industrial waste, SIC: 2621 and 2611. **Willamette Industries, Inc.**, 3800 First Interstate Tower, Portland, OR 97201.

This application is for renewal of an NPDES permit to discharge treated industrial waste and Group 1 stormwater to the Clarion River and Riley Run in Johnsonburg, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Clarion River and Western PA Water Company located at Clarion, approximately 61 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 (Interim) based on a design flow of 1.24 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
BOD <sub>5</sub>	25	50	63
Total Suspended Solids	60	120	150
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 001 (Final) based on a design flow of 1.24 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
BOD <sub>5</sub>	25	50	63
Total Suspended Solids	30	60	75
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 (Interim) based on a design flow of 14 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
BOD <sub>5</sub>	31	63	78
Total Suspended Solids	51	128	128
2,3,7,8-TCDD	0.00000000012	0.00000000024	0.00000000030
Sulfide	1.0	2.0	2.5
Chloroform	0.072	0.144	0.18
Temperature (MBTU/day) (2)	monitoring only		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 (Final) based on a design flow of 14 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
BOD <sub>5</sub>	31	63	78
Total Suspended Solids	51	128	128
2,3,7,8-TCDD	0.00000000012	0.00000000024	0.00000000030
Sulfide	1.0	2.0	2.5
Chloroform	0.072	0.144	0.18

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature (MBTU/day) (2)	Daily Avg.		
January	2,147		
February	1,621		
March	2,444		
April 1-15	5,763		
April 16-30	3,006		
May 1-15	3,118		
May 16-31	5,636		
June 1-15	4,675		
June 16-30	6,540		
July	5,362		
Aug 1-15	4,612		
Aug 16-31	5,799		
Sept 1-15	3,568		
Sept 16-31	4,118		
Oct 1-15	1,997		
Oct 16-31	2,232		
Nov 1-15	2,000		
Nov 16-30	686		
Dec	2,216		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 102 based on a design flow of N/A mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			monitor and report
BOD <sub>5</sub>			monitor and report
COD			monitor and report
Oil and Grease			monitor and report
Total Suspended Solids			monitor and report
Color			monitor and report
pH			monitor and report

The proposed discharge limits for Outfall No. 004 based on a design flow of N/A mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			monitor and report
BOD <sub>5</sub>			monitor and report
COD			monitor and report
Oil and Grease			monitor and report
Total Suspended Solids			monitor and report
Color			monitor and report
pH			monitor and report

The EPA waiver is not in effect.

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

**PA 0033880.** Sewage, **Boyertown Area School District**, 911 Montgomery Avenue, Boyertown, PA 19512.

This application is for renewal of an NPDES permit to discharge treated sewage from New Hanover-Upper Frederick, Elementary School in New Hanover Township, **Montgomery County**. This is an existing discharge to unnamed tributary to Swamp Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 10,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus (as P) (4-1 to 10-31)	2	4
Total Residual Chlorine	0.5	1.2
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

*Other Conditions:*

Conditions for future permit modification.

Effective disinfection.

The EPA waiver is in effect.

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

**PA 0046159.** SIC: 4952. **Municipal Sewer Authority of Houtzdale Borough**, P. O. Box 277, Houtzdale, PA 16651.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Beaver Run in Woodward Township, **Clearfield County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located at Milton, approximately 172 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.3 mgd are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	50
(11-1 to 4-30)	25	40	60
Suspended Solids	30	45	60
Ammonia Nitrogen			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	monitor	monitor	monitor
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 at all times		
Total Residual Chlorine	0.5 (monitor)		1.6 (monitor)

Limit effective 3 years after permit effective date, until then monitor and report.

*Other Conditions:*

Combined Sewer Overflow Requirements

The EPA waiver is in effect.

**PA 0111066.** SIC: 3471, **Multimetal Products Corporation**, 4150 B Old Berwick Road, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the North Branch Susquehanna River in South Centre Township, **Columbia County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is located at Danville approximately 13 miles below the discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0096 mgd are:

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor		
Oil and Grease	15.0	30.0	30.0
Total Suspended Solids	31.0	60.0	90.0
Cadmium	0.23	0.47	0.59
Chromium (T)	1.71	2.77	4.28
Copper	1.1	2.18	2.73
Lead	0.43	0.69	1.08
Nickel	2.38	3.98	5.95
Silver	0.24	0.43	0.6

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Zinc	1.48	2.61	3.7
Cyanide (T)	0.65	1.2	1.63
Total Toxic Organics (TTO)		2.13	
pH (std. units)	6.0—9.0		

The EPA waiver is in effect.

**PA 0031852.** Sewerage, SIC: 4952, **Central Columbia School District**, 4777 Old Berwick Road, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Campbell Run in South Centre Township, **Columbia County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.028 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Residual Cl <sub>2</sub>	1.0		2.3
Ammonia-N			
(5-1 to 10-30)	5.5		11
(11-1 to 4-30)	16		32
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0029831.** Sewerage, SIC: 4952, **Sullivan County School District**, P. O. Box 346, Laporte, PA 18614.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Mill Creek in Laporte Borough, **Sullivan County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.018 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Total Residual Cl <sub>2</sub>	1.0		2.3
Ammonia-N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	200 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0209368.** Sewerage, SIC: 4952, **Benton Foundry, Inc.**, R. R. 2, Box 110, Benton, PA 17814-9550.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage to unnamed tributary of Coles Creek in Sugarloaf Township, **Columbia 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 existing downstream potable water supply (PWS) considered during the evaluation is Danville Boro located at Danville on the Susquehanna River 30 miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01 mgd are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Fecal Coliforms (5-1 to 9-30)	200 lbs./100 ml as a geometric average	
(10-1 to 4-30)	2,000 lbs./100 ml as a geometric average	
pH	6.0—9.0 at all times	

*Other Conditions:*

Chlorine minimization

The EPA waiver is in effect.

**PA 0020583.** Sewerage, SIC: 4952, **Middleburg Municipal Authority**, 13 North Main Street, Middleburg, PA 17842.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Middle Creek in Middleburg Borough, **Snyder County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.45 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Residual Cl <sub>2</sub>	1		2.3
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0027677.** SIC: 4952, **U. S. Department of the Interior**, National Biological Survey, Research and Development Laboratory, R. D. 4, Box 63, Wellsboro, PA 16901.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Marsh Creek in Shippen Township, **Tioga County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is located at Jersey Shore approximately 60 miles below the discharge.

The proposed effluent limits for Outfall 001 based on an average design flow of 2.88 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	13.0	25.0
TSS	15.0	30.0
NH <sub>3</sub> -N (5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
pH	6.0—9.0 s.u. at all times	

*Special Conditions:*

Monitoring of conditioning/therapeutic additives.

The EPA waiver is in effect.

**PA 0209384.** SIC: 4952, **Lawrence Township Municipal Authority**, R. D. 2, Box 220, Tioga, PA 16946.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage to Tioga River in Lawrence Township, **Tioga County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.130 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25.0	40.0	50.0
Suspended Solids	30.0	45.0	60.0
Total Residual Cl <sub>2</sub>	0.5		1.6
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 at all times		

Other Conditions:  
none

The EPA waiver is in effect.

**Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

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

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

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

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

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

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

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA0084701	Penn Township Municipal Authority 100 Municipal Building Rd. Duncannon, PA 17020	Perry Penn Township	UNT Susquehanna River	TRC

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

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this

proposed permit action under the waiver provision 40 CFR 123.24(d).

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

which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

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

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

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

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

*Northcentral Regional Office: Regional Water Management Program Manager; 208 W. Third Street, Williamsport, PA 17701, telephone (717) 327-3669.*

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

*Carbon County Conservation District, District Manager; 92 Blakeslee Blvd., E. Lehighton, PA 18235, telephone (610) 377-4894.*

**NPDES Permit PAS101307.** Stormwater. **Bethlehem Water Authority**, Penn Forest Dam, 10 East Church Street, Bethlehem, PA 18018 has applied to discharge stormwater from a construction activity located in Penn Forest Township, **Carbon County**, to Wild Creek.

*Centre County Conservation District, District Manager; 414 Holmes Ave., Ste. 4, Bellefonte, PA 16823, telephone (814) 355-6817.*

**NPDES Permit PAS10F055.** Stormwater. **Greenleaf Manor PRD**, Corl Farm Inc., 1535 N. Atherton Street, State College, PA 16801 has applied to discharge stormwater from a construction activity located in Ferguson Township, **Centre County**, to Big Hollow Run.

**NPDES Permit PAS10F056.** Stormwater. **Spring-Benner-Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823 has applied to discharge stormwater from a construction activity located in Spring Township, **Centre County**, to Little Fishing Creek.

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

**NPDES Permit PAS10G210.** Stormwater. **Francis McGowen, c/o McGowen**, Lincoln Mercury, Routes 3 and 352, West Chester, PA 19382 has applied to discharge stormwater from a construction activity located in Upper Uwchlan Township, **Chester County**, to Pickering Creek.

**NPDES Permit PAS10G211.** Stormwater. **Icedale Mobile Homes Inc.**, P. O. Box 93, R. D. 3, Honey Brook, PA 19344 has applied to discharge stormwater from a

construction activity located in Honeybrook Township, **Chester County**, to the west branch of Brandywine.

*Cumberland County Conservation District, District Manager; 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.*

**NPDES Permit PAS10H056.** Stormwater. **East Pennsboro Township**, 98 S. Enola Drive, Enola, PA 17025 has applied to discharge stormwater from a construction activity located in East Pennsboro Township, **Cumberland County**, to the Conodoguinet Creek.

**NPDES Permit PAS10H059.** Stormwater. **Al-Don Properties**, P. O. Box 688, 660 Edgegrove Road, Hanover, PA 17331 has applied to discharge stormwater from a construction activity located in Lemoyne Borough, **Cumberland County**, to the Conodoguinet Creek.

*Lebanon County Conservation District, District Manager; 2120 Cornwall Rd., Ste. 5, Lebanon, PA 17042, telephone (717) 272-3377.*

**NPDES Permit PAS10P023.** Stormwater. **Chester Scholl**, 25 Briarwood Drive, Elverson, PA 19520 has applied to discharge stormwater from a construction activity located in North and West Cornwall Townships and Cornwall Borough, **Lebanon County**, to Snitz Creek.

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

**NPDES Permit PAS10Q114.** Stormwater. **Bell Atlantic Properties**, 1717 Arch Street, Philadelphia, PA 19103 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

**NPDES Permit PAS10Q115.** Stormwater. **Roma Development Company**, 1401 N. Cedar Crest Boulevard, Allentown, PA 18104 has applied to discharge stormwater from a construction activity located in Upper Saucon Township, **Lehigh County**, to Jordan Creek.

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

**NPDES Permit PAS10T044-1.** Stormwater. **Perkiomen Valley School District**, 3 Iron Ridge Road, Collegeville, PA 19426 has applied to discharge stormwater from a construction activity located in Perkiomen Township, **Montgomery County**, to Lodal Creek.

**NPDES Permit PAS10T067.** Stormwater. **TH Properties**, P. O. Box 159, Franconia, PA 18924 has applied to discharge stormwater from a construction activity located in Lower Salford Township, **Montgomery County**, to a tributary on site.

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any



given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

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

**A. 0296406.** Sewerage, **James B. Husser**, 34 Cheryl Lane, Pittsburgh, PA 15236. Application for construction and operation of a single residence sewage treatment plant to serve the Husser Residence located in the Borough of Jefferson, **Allegheny County**.

**A. 6396405.** Sewerage, **William and Eileen Stocks**, 4462 Finleyville-Elrama Road, Finleyville, PA 15332. Application for the construction and operation of a single residence sewage treatment plant to serve the Stocks Residence located in the Township of Union, **Washington County**.

**A. 6396406.** Sewerage, **Thomas Goetz**, 1341 Vinemont Street, Pittsburgh, PA 15205. Application for the construction and operation of a sewage treatment plant to serve the Club 40 Restaurant located in the Township of North Franklin, **Washington County**.

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

**A. 4596403.** Sewerage. **Pocono Mountain School District**, P. O. Box 200, Swiftwater, PA 18370-0200. Application to construct and operate a sewage treatment plant to serve a new elementary center and a new middle school located in Coolbaugh Township, **Monroe County**. Application received in the Regional Office May 20, 1996.

**A. 5496403.** Sewerage. **Tamaqua Borough Authority**, 320 East Broad Street, Tamaqua, PA 18252. Application to construct and operate a belt filter press system at the Tamaqua Wastewater Treatment Plant, located in Walker Township, **Schuylkill County**. Application received in the Regional Office April 29, 1996.

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

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

**A. 3272501-A1.** **Central Indiana County Water Authority**, 30 East Wiley Street, Homer City, PA 15748. Abandonment of the old water treatment plant, Homer City Borough, **Indiana County**.

**A. 0496502.** **Ambridge Water Authority**, 1001 Merchant Street, Box C, Ambridge, PA 15003. Installation of two metering pumps to feed Aqua Mag for corrosion control, **Beaver County**.

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

**Major Amendment.** Public water supply. **Keystone Job Corp. Center**, Village of Drums, c/o Michael Martine, P. O. Box 37, Foot Hills Drive, Drums, PA 18222. Patrick Caulfield, P. E., Alfred Benesch & Company, 1 Norwegian Plaza, Pottsville, PA 17901. This proposal involves addition of pH adjustment and corrosion control facilities at each of the three existing permitted well houses. It is located in Butler Township, **Luzerne County**.

**3996501.** Public water supply. **Lehigh County Authority**, North Whitehall Division, c/o Aurel M. Arndt, LCA Gen., Manager, P. O. Box 3348, Allentown, PA 18106-0348. This proposal involves installation of two additional booster pumps and a 230 KW diesel emergency generator. The proposed additional booster pump consists of a 10 HP unit rated at 150 GPM and a 60 HP unit rated at 750 GPM. It is located in North Whitehall Township, **Lehigh County**.

**3596504.** Public water supply. **Happy Acres**, c/o **Gerald Fritz**, Cliff Street, Honesdale, PA. James F. Knash, P. E., HC 62, Box 455A, Honesdale, PA 18431. This proposal involves a public water system existing since 1964 consisting of well no. 1 wellhouse and hypochlorinator, well no. 2 wellhouse and hypochlorinator, and the distribution system. It is located in Jefferson Township, **Lackawanna County**.

**4595505.** Public water supply. **Snow Shoe Condominium Water Company**, Thomas Wilkins, 304 Park Avenue, Stroudsburg, PA 18360. Harry Garman, P. E., McTish, Kunkel & Associates, 2402 Sunshine Road, Allentown, PA 18103. This proposal involves the addition of soda ash and aqua-mag in the existing Snow Shoe Condominium Water System. It is located in Mount Pocono Township, **Monroe County**.

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

**A. 4196502.** **Knittle Enterprises c/o Terry Knittle**, R. D. 1, Box 184, Williamsport, PA 17701, Eldred Township, **Lycoming County**. Development of drilled well no. 7 as a source of water supply for the Pinecrest Village Mobile Home Park located in Eldred Township, Lycoming County. The area involved in this project is approximately 0.2 acre.

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**Acknowledgment of Notices of Intent to Remediate**

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Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995 (P. L. 4, No. 2).

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, 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:

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

**James L. Brown Property**, Kingston Township, Luzerne County. James L. Brown, 123 Woodtip Drive, Trucksville, PA has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX (benzene, toluene, ethylbenzene, and/or xylene) compounds, and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

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

**Sackville Mills Associates**, Nether Providence Township and Brookhaven Borough. Joseph W. Standen, Jr., P. G., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs, lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard for soils and the background standard for groundwater.

#### **Opening of the Administrative Record; Proposed Response Under the Hazardous Sites Cleanup Act**

U. S. Centrifugal Site  
Colwyn Borough  
Delaware County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, (HSCA) (35 P. S. §§ 6020.101—6020.1305), has proposed an interim response at the U. S. Centrifugal Corporation Site.

The U. S. Centrifugal site is located at Fifth and Ellis Streets, in Colwyn Borough, Delaware County. The site is an approximately 5.5 acre property, occupied by buildings and open courtyards, and bounded by railroads and Darby Creek. This site was operated as a metal foundry and casting operation from at least the 1950s until the early 1990s.

The Department has determined that there is a threat to public health and the environment posed by hazardous materials (metals contained in foundry wastes) abandoned on the site. The Department has considered three alternatives for action at the site. The HSCA requires consideration of a No Action alternative. This alternative would not be protective of human health and the environment. The second alternative, stabilization of the wastes and storage on the site, would eliminate the immediate risks posed by the site, but would not be a permanent solution. The third alternative is off site shipment and disposal of the hazardous materials and wastes, a permanent solution that would eliminate the threat to public health and the environment posed by the site.

The Department is proposing to sample, analyze, consolidate if possible, transport and properly dispose or recycle the materials defined as hazardous under the act. These materials are located in uncontrolled waste piles and containers scattered through the part of the site which was used in the foundry operation. The Department is not currently proposing to address municipal and residual wastes which may be in other areas of the property. This remedy is proposed because it is the most protective and permanent solution.

The Administrative Record, which contains the information that forms the basis for and documents the selection of this response, is available for public review and comment. The Administrative Record is located at the Colwyn Borough Hall, and is available for review Monday through Friday from 7 a.m. to noon, and 1 to 4 p.m.; evening hours are available by appointment with Major James McAnany. The Administrative Record may also be reviewed at the Department's Regional Office located at 555 North Lane, Suite 6010 Lee Park, Conshohocken, PA 19428.

Written comments concerning the Department's response and the information contained in the Administrative Record will be accepted in person, if delivered, or by mail, if postmarked, on or before September 16, 1996. Written comments should be directed to the attention of April Flipse, PA DEP Project Officer, Suite 6010 Lee Park, 555 North Lane, Conshohocken, PA 19428. The telephone number is (610) 832-5937.

In addition, the public will have an opportunity to present oral comments at a public hearing. The public hearing is scheduled for July 24, 1996, at 7:30 p.m. in the Colwyn Borough Hall, located at 221 Spruce Street, Colwyn. Persons wishing to present oral comments should register on or before the date of the public hearing by contacting Rob Goldberg, DEP Community Relations Coordinator, at (610) 832-6010.

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 Rob Goldberg or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 to discuss how the Department may accommodate their needs.

The Department is providing this Notice under section 506(b) of HSCA. The date of publication of this Notice in

the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period on the Administrative Record, as provided under that Act.

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit Application No. WMGR043. Atlas Environmental Services and Equipment Co.,** 6801 State Rd., Building A, Philadelphia, PA 19135. An application for remediation of nonhazardous petroleum contaminated soils using non-thermal CO-7 Treatment Process.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, 1 (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

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

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

**A. 100081. Southern Alleghenies Disposal Services, Inc.,** R. D. 3, P. O. Box 310, Hollsopple, PA 15935. Southern Alleghenies Landfill, State Route 219, Davidsville, PA 15928. Application for a major permit modification to revise and clarify the final cover system for the municipal landfill in Conemaugh Township in **Somerset County**. Application received in the Regional Office on May 23, 1996.

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

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

**30-305-019. Consolidation Coal Company** (1800 Washington Road, Pittsburgh, PA 15241) for a coal preparation plant at its facility located in Greensboro Borough, **Greene County**.

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

**07-318-007.** Construction of a locomotive engine paint spray booth by **Consolidated Rail Corporation, Juniata Locomotive Shop** (200 Fourth Avenue, Juniata, Altoona, PA 16601-6702) in Logan Township, **Blair County**.

**29-303-002B.** Replacement of an existing baghouse for a batch mix asphalt plant by **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 31, Warfordsburg, PA 17267) in Bethel Township, **Fulton County**.

**36-310-021F.** Construction of a crusher by **D. M. Stoltzfus & Son, Inc.** (P. O. Box 84, Talmage, PA 17580-0084) in Fulton Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

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

**23-399-023C.** On May 17, 1996, an application was received from **DEL CORA** (100 East 5th Street, P. O. Box 999, Chester, PA 19428) for the installation of four sludge holding tanks to be located in City of Chester, **Delaware County**.

**46-399-112.** On May 24, 1996, an application was received from **Hale Products, Inc.** (700 Spring Mill Avenue, Conshohocken, PA 19013) for the construction of a no-bake pump mold and casting ma to be located in Conshohocken Borough, **Montgomery 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.*

**01-317-009.** The Department intends to issue an air quality operating permit to **Andgro Fertilizer, Division of Agway, Inc.** (3150 Stoney Point Road, East Berlin, PA 17316) for a fertilizer mixing and bagging operation controlled by two fabric filters in Latimore Township, **Adams County**.

**06-1003.** The Department intends to issue an air quality operating permit (VOC & NOx RACT) to **Lucent Technologies** (P. O. Box 13396, Reading, PA 19612-3396) for a Microelectronics manufacturing facility in Muhlenberg Township, **Berks County**.

**06-303-024A.** The Department intends to issue an air quality operating permit to **Windsor Services, Inc.** (P. O. Box 13787, Reading, PA 19612-3787) for a drum mix asphalt plant controlled by a fabric collector in Cumru Township, **Berks County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**07-313-012G.** The Department intends to issue an air quality operating permit to **Quality Chemicals, Inc.** (P. O. Box 216, Tyrone, PA 16686) for a batch specialty chemical manufacturing operation in Tyrone Borough, **Blair County**.

**36-2016.** The Department intends to issue a RACT (Reasonably Available Control Technology) Air Quality Operating Permit to **Pennsylvania Power & Light**

**Company** (Two North Ninth Street, Allentown, PA 18101) for their Holtwood Steam Electric Station in Martic Township, **Lancaster County**.

**36-302-182.** The Department intends to issue an air quality operating permit to **Kemps Foods, Inc.** (P. O. Box 7007, Lancaster, PA 17604) for a fire tube boiler in the City of Lancaster, **Lancaster County**.

**36-313-014.** The Department intends to issue an air quality operating permit to **Armstrong World Industries, Inc.** (P. O. Box 3001, Lancaster, PA 17604) for the Corlon mix area at the Lancaster Floor Plant in the City of Lancaster, **Lancaster County**.

**36-399-024A.** The Department intends to issue an air quality operating permit to **Pennsylvania Power & Light Company** (Two North Ninth Street, Allentown, PA 18101) for a dry fly ash handling system at the Holtwood Steam Electric Station in Martic Township, **Lancaster County**.

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

**12-399-003F.** The Department intends to issue an operating permit to **American Sintered Technologies, Inc.** (P. O. Box 149, Emporium, PA 15834) for the operation of a sintering furnace (F-8) and associated air cleaning device (a stack incinerator) in Emporium Borough, **Cameron County**.

**8-318-019B.** The Department intends to issue an operating permit to **Masonite Corp.** (P. O. Box 311, Towanda, PA 18848) for the operation of a surface coating operation (die form coating booth no. 1 and associated infra-red preheat oven) in Wysox Township, **Bradford County**.

### **Reasonably Available Control Technology; Public Hearing**

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a sectional door manufacturing facility owned and operated by the Overhead Door Corporation, in Granville Township, Mifflin County, PA.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT Plan Approval 44-2011 for this facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an Operating Permit for the facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposed Plan Approval and the proposed SIP revision. The hearing will be held on Tuesday, July 16, 1996, at 10 a.m., at the Highland Park Hose Company, located at 425 Highland Avenue, Lewistown, PA until all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Sandra Roderick at (717) 541-7969 at least 1 week in

advance of the hearing to schedule their testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Written comments may be submitted to David R. Goles, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before July 16, 1996.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation should contact Sandra Roderick at (717) 541-7969 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Approval of Reasonably Available Control Technology (RACT) Plans for:

Merck and Company, Inc. (Upper Gwynedd Township, Montgomery County)

American Bank Note Company (Horsham Township, Montgomery County)

CMS Gilbreth Packaging Systems (Bensalem Township, Bucks County)

CMS Gilbreth Packaging Systems (Bristol Township, Bucks County)

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

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

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

*Merck and Company, Inc. (Compliance Permit CP-46-0005, Plan Approval PA-46-0005)*

<i>Source</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Pharmaceutical Manufacturing	Catalytic Oxidizer	Implemented
Biological Manufacturing	Cooling Coils	Implemented
Graphic Services	Low VOC Solvents	Implemented
Research & Development	Recordkeeping	Implemented
Combustion Sources	Good Control Practices	Implemented
Bulk Waste Transfer	Recordkeeping	Implemented
Boilers 1 & 2	Annual Tune-Up	Implemented
Boiler 3, 4, 5 & 6	Low NOx Burner	Implemented
Emergency Generator B33-1	Aftercooler	Implemented
26 Emergency Generators	Good Control Practices	Implemented
2 Incinerators	Good Control Practices	Implemented

There are 29 de-minimis sources of VOC associated with this facility as specified in this compliance permit.

*American Bank Note Company (Operating Permit OP-46-0075)*

Source	Control Device	Implementation Schedule
32 Printing Presses & Cleanup Operations	Low VOC Ink/Solvent & Good Control Practices	Implemented

This facility is not a major NOx emitter. The electrolytic and engraving cleaning operations are de-minimis sources of VOC.

*CMS Gilbreth Packaging Systems (Operating Permit OP-09-0036)*

Source	Control Device	Implementation Schedule
4 Printing Units & Cleanup Operations	Thermal Oxidizer	Implemented
Printing Press Comco-7	Recordkeeping	Implemented

This facility is not a major NOx emitter. Two cold cleaning degreasers are de-minimis sources of VOC.

*CMS Gilbreth Packaging Systems (Operating Permit OP-09-0037)*

Source	Control Device	Implementation Schedule
Rotogravure Press & Clean-Up Solvents	Thermal Oxidizer	Implemented
18 Seaming Machines	Good Control Practices	Implemented

This facility is not a major NOx emitter. Paint booth and two cold cleaning degreasers are de-minimis sources of VOC.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on July 16, 1996, at the Department of Environmental Protection Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to DEP on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before July 16, 1996.

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

Copies of the pertinent documents are available for review at the DEP Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6268.

**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—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. 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 conference must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

*Coal Applications Received*

**56900113.** Permit renewal, **Fieg Brothers** (R. D. 3, Box 45, Stoystown, PA 15563), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 99.5 acres, receiving stream Hays Run and unnamed tributaries to Hays Run; unnamed tributaries to Buffalo Creek, application received May 24, 1996.

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

**40900204R. Silverbrook Anthracite, Inc.,** (322 Simpson Street, Dupont, PA 18641), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township and Nanticoke City, **Luzerne County** affecting 80.0 acres, receiving stream Newport Creek. Application received May 22, 1996.

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

**56851303. Rox Coal, Inc.,** (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Barbara No. 1 and No. 2 bituminous deep mine in Stoneycreek and Brothersvalley Townships, **Somerset County** to add 29.3 surface and 9.0 Lower Kittanning seam permit acres, receiving stream unnamed tributary to Reitz Creek. Application received May 9, 1996.

**30841309. Dunkard Mining Company,** (P. O. Box 8, Dilliner, PA 15327), to renew the permit for the Dunkard No. 2 bituminous deep mine in Dunkard Township, **Greene County**, no additional discharge. Application received May 21, 1996.

**11841601. E. P. Bender Coal Company, Inc.,** (P. O. Box 594, Carrolltown, PA 15722), to renew the permit for the Fallentimber Plant and related NPDES in Reade Township, **Cambria County**, no additional discharge. Application received May 23, 1996.

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

**10900109. Rosebud Mining Company** (R. D. 1, Box 379A, Kittanning, PA 16201). Transfer of an existing bituminous surface strip and auger operation in Fairview Township, **Butler County** affecting 120.3 acres. Receiving streams an unnamed tributary to south branch of Bear Creek. Transfer from TDK Coal Sales, Inc. Application received April 30, 1996.

**33900113. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Renewal of an existing bituminous surface strip operation in McCalmont Township, **Jefferson County** affecting 147.0 acres. Receiving streams two unnamed tributaries to Clutch Run. Application for reclamation only. Application received May 9, 1996.

**33960105. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Commencement, operation and restoration of a bituminous surface strip operation in Oliver Township, **Jefferson County** affecting 13.7 acres. Receiving streams Lick Run. Application received May 10, 1996.

**33820142. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Renewal of an existing bituminous surface strip operation in Porter Township, **Jefferson County** affecting 92.0 acres. Receiving streams unnamed tributary to Hamilton Run. Application for reclamation only. Application received May 23, 1996.

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

**17960109. R. B. Contracting,** (R. D. 1, Box 13, Curwensville, PA 16833), commencement, operation and restoration of a bituminous surface mine permit in Bell Township, **Clearfield County** affecting 54.1 acres, receiving streams Buck Run and Fryor Run, application received May 23, 1996.

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

*Noncoal Applications Received*

**4876SM19. Albert R. Conn** (154 South Lake Street, North East, PA 16428). Revision to an existing gravel operation in North East Township, **Erie County** affecting 8.8 acres. Receiving streams Twelve Mile Run. Revision to utilize sewage sludge from the Borough of North East in the reclamation plan of this mine drainage permit. Application received May 16, 1996.

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

**7574SM2A1C2. Hempt Bros., Inc.,** (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES permit #PA0614343 in Lower Allen Township, **Cumberland County**, receiving stream Yellow Breeches Creek. Application received May 17, 1996.

**4875SM2A2C2. Glen-Gery Corporation,** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit #PA0119563 in Dover Township, **York County**, receiving stream unnamed tributary to Fox Run. Application received May 17, 1996.

**40960303. Pikes Creek Sand & Stone, Inc.,** (P. O. Box 330, Sweet Valley, PA 18656), commencement, operation and restoration of a sand and stone quarry in Lehman Township, **Luzerne County**, affecting 54.5 acres, receiving stream none. Application received May 20, 1996.

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

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

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

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

**E01-164.** Encroachment. **M. Everett Weiser**, 490 Town Hill Road, York Springs, PA 17372. To remove accumulated silt deposits in a tributary to Latimore Creek at Baltimore Road (Dillsburg, PA Quadrangle N: 2.5 inches; W: 12.1 inches) and in another tributary to Latimore Creek at Bushey School Road (Dillsburg, PA Quadrangle N: 7.2 inches; W: 15 inches) in Latimore Township, **Adams County**.

**E07-257.** Encroachment. **Babcock Lumber Company**, 5410 Sixth Avenue, Altoona, PA 16602. To place fill in the floodway of the Frankstown Branch of the Juniata River for the purpose of constructing a wholesale building material distributorship located along the east side of S. R. 3013 about 0.3 mile north of its intersection with S. R. 3008 (Roaring Spring, PA Quadrangle N: 12 inches; W: 9.7 inches) in Greenfield Township, **Blair County**.

**E31-130.** Encroachment. **Dawn and Todd Colyer**, HC 62, Box 426, Shade Gap, PA 17255. To construct and maintain a single span bridge having a clear span of 38 feet and an underclearance of about 8 feet across Shade Creek to provide access to an existing private residence located on the east side of S. R. 0641 about 0.6 mile south of its intersection with S. R. 0035 (Shade Gap, PA Quadrangle N: 9.4 inches; W: 14.6 inches) in Dublin Township, **Huntingdon County**.

**E36-616.** Encroachment. **Caernarvon Township**, 2147 Main Street, Narvon, PA 17555. To remove existing 1996 flood damaged structure, construct and maintain a precast concrete box culvert having an 18.5-foot span x 7-foot rise across the Little Conestoga Creek on Smoketown School Road (T-773), located 300 feet north of its intersection with Churchtown Road (Morgantown, PA Quadrangle N: 3.7 inches; W: 15.9 inches) in Caernarvon Township, **Lancaster County**.

**E38-113.** Encroachment. **Louis Hurst**, 530 West Trout Run Road, Ephrata, PA 17522. To construct and maintain two timber foot bridges, two roads using three 76-inch x 48-inch R. C. pipe arch culverts, and three 60-inch x 38-inch R. C. pipe arch culverts across a tributary to the Tulpehocken Creek. A hiking trail/boardwalk with observation decks to be constructed within wetland areas at the Arbogate subdivision located along the south side of East Kercher Avenue (Bethel, PA Quadrangle N: 23 inches; W: 12 inches) in Jackson Township, **Lebanon County**.

**E50-176.** Encroachment. **Saville Township**, R. R. 1, Elliottsburg, PA 17024. To remove an existing structure and to construct and maintain a concrete slab bridge with steel I beam supports having a clear span of 36 feet and an underclearance of 8 feet across Panther Creek for highway improvements located on Boots Hollow Road about 400 feet southwest of its intersection with S. R. 0074 (Ickesburg, PA Quadrangle N: 13.18 inches; W: 12.55 inches) in Saville Township, **Perry County**.

**E67-564.** Encroachment. **East Manchester Township Board of Supervisors**, 5080 North Sherman Street,

Extd., Mt. Wolf, PA 17347. To construct and maintain a floodwall and to maintain an elevated section of Riverview Road in the floodplain of Codorus Creek (York Haven, PA Quadrangle N: 9.6 inches; W: 3.4 inches) in East Manchester Township, **York County**.

**E67-565.** Encroachment. **Hanover Country Club**, P. O. Box 185, Abbottstown, PA 17301. To construct and maintain two golf cart bridges: one having a clear span of 28 feet with an average underclearance of 4.5 feet and the second having a clear span of 28 feet with an average underclearance of 3.5 feet at the Hanover Country Club (Abbottstown, PA Quadrangle N: 3.9 inches; W: 14.9 inches) in Paradise Township, **York County**.

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

**E15-259.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087. To reissue permit E15-259 which authorizes the removal of the existing structure and to construct and maintain an 88-foot long twin-celled, 20-foot wide x 5-foot high R. C. box culvert (culvert bottom is depressed 6-inches below stream bed) and to place and maintain riprap along the channel of Valley Creek (CWF, MF) at a point on S. R. 0030, section 37S, Station 1012+95 (Downington, PA Quadrangle N: 5.15 inches; W: 0.1 inch) in West Whiteland Township, **Chester County**.

**E23-342.** Encroachment. **Ridley Township**, MacDade Boulevard and Morton Avenue, Folsom, PA 19033-0000. To construct and maintain a stream improvement project to Little Crum Creek which consists of widening approximately 700 linear feet of stream channel for the purpose of increasing hydraulic capacity. This project is located approximately 500 feet southeast from the intersection of Park Avenue and Michigan Avenue (Lansdowne, PA Quadrangle N: 3.15 inches; W: 12.38 inches) in Ridley Township, **Delaware County**.

**E46-743.** Encroachment. **Lawrence Contracting Company**, Lock Box 411, Gilberton, PA 17934. To place and maintain fill in 0.15 acre of wetlands for the purpose of expanding the Park Ridge Shopping Center located on the east corner of the intersection of Park Avenue (S. R. 0363) and Ridge Pike (Collegeville, PA Quadrangle N: 3.85 inches; W: 2.65 inches) in Lower Providence Township, **Montgomery County**.

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

**E02-1149.** Encroachment. **River Road Boat Club**, 1661 Fifth Ave., McKeesport, PA 15132-1010. To construct and maintain a marina along the left bank of the Youghiogheny River located approximately 2,000 feet from the confluence of the Monongahela River and the Youghiogheny River (McKeesport, PA Quadrangle N: 17.9 inches; W: 16.8 inches) in City of McKeesport, **Allegheny County**.

**E63-413.** Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To remove existing structures; to place and maintain fill at various locations for roadway construction; and to construct and maintain the following list of structures/activities for the purpose of constructing proposed Mon/Fayette Expressway (S. R. 0043), Construction Sequence 52C1 consisting of a four-lane limited access divided toll highway. This construction section begins approximately 900 feet north of S. R. 2016 and ends approximately 900 feet south of

S. R. 1020 (Monongahela, PA Quadrangle N: 5.0 inches; W: 8.0 inches) in Fallowfield and Carroll Townships, **Washington County**.

- a 725-foot stream relocation of an unnamed tributary to Maple Creek (ST 847+50—855+00)
- a 42-inch diameter x 1,225-foot long RCP culvert for a road crossing in an unnamed tributary to Maple Creek (ST 855+00—866+25)
- a 140-foot stream relocation of an unnamed tributary to Maple Creek (ST 866+25—867+50)
- a 75-foot stream relocation of an unnamed tributary to Taylor Run Creek (ST 893+50—894+10)
- a 145-foot stream relocation of an unnamed tributary to Taylor Run Creek (ST 898+70)—900+00)
- a 490-foot stream relocation of an unnamed tributary to Taylor Run Creek (ST 914+40—919+50)
- a 635-foot stream relocation of an unnamed tributary to Taylor Run Creek (S. R. 2025, ST 11+75—17+59)
- a 66-inch diameter by 895-foot RCP culvert in an unnamed tributary to Taylor Run Creek (S. R. 2025, ST 17.59—25+00)
- a 210-foot stream relocation of an unnamed tributary to Taylor Run Creek (Ramp K, ST 52+25—53+05)
- an 84-inch diameter by 234-foot long RCP culvert for a road crossing in an unnamed tributary to Taylor Run Creek (T-882, ST 17+40—20+48)
- a 1,100-foot channel relocation of an unnamed tributary to Taylor Run Creek (T-882, ST 20+48—31+20)
- fill in 0.25 acre of wetlands (4.5 acres of replacement wetlands approved under DEP File No. E02-1132)

**E65-632. Encroachment. DEP—Bureau of Abandoned Mine Reclamation**, P. O. Box 149, Ebensburg, PA 15931. To construct an embankment in the floodway of Four Mile Run for the purpose of creating wetlands to provide passive treatment of mine drainage (Monastery Run OSM 65 (2533) 101.1) (Latrobe, PA Quadrangle N: 8.6 inches; W: 5.6 inches) in Unity Township, **Westmoreland County**.

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

**E14-285. Water obstruction and encroachment. Richard T. Miller, Jr.**, Box 44, Tylersville, PA 17773-0049. Remove an existing structure and to construct and maintain a minor road crossing an unnamed tributary to Fishing Creek for access to private property. The proposed road crossing shall be constructed by installing two culvert pipes that have diameters of 48 inches and a length of 24 feet. The project is located along the northern right-of-way of S. R. 0880 approximately 1.1 mile west of the intersection of S. R. 2002 and S. R. 0880 (Millheim, PA Quadrangle N: 18.2 inches; W: 7.5 inches) in Miles Township, **Centre County**. Estimated stream disturbance 24.0 linear feet; wetlands will not be impacted; stream classification is cold water fishery.

**E14-286. Water obstruction and encroachment. James C. Walck, Sr.**, 1245 South Atherton St., State College, PA 16801. To construct and maintain a private single span bridge across an unnamed tributary to Bald Eagle Creek for access to a single residence. The bridge shall be constructed with a single span of 5.00 feet, an underclearance of 5.00 feet and a width of 8.75 feet that does not impact wetlands while impacting 2.25 linear feet of

stream, a cold water fishery. The project is located along the western right-of-way of S. R. 0220 approximately 2,500.0 feet west of the intersection of S. R. 4004 and S. R. 0220 (Bellefonte, PA Quadrangle N: 8.6 inches; W: 15.1 inches) in Union Township, **Centre County**.

**E18-211. Water obstruction and encroachment. David W. Evers, Jr.**, 601 W. Walnut St., Lock Haven, PA 17745. Remove the existing structure and to construct and maintain a 72 inch by 96 inch concrete pipe in Plunkets Run located approximately 300 feet upstream from the intersection of Plunkets Run Road and Frankenfield Road (Beech Creek, PA Quadrangle N: 22.0 inches; W: 3.60 inches) in Bald Eagle Township, **Clinton County**. The project proposes to disturb approximately 20 linear feet of Plunkets Run which is designated a CWF.

**E18-214. Water obstruction and encroachment. DCNR, Bureau of Forestry**, P. O. Box 8552, Harrisburg, PA 17105. Remove existing structure and to construct and maintain a single span glue laminated timber beam bridge with reinforced concrete abutments and wingwalls having a normal clear span of 19 feet 11 inches, an approximate underclearance of 5 feet 6 inches on a 70 degree ahead left skew across Shintown Run located approximately 0.75 mile westbound on Big Basin Road from its intersection with S. R. 0144 (Renovo West, PA Quadrangle N: 21.4 inches; W: 13.85 inches) in Liedy Township, **Clinton County**. This project proposes to temporarily impact approximately 25 feet of Shintown Run which is HQ-CWF.

**E19-154. Water obstruction and encroachment. Department of Transportation**, P. O. Box 218, Montoursville, PA 17754. Remove the existing structure and to construct and maintain a 16-foot by 10-foot precast concrete box culvert depressed 1 foot below the streambed with an effective underclearance of 9 feet and a skew of 80 degrees in an unnamed tributary to the Susquehanna River. This project is located on S. R. 1004 just west of its intersection with Edgar Avenue (Bloomsburg, PA Quadrangle N: 1.7 inches; W: 3.7 inches) in Scott Township, **Columbia County**. Estimated stream disturbance 100 feet; temporary wetland disturbance is less than .05 acre; stream classification CWF.

**E41-368. Water obstruction and encroachment. DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an existing structure and to construct and maintain a single span bridge constructed with a span of 26.9 feet, an underclearance of 5.5 feet and curb to curb width of 18.0 feet across Little Bear Creek. The project is located along the eastern right-of-way of S. R. 0087 approximately 4,000.0 feet east of the intersection of Little Bear Road and S. R. 0087 (Huntersville, PA Quadrangle N: 18.8 inches; W: 11.4 inches) in Plunketts Creek Township, **Lycoming County**. Estimated stream disturbance 65.0 linear feet; no wetland impact.

**E41-372. Water obstruction and encroachment. DCNR, Bureau of Forestry**, P. O. Box 8552, Harrisburg, PA 17105-8552. Remove existing structure and to construct and maintain a single span glue laminated timber beam bridge with reinforced concrete abutments and wingwalls having a normal clear span of 20 feet, an approximate 2 miles up Rock Run Road from its intersection with S. R. 0014 (Ralston, PA Quadrangle N: 6.1 inches; W: 2.7 inches) in McIntyre Township, **Lycoming County**. This project proposes to temporarily impact approximately 25 feet of Hound Run which is HQ-CWF and has verified trout reproduction.

**E55-138. Water obstruction and encroachment. Snyder County Commissioners**, P. O. Box 217, Middleburg, PA



17842. Repair and maintain an existing bridge by repairing the abutments including underpinning one which is scoured and placing rock along both abutments over the North Branch Mahantango Creek on T-344 approximately 1 mile west of S. R. 104 (Dalamatia, PA Quadrangle N: 7.85 inches; W: 13.93 inches) in Perry Township, **Snyder County**.

**E59-322.** Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing structure and to construct and maintain a reinforced concrete box culvert with a span of 7.5 feet, a rise of 5.5 feet and a length of 22.0 feet to carry Mine Hole Road across East Mine Hole Run. The project is located along the eastern right-of-way of S. R. 3001 approximately 2.2 miles northeast of the intersection of S. R. 3001 and Mine Hole Run Road (Cedar Run, PA Quadrangle N: 14.2 inches; W: 8.3 inches) in Morris Township, **Tioga County**. Estimated stream disturbance 105.0 linear feet of waterway and 0.05 acre of wetlands.

**E60-127.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105. Remove the existing structure and to construct and maintain a single span timber bridge with a normal span of 29.6 feet and average underclearance of 4.9 feet over Weikert Run on Weikert Run Road approximately 1 mile west of the intersection of S. R. 3002 and T-302 (Weikert, PA Quadrangle N: 16.4 inches; W: 7.2 inches) in Hartley Township, **Union County**. Estimated stream disturbance approximately 250.0 linear feet; stream classification is HQ-CWF, no wetland impacts.

**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.**

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

**WA 43-1001.** Water allocation. **South Pymatuning Township Board of Supervisors**, 3483 Tamarack Drive, Sharpsville, PA 16150. Requests the right to purchase 181,000 gpd from the Borough of Sharpsville, located in South Pymatuning Township, **Mercer County**.  
*Type of Facility:* Water Allocation  
*Consulting Engineer:* Edward A. Winslow, Jr., PE/PLS, President, E. A. Winslow and Associates, Inc., 220 Hickory Street, Sharpsville, PA 16150-2296.

## 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. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice

and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Permits Issued*

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

**NPDES Permit No. PA 0000256.** Industrial waste. **PA American Water Company**, Punxsutawney District, 800 West Hershey Park Drive, Hershey, PA 17033 is authorized to discharge from a facility located in Gaskill Township, **Jefferson County** to the east branch of Mahoning Creek.

**NPDES Permit No. PA 0000345.** Industrial waste. **PA American Water Company**, Clarion District, 800 West Hershey Park Drive, Hershey, PA 17033 is authorized to discharge from a facility located in Clarion Township, **Clarion County** to the Clarion River.

**NPDES Permit No. PA 0104019.** Sewage. **BFI of PA, Inc.**, R. D. 2, P. O. Box Q, Brockway, PA 15824 is authorized to discharge from a facility located in Washington Township, **Jefferson County** to an unnamed tributary to Wolf Run.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, telephone (717) 327-3664.*

**Permit No. NPDES PAG 044877.** Sewerage. **Ronald W. Sampsell**, 125 North Washington Street, Muncy, PA 17756. Has been approved for renewal to discharge from single family residence. Facility located in Muncy Creek Township, **Lycoming County**.

**Permit No. NPDES PA0113891.** Sewerage. **Boar and Bull Tavern Inc.**, Box 495, US Highway 522 South, Middleburg, PA 17842. Has been approved for renewal to discharge from facility located in Beaver Township, **Snyder County**.

**Permit No. NPDES PAG 044851.** Sewerage. **David W. Bausinger**, R. R. 1, Box 721, Williamsport, PA 17701. Has been approved for renewal to discharge from single family residence. Facility located in Loyalsock Township, **Lycoming County**.

**Permit No. NPDES PAG 044871.** Sewerage. **Sharon Wilber**, R. R. 3, Box 406A, Wellsboro, PA 16901. Has been approved for renewal to discharge from single family residence. Facility located in Charleston Township, **Tioga County**.

**Permit No. NPDES PA0114758.** Sewerage. **Frank Perano**, Box 278, King of Prussia, PA 19406. Has been approved for renewal to discharge from single family residence. Facility located in West Chillisquaque Township, **Northumberland County**.

**Permit No. NPDES PAG 044873.** Sewerage. **Anne Hicks**, 2607 South 62nd Street, Philadelphia, PA 17765.

Has been approved for renewal to discharge from single family residence. Facility located in Decatur Township, **Clearfield County**.

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

**NPDES Permit No. PA0096725.** Sewage, **Belle Vernon Area School District**, R. D. 2, Belle Vernon, PA 15012 is authorized to discharge from a facility located at Belmar-Marion School STP, Washington Township, **Fayette County** to Downers Run.

**NPDES Permit No. PA0098981.** Sewage, **Dean E. Molter**, 187 Becks Run Road, Moon Township, PA 15108 is authorized to discharge from a facility located at Dean E. Molter Single Residence Sewage Treatment Plant, Moon Township, **Allegheny County** to an unnamed tributary of Flaugherty Run.

**NPDES Permit No. PA0204706.** Sewage, **Forward Manor Mobile Home Park**, 22 Manor Drive, Elizabeth, PA 15037 is authorized to discharge from a facility located at Forward Manor Mobile Home Park STP, Forward Township, **Allegheny County** to Drainage Way to Fallen Timber Run.

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**Notices of Intent for Coverage Under NPDES General Permit for Construction Activities and Department Final Actions**

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*Adams County Conservation District: District Manager, 57 N. Fifth Street, Gettysburg, PA 17235, telephone (717) 334-0636.*

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

*Columbia County Conservation District: District Manager, 1127A Old Berwick Rd., Bloomsburg, PA 17815, telephone (717) 784-1310.*

*Cumberland County Conservation District: District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.*

*Dauphin County Conservation District: District Manager, 1451 Peters Mtn. Rd., Dauphin, PA 17018, telephone (717) 921-8100.*

*Lancaster County Conservation District: District Manager, 1383 Arcadia Rd., Rm. 6 Farm & Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.*

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*Luzerne County Conservation District: District Manager, Courthouse Annex, 5 Water Street, Wilkes-Barre, PA 18711, telephone (717) 825-1844.*

*Mercer County Conservation District: District Manager, R. R. 2, Box 2055, Mercer, PA 16137, telephone (412) 662-2242.*

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

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

*Schuylkill County Conservation District: District Manager, Schuylkill Mall, Frackville, PA 17931, telephone (717) 874-3130.*

*Somerset County Conservation District: District Manager, N. Ridge Bldg., 1590 N. Ctr. Ave., Ste.103, Somerset, PA 15501, telephone (814) 445-4652.*

*Union County Conservation District: District Manager, 60 Bull Run Crossing, Lewisburg, PA 17837, telephone (717) 523-8782.*

*Warren County Conservation District: District Manager, 609 Rouse Home Ave., Suite 203, Youngsville, PA 16317, telephone (814) 563-3117.*

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

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

The following parties have submitted notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

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.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100028	William Stevens 6317 Macaw Ct. Elkridge, MD 21227	Adams Co. Germany Twp.	Alloway Crk.
PAR10G161	National Properties Inc. 150 E. Swedesford Rd. Wayne, PA 19087	Chester Co. W. Whiteland Twp.	Valley Crk.
PAR10G173	McCann Trailer Park 10 Ashton Rd. Collegeville, PA	Chester Co. Schuylkill Twp.	French Crk.
PAR10G181	Cignature Hospitality 400 Gordon Dr. Lionville, PA 19353	Chester Co. W. Goshen Twp.	UNT to Chester Crk.
PAR10G184	Megill Construction Co. 1308 S. Concord Rd. W. Chester, PA 19382	Chester Co. Westtown Twp.	UNT to Chester Crk.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10G186	Penn Oak Homes Inc. P. O. Box 129 Kennett Square, PA 19348	Chester Co. Boro. of Oxford	UNT to Tweed Run
PAR102123	Steve Shannon Warehouse Site P. O. Box 803 Bloomsburg, PA 17815	Columbia Co. Bloomsburg	Fishing Crk.
PAR10H095	John Knaub 580 Wilson Rd. Mechanicsburg, PA	Cumberland Co. Upper Allen Twp.	Cedar Run
PAR10H092	Ritner Park Assocs. 625 Hamilton St. Carlisle, PA 17013	Cumberland Co. Carlisle Boro.	Conodoguinet Crk.
PAR10I054-1	West Hanover Twp. Water & Sewer Authority 7171 Allentown Blvd. Harrisburg, PA 17112	Dauphin Co. W. Hanover Twp.	UNT to Beaver Crk.
PAR10-O-173	Jefferson Hartzler 1140 Union School Rd. Mount Joy, PA 17552	Lancaster Co. Conoy Twp.	Conewago Crk.
PAR10-O-203	H L Wiker & Sons Inc. 1 E. Main St. Strasburg, PA 17579	Lancaster Co. E. Lampeter Twp.	Stauffer Run
PAR10-O-204	Lancaster Area Habitat for Human 321 S. Queen St. Lancaster, PA	Lancaster Co. Lancaster City	Conestoga River
PAR10-O-205	Packaging Corp of America 1530 Fruitville Pke. Lancaster, PA 17601	Lancaster Co. Lancaster City	UNT to Conestoga Crk.
PAR10R084	John Moran 202 and 7th St. Watsontown, PA 17777	Luzerne Co. Wright Twp.	Municipal Storm sewer
PAR10R086	Robert Mericle 600 Baltimore Dr. E. Mtn. Corp. Ctr. Wilkes-Barre, PA	Luzerne Co. Hazle Twp.	Abandoned Strip Mine
PAR10R087	Hanover Area School District 1600 Sans Souci Hwy. Wilkes-Barre, PA	Luzerne Co. Hanover Twp.	Warrior Crk. and Susquehanna Rvr.
PAR104321	John Pharr Jr. R. D. 6, Box 504 New Castle, PA 16101	Mercer Co. Wolf Crk.	UNT to E. Br. of Wolf Crk.
PAR10T270	Marvin Anders 287 Highland Ave. Souderton, PA 18964	Montgomery Co. L. Salford Twp.	W. Br. of Skippack Crk.
PAR10T271	R C C Assocs. P. O. Box 270 Newtown, PA 18904	Montgomery Co. Abington Twp.	Pennypack Crk.
PAR10T264	Anthony Gianni 311 W. Ridge Pke. Limerick, PA 19468	Montgomery Co. N. Hanover Twp.	UNT to Ministers Crk.
PAR10T254	Industrial Investors P. O. Box 287 Fairview Village, PA 19409	Montgomery Co. E. Norriton Twp.	N/A
PAR10T275	Gambone Bros. Devel. Co. 1030 W. Germantown Pke. Fairview Village, PA 19409	Montgomery Co. L. Providence Twp.	Myers Run
PAR10U049	Richard Mansfield 305 Kichlwe Rd. Hellertown, PA 18055	Northampton Co. Williams Twp.	Saucon Crk.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10U053	Tom and Nancy Polak 1625 Wassergass Rd. Hellertown, PA 18055	Northampton Co. L. Saucon Twp.	Saucon Crk.
PAR10U056	Antonio and Soccorso Calantoni 2900 Swanson St. Easton, PA 18045	Northampton Co. Williams Twp.	Lehigh River
PAR105734	Butler Twp. Mun. Auth. Wastewater Collection System 211 Broad St. Ashland, PA 17921	Schuylkill Co. Butler Twp.	Mahanoy Crk. to Susquehanna River
PAR106113	Delta Coal Sales Inc. P. O. Box 309 Grantsville, MD 21536	Somerset Co. Summit Twp.	Casselman Rvr.
PAR106818	Watsontown Brick Co. P. O. Box 68 Watsontown, PA 17777	Union Co. E. Buffalo Twp.	Turtle Crk.
PAR107201	North Coast Energy 3896 Oakwood Ave. Youngstown, OH 44515	Warren Co. Columbus Twp.	Brokenstraw and Hare Crks.
PAR10W066	West Penn Power Co. 800 Cabin Hill Dr. Greensburg, PA 15601	Washington Co. Chartiers, S. and N. Strabane	UNT to Chartiers Crk.
PAR10Y198	Fairview Retirement Community 780 Woodland Ave. Lewisberry, PA 17339	York Co. Fairview Twp.	Fishing Crk.

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

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

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>
PAG048378	PAG-4	George Gerber 40 Callahan Rd. Greenville, PA 16125	Mercer Otter Creek Twp.	Unnamed Tributary to Mathey Run	
PAR118329	PAG-3	L&N Metallurgical Products Company P. O. Box 111 Ellwood City, PA 16117	Lawrence Ellport Boro	Connoquenessing Creek via Ellport Borough Stormwater Runoff System	3823

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A051	Quaker Highlands Inc. 996 Broadhead Rd. Coraopolis, PA 15108	Allegheny Co. Findlay Twp.	Montour Run
PAS10A083	BTS West Mifflin LP 1 Gorham Island Westpoint, CT 06880	Allegheny Co. W. Mifflin Boro.	UNT to Lewis Run

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A084	West Penn Power Co. 800 Cabin Hill Dr. Greensburg, PA 15601	Allegheny Co. Fawn, Buffalo and Harrison Twps.	Bull, Little Bull and Little Buffalo Crks.
PAS10Q098	Hillard Refrigerated Services 4715 132nd St. Omaha, NE	Lehigh Co. U. Macungie Twp.	Iron Run
PAS10Q100	Weyhill Inc. 824 8th Ave. Bethlehem, PA	Lehigh Co. U. Saucon Twp.	Saucon Crk.
PAS10Q103	Norwood Company 974 Mareon Blvd. Allentown, PA 18103	Lehigh Co. U. Macungie Twp.	Ltl. Lehigh Crk.
PAS10Q088	Jaindl Land Company 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh Co. U. Macungie Twp.	Ltl. Lehigh Crk.
PAS10W042	JCP Associates 4839 Campbells Run Rd. Pittsburgh, PA 15205	Washington Co. S. Strabane Twp.	Chartiers Crk.
PAS10W048	DEP-BAMR P. O. Box 149 Ebensburg, PA 15931 and Bhatt Contracting Co. 3263 Route 60E Ona, WV 25545	Washington Co. Centerville Boro Beallsville Boro W. Pike Run Twp.	Pike Run
PAS10X051	Allegheny Twp. Mun. Authority 136 Community Bldg. Rd. Leechburg, PA 15656	Westmoreland Co. Allegheny Twp.	Pine Run and UNT to Kiskiminetas River

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D080	Lockheed Martin, Inc. 6801 Rockledge Avenue Bethesda, MD 20817	Newtown Twp. Bucks County	Core Creek
PAS10-G183	Walter J. Styer P. O. Box 387 Uwchlan, PA 19480-0387	Upper Uwchlan Twp. Chester County	Tributary to Marsh Creek, Delaware Watershed

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

**PAS-10-H053.** Individual NPDES. **Forgedale Associates**, 643 Forge Road, Carlisle, PA 17013. To implement an Erosion and Sedimentation Control Plan for a single family housing development called Forgedale Crossing on 69.28 acres in South Middletown Township, **Cumberland County**. The project is located on the west side of Carlisle—Boiling Springs Road (S. R. 2003) about 2 miles northwest of Boiling Springs (Carlisle, PA Quadrangle N: 8.8 inches; W: 3.9 inches). Drainage will be to the Letort Spring Run.

**PAS-10-M091.** Individual NPDES. **Charles and Ursula Riseborough**, 501 St. Thomas-Edenville Road, St. Thomas, PA 17252. To implement an Erosion and Sedimentation Control Plan for a single family housing development on Kreswood Forest subdivision on 52 acres in St. Thomas Township, **Franklin County**. The project

is located about 0.7 mile north of the Village of St. Thomas (St. Thomas, PA Quadrangle N: 9.5 inches; W: 7.5 inches). Drainage will be to unnamed tributary to Campbell Run.

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

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

**Permit No. WQM-5588404-T1.** Sewerage. **Ronald Troutman**, president of Boar and Bull Tavern Inc., Box 495 U. S. Highway 522S, Middleburg, PA 17842. The Transfree has been authorized to discharge from facility located in Beaver Township, **Snyder County**.

**Permit No. WQM 1796403.** Sewerage. **Clearfield Municipal Authority**, 125 East Market Street, Clearfield, PA 16830, has been authorized to discharge from facilities located in Lawrence Township, **Clearfield County**.

**Permit No. WQM 1796405.** Sewerage. **Anne Hicks**, 2607 South 62nd Street, Philadelphia, PA 19142, has been authorized to discharge from facility located in Decatur Township, **Clearfield County**.

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

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

**WQM Permit No. 4396403.** Sewerage, **George Gerber**, SRSTP, 40 Callahan Rd., Greenville, PA 16125. Construction of George Gerber SRSTP located in Otter Creek Township, **Mercer County**.

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

**Permit No. 5295403.** Sewage waste. **James Gili (Miracle Laundromat)**, R. R. 1, Box 134X33, Dingmans Ferry, PA 18328. Permit to construct and operate an onlot sand mound system, located in Delaware Township, **Pike County**.

**Permit No. 5495405.** Sewerage. **Butler Township Municipal Authority**, 211 Broad Street, Ashland, PA 17921. Permit to construct and operate a sewage collection system and a sewage treatment plant, located in Butler Township, **Schuylkill County**.

**Permit No. 5496401.** Sewerage. **Frackville Area Municipal Authority**, 41 North Lehigh Street, Frackville, PA 17931. Permit to construct and operate a force main and gravity sewer to serve the State Correctional Institution at Frackville, located in Ryan Township, West Mahoning Township and the Borough of Frackville, **Schuylkill County**.

**Permit No. 5496402.** Sewerage. **Air Products and Chemicals, Inc.**, P. O. Box 351, R. R. 1, Tamaqua, PA 18252. Permit for modifications and additions to the existing sewage treatment plant, located in Rush Township, **Schuylkill County**.

**Permit No. 5896401.** Sewerage. **Elmer Brown**, R. R. 1, Box 166A, Hallstead, PA 18822. Permit to construct and operate a single family residence sewage treatment plant, located in Liberty Township, **Susquehanna County**.

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

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.*

**Antolick Residence**, North Abington Township, **Lackawanna County**.

*Project Description:* This residential project will involve the construction of a single-family dwelling adjacent to the property owner's existing business, the Inn of the Abingtons. The parcel upon which the home is being proposed is an existing 2.4 acre lot that will be combined with the 2.7 acre parcel upon which the restaurant is located, creating a new 5.1 acre lot.

Wastewater from the restaurant is currently disposed of in an elevated sand mound onlot system and will remain as such. Sewage flows from the proposed dwelling will be 500 gpd and will be disposed of by utilizing a Small Flow Treatment Facility with a stream discharge.

This treatment plant will discharge to Kennedy Creek. Acceptance of this revision is conceptual. It leaves to be addressed at a later date both (1) the effluent limitations necessary to protect public health, and (2) specific treatment technology.

The location of this project is on the south side of T-524, 1 mile west of the Scott Interchange of I-81 in North Abington Township, Lackawanna County, Pennsylvania.

**Borough of Thompson, Susquehanna County**

The Department's review has found that the Plan Update is acceptable and hereby grants planning approval. This review has also not identified any significant environmental impacts resulting from this proposal.

The approval of the Plan Update is conditioned, though, upon ultimate compliance with the provisions of the History Code (37 Pa.C.S. § 507). The costs of conducting any required survey work related to compliance with the History Code must be included in the cost of the proposed sewage facilities project. If recovery work or system re-design is required as a result of attaining compliance with the requirements of the Pennsylvania Historical and Museum Commission, the Department's Northeast Regional Office must be notified immediately.

The chosen wastewater disposal alternative outlined in the Plan Update calls for the implementation of Alternative 2C as identified in the Plan Update. This alternative proposes the construction of a 30,000 gpd wastewater treatment facility (septic tank with intermittent sand filter and stream discharge) and wastewater collection system (with various appurtenances) to serve 66 Equivalent Dwelling Units (EDUs) located in the central section of Thompson Borough. The 66 EDUs include 43 EDUs which currently discharge their wastewater to a "wildcat" sewer system with two outfalls directly to Starrucca Creek. Sewer service will also be provided for an additional 19 EDUs which discharge directly to Starrucca Creek or its immediate tributaries. In addition to eliminating all "wildcat" sewers within the Borough, the proposed wastewater collection system will also serve four EDUs whose onlot wastewater disposal systems are currently malfunctioning. The Plan Update also provides for the establishment of an onlot sewage management program. The proposed program will provide for the long-term monitoring and continued safe operation of all remaining onlot wastewater disposal systems located within Thompson Borough.

Financing of the chosen wastewater disposal alternative's construction is proposed to be provided by the RECDS in the form of a grant and long-term, low-interest loan. The Borough is also proposing a \$500 connection fee to reduce the total amount of funds required to be obtained through RECDS.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20(a)) (Act 537) and 25 Pa. Code Ch. 71 (relating to administration of sewage facilities planning program), the Department will hold the Borough of Thompson responsible for the complete and timely implementation of the Plan Update's chosen alternative, as listed in the Schedule of Implementation, contained in the Plan Update.

Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the Plan Update must be in compliance with the Department's Regulations and be submitted to and approved by the Department in writing.

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

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

**Permit No. 3996501.** Public water supply. **Lehigh County Authority, North Whitehall Division,** c/o Aurel M. Arndt, LCA Gen., Manager, P. O. Box 3348, Allentown, PA 18106-0348. This proposal involves installation of two additional booster pumps and a 230 KW diesel emergency generator. The proposed additional booster pump consist of a 10 HP unit rated at 150 gpm and a 60 HP unit rated at 750 gpm. It is located in North Whitehall Township, **Lehigh County.**

*Permit to Operate issued: May 1, 1996.*

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

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The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995 (P. L. 4, No. 2).

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

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

The Department has received the following final report.

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

**James L. Brown Property,** Kingston Township, **Luzerne County.** James L. Brown, 123 Woodtip Drive, Trucksville, PA has submitted a Final Report concerning the remediation of site groundwater contaminated with BTEX (benzene, toluene, ethylbenzene and/or xylene) compounds and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

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**Opening of the Administrative Record; Proposed Response under The Hazardous Sites Cleanup Act**

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**Zieglerville TCE Site**

Lower Frederick Township, Montgomery County

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act, (HSCA) (35 P. S. §§ 6020.101—6020.1305), has proposed an interim response at the Zieglerville TCE site.

The Zieglerville TCE site is located at 1202 North Gravel Pike in Zieglerville, Montgomery County. The site consists of a groundwater contamination plume resulting from a manufacturing operation formerly located at 1202 North Gravel Pike. The facility manufactured, packaged and utilized solvents bearing TCE (trichlorethene) in its processes.

The Department has determined, through sampling, that a source of the groundwater contamination exists within the soil on the site property. The source area consists of an area of soil approximately 360 square feet in size, contaminated to a depth of 8 feet. The Department has also determined during the investigation that a number of drums on the adjoining property contain potentially hazardous materials. The Department suspects that the materials were generated by the former solvent manufacturer. The soil contamination constitutes a continuing release of hazardous materials to the environment, which may affect a nearby municipal water well. The drums containing potentially hazardous materials constitute a threat of a release of hazardous substances to the environment, which may contaminate the underlying soil and groundwater.

The objective of this response is to remove source areas, which threaten the local groundwater aquifer. The Department proposes to treat the soil in place using heat and mixing, with appropriate air quality emission controls to address the source area in the soil. The Department also proposes to remove drums containing potentially hazardous materials from the site for proper reuse, recycling, treatment and/or disposal. Through this proposed action the Department will address the areas which constitute threats to the groundwater at the site.

The Department has considered four alternatives for addressing the contaminated soil at the site. The No Action Alternative is required by HSCA to establish a baseline, and is not considered protective of human health or of the environment. Excavation and removal followed by proper treatment/disposal of contaminated soil is a feasible alternative, however, fugitive emissions from the excavation would be difficult to control and soil may require additional treatment prior to land disposal. Onsite low temperature thermal desorption would destroy contaminants in the soil, however, excavation is also required prior to treatment and mobilization costs for the treatment equipment are prohibitive for a relatively small amount of soil. Treatment of the soil using heat and mixing in place controls fugitive emissions and is a cost effective remedy which can be conducted over a short period of time.

The Department considered two alternatives for addressing the drums potentially containing hazardous materials at the site. The Department considered taking no action to remove the drums from the site. Taking no action to address the drums would not be protective of the environment or public welfare. Removal of the drums containing hazardous materials addresses the threat of release of hazardous materials from the containers.

The Department is proposing that the contaminated soil be cleaned up using mixing coupled with heat stripping and that drums containing hazardous materials be removed from the site.

The administrative record, which contains the information that forms the basis for and documents the selection of this response action, is available for public review and comment. The administrative record is located at the Lower Frederick Township Building, 53 Spring Mount Road in Spring Mount and is available for review Monday through Friday from 8:30 a.m. to 4:30 p.m. The administrative record may also be reviewed at the DEP Regional Office located at 555 North Lane, Suite 6010, in the Lee Park building, Conshohocken, PA.

Written comments concerning the Department's response and the information contained in the Administrative Record will be accepted in person, if delivered, or by mail, if postmarked, on or before September 16, 1996. Written comments should be directed to the attention of Dustin Armstrong, DEP Project Officer, Suite 6010 Lee Park, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6206.

In addition, the public will have an opportunity to present oral comments at a public hearing. The public hearing is scheduled for July 17, 1996, at 7:30 p.m. at the Lower Frederick Township Municipal Building, located at 53 Spring Mount Road, Spring Mount, PA. Persons wishing to present oral comments should register on or before the date of the public hearing by contacting Rob Goldberg, DEP Community Relations Coordinator, at (610) 832-6010.

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 Rob Goldberg or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 to discuss how the Department may accommodate their needs.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period for an opening of the Administrative Record, as provided, under that act.

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

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

**Chemical Conservation Corporation**, 10100 Rocket Boulevard, Orlando, FL 32824; License No. **PA-AH 0518**; license issued May 24, 1996.

**National Waste Clean, Inc.**, 304 Pulaski Street, South Plainfield, NJ 07080; License No. **PA-AH 0528**; license issued May 30, 1996.

**Research Transportation Company**, 2777 Broadway Avenue, Cleveland, OH 44115; License No. **PA-AH 0527**; license issued May 24, 1996.

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

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

**Clean America, Inc.**, 3300 Childs Street, Baltimore, MD 21226; License No. **PA-AH 0375**; license issued May 24, 1996.

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

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

**Clean America, Inc.**, 3300 Childs Street, Baltimore, MD 21226; License No. **PA-AH 0375**; license reinstated May 24, 1996.

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

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

**Clean America, Inc.**, 3300 Childs Street, Baltimore, MD 21226; License No. **PA-AH 0375**; amended license issued May 24, 1996.

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

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

**RSO Inc.**, P. O. Box 1526, Laurel, MD 20725-1526; License No. **PA-AH S168**; license expired May 31, 1996.

**S & M Management Incorporated**, P. O. Box 1429, Milford, PA 18337; License No. **PA-AH 0412**; license expired May 31, 1996.

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**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and Municipal Waste Regulations for General Permits for the Processing of Infectious or Chemotherapeutic Waste.**

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

**General Permit No. WMGI007. Sterile Technology Industries, Inc.**, R. R. 1, Box 364, Morgantown, PA 15443. A permit for processing infectious waste using sodium hypochlorite and low pressure steam in a modular treatment unit. The permit was issued by Central Office on May 29, 1996.

Persons interested in reviewing or registration information may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

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



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

**General Permit Registration No. WMGR011R013. Re-New-It Recycling, R. D. 1, Box 173, Roaring Spring, PA 16673.** Registration to operate under General Permit WMGR011 for the processing of spent ethylene glycol base antifreeze in mobile processing units for the purpose of reconditioning spent antifreeze generated by coolant or heating systems. Registration effective on May 29, 1996.

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

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

**A. 603381. Adam J. Skokut, d/b/a A-Affordable Sanitation, P. O. Box 735, Manor, PA 15665.** A major permit modification for generic sludge source approval and the addition of 146.77 acres for the operation of an agricultural utilization of sewage sludge site in South Huntingdon Township, **Westmoreland County**. Permit issued in the Regional Office on May 29, 1996.

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

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

**A. 301224. United Environmental Group, Inc., 241 McAleer Road, Sewickley, PA 15143.** Operation of a residual waste processing facility in Ohio Township, **Allegheny County**. Permit modified in the Regional Office on May 17, 1996 to address the management of waste oil and the dismantling of empty tanks.

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

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

**06-308-028A.** On May 30, 1996, the Department issued a Plan Approval to **General Battery Corp.** (P. O. Box 14294, Reading, PA 19612-4294) for the construction of a No. 2 lead-acid battery shredder and Venturi scrubber in Laureldale/Muhlenberg Township, **Berks County**. The source is subject to 40 CFR 63, Subpart X, National Emission Standards for Hazardous Air Pollutants.

**06-309-008B.** On May 30, 1996, the Department issued a Plan Approval to **Allentown Cement Company, Inc.** (P. O. Box 619, Blandon, PA 19510) for the installation of a finish mill conveying system and a fabric collector at their Evansville Plant in Maiden Creek Township, **Berks County**.

**06-317-008A.** On May 23, 1996, the Department issued a Plan Approval **Dietrich's Milk Products, Inc.** (100 McKinley Avenue, Reading, PA 19605) for the installation

of a No. 3 milk spray dryer and fabric collector at their Reading Plant in Muhlenberg Township, **Berks County**.

**31-310-016C.** On May 30, 1996, the Department issued a Plan Approval to **U. S. Silica Company** (P. O. Box 187, Berkeley Springs, WV 25411) for the construction of a bulk sand storage and loading system controlled by a fabric collector at their Keystone Plant in Brady Township, **Huntingdon County**.

**31-310-019E.** On May 23, 1996, the Department issued a Plan Approval to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for the modification of a limestone crushing plant controlled by wet suppression and two fabric collectors at their Tyrone fine crushing plant in Warriors Mark Township, **Huntingdon County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**38-317-013.** On May 14, 1996, the Department issued a Plan Approval to the **Hershey Pasta Group** (749 Guilford Street, Lebanon, PA 17046) for the construction of a pasta regrind system controlled by a fabric filter at their Lebanon Plant in the City of Lebanon, **Lebanon County**.

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

**32-306-010A.** On May 23, 1996, a plan approval expiration date was extended to September 30, 1996, for **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for scrubbers on boiler unit 1 and 2 at its facility located in West Wheatfield Township, **Indiana County**.

**56-305-043.** On May 23, 1996, a plan approval expiration date was extended to January 31, 1997, for **Senate Coal Mines, Inc.** (P. O. Box 682, Latrobe, PA 15650) for a water truck for the coal refuse reclaiming/screen process at its facility located in Windber Borough, **Somerset County**.

**11-305-028.** On May 23, 1996, a plan approval expiration date was extended to January 31, 1997, for **Senate Coal Mines, Inc.** (P. O. Box 682, Latrobe, PA 15650) for a water truck at the wet coal refuse reclaiming plant at its mine no. 42 facility located in Adams Township, **Cambria County**.

**63-320-001.** On May 22, 1996, a plan approval expiration date was extended to October 1, 1996 for **Specialty Printing, Inc.** (P. O. Box 104, Third Street and PA RR, Charleroi, PA 15022) for a catalytic oxidizer on the Drier WEB-Offset Printing system at its facility located in Charleroi Borough, **Washington County**.

**65-309-033A.** On May 22, 1996, a plan approval expiration date was extended to December 31, 1996 for **St. George Crystal, Ltd.** (P. O. Box 709, Jeannette, PA 15644) for baghouses on the glass melting furnace at its facility located in Jeannette, **Westmoreland County**.

**63-307-023A.** On May 23, 1996, a plan approval expiration date was extended to November 1, 1996 for **Washington Steel Corporation** (P. O. Box 494, Washington, PA 15301) for two electric arc furnaces (EAF) at its facility located in Houston Borough, **Washington County**.

**63-303-007.** On May 23, 1996, a plan approval expiration date was extended to October 31, 1996 for **Commercial Stone Company, Inc.** (2200 Springfield Pike, Connellyville, PA 15425) for a baghouse on the bituminous

asphalt manufacturing process at its facility located in Somerset Township, **Washington County**.

**63-308-035.** On May 23, 1996, a plan approval expiration date was extended to June 30, 1997 for **Hansen Engineering, Inc.** (167 Laidley's Run Road, West Alexander, PA 15376) for an afterburner, a cyclone, a venturi scrubber, a packed tower and an inline stack scrubber on the sliding bed thermo oxidizer at its facility located in West Finley Township, **Washington County**.

**65-307-076.** On May 23, 1996, a plan approval expiration date was extended to October 1, 1996 for **Allegheny Ludlum Steel Corporation** (100 River Road, Brackenridge, PA 15014) for the no. 91 anneal and pickle line at its facility located in Vandergrift Borough, **Westmoreland County**.

**63-310-005.** On May 14, 1996, a plan approval was issued to **Southwest Aggregates Corporation** (Route 980, Box 272, Robinson Highway, McDonald, PA 15057) for a railroad ballast processing system at its Smith Township Site located in Smith Township, **Washington County**.

**26-310-011B.** On May 20, 1996, a plan approval was issued to **Commercial Stone Company, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) for a portable crusher at its Springfield Pike Plant located in Connellsville Township, **Fayette County**.

**32-305-043B.** On May 23, 1996, a plan approval was issued to **Milcreek Processing** (110 Cedar Lane, McMurray, PA 15317) for a water spray truck, a road spray system and a paved roadway at its Challenger Coal Yard located in East Wheatfield Township, **Indiana County**.

**65-307-079.** On May 23, 1996, a plan approval was issued to **Kennametal, Inc.** (P. O. Box 231, Latrobe, PA 15650) for dust collectors on their jet mill at their Kingston Plant located in Derry Township, **Westmoreland County**.

**63-399-002.** On May 23, 1996, a plan approval was issued to **McGrew Welding & Fabricating, Inc.** (P. O. Box 87, Donora, PA 15033) for belt covers and sprays on their materials handling system at their plant located in Donora Borough, **Washington County**.

**65-307-080.** On May 23, 1996, a plan approval was issued to **Latrobe Steel Company** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for a stress relief furnace at its Latrobe Plant located in Latrobe Borough, **Westmoreland 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).

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

#### Coal Permits Issued

**17900129. Northern Counties Coal Company, Inc.** (P. O. Box 668, Philipsburg, PA 16866), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 262 acres, receiving streams Blue Run, Buck Run, Porter Run and tributaries to Clearfield Creek to the west branch of the Susquehanna River, application received March 29, 1996, permit issued May 13, 1996.

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

**54851340R2. Neumeister Coal Co.,** (R. D. 1, Box 327D, Ashland, PA 17921), renewal of an existing anthracite underground mine operation in Foster Township, **Schuylkill County** affecting 5.0 acres, receiving stream none. Renewal issued May 28, 1996.

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

**16831603. C & K Coal Company,** (P. O. Box 69, Clarion, PA 16214), to renew the permit for the Piney Prep Plant in Piney Township, **Clarion County** for reclamation only, no additional discharges. Permit issued May 29, 1996.

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

#### Noncoal Permits Issued

**6176SM2A1C2. Berks Products Corporation,** (726 Spring Street, P. O. Box 421, Reading, PA 19603), correction to an existing quarry operation in Maxatawny Township, **Berks County** affecting 28.7 acres, receiving stream Schuylkill River. Correction issued May 29, 1996.

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

#### General Small Noncoal Authorizations Granted

**45950802. Louis J. Manzie, Inc.,** (R. D. 7, Box 7018, East Stroudsburg, PA 18301), commencement, operation and restoration of a small quarry operation in Stroud Township, **Monroe County** affecting 2.0 acres, receiving stream Cherry Creek. Authorization granted May 21, 1996.

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

#### Small Industrial Mineral Authorizations Granted

**12960801. Steven S. Troncone** (605 East Second Street, Emporium, PA 15834), commencement, operation and restoration of a small industrial mineral (top soil, sand and gravel) permit in Lumber Township, **Cameron County** affecting 1 acre, application received April 16, 1996, authorization granted May 21, 1996.

The Department of Environmental Protection has taken the following actions on previously received Dam Safety and Encroachment 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, 1 (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 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*

*DEP Central Office: 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

**EA46-015C0.** Environmental assessment. **Gambone Brothers Development Company**, P. O. Box 287, 1030 W. Germantown Pike, Fairview Village, PA 19409. To construct and maintain a nonjurisdictional dam in the watershed of Minister Creek (TSF) impacting approximately 0.08 acre of wetlands (PSS) for the purpose of stormwater management at the proposed Fryer Subdivision located approximately 2,000 feet west of the intersection of Swamp Pike and Township Line Road (Sassamansville, PA Quadrangle N: 10.4 inches; W: 14.8 inches) in Douglass Township, **Montgomery County**. The owner has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

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

**E09-709.** Encroachment. **Bucks County Commissioners**, Administrative Building, Doylestown, PA 18901. To rehabilitate and maintain an existing two-span masonry arch bridge to enhance its structural stability by performing the following activities:

1. Line the existing arches with 2 inch metal plates and grouting the annular area between them.
2. Repair and repoint the stone masonry walls which extend along Gravel Hill Road, and the upstream and downstream bridge facings.
3. Repair the concrete footers and install riprap scour protection.

County Bridge 293 is located across Mill Creek on Gravel Hill Road (Hatboro, PA Quadrangle N: 8.95 inches; W: 2.0 inches) in Upper Southampton Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E23-337.** Encroachment. **Eastern College**, Fairview Drive, St. David's, PA 19087-3696. To construct and maintain a three span steel plate arch bridge, having a span of 14.75-foot (each) with a 5.5-foot underclearance across Gulph Creek, and to place fill in 0.22 acre of associated wetlands for the proposed access road for a new residence hall and parking area for Eastern College. This site is located approximately 800 feet southwest from the intersection of Eagle and King of Prussia Roads (Norristown, PA Quadrangle N: 9.5 inches; W: 16.5 inches) in Radnor Township, **Delaware County**. The permittee will provide 0.25 acre of wetland replacement.

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

**E21-244.** Encroachment. **Cumberland County Commissioners**, One Courthouse Square, Carlisle, PA 17013. To maintain an existing four-span county bridge having a total length of 298 feet across Conodoguinet Creek on Bernheisel Road (T-574), and to construct and maintain a 5-foot wide pedestrian bridge to be attached to this existing bridge by means of brackets located about 1.7 miles south of Donnellytown Village (Wertzville, PA Quadrangle N: 1.8 inches; W: 14.4 inches) in Middlesex Township, **Cumberland County**.

**E44-078.** Encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing structure and to construct and maintain a single span bridge having a span of 22 feet and an underclearance of about 7.7 feet across Panther Run located on Havice Valley Road about 0.8 mile north of its intersection with Swift Run Road (Caburn, PA Quadrangle N: 14.3 inches; W: 5.8 inches) in Armagh Township, **Mifflin County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

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

**E13-092.** Encroachment. **Duane Schleicher**, 182 William Lane, R. R. 7, Box 189, Lehighton, PA 18235. To fill in 0.6 acre of wetlands and to construct and maintain a single span bridge consisting of a timber plank deck, on existing abutments, having a span of 9.2 feet with an underclearance of approximately 3.5 feet across an unnamed tributary to Lizard Creek for the construction of the Schleicher Trailer Park, a 96 unit mobile home park. The project is located on the east side of T334 approximately 0.4 mile south of the intersection of S. R. 0895 and T334 (Nesquehoning, PA Quadrangle N: 2.1 inches; W: 1.2 inches) in East Penn Township, **Carbon County**. The permittee is required to provide 0.64 acre of replacement wetlands.

**E39-305.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699. To construct and maintain a 36-inch diameter stormwater outfall structure along the left bank of the Little Lehigh Creek. The project is located immediately north of the intersection of Devonshire Road and Keystone Avenue (Allentown West, PA Quadrangle N: 10.1 inches; W: 1.2 inches) in the City of Allentown, **Lehigh County**.

**E52-132.** Encroachment. **Paul and Theresa Stankiewicz**, 45 Brainard Road, Branford, CT 06405. To construct and maintain a steel I-beam bridge having a span of 30 feet and an underclearance of 4 feet across West Falls Creek to provide access to a residential building lot. This project is located along the north side of

S. R. 0590, approximately 0.5 mile east of S. R. 4003 (Narrowsburg, PA Quadrangle N: 0.3 inch; W: 11.0 inches) in Lackawaxen Township, **Pike County**.

**E52-135. Encroachment. Vincent C. and Susan N. Giampapa**, 67 Highland Avenue, Montclair, NJ 07042. To excavate in 0.51 acre of wetlands for the construction of a pond. This project is located approximately 1,400 feet east of the intersection of S. R. 0447 and T-370 (Newfoundland, PA Quadrangle N: 2.6 inches; W: 4.1 inches) in Greene Township, **Pike County**. Issuance of this permit also constitutes approval of the Environmental Assessment for a 0.25 acre wetland fill associated with the construction of a nonjurisdictional dam and a 0.2 acre secondary wetland impact associated with the impoundment of water over wetlands. The permittee is required to provide 0.96 acre of replacement wetlands.

[Pa.B. Doc. No. 96-971. Filed for public inspection June 14, 1996, 9:00 a.m.]

### Low-Level Waste Advisory Committee Meeting

A meeting of the Low-Level Waste Advisory Committee is scheduled for June 27, 1996, from 9 a.m. to 4 p.m. at the Holiday Inn—Harrisburg West, Mechanicsburg, PA.

Questions concerning the agenda should be addressed to Rich Janati at 1 (800) 232-2786 or e-mail at Janati.Rich@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 Marianne Hansen directly at (717) 787-2480 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. 96-972. Filed for public inspection June 14, 1996, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Request for Proposal

The Department of General Services is seeking interested firms to submit sealed proposals for consideration for the following project:

**DGS 948-41.OB**—Construction Management, Keystone Building, Harrisburg, Dauphin County, PA. A brief description of the project is as follows: Construction Management for Pre-Construction and Construction Phase for hazardous material abatement, building demolition and construction of new office building. Construction Manager is not acting as constructor. Construction Allocation is \$150 million for approximately 810,000 SF building on a 49½ month schedule.

*To Obtain RFP*—Requests for the RFP should be mailed to The Department of General Services, Bureau of Professional Selections and Administrative Services, Room 107,

Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Contact Bidders Services at (717) 787-3923, for the names of those who have secured the RFP.

*Preproposal Conference*—A Preproposal Conference has been scheduled for Thursday, June 27, 1996, at 1:30 p.m., State Museum of Pennsylvania Auditorium located at Third and North Streets, Harrisburg, PA. Questions concerning the RFP must be received by the Issuing Office: Robert L. Glenn, R.A., Director, Bureau of Engineering & Architecture, Room 201, Tent Building, 18th and Herr Streets, Harrisburg, PA 17120, (717) 787-6200 (FAX: 717-772-2036) no later than noon, Wednesday, June 26, 1996.

In addition, all proposers shall FAX attendance information with the names of the individuals (maximum two) that will be present at this meeting.

*Note:* Use the North Street entrance to the State Museum for this meeting. Proposals are due Tuesday, July 16, 1996, no later than 2 p.m., in Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Responses received after this due date and time will be returned unopened.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-973. Filed for public inspection June 14, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Draft Maternal and Child Health Services Block Grant Application for Federal Year 1997

The Department of Health is making copies available of the draft Maternal and Child Health Services Block Grant Application for FFY 1997, under 42 U.S.C.A. § 705(a)(5)(F). This application is the Commonwealth of Pennsylvania's draft request to the United States Department of Health and Human Services for block grant funding.

The block grant application describing proposed services, program goals and objectives and activities can be obtained by contacting the Department of Health, Bureau of Maternal and Child Health at 733 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, telephone (717) 787-7192. [TDD: (717) 783-6514].

Written comments will be accepted and should be sent to the Bureau of Maternal and Child Health, 733 Health and Welfare Building, P.O. Box 90, Harrisburg, PA 17108; comments must be received no later than 4 p.m., Monday, July 1, 1996.

Persons with a disability who desire to comment in alternative format (for example, large print, audio tape, braille) should contact the Bureau of Maternal and Child Health at the foregoing address and telephone number.

DANIEL F. HOFFMANN,  
*Acting Secretary*

[Pa.B. Doc. No. 96-974. Filed for public inspection June 14, 1996, 9:00 a.m.]

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

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

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

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

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

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

Blood lead analyses performed for occupational safety and health purposes must be conducted by a laboratory which also meets the requirements of the Occupational Safety and Health Administration of the United States Department of Labor as specified in 29 CFR 1910.1025(j)(2)(iii).

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

The Department's blood lead proficiency testing program is approved by the U.S. Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937)

which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

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

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

Allegheny General Hospital-L  
320 East North Avenue  
Pittsburgh, PA 15212  
412-359-6388

American Medical Laboratories, Inc.-LP  
14225 Newbrook Drive  
Chantilly, VA 22021  
703-802-6900

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

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

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

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

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

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

Corning Clinical Laboratories, Inc.-LP  
900 Business Center Drive  
Horsham, PA 19044  
215-957-9300  
Corning Nichols Institute-LP  
33608 Ortega Highway  
San Juan Capistrano, CA 92690-6130  
714-728-4000

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

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

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

Edison Medical Laboratories, Inc.-LP  
1692 Oak Tree Road, Suite 17  
Edison, NJ 08820  
908-906-7800

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

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

Geisinger Medical Center-L  
North Academy Road  
Danville, PA 17822  
717-271-6338

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

Keystone Clinical Labs, Inc.-L  
333 N. Oxford Valley Road, Bldg. B  
Fairless Hills, PA 19030  
215-945-5570

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

Lab Corp of America Holdings-LP  
1447 York Court  
Burlington, NC 27216  
800-334-5161

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

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

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

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

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

Liberty Testing Laboratory, Inc.-L  
28 Chapel Street, 7th Floor  
Brooklyn, NY 11201  
718-647-7080

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

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

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

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

National Medical Services-P  
2300 Stratford Avenue  
Willow Grove, PA 19090  
215-657-3565

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

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

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

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

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

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

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

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

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

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

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

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

[Pa.B. Doc. No. 96-975. Filed for public inspection June 14, 1996, 9:00 a.m.]

### Notice of Beginning of Review; Certificate of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

*CON-95-H-2502-B*: St. Francis Medical Center, 400 45th Street, Pittsburgh, PA. The project involves relocation and replacement of operating rooms and critical care beds.

The project is scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning June 15, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the amended act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. The public meeting will be conducted on Friday, July 19, 1996 at 2 p.m. Persons who need an accommodation due to a disability and want to attend this meeting, should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. This meeting is subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-976. Filed for public inspection June 14, 1996, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The contractors referenced below have been determined to have intentionally violated the Pennsylvania Prevailing

Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this firm or this person, or any firms, corporations or partnerships in which such firm or person has an interest, shall be awarded no contract for 3 years after the date listed.

JOHNNY J. BUTLER,  
*Secretary*

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Yialouris Painting Co., Inc., and Paul Yialouris	P. O. Box 11556 Pittsburgh, PA 15238 —and/or— 7001 Craig Drive Murrysville, PA 15668-9409	5/31/96
-AND-		
Paul Yialouris	461 Dover Drive Pittsburgh, PA 15278 —and/or— 740 Providence Road Pittsburgh, PA 15239	

[Pa.B. Doc. No. 96-977. Filed for public inspection June 14, 1996, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Notice of Rule Change; Eligibility for Cash and Medical Assistance Benefits

Act No. 1996-35 (Act 35), enacted on May 16, 1996, amends certain sections of the Public Welfare Code which govern eligibility for cash and Medical Assistance benefits. This notice concerns those provisions of Act 35 that are effective immediately. Separate Notices of Rule Change will be published at later dates concerning eligibility changes which are effective October 1, 1996, and changes which are effective upon receipt of necessary waivers of Federal law by the United States Department of Health and Human Services.

The amendments to the Public Welfare Code are explained within this notice. The explanation is organized by the eligibility groups that are affected and how they are affected. Each change in policy described within this notice identifies the section of Title 55 of the *Pennsylvania Code* that is being changed.

The changes in eligibility mandated by Act 35 will be applied to applicants for cash and Medical Assistance as of June 17, 1996. Each current recipient of cash or Medical Assistance who may be affected by these changes will undergo an individual redetermination of eligibility before these changes may be applied to them.

The following requirements apply to Aid to Families with Dependent Children (AFDC) and General Assistance (GA), Cash and related Non-Money Payment (NMP) programs:

—55 Pa. Code §§ 125.21(b)(1), 125.24(c)(1), 125.74, 181.11(a); 45 CFR § 206.10(a)(3)(i) and 62 P. S. § 432.19:

Initial authorization of assistance will occur when all factors of eligibility are verified unless verification is

pending from a third party and the client has cooperated in the verification attempt or unless certification of cooperation is pending with the domestic relations section of the Court of Common Pleas. Initial authorization of cash assistance will not be delayed more than 30 days after application. If the applicant establishes eligibility, assistance will be authorized effective with the date that all conditions of eligibility are verified.

—55 Pa. Code §§ 141.42, 168.2, 171.22, 175.22, 177.2 and 183.2; 62 P. S. § 402:

The term “assistance group” is defined as one or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless and whose needs and eligibility are considered together in determining eligibility for cash or medical assistance. “Assistance group” has the same meaning as the terms “assistance unit,” “filing unit,” “grant group” and “budget group” which are used throughout 55 Pa. Code. Definitions of the aforementioned terms are revised to include a reference to assistance group.

The following requirements apply to the AFDC and GA cash assistance programs:

—55 Pa. Code § 141.21; 62 P. S. § 481(f):

An applicant or recipient of AFDC or GA who has been convicted of violating section 481(a) of the Public Welfare Code, that is, has been convicted of securing or attempting to secure, or aiding or abetting or attempting to aid or abet any person in securing assistance or Federal food stamps by means of a willfully false statement or misrepresentation, or by impersonation or by willfully failing to disclose a material fact regarding eligibility either prior to, or at the time of, or subsequent to the application for assistance, a crime commonly referred to as welfare fraud, is ineligible for cash assistance for a period of 6 months from the date of a first conviction, for a period of 12 months from the date of a second conviction, and permanently from the date of a third conviction.

The following requirements apply to the GA cash assistance program:

—55 Pa. Code § 141.21; 62 P. S. § 432(9):

The definition of “satisfied the penalty” imposed by law is amended to include compliance with an approved plan for paying fines, costs and restitution as an alternative to completion of payment.

—55 Pa. Code § 147.23(a); 62 P. S. § 432.4:

In order to receive GA cash assistance, an applicant must establish that he has been a resident of the Commonwealth for at least 12 months immediately preceding his application.

—55 Pa. Code § 175.24(f); 62 P. S. § 434:

Cash assistance granted shall be reduced by amounts obtained by cashing an assistance check at a gambling casino, racetrack, bingo hall or other establishment that derives more than 50% of its gross revenues from gambling.

The following requirements apply to both the GA cash and the GA-related NMP programs:

—55 Pa. Code §§ 141.61(d)(1), 141.71; 62 P. S. § 432(3)(i)(B):

Persons eligible for GA and GA-related NMP-MA include persons who are parents residing in a two-parent

household with their child who is under 13 years of age or their child 13 years of age or older who has a verified disability.

—55 Pa. Code §§ 141.61(d)(1), 141.71; 62 P. S. § 432(3)(i)(C):

A person who has been assessed by a physician or psychologist as having a verified physical or mental disability which causes a permanent or temporary disability that precludes gainful employment must provide verification of the disability in a form prescribed by the Department and completed by a physician or psychologist. The verification of the physical or mental disability must be based on acceptable clinical and laboratory diagnostic techniques rather than a statement of symptoms by the applicant or recipient. An applicant or recipient with a verified physical or mental disability which is temporary must seek appropriate treatment as a condition of eligibility for GA and GA-related NMP-MA.

—55 Pa. Code §§ 141.61(d)(1), 141.71; 62 P. S. § 432(3)(i)(D):

Persons eligible for GA and GA-related NMP-MA include the nonparental caretaker of a child under 13 years of age. Assistance shall not be granted to a person under this criterion if there is another adult in the household who is capable of providing the care without GA being required.

—55 Pa. Code §§ 141.61(d)(1), 141.71; 62 P. S. § 432(3)(i)(E):

A person undergoing active treatment for substance abuse in an approved drug or alcohol treatment program qualifies for GA or GA-related NMP-MA only if such treatment precludes the person from engaging in employment. The 9-month lifetime limitation remains unchanged.

—55 Pa. Code §§ 147.23, 150.1; 62 P. S. § 432.22:

A person who is not a United States citizen is not eligible to receive GA, GA-related NMP-MA, or GA-related MNO-MA unless specifically required by Federal law.

The following requirements apply to the MA program:

—55 Pa. Code § 141.81; 62 P. S. § 442.1(a)(3):

To receive MNO-MA, a person must either receive GA or belong to one of the following groups: a child under 21 years of age; a custodial parent of a dependent child under 21 years of age; a person 59 years of age or older; a refugee for whom Federal financial participation is available; a pregnant woman; a person with a disability who is receiving Social Security disability benefits, who has been referred to the Social Security Administration for a determination of eligibility for Supplemental Security Income or who is under review for a disability by the Department based upon Social Security disability criteria; or a person who verifies employment of at least 100 hours per month earning at least the minimum wage. For persons whose eligibility is based upon the work requirement, past, present and continuing employment will be evaluated to determine compliance with the 100-hours per month work requirement. If an episode of illness or injury is the reason for the interruption of work and it is verified that 100 hours per month employment will resume subsequent to recovery from that illness or injury, the person will be considered to have met the work requirement.



—55 Pa. Code § 125.74; 62 P. S. § 442.1(a)(2):

A person applying for MA in the GA-related category of MNO-MA must meet the standards of both financial and nonfinancial eligibility.

—55 Pa. Code § 148.1; 62 P. S. § 442.1(a)(1)

A person applying for MA in the GA-related categories of NMP or MNO-MA must have resided in Pennsylvania continuously for 90 days immediately preceding the effective date of MA eligibility, except for persons eligible for Federally-funded categories of Medical Assistance.

—55 Pa. Code §§ 181.1(b) and 181.12; 62 P. S. § 442.1(c):

In determining eligibility for retroactive MNO-MA, income received or expected to be received in a 6-month period is used, even if the person requests MA coverage for less than 6 months. The 6-month period can include both retroactive and prospective months. Medical coverage can continue as long as the need exists, but no longer than the consecutive 6-month period from which income is counted.

This rule change has been reviewed and approved by the Office of General Counsel and the Office of Attorney General.

This rule change is made under the Joint Committee on Documents Resolution 1996-1(2), 26 Pa.B. 2374 (May 18, 1996). This rule change will be in effect for 365 days pending adoption of final rulemaking by the Department.

Public comments to this rule change may be made by writing to Patricia H. O'Neal, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD user) or 1 (800) 654-5988 (Voice user), or may use the Department of Public Welfare (TDD) by calling (717) 787-3616. Persons who require another alternative format should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTOUN,  
*Secretary*

#### *Purpose*

To provide revisions to the Aid to Families with Dependent Children (AFDC), General Assistance (GA), and Medical Assistance (MA) requirements contained in 55 Pa. Code Chapters 125, Application Process; 141, General Eligibility Provisions; 148, MA Residence Provisions for GA-related Categorically Needy NMP-MA and MNO-MA; 168, Transitional Child Care; 171, Budget Group Provisions for AFDC/GA; 175, Allowances and Benefits; 177, Resources; 181, Income Provisions for Categorically Needy NMP-MA and MNO-MA; and 183, Income.

#### *Background*

Act 35, enacted on May 16, 1996, amends certain sections of the Public Welfare Code which govern eligibility for cash and Medical Assistance benefits. This Bulletin concerns those provisions of Act 35 that are effective immediately. Separate Notices of Rule Change will be published at later dates concerning eligibility changes which are effective October 1, 1996, and changes which are effective upon receipt of necessary waivers of Federal law by the United States Department of Health and Human Services.

The amendments to the Public Welfare Code are explained within this notice. The explanation is organized by the eligibility groups that are affected and how they

are affected. Each change in policy described within this notice identifies the section of Title 55 of the *Pennsylvania Code* that is being changed. It is followed by the Public Welfare Code citation (62 P. S. § —) as amended by Act 35.

The changes in eligibility mandated by Act 35 will be applied to applicants for cash and Medical Assistance as of June 17, 1996. Each current recipient of cash or Medical Assistance who may be affected by these changes will undergo an individual redetermination of eligibility before these changes may be applied to them.

#### *Rule Change*

The following requirements apply to Aid to Families with Dependent Children (AFDC) and General Assistance (GA), Cash and related Non-Money Payment (NMP) programs:

—55 Pa. Code §§ 125.21(b)(1), 125.24(c)(1), 125.74, 181.11(a); 45 CFR § 206.10(a)(3)(i) and 62 P. S. § 432.19:

Initial authorization of assistance will occur when all factors of eligibility are verified unless verification is pending from a third party and the client has cooperated in the verification attempt or unless certification of cooperation is pending with the domestic relations section of the Court of Common Pleas. Initial authorization of cash assistance will not be delayed more than 30 days after application. If the applicant establishes eligibility, assistance will be authorized effective with the date that all conditions of eligibility are verified.

—55 Pa. Code §§ 141.42, 168.2, 171.22, 175.22, 177.2 and 183.2; 62 P. S. § 402:

The term "assistance group" is defined as one or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless and whose needs and eligibility are considered together in determining eligibility for cash or Medical Assistance. "Assistance group" has the same meaning as the terms "assistance unit," "filing unit," "grant group" and "budget group" which are used throughout 55 Pa. Code. Definitions of the aforementioned terms are revised to include a reference to assistance group.

The following requirements apply to the AFDC and GA cash assistance programs:

—55 Pa. Code § 141.21; 62 P. S. § 481(f):

An applicant or recipient of AFDC or GA who has been convicted of violating section 481(a) of the Public Welfare Code, that is, has been convicted of securing or attempting to secure, or aiding or abetting or attempting to aid or abet any person in securing assistance or Federal food stamps by means of a willfully false statement or misrepresentation, or by impersonation or by willfully failing to disclose a material fact regarding eligibility either prior to, or at the time of, or subsequent to the application for assistance, a crime commonly referred to as welfare fraud, is ineligible for cash assistance for a period of 6 months from the date of a first conviction, for a period of 12 months from the date of a second conviction, and permanently from the date of a third conviction.

The following requirements apply to the GA cash assistance program:

—55 Pa. Code § 141.21; 62 P. S. § 432(9):

The definition of "satisfied the penalty" imposed by law is amended to include compliance with an approved plan for paying fines, costs and restitution as an alternative to completion of payment.

—55 Pa. Code § 147.23(a); 62 P. S. § 432.4:

In order to receive GA cash assistance, an applicant must establish that he has been a resident of the Commonwealth for at least 12 months immediately preceding his application.

—55 Pa. Code § 175.24(f); 62 P. S. § 434:

Cash assistance granted shall be reduced by amounts obtained by cashing an assistance check at a gambling casino, racetrack, bingo hall or other establishment that derives more than 50% of its gross revenues from gambling.

The following requirements apply to both the GA cash and the GA-related NMP programs:

—55 Pa. Code §§ 141.61(d)(1), 141.71; 62 P. S. § 432(3)(i)(B):

Persons eligible for GA and GA-related NMP-MA include persons who are parents residing in a two-parent household with their child who is under 13 years of age or their child 13 years of age or older who has a verified disability.

—55 Pa. Code §§ 141.61(d)(1), 141.71; 62 P. S. § 432(3)(i)(C):

A person who has been assessed by a physician or psychologist as having a verified physical or mental disability which causes a permanent or temporary disability that precludes gainful employment must provide verification of the disability in a form prescribed by the Department and completed by a physician or psychologist. The verification of the physical or mental disability must be based on acceptable clinical and laboratory diagnostic techniques rather than a statement of symptoms by the applicant or recipient. An applicant or recipient with a verified physical or mental disability which is temporary must seek appropriate treatment as a condition of eligibility for GA and GA-related NMP-MA.

—55 Pa. Code §§ 141.61(d)(1), 141.71; 62 P. S. § 432(3)(i)(D):

Persons eligible for GA and GA-related NMP-MA include the nonparental caretaker of a child under 13 years of age. Assistance will not be granted to a person under this criterion if there is another adult in the household who is capable of providing the care without GA being required.

—55 Pa. Code §§ 141.61(d)(1), 141.71; 62 P. S. § 432(3)(i)(E):

A person undergoing active treatment for substance abuse in an approved drug or alcohol treatment program qualifies for GA or GA-related NMP-MA only if such treatment precludes the person from engaging in employment. The 9-month lifetime limitation remains unchanged.

—55 Pa. Code §§ 147.23, 150.1; 62 P. S. § 432.22:

A person who is not a U. S. citizen is not eligible to receive GA, GA-related NMP-MA, or GA-related MNO-MA unless specifically required by Federal law.

The following requirements apply to the MA program:

—55 Pa. Code § 141.81; 62 P. S. § 442.1(a)(3):

To receive MNO-MA, a person must either receive GA or belong to one of the following groups: a child under 21 years of age; a custodial parent of a dependent child under 21 years of age; a person 59 years of age or older; a refugee for whom Federal financial participation is available; a pregnant woman; a person with a disability who is

receiving Social Security disability benefits, who has been referred to the Social Security Administration for a determination of eligibility for Supplemental Security Income or who is under review for a disability by the Department based upon Social Security disability criteria; or a person who verifies employment of at least 100 hours per month earning at least the minimum wage. For persons whose eligibility is based upon the work requirement, past, present and continuing employment will be evaluated to determine compliance with the 100-hours per month work requirement. If an episode of illness or injury is the reason for the interruption of work and it is verified that 100 hours per month employment will resume subsequent to recovery from that illness or injury, she will be considered to have met the work requirement.

—55 Pa. Code § 125.74; 62 P. S. § 442.1(a)(2):

A person applying for MA in the GA-related category of MNO-MA must meet the standards of both financial and nonfinancial eligibility.

—55 Pa. Code § 148.1; 62 P. S. § 442.1(a)(1)

A person applying for MA in the GA-related categories of NMP or MNO-MA must have resided in Pennsylvania continuously for 90 days immediately preceding the effective date of MA eligibility, except for persons eligible for Federally-funded categories of Medical Assistance.

—55 Pa. Code §§ 181.1(b) and 181.12; 62 P. S. § 442.1(c):

In determining eligibility for retroactive MNO-MA, income received or expected to be received in a 6-month period is used, even if the person requests MA coverage for less than 6 months. The 6-month period can include both retroactive and prospective months. Medical coverage can continue as long as the need exists, but no longer than the consecutive 6-month period from which income is counted.

**Fiscal Note:** 14-NRC-064. No fiscal impact; (8) recommends adoption.

This Notice provides for the implementation of certain provisions of Act 35 that became effective with the enactment of the legislation. These provisions are anticipated to produce net savings, including minor costs to the County Administration and Bureau of Information Systems appropriations, as follows:

1996-97	\$221,784,000	1999-00	\$293,241,000
1997-98	\$280,510,000	2000-01	\$298,825,000
1998-99	\$289,017,000	2001-02	\$304,611,000

[Pa.B. Doc. No. 96-978. Filed for public inspection June 14, 1996, 9:00 a.m.]

### Eligibility for Medically Needy Only Medical Assistance: Community Service

Act 1996-35 (Act 35), enacted on May 16, 1996, amends certain sections of the Public Welfare Code which govern eligibility for Cash and Medical Assistance benefits. Among its provisions, Act 35 provides that a person who verifies employment of at least 100 hours per month and who earns at least the minimum wage can qualify for Medically Needy benefits if otherwise eligible.

Since passage of the act, the Department has received requests from interested parties advocating that persons who are actively engaged in volunteer community service for 100 hours per month be considered as meeting the

working for minimum wage requirement. As written, the applicable section of Act 35 (section 15), does not permit recognition of volunteer community service to qualify for Medically Needy Only Assistance.

Because of the interest in this issue, however, the Department, under its general rulemaking authority, intends to propose regulations that would recognize volunteer community service if a person was otherwise eligible for Medically Needy Assistance. It is anticipated that proposed regulations will be published no later than August 31, 1996. Persons interested in providing comments on this proposal should write to Patricia H. O'Neal, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17105.

FEATHER O. HOUSTOUN,  
Secretary

[Pa.B. Doc. No. 96-979. Filed for public inspection June 14, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Musikfest '96 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Musikfest '96.

2. *Price:* The price of a Pennsylvania Musikfest '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Musikfest '96 instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: \$1<sup>00</sup> (ONE), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$20\$ (TWENTY) and \$100 (ONE HUN). The bonus play symbols and their captions located in the "Bonus Play" area are: Music Symbol (MUSIC) and TRY AGAIN symbol (TRY AGAIN).

4. *Prize:* The prizes that can be won in this game are \$1, \$2, \$5, \$20, \$100 and \$5,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 5,258,400 tickets will be printed for the Pennsylvania Musikfest '96 instant lottery game.

6. *Determination of Prize Winners.*

(a) Holders of tickets with a Music Symbol (MUSIC) bonus play symbol in the "Bonus Play" area, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$20.

(d) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(e) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(f) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(g) A prize will be paid only for the highest Pennsylvania Musikfest '96 instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

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

Get	Win	Approximate Odds	Approximate No. of Winners Per 5,258,400 Tickets
3-\$1	\$1	1:6	876,400
3-\$2	\$2	1:20	262,920
3-\$5	\$5	1:60	87,640
3-\$20	\$20	1:120	43,820
3-\$100	\$100	1:3,000	1,753
Music Symbol	\$5,000	1:1,051,680	5

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Musikfest '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Musikfest '96, prize money on winning Pennsylvania Musikfest '96 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Musikfest '96 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Musikfest '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-980. Filed for public inspection June 14, 1996, 9:00 a.m.]

### Pennsylvania New Bingo Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) of 61 Pa. Code § 819.203 (relating to

notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania New Bingo.

2. *Price:* The price of a Pennsylvania New Bingo instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania New Bingo instant lottery game ticket will contain four play areas. The 76 play symbols located in the play areas are: The numbers 1 through 75 and FREE. Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 5 x 6 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$10, \$20, \$100, \$500, \$1,000 and \$25,000. The player can win up to four times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 20,030,400 tickets will be printed for the Pennsylvania New Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on Your Card 1, Your Card 2 or Your Card 4, shall be entitled to a prize of \$2.

(b) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on Your Card 3, shall be entitled to a prize of \$5.

(c) Holders of tickets matching the "Caller's Card" play symbols in the four corners on Your Card 1, shall be entitled to a prize of \$10.

(d) Holders of tickets matching the "Caller's Card" play symbols in the four corners on Your Card 2, Your Card 3 or Your Card 4, shall be entitled to a prize of \$20.

(e) Holders of tickets matching the "Caller's Card" play symbol in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on Your Card 1, shall be entitled to a prize of \$20.

(f) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on Your Card 2 or Your Card 3, shall be entitled to a prize of \$100.

(g) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on Your Card 4, shall be entitled to a prize of \$500.

(h) Holders of tickets matching the "Caller's Card" play symbols in an X extending through the "FREE" space and through to each of the four corners on Your Card 1, shall be entitled to a prize of \$100.

(i) Holders of tickets matching the "Caller's Card" play symbols in an X extending through the "FREE" space and through to each of the four corners on Your Card 2, shall be entitled to a prize of \$500.

(j) Holders of tickets matching the "Caller's Card" play symbols in an X extending through the "FREE" space and

through to each of the four corners on Your Card 3, shall be entitled to a prize of \$1,000.

(k) Holders of tickets matching the "Caller's Card" play symbols in an X extending through the "FREE" space and through to each of the four corners on Your Card 4, shall be entitled to a prize of \$25,000.

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

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 20,030,400 Tickets</i>
\$2	1:9	2,225,600
\$4 (\$2 + 2)	1:15	1,335,360
\$5	1:30	667,680
\$6 (\$2 + \$2 + \$2)	1:45	445,120
\$10	1:60	333,840
\$11 (\$5 + \$2 + \$2 + \$2)	1:90	222,560
\$20	1:360	55,640
\$30 (\$20 + \$10)	1:3,600	5,564
\$40 (\$20 + \$20)	1:7,201	2,782
\$100	1:27,874	719
\$500	1:111,494	180
\$1,000	1:222,988	90
\$25,000	1:668,964	30

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania New Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania New Bingo, prize money on winning Pennsylvania New Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania New Bingo instant lottery game, the right of the ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania New Bingo or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-981. Filed for public inspection June 14, 1996, 9:00 a.m.]

### Pennsylvania Pinata Instant Lottery Game

Under the provisions of the State Lottery Law (72 P.S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code

§ 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pinata.

2. *Price:* The price of a Pennsylvania Pinata instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Pinata instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: FREE (TICKET), \$2<sup>00</sup> (TWO), \$3<sup>00</sup> (THREE), \$5<sup>00</sup> (FIVE), \$10\$ (TEN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100\$ (ONE HUN) and \$10000 (TEN THOU).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$3, \$5, \$10, \$20, \$50, \$100 and \$10,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,141,200 tickets will be printed for the Pennsylvania Pinata instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$10000 (TEN THOU) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with three matching play symbols of \$100\$ (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with three matching play symbols of \$10\$ (TEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with three matching play symbols of \$3<sup>00</sup> (THREE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play Area" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(j) A prize will be paid only for the highest Pennsylvania Pinata instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Pinata until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Win	Approximate Odds	Approximate No. of Winners per 10,141,200 Tickets
One Free Ticket Plus Entry	1:6	1,690,200
\$2	1:12	845,100
\$3	1:120	84,510
\$5	1:150	67,608
\$10	1:200	50,706
\$20	1:300	33,804
\$50	1:2,000	5,071
\$100	1:10,001	1,014
\$10,000	1:1,014,120	10

**8. Retailer Incentive Awards:**

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Pinata instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,00 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pinata instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Pinata, prize money on winning Pennsylvania Pinata instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Pinata, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Pinata or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-982. Filed for public inspection June 14, 1996, 9:00 a.m.]

**Pennsylvania Regatta Cash Instant Lottery Game**

Under the provisions of the State Lottery Law (71 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Regatta Cash.

2. *Price:* The price of a Pennsylvania Regatta Cash instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Regatta Cash instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: \$1<sup>00</sup> (ONE), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$20<sup>00</sup> (TWENTY) and \$100 (ONE HUN). The bonus play symbols and their captions located in the "Bonus Play" area are: Sailboat Symbol (BOAT) and TRY AGAIN symbol (TRY AGAIN).

4. *Prize:* The prizes that can be won in this game are \$1, \$2, \$5, \$20, \$100 and \$5,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 5,258,400 tickets will be printed for the Pennsylvania Regatta Cash instant lottery game.

6. *Determination of Prize Winners.*

(a) Holders of tickets with a Sailboat Symbol (BOAT) bonus play symbol in the "Bonus Play" area, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$20.

(d) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(e) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(f) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(g) A prize will be paid only for the highest Pennsylvania Regatta Cash instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

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

Get	Win	Approximate Odds	Approximate No. of Winners Per 5,258,400 Tickets
3-\$1	\$1	1:6	876,400
3-\$2	\$2	1:20	262,920
3-\$5	\$5	1:60	87,640
3-\$20	\$20	1:120	43,820
3-\$100	\$100	1:3,000	1,753
Sailboat Symbol	\$5,000	1:1,051,680	5

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Regatta Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Regatta Cash, prize money on winning Pennsylvania Regatta Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Regatta Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the *Pennsylvania Code* (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be

disseminated through media used to advertise or promote Pennsylvania Regatta Cash or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-983. Filed for public inspection June 14, 1996, 9:00 a.m.]

**Pennsylvania \$10,000 Club Instant Lottery Game**

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

1. *Name:* The name of the game is Pennsylvania \$10,000 Club.

2. *Price:* The price of a Pennsylvania \$10,000 Club instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania \$10,000 Club instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: Spade Symbol (SPADE), Heart Symbol (HEART), Diamond Symbol (DIAMOND) and Club Symbol (CLUB).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$20, \$50, \$100, \$200, \$1,000 and \$10,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,141,200 tickets will be printed for the Pennsylvania \$10,000 Club instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with ten matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with nine matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with eight matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets with seven matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with six matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets with five matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets with four matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with three matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets with two matching Club Symbol (CLUB) play symbols in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with one matching Club Symbol (CLUB) play symbol in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(k) A prize will be paid only for the highest Pennsylvania \$10,000 Club instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

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

Get	Win	Approximate Odds	Approximate No. of Winners per 10,141,200 Tickets
1-CLUB	\$1	1:6	1,690,200
2-CLUBs	\$2	1:18	563,400
3-CLUBs	\$5	1:50	202,824
4-CLUBs	\$10	1:150	67,608
5-CLUBs	\$20	1:300	33,804
6-CLUBs	\$50	1:3,130	3,240
7-CLUBs	\$100	1:9,390	1,080
8-CLUBs	\$200	1:18,780	540
9-CLUBs	\$1,000	1:507,060	20
10-CLUBs	\$10,000	1:1,014,120	10

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$10,000 Club instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* for a period of 1 year from the announced close of Pennsylvania \$10,000 Club, prize money on winning Pennsylvania \$10,000 Club instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$10,000 Club instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania \$10,000 Club or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-984. Filed for public inspection June 14, 1996, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Application for Lease of Right-of-Way

The Department of Transportation, under the authority contained in section 2002(c) of The Administrative Code

of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by SICO Company, A Delaware Corporation, of 15 Mount Joy Street, Mount Joy, PA 17552, seeking to lease highway right-of-way located at 760 Eisenhower Boulevard, Harrisburg, Swatara Township, PA, Dauphin, 7,600 square feet/acres ±, adjacent to L. R. 22019, for purposes of ingress and egress; surface type improvements only.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Barry G. Hoffman, P.E., District Engineer, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103.

Questions regarding this application or the proposed use may be directed to Kim J. Smith, R/W Representative, 2140 Herr Street, Harrisburg, PA, (717) 772-5119.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 96-985. Filed for public inspection June 14, 1996, 9:00 a.m.]

## Retention of Engineering Firms

### Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties Reference No. 08430AG1998

The Department of Transportation will retain an engineering firm for an open-end contract to provide supplementary construction inspection staff of approximately 20 inspectors under the Department's Inspectors-in-charge, for construction inspection and documentation services on various Department projects and for a variety of Highway Occupancy Permit projects located in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties. The contract will be for a period of 30 months with a maximum cost of \$750 thousand.

It is anticipated that a maximum supplementary construction staff of 20 Transportation Construction Inspectors (TCIs) may be required at one time. The job descriptions for this classification can be obtained from the District contact person identified at the end of this solicitation.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interests:

- (a) Number of available inspectors.
- (b) Number of NICET certified inspectors
- (c) Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.
- (d) Understanding of Department requirements, policies and specifications.



(e) Location of the consultant with respect to the District.

(f) Past performance.

(g) Workload

The maximum reimbursement of direct payroll cost for each Department payroll classification for calendar year 1996 will be limited to the actual direct salary of the individual employe, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Direct Payroll Rate</i>
Transportation Construction Inspector (TCI)	\$15.18

Maximum reimbursable direct payroll rates for subsequent calendar years will be established at the scope of work meeting.

*Department Projects*

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for each project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract items; participate with the Department in the semifinal and final inspections; determine from the project records the final quantities of each contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

*Highway Occupancy Permit Projects*

The selected firm will be required to provide all necessary services and work and furnish all equipment and materials not otherwise provided to perform construction inspection services on various projects.

Under the general supervision and direction of the Department, the selected firm may be required to attend preconstruction conferences; record minutes of the conferences; represent the Department as the Project Manager; be responsible for the Department's interest and the public safety on the State highway system involved in each permit, ensure that the specific and general requirements of the permit are carried out in the best interest of the Department; and keep project records and document activities by methods approved by the Department.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employes will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector (TCI)	20 (12)
NICET Highway Construction Level 2 or equivalent	

The number in parenthesis above indicates the number of inspectors in each classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associates degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

Technical questions concerning the requirements for this project should be directed to Kenneth R. Eichelberger, P. E., District 9-0, Lead Construction Engineer, at (814) 940-5118.

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

**Somerset County  
Reference No. 08430AG1999**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately 15 inspectors, under the Department's Inspector-in-charge, for construction inspection and documentation services on S. R. 6219, Section B08, Relocation of TR 219, Meyersdale Bypass, Somerset County.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspector's resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving, drainage, wetland replacement and computerized documentation.

b. Understanding of Department's requirements, policies and specifications.

c. Past performance.

d. Location of consultant.

e. Number of NICET certified inspectors in each payroll classification.

f. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's employes will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classification:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCMA) NICET Highway Construction Level 4 or equivalent	2 (2)
Transportation Construction Inspection Supv. (TCIS)—NICET Highway Construction Level 3 or equivalent	2 (2)
Transportation Construction Inspector—Materials (TCI-Materials)—NICET Highway Materials Level 2 or equivalent	1 (1)
Transportation Construction Inspector (TCI)—NICET Highway Construction Level 2 or equivalent	9 (4)
Technical Assistant (TA)—NICET Highway Construction Level 1 or equivalent	1 (0)

The numbers in parenthesis above indicate the number of inspectors in each classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as a Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1996 will be limited to the actual direct salary of the individual employe, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Direct Payroll Rate</i>
Transportation Construction Manager 1 (TCM1)	\$19.79
Transportation Construction Inspector Supervisor (TCIS)	\$17.34
Transportation Construction Inspector—Materials (TCI-M)	\$15.68
Transportation Construction Inspector	\$15.18
Technical Assistant (TA)	\$10.43

Maximum reimbursable direct payroll rates for subsequent calendar years will be established at the scope-of-work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the

construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work, prepare current and final estimates for payment to the construction contractor, assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item, participate with the Department in the semifinal and final inspections, determine from the project records the final quantities of each contract item, provide certified CDS operators and perform other duties as may be required.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCMI and TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

The goal for Disadvantaged Business Enterprise (DBE) participation in the 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 Thomas V. Bracken, District 9-0, at (814) 940-5121.

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. 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 performing 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. 96-986. Filed for public inspection June 14, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Appleton Papers, Inc. v. DEP; EHB Doc. No. 96-112-MR**

Appleton Papers, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Appleton Papers, Inc. for a facility in Roaring Spring Borough, Blair County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457,

Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-987. Filed for public inspection June 14, 1996, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Notice

The following meeting of the Health Care Cost Containment Council has been scheduled: Thursday, June 20, 1996, Data Systems Review Committee, 2 p.m. The meeting will be held at the Pennsylvania Chamber of Business and Industry, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101. The meeting is open to the public. Persons who need accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

ERNEST J. SESSA,  
*Executive Director*

[Pa.B. Doc. No. 96-988. Filed for public inspection June 14, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Somerset Casualty Insurance Company has applied for a Certificate of Authority to Operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on May 29, 1996, and was made under the requirements set forth under 40 P. S. §§ 961—971. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, In-

urance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-989. Filed for public inspection June 14, 1996, 9:00 a.m.]

### ITT Hartford Insurance Group; Hartford Fire Insurance Company; Hartford Accident and Indemnity Company; Hartford Casualty Insurance Company; Hartford Underwriters Insurance Company; Twin City Fire Insurance Company; Hartford Insurance Company of the Midwest; Trumbull Insurance Company; Workers' Compensation Group Retrospective Rating Plan

On May 20, 1996, the Department received a filing from the ITT Hartford Insurance Group which describes eligibility criteria and premium calculation rules for a workers' compensation group retrospective rating plan. The rating plan would be written through the ITT Hartford Insurance Group with a proposed July 1, 1996 effective date.

The objective of this rating plan is to expand ITT Hartford's current large risk alternative rating plan to include groups which implement safety programs designed to reduce the frequency and severity of loss under this rating plan.

Copies of this filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Guo Harrison, Actuary, Insurance Department, Office of Rate and Policy Regulation, 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. 96-990. Filed for public inspection June 14, 1996, 9:00 a.m.]

### Kenneth K. Kelley; Hearing

*Kenneth K. Kelley; Doc. No. P95-11-015*

The hearing is scheduled for July 24, 1996, at 9 a.m. in the Administrative Hearing Office Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

Pending hearing, parties shall exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any,

must be filed in writing with the Docket Clerk, Insurance Department, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before June 26, 1996.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-991. Filed for public inspection June 14, 1996, 9:00 a.m.]

## INSURANCE FRAUD PREVENTION AUTHORITY

### Meeting Notice

A public meeting of the Insurance Fraud Prevention Authority will be held on June 24, 1996, at 10 a.m., in the offices of the Insurance Department located in Strawberry Square, Harrisburg. The meeting will be held in Conference Room #1 on the 13th Floor.

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

DAVID A. BANO,  
*Chairperson*

[Pa.B. Doc. No. 96-992. Filed for public inspection June 14, 1996, 9:00 a.m.]

## LAWYER TRUST ACCOUNT BOARD

### Meeting Notice

A meeting of the Lawyer Trust Account Board will be held on Friday, June 21, 1996, at 10 a.m.

The meeting will be held at the PA Bar Association, 100 South Street, Harrisburg, PA.

GERALD A. MCHUGH, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-993. Filed for public inspection June 14, 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. 205.21—Commonwealth Child Care Program, Amended April 24, 1996.

Management Directive No. 250.3—State Contract Information Document, Amended May 8, 1996.

Management Directive No. 245.11—Development of Information Technology—Enterprise Continuity/Recovery Plans, Dated May 20, 1996.

Management Directive No. 310.22—Central Vendor Information System, Dated April 30, 1996.

Management Directive No. 315.20—Taxability of the Use of State-Provided Vehicles, Amended May 6, 1996.

Management Directive No. 570.6—Optional Membership in State Employees' Retirement System, Amended April 30, 1996.

Management Directive No. 570.12—Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions, Amended April 30, 1996.

Management Directive No. 625.5—Reporting Surplus Real Property, Amended May 6, 1996.

Management Directive No. 630.2—Reporting of Employee Liability Claims, Amended May 2, 1996.

Administrative Circular No. 96-19—Internet Development Guidelines for Agencies, Dated April 25, 1996.

Administrative Circular No. 96-20—Closing Instruction No. 3, Prior Encumbrances for Act 146 Waivers and Contracted Repairs, Dated May 13, 1996.

Administrative Circular No. 96-21—Weekly Transfer of State Share Retirement Contributions, Dated May 21, 1996.

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

[Pa.B. Doc. No. 96-994. Filed for public inspection June 14, 1996, 9:00 a.m.]

## PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by Law (53 P.S. §§ 881.101—881.501) in connection with the Pennsylvania Municipal Retirement Board's denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, East Gate Center, Harrisburg, PA 17102.

July 15, 1996 City of Harrisburg 1:30 p.m.  
(Account of Harold W. Murphy) (Disability)

Persons with a disability who wish to attend the above-listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Helen Willis at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,  
*Secretary*

[Pa.B. Doc. No. 96-995. Filed for public inspection June 14, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 8, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00113101. Airport Limousine and Taxi Service, Inc.** (P. O. Box 338, Wyoming, Luzerne County, PA 18644), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the counties of Lackawanna, Luzerne, Monroe, Wayne and Pike, to the Wilkes-Barre/Scranton International Airport in the township of Pittston, Luzerne County, which is to be a transfer of the right issued to Pocono Enterprises, Inc., t/d/b/a Airport Limousine & Taxi Service, under the certificate issued at A-00110011, subject to the same limitations and conditions. *Attorney:* Stephen A. Menn, Suite 200, Garden Village Center, 16 Luzerne Avenue, West Pittston, PA 18643-2817.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00113098. Rosemarie Metz-Brungard and Steven Roger Brungard, Tenants by the Entireties, t/d/b/a Protean Potentials** (One East Manor Avenue (Rear), Enola, Cumberland County, PA 17025)—persons in airport transfer service, from points in the counties of Adams, Bedford, Berks, Blair, Bucks, Cambria, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dau-

phin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montour, Montgomery, Northampton, Northumberland, Perry, Schuylkill, Snyder, Union and York, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County; the Pittsburgh International Airport located in the townships of Moon and Findlay, Allegheny County; the Williamsport-Lycoming County Airport, located in the borough of Montoursville, Lycoming County; the Penn Valley Airport located in Monroe Township, Snyder County; the Harrisburg International Airport, located in Lower Swatara Township, Dauphin County; the Reading Regional Airport, located in Bern Township, Berks County; the Lancaster Airport located in Manheim Township, Lancaster County; the University Park Airport, located in Benner Township, Centre County; the Mid-State Airport located in Centre Township, Centre County; the Wilkes-Barre/Scranton International Airport, located in the borough of Avoca, Luzerne County; the Lehigh Valley International Airport located in Hanover Township, Lehigh County; the Northeast Philadelphia Airport, located in the city and county of Philadelphia; and the Northumberland County Airport, located in Ralpho Township, Northumberland County. *Attorney:* James O. Lott, III, 1956 Lambs Gap Road, Mechanicsburg, PA 17055.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00110061, Folder 1, Am-A. Jerry A. Barrett, t/d/b/a Barrett Busing** (R. D. 2, Box 14, Templeton, Armstrong County, PA 16259), persons in group and party service, in school bus-type equipment, from the borough of New Bethlehem, Clarion County, and the townships of Mahoning, Madison, Redbank and Boggs, and the borough of South Bethlehem, Armstrong County, to points in Pennsylvania: *so as to permit* the transportation of persons, in group and party service, in school bus-type equipment, between points in the county of Clarion, and the townships of Wayne, Washington, Pine, Bradys Bend, Perry, Hovey and Rayburn, and the boroughs of Parker City and Dayton, all located in Armstrong County, to points in Pennsylvania and return.

**A-00106442, Folder 2, Am-A. (2nd correction) M.L.L. Tours, Inc., t/d/b/a "Mary's Little Lamb's" Tours** (R. D. 1, Box 34, Clarion, Clarion County, PA 16214), a corporation of the Commonwealth of Pennsylvania—inter alia—persons in group and party service, between points in the counties of Clarion and Venango and from points in said counties to points in Pennsylvania: *so as to permit* the transportation of persons in group and party service, between points in the counties of Armstrong, Butler, Allegheny and Jefferson, and from points in said counties to points in Pennsylvania and return.

**A-00108292, Folder 1, Am-B. James Dainelewicz, t/d/b/a Limousines for Less** (315 Claremont Avenue, Stroudsburg, Monroe County, PA 18360)—persons in limousine service, between points in the counties of Monroe and Pike and from points in said counties to points within an airline distance of 10 statute miles of the limits thereof, and vice versa; subject to the following conditions: (a) that no right, power or privilege is granted to originate service in the counties of Lehigh and Northampton; (b) that no right, power or privilege is granted to

originate service from points in the county of Monroe which are located more than 10 statute miles from the limits of the borough of Stroudsburg, Monroe County; so as to permit the transportation of persons in limousine service, between points in Wayne County, and points within an airline distance of 25 statute miles of the limits of said county, and from points in said territory to points in Pennsylvania and return. *Attorney:* James B. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110-1533.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for transportation of persons as described under each application.**

**A-00113102. Dillard-Lewis, Inc., t/d/b/a Highland Express Shuttle Service** (4216A Pin Oak Road, P. O. Box 40686, Raleigh, Lake County, NC 27629), a corporation of the State of North Carolina—persons, for The United States Department of Military Defense as governed by the Military Traffic Management Command, between points in Pennsylvania. *Attorney:* Scott A. Gould, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108.

**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 July 1, 1996.

- A-00113103 Troyer Transportation, Inc.  
810 Route 97 South, P. O. Box 676,  
Waterford, PA 16441; Andrew K.  
Light, Scopelitis, Garvain, Light &  
Hanson, 1777 Market Tower, 10  
West Market Street, Indianapolis,  
IN 46204-2971
- A-00113104 Sandra L. Rethage, t/d/b/a All Secure  
Pickup & Delivery  
P. O. Box 98121, Pittsburgh, PA  
15227
- A-00113105 Frank W. Mozina  
R. D. 2, Box 298, Meadville, PA  
16335
- A-00113106 Lehigh Asphalt Paving and  
Construction  
P. O. Box 549, Tamaqua, PA 18252;  
Otis W. Erisman, White and Will-  
iams Law Offices, 1800 One Lib-  
erty Place, Philadelphia, PA 19103-  
7395
- A-00113108 Pax Network, Inc., t/d/b/a Pax Net  
109 Henderson Drive, Sharon Hill,  
PA 19079; James W. Patterson, One  
Liberty Place, 32nd Floor, Philadel-  
phia, PA 19103-7393
- A-00113115 Ron Vrabel, t/d/b/a Ron Vrabel Dump  
Truck Service  
93 Bacton Hill Road D-3, Frazer,  
PA 19355

- A-00113116 KBP Services, Inc.  
P. O. Box 14746, Reading, PA  
19612; Andrew K. Light, 1777 Mar-  
ket Tower, 10 West Market Street,  
Indianapolis, IN 46204-2971
- A-00113117 Gregory C. Bellotti  
R. D. 1, Box 219, Tionesta, PA  
16353
- A-00113118 Dan Warner, t/d/b/a Dan Warner  
Trucking  
R. R. 1, Box 254B, Montrose, PA  
18801
- A-00113109 Great Lakes Cartage Company  
P. O. Box 4704, Youngstown, OH  
44515
- A-00113110 Star Crete, Inc.  
3311 Farmsville Road, Bethlehem,  
PA 18017
- A-00113111 Custom Trucking, Inc.  
464 South Mountain Boulevard,  
Mountain Top, PA 18707
- A-00111955, F. 2 Dave Kelius Construction Co.  
106 Bragg Road, Schwenksville, PA  
19473
- A-00113112 Timothy J. Herhold, t/d/b/a Action  
Enterprises  
8349 Edinboro Road, Erie, PA  
16509
- A-00113113 Allegheny Cartage, Inc.  
45 Hillside Drive, Winber, PA  
15963
- A-00113114 R. Carrier, Inc.  
201 Union Street, Sharpsville, PA  
16150; James Duvall, 2515 West  
Granville Road, Columbus, OH  
43235

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-996. Filed for public inspection June 14, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-211885 F2000. Meadows Water Company.** Application of Meadows Water Company for approval of the abandonment or discontinuance of water service to the public.

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 July 1, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Michael D. Klein, Esquire, LeBoeuf, Lamb, Greene and MacRae, LLP, 200 North Third Street, Suite 300, P. O. Box 12105, Harrisburg, PA 17108-2105.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-997. Filed for public inspection June 14, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210073. Mid-Monroe Water Company.** Application of Mid-Monroe Water Company for the approval to begin to offer, render, furnish or supply water service to the public in portions of Middle Smithfield Township, Monroe County.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 1, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Robert P. Haynes, III, Esquire, Mette, Evans and Woodside, 3401 North Front Street, P. O. Box 5950, Harrisburg, PA 17110-0950.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-998. Filed for public inspection June 14, 1996, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9431.1 and #9431.4A—Site Improvements & Site Lighting at Piers 96 South and 98 South Annex until 2 p.m., Thursday, July 11, 1996. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Sq., 8th Flr., Phila., PA 19106, (215) 928-9100 and will be available June 18, 1996. The cost of the bid document is \$35 (includes 7% PA Sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid meeting will be held June 27, 1996, 10 a.m. at the job site, Oregon Ave. and Columbus Blvd. (formerly Delaware Avenue).

JAMES J. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 96-999. Filed for public inspection June 14, 1996, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North

Fifth Street, Harrisburg, PA 17101:

July 10, 1996	Paul Danko, Jr. (Purchase of Service)	1 p.m.
July 24, 1996	Jeffry P. Deutsch (Membership Eligibility)	1 p.m.
	Lois C. Teaford (Membership Eligibility)	2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES A. PERRY,  
*Secretary*

[Pa.B. Doc. No. 96-1000. Filed for public inspection June 14, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 97-006-RL70.** Bridge joint repairs, deck repairs and resurfacing, Delaware River Bridge, structure no. PO.OO, M.P. 358.8 in Bucks County, PA.

*Bid Opening:* July 11, 1996, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1001. Filed for public inspection June 14, 1996, 9:00 a.m.]



**Request for Proposals**

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 83-005-RS54-C.** Replacement of Pennsylvania Turnpike Bridge B-448 at M. P. 76.07 and widening of Pennsylvania Turnpike Bridge B-472-A at M. P. 75.2.

*Bid Opening:* July 2, 1996, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to public inspection at the Administration Building. Copies may be purchased upon payment of

\$55 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1002. Filed for public inspection June 14, 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 \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

### 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**

**3825-01** Brooms, sweeper—complete refills.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**5820-01** Audio visual equipment and supplies.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**6640-01** Equine urinalysis.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**6545-01** First aid kits and supplies.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**6750-02** Cameras and lens.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**6750-03** Film, paper, chemicals, photographic supplies.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**6790-01** Fingerprint supplies (SP and Attorney General).

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**6810-07** Salt, water softener and snow and ice removal.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7350-09** Paper cups and cups, disposal/general.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7430-01** Typewriters, electric.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7450-02** Dictation equipment, desktop and portable.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7490-03** Mailroom equipment and supplies.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7920-05** Janitorial supplies.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8305-01** Cheesecloth, bleached (WH).

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**9120-01** Propane, cylinders.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**9120-02** Gas propane, bulk.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**9140-03** Kerosene.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**9155-01** Fuel, wood supply, Warren State Hospital.

**Department:** All using agencies  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1056156** Alarm and signal systems—1 lot; 3M detection system gate—Model 3802, 36" isles. No substitute. This is an expansion to an existing system.

**Department:** Mansfield University  
**Location:** Mansfield, Tioga County, PA 16933  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1019156** Horticulture equipment, machinery and supplies—1 lot; high pressure sodium, grow lights w/appropriate accessories.

**Department:** PA State University  
**Location:** University Park, Centre County, PA 16801  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1074166** Paper and printing—10M; PDE-2082 claim for reimbursement.  
**Department:** Education  
**Location:** Harrisburg, Dauphin County, PA 17126-0333  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1096156** Photographic equipment and supplies—various amounts; Dalite boardroom electrol 8 x 8 matt white projection screen w/appropriate accessories.  
**Department:** Stevens State School  
**Location:** Lancaster, Lancaster County, PA 17602  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1089116** Textiles, leathers and furs—1800 sheets; insole material: Texon 437, or approved equal, 5 iron, creme color.  
**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA 19426  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

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## SERVICES

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### Agricultural Services—02

**1200-95-006** Lawn maintenance at PennDOT District Office and Driver's License Office. Work includes mowing, trimming shrubs and weeding.  
**Department:** Transportation  
**Location:** District 12-0, North Gallatin Avenue, Uniontown, Fayette County, PA  
**Duration:** 7-8-96 through 10-31-96  
**Contact:** Liberty A. Hill, (412) 439-7361

### Audio/Video—04

**SPC No. 281343** Provide cellular service in various zones in the State of Pennsylvania.  
**Department:** Revenue  
**Location:** Various within Pennsylvania  
**Duration:** 07/01/96 through 06/30/99  
**Contact:** Barbara Tibbens, Telecommunications Division, (717) 787-4684

**202** Provide preventive maintenance and repair service to existing Bell Atlantic Meridian Norstar Telephone System.  
**Department:** Corrections  
**Location:** Quehanna Boot Camp, H-C Box 32, State Route 1011, Karthaus, PA 16845  
**Duration:** August 01, 1996 to June 30, 1999  
**Contact:** Carol Schaeffer, Purchasing Agent, (814) 765-0644, ext. 234

### Computer Related Services—08

**3500-003** PennDOT is offering for sale an IBM Mainframe Computer System and ancillary equipment located in the Transportation and Safety Building in Harrisburg, PA. This equipment is contaminated by low levels of Polychlorinated Biphenyls (PCBs) and friable Asbestos Containing Material (ACM). Contractor must decontaminate all designated equipment prior to removal from the Transportation and Safety Building. A pre-bid meeting will be held on July 2, 1996, in Room 101 of the Transportation and Safety Building, beginning at 10 a.m. Technical specifications and associated bid documents will be available beginning June 17, 1996. FAX requests to Dorothy Irvin at (717) 783-7971.  
**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA 17120  
**Duration:** Two and one-half months  
**Contact:** Dorothy Irvin, (717) 787-7997

### Construction Maintenance—09

**080903** Centre County, S. R. 350, Sec. 112; Bradford County, S. R. 220, Sec. 54M; District 6-0 Districtwide, Group 6-96-LIG; Bucks County, Group 6-96-ST10; Chester County, Group 6-96-ST14; Montgomery County, Group 6-96-ST21; Jefferson County, S. R. 28, Sec. 502; Westmoreland County, S. R. 217(D10).  
**Department:** Transportation  
**Location:** Districts 2-0, 3-0, 6-0, 10-0, 12-0  
**Duration:** Fiscal Year 1995-96  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**Contract No. FDC—402-134** Providing and placing bituminous paving, aggregate base and shoulders, concrete curbs and walkways, chain link fabric on existing frame, entrance sign, gate, wooden guide rail, aluminum kiosk, benches, trash receptacles, plantings (trees, shrubs, and ground cover), seeding, and mulching at Archbald Pothole State Park.  
**Department:** Conservation and Natural Resources  
**Location:** Archbald Borough, Lackawanna County  
**Duration:** 180 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**0068100395AS-1** Work requiring the furnishing of all labor and materials, tools and equipment and the performance of all operations and services necessary to construct a 40'x75'x16' timber column maintenance building, Pennsylvania Military Museum, Centre County, Pennsylvania. A pre-bid meeting will be held at the site on June 25, 1996 at 11:00 a.m. for all vendors interested in submitting bids for the project. For directions, please contact the site (814) 466-6263. All interested bidders should submit a request for the purchase of the bid packet in writing, along with a \$25.00 check, non-refundable, made payable to PHMC and mail it to the Pennsylvania Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, Pennsylvania 17108-1026, Attention Judi Yingling. Bids are due on Wednesday, July 10, 1996 at 3:00 p.m.

**Department:** Bureau of Historical Sites and Museums  
**Location:** Pennsylvania Military Museum, P. O. Box 160A, Boalsburg, PA 16827  
**Duration:** Indeterminate 1995-96  
**Contact:** Judi Yingling or Kent Steinbrunner, (717) 772-2401

## Engineering Services and Consultation—14

**08430AG1998** Open-End Contract for construction inspection, primarily Highway Occupancy Permit inspection, in District 9-0.

**Department:** Transportation  
**Location:** Engineering District 9-0  
**Duration:** Thirty (30) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG1999** To provide construction inspection services for S. R. 6219, Section B08, Relocation of TR 219, Somerset County.

**Department:** Transportation  
**Location:** Engineering District 9-0  
**Duration:** Thirty-six (36) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**SP Bid No. 9618** Sewage and water testing services. Samples must be picked up weekly at Clarks Summit State Hospital. All analyses to be performed in a laboratory certified by DEP and have PA DEP approval. Laboratory to furnish sample containers, labels and all laboratory supplies and must prepare and submit required reports to regulatory agencies.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** 07/01/96—06/30/97  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**CLA-180** Clarion University of Pennsylvania of the State System of Higher Education invites interested professional architectural/engineering firms to submit qualifications for developing detailed plans and specifications for renovation of the University's main dining hall lobby, serving lines and kitchen areas. Firms must have a record of extensive experience in designing dining hall renovations and construction projects. Firms must be willing to work with presently employed food services consultants and within the parameters of a previously developed feasibility study for this particular project. Estimated renovation cost is \$800,000. To be considered firms must submit current copies of Forms 254 and 255 to: Judy McAninch, 218 Carrier Hall, Clarion University, PA 16214. Applications must be received on or before July 2, 1996. The university encourages responses from small firms, minority and women-owned firms and those which have not previously worked for the System and will consider joint ventures that will enable these firms to participate. Applications will be reviewed by Slatting and Selection Committees. The System committees disclaim any liability whatsoever as to their recommendations for further consideration. All recommendations for selection made by the committees shall be final pursuant to the act of November, 1982, (P. L. 660, No. 188).

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, Clarion County, PA  
**Duration:** Design complete—January 1997  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

## Environmental Maintenance Services—15

**Contract No. FDC-205-29** Work consists of Erosion and Sedimentation Control, concrete removal, clearing and grubbing, stripping, excavation, backfill, riprap, concrete slab and stubwall, gravel drain, and seeding and mulching. All work is at Keystone State Park.

**Department:** Conservation and Natural Resources  
**Location:** Derry Township, Westmoreland County, PA  
**Duration:** 90 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

## Firefighting Services—18

**200** Provide preventive maintenance and repair services to existing and future electronic fire alarm systems.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, H-C Box 32, State Route 1011, Karthaus, PA 16845  
**Duration:** August 01, 1996 to June 30, 1999  
**Contact:** Carol R. Schaeffer, Purchasing Agent, (814) 765-0644, ext. 234

## Food—19

**TM-0042** Dry/canned fruits and vegetables: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. This institution may issue a single or multiple proposals. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities and deliveries are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0043** Margarine: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Delivery of product(s) shall be made as needed and requested by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0041** Fresh fruits and vegetables: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities and deliveries are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0040** Fish and seafood: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0039** Dairy and related products: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0038** Cheese products: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0037** Bread and related products: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Delivery of product(s) shall be made as needed and requested by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0036** Bakery supplies: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Delivery of product(s) shall be made as needed and requested by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**LH-TRT-F035H** Frozen vegetables—broccoli spears; cauliflower; French fried potatoes, Krinkle cut; potatoes "Tater Tots"; baby lima beans; chopped spinach; Brussel sprouts and to include any other vegetable items that may be required for this period. Quantities and deliveries to be determined by the institution. Bids will be on a monthly basis. Award to be made on an item-per-item basis. Product to be frozen and USDA Grade A or better and must be of U. S. origin. Bid on file at institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 7/01/96 through 6/30/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**LH-TRT-F035G** Frozen convenience foods—whole frozen eggs and waffles, frozen, square and other products that may be required for this period. Must be frozen upon delivery and show no signs of previous defrosting. Quantities and deliveries to be determined by the institution. Bids will be on a quarterly basis. Bid on file at institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 7/01/96 through 6/30/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**LH-TRT-F035F** Cheese—shredded mozzarella and provolone cheese blend; cheese, American, yellow, 5 lb. blocks; cheese, provolone, round logs; cheese, Swiss, loaf style, suitable for slicing. No cheese substitutes acceptable. Quantities are to be bid quarterly. Bid on file at institution. Quantities and deliveries to be determined by the institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 7/01/96 through 6/30/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**96-CI I** Fish, whitefish blocks. Species: cod, pollack, whiting or haddock. Approximate amount: 500,000 lbs. over twelve month period to be bid each month in varied amounts.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries, Meat Plant, 2500 Lisburn Road, Camp Hill, PA 17011-8837  
**Duration:** Twelve months—bid monthly  
**Contact:** Linda Malinak, (717) 975-4931

**TM-0047** Shell eggs: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time every two weeks, or more or less often if deemed necessary by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0046** Poultry and poultry products: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more often if deemed necessary by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0045** Miscellaneous frozen foods: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**TM-0044** Meat and meat products: contract(s) shall cover the period of July 1, 1996 to June 30, 1997. The institution may issue a single or multiple proposal. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the institution. Listing of specific commodities can be obtained by contacting the institutional contact person. Estimated quantities are indeterminate at this time and will be based on the institution's population projections at the time of bid issuance.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Michelle R. Wagner, Purchasing Agent, (814) 756-5778

**320-183922** Bread and bread products.

**Department:** Military Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Jeannette Gualtieri, (814) 878-4930

## Fuel Related Services—20

**Project No. 741** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 2601 River Road, Reading, Berks County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 740** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 826 Crane Avenue, Pittsburgh, Allegheny County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 742** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 441 North Findley Street, Punxsutawney, Jefferson County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 743** Construct concrete foundation pads (22 CY) reinforced for new 5,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 565 Walters Avenue, Johnstown, Cambria County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 749** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 820 Frank Avenue, New Castle, Clinton County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 748** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 447 Airport Road, Johnstown, Cambria County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 746** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, R. D. 1, Box 103, Friedens, Somerset County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 747** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, Box 847, Coal Hill Road, Clearfield, Clearfield County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 744** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 7th Avenue, Carbondale, Lackawanna County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 745** Construct concrete foundation pads (22 CY) reinforced for new 3,000 gallon diesel fuel dispensing system. Includes steel pipe guards, electrical work, and installation of owner furnished equipment. Some coordination with contractor for removal of underground fuel dispensing tanks is necessary.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

## Hazardous Material Services—21

**IFB 95-07-14** Courier service—pick up and delivery of perishable laboratory specimens. Pick up shall be Monday through Friday with overnight delivery on Tuesday through Saturday. Delivery shall be prior to 10:00 a.m.

**Department:** Health  
**Location:** 110 Pickering Way, Bureau of Laboratories, Lionville, PA 19353  
**Duration:** 4 years, from 7/1/96 to 6/30/00  
**Contact:** Don Middleman or Turene McConaghy, (610) 363-8500

## Heating, Ventilation, Air Conditioning—22

**201** Provide preventive maintenance and repair services to existing and future heating and air conditioning systems.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, H-C Box 32, State Route 1011, Karthaus, PA 16845  
**Duration:** August 01, 1996 to June 30, 1999  
**Contact:** Carol R. Schaeffer, Purchasing Agent, (814) 765-0644, ext. 234

**Contract No. FDC-406-108** Provide and install approximately 7500 L. F. of 4" PVC water line with fountains and hydrants at French Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Union Township, Berks County  
**Duration:** 120 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**Project No. 710** On-call plumbing services.

**Department:** Military and Veterans Affairs  
**Location:** PA Air National Guard, Willow Grove, Montgomery County, PA  
**Duration:** 1 October 96—30 September 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 709** On-call electric services.

**Department:** Military and Veterans Affairs  
**Location:** PA Air National Guard, Willow Grove, Montgomery County, PA  
**Duration:** 1 October 96—30 September 99  
**Contact:** Emma Schroff, (717) 861-8518

## Laboratory Services—24

**3500-001 (Rebid)** Perform specified polychlorinated biphenyl (PCB) and asbestos analyses, and report results to PennDOT within designated turn-around times. Also, the laboratory will provide specified sampling/collection materials, and provide for the delivery of samples from testing locations to the laboratory. The laboratory must be accredited by the U.S. EPA and OSHA for the specified applications. Technical specifications and associated bid documents will be available beginning June 17, 1996. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA 17101  
**Duration:** One year with one (1-year) renewal  
**Contact:** Dorothy Irvin, (717) 787-7977

**Lodging/Meeting Facilities—27**

**3200** Meeting/Lodging Rooms and Meals. Facility to provide lodging, meeting rooms(s), and meals (breakfast and lunch) for 30 people for the weeks of: September 9-13; 23-27; October 7-11; 28-31 for two meeting rooms and 60 people; November 4-8; 18-22; and December 2-6. Nine (9) additional weekly sessions are required from January—May 1997 (dates are identified but may be negotiable). Audio/visual equipment with meeting rooms required. Facility must be within the metropolitan Harrisburg/Mechanicsburg/New Cumberland/Camp Hill areas. Interested parties may request bid specifications from 783-3647/787-4125. Bids must be returned to Room 809, Transportation and Safety Building, Harrisburg prior to 9:00 a.m., June 24, 1996.

**Department:** Transportation  
**Location:** Harrisburg, PA area  
**Duration:** 1996/1997 SFY (possible renewal 3 times)  
**Contact:** David Mays, (717) 783-3647

**Medical Services—29**

**SC-96009** Provide alternate registered pharmacist services, on an as-needed basis. These services will be rendered in the absence of the staff pharmacist due to sickness, vacation, educational leave, etc. Approximately 500 hours per year. Interested vendors can call Joseph Libus at (717) 961-4318 for full details and specs.

**Department:** Military and Veterans Affairs  
**Location:** Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** 09-01-96 through 06-30-99  
**Contact:** Joseph Libus, Purchasing Agent, (717) 961-4318

**LH-SER-010** Medical services—contractor to provide services of oral surgery and anesthesia fees as required. Services to be limited to practitioners within the Cambria/Somerset areas. Bid on file at institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/96 through 6/30/98  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**Property Maintenance—33**

**178** Construction of paved play court and concrete walkway at Allentown Secure Treatment Unit, (ASTU) on the grounds of Allentown State Hospital.

**Department:** Public Welfare  
**Location:** Allentown Secure Treatment Unit, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 1, 1995 to June 30, 1996  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**1200-95-007** Construct shingled roof on 70' x 100' block building. Includes placement of Department owned trusses. Roof construction.

**Department:** Transportation  
**Location:** District 12-0, West Brownsville, Washington County, PA  
**Duration:** 7-1-96 to 9-1-96  
**Contact:** Liberty Hill, (412) 439-7361

**Real Estate Services—35**

**090-000208** The consultant is to prepare appraisal reports to estimate fair market value of properties effected. The appraisals will estimate value both "before" and "after". All appraisals must comply with Title III of the Uniform Act. The reports will be reviewed for compliance with the Uniform Act. The reports must be independently prepared and submitted in duplicate to include photographs on each copy. Appraisers must be certified and on PennDOT's prequalified appraiser list.

**Department:** Transportation  
**Location:** District 9-0, Right of Way Unit, properties are located in Mt. Union and Shirley Township, Huntingdon County and Wayne Township, Mifflin County, PA  
**Duration:** Up to 5 years from appraisal date for litigation purposes  
**Contact:** James Anthony, (814) 940-5222

**Security Services—37**

**LH-DSFM-0069** Checkgate High Sensitivity Metal Detection System located at three (3) areas at State Correctional Institution—Laurel Highlands. Bid on file at institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/96 through 6/30/96  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**Miscellaneous—39**

**Chap 01** The contractor shall provide chaplaincy service for inmates of the Islamic faith at the State Correctional Institution at Smithfield, Huntingdon, PA. This service will include conducting religious services (Jumu'a) and instructional classes (Talim), visitation and counseling, as needed.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, 1120 Pike Street, Box 999, Huntingdon, PA 16652  
**Duration:** July 01, 1996 to June 30, 1999  
**Contact:** Sharon M. Burks, Purchasing Agent, (814) 643-6520

[Pa.B. Doc. No. 96-1003. Filed for public inspection June 14, 1996, 9:00 a.m.]



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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1001226-01	06/03/96	Western Chemical, Inc.	14,568.75
1245705-01	06/03/96	Unilink	123,000.00
1460115-01	06/03/96	Chem Tick Coated Fabrics, Inc.	32,900.00
2324385-01	06/03/96	Dugan Tractor, Inc.	9,269.00
2405115-01	06/03/96	Anixter, Inc.	12,547.43
2435115-01	06/03/96	Shorrock Electronic Systems	102,955.00
2437385-01	06/03/96	JR Pearce & Associates	14,706.00
2450355-01	06/03/96	Perma Pure, Inc.	39,000.00
2460045-01	06/03/96	Professional Aerials, Inc.	38,374.00
2467135-01	06/03/96	Messick Farm Equipment, Inc.	63,980.00
2490205-01	06/03/96	Meissner Chev/Geo/Olds, Inc.	200,400.00
2531115-01	06/03/96	ATD American Co.	55,150.00
2554215-01	06/03/96	Singer Equipment Co., Inc.	10,358.00
2573155-01	06/03/96	Lenderking Caging Products	127,699.07
2575155-01	06/03/96	Modern Handling Equipment Co.	19,947.00
2593155-01	06/03/96	B & B Microscopes Ltd.	23,633.00

**Requisition**

<b>or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
2601385-01	06/03/96	Walter Long	51,061.00
2621215-01	06/03/96	Singer Equipment Co.	25,119.00
2639155-01	06/03/96	Allentown Caging Equipment, Inc.	8,960.00
2641185-01	06/03/96	Duplex Products, Inc.	5,937.50
2642015-01	06/03/96	Bethesda Engravers	3,002.00
2643075-01	06/03/96	Moore Business Forms, Inc.	16,776.00
2647075-01	06/03/96	Keystone Electrical Supply Co.	32,040.00
7297610-01	06/03/96	Computer Guidance, Inc.	10,143.23
7313400-01	06/03/96	G/S/M Industrial, Inc.	13,950.00
7313540-01	06/03/96	A. R. Chambers & Son	14,085.00
8119290-01	06/03/96	Shane Felter Industries, Inc.	11,501.76
8205280-01	06/03/96	Staples, Inc.	129,893.00
8205350-01	06/03/96	BSC Litho	53,596.75
8231120-01	06/03/96	Jemco Equipment Co., Inc.	97,276.00
8502960-01	06/03/96	Wharton Hardware and Supply Corp.	13,580.00

GARY E. CROWELL,  
*Secretary*

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