

PENNSYLVANIA BULLETIN

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

No. 262, September 1996

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BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

SUBSCRIPTION INFORMATION: (717) 766-0211
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Printing Format

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

Fiscal Notes

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

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

List of Pa. Code Chapters Affected

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THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that David J. Allmond has been suspended from the practice of law in the Commonwealth of Virginia for a period of three years. The Supreme Court of Pennsylvania issued an Order dated August 27, 1996, suspending David L. Allmond from the Bar of this Commonwealth for a period of three years, to be effective September 26, 1996.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 96-1530. Filed for public inspection September 13, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 16]

Corrective Amendment to 49 Pa. Code § 16.13

The State Board of Medicine has discovered a discrepancy between the agency text of 49 Pa. Code § 16.13 (relating to licensure, certification, examination and registration fees), as deposited with the Legislative Reference Bureau, and the official text published at 23 Pa.B. 3780, 3786 (August 14, 1993) and codified in the February, 1994 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 231), and as currently appearing in the *Pennsylvania Code*. The registration fees for acupuncturists were inadvertently excluded.

Therefore, under 45 Pa.C.S. § 901: The State Board of Medicine has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 16.13. The corrective amendment to 49 Pa. Code § 16.13 is effective as of August 14, 1993, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 16.13 appears in Annex A.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND VOCATIONAL STANDARDS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.13. Licensure, certification, examination and registration fees.

(a) The examination fee for the December 1995, and following administrations of the USMLE Step 3 examination is \$375.

(b) The fee for a license without restriction for a graduate of an accredited medical college is \$20. The fee for a license without restriction for a graduate of an unaccredited medical college is \$80. The biennial registration fee for a license without restriction is \$80.

(c) The fee for an institutional license is \$35.

(d) The fee for an extraterritorial license is \$10. The biennial registration fee for an extraterritorial license is \$80.

(e) The fee for a graduate license for a graduate of an accredited medical college is \$15. The fee for a graduate license for a graduate of an unaccredited medical college is \$80. The fee to renew a graduate license is \$10.

(f) The fee for a temporary license is \$35.

(g) The fee for an interim limited license is \$10. The fee to renew an interim limited license is \$10.

(h) The fee for a midwife license is \$20. The biennial registration fee for a midwife license is \$25.

(i) The fee for a physician assistant certificate is \$15. The biennial registration fee for a physician assistant certificate is \$25.

(j) The fee for registration as a supervising physician of a physician assistant is \$15.

(k) The fee for registration as a physician assistant supervisor of a physician assistant is \$55.

(l) The application fee for satellite location approval is \$45.

(m) The fee for an acupuncturist registration is \$15. The biennial registration fee for an acupuncturist registration is \$25.

(n) The fee for an acupuncturist supervisor registration is \$15.

(o) The biennial registration fee for a drugless therapist license is \$25.

(p) The biennial registration fee for a limited license—permanent—is \$25.

(q) There is no initial registration fee for a license, certificate or registration subject to biennial registration requirements.

(r) The fees for examination in radiologic procedures are listed in this subsection.

(1) The fee for the ARRT Examination in Radiography is \$30.

(2) The fee for the ARRT Examination in Radiation Therapy Technology is \$30.

(3) The fee for the ARRT Examination in Nuclear Medicine Technology is \$30.

(4) The fee for the ARRT Limited Examinations in Radiography is \$35. Study material may be purchased from the Board for \$21.

(5) The fee for the ARRT Limited Examination in Radiography—Skull and Sinuses is \$35.

(s) The fee for SPEX (Special Purpose Examination) is \$550.

[Pa.B. Doc. No. 96-1531. Filed for public inspection September 13, 1996, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 171]

School Buses and School Vehicles

The Department of Transportation (Department), Bureau of Motor Vehicles, by this order adopts amendments to Chapter 171 (relating to school buses and school vehicles). Notice of proposed rulemaking was published at 25 Pa.B. 5589 (December 9, 1995), with an invitation to submit written comments within 30 days of publication. The Department received seven comments.

Comments Received

The Department received comments from the Independent Regulatory Review Commission (IRRC); American Academy of Pediatrics (AAP); M. A. Brightbill Body Works, Inc. (Brightbill); Elwyn Institute; HMS School for Children with Cerebral Palsy (HMS School); Pennsylvania School Bus Association (PSBA); and the University of Pittsburgh, School of Health and Rehabilitation Sciences, Rehabilitation Engineering Research Center (University of Pittsburgh). The following is a summary of the comments received and the Department's response:

(1) IRRC expressed concern regarding the effective date of these amendments, as set forth in § 171.1(b) (relating to applicability). This subsection was proposed to be amended by establishing an effective date of September 1, 1996. If this final adoption order would have been published prior to the September 1, 1996, effective date, IRRC would not have been concerned with this subsection. However, if circumstances precluded the necessary approvals and publication of the final adoption order before September 1, 1996, IRRC recommended the Department amend this section to make these amendments effective upon publication, or a specific time period after publication.

The Department anticipated adopting these amendments prior to the September 1, 1996, effective date. However, realizing that circumstances may arise that might delay the adoption of these amendments, the Department has heeded the suggestion of IRRC. Section 171.1(b) has been further amended by replacing the proposed September 1, 1996, effective date with an effective date of September 14, 1996, except that §§ 171.55(b) and 171.124(b) are effective September 15, 1997.

(2) IRRC, Elwyn Institute and the HMS School had comments concerning §§ 171.2 and 171.91 (relating to definitions; and general requirements). All three commentators recommended that § 171.2 be amended by revising the definition of the term "specially equipped school bus." The HMS School and Elwyn Institute requested that the Department replace the phrase "special education children" with the phrase "school children enrolled in special education programs." IRRC recommended further clarification to include any children who require specially equipped transportation. In order to focus on the needs, rather than the category of student, IRRC suggested the Department delete the phrase "special education" from the definition.

The concerns regarding § 171.91 are similar. The Elwyn Institute and the HMS School requested the phrase "school buses used for transporting special education (exceptional) children" be amended to read, "school buses transporting students who are enrolled in special education." IRRC recommended that the Department incorporate language from the definition of "special education (exceptional) children," located in § 171.2, into the language of § 171.91. Further, if the Department accepts this recommendation, IRRC further recommended the deletion of the definition of "special education (exceptional) children" since the definition would no longer be necessary.

Since the purpose of this chapter is to promulgate equipment, operation and safety standards for school buses and other vehicles used to transport school children, the Department agrees with IRRC that the definition of the term "specially equipped school bus" should address the needs of the student. The Department, therefore, has further amended the definition of the term

"specially equipped school bus" by deleting the phrase "special education." Further, the definition of the term "special education (exceptional) children" has been deleted since this term is mentioned only in § 171.91. Moreover, the Department has taken the advice of IRRC and deleted the term "special education (exceptional) children" from § 171.91 and replaced it with language explaining the term. The replacement language, however, differs from that presently in § 171.2. The definition of the term "special education (exceptional) children" was incorporated from 24 P. S. § 13-1371, which included a definition of "exceptional children." This section was amended by the act of June 30, 1995 (P. L. 20, No. 26) by replacing the phrase "exceptional children" with the phrase "children with exceptionalities." Further, the definition for this term was substantially amended. Therefore, § 171.91 has been further amended by incorporating the applicable amended language of 24 P. S. § 13-1371. The relevant language defines "children with exceptionalities" as "children of school age who have a disability."

Finally, IRRC questioned why the Department proposed to amend the definitions of the terms "bus," "GVWR," "school bus" and "school vehicle" by referencing the corresponding definitions in 75 Pa.C.S. § 102 (relating to definitions). IRRC recommended that the Department include in the final-form regulations the complete definitions for these terms as set forth in the 75 Pa.C.S. (Vehicle Code). The Department, after further discussion with IRRC, realizes that the referencing of the Vehicle Code definitions will cause persons affected by these regulations to go to another source to determine the meaning of these terms. Therefore, to alleviate any problems that may have been created by referencing the Vehicle Code definitions, the Department has further amended this section by including the Vehicle Code definitions for the terms "bus," "GVWR," "school bus" and "school vehicle."

(3) IRRC, Brightbill, Elwyn Institute and the HMS School commented on § 171.21 (relating to exhaust system). Subsection (a) requires the exhaust pipe, muffler and tailpipe to be securely attached to the chassis. The Elwyn Institute, HMS School and IRRC requested the Department establish a specific standard or other qualification to clarify what is meant by "securely" attached. According to the inspection criteria at § 175.110(d)(6) (relating to inspection procedure), an inspection station mechanic shall reject a bus if the exhaust system elements are not securely fastened with proper clamps and hangers. The Department believes that the phrase "proper clamps and hangers" relates to clamps and hangers installed and recommended for use by the manufacturer. To eliminate confusion of affected persons, and to promote the safety of school bus occupants and the motoring public, the Department, therefore, has amended § 171.21(a) to require the exhaust system to be secured to the chassis with clamps and hangers of a type and installed as recommended by the chassis manufacturer. The Department believes this amended language more clearly indicates how to attach the exhaust pipe, muffler and tailpipe to the chassis.

Brightbill believed the Department should extend, from June 15, 1998, to September 1, 2000, the deadline for equipping nonconforming school buses with tailpipe extensions that do not discharge to the atmosphere at or within 6 inches forward of the rearmost part of the school bus. Citing an estimated \$500—\$900 to convert a side-discharging exhaust pipe to a rear-discharging exhaust pipe, Brightbill opined that the longer phase-in time would allow school districts and contractors to better

budget for the conversion of nonconforming exhaust systems.

The amendments to this section were proposed to bring the Department's school bus exhaust system requirements into conformance with Federal Motor Carrier Safety Regulations at 49 CFR 393.83 (relating to exhaust system location). School bus manufacturers must manufacture school buses in compliance with these, and other applicable Federal regulations. Further, when a school bus is used for purposes other than school bus operations, or is being operated in interstate commerce, it is required to comply with Federal Motor Carrier Safety Regulations.

In this Commonwealth, school buses are not used exclusively for the transportation of school children. Many school buses are also used for other types of transportation needs, some of which necessitate operating in interstate commerce. School buses equipped with nonconforming tailpipe systems could be cited for violating the Federal Motor Carrier Safety Regulations when traveling in other states. An additional issue was brought to the Department by school bus drivers and legislators. These entities were concerned about exhaust fumes filtering through open windows into the passengers' compartment.

Before publishing the proposed amendment, the Department met with members of the Commonwealth's Pupil Transportation Advisory Committee and the State Police to discuss the amendment. At this meeting, the parties discussed the estimated cost differences involved, life expectancy of the tailpipe and an appropriate time period to allow for compliance with the proposed amendment. Moreover, upon receipt of Brightbill's comment, the Department contacted Rohrer Bus Service to obtain cost estimates for the installation of the Federally-required exhaust system.

Using International buses as an example, it would cost approximately \$171.19, including labor, to have the tailpipe extend at or within 6 inches forward of the rear most part of the bus. This is an increase of \$53.39 over the installation of a tailpipe that extends within 60 inches to the left rear wheel as measured from the center of the wheel axis. For diesel-powered school buses, the cost would be approximately \$206.16, resulting in an increase of \$36.86. The life expectancy of a tailpipe is estimated at approximately 3 years. This information tallies with the information that was discussed at the meeting with the Commonwealth's Pupil Transportation Advisory Committee and State Police. The proposed June 15, 1998, date was agreed upon as a reasonable and fair compliance date for the amendment. For these reasons, the Department believes it is necessary for this section to remain consistent with Federal requirements and that conformance with Federal exhaust system requirements should not be further delayed.

(4) IRRC, the AAP, Elwyn Institute and HMS School expressed concerns about § 171.31 (relating to passenger's load). IRRC noted that the heading for § 171.31(b)(4) reads "Gross vehicle weight training" and suggested that it should read "gross vehicle weight rating." This heading is the result of an inadvertent printing error that occurred at publication. IRRC was correct in its belief that the heading should read "Gross vehicle weight rating." The Department appreciated IRRC bringing this error to its attention and has amended this heading accordingly.

Further, the Elwyn Institute and HMS School expressed concern about how the total seated pupil weight is determined. Both commentators suggested the Depart-

ment look to the 1995 *National Standards for School Transportation* for suggested language. The Department compared the language of the suggested standards with that of § 171.31(a) as a whole. Paragraph (1) of this subsection states that the driver's weight, for the purposes of calculation, is 150 pounds. Paragraph (2) states the pupil weight is 120 pounds per pupil. This language is identical to that of the 1995 *National Standards for School Transportation*. The language in § 171.31(b)(1) and (2) is substantially similar to the language dealing with maximum actual gross weight and axle weight in the 1995 *National Standards for School Transportation*. Therefore, the Department believes it is unnecessary to amend § 171.31 since that section contains essentially the same information as the definition of the term "passenger load" in the 1995 *National Standards for School Transportation*.

Finally, the AAP, Elwyn Institute and HMS School requested the Department clarify how to calculate the passenger load if a student is transported with additional equipment, for example a wheelchair, mobility device or another type of medical equipment. There are many variances in elements such as style, size and weight of wheelchairs, mobility devices and other types of medical equipment. There is no one specific or average weight the Department may use to clarify calculation of the passenger load when medical equipment is involved. As the HMS School pointed out, some wheelchairs are quite heavy. For example, a wheelchair designed for easy folding and storage is usually manufactured at a minimal weight, whereas an electric powered wheelchair may weigh several hundred pounds. This information is better known at the school or school district level. School personnel shall consider the number and weight of these items, as well as the number of passengers being transported, when planning school bus routes in order avoid exceeding the maximum gross vehicle weight indicated on the Federal weight certification label and to comply with section 4945 of the Vehicle Code (relating to penalties for exceeding maximum weights).

In addition, after checking page 19 of the 1995 *National Standards for School Transportation*, the Department found that this page does not give a detailed gross vehicle weight calculation for school buses transporting students who utilize wheelchairs or other types of mobility devices. Therefore, the Department believes it is inappropriate to further amend this section to provide further information for calculating the passenger load when students are being transported with additional equipment. These calculations are best left to the individual school or school district, which is better able to ascertain its resources and is aware of when the issue of a wheelchair or other mobility device becomes relevant.

(5) Brightbill, the PSBA and IRRC expressed concern regarding § 171.47 (relating to color). The PSBA and IRRC believed the introductory language of paragraph (3) to be mandatory, which would be in direct contradiction of the intent the Department expressed in the Preamble of the notice of proposed rulemaking, published at 25 Pa.B. 5589. The language in contention is as follows: "School buses equipped with reflective material, other than that required under §§ 171.50 and 171.59 (relating to doors and emergency exits; and lamps and signals), shall be equipped with reflective material. . . ." The Department interprets this sentence as applying only to school buses equipped with reflective material other than that provided for in §§ 171.50 and 171.59. This paragraph, therefore, does not apply to school buses without additional reflective material. Realizing, however, that the

language as proposed has inadvertently generated confusion, the Department has further amended this section to clarify that if a school bus is equipped with reflective material—other than that required by §§ 171.50(b)(3) and 171.59(b)(2)(vi)(A)—the additional reflective material shall be applied consistent with § 171.47(3).

Further, Brightbill recommended the Department amend its minimum and maximum width requirements for additional reflective material applied to the side of a school bus. The Department proposed that the material be at least 6 inches in width, and not more than 12 inches in width. Brightbill stated that the Blue Bird Corporation has been installing a 2-inch strip of reflective material the full length of each side of its school buses and the strips have provided excellent side visibility at dawn and evening hours. A 6-inch to 12-inch strip, Brightbill asserted, would be too wide, unnecessary and more prone to peel off or be damaged in collisions. To alleviate this problem, Brightbill recommended the reflective material be between 2 inches and 4 inches in width.

The Department obtained the 6-inch to 12-inch recommendation from the 1990 *National Standards for School Buses and National Standards for School Bus Operations*. This recommendation was adopted by the majority of states. However, after publication of the notice of proposed rulemaking at 25 Pa.B. 5589, the Department noted that the 1995 *National Standards on School Transportation* amended its recommendation to a 1 and 3 1/4-inch minimum. This recommendation falls in line with that of Brightbill's. Since these reflective markings are optional, and since Brightbill's claims have merit, the Department has further amended § 171.47 by deleting the 6-inch to 12-inch requirement and replacing it with a 1 and 3 1/4-inch to 4-inch requirement. This amendment will reduce costs to school bus owners and operators wishing to affix additional reflective material to their school buses, yet will not compromise safety by diminishing a school bus' visibility in fog and inclement weather.

(6) The AAP, Elwyn Institute, HMS School and IRRC expressed concern about how fire extinguishers and first aid kits were to be mounted in school buses. Sections 171.51 and 171.52 (relating to fire extinguisher; and first aid) require school buses to be equipped with a fire extinguisher and first aid kit. These items are to be mounted in the driver's compartment. Sections 171.122, 171.123, 171.132 and 171.133 mirror the requirements of §§ 171.51 and 171.52.

All commentators recommended the Department establish specific test criteria concerning how these items are mounted. IRRC requested the Department clarify the phrase "securely placed and mounted." The AAP agreed with IRRC's request and further suggested the phrase be clarified in terms of a 30mph/20g sled test. The Elwyn Institute and HMS School requested that mounted items comply with some type of crash testing criteria, suggesting the following language from the 1990 *National Standards for School Buses and National Standards for School Bus Operations*: "Portable student support equipment or special accessory items shall be secured at the mounting location to withstand a pulling force of five times the weight of the item, or shall be retained in an enclosed, latched compartment."

After extensive research, which included contacting the National Highway Traffic Safety Administration (NHTSA), Society of Automotive Engineers (SAE) and the University of Pittsburgh, the Department was unable to locate a Federal or SAE sled test or crash test standard that specifically addresses the mounting and installation

of first aid kits, fire extinguishers or portable life support equipment. The information the Department received from the University of Pittsburgh revealed that the test requirements and specifications mentioned in their comments, SAE J2249, have not been finalized. A working committee is drafting language for an SAE J2249, which the committee hopes to present to NHTSA in an effort to encourage the amendment of Federal crash test standards, specifically 49 CFR 571.201, Federal Motor Vehicle Safety Standard (FMVSS) No. 201 (relating to occupant protection in interior impact). This standard addresses occupant protection for passenger cars and multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating of 10,000 pounds or less. Presently, however, SAE J2249 is not available. Moreover, if SAE J2249 is established as a part of FMVSS No. 201, its requirements would not extend to school buses.

Further, portable life support systems and other types of medical equipment that are not school bus or passenger vehicle equipment items usually must remain near the person using the equipment. Since the securement of these items is not, at this time, addressed by Federal school bus or passenger vehicle equipment test standards, and an SAE test standard is not available, the Department believes it inappropriate to amend this chapter to address sled test or crash test requirements not yet established through Federal or SAE standards. The Department, after further discussion with IRRC, has instead amended §§ 171.51 and 171.52 to require fire extinguishers and first aid kits to be mounted as directed by the manufacturer. This requirement will give guidance to those installing these items. Mirror provisions at §§ 171.122, 171.123, 171.132 and 171.133 have been similarly amended to reflect this change.

(7) The AAP, Elwyn Institute and HMS School expressed concern regarding § 171.56 (relating to inside height). This section sets forth the minimum inside body height of a school bus, which is 72 inches. The commentators requested the Department establish a minimum height allowance for school vehicles. The Elwyn Institute and HMS School noted that some adolescent students, transported on school vehicles in wheelchairs, barely have head clearance into the vehicle via the wheelchair lift area, let alone within the van itself. These commentators requested the Department establish a headroom clearance standard for school vehicles that would, in effect, require students in wheelchairs to be transported in school buses instead of school vehicles.

Since § 171.56 pertains only to school buses, amending this section to address school vehicle inside height would be inappropriate. The term "school vehicle" applies to passenger cars, multipurpose passenger vehicles, trucks and other vehicles designed and manufactured to meet motorists' basic transportation needs. These vehicles come in various makes, models and body styles and are not designed and manufactured for transporting school children. Further, section 4553 of the Vehicle Code (relating to general requirements for other vehicles transporting school children) allows a school-chartered vehicle to be used without restriction for the transportation of school children with special needs as may be necessary to make reasonable accommodations under the Americans with Disabilities Act of 1990. Since the Legislature did not grant the Department the authority to prescribe the height and other dimensions of school-chartered vehicles, and since school vehicles met the applicable Federal safety requirements when these vehicles were manufactured, the Department believes it lacks authority to address the inside height of school vehicles or 11—15

passenger vehicles used for the transportation of school children with special needs.

In addition, this chapter applies to equipment and safety requirements for school buses as provided for in section 4552 of the Vehicle Code (relating to general requirements for school buses) and for other vehicles transporting school children as provided for in section 4553 of the Vehicle Code. Section 4553(b) of the Vehicle Code permits a school-chartered vehicle to be used without restriction for the transportation of school children with special needs. Accordingly, the Department does not believe it has the authority to designate the type of vehicle a school or a school district must use to transport students with special needs.

(8) The PSBA expressed concern regarding § 171.59(b)(2) which sets forth the requirements for the use of stop signal arm devices on school buses. Section 171.59(b)(2)(v) was proposed to prohibit lettering, symbols or markings on the forward side of the rearmost stop signal arm if two stop signal arms are used. It was unclear to PSBA why the second stop signal arm may not have the word "STOP" printed on both sides, and PSBA suggested that this prohibition be removed. The PSBA believed that allowing both sides of the stop signal arm to be lettered would not deter from the safety function of the device. In fact, the PSBA believed eliminating this prohibition could enhance the safety function of the device for a passing motorist who, not seeing the first arm, observes the second arm further along the school bus. Further, the PSBA noted that this amendment would require school bus contractors and school districts to stock two different stop signal arms. The PSBA rightly pointed out that it would be more cost efficient to stock one stop signal arm than two different ones. For these reasons, the PSBA recommended the second stop signal arm should have the word "STOP" on both sides.

The amendments to this section were proposed to bring the Department's stop signal arm requirements into conformance with FMVSS No. 131 (relating to school bus pedestrian safety devices). School buses are not required to be equipped with a second stop signal arm by either FMVSS No. 131 or section 4552(b.1) of the Vehicle Code. However, manufacturers who equip new school buses with a second stop signal arm must comply with FMVSS No. 131. In other words, the second stop signal arm may not have lettering, symbols or markings on the forward side and the forward side may not be reflectorized.

If the Department acceded to the PSBA's request, the consequences would be threefold. First, school bus manufacturers would not be permitted to manufacture and sell school buses with nonconforming second stop signal arms for use in this Commonwealth. Second, persons operating school buses with nonconforming second stop signal arms could be cited for violating FMVSS No. 131 if traveling in interstate commerce. Third, school districts and school bus contractors who have nonconforming second stop signal arms installed on their school buses could be cited for violating § 171.84 (relating to additional equipment items). Section 171.84 requires equipment installed after manufacture to comply with applicable Federal standards. Therefore, to avoid these consequences, the Department has refrained from amending § 171.59(b)(2) as requested.

(9) The Elwyn Institute and HMS School commented on § 171.68(b) (relating to seat belts). Both commentators requested clarification on how Type 2 seat belts would be mounted for mid-row or aisle passenger seats. This request arose from the wording of the following sentence:

"All other designated seating positions shall have a Type 1 and Type 2 seat belt assembly." The Department, after reading the sentence in question, realized that the word "and" was included in the sentence in error. Therefore, the word "and" has been replaced with the more appropriate preposition "or." This amendment is designed to clarify that either a Type 1 or Type 2 seat belt assembly may be used. Since Type 2 seat belts cannot be used for mid-row or aisle seats because there exists no location on which to secure the upper torso restraint, Type 1 seat belts would be used at these seating positions. The Department appreciated the Elwyn Institute and HMS School bringing this error to its attention and believes this amendment will alleviate their concerns.

(10) IRRC, the AAP, Elwyn Institute, HMS School and PSBA all expressed concern regarding § 171.69 (relating to seats and crash barriers). The Elwyn Institute, HMS School and PSBA were concerned about the exemption in § 171.69(4) relating to car seats manufactured and designed for use on school buses. The PSBA commented that there is not a car seat approved for use on a school bus. However, the Elwyn Institute and HMS School commented that currently there are only a few child safety seats—the MCM and Carrie Bus seats—manufactured and crash tested for use on school bus seats. Further, the AAP, Elwyn Institute and HMS School requested the Department define the term "portable seats."

On August 7, 1995, the Department met with the PSBA and members of the Pupil Transportation Committee to discuss these amendments. The attendees informed the Department that they were unaware of child safety seats manufactured for school bus seats. It was agreed that the Department would amend these regulations to exempt only child safety seats designed and manufactured under FMVSS No. 213 (relating to child restraint systems). The Department, therefore, has further amended § 171.69(4) to reflect this requirement. Moreover, since the intent of this paragraph is to ensure that safe seats are used on school buses, the Department has further amended this section by deleting references to specific types of seats and clarifying that any seat that does not meet the requirements of FMVSS No. 222 (relating to school bus passenger seating and crash protection) is not permitted. The Department believes this clarification will alleviate the need to list the types of seats allowed on school buses. Moreover, the Department has further amended this paragraph by deleting the unnecessary phrase, "designed and manufactured for use on school bus seats," since FMVSS No. 213 applies to child restraints and seats designed for use in airplanes and motor vehicles, and school buses fall into the latter category.

Further, the Elwyn Institute and HMS School requested the Department rephrase § 171.69(8) as follows: "All seating shall be forward-facing." The commentators believed this wording will clarify that wheelchairs, as well as traditional seating, must be forward-facing. The Department does not believe it necessary to amend this paragraph as requested since the current language reads: "Seats shall be forward-facing," and § 171.93(1) (relating to securement devices and safety restraints) clearly states that wheelchairs or other types of mobility devices are to be secured in a forward-facing position.

Finally, the AAP questioned what is meant by the phrase "securely mounted" as used in § 171.69(9) and asked at what force the seat is likely to disengage or crumble. IRRC, the Elwyn Institute and HMS School expressed similar concerns. The Department realizes that

the word "securely" is an ambiguous term and has therefore further amended this paragraph to clarify that seats are to be installed so as to prevent seats from disengaging from the seat frame under extraordinary operating conditions. Since school bus manufacturers shall install school bus seats under FMVSS No. 222, and § 171.84 requires equipment added to a school bus after its manufacture to meet applicable Federal standards, the Department believes no further clarification is necessary.

(11) IRRC and the AAP expressed concern regarding § 171.84. The AAP believed the wording should be broad enough to allow for new technology currently in the design process. Further, the AAP suggested that additional equipment that accompanies a child, such as oxygen or a ventilator, be mounted or secured according to the 30mph/20g sled test criteria. IRRC agreed with this suggestion, but recommended the Department add the requirement to a new section in Subchapter D (relating to specially equipped school buses).

The Department believes the current language is broad enough to allow for new technology for school bus equipment. If the equipment is not required by Federal or State law, the equipment will be allowed if it does not replace or interfere with mandatory equipment, and possesses the trademark, name or code symbol under which it is approved. This language does not exclude new technology or address how the equipment is designed. However, this language does not, nor is it intended to, allow for the addition of experimental equipment. The Department wishes to ensure, as much as possible, that school buses have equipment that has been adequately tested and performs its intended function.

Further, the Department believes that personal equipment such as oxygen and ventilators should remain near the student using the equipment. At this time, neither Federal nor SAE standards explicitly address mounting or securing requirements for personal equipment. Extensive research has revealed that the SAE J2249 mentioned by the commentators is presently being drafted by a working committee at the University of Pittsburgh. This committee anticipates presenting the proposed SAE J2249 language to the NHTSA. The hope is that the NHTSA will amend FMVSS No. 201 to include the SAE J2249. The purpose and scope of FMVSS No. 201, however, is to specify requirements to afford impact protection for occupants for passenger cars and multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating of 10,000 pounds or less. Therefore, until there are Federal or SAE standards developed to specifically address mounting or securing equipment such as oxygen and ventilators, the Department believes it inappropriate to add a new section in Subchapter D to provide more specific or detailed sled test or other crash test requirements relating to mounting or securing this equipment.

(12) The Elwyn Institute and HMS School requested the Department consider amending § 171.91 to include vehicles such as minivans. The commentators want the Department to establish standards for passenger vehicles that transport students enrolled in early intervention services. According to 11 P.S. § 875-102 (relating to legislative findings for early intervention), early intervention services are designed to increase "the opportunity for infants, toddlers and eligible young children who are handicapped in order to minimize their potential for developmental delay." Students enrolled in early intervention services are usually transported in minivans and other passenger vehicles that conform with only the

Federal safety requirements for the vehicle as originally manufactured.

Since § 171.91 pertains only to specially equipped school buses, an amendment addressing the utilization of other vehicles such as minivans would be inappropriate. Further, although the Department understands the concerns of the Elwyn Institute and HMS School, amending the school vehicle subchapter to mirror the provisions for specially equipped school buses would be inappropriate at this juncture. The vehicles and entities that would be affected by the suggested amendment would be numerous. Further, since the suggested amendment was not mentioned in the notice of proposed rulemaking, the affected entities have not been afforded the opportunity to comment. Moreover, the costs involved in adapting affected vehicles to requirements similar to those for specially equipped school buses would be prohibitive since the affected entities would not have had the opportunity to budget for these adaptations. Therefore, the Department has refrained from amending this section as requested. The Department will, however, address this issue at future meetings of the Transporting Students with Special Needs Task Force so the affected parties may discuss the issue and provide suggestions on how best to proceed.

(13) IRRC, the PSBA, Elwyn Institute, HMS School, AAP and University of Pittsburgh all expressed concern regarding § 171.93. The Elwyn Institute and HMS School requested the Department clearly define the term "mobility device," and suggested including parameters that would be requisite for transportation of powered scooters.

Prior to the proposal of this amendment, the Department attempted to obtain an official medical term or definition for the term "mobility device." To that end, the Department spoke to various medical organizations as well as facilities selling mobility devices. Further, upon receipt of these comments, the Department contacted the HMS School for its input in obtaining a definition for the term "mobility device." In both instances, the Department could not find anyone aware of an official medical term or definition that would encompass all available types and styles of devices used for children with special needs. The Department believes school buses are used to transport students with any special need and the term "mobility device" should be broad enough to include any type of device that may be used by these students, not just wheelchairs or powered scooters. Moreover, the Department used a term that is similar to the one used in the 1990 *National Standards for School Buses and National Standards for School Bus Operations* and the 1995 *National Standards for School Transportation*. In both publications, the term used for these devices is "other mobile positioning device," whereas FMVSS No. 222 only provides requirements for wheelchairs. The Department also believes the current language must be broad enough to allow for emerging technology for these devices.

Further, the University of Pittsburgh commented based on the assumption that this subchapter includes school buses, as defined by FMVSS 222, and smaller—less than 10 passengers—multipurpose passenger vehicles (MPVs). The University of Pittsburgh believes that, due to the manner in which securement and restraint devices are manufactured, tested, installed and used, it is reasonable to assume the same products will be used in both sizes of vehicles. The University of Pittsburgh further asserts that FMVSS 222 does not recognize this important fact, as it only requires a static pull test of the securement devices; a test the University of Pittsburgh believes does

not adequately cover the situation in which a lighter vehicle is involved in crash conditions. The University of Pittsburgh believes the 1995 *National Standards for School Buses* recognizes this limitation by requiring dynamic testing to SAE Standard J2249 and strongly urges the Department to seriously consider this precedent and add this requirement to Chapter 171. The University of Pittsburgh believes SAE J2249 will assure that an occupant will be secured and restrained at impact crash loads up to 20g/30mph, providing even greater protection for lighter school aged children.

The Department contacted the Society of Automotive Engineers and the University of Pittsburgh to find out more about the 20g/30mph sled test and SAE J2249. The SAE was unaware of an SAE J2249 or the sled test. According to the University of Pittsburgh, SAE J2249 has not yet been developed. Members of the University of Pittsburgh are on a working committee developing language and specifications for a sled test and SAE J2249, which the committee expects to present to the NHTSA to encourage the amendment of FMVSS No. 201. This Federal standard applies to passenger cars and to MPVs, trucks and buses with a gross vehicle weight rating of 10,000 pounds or less. However, FMVSS 222 relates only to school bus passenger seating and crash protection and does not, as the University of Pittsburgh infers, apply to passenger cars, MPVs, trucks or other vehicles. The Department believes the University of Pittsburgh's confusion concerning MPVs and school buses being equipped to transport students with special needs may be caused by the introductory language for a section on "Standards for Specially Equipped School Buses" found in the 1995 *National Standards for School Transportation*. The language reads as follows: "As defined by Code of Federal Regulations (CFR) 49 § 571.3, "Bus means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons" (11 or more including the driver). This definition also embraces the more specific category, school bus. Vehicles with 10 or fewer passenger positions (including the driver) cannot be classified as buses. For this reason, the Federal vehicle classification multipurpose passenger vehicle (CFR 49 § 571.3) or MPV, must be used by manufacturers for these vehicles in lieu of the classification school bus. This classification system, while requiring compliance with a less stringent set of Federal standards for MPVs, does not preclude state or local agencies or these national standards from requiring compliance of school bus-type MPVs with the more stringent Federal standards for school buses."

Under section 4103(b) of the Vehicle Code (relating to promulgation of vehicle equipment standards), promulgated Federal standards have the same force and effect as if promulgated by the Department and supersede any Commonwealth standard applicable to the same aspect of performance for a vehicle or item of equipment. Since wheelchair accommodation is not mentioned in Federal standards relating to MPVs, the Department believes that issues such as wheelchair securement anchorages, latches and wheelchair occupant restraint anchorage requirements for school buses could be applied to MPVs, so long as the Federal standards for these vehicles will not be compromised by the installation of the additional equipment. However, an amendment of this magnitude would be inappropriate at this juncture. The vehicles and entities that would be affected by the suggested amendment would be numerous. Further, since the suggested amendment was not mentioned in the notice of proposed rulemaking, the affected entities have not been afforded the opportunity to comment. Moreover, the costs involved

in adapting affected vehicles would be prohibitive since affected entities have not had the opportunity to budget for these adaptations.

Moreover, on February 29, 1996, the Department conducted a roundtable meeting with the Elwyn Institute, the HMS School and other interested persons and organizations. The topic of discussion was transporting students with special needs. As in the comments received from the Elwyn Institute and HMS School and several telephone conversations with the HMS School, one of the requests was for the Department to give greater detail regarding issues such as the size, style and condition of child safety seats, wheelchairs and other types of mobility devices students may use. The HMS School also questioned whether an unoccupied wheelchair or other type of mobility device must be carried forward-facing.

The Department believes it inappropriate to further specify, in this chapter, issues such as the size, style and condition of wheelchairs and other types of mobility devices students may use since these are personal equipment items, normally purchased by the parent. In addition, since the Vehicle Code authorizes the Department to establish school bus equipment regulations, the Department believes it does not have the authority to establish standards in this chapter for wheelchairs and other types of mobility devices since these items are not school bus equipment. Further, the FMVSS No. 222 requires wheelchair locations in school buses to be equipped so wheelchairs can be secured in a forward-facing position. These standards do not differentiate between occupied or unoccupied wheelchairs. The Department believes these standards apply to all wheelchair locations. Therefore, all wheelchairs or other type of mobility devices, occupied or unoccupied, shall be secured in a forward-facing position.

(14) The Elwyn Institute and HMS School requested that § 171.96 (relating to power lift) be amended by revising the phrase "transportation of school children confined to wheelchairs" to read "transportation of school children who utilize wheelchairs." The Department agrees with the HMS School that the suggested wording would be more appropriate and has amended this section accordingly.

(15) The AAP, Elwyn Institute and HMS School expressed concern regarding § 171.101 (relating to seating arrangements). These commentators believe it may be necessary to remove vehicle seats or increase distance between seats to allow for sufficient head excursion and leg space when accommodating child restraint systems. This in turn, would compromise the seating requirements of FMVSS No. 222 as they currently exist. The Elwyn Institute and HMS School further requested clarification of what is considered seating space; for example, is it the space from side to side or from front to back.

In response to these concerns, the Department has further amended this section by deleting the sentence "Flexibility in seat spacing to accommodate special devices shall be permitted." The sentence "Seating shall be forward-facing," will remain. The Department believes that this amendment will ensure that all affected parties are notified that seating in specially equipped school buses must be forward-facing, whether it is traditional seating or other seating such as wheelchairs. Although the removal of seats may take place, § 171.16 (relating to certification) clearly states that additions or alterations to a school bus chassis after the time of manufacture must be certified, to the Department, as meeting the requirements of the National Traffic and Motor Vehicle Safety

Act of 1966 (15 U.S.C.A. §§ 1381—1481) and the requirements of this chapter. Further, § 171.45 (relating to certification) clearly states that persons or entities may not alter a previously certified school bus in a way that does not conform to applicable FMVSS in effect at the time of manufacture, and § 171.84 requires equipment added and alterations made to a school bus after its manufacture shall meet applicable Federal standards. For these reasons, the Department believes it unnecessary to further amend § 171.101 to clarify that removal of seats may not result in the compromise of the requirements of FMVSS No. 222.

(16) The PSBA encouraged the Department to consider adopting language that would allow the installation of air conditioners in school buses. Although the current language does not specifically prohibit air-conditioning units, there is no guidance as to where after-market air-conditioning units can be installed without violating Federal and State safety standards. On August 7, 1995, the Department met with the PSBA and members of the Pupil Transportation Committee to discuss after-market interior mounted air-conditioning units on school buses. The parties agreed that these amendments should specify the acceptable locations for after-market air-conditioning units. There have been instances where school buses have failed school bus safety inspection because the installed after-market air-conditioning unit interfered with Federal safety standards. Accordingly, the Department has further amended the language in § 171.56 to clarify that the 72 inches or more required inside body height of a school bus must exist from the front vertical bow to the rear interior ceiling-mounted air-conditioning unit. Further, the Department has added a new paragraph (6) to § 171.58 (relating to interior) that addresses air-conditioning units. Subparagraph (i) requires after-market air-conditioning units to be labeled in accordance with 49 CFR 567.7 and 568.8 (relating to requirements for persons who alter certified vehicles). These Federal standards require the installer to affix a label to the vehicle certifying that the vehicle, as altered, conforms to all Federal motor vehicle safety standards affected by the alteration and in effect at the time of manufacture. Subparagraph (ii) requires interior ceiling-mounted air-conditioning units, mounted above the seats within the head protection zone or at the rear of the bus, to be padded with materials meeting FMVSS No. 302 (relating to flammability of interior materials) to insure compliance with the head impact test requirements of FMVSS No. 222. Finally, subparagraph (iii) clarifies that air-conditioning units may be installed in other locations if they are labeled as described in subparagraph (ii). The Department believes that these amendments will ensure air-conditioning units are installed so as not to weaken the school bus' joint strength, body structure or other required safety feature. Further, these amendments will provide guidance for inspectors when conducting school bus safety inspections.

(17) The AAP submitted general comments relating to transporting children under 5 years of age and the prohibition on the use of small passenger vans for transporting these children. The AAP believes that because small vans that meet passenger vehicle requirements are now available, these vehicles should be revisited as possible carriers for children under 5 years of age. The current language in Subchapter E (relating to school vehicle standards), which has been in place since 1984, addresses equipment requirements for school vehicles. School vehicles are motor vehicles, except motor cycles, that are designed to seat no more than ten passengers, including the driver, and used for the transportation of

preprimary, primary or secondary school students. Proposed language in this subchapter also addresses certain 11—15 passenger vehicles registered as buses before March 1, 1993, or September 1, 1993, which may be used for the transportation of school children. The Department is unaware of the prohibition discussed by the AAP, since the Department did not implement the prohibition. Therefore, the Department believes it unnecessary to make further amendments allowing the use of small vans for transporting school children.

(18) IRRC expressed concern about §§ 171.125 and 171.139 (relating to seating). IRRC questioned how the Department determines what is adequate and recommended the Department cross reference the specifications found at §§ 171.69(2) and 171.101 in these sections. Cross referencing school bus seating standards and specially equipped school bus seating standards in §§ 171.125 and 171.139 would be inappropriate for the following reasons. Section 171.125 addresses the seating requirements for school vehicles and 11—15 passenger vehicles permitted to be used for transporting school children. Section 171.139 addresses the seating requirements for mass transit pupil transportation buses when used for transporting school children. The seating systems in passenger vehicles and mass transit pupil transportation buses are designed and manufactured differently than school bus seats.

Further, FMVSS No. 207, 208 and 209 (relating to seating systems; occupant crash protection; and seat belt assemblies) address seating requirements for passenger cars, trucks and buses. For example, passenger cars, trucks and buses 10,000 pounds or less are required to have a seat belt assembly at each designated seating position. Therefore, a vehicle operator can easily determine the number of designated seating positions per seat merely by counting the number of seat belt assemblies per seat. However, school bus seats are manufactured to be in compliance with FMVSS No. 222 and are normally 39-inch bench type seats without seat belt assemblies. The specific seating space width found in § 171.69(2) was derived from using the basic formula set forth in FMVSS No. 222 and was adopted from standards recommended by the National Conference on School Transportation and therefore would not be applicable to other types of vehicles. For these reasons, the Department believes it inappropriate to provide the cross references requested.

The Department, however, has amended § 171.2 by including a definition for the term "designated seating position." This definition is derived from 49 CFR 571.3 (relating to definitions) and will help determine the amount of seating available on vehicles other than school buses. Further, the Department has further amended §§ 171.125 and 171.139 to clarify that a designated seating position shall be provided for each passenger.

(19) IRRC expressed concern about § 171.147 (relating to fire extinguishers). IRRC questioned who provides and performs the inspection and signs the approval. This section was originally proposed to require inspection of fire extinguishers at least once a year, and that the fire extinguishers were to be tagged, signed and dated upon approval. IRRC has suggested that identification of the approving agency and party be added to this section. As a result of further discussion with IRRC, the Department has further amended this section to clarify that the owners of vehicles subject to this chapter must have the fire extinguishers on their vehicles inspected at least once a year. Therefore, it will be the responsibility of the owner to ensure that the fire extinguishers are inspected and approved at least once a year.

(20) IRRC questioned why the Department merely cited section 4530(b) of the Vehicle Code (relating to portable emergency warning devices) instead of incorporating the requirement into § 171.150 (relating to use of portable emergency warning devices). Section 4530(b) of the Vehicle Code requires the driver of a bus to display portable warning devices when the vehicle is disabled or stopped for more than 10 minutes upon a roadway or shoulder outside of an urban district, or upon any divided highway. These portable warning devices are to be displayed as set forth in Department regulations. IRRC believes it would be more useful to incorporate the requirements of section 4530(b) of the Vehicle Code in § 171.150.

The Department has reevaluated this section and realizes the language does not clarify which vehicles are required to have portable warning devices. Therefore, the Department has agreed to IRRC's request and has further amended this section to set forth the relevant requirements relating to portable emergency warning devices. Further, the Department has recommended in this section that other vehicles subject to this chapter use portable warning devices as well.

Additional Modifications to the Proposed Rulemaking

The text of these final-form regulations contains modifications, deletions and additions, none of which enlarges the scope of these amendments as originally proposed, and thus, may be published as final rulemaking. The following represents a summary of the changes:

(1) Section 171.1(b) has been amended to make these amendments effective upon the date of publication. These amendments were originally proposed to become effective September 1, 1996. However, realizing that circumstances may arise that might delay the adoption of these amendments the Department has heeded the recommendation of IRRC and amended this section so that these amendments become effective upon the date of publication. This section has been further amended to clarify that §§ 171.55(b) and 171.124(b) (relating to identification) will not become effective until September 15, 1997. The Department believes the additional year will provide affected vehicle owners and operators with enough time to affix the necessary identification emblems to their vehicles.

(2) Section 171.2 has been further amended for clarification purposes by adding a definition for the term "designated seating position." The definition for this term mirrors the definition in 49 CFR 571.3 and will help in determining the amount of seating available on vehicles other than school buses. This definition was added to address the concerns of IRRC, who requested clarification on how "adequate" seating is determined. Further, the definition of the term "specially equipped school bus" has been further amended by deleting the phrase "special education." By deleting this phrase, the Department hopes to clarify that specially equipped school buses are used to transport students who require or utilize special equipment. This amendment is the result of comments received by IRRC, which suggested that this definition should focus on the needs of the student, and not on the type of student being transported. Moreover, the definition of the term "special education (exceptional) children" has been deleted since this term was only used in § 171.91. The Department has instead deleted the term "special education (exceptional) children" from § 171.91 and replaced it with the phrase "students with disabilities" to clarify that specially equipped school buses are used to transport students with any disability. Finally,

the definitions of the terms "bus," "GVWR," "school bus" and "school vehicle" have been further amended by including the complete definition as set forth in the Vehicle Code. This amendment is the result of discussion with IRRC, which pointed out that the inclusion of the complete definitions will eliminate the need of affected persons to look to another reference source to find out the meaning of these key terms.

(3) Section 171.21(a) has been further amended for clarification purposes by adding the phrase "with clamps and hangers of a type and installed as recommended by the chassis manufacturer." The Department believes this clarification will eliminate confusion of affected person, and promote the safety of school bus occupants and the motoring public. This clarification is the result of comments to the Department requesting explanation of the phrase "securely attached."

(4) Section 171.31(b)(4) has been further amended to correct a typographical error by deleting the word "training" and replacing it with the word "rating." IRRC brought this inadvertent printing error to the Department's attention. Therefore, the Department has amended this section to avoid confusion.

(5) Section 171.36(8) (relating to tires and rims) has been further amended to correct an inadvertent typographical error that occurred at publication by deleting the word "retreated" and replacing it with the word "retreaded." The Department believes that this amendment will alleviate any confusion that may have been caused by this oversight.

(6) Section 171.45 has been further amended by replacing the word "alteration" with the word "manufacture." The word "alteration" was unintentionally included in the notice of proposed rulemaking, published at 25 Pa.B. 5589. This amendment will alleviate any confusion caused by this mistake as well as ensure the Department's compliance with section 4103(e) of the Vehicle Code (relating to promulgation of vehicle equipment standards). Section 4103(e) of the Vehicle Code prohibits the Department from extending vehicle equipment standards to vehicles which, because of their date of manufacture, are not required by Federal standards to have the equipment.

(7) Section 171.47(3) has been further amended to clarify that only school buses that are equipped with reflective material, other than that required under §§ 171.50 and 171.59, shall be equipped as specified under this paragraph. Commentators believed the proposed language for this paragraph would be in contradiction of the Department's intent that reflective material, other than that addressed in §§ 171.50 and 171.59, is optional equipment as expressed in the preamble of the notice of proposed rulemaking. The Department believes this amendment more clearly indicates the additional reflective materials are not required, but if used, the reflective material shall be applied consistent with this paragraph.

The Department has further amended this paragraph by reducing the allowable reflective material widths from 6 inches to 12 inches to 1 3/4 inches to 4 inches. A commentator recommended that the installation of thinner strips of reflective material provide excellent side visibility and yet are less prone to peel off or be damaged in collisions. The Department believes this amendment will reduce costs to school bus owners and operators wishing to affix the additional reflective material to their school buses, yet will not compromise safety by diminish-

ing a school bus' visibility in fog or inclement weather. The Department further believes school bus owners and operators will be more willing to equip their school buses with the thinner, less expensive strips of reflective material, thereby enhancing school bus visibility and child safety. For consistency purposes, Figure 3 has also been amended to reflect this change.

(8) Sections 171.51 and 171.52 have been further amended to require fire extinguishers and first aid kits to be mounted as directed by the item's manufacturer. This amendment is the result of comments received from IRRC, the Elwyn Institute and HMS School, all of whom requested clarification as to how these items were to be mounted in school buses.

(9) Sections 171.56 and 171.58 have been further amended by adding language to address interior air-conditioning units. The PSBA and school bus owners and operators requested that the Department consider adding language to this chapter concerning the installation of air conditioners in school buses. There have been instances when school buses have failed a school bus safety inspection because an installed after-market air-conditioning unit interfered with Federal safety standards. After several meetings with the various interested parties, the Department has amended § 171.56 to allow the inside body height to be measured from the rear vertical bow or the rear interior ceiling mounted air-conditioning unit. Moreover, § 171.58 has been further amended by adding a new paragraph (6) and subparagraphs (i)—(iii) to address air-conditioning units. Subparagraph (i) requires after-market air-conditioning units to be labeled certifying that the vehicle, as altered, conforms to all Federal motor vehicle safety standards affected by the alteration and in effect at the time of manufacture. Subparagraph (ii) requires interior ceiling-mounted air-conditioning units mounted within the head protection zone or at the rear of the bus to be padded with materials meeting FMVSS. Finally, subparagraph (iii) clarifies that air-conditioning units may be installed in other locations. The Department believes these amendments will provide guidance for installing air-conditioning units and for inspectors when conducting school bus safety inspections.

(10) Section 171.68(b) has been further amended to correct a typographical error by deleting the word "and" and replacing it with the word "or." The Elwyn Institute and HMS School requested clarification of "all other designated seating positions shall have a Type 1 and Type 2 seat belt assembly," specifically how Type 2 seat belts would be mounted for mid row or aisle passenger seats. By replacing the word "and" with the more appropriate preposition "or" the Department believes this amendment will clarify that either a Type 1 or Type 2 seat belt assembly may be used. Since Type 2 seat belts cannot be used for mid-row or aisle seats because there exists no location on which to secure the upper torso restraint, Type 1 seat belts would be used at these seating positions.

(11) Section 171.69 has been further amended by amending paragraph (4) to clarify the types of seats to be used on school buses. Several commentators expressed concern about specific types of seats and child seats that may be used on school buses. The Department has amended this paragraph by clearly stating that seats that are not designed to meet FMVSS No. 222 are prohibited. Since FMVSS No. 222 sets forth manufacture standards for all school bus seats, including school bus seat and seat component size and performance requirements, the Department believes this clarification will alleviate the need

to list the types of seats allowed on school buses. Further, language setting forth the types of seats exempt from this paragraph has been further amended by clarifying that integrated child restraint seats must comply with FMVSS No. 213 (relating to child restraint systems). Moreover, this paragraph has been amended to further clarify that, before they are exempted from this paragraph, child safety seats must comply with FMVSS No. 213 and must be used as designated by the manufacture. FMVSS No. 213 sets forth the manufacture requirements for restraint systems designed for use in aircraft and motor vehicles, and school buses fall into the latter category. The Department believes this amendment clarifies the types of seats and child seats that are permitted for use on school buses. Finally, paragraph (9) was further amended for clarification purposes by deleting the term "securely mounted" and replacing it with the word "installed." Several commentators expressed concern as to what was meant by "securely mounted." The Department has amended this paragraph to clarify that seats are to be installed so as to prevent seats from disengaging from the seat frame under extraordinary operating conditions. Since school bus manufacturers shall install school bus seats under FMVSS No. 222, and § 171.84 requires equipment added to a school bus after its manufacture to meet applicable Federal standards, the Department believes this amendment addresses the commentators concerns.

(12) Section 171.93(1) was further amended for clarification purposes by deleting the phrase "of the type that require human intervention to unlatch or discharge" and replacing it with the term "the securement devices shall be installed and used as designated by the manufacturer." One commentator suggested that the term "of the type that require human intervention to unlatch or discharge" be changed to allow for emerging technology that produces the same outcome without human involvement. The Department believes the amended language "the securement devices shall be installed and used as designated by the manufacturer" will allow, as suggested, for any emerging securement device technology.

(13) Section 171.96(a) was further amended for clarification by deleting the phrase "are confined to wheelchairs" and replacing it with the word "utilize." Elwyn Institute and HMS School requested that the Department revise this subsection in this manner so as to include students who are not confined to wheelchairs but use them periodically. The Department is in agreement with the commentators' reasoning and appreciates them bringing this to its attention.

(14) Section 171.99 (relating to restraining devices) was further amended to clarify the types of belt restraint systems to be used on seat frames and seats. The AAP and HMS School requested that the Department be more specific concerning the attachments or devices to which belts, restraining harnesses or other devices may be attached to school bus seats. The Department has amended this section by clearly stating that belt restraint systems must be designed and installed in accordance with FMVSS Nos. 209 and 213, and used as designated by the manufacturer. The Department has further amended this section to require that the attachment framework and anchorage devices are to conform to FMVSS No. 210 (relating to seat belt assembly anchorages). The Department believes this clarification will eliminate confusion as to what types of restraint systems may be used and how they are to be attached to the seat or seat frame.

(15) Section 171.105 (relating to identification) was further amended by replacing the word "shall" with the word "may." This section was originally proposed to require specially equipped school buses to display the universal handicapped symbol on the rear of the vehicle below the window line. The purpose of the proposed requirement was twofold: to alert emergency personnel, in the event of an accident, that a special needs student is on the bus; and to advise motorists, when the loading or unloading of a student takes longer than usual. Although the Department did not receive formal comments on this proposed requirement, several persons have approached the Department requesting that display of the universal handicap symbol be an option instead of a requirement. School personnel were unclear as to when a school bus is considered a specially equipped school bus. Further, parents of students riding specially equipped school buses cited their children's embarrassment in riding a bus labeled in this manner, since the universal handicapped symbol draws unwanted attention to their children.

Specially equipped school buses, as defined in § 171.2, are school buses used to transport students, and are equipped with special equipment as set forth in Subchapter D. Therefore, any school bus equipped with any of the equipment listed in Subchapter D is considered a specially equipped school bus. After reviewing this section, however, the Department believes there may be instances where the display of the universal handicapped symbol would be unnecessary. One instance would be where the only special equipment on the school bus is a restraining device used for a student with behavioral problems. Another instance would be if, on a particular day, the school bus is not transporting children with special needs and the school bus is involved in an accident. Emergency personnel will mistakenly believe that someone on the school bus is in need of special medical attention when that is not the case. For these reasons, the Department has amended this section to allow specially equipped school bus owners and operators to decide whether a specially equipped school bus should display the universal handicapped symbol.

(16) Section 171.101 was further amended for clarification purposes by deleting the sentence, "Flexibility in seat spacing to accommodate special devices shall be permitted." The Department believes the remaining sentence, "Seats shall be forward-facing," makes it clear that seating in specially equipped school buses must be forward-facing, including other seating such as wheelchairs. This amendment is in response to commentator concerns about flexible seating possibly compromising Federal seating requirements. The deletion of the ambiguous language will not inhibit flexible seating; instead the Department believes the deletion will clarify that whatever type of seating is used in a specially equipped school bus, that seating shall be forward-facing. This was the original intent of the Department.

(17) Section 171.122 was further amended for accuracy by deleting the reference to § 171.21 and replacing it with § 171.21. The Department has amended this section to correct a typographical error which occurred at publication. The Department believes that this amendment will alleviate any confusion that may have been caused by this oversight.

(18) Sections 171.125(c) and 171.139 was further amended to clarify that a designated seating position must be available for each passenger. This amendment is in response to a comment from IRRC requesting the Department explain how "adequate" seating is deter-

mined. The Department believes that this amendment, and the inclusion of the definition of the term "designated seating position" at § 171.2, will allow affected persons to determine the amount of seating available on these vehicles and insure that a designated seating position is available for each passenger.

(19) Section 171.147 was further amended to clarify that the owners of vehicles subject to this chapter must have the fire extinguishers on their vehicles inspected at least once every year. This amendment is the result of discussion with IRRC, who requested the Department identify the approving agency and party. The Department believes this amendment will make it clear that it is the vehicle owner's responsibility to ensure that fire extinguishers are inspected and approved at least once a year. Requiring this inspection and approval will help ensure that fire extinguishers on vehicles transporting school children are functioning properly, and at their full effectiveness, in case of a fire.

(20) Section 171.150 (relating to use of portable emergency warning devices) was further amended to clarify which vehicles are required to have portable warning devices. At the request of IRRC, the Department has set forth the relevant requirements relating to portable emergency warning devices as prescribed in section 4530(b) of the Vehicle Code.

(21) Appendix A has been further amended by including additional references to the *Code of Federal Regulations* so that affected persons are aware of what the citation in the regulation refers to and where they may obtain a copy of the material. Specifically, references to 49 CFR 393, 396, 567.7 and 581 have been added since these sections are referred to in these amendments. Further, the reference to 49 CFR 579 has been deleted and replaced with 49 CFR 569 since the Department inadvertently assigned the information relating to regrooved tires to the incorrect section. Finally, a reference to SAE Standard J1100, *Motor Vehicle Dimension*, has been added since this standard is referred to in these amendments.

Purpose of this Chapter

The purpose of this chapter is to promulgate equipment, operation and safety standards for school buses and other vehicles used for transporting school children.

Purpose of these Amendments

The purpose of these amendments is to amend the existing provisions of Chapter 171 governing the manufacture, conversion, maintenance and operation of school buses, specially equipped school buses and other vehicles used for pupil transportation. With the enactment of the National Traffic and Motor Vehicle Safety Act of 1966 (49 U.S.C.A. §§ 30101—30169) (original version at 15 U.S.C.A. §§ 1381—1481), the Federal government was given responsibility for developing and promulgating motor vehicle safety standards applicable to school buses manufactured and sold in all the states. Section 4103(b) of the Vehicle Code provides that promulgated Federal standards have the same force and effect as if promulgated by the Department and supersede any Commonwealth standard applicable to the same aspect of performance for a vehicle or item of equipment. Adoption of these amendments, therefore, will bring Department regulations into conformance with Federal safety standards, thereby eliminating conflicting standards and alleviating potential confusion wherever possible.

Further, these amendments will incorporate recommendations of the Tenth, Eleventh and Twelfth National

Conference on School Transportation, held in 1985, 1990 and 1995, respectively. The National Conference on School Transportation was established in 1939 to encourage states to meet and discuss safety features and guidelines for school buses. The conference committee submits recommendations to the National Highway Administration, some of which have had a vital role in the development of Federal school bus equipment standards. These conferences are held every 5 years and are attended by official representatives of states' Departments of Education, local school district personnel, contract operators, advisors from industry and other interested professional organizations and groups.

Moreover, on August 7, 1995, the Department met with the PSBA, the Department of Education and representatives from Pennsylvania school districts to give them the opportunity to express their interest, concerns and requests regarding the installation of interior mounted air-conditioning units in school buses and the use of child safety seats on school buses. The Department also received correspondence from Trans/Air Manufacturing, Inc., expressing its interest in air-conditioning units. The Department agreed to review the information provided and add in this chapter language addressing interior ceiling mounted air-conditioning units. The Department also agreed that, since child safety seats have not yet been manufactured specifically for school buses, it would amend § 171.69(4) to clarify that child safety seats may be used if they comply with FMVSS No. 213.

Moreover, the Department has spoken on several occasions with the HMS School and AAP concerning the transportation of school students with special needs. On February 29, 1996, the Department met with the Elwyn Institute, HMS School, AAP, PSBA, Department of Education and other interested persons and organizations to discuss their concerns regarding the transportation of school students with special needs. This meeting was the first meeting of the Transporting Students with Special Needs Task Force. During the course of the meeting, the task force agreed that, although the purpose of this chapter is not to establish the special care, special handling or special training required for the transportation of school students with special needs, the Department would continue working with the task force to provide information and direction when needed. The task force met again on May 7, 1996, when it was agreed that the Department would provide administrative support for future meetings, but facilitation of the meetings would be the responsibility of other task force members. This decision was made since many of the goals to be achieved by the task force are not within the Department's authority to implement.

Persons or Entities Affected

These amendments affect manufacturers of school bus chassis, bodies and other components, persons and entities who sell, own, operate or maintain school buses and school vehicles, and the children who are transported in these vehicles.

Fiscal Impact

These amendments may indirectly impose minimal costs on State and local governments and private entities. Additional costs that may be incurred would be for newly authorized equipment, the removal or replacement of nonconforming equipment and required lettering or other identification on vehicles subject to this chapter. These amendments will not require the completion of additional forms, reports or other paperwork.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department, on June 30, 1994, submitted a copy of the notice of proposed rulemaking published at 25 Pa. B. 5589 to IRRC and to the Chairpersons of the House Transportation Committee and the Senate Transportation Committee for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on August 19, 1996, and deemed approved by the Senate Committee on August 19, 1996. IRRC met on August 22, 1996, and approved these final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

Sunset Provisions

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under the Vehicle Code. The Department, however, will continue to monitor these regulations for their effectiveness.

Contact Person

Carol Freeland
Bureau of Motor Vehicles
Vehicle Control Division
P. O. Box 869
3rd floor, Riverfront Office Center
1101 S. Front St.
Harrisburg, PA 17104
(717) 783-5842

Authority

The amendments are adopted under the authority contained in sections 4103, 4551—4553 and 6103 of the Vehicle Code as further amended by the act of July 10, 1984 (P. L. 679, No. 146), the act of December 19, 1988 (P. L. 1290, No. 163) and the act of March 13, 1990 (P. L. 69, No. 14). The statutory provisions, respectively, direct the Department to promulgate vehicle equipment standards for vehicles, equipment and devices required under Part IV of the Vehicle Code (relating to vehicle characteristics); promulgate regulations governing the safe design, construction, equipment and operation of vehicles engaged in the transportation of school children; set forth the general requirements for school buses; prescribe general requirements for other vehicles transporting school children; and authorize the Department to promulgate regulations to implement the Vehicle Code.

Findings

The Department finds that:

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

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

Order

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

(a) The regulations of the Department, 67 Pa. Code Chapter 171, are amended by:

(1) Amending §§ 171.12, 171.14—171.16, 171.18—171.20, 171.22—171.24, 171.26—171.28, 171.34, 171.35, 171.37, 171.42, 171.44, 171.49, 171.50, 171.54, 171.55, 171.57, 171.59, 171.61, 171.70, 171.72, 171.73, 171.76, 171.77, 171.92, 171.97, 171.98, 171.104, 171.121, 171.124, 171.141, 171.143 and 171.144; by deleting § 171.74; and by adding §§ 171.82—171.84, 171.106, 171.137, 171.138, 171.146, 171.148 and 171.149 to read as set forth at 25 Pa.B. 5589 (December 9, 1995).

(2) Amending §§ 171.1, 171.2, 171.21, 171.31, 171.36, 171.45, 171.47, 171.51, 171.52, 171.56, 171.58, 171.68, 171.69, 171.91, 171.93, 171.96, 171.99, 171.101, 171.122, 171.123, 171.125, 171.132, 171.133 and Appendix A and adding §§ 171.105, 171.139, 171.147 and 171.150 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order, Annex A and 25 Pa.B. 5589 to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.

(c) The Secretary of the Department shall certify this order, Annex A and 25 Pa.B. 5589 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*, except that §§ 171.55(b) and 171.124(b) become effective September 15, 1997.

BRADLEY L. MALLORY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 4371 (September 7, 1996).)

Fiscal Note: Fiscal Note 18-324 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 171. SCHOOL BUSES AND SCHOOL VEHICLES

Subchapter A. GENERAL PROVISIONS

§ 171.1. Applicability.

(a) *Scope.* This chapter applies to equipment and safety requirements for school buses as provided for in 75 Pa.C.S. § 4552 (relating to general requirements for school buses) and for other vehicles transporting school children as provided for in 75 Pa.C.S. § 4553 (relating to general requirements for other vehicles transporting school children).

(b) *Effective date.* This chapter is effective September 14, 1996, except that §§ 171.55(b) and 171.124(b) (relating to identification) are effective September 15, 1997. School buses manufactured or converted prior to September 14, 1996, shall comply with the regulations in effect at the time they were manufactured or converted, except that Subchapter G (relating to operation standards for

vehicles subject to this chapter) applies to vehicles subject to this chapter regardless of the date of manufacture or conversion.

(c) *FMVSS.* Vehicles manufactured as school buses are required to comply with FMVSS as established by the National Highway Traffic Safety Administration (NHTSA) at 49 CFR 571 (relating to Federal Motor Vehicle Safety Standards).

(d) *Federal Motor Carrier Safety Regulations.* Vehicles manufactured as school buses and operating in interstate commerce are required to comply with Federal Motor Carrier Safety Regulations as established by the Federal Highway Administration (FHWA) at 49 CFR Parts 393 and 396 (relating to parts and accessories necessary for safe operation; and inspection, repair and maintenance). See Appendix A.

§ 171.2. Definitions.

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

Bus—A motor vehicle designed to transport 16 or more passengers, including the driver; or a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation. The term does not include a vehicle used in a ridesharing arrangement, as defined in the act of December 14, 1982 (P. L. 1211, No. 279) (55 P. S. §§ 695.1—695.9), which provides for ridesharing arrangements and provides that certain laws are inapplicable to ridesharing arrangements, or a school bus.

Converted school bus—A vehicle not originally manufactured to be a school bus.

Convex mirror—A mirror having a curved reflective surface whose shape is the same as that of the exterior surface of a section of a sphere.

Department—The Department of Transportation of the Commonwealth.

Designated seating position—Under 49 CFR 571.3 (relating to definitions), a plain view location capable of accommodating a person at least as large as a 5th percentile adult female, if the overall seat configuration and vehicle design is of a type that the position is likely to be used as a seating position while the vehicle is in motion, except for auxiliary seating accommodations such as temporary or folding jump seats. A bench or split bench seat in a passenger car, truck or multipurpose passenger vehicle with a GVWR less than 10,000 pounds, having greater than 50 inches of hip room (measured in accordance with SAE Standard J1100(a)—See Appendix A) may not have less than three designated seating positions, unless the seat design or vehicle design is of a type that the center position cannot be used for seating.

FMVSS—Federal Motor Vehicle Safety Standards published in the *Code of Federal Regulations*.

Forward control—A configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length.

GVWR—*Gross vehicle weight rating*—The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle.

Mass transit pupil transportation bus—A bus, other than a school bus, that is operated by an urban mass transportation system and used exclusively for the trans-

portation of children to and from school and school-related activities, even if used for other transportation purposes at other times.

Pupil Transportation Section—The Pupil Transportation Section of the Bureau of Driver Licensing of the Department.

SAE—The Society of Automotive Engineers.

School bus—A motor vehicle designed to carry 11 passengers or more, including the driver, and used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to these schools or school-related activities. The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to these schools or school-related activities, designed to carry 11 to 15 passengers, including the driver, and registered in this Commonwealth as a bus prior to March 1, 1993; or a motor vehicle designed to carry 11 to 15 passengers, including the driver, and titled to a public, private or parochial school on or before March 1, 1993, and registered to that public, private or parochial school in this Commonwealth as a bus prior to September 15, 1993. The types of school buses are as follows:

(i) *Type A school bus*. A school bus converted from or having a body constructed upon a van-type truck or front-section vehicle chassis, with a gross vehicle weight rating of 10,000 pounds or less.

(ii) *Type B school bus*. A school bus converted from or having a body constructed and installed upon a van-type truck, front-section vehicle chassis or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds. In this type of school bus, part of the engine is beneath or behind the windshield and beside the driver's seat; and the entrance door is behind the front wheel.

(iii) *Type C school bus*. A school bus having a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds. In this type of school bus, the engine is in front of the windshield and the entrance door is behind the front wheels.

(iv) *Type D school bus*. A school bus having a body installed upon a chassis, with the engine mounted in the front, midship or rear, with a gross vehicle weight rating of more than 10,000 pounds. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels or midship between the front and rear axles; and the entrance door is ahead of the front wheels.

School vehicle—A motor vehicle, except a motorcycle, designed for carrying no more than ten passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to a school district or private or parochial school. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.

Specially equipped school bus—A school bus used to transport children which, in addition to meeting the requirements for school buses as described in this chapter, contains special equipment as required in Subchapter D (relating to specially equipped school bus standards).

Stop signal arm—A device that can be extended outward from the side of the school bus to provide a signal to other motorists not to pass because the bus has stopped to load and discharge passengers.

Type 2 seat belt assembly—A combination of pelvic and upper torso restraints.

Unit magnification mirror—A plane or flat mirror with a reflective surface through which the angular height and width of the image of an object is equal to the angular height and width of the object when viewed directly at the same distance except for flaws that do not exceed normal manufacturing tolerances.

Upper torso restraint—A portion of a seatbelt assembly intended to restrain movement of the chest and shoulder regions.

Subchapter B. SCHOOL BUS CHASSIS STANDARDS

§ 171.21. Exhaust system.

(a) *General rule*. The exhaust pipe, muffler and tailpipe shall be outside the body compartment and securely attached to the chassis with clamps and hangers of a type and installed as recommended by the chassis manufacturer.

(b) *Tailpipe*. The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16 gauge steel tubing.

(c) *Tailpipe extension*. The exhaust system of a school bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the school bus; however, until June 15, 1998, the tailpipe may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(d) *Tailpipe extension for school buses using fuels other than gasoline*. The exhaust system of a school bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. Until June 15, 1998, the tailpipe may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(e) *Insulation*. The exhaust system on a gasoline powered chassis shall be properly insulated from fuel tank connections by a securely attached metal shield at any point where it is 12 inches or less from the tank or tank connections.

(f) *Muffler*. The muffler shall be constructed of corrosion resistant material.

(g) *Discharge lines and outlets*. The discharge lines and outlets on school buses equipped with compressed or liquefied gas fuel systems shall be installed in accordance with Chapter 175 (relating to vehicle equipment and inspection).

(h) *Exhaust system hangers*. Exhaust systems may be equipped with hangers that permit required movement due to expansion and contraction caused by heat of the exhaust and relative motion between the engine and chassis of a vehicle.

(i) *Exhaust system discharge location*. Exhaust systems are not permitted to discharge to the atmosphere at a location immediately below the fuel tank or the fuel tank filler pipe.

§ 171.31. Passenger's load.

(a) *Gross vehicle weight.* Actual gross vehicle weight is the vehicle weight, plus the driver's weight, plus the total seated pupil weight.

(1) For purposes of calculation, the driver's weight is 150 pounds.

(2) For purposes of calculation, the pupil weight is 120 pounds per pupil.

(b) *Weight limitations.* The following weight limitations apply:

(1) *Gross weight.* The actual gross weight of the vehicle may not exceed the manufacturer's GVWR for the chassis.

(2) *Axle weights.* A bus may not be operated upon a highway with a weight on an axle in excess of the lesser of the manufacturer's rated axle capacity or 22,400 pounds—20,000 pounds on interstate highways—on a single axle or 18,000 pounds on a dual axle.

(3) *Wheel weights.* A bus may not be operated upon a highway with a weight upon a wheel in excess of 800 pounds for each nominal inch of width of tire on the wheel.

(4) *Gross vehicle weight rating.* A bus may not be operated upon a highway with weight exceeding the value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle.

§ 171.36. Tires and rims.

The requirements for the tires and rims of a school bus are as follows:

(1) School buses shall be equipped with tires and rims which conform to the vehicle chassis manufacturer's specifications as to tire size, in that the tires and rims are not smaller than those that have been recommended by the chassis manufacturer. Tires and rims shall meet the requirements of FMVSS Nos. 119 and 120. See Appendix A.

(2) Dual rear tires shall be provided on Type B, Type C and Type D school buses.

(3) Tires on the same axle shall be of the same size and type of construction—bias, belted or radial. Type A school bus tires shall be of same size and type of construction on all axles.

(4) If the vehicle is equipped with a spare tire and rim assembly for emergency use, it shall be of the same size as those mounted on the vehicle.

(5) Tube type tires and tubeless equivalent tires shall be provided on dual wheel vehicles.

(6) When tires are replaced, they shall be of a quality equivalent to the original equipment.

(7) Radial type tires at least equivalent in strength and size to the bias construction tire specified may be substituted; however, no mixing of radial type and bias construction type tires may be permitted on the same axle.

(8) Regrooved, recapped or retreaded tires shall comply with the following:

(i) Regrooved, recapped or retreaded tires may not be used on front wheels or on single rear wheels.

(ii) Regrooved tires shall comply with safety standards certified by the tire manufacturer as meeting 49 CFR 569 (relating to regrooved tires)—see Appendix A—and shall be stamped as "Regroovable."

(iii) Recapped or retreaded tires shall comply with FMVSS No. 117. See Appendix A.

(iv) Regroovable tires may be retreaded, recapped or regrooved.

(9) No tire may be used which is in an unsafe condition. Tread depth on tires may at no time be less than 4/32 of an inch on the front and 2/32 of an inch on the rear as measured on two adjacent treads by an acceptable gauge such as the Dill, or its equivalent.

(10) A spare tire, if used, shall be suitably mounted in an accessible location outside the passenger compartment. Types A and B school buses need not comply with this paragraph.

Subchapter C. SCHOOL BUS BODY STANDARDS

§ 171.45. Certification.

School buses manufactured or converted after January 1, 1978, shall bear a certification label from the final stage manufacturer stating that the completed school bus conforms to applicable FMVSS in effect at the time of manufacture. Persons or entities may not alter a previously certified school bus in a way that does not conform to applicable FMVSS in effect at the time of manufacture.

§ 171.47. Color.

The requirements for the color of school bus bodies are as follows:

(1) The school bus body shall be painted a uniform National School Bus Yellow. See Appendix B.

(2) The body exterior trim may be painted black. The bumper and exterior mirrors shall be painted black.

(3) If a school bus is equipped with reflective material, other than that required under §§ 171.50 and 171.59 (relating to doors and emergency exits; and lamps and signals), the reflective material shall be of automotive engineering grade or better. If additional reflective materials and markings are used, they shall be applied as follows:

(i) The front or rear bumpers, or both, shall be marked diagonally 45° down to the centerline of pavement with strips of noncontrasting reflective material 2 inches wide. See Figure 1.

(ii) The rear of the school bus body shall be marked with a strip of reflective National School Bus Yellow material no greater than 2 inches in width applied to the back of the school bus, extending from the the lower-left corner of the "SCHOOL BUS" lettering, across to the left side of the school bus, then vertically down to the top of the bumper, across the school bus on a line immediately above the bumper to the right side, then vertically up to a point even with the strip placement on the left side, and concluding with a horizontal strip terminating at the lower-right corner of the "SCHOOL BUS" lettering. See Figure 2.

(iii) "SCHOOL BUS" signs shall be marked with reflective National School Bus Yellow material comprising background for lettering of the front or rear, or both, "SCHOOL BUS" signs. See Figures 1 and 2.

(iv) The sides of the school bus body shall be marked with reflective National School Bus Yellow material at least 1 3/4 inches, but not more than 4 inches, in width, extending the length of the school bus body and located—vertically—as close as practicable to the beltline. See Figure 3.

(v) Reflective material shall be of a color coinciding with Figures 1—3.

PLACEMENT OF REFLECTIVE MARKINGS

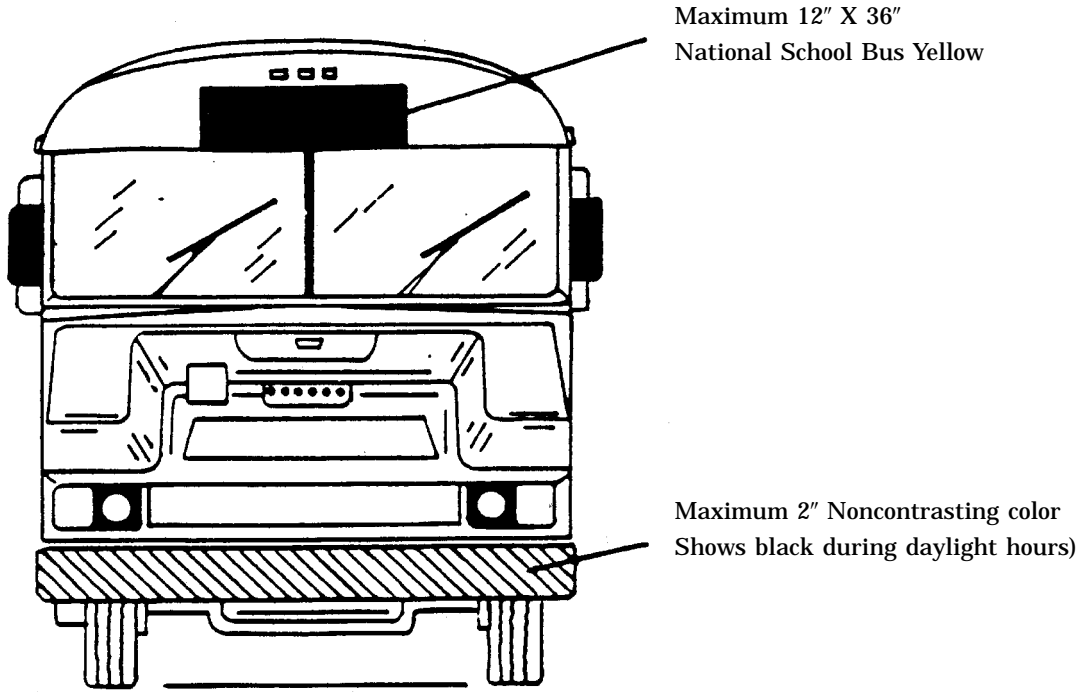


FIGURE 1

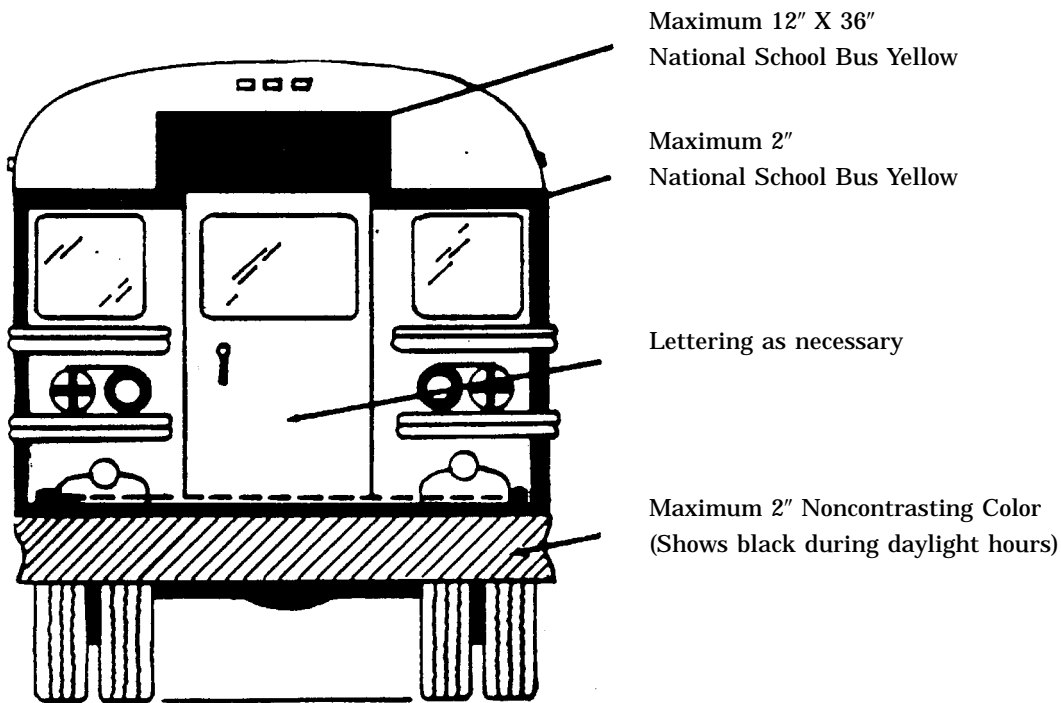
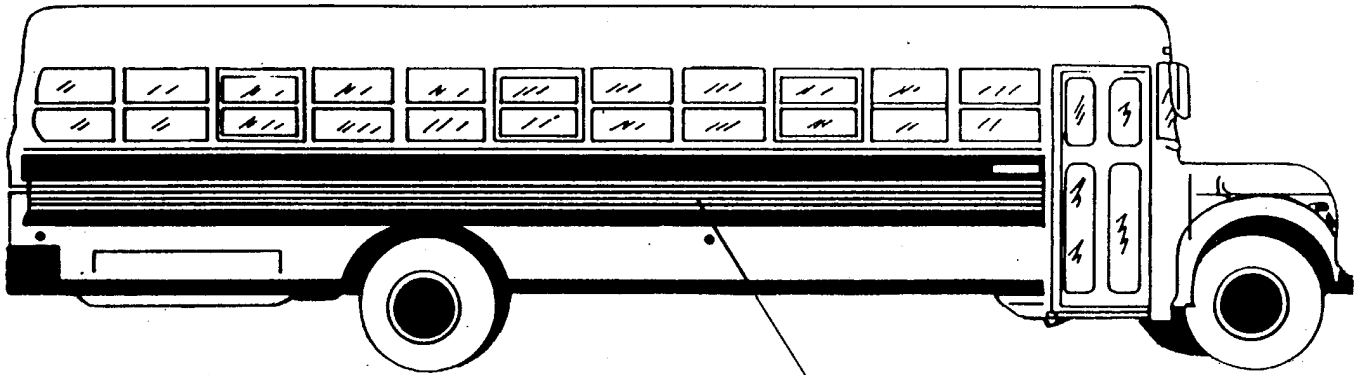


FIGURE 2



1 3/4"–4" Width
National School Bus Yellow

FIGURE 3

§ 171.51. Fire extinguisher.

(a) *Required.* Every school bus shall be equipped with at least one pressurized, multipurpose, dry chemical or halogenated agent fire extinguisher, mounted in a bracket in the driver's compartment and readily accessible to the driver. The fire extinguisher shall be mounted as directed by the manufacturer. The fire extinguisher shall have a hose and nozzle and be in good and usable condition. A pressure gauge shall be mounted on the extinguisher so as to be easily read without removing the extinguisher from its mounted position.

(b) *Type.* The fire extinguisher shall be of a type meeting the Underwriters Laboratories, Inc. Standard 299 or 1093—see Appendix A—with a total rating of not less than 2 A-10 BC. The operating mechanism shall be sealed with a type of seal which may not interfere with the use of the fire extinguisher.

§ 171.52. First aid.

(a) *First aid kit.* Every school bus shall have a removable moisture and dustproof first aid kit, mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and visible to the driver or its location shall be marked.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

- (1) Two 1 inch x 2-1/2 yards adhesive tape rolls.
- (2) Twenty-four sterile gauze pads, 3 inches x 3 inches.
- (3) One hundred 3/4 inch x 3 inches adhesive bandages.
- (4) Twelve 2 inch bandage compresses.
- (5) Twelve 3 inch bandage compresses.
- (6) Two 2 inches x 6 yards sterile gauze roller bandages.
- (7) Two nonsterile triangular bandages approximately 40 inches x 36 inches x 54 inches with 2 safety pins.
- (8) Three sterile gauze pads, 36 inches x 36 inches.
- (9) Three sterile eye pads.

- (10) One pair rounded end scissors.
- (11) One pair latex gloves.
- (12) One mouth barrier.

(c) *Body fluid clean-up kit.* Every school bus shall have a removable and moisture proof body fluid clean-up kit. It shall be securely placed or mounted in an easily accessible location and labeled as a body fluid clean-up kit.

§ 171.56. Inside height.

Inside body height of a school bus shall be 72 inches or more, measured metal to metal, at all points on the longitudinal centerline from the front vertical bow to the rear vertical bow or to the rear interior ceiling mounted air-conditioning unit. Inside body height of Type A school buses shall be 62 inches or more.

§ 171.58. Interior.

The requirements for the interior of school buses are as follows:

- (1) The interior of every school bus shall be free of unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls. If the ceiling is constructed so as to contain lapped joints, the forward panel shall be lapped by the rear panel, and exposed edges shall be beaded, hemmed, flanged or otherwise treated to minimize sharp edges.
- (2) Every school bus shall meet the requirements of FMVSS No. 302, as to the flammability of interior materials. See Appendix A.
- (3) Book racks or luggage racks are not permitted.
- (4) Interior radio/stereo speakers shall be of the flush mounted type. Exposed parts shall be treated to minimize sharp edges.
- (5) The driver's area forward of the foremost padded barriers shall permit the mounting of required safety equipment and vehicle operating equipment.
- (6) The requirements for air-conditioning units are as follows:
 - (i) Persons installing air-conditioning units in school buses after the vehicles' original manufacture date shall affix to the vehicle a label in accordance with 49 CFR

567.7 and 568.8 (relating to requirements for persons who alter certified vehicles). See Appendix A. The label shall contain the statement that the school bus conforms to applicable FMVSS affected by the addition of the air-conditioning unit. This labeling requirement applies to air-conditioning units subject to this subparagraph, regardless of location.

(ii) Interior ceiling-mounted air-conditioning units, mounted above the seats within the head protection zone or at the rear of the bus, shall be padded with materials meeting FMVSS No. 302 to an extent to insure compliance with the head impact test requirements of FMVSS No. 222. See Appendix A.

(iii) This paragraph does not prohibit the installation of air-conditioning units in locations other than those described in subparagraph (ii). Air-conditioning units may be installed in other locations if labeled as described in subparagraph (i).

§ 171.68. Seat belts.

(a) *Seat belt for the driver.* A Type 2 seat belt meeting the requirements of FMVSS Nos. 208 and 209—See Appendix A—shall be provided for the driver. The belt shall be equipped with a retractor on each side of sufficient quality and strength to keep the belt retracted and off the floor when not in use. The belt shall be anchored in accordance to FMVSS No. 210—See Appendix A.

(b) *Seat belts for the driver and all other designated seating positions.* Every school bus with a GVWR of 10,000 pounds or less shall be equipped with an integral Type 2 seat belt assembly at the driver's designated seating position and at the right front passenger's designated seating position, if any. All other designated seating positions shall have a Type 1 or Type 2 seat belt assembly. Seat belt assemblies shall comply with FMVSS Nos. 208, 209 and 210—See Appendix A.

§ 171.69. Seats and crash barriers.

The requirements for seats and crash barriers are as follows:

(1) Seats shall have a minimum seating depth of 15 inches.

(2) A seating space at least 13 inches wide shall be provided for each passenger.

(3) Each seat, seat back cushion and crash barrier shall be covered with a material having at least a 42-ounce finished weight, 54 inches width, and finished vinyl coating of 1.06 broken twill, or other material with equal tensile strength, tear strength, seam strength, adhesion strength, resistance to abrasion, resistance to cold and flex separation. Seat materials shall comply with FMVSS No. 302. See Appendix A.

(4) Seats not designed to meet FMVSS No. 222—See Appendix A—are not permitted. Specially equipped school buses, flip seats which comply with FMVSS No. 217—See Appendix A—and school bus seats designed with an integrated child restraint seat which complies with FMVSS No. 213—See Appendix A—are exempt from this paragraph. Child safety seats which comply with FMVSS No. 213 are also exempt from this paragraph if they are used and secured at all times as designated by the manufacturer.

(5) The backs of all seats of similar size shall be of the same width at the top, of the same height above the floor, and shall slant at the same angle with the floor.

(6) Each school bus passenger seat shall have a minimum seat back height of 24 inches measured from the top of the seat cushion.

(7) The horizontal distance between passenger seats may not be more than 28 inches measured from the front of the seat back cushion forward to the back of the restraining barrier.

(8) Seats shall be forward-facing.

(9) Seats shall be installed in a manner to prevent the seats from disengaging from the seat frame under extraordinary operating conditions. Seats may not have springs protruding and may not have tears greater than 1 inch.

(10) Seats and anchorages shall comply with FMVSS No. 222. See Appendix A.

(11) Each seat leg shall be secured to the floor with at least two bolts, lock washers and nuts.

(12) Seat frames shall be fastened to the seat rail with two bolts, lock washers and nuts.

(13) A padded barrier shall be placed in front of all forward-facing passenger seats that do not have another seat in front of them, as required by FMVSS No. 222. See Appendix A.

Subchapter D. SPECIALLY EQUIPPED SCHOOL BUS STANDARDS

§ 171.91. General requirement.

School buses used for transporting students with disabilities shall comply with Subchapters B, C, G and this subchapter.

§ 171.93. Securement devices and safety restraints.

The requirements for securement devices and safety restraints are as follows:

(1) Each wheelchair or other type of mobility device location shall have devices that secure wheelchairs or other types of mobility devices in a forward-facing position at a minimum of four anchorage points. The securement devices shall be installed and used as designated by the manufacturer.

(2) Three-point safety restraints for lap and upper torso shall be provided for wheelchair and other types of mobility device occupants.

(3) Securement devices and safety restraints shall be designed and installed in compliance with FMVSS No. 222. See Appendix A.

§ 171.96. Power lift.

(a) *General.* A school bus that is used specifically for the transportation of school children who utilize wheelchairs or other types of mobility devices, or who require life support equipment which cannot use the regular service entrance shall be equipped with a power lift. If a power lift system is inadequate to load or unload school children having special or unique needs, a ramp device may be installed.

(b) *Specific requirements.* The requirements for power lifts are as follows:

(1) The power lift shall be located either in the rear or on the right side of the school bus body, but confined within the perimeter of the school bus body when not extended. The power lift may not be attached to the exterior sides of the school bus.

(2) The lifting mechanism shall be able to lift a minimum pay load of 800 pounds. A clear opening and platform to accommodate a 30-inch wide wheelchair shall be provided.

(3) When the platform is in the fully up position, it shall be locked in position mechanically by means other than a support or lug in the door.

(4) Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside of the school bus. There shall be a means of preventing the lift platform from falling while in operation due to a power failure.

(5) Power lifts shall be equipped so they may be manually operated in the event of a power failure.

(6) The lift travel shall allow the lift platform to rest securely on the ground.

(7) Edges of the platform shall be designed to prevent the wheelchair or other type of mobility device from slipping or rolling off the platform and to prevent the operator's feet from being entangled during the raising and lowering process.

(8) A self-adjusting, skid resistant plate shall be installed on the outer edge of the platform to minimize the incline from the lift platform to the ground level.

(9) A circuit breaker or fuse shall be installed between the power source and the lift motor, if electrical power is used.

(10) The lift mechanism shall be designed to prevent excessive pressure from building in the hydraulic system when the platform reaches the full up or full down position.

§ 171.99. Restraining devices.

Seat frames and seats may be equipped with belt restraint systems designed and installed in accordance with FMVSS Nos. 209 and 213 and used as designated by the manufacturer. Attachment framework and anchorage devices shall conform with FMVSS No. 210—See Appendix A.

§ 171.101. Seating arrangements.

Seating shall be forward-facing.

§ 171.105. Identification.

A specially equipped school bus may display the universal handicapped symbol on the rear of the vehicle below the window line. The emblem shall be white on blue, may not exceed 12 inches in height and width, and shall be of reflective material.

Subchapter E. SCHOOL VEHICLE STANDARDS

§ 171.122. Fire extinguisher.

(a) *Required.* Every school vehicle and every motor vehicle described in § 171.121 (relating to applicability) shall be equipped with at least one pressurized, multipurpose, dry chemical or halogenated agent fire extinguisher, mounted in a bracket readily accessible to the driver. The fire extinguisher shall be mounted as directed by the manufacturer. The fire extinguisher shall have a hose and nozzle and be in good and usable condition. A pressure gauge shall be mounted on the extinguisher so as to be easily read without removing the extinguisher from its mounted position.

(b) *Type.* The fire extinguisher shall be of a type meeting the Underwriter Laboratories, Inc. Standard 299 or 1093—See Appendix A—with a total rating of not less

than 2 A-10 BC. The operating mechanism shall be sealed with a type of seal which will not interfere with the use of the fire extinguisher.

§ 171.123. First aid.

(a) *Required.* Every vehicle shall have a removable moisture and dustproof first aid kit mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and securely placed or mounted in an easily accessible location.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

- (1) Two 1 inch x 2 1/2 yards adhesive tape rolls.
- (2) Twenty-four sterile gauze pads, 3 inches x 3 inches.
- (3) One hundred 3/4 inch x 3 inches adhesive bandages.
- (4) Twelve 2 inch bandage compresses.
- (5) Twelve 3 inch bandage compresses.
- (6) Two 2 inches x 6 yards sterile gauze roller bandages.
- (7) Two nonsterile triangular bandages approximately 40 inches x 36 inches x 54 inches with 2 safety pins.
- (8) Three sterile gauze pads, 36 inches x 36 inches.
- (9) Three sterile eye pads.
- (10) One pair rounded end scissors.
- (11) One pair latex gloves.
- (12) One mouth barrier.

(c) *Body fluid clean-up kit.* Every vehicle shall have a removable and moisture proof body fluid clean-up kit. It shall be securely placed or mounted in an easily accessible location and labeled as a body fluid clean-up kit.

§ 171.125. Seating.

(a) *Vehicle seats.* Vehicle seats and seat belts shall be of a type and installed as recommended by the vehicle manufacturer.

(b) *Dividers.* Dividers may not be used to separate the seats.

(c) *Seating space.* A designated seating position of safe design and construction shall be provided for each passenger and a passenger may not be carried for which a safe designated seating position is not available.

Subchapter F. MASS TRANSIT PUPIL TRANSPORTATION BUS STANDARDS

§ 171.132. Fire extinguisher.

(a) *Required.* Every mass transit pupil transportation bus shall be equipped with at least one pressurized, multipurpose, dry chemical or halogenated agent fire extinguisher, mounted in a bracket in the driver's compartment and readily accessible to the driver. The fire extinguisher shall be mounted as directed by the manufacturer. The fire extinguisher shall have a hose and nozzle and be in good and usable condition. A pressure gauge shall be mounted on the extinguisher so as to be easily read without removing the extinguisher from its mounted position.

(b) *Type.* The fire extinguisher shall be of a type meeting the Underwriter Laboratories, Inc. Standard 299 or 1093—See Appendix A—with a total rating of not less

than 2 A-10 BC. The operating mechanism shall be sealed with a type of seal which will not interfere with the use of the fire extinguisher.

§ 171.133. First aid.

(a) *First aid kit.* Every mass transit pupil transportation bus shall have a removable moisture and dustproof first aid kit mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and visible to the driver or its location shall be marked.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

- (1) Two 1 inch x 2 1/2 yards adhesive tape rolls.
- (2) Twenty-four sterile gauze pads, 3 inches x 3 inches.
- (3) One hundred 3/4 inch x 3 inches adhesive bandages.
- (4) Twelve 2 inch bandage compresses.
- (5) Twelve 3 inch bandage compresses.
- (6) Two 2 inches x 6 yards sterile gauze roller bandages.
- (7) Two nonsterile triangular bandages approximately 40 inches x 36 inches x 54 inches with 2 safety pins.
- (8) Three sterile gauze pads, 36 inches x 36 inches.
- (9) Three sterile eye pads.
- (10) One pair rounded end scissors.
- (11) One pair latex gloves.
- (12) One mouth barrier.

(c) *Body fluid clean-up kit.* Every mass transit pupil transportation bus shall have a removable and moisture proof body fluid clean-up kit. It shall be securely placed or mounted in an easily accessible location and labeled as a body fluid clean-up kit.

§ 171.139. Seating.

When used as a school bus, a mass transit pupil transportation bus shall provide designated seating positions of safe design and construction for all school children. A school child may not be carried for which a safe designated seating position is not available.

Subchapter G. OPERATION STANDARDS FOR VEHICLES SUBJECT TO THIS CHAPTER

§ 171.147. Fire extinguishers.

Owners of vehicles subject to this chapter shall have the fire extinguishers in their vehicles inspected at least once a year to insure that the fire extinguishers are fully charged, properly filled and operable. Upon approval, the fire extinguisher shall be tagged, signed and dated.

§ 171.150. Use of portable emergency warning devices.

In accordance with 75 Pa.C.S. § 4530(b) (relating to portable emergency warning devices), when a bus is disabled or stopped for more than 10 minutes upon a highway, the driver shall display at least three portable warning devices. These portable warning devices shall be displayed as required by § 167.8 (relating to display).

APPENDIX A

1. For a summary or other explanation of any Federal standard, write the Director, Office of the Federal Regis-

ter, National Archives and Records Administration, Washington, D.C. 20408. The *Code of Federal Regulations* publication sales are handled exclusively by the Superintendent of Documents.

United States Government Printing Office
Superintendent of Documents
Washington, D.C. 20402

49 CFR 393	Parts and Accessories Necessary for Safe Operation
49 CFR 396	Inspection, Repair and Maintenance
49 CFR 567.7	Requirements for Persons Who Alter Certified Vehicles
49 CFR 568.8	Requirements For Persons Who Alter Certified Vehicles
49 CFR 569	Regrooved Tires
49 CFR 571	Federal Motor Vehicle Safety Standards (FMVSS)
Standard 108	Lamps, Reflective Devices and Associated Equipment
Standard 111	Rearview Mirrors
Standard 117	Retreaded Pneumatic Tires
Standard 119	New Pneumatic Tires For Vehicles Other Than Passenger Cars
Standard 120	Tire Selection And Rims For Motor Vehicles Other Than Passenger Cars
Standard 125	Warning Devices
Standard 131	School Bus Pedestrian Safety Devices
Standard 205	Glazing Materials
Standard 208	Occupant Crash Protection
Standard 209	Seat Belt Assemblies
Standard 210	Seat Belt Assembly Anchorages
Standard 213	Child Restraint Systems
Standard 217	Bus Emergency Exits and Window Retention and Release
Standard 222	School Bus Passenger Seating and Crash Protection
Standard 302	Flammability of Interior Materials
49 CFR 581	Bumper Standard

2. To order SAE handbooks or manuals or for additional SAE information, write:

Society of Automotive Engineers, Inc. (SAE)
400 Commonwealth Drive
Warrendale, PA 15096-0001
(412) 776-4970

Standard J20e	Coolant System Hoses
Standard J56	Electrical Generating System (Alternator Type) Performance Curve and Test Procedure
Standard J180b	Electrical Charging Systems for Construction and Industrial Machinery
Standard J186a	Supplemental High Mounted Stop and Rear Turn Signal Lamps
Standard J377	Performance of Vehicle Traffic Horns

- Standard J381 Windshield Defrosting Systems Test Procedure—Trucks, Buses and Multipurpose Vehicles
- Standard J382 Windshield Defrosting Systems Performance Requirements—Trucks, Buses and Multipurpose Vehicles
- Standard J578 Color Specifications
- Standard J887a School Bus Red Signal Lamps
- Standard J994b Alarm Backup Electric Performance Test and Application
- Standard J1100 Motor Vehicle Dimensions
- Standard J1133 School Bus Stop Arm
- Standard J1292 Automobile, Truck, Truck-Tractor, Trailer and Motor Coach Wiring

3. For additional SBMI information, write:

School Bus Manufacturers Institute (SBMI)
 Division of Truck Body and Equipment Association
 7508 Ben Avon Road
 Bethesda, Maryland 20817
 (301) 299-8441

Design Objectives Booklet, current edition

- Standard 001 Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment

4. For additional Underwriters Laboratories, Inc. information:

Underwriters Laboratories, Inc.
 333 Pfingsten Rd.
 Northbrook, Illinois 60062
 (312) 272-8800

- Standard 299 Dry Chemical Fire Extinguishers
- Standard 723 Tests for Surface Burning Characteristics of Building Materials
- Standard 1093 Halogenated Agent Fire Extinguishers

5. For additional U.S. Department of Commerce information, write:

United States Department of Commerce
 14th and E Streets
 Washington, DC 20230

Standard PS1-83 Construction and Industrial Plywood

6. For additional ASTM information, write:

American Society for Testing and Materials (ASTM)
 1916 Race Street
 Philadelphia, Pennsylvania 19103
 (215) 299-5400

Standard B117 Standard Method of Salt Spray (Fog) Testing

7. For additional General Services Administration Specification and Consumer Information, write:

General Services Administration
 Specification & Consumer Information
 Distribution Center
 Washington Navy Yard
 Building 197
 Washington, DC 20407

Federal Coating Compound, Bituminous, Solvent Type, Specification Underbody (for Motor Vehicles) TT-C-520b

8. For additional National Institute of Standards and Technology (NIST) information, write:

National Institute of Standards and Technology
 Publications and Programs Inquiries
 Building 101, Room E106
 Gaithersburg, MD 20899
 (301) 975-3052

Federal Standard Color 37038
 No. 595a

[Pa.B. Doc. No. 96-1532. Filed for public inspection September 13, 1996, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AFFAIRS

[16 PA. CODE CH. 29]

Industrialized Housing and Components

The Department of Community Affairs (Department) proposes to amend §§ 29.41—29.44, 29.56 and 29.122. These amendments are proposed under the authority of the Industrialized Housing Act (act) (35 P. S. §§ 1651.1—1651.12).

Summary and Purpose

The Department has the responsibility to adopt and publish regulations, including construction standards, for industrialized housing and components covered by the act. These standards are required to be reasonably consistent with recognized and accepted model codes. These regulations, including those setting standards were last amended in August 1991. Although the regulations at §§ 29.41—29.44, 29.56 and 29.122, covering amendments to standards and alternate standards, have not been entirely clear concerning the effect in this Commonwealth of changes in National model code standards, the Department has consistently enforced the most current version of those code standards.

The 1995 CABO One and Two Family Dwelling Code (Code) was generally available and adopted on April 1, 1995. Among the changes contained in that Code was a modification of stair geometry (riser and tread dimensions) from the traditional 8 1/4 inch riser by 9 inch tread to a 7 1/4 inch riser by 10 inch tread. The industrialized building industry has cited concerns that this change would significantly increase costs, cause loss of space utilization and negate design compatibility, especially in entry-level sized homes where space is critical. Research into the issue by the Department found no compelling nor conclusive evidence to support this change. In addition, cost/benefit analyses conducted by the National Association of Home Builders Research Center and others concluded that there was little or no substantive evidence to define the benefits of the new stair geometry, nor the lack of safety in the traditional, but that costs and effects on marketability and affordability of housing would be significant.

Based on the evidence available, the Department has concluded that manufacturers will not be required to build to the new CABO stair geometry requirements, but will be provided with the option to do so if their market needs and the needs of housing consumers require the change. Therefore, the Department proposes to amend § 29.42 (relating to alternate standards) to permit manufacturers to utilize either the previous or new CABO stair geometry standards.

In order to clarify questions concerning those standards and alternate standards that are in effect for industrialized housing under the regulations, and to clarify procedures for amending those standards and alternate standards, the Department also proposes to amend §§ 29.41, 29.43, 29.44, 29.56 and 29.122. These proposed amend-

ments should clarify the policy that has been followed by the Department since 1974.

Benefits and Costs

The proposed amendments continue the regulation of industrialized housing and component construction standards required by the act. No substantial new costs have been added.

Paperwork Requirements

These proposed amendments add no new paperwork to the requirements already imposed by the present regulations.

Public Comment

Persons wishing to comment on the proposed amendments may do so within 30 days following publication in the *Pennsylvania Bulletin*. Written comments should be directed to John F. Boyer, whose address and telephone number are set forth in this Preamble. In addition, a public hearing on these proposed amendments, as required by § 29.97, has been scheduled for 1 p.m., Wednesday, October 2, 1996, in Room 321 Forum Building, Harrisburg, PA.

Contact Person

For further information, contact John F. Boyer, Chief, Manufactured Housing Division, Bureau of Housing and Development, Room 376 Forum Building, Harrisburg, PA 17120, telephone (717) 783-7847.

Sunset Date

These proposed amendments are required by the act. They will be monitored on a regular basis and will be updated as needed.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on August 28, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Urban Affairs and the Senate Committee on Local Government. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of these proposed amendments, 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 final publication of the regulations, by the agency, the General Assembly and the Governor of objections raised.

DAVID E. BLACK,
Acting Secretary

(Editor's Note: Act 58 of 1996 transferred functions of the Department of Community Affairs to the Department of Community and Economic Development. Upon adoption, the proposal in Annex A will appear under the new Department.)

Fiscal Note: 5-60. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 16. COMMUNITY AFFAIRS

PART I. DEPARTMENT OF COMMUNITY AFFAIRS

CHAPTER 29. INDUSTRIALIZED HOUSING AND COMPONENTS

STANDARDS

§ 29.41. Adoption of standards.

(a) The following codes, which relate to the design, materials and method of construction of buildings, are adopted as the standards applicable to industrialized housing and housing components for purposes of this chapter:

* * * * *

(4) The National Electrical Code (NFPA No. 70-1981). [The] Except as provided in § 29.43 (relating to amendment policy) the codes shall be the latest addition including supplements. The effective date of all code changes or supplements shall be in accordance with §§ 29.44 and 29.122(b) (relating to procedure for adoption of amendments; and effective date).

* * * * *

§ 29.42. Alternate standards.

As an alternative to the primary codes specified in § 29.41 (relating to adoption of standards), a manufacturer may elect to satisfy the requirements of the following alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in § 29.47 (relating to acquisition of adopted codes and amendments):

(1) CABO One and Two Family Dwelling Code (latest edition), except that with regard to stair geometry (rise and run), a manufacturer may elect to utilize the 1992 CABO One and Two Family Dwelling Code, Section R-213.1, Figure No. R-213.1; and HUD Minimum Property Standards for One and Two Family Dwellings (24 CFR 200.926 (relating to minimum property standards for one- and two-family dwellings)).

* * * * *

(3) Electrical Code for One and Two Family Dwellings, NFPA latest edition 70. [The] Except as provided in § 29.43 (relating to amendment of policy), the codes shall be the latest edition including supplements. The effective date of code changes or supplements shall be in accordance with §§ 29.44 and 29.122(b) (relating to procedure for adoption of amendments; and effective date).

§ 29.43. Amendment policy.

(a) [It] Except as provided in subsection (b), it is the policy of the Department to adopt all amendments and additions to the provisions of the codes adopted under §§ 29.41 and 29.42 (relating to adoption of standards; and alternate standards) which relate to the design, materials or method of construction of buildings in accordance with the procedure called for in § 29.44 (relating to procedure for adoption of amendments).

(b) It is further the policy of the Department that it will not adopt an amendment of or addition to the codes adopted under §§ 29.41 and 29.42 which relate to the design, materials or method of construction of buildings

unless the amendment or addition has been adopted by the organizations which publish the code or unless there is clear and convincing evidence that the absence of the amendment or addition would be seriously detrimental to the health, safety or welfare of the citizens of the Commonwealth. If the Department determines not to adopt the latest version including supplements and additions of the National model codes adopted under § 29.41 or § 29.42 or to advance standards not contained in the latest version including supplements and additions, the amendment shall be treated as an amendment to this chapter to which § 29.97 (relating to amendments to this chapter) applies.

§ 29.44. Procedure for adoption of amendments.

(a) [The adoption of an] An amendment of or addition to a provision of a code adopted under §§ 29.41 and 29.42 (relating to adoption of standards; and alternate standards) shall be [treated as an amendment to this chapter to which § 29.97 (relating to amendments to this chapter) applies]. The effective date of an amendment or addition shall be the first day of the month following the month of the adoption of the amendment or addition by the Department [considered adopted by the Department on the first day of the month following the month in which the amendment or additions adopted by the National Model Code writing authority, unless the Department determines that the first day of a later month would better promote the purposes of the act and this chapter. The effective date of the amendment or addition shall be the first day of the month 1 year from the date of adoption by the Department. If the Department determines that there is an imminent threat to life safety which can be relieved by the prompt adoption of an amendment of or addition to a provision of a code adopted under §§ 29.41 and 29.42, the Department may establish an earlier effective date for the amendment or addition.

CERTIFICATION

§ 29.56. Amendments to building system documentation following changes in standards.

Evaluation agencies shall notify those manufacturers with whom they then have implementing contracts under § 29.78(c) (relating to contractual arrangements) of a change in or amendment to a code or standard adopted by the Department under §§ 29.41, 29.42 and 29.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments). The manufacturer shall have [a period of 6] 12 months from the [effective] date of adoption by the Department of the change or amendment to amend its building system documentation if necessary to assure compliance with the applicable provisions of the applicable codes and standards as adopted and changed or amended under §§ 29.41, 29.42, 29.43(a) and 29.44 to obtain the approval of the applicable evaluation agency of the amendments to its building system documentation or the determination from the applicable evaluation agency that its building system documentation requires no amendment; and to cease attaching insignia of certification to industrialized housing or housing components which have not been manufactured under the amendments to its building system documents if the amendments are required to assure compliance with the changed or amended codes

and standards. **If the codes and standards are adopted, changed or amended under §§ 29.43(b) and 29.97 (relating to amendment policy; and amendments to this chapter) the manufacturer shall have until _____ (Editor's Note: The blank refers to a date 6 months from the date of adoption of this proposal) to amend its building system documentation, if necessary, to assure compliance with the applicable provisions of the applicable codes and standards as adopted, changed or amended.** If the Department determines that there is an imminent threat to life safety which can be relieved by prompt conformity of the building system documentation to the changed or amended provisions of the applicable codes and standards, the Department may require a shorter period to secure compliance with the change or amendment to the adopted codes and standards. The Department may likewise provide a longer period than 6 months for compliance with the change or amendment to the adopted codes and standards, if the Department finds that compliance within a 6-month period would cause unreasonable hardship on a manufacturer in comparison with the anticipated benefits to the health, safety or welfare of the citizens of this Commonwealth. Section 29.55 (relating to general requirements for approval of amendments to building system documentation) applies to the amendments to building system documentation required by this section.

TRANSITIONAL PROVISIONS

§ 29.122. Effective date.

* * * * *

(b) Six months after [**adoption of an amendment to this chapter**] **the effective date of an amendment to this chapter under §§ 29.43(b) and 29.97 (relating to amendment policy; and amendments to this chapter) or 12 months after the adoption by the Department of an amendment of the standards under §§ 29.43(a) and 29.44 (relating to procedure for adoption of amendments),** no industrialized housing or housing components may be sold, leased or installed for use on a site in this Commonwealth unless the industrialized housing or housing components are certified as complying with the amendment.

[Pa.B. Doc. No. 96-1533. Filed for public inspection September 13, 1996. 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 113]

Notices of Increase in Premium and Midterm Cancellation or Nonrenewal of Policies

The Insurance Department (Department) proposes to amend Subchapter G (relating to increase in premium and midterm cancellation or nonrenewal of commercial property and casualty policies) to read as set forth in Annex A. These amendments are proposed under the authority of section 9 of the act of July 3, 1986 (P. L. 396, No. 86) (40 P. S. § 3409).

Purpose

Chapter 113 (relating to miscellaneous provisions) was initially promulgated to deal with problems posed by

cancellations and nonrenewals of commercial property and casualty insurance policies. The authorizing statute, Act 86, was adopted in 1986 and was recently amended by Act 10 of 1995, which became effective August 12, 1995. Accordingly, the Department now seeks to modify Chapter 113 to be consistent with the revised statutory requirements. Specifically, Chapter 113 is being amended to reduce the 60-day notice of intent to increase premiums for commercial policies to a 30-day notice of premium increase, consistent with the statutory change. Further, Chapter 113 is being revised to eliminate the requirement that insurers provide written notice of estimated premiums to the insured at least 30 days prior to the renewal date, because the statute no longer mandates this requirement. Additional clarifying language has also been included consistent with the statutory changes.

Explanation of Regulatory Requirements

This proposal adds the definition of "agent" and "insurer" and deletes the definition of "insured" in § 113.81 (relating to definitions). Additional definitions are proposed to be included to clarify those affected by the regulations and the role of each entity. The definition of "insured" is proposed to be deleted because the current regulations include a definition of "named insured."

Section 113.82 (relating to notice of premium increase) proposes to incorporate the statutory mandates of Act 10 of 1995. Subsection (a) is proposed to be amended to require insurers to provide advance notice of any premium increase not less than 30 days before the renewal date. Previously, insurers were required to provide a 60-day notice of intent to increase premium. Subsections (b) and (c) are proposed to be revised to mirror more closely the language of Act 10. Act 10 requires that the notice be "provided" to the insured. It does not require that the notice be "written" or "sent" to the insured, as does the current regulation. Finally, subsection (d) proposes to place responsibility for documenting compliance on insurers while allowing insurers flexibility to satisfy the requirements of that subsection.

Section 113.83 (relating to notice of estimated premium increase) is proposed to be deleted in its entirety. Act 10 removed the statutory obligation to provide notice of estimated premium increase.

Section 113.86 (relating to notices of nonrenewal or cancellation and return of unearned premium forwarded by surplus lines agents) is proposed to be revised to delete a reference to return of unearned premium. Section 113.87 (relating to return of unearned premiums) currently addresses the issue of return of unearned premium. Additionally, § 113.86 is proposed to be revised to delete specific reference to surplus lines insurers. The proposed language would allow insurers, both admitted and nonadmitted, to delegate authority to agents for issuance of cancellation and nonrenewal notices.

Affected Parties

Commercial property and casualty insurers transacting business in this Commonwealth and surplus lines insurers who write insurance on commercial property and casualty risks in this Commonwealth will be directly affected by these amendments. Policyholders, as recipients of cancellation and nonrenewal notices, will be indirectly affected.

Fiscal Impact

State Government

The amendments will not have an impact on Department costs associated with monitoring industry compliance.

General Public

It is expected that savings to the insurance industry resulting from these amendments will be passed along to insurance consumers in the form of lower rates.

Political Subdivisions

These amendments will have no impact on costs to political subdivisions.

Private Sector

It is estimated that the industry will realize a \$2.2 million savings per year resulting in the elimination of the estimated premium notice.

Paperwork

These amendments will impose no additional paperwork requirements on the Department and reduce the paperwork requirements imposed on the insurance industry.

Effectiveness/Sunshine Data

The proposed amendments will become effective upon final adoption and publication in the *Pennsylvania Bulletin* as final rulemaking. No sunset date has been assigned.

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Helfried G. LeBlanc, Deputy Insurance Commissioner for Consumer Services and Enforcement, 1321 Strawberry Square, Harrisburg, PA 17120, (717) 787-6174, within 30 days following publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on August 29, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. In addition to submitting these proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 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 regulations by the Department, the General Assembly and the Governor of objections raised.

LINDA S. KAISER,
Insurance Commissioner

Fiscal Note: 11-130. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE

CHAPTER 113. MISCELLANEOUS PROVISIONS

Subchapter G. INCREASE IN PREMIUM AND MIDTERM CANCELLATION OR NONRENEWAL OF COMMERCIAL PROPERTY AND CASUALTY POLICIES

§ 113.81. Definitions.

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

* * * * *

Agent—An individual, partnership or corporation, licensed by the Department, who contracts with an insurer to sell insurance on behalf of the insurer. With respect to policies of insurance covering commercial property and casualty risks issued by eligible surplus lines insurers, the term means a surplus lines licensee as defined in section 1602 of The Insurance Company Law of 1921 (40 P. S. § 991.1602).

* * * * *

[Insured—The first insured named on the declaration page of the insurance policy.]

Insurer—An insurer authorized by the Department to transact business in this Commonwealth or designated as an eligible surplus lines insurer as defined in section 1602 of The Insurance Company Law of 1921.

* * * * *

Policy of insurance—A policy, certificate or binder issued or delivered in this Commonwealth by [a licensed] an insurer or [surplus lines] agent covering commercial property or casualty risks. A policy with a policy period or term of less than 12 months or a policy period with no fixed expiration date is considered as written for successive policy periods of 12 months.

§ 113.82. Notice of [intent to increase] premium increase.

(a) [If insurers are going to increase an insured's renewal premium, insurers] Insurers shall [notify] provide the named insured [in writing] advance notice of [the intent 60 days or more] any increase in renewal premium not less than 30 days before the upcoming policy renewal date.

(b) [Insurers are responsible for providing written notice of intent to increase premiums to the insured.] An insurer may authorize its agents to [forward written] provide the notice of [intent to increase] premium increase to the named insured. The insurer [shall be] is responsible for the agent's failure to [forward, 60] provide 30 days or more in advance of policy renewal, a [written] notice of [intent to increase] premium increase.

(c) A [written] notice of [intent to increase] premium increase shall be [forwarded] provided to

the **named insured [by the insurer]** when a policy is issued **[to an insured]** by an insurer of a group of affiliated insurers that supersedes a policy issued by an insurer from the same group of affiliated insurers, **[the superseding policy provides types and limits of coverage substantially equivalent to those contained in the policy being superseded]** and the **[insured's]** premium will increase as a result of the superseding policy.

(d) Insurers are responsible for documenting that advance notice was provided to the named insured. Insurers may satisfy this requirement by doing one of the following:

(1) Maintaining a copy of the advance written notice provided to the named insured.

(2) Documenting its file to reflect the date and time advance notice was provided to the named insured.

(3) Providing documentation from its agent reflecting compliance with either paragraph (1) or (2).

(4) Providing other documentation as would reasonably demonstrate compliance. The documentation will be evaluated in the sole discretion of the Department.

§ 113.83. **[Notice of estimated premium increase] (Reserved).**

[(a) Insurers shall be responsible for providing written notice of the estimated premium to the insured, at least 30 days prior to the renewal date. An insurer may authorize its agents to forward written notice of the estimated renewal premium to the insured. The insurer shall be responsible for the agents' failure to forward, at least 30 days in advance of policy renewal, notice of the estimated renewal premium.

(b) Insurers may advise the insured of factors which contributed to the increase in premium. Insurers shall advise the insured of coverage, limits and amounts upon which the estimate of premium was based.

(c) A written notice of estimated premium increase shall be forwarded to the insured by the insurer for a policy issued to a named insured by an insurer of a group of affiliated insurers that supersedes a policy issued by an insurer from the same group of affiliated insurers where the superseding policy provides types and limits of coverage substantially equivalent to those contained in the policy being superseded, and the insurer was required to forward to the insured a notice of intent to increase premium.]

§ 113.85. **Midterm cancellation for material failure to comply with policy terms, conditions or contractual duties.**

An insurer may cancel in **[mid-term]** **midterm** a policy of insurance covering commercial property and casualty risks for material failure to comply with policy terms, conditions or contractual duties which require the insured to comply with safety standards and loss control recommendations, if the following **[exist]** apply:

(1) The **[language of a]** policy specifically provides that material failure **[on the part of the insured]** to comply with safety standards and loss control recommendations may constitute a basis for cancellation.

(2) The insurer has provided the **named** insured with written notice of the **[insured's]** failure to comply with safety standards and loss control recommendations.

(3) The insurer has provided the **named** insured with a reasonable opportunity to cure deficiencies with respect to safety standards and loss control recommendations.

(4) The **[insured has failed to cure]** deficiencies with respect to safety standards and loss control recommendations **have not been cured.**

§ 113.86. Notices of nonrenewal or cancellation **[and return of unearned premium]** forwarded by **[surplus lines]** agents.

(a) **[A surplus lines]** An insurer shall be deemed in compliance with the requirement that notices of midterm cancellation or nonrenewal **[, and unearned premium]** be forwarded by the insurance company directly to the named insured if **[a surplus lines]** an agent, who is authorized by **[a surplus lines]** an insurer to act on its behalf for purposes of providing notice of midterm cancellation or nonrenewal **[and returning unearned premium,]** forwards notices of midterm cancellation or nonrenewal to the named insured **[and returns unearned premium to the insured]**. The **[surplus lines]** insurer is responsible for the authorized **[surplus lines]** agent's failure to meet the requirements for providing notice of midterm cancellation or nonrenewal to the named insured **[, and the requirements for return of unearned premium to the insured set forth in the act.]**

§ 113.87. **Return of unearned premiums.**

An insurer is responsible for the return of unearned premium to the **named** insured within the time period required by the act. An insurer may authorize its agents to return unearned premium to the **named** insured. The insurer is responsible for the **[agent's]** agents' failure to return unearned premium to the **named** insured as required by the act.

[Pa.B. Doc. No. 96-1534. Filed for public inspection September 13, 1996, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission will hold a special 35th Anniversary meeting on Thursday, September 19, 1996, beginning at 11 a.m. in the Concert Hall located in the Independence Seaport Museum at 211 South Columbus Boulevard and Walnut Street, Penn's Landing, Philadelphia, PA. The meeting, which is open to the public, will commemorate the Commission's 35th year under the interstate-Federal Delaware River Basin Compact.

Following a luncheon recess, the meeting will reconvene at 2:30 p.m. at the same location and will include the following subjects for public hearing:

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

1. *Palmer Water Company D-81-24 CP Renewal* 3. An application for the renewal of a groundwater withdrawal project to supply up to 35 million gallons (mg)/30 days of water to the applicant's distribution system from well nos. 4, 6, 7, Foundry Well and Well A. Commission approval on May 22, 1991 was limited to 5 years. The applicant requests that the total withdrawal from all wells remain limited to 35 mg/30 days. The project is located in Palmerton Borough, Carbon County, PA.

2. *Broad Run Valley, Inc. D-85-27 CP Renewal* 2. An application for the renewal of a groundwater withdrawal project to supply up to 24 mg/30 days of water to the applicant's Wilkinson Farm water supply project from well no. W-3. Commission approval on June 19, 1991 was limited to 5 years. The applicant requests that the total withdrawal from all wells remain limited to 24 mg/30 days. The project is located in New Garden Township, Chester County, PA.

3. *Woodloch Pines, Inc. D-89-57 CP Renewal*. An application for the renewal of a groundwater withdrawal project to supply up to 9 mg/30 days of water to the applicant's potable distribution system and golf course irrigation system from well nos. 5, 6 and 9. Commission approval on August 8, 1990 was limited to 5 years. The applicant requests that the total withdrawal from all wells remain limited to 9 mg/30 days. The project is located in Lackawaxen Township, Pike County, PA.

4. *Evesham Municipal Utilities Authority D-93-38 CP*. An application for approval of a groundwater withdrawal project to supply up to 29 mg/30 days of water to the applicant's distribution system from new well no. 13 screened in the Mt. Laurel Aquifer, and to increase the existing withdrawal limit of 136 mg/30 days from all wells to 149 mg/30 days. The project is located in Evesham Township, Burlington County, NJ.

5. *Resorts USA, Inc. D-94-28 CP*. An application for approval of a groundwater withdrawal project to supply up to 1.73 mg/30 days of water to the applicant's Country Club of the Poconos at Big Ridge distribution systems from new well no. 2, and to retain the existing withdrawal limit from all wells of 3.7 mg/30 days. The project

is located in Middle Smithfield Township, Monroe County, PA.

6. *Warwick Township Water and Sewer Authority D-94-72 CP*. An application for the approval of a groundwater withdrawal project to supply up to 5.0 mg/30 days of water to the applicant's distribution system to serve the proposed Country Crossing residential development and the High Pointe industrial complex from new well nos. 9, 10 and 11. The applicant requests that the total withdrawals from all wells remain limited to 22.0 mg/30 days. The project is located in Warwick Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Mantua Township Municipal Utilities Authority D-95-36 CP*. An application for an increased withdrawal of water from previously approved well nos. 2 through 8 in the applicant's water supply system. The applicant requests that the withdrawal from well nos. 2 through 8 be increased from 37 mg/30 days to 47 mg/30 days. The project is located in Mantua Township, Gloucester County, NJ.

8. *Borough of Clayton D-95-45 CP*. An application for approval of a groundwater withdrawal project to supply up to 15 mg/30 days of water to the applicant's distribution system from new well no. 6, and to increase the existing withdrawal limit of 27.7 mg/30 days from all wells to 31 mg/30 days. The project is located in Clayton Borough, Gloucester County, NJ.

9. *Township of Medford D-95-55 CP*. An application for approval of a groundwater withdrawal project to supply up to 28 mg/30 days of water to the applicant's distribution system from new well nos. 14, 15 and 16, and to increase the existing withdrawal limit of 68.7 mg/30 days from all wells to 77 mg/30 days. The project is located in Medford Township, Burlington County, NJ.

10. *City of Millville D-96-5 CP*. An application for approval of a groundwater withdrawal project to supply up to 43.2 mg/30 days of water to the applicant's distribution system from new well no. 17, and to retain the existing withdrawal limit from all wells of 200 mg/30 days. The project is located in the City of Millville, Cumberland County, NJ.

11. *Borough of Pemberton D-96-7 CP*. An application for approval of a groundwater withdrawal project to supply up to 10.5 mg/30 days of water to the applicant's distribution system from new well nos. 4 and 5, and to limit the withdrawal limit from all wells to 10.5 mg/30 days. The project is located in Pemberton Borough, Burlington County, NJ.

12. *Keystone Hollow Corporation D-96-14*. An application for approval of a groundwater withdrawal project to supply up to 12 mg/30 days of water to the applicant's Great Bear Golf and Country Club irrigation system from new well nos. 1, 2 and 3, and to limit the withdrawal from all wells and ponds to 12 mg/30 days. The project is located in Middle Smithfield Township, Monroe County, PA.

13. *Borough of Bowmanstown D-96-22 CP*. A project to construct a 0.2 mgd sewage treatment plant (STP) to serve the Borough of Bowmanstown in Carbon County, PA. The proposed STP will provide secondary biological treatment utilizing the activated sludge sequencing batch reactor process. The STP will be located just off Lincoln

Avenue on the east side of the Lehigh River to which the treated effluent will discharge after chlorination.

14. *Pennsylvania Department of Conservation and Natural Resources D-96-23 CP.* A project to modify the applicant's existing 0.2 mgd STP serving the Nockamixon State Park in Bedminster, East Rockhill, Haycock and Nockamixon Townships, all in Bucks County, PA. The existing extended aeration activated sludge secondary biological treatment process will be changed to a sequencing batch reactor type activated sludge process. The STP is situated downstream of the Tohickon Dam and will continue to discharge to Tohickon Creek just downstream of the dam after tertiary filtration and chlorine disinfection.

15. *Warwick Township Water & Sewer Authority D-96-24 CP.* A project to construct a 0.12 mgd STP to serve residential and industrial development in an area currently served only by on-lot systems. The STP will be located just north of the intersection of Bristol and Mearns Roads and west of an unnamed tributary of Little Neshaminy Creek, to which it will discharge, in Warwick Township, Bucks County, PA. The STP will utilize the sequencing batch reactor activated sludge process to provide secondary biological treatment. Ultraviolet disinfection will be provided prior to discharge.

16. *Tobyhanna Township D-96-29 CP.* A proposed municipal STP that will provide 0.3 mgd of treatment capacity to serve the Blakeslee Corners area of Tobyhanna Township which has experienced failure of on-lot disposal systems. The new STP will provide advanced secondary biological treatment, tertiary filtration, and ultraviolet disinfection prior to discharge to Tobyhanna Creek, approximately 1,000 feet upstream of State Route 115 in Tobyhanna Township, Monroe County, PA.

17. *Middletown Township D-96-32.* An application for approval of a groundwater withdrawal project to supply up to 4 mg/30 days of water to irrigate the applicant's Middletown Country Club golf course from new well no. 1G, and to limit the withdrawal from all sources to 4 mg/30 days. The project is located in Middletown Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

18. *Burlington Township D-96-35 CP.* A project to upgrade and expand the applicant's Central Avenue STP from 1.65 mgd to 3.65 mgd, and to relocate the outfall from Tanners Run, a tidal tributary of the Delaware River, to the mainstem of the Delaware River in Water Quality Zone 2. The STP will continue to serve Burlington Township and is located on Central Avenue in Burlington Township, Burlington County, NJ.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are avail-

able in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 96-1535. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Pennsylvania Peach and Nectarine Research Program; Amendments

Under the applicable provisions of the Pennsylvania Agricultural Commodities Marketing Act of 1968, a referendum was held from August 5 to August 19, 1996, to determine if the producers affected by the Pennsylvania Peach and Nectarine Research Program desired to amend the Program. The amendment increases the rate of assessment from \$3 per acre to \$5 per acre for each affected producer. An affected producer is defined as a person who produces or grows or causes to be produced or grown 500 or more peach and/or nectarine trees, of all ages, for the production of peaches and/or nectarines for sale or marketing.

In order to pass, a majority by number and by volume of eligible producers voting had to vote in favor of the amendment. An impartial Teller Committee met on August 23, 1996, to count the ballots. The following results were submitted by the Teller Committee: a total of 53 eligible votes were cast, representing 2,628.4 acres of peach and nectarine production, with 38 or 71.7% voting in favor and 15 or 28.3% voting against the amendment. The producers voting in favor of the amendment represented 2,069.9 acres or 78.8% of the total acreage of the producers voting, and the producers voting against the amendment represented 558.5 acres or 21.2% of the total acreage of producers voting. There were three spoiled or ineligible ballots.

Because a majority of the votes by number and by volume were cast in favor of the amendment of the Program, the Pennsylvania Peach and Nectarine Research Program shall be amended as described above.

CHARLES C. BROSIUS,
Secretary

[Pa.B. Doc. No. 96-1536. Filed for public inspection September 13, 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 September 3, 1996.

BANKING INSTITUTIONS**New Charter Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-28-96	American Bank of the Lehigh Valley Allentown Lehigh County	4029 W. Tilghman St. Allentown Lehigh County	Approved
8-29-96	Centre Square Trust Company Philadelphia Philadelphia County	Philadelphia	Approved

The institution is being incorporated for the limited purpose of becoming transferee of certain corporate trust accounts held by Meridian Trust Company, a wholly-owned subsidiary of CoreStates Financial Corp., Philadelphia.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-28-96	Northside Bank Pittsburgh Allegheny County	Pittsburgh	Filed

Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, Pittsburgh, located at:
701 Liberty Avenue
Pittsburgh
Allegheny County

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-26-96	Mauch Chunk Trust Company Jim Thorpe Carbon County	Redner's Market 184 Market St. Nesquehoning Carbon County	Filed
8-27-96	Twin Rivers Community Bank Easton Northampton County	2850 Easton Avenue Bethlehem Northampton County	Approved
8-29-96	Mifflinburg Bank and Trust Company Mifflinburg Union County	Route 2 Market Drive Spring Mills Centre County	Filed
8-29-96	Wayne Bank Honesdale Wayne County	WalMart Supercenter Brown and Lincoln Sts. East Stroudsburg Monroe County	Authorization Surrendered

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-29-96	Northern Central Bank Williamsport Lycoming County	<i>To:</i> Colonial Plaza Towanda Bradford County <i>From:</i> Colonial Plaza Route 6 Towanda Bradford County	Approved

SAVINGS ASSOCIATIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
8-27-96	First Financial Savings Association Downingtown Chester County	82 Quarry Road Downingtown Chester County	Opened

NOTICES

CREDIT UNION

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-1537. Filed for public inspection September 13, 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 standard and regulations the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

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

PA 0050938. Industrial waste, **Allegro Micro Systems, W. G., Inc.**, 3900 Welsh Road, Willow Grove, PA 19090.

This application is for revocation/reissuance of an NPDES permit to discharge untreated reject city water from reverse osmosis units from Allegro Micro Systems in Upper Moreland Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Pennypack Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 67,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	1,000	2,000	2,500
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Chloroform	monitor/report		
Dichlorobromomethane	monitor/report		
Chlorodibromomethane	monitor/report		

Other Conditions:

Conditions for future permit modification.
 Special Test Methods for certain pollutants.
 The EPA waiver is in effect.

PA 0056952. Industrial waste, **Sun Company, Inc. (R and M)**, Twin Oaks Terminal, 4041 Market Street, Aston, PA 19014.

This application is for issuance of an NPDES permit to discharge treated groundwater from a groundwater remediation system serving Sun Company, Inc. in Avondale Borough, **Chester County**. This is a new discharge to East Branch White Clay Creek.

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

The proposed effluent limits for Outfall 001 based on an average flow of 2,900 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001	0.002	0.0025
Total BETX	0.1	0.2	0.25
Ethylbenzene	monitor	monitor	
Toluene	monitor	monitor	
Total Xylene	monitor	monitor	
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0050776. Sewage, **Coventry Terrace Mobile Home Park**, 391 Harley Road, Parkerford, PA 19457-0200.

This application is for renewal of an NPDES permit to discharge treated sewage from Coventry Terrace Mobile Home Park in East Coventry Township, **Chester County**. This is an existing discharge to Pigeon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 31,500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	0.5	1.2
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0050407. Sewage, **Bryn Mawr Rehabilitation Hospital**, 414 Paoli Pike, Malvern, PA 19355.

This application is for renewal of an NPDES permit to discharge treated sewage from Bryn Mawr Rehabilitation Hospital in Willistown Township, **Chester County**. This is an existing discharge to Ridley Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 20,000 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N) (5-1 to 10-31)	3.5	7.0
(11-1 to 4-30)	10.5	21.0
Total Residual Chlorine	0.5	1.2
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0025917. Amendment No. 1, Sewage, **Chalfont-New Britain Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901.

This application is for amendment of an NPDES permit to discharge treated sewage from Chalfont-New Britain Township Joint Sewer Authority's STP in Doylestown Township, **Bucks County**. This is an existing discharge to Neshaminy Creek.

The permit is being amended to delete the Authority's pretreatment program requirements. The approval of discontinuance of the Authority's pretreatment program was granted by the USEPA on May 29, 1996.

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

PA 0063584. Sewerage, **Penn Security Bank and Trust Company**, J. Patrick Dietz, Assistant Vice President, Route 611 and 940, Mount Pocono, PA 18344.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Scot Run in Mount Pocono Township, **Monroe County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.00075 mgd are:

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

The EPA waiver is in effect.

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

PA 0006297. Sewage, **Menasha Corporation**, P. O. Box M, Yukon, PA 15698.

This application is for renewal of an NPDES permit to discharge treated sewage, process wastewater and untreated stormwater runoff from Yukon Plant in Sewickley Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.0072 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Oil and Grease	15			30
Fecal Coliforms	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)				
Total Residual Chlorine	monitor and report			
1st month—36th month	1.4			
37th month—expiration	3.3			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

Outfalls 002—006: existing discharge to Sewickley Creek.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
The discharge via these outfalls shall consist of uncontaminated stormwater runoff only.				

The EPA waiver is in effect.

PA 0035262. Sewage, **Family Mobile Homes, Inc.**, 1683 E. Pleasant Valley Boulevard, Altoona, PA 16602.

This application is for renewal of an NPDES permit to discharge treated sewage from the Family Mobile Homes, Inc. Sewage Treatment Plant in Reade Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Fallentimber Run, which are classified as a 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 in excess of 100 miles from this facility.

Outfall 001: existing discharge, design flow of 0.0036 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliforms				
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration		1.4		3.3
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0093033. Sewage, **Eastern Armstrong County Municipal Authority**, P. O. Box 262, Elderton, PA 15736.

This application is for renewal of an NPDES permit to discharge treated sewage from Elderton Sewage Treatment Plant in Elderton Borough, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Crooked 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 Cadogen Water Works.

Outfall 001: existing discharge, design flow of .0582 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10	15		20
Suspended Solids	25	38		50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		9.0
(11-1 to 4-30)	9.0	13.5		27.0
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			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0093165. Sewage, **Claysville-Donnegal Joint Municipal Authority**, 314 Main Street, P. O. Box 467, Claysville, PA 15323.

This application is for renewal of an NPDES permit to discharge treated sewage from the Claysville-Donnegal Water Pollution Control Plant in Donegal Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dutch Fork, which are classified as a high quality 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 located in Bethany, West Virginia.

Outfall 001: existing discharge, design flow of .16 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	15	22.5		30
Suspended Solids	25	38		50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.3		3.0
(11-1 to 4-30)	4.0	6.0		8.0
Phosphorus	2.0	3.0		4.0
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	.03			.10
Dissolved Oxygen	not less than 7.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0097454. Sewage, **Colleen Shimel**, R. D. 3, Cedar Run Road, Allison Park, PA 15101.

This application is for renewal of an NPDES permit to discharge treated sewage from the Shimel Single Residence Sewage Treatment Facility in Indiana Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Shafers Run, which are classified as a 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 Fox Chapel Water Authority.

Outfall 001: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
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	monitor and report			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0205338. Sewage, **Timothy and Linda Brunatti**, 48 Brallier Drive, Ligonier, PA 15658.

This application is for renewal of an NPDES permit to discharge treated sewage from the Brunatti Single Residence Sewage Treatment Plant in Ligonier Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Loyalhanna Creek, which are classified as a 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 Latrobe Municipal Authority on Loyalhanna Creek.

Outfall 001: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	6.0—9.0			

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager; Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3670.

PA 0113115. Sewerage, SIC: 4952, **New Hope Baptist Church**, R. D. 3, Box 56-1A, Middleburg, PA 17842.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Middle Creek in Franklin Township, **Snyder 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, NO₂-NO₃, 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 0.002 mgd are:

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

The EPA waiver is in effect.

PA 0111741. Sewerage, SIC: 4952, **Warrior Run School District**, R. R. 2, Box 151A, Turbotville, PA 17772.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary of Warrior Run in Lewis Township, **Northumberland County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located at Milton approximately 10 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.026 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliforms	200/100 as a geometric average	
Total Residual Cl ₂		
1st month—36th month	report	report
37th month—expiration date	1.0	2.3
pH	within the range of 6.0—9.0	

The EPA waiver is in effect.

PA 0031283. Sewerage, SIC: 4952, **West Branch Area School District**, R. R. 2, Box 194, Morrisdale, PA 16858-9312.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary of Flat Run in Morris Township, **Clearfield 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton approximately 140 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Fecal Coliforms	200/100 ml as a geometric average	
pH	within the range 6.0—9.0	
Total Residual Chlorine		
1st month—36th month	report	report
37th month—expiration date	1.0	2.3

The EPA waiver is in effect.

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.

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

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

Beaver County Conservation District, District Manager, 1000 Third St., Ste. 202, Beaver, PA 15009-2026, telephone (412) 774-7090.

NPDES Permit PAS100234-1. Stormwater. **Jeb Hughes**, JDN Development Company Inc., 3340 Peachtree Road, 1530 Tower Place, Atlanta, GA 30326 has

applied to discharge stormwater from a construction activity located in Center Township, **Beaver County**, to the Ohio River.

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.

NPDES Permit PAS10E056. Stormwater. **Cranberry Township**, 2525 Rochester Road, Ste. 400, Cranberry Township, PA 16066 has applied to discharge stormwater from a construction activity located in Cranberry Township, **Butler County**, to Breakneck Creek.

Carbon County Conservation District, District Manager, 92 Blakeslee Blvd., E. Lehigh, PA 18235, telephone (610) 377-4894.

NPDES Permit PAS101309. Stormwater. **Department of Transportation**, District No. 5, 1713 Lehigh Street, Allentown, PA 18103 has applied to discharge stormwater from a construction activity located in Kidder Township, **Carbon County**, to Black Creek.

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

NPDES Permit PAS10T070. Stormwater. **Michael Malone**, 1440 Credley Lane, Collegeville, PA 19426 has applied to discharge stormwater from a construction activity located in Worcester Township, **Montgomery County**, to Zacharias Creek.

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 name, address and telephone number of the protester, 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 protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan, action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

A. 5496404. Sewerage. **Girardville Area Municipal Authority**, P. O. Box 5, Girardville, PA 17935. Application to construct and operate a sewage treatment plant, pump stations, sewers and appurtenances to serve

Girardville Borough and Butler Township, **Schuylkill County**. Application received in the Regional Office August 23, 1996.

A. 5296401. Delaware Valley School District, HC 77, Box 379A, Milford, PA 18337. Application to make improvements to the existing wastewater treatment plant to enhance the facility's operation, located in Westfall Township, **Pike County**. Application received in the Regional Office August 12, 1996.

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

1596409. Sewerage. Willistown Township, 688 Sugartown Road, Malvern, PA 19355. Construction of a grinder pump and force main to serve Meadowbrook Farm Residential Subdivision located in Willistown Township, **Chester County**.

0996415. Sewerage. Warwick Township Water and Sewer Authority, 2581 York Road, P. O. Box 315, Jamison, PA 18929. Construction of a pumping station and force main to serve Country Crossing located in Warwick Township, **Bucks County**.

4696417. Sewerage. The Klein Company, 1700 Market Street, Suite 2600, Philadelphia, PA 19103. Construction of approximately 917 linear feet of 12" diameter PVC sanitary sewer and 704 linear feet of 12" diameter DIP sanitary sewer to serve Walnut Crossing Subdivision located in Limerick Township, **Montgomery County**.

4696418. Sewerage. Lower Salford Township Authority, 650 Main Street, Harleysville, PA 19438. Construction of a pump station and force main to serve Summerwind Subdivision located in Lower Salford Township, **Montgomery County**.

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

A. 0492201. Amendment No. 1. Industrial waste, Alex E. Paris Contracting Company, Inc., Route 18, P. O. Box 369, Atlasburg, PA 15004. Application for additions and modification of the existing wastewater treatment facility located in the Township of Hanover, **Beaver County** to serve the Alex E. Paris Contracting Company, Inc. flyash landfill.

A. 2696404. Sewerage, Consol Docks, Inc., 1800 Washington Road, Pittsburgh, PA 15241-1421. Application for the construction and operation of a sewers and appurtenances and pump stations located in the Township of Luzerne, **Fayette County** to serve the Alicia Pumping Station and Force Main.

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

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

A. 4696508. Public water supply. PECO Energy, Walter G. MacFarland, P. O. Box 2300, Sanatoga, PA 19464-0920. This proposal involves the construction of a corrosion control treatment facility at PECO Limerick Generation Station in Pottstown Borough, **Montgomery County**.

A. 4696507. Public water supply. PECO Energy, Walter G. MacFarland, P. O. Box 2300, Sanatoga, PA 19464-0920. This proposal involves the construction of a

corrosion control treatment facility at PECO Training Center in Pottstown Borough, **Montgomery County**.

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

A. 1194505-A1. Saint Francis College, Physical Plant, Business Office, Loretto, PA 15940. Improvements to the Saint Francis Water System, Loretto Borough and Allegheny Township, **Cambria County**.

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

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

For further information concerning the content of a Notice of Intent to Remediate, 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:

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

Country Manor Estates, Alsace Township, **Berks County**. Country Manor Estates, 3118 Pricetown Road, Fleetwood, Berks County, PA 19522, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Reading Eagle* on May 26, 1996.

Country Manor Estates, Alsace Township, **Berks County**. Country Manor Estates, 3118 Pricetown Road, Fleetwood, Berks County, PA 19522, has submitted a Notice of Intent to Remediate site soils contaminated with lead, BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard.

A summary of the Notice of Intent to Remediate was reported to have been published in *Reading Eagle* on May 26, 1996.

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

Andritz Sprout-Bauer, Inc.—Building 70, Muncy Creek Township, **Lycoming County**. Andritz Sprout-Bauer, Inc. has submitted a Notice of Intent to Remediate soil contaminated with BTEX, PHCs and solvents. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on July 30, 1996.

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

Titleman Welfare Fund Building, City of Altoona, **Blair County**. Puritan Place Investors, 1255 Fifth Avenue, New York, NY 10029, has submitted a Notice of Intent to Remediate site soils and site groundwater contaminated with lead, heavy metals, solvents, BTEX, PHCs and PAHs and site soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on August 21, 1996.

Highway Express Service Station, Littlestown Borough, **Adams County**. Pleasant Hill Convenience/Tevis Oil Company, P. O. Box 26, Westminster, MD 21158, has submitted a Notice of Intent to Remediate site soils and site groundwater contaminated with BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Gettysburg Times* on August 20, 1996.

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

Bethlehem Steel Corporation, City of Bethlehem, **Northampton County**. Edwin B. Wilson, Director of Environmental Assessment and Remediation with Bethlehem Steel Corporation (Bethlehem, PA) has submitted a Notice of Intent to Remediate site soils contaminated with metals, and groundwater which has been contaminated with solvents and metals. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was published in *The Express Times* and *The Morning Call*.

Notice of Settlement Under the Hazardous Sites Cleanup Act

Industrial Solvents and Chemical Company Newberry Township, York 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 entered into a consent order and agreement (COA) with the Maryland Mass Transit Administration (MTA) regarding the Department's costs incurred for conducting response activities at the Industrial Solvents and Chemical Company (ISCC) site. The ISCC site is a 9-acre parcel of land in Newberry Township, York County, adjacent to Interstate 83. The surrounding area is primarily rural, although residential, commercial and industrial developments are located within a close vicinity of the site. A number of private residential wells have been contaminated by hazardous substances migrating from the ISCC site.

ISCC was involved in the reprocessing of used solvents. Because of violations of hazardous waste requirements, the Department on July 6, 1989, terminated ISCC's authority to operate a hazardous waste treatment and storage facility. The site was abandoned in 1990 when ISCC declared bankruptcy. A total of 996 parties poten-

tially responsible for the hazardous substances located at the ISCC site were identified by the Department.

Because of the threat to human health and the environment posed by the ISCC site, the site was placed on the Pennsylvania Priority List for Remedial Response on October 26, 1991. The Department and a group of approximately 136 cooperating potentially responsible parties have conducted a number of interim actions at the site to address the release or threat of release of hazardous substances. To date, the Department has incurred costs of approximately \$3 million to implement and/or oversee these interim actions. A final remedial action for the groundwater and soil at the ISCC site will be selected by the Department and implemented in the future.

Under the terms of the proposed COA, MMTA will pay the Department \$152,025.72. This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The COA that contains the specific terms of the settlement is available for public review and comment. The COA can be examined from 8 a.m. to 4 p.m. at the Department's office at One Ararat Boulevard, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 657-4592. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the consent order and agreement to the Department by November 13, 1996, by submitting them to Barbara Faletti at the above address.

Prompt Interim Response Action under the Hazardous Sites Cleanup Act

Seven Stars Site
East Pikeland Township, Chester County

The Department of Environmental Protection (Department) under the authority of the Hazardous Site Cleanup Act (35 P. S. §§ 6020.102—6020.1305) has implemented a prompt interim response action at the Seven Stars HSCA Site in East Pikeland Township near the intersection of Route 113 and East Seven Stars Road. Domestic groundwater wells in this area are contaminated with Trichloroethene (TCE) and Tetrachloroethene (PCE) at concentrations above the Environmental Protection Agency's drinking water standard of 5.0 parts per billion.

In deciding the appropriate response, the Department reviewed two possible immediate actions. One option was to take no action and allow the citizens of the Commonwealth to continue to consume contaminated well water. This option was rejected because it does not satisfy the statutory requirement of being protective of the public health. The second option reviewed by the Department was to quickly eliminate the risk associated with drinking contaminated water by providing the affected residents with bottled water until a long term solution to the problem can be developed. The Department selected option two because it would be protective of the public health in the short term and it could be implemented immediately.

The Administrative Record contains information related to the site and the Department's proposed decision to perform this prompt interim response action. The Administrative Record is available for public inspection from 9 a.m. to 4 p.m., Monday through Friday, at the Department's Southeast Regional Office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6193. An additional copy of the Administrative Record

will be available for public inspection at the Chester County Free Library of Phoenixville located at Second Avenue and Main Street in Phoenixville. Library hours are 9 a.m. to 9 p.m. Monday through Thursday and 9 a.m. to 5 p.m. Friday and Saturday.

Written comments concerning the prompt interim response action and information in the Administrative Record will be accepted in person or by mail if post-marked on or before Friday, December 13, 1996. Comments should be sent to the attention of Chet Zazo, HSCP Project Officer at the Southeast Regional Office address.

Additionally, the public will have the opportunity to present oral comments at a public hearing scheduled for Thursday, October 17, 1996, at 7:30 p.m. at Saint Basil's Church located on Kimberton Road in Kimberton. Persons wishing to present oral comments should register on or before October 10, 1996 by calling Rob Goldberg 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 proceeding should contact Rob Goldberg at the number provided above to discuss how the Department may best accommodate their needs.

The Department is providing this notice under section 506(b) of the Hazardous Sites Cleanup Act. 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. Questions concerning the site may be directed to Chet Zazo, Project Officer, at (610) 832-6193.

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

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

NSH Network, Inc. d/b/a Resource Management Council Services, Inc., 888 Veterans Memorial Highway, Hauppauge, NY 11788; Bob Quinn, Assistant Vice President; application received August 19, 1996.

Beneficial Use Determinations received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.

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

Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A Request for Beneficial Use Approval to utilize processed wood fines from construction/demolition waste as daily cover material. The processed fines are to be used in lieu of soil as daily cover at this municipal waste landfill, located in Williams Township, **Northampton County**. This request was received in the Regional Office on July 3, 1996.

Southwest Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Beneficial Use Request No. BU50094. Duquesne Light Company, 411 Seventh Avenue, P. O. Box 1930,

Pittsburgh, PA 15230-1930. Use of coal ash as structural fill for The Homes at Bellfield residential development project located in the Borough of Munhall, **Allegheny County**.

Beneficial Use Request was approved in the Southwest Regional Office on July 30, 1996.

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

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

A. 301300. Brunner Island, PP&L, (Two North Ninth Street, Allentown, PA 18101-1179). Application for modification for residual waste disposal impoundment site in East Manchester Township, **York County**. Application determined to be administratively complete in the Regional Office August 22, 1996.

A. 100113. Modern Landfill—Northwest Expansion, Modern Landfill & Recycling, (R. D. 9, Box 317, York, PA 17402). Application for major modification for Northwest Expansion of the landfill in Lower Windsor and Windsor Township, **York County**. Application determined to be administratively complete in the Regional Office August 21, 1996.

A. 301029. Three Mile Island, GPU Nuclear Corporation, (One Upper Pond Road, Parsippany, NJ 07054). Application for repermitting of a residual waste landfill located in Londonderry Township, **Dauphin County**. Application determined to be administratively complete in the Regional Office August 23, 1996.

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

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

Permit I. D. No. 301256. Martins Creek SES Ash Basin No. 1, Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101-1179. A Major Permit Modification for the continued operation of this residual waste disposal impoundment, located in Lower Mt. Bethel Township, **Northampton County**. The permit application was received on August 9, 1996, and was determined to be complete in the Regional Office on August 16, 1996.

Permit I. D. No. 301295. Hazleton Oil Salvage, Ltd.—Audenried, PA Bulk Petroleum Storage Plant & Used Oil Recycling Facility, Hazleton Oil Salvage, Ltd., P. O. Box 2339, Hazleton, PA 18201. A permit application for the operation of a residual waste processing and transfer facility, located in Banks Township, **Carbon County**. The permit application was received on June 27, 1996, and was determined to be complete in the Regional Office on August 21, 1996.

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

A. 101534. Laurel Highlands Landfill, 196 Wagner Road, Vintondale, PA 15961. Laurel Highlands Landfill, 310 Leger Road, North Huntingdon, PA 15642. Application for a Major Permit Modification to add an additional 161.2 acres of disposal area to a landfill in Jackson Township, **Cambria County**. This application was received in the Regional Office on August 22, 1996.

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

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

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described for:

Permit: **OP-46-0077**
 Source: Three Boilers
 Company: **Doehler-Jarvis Pottstown, Inc.**
 Location: West Pottsgrove
 County: **Montgomery**

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described for:

Permit: **OP-46-0069**
 Source: Synthetic Minor NOx Emitting Facility
 Company: **Corson Lime**
 Location: Whitemarsh
 County: **Montgomery**

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

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

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **46-302-052A**
 Source: Auxiliary Steam Boiler A
 Company: **PECO Energy**
 Location: Limerick
 County: **Montgomery**

Permit: **09-399-035**
 Source: Sewage Pump Station Wet Well
 Company: **Bucks County Water & Sewer Authority**
 Location: Doylestown
 County: **Bucks**

Permit: **15-310-039**
 Source: Stone Crushing Plant
 Company: **Devault Crushed Stone**
 Location: Charlestown
 County: **Chester**

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

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

06-1002B. Construction of a material dryer and electric generator by **Allentown Cement Company, Inc.** (P. O. Box 619, Blandon, PA 19510-0619) in Maiden creek Township, **Berks County**.

31-310-025C. Modification of the existing dry screening operation by **U. S. Silica Company** (Route 1, Box 1885, Mapleton Depot, PA 17052) in Brady Township, **Huntingdon County**.

36-399-036. Modification of the existing four dust collectors by **Bollman Hat Company** (110 East Main Street, P. O. Box 517, Adamstown, PA 19501) in Adamstown Borough, **Lancaster County**.

36-315-017B. Modification of the paper shredder/baler system and control devices by **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601) in the city of Lancaster, **Lancaster County**.

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

49-302-061. Construction of three natural gas/no. 2 fuel oil fired boilers, an emergency generator and an oil storage tank by **Merck and Company, Inc.** (P. O. Box 600, Danville, PA 17821-0600) in Riverside Borough, **Northumberland County**. The boilers are subject to Subparts Db of the Federal Standards of Performance for New Stationary Sources.

49-302-060. Construction of two natural gas/no. 2 fuel oil fired boilers by the **Shikellamy School District** (6th and Walnut Streets, Sunbury, PA 17801) at the Shikellamy High School in the City of Sunbury, **Northumberland County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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

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

59-399-012. The Department intends to issue an operating permit to **Westfield Tanning Company** (360 Church Street, Westfield, PA 16950) for the operation of a spent tanning solutions box dryer and associated air cleaning device (a fabric filter) in Westfield Borough, **Tioga County**.

Reasonably Available Control Technology; Public Hearings

Approval of Reasonably Available Control Technology (RACT) Plans for:

Quebecor Printing Atglen, Inc. (West Sadsbury Township, Chester County)

PreFinished Metals, Inc. (Falls Township, Bucks County)

SmithKline Beecham Research Company. (U. Providence Township, Montgomery County)

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

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

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

Quebecor Printing Atglen, Inc. (Operating Permit OP-15-0002)

<i>Sources</i>	<i>Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
4 Graymill Parts Washer			
Tanks and Cleaning Solvents	15.6 VOC	Good Control Practices	Implemented
4 Boilers	68.4 NOx	Annual Tune-up	Implemented

Prefinished Metals, Inc. (Operating Permit OP-09-0030)

<i>Sources</i>	<i>Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Baking Ovens	26 NOx	Annual Tune-Up	Upon permit issuance
Laminator/Embossing	30 VOC	Thermal Incinerator	Upon permit issuance
Cleanup Operations	26.8 VOC	Recordkeeping	Upon permit issuance

The following sources were found to be de-minimus VOC sources: Parts Washing Unit, Waste Transfer Station, Solvent Distiller, Drum Filling Operation and Laboratory Hoods. This facility will meet the presumptive NOx requirements of section 129.93 for its space heaters.

Smithkline Beecham Research Company (Operating Permit OP-46-0031)

<i>Sources</i>	<i>Emission Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
(3) Cleaver-Brooks Boiler	5.7 lb/hr NOx each	Combustion Tuning	Implemented
Cleaver-Brooks Boiler	3.1 lb/hr NOx	Combustion Tuning	Implemented

<i>Sources</i>	<i>Emission Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
(6) Emergency Generators	0.521 lb/hr NOx	Operation/Maint. Practices	Implemented
Emergency Firewater Pump	2.7 tons/year NOx	Operation/Maint. Practices	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on October 15, 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 October 15, 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.

Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

Northwest Regional Office: Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.

25-317-004C. The Department received a plan approval application for construction of three new fish fryers

(8,000 #/hr) to replace existing fryers (5,000 #/hr) by **Van de Kamp's, Inc.**, (P. O. Box 10367, Erie, PA 16514) in Erie, **Erie County**.

61-302-033A. The Department received a plan approval application for installation of a Low NOx burner on Boiler 3A (144.4 MMBTU/hr) by **Pennzoil Products Company** (2 Main St., Rouseville, PA 16344) at the Plant 1 Boilerhouse in Rouseville, **Venango County**.

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

Coal Applications Received

26820129. Wise Mining Company (R. D. 1, Box 15, Lake Lynn, PA 15451). Application received to revise permit to add acres and an additional coal seam on a bituminous surface mining site located in Springhill Township, **Fayette County**, currently affecting 25.1 acres. Receiving streams unnamed tributary to Grassy Run, to Grassy Run, to the Cheat River. Revision application received August 20, 1996.

26910113. Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA 15610). Renewal application received for continued reclamation of a bituminous surface mine located in Wharton Township, **Fayette County**. Receiving streams three unnamed tributaries to Big Sandy Creek. Renewal application received August 23, 1996.

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

56960108. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 101.0 acres, receiving stream unnamed tributary to Buffalo Creek and Buffalo Creek, application received August 19, 1996.

56910104. Permit renewal, **Hardrock Coal Company** (R. D. 4, Box 155A, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 133.4 acres, receiving stream unnamed tributary to Tub Mill Run; unnamed tributary to Casselman River, application received August 20, 1996.

32910101. Permit renewal, **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15711), commencement, operation and restoration of bituminous strip mine in Rayne Township, **Indiana County**, affecting 58.0 acres, receiving stream unnamed tributaries to Crooked Creek and Crooked Creek, application received August 20, 1996.

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

32841315. Stanford Mining Company, (R. D. 4, Box 271, Punxsutawney, PA 15767), to renew the permit for the Chestnut Ridge bituminous deep mine in Cherryhill Township, **Indiana County** for reclamation only, receiving stream Allen Run. Application received August 16, 1996.

03841308. Rosebud Mining Company (R. D. 1, Box 379A, Kittanning, PA 16201), to renew the permit for the Rosebud No. 1 bituminous deep mine in Perry Township, **Armstrong County** for reclamation only, no additional discharge. Application received July 26, 1996.

33841303. Doverspike Brothers Coal Company, (R. D. 4, Box 271, Punxsutawney, PA 15767), to renew the permit for the Dora No. 6 bituminous deep mine in Perry Township, **Jefferson County**, no additional discharge. Application received July 8, 1996.

17841301. Manor Mining & Contracting Corporation, (P. O. Box 368, Bigler, PA 16825), to renew and revise the permit for the Manor No. 44 bituminous deep mine in Girard Township, **Clearfield County** to renew and revise permit to add area to the subsidence control plan boundary, receiving stream Bald Hill Run. Application received July 24, 1996.

30743704. Duquesne Light Company, (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 2 CRDA in Monongahela Township, **Greene County**, no additional discharge. Application received August 5, 1996.

30841602. Duquesne Light Company, (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 2 preparation plant in Monongahela Township, **Greene County**, receiving stream Whiteley Creek. Application received August 5, 1996.

30743705. Duquesne Light Company, (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 3 CRDA in Dunkard Township, **Greene County**, receiving stream Dunkard Creek. Application received August 5, 1996.

63831302. Eighty Four Mining Company, (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Mine 84 bituminous deep mine in South Strabane Township, **Washington County** to add Lang Shaft, receiving stream unnamed tributary to Little Chartiers Creek. Application received August 19, 1996.

30841313. Consolidation Coal Company, (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth bituminous deep mine in Jefferson Township, **Greene County** to add five degas boreholes, no additional discharge. Application received August 5, 1996.

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

Noncoal Applications Received

6476SM6C2 and C3. Union Quarries, Inc., (P. O. Box 686, Carlisle, PA 17013-0686), renewal and correction of an existing NPDES Permit #PA0595365 in Southampton Township, **Cumberland County**, receiving stream Letort Spring Run and tributary to Conodoguinet Creek. Applications received August 15, 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. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the 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 office noted above the application.

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

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

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

E35-268. Encroachment. **Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 16 foot × 5 foot, 6 inch reinforced concrete box culvert in Sterry Creek. The project, S. R. 1016, Section 270, is associated with the Sterry Creek Stream Channel Restoration Project OSM 35 (2080) 102.1 and is located at the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.2 inches; W: 10.3 inches) in Jessup Borough, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E35-269. Encroachment. **Lackawanna County Railroad Authority**, 701 Wyoming Avenue, Scranton, PA 18509. To maintain the existing 11 foot, 10 inch × 7 foot, 7 inch corrugated metal pipe arch culvert and to construct and maintain a stream enclosure consisting of approximately 140 linear feet of 8 foot diameter reinforced concrete pipe to provide additional discharge capacity for Sterry Creek. The project is associated with the Sterry Creek Stream Channel Restoration Project OSM 35 (2080) 102.1 and is located approximately 0.32 mile east of the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.3 inches; W: 11.2 inches) in Jessup Borough, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E35-270. Encroachment. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 93 North State Street, Wilkes-Barre, PA 18701-3195. To construct and maintain approximately 1,150 linear feet of concrete u-channel and to excavate, place and maintain fill for the construction of a trapezoidal channel, riprap bank stabilization and channel lining in and along 2,500 linear feet of Sterry Creek and its associated floodway. The project, known as the Sterry Creek Stream Channel Restoration Project, OSM 35 (2080) 102.1 and is located at a beginning point at the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.2 inches; W: 10.4 inches) and extending approximately 0.75 mile downstream to the confluence of Sterry Creek and the Lackawanna River (Olyphant, PA Quadrangle N: 18.2 inches; W: 11.2 inches) in Jessup Borough, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E13-098. Encroachment. **Richard C. and Anne E. Gremling**, 2935 Forest Street, Lehigh, PA 18235. To construct and maintain a private residential stream crossing consisting of 3-36 inch CMP culverts across an unnamed tributary to Pine Run (CWF). The project is located approximately 0.3 mile northeast of the intersection of T419 and T468 (Pohopoco, PA Quadrangle N: 3.9

inches; W: 16.0 inches) in Towamensing Township, **Carbon County** (Philadelphia District, Army Corps of Engineers).

E40-448. Encroachment. **Order of Friars Minor-Slavo Byzantine Rite**, P. O. Box 270, Sybertsville, PA 18251. To remove the existing structure and to construct and maintain a single-span pedestrian bridge, having a span of approximately 30 feet and a minimum underclearance of approximately 6 feet, across a tributary to Little Nescopeck Creek (CWF). Review of this application will include review of an Environmental Assessment for removal of a nonjurisdictional dam. The project will include other activities authorized by General Permits and activities for which permit requirements are waived. The project is located at the Byzantine Franciscan Monastery, approximately 500 feet southwest of the intersection of S. R. 0093 and T-388 (Conyngham, PA Quadrangle N: 22.4 inches; W: 10.2 inches) in Sugarloaf Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E40-449. Encroachment. **Frank L. Boris, III**, 450 Warren Avenue, Kingston, PA 18704. To modify and maintain an existing dock and boatslip in Harveys Lake (HQ-CWF), with work including the construction of new pilings, enlargement of the dock and construction of a one-story boathouse. The area of the structure will be increased from approximately 742 square feet to 1,072 square feet. The structure, which extends approximately 44 feet lakeward from the shoreline, is located at Pole 38 (Harveys Lake, PA Quadrangle N: 20.6 inches; W: 5.0 inches) in Harveys Lake Borough, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E45-303. Encroachment. **Connaught Laboratories, Inc.**, P. O. Box 187, Rte. 611, Swiftwater, PA 18370. To construct and maintain a prestressed concrete, spread box-beam bridge having a normal span of 48.0 feet on a 55° skew and an underclearance of approximately 7.2 feet across Swiftwater Creek (HQ-CWF). The project is located at Connaught Laboratories, Inc., on the south side of S. R. 0314, approximately 700 feet downstream of the S. R. 0611 bridge (Mount Pocono, PA Quadrangle N: 17.1 inches; W: 10.4 inches) in Pocono Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

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

E09-722. Encroachment. **Douglas Morgan**, 1634 9th Street, Bethlehem, PA 18017. To place fill in a diminimus amount of wetland (PFO) in order to provide an access road to single residential subdivision. The site is located approximately 0.25 mile north of Pleasant Valley (Helltown, PA Quadrangle N: 5.00 inches; W: 6.00 inches) in Springfield Township, **Bucks County**.

E46-750. Encroachment. **Plymouth Industrial Center, Inc.**, 839 Germantown Pike, Norristown, PA 19401. To construct and maintain approximately 3,025 linear feet of triple 20.42-foot by 13.0-foot reinforced concrete arch pipe stream enclosure associated with the Plymouth Industrial Center commercial development in and along a segment of Plymouth Creek (WWF) which is intermittent. The site is situated just southwest and adjoining to interchange number 7 (Ridge Pike) on Interstate 476 (Norristown, USGS Quadrangle N: 17.4 inches; W: 7.8 inches) in Plymouth Township, **Montgomery County**.

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

E10-248. Encroachment. **Middlesex Township**, 133 Browns Hill Road, Valencia, PA 16059. To remove two existing 5-foot-diameter culverts and to construct and maintain an 11-foot-wide by 4.25-foot-high corrugated box culvert road crossing across Glade Run (WWF). The project is located on Overbrook Road approximately 2,800 feet south of the intersection of Overbrook Road and S. R. 0228 (Valencia, PA Quadrangle N: 16.6 inches; W: 4.5 inches) located in Middlesex Township, **Butler County**.

E20-436. Encroachment. **County of Crawford**, Crawford County Courthouse, Meadville, PA 16335. To remove the existing steel pony truss bridge and to install and maintain a 63-foot single span prestressed concrete adjacent box beam bridge across Conneaut Creek. The project is located on Jefferson Street (T-508) approximately 600 feet west of the intersection of S. R. 0018 and T-508 (Conneautville, PA Quadrangle N: 1.0 inch; W: 16.3 inches) located in Conneautville Borough, **Crawford County**.

E10-247. Encroachment. **Borough of Zelienople**, 111 West New Castle Street, Zelienople, PA 16063. To expand, place and maintain new municipal water treatment facilities within the floodplain of Connoquenessing Creek (WWF) under the terms of 25 Pa. Code Chapter 106. The project is located on the south side of Connoquenessing Creek under and adjacent to the S. R. 0019 overpass (Zelienople, PA Quadrangle N: 6.0 inches; W: 1.6 inches) located in the Borough of Zelienople, **Butler County**.

E20-437. Encroachment. **John N. Jay**, 2708 Camelot Drive, Columbia, OH 44408. To maintain an existing 570 square foot dock extending 90 feet out into Conneaut Lake (HQ-WWF). The project is located within the Iroquois Drive property owners access area approximately 2,000 feet west of the intersection of Iroquois Drive and S. R. 0018 (Conneaut Lake, PA Quadrangle N: 3.75 inches; W: 6.5 inches) located in the Sadsbury Township, **Crawford County**.

E25-540. Encroachment. **Norman E. Mattson**, 347 Riley Drive, Girard, PA 16417. To construct and maintain a 250-foot-long driveway across a tributary of Racoon Creek (CWF-MF) and fill two separate wetlands impacting a total of 0.10 acre of PSS wetland for a single residence access. This access is located on the south side of S. R. 20 approximately 1,200 feet west of the intersection of Scott Road (T-336) and U. S. Route 20 (East Springfield, PA Quadrangle N: 15.0 inches; W: 8.5 inches) located in Springfield, **Erie County**.

E37-110. Encroachment. **Pulaski Township**, Pulaski Township Building, Pulaski, PA 16143. To remove existing reinforced concrete arch culvert and to install and maintain a 22-foot clear normal span 6 bridge across Deer Creek. The project is located on Tanglewood Road (T-621) approximately 350 feet north of the intersection of S. R. 208 and T-621 (Edinburg, PA Quadrangle N: 18.9 inches; W: 16.1 inches) located in Pulaski Township, **Lawrence County**.

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

E02-1126-A1. Encroachment. **Department of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To amend Permit No. E02-1126 to extend and maintain a twin cell box culvert, each cell having a span of 20 feet with an underclearance of 17 feet, from 260 feet to 375 feet in Saw Mill Run; to improve and maintain the channel of said stream for an additional distance of 500 feet for a total distance of 700 feet; to remove the existing

structure and to construct and maintain a twin cell box culvert, each cell having a span of 20 feet with an underclearance of 17 feet, approximately 305 feet in length in Saw Mill Run for the purpose of improving the southern portal of the Liberty Tunnels. The project is located on S. R. 0051, Section A20/A21 just upstream from the intersection of Warrington Avenue and S. R. 0051 (Pittsburgh West, PA Quadrangle N: 7.2 inches; W: 1.5 inches) in the City of Pittsburgh, **Allegheny County**.

E02-1161. Encroachment. **Imports by Day Inc.**, 1580 Golden Mile Hwy., Monroeville, PA 15146. To place and maintain fill in 0.02 acre of wetlands for the purpose of expanding a parking lot located on the east side of Route 286 approximately 0.5 mile from Route 22—Route 286 interchange (Murrysville, PA Quadrangle N: 10.5 inches; W: 12.80 inches) in Monroeville Borough, **Allegheny County**.

E03-359. Encroachment. **Gilpin Twp. Board of Supervisors**, R. R. 5, Leechburg, PA 15656. To remove existing structure and to construct and maintain a prestressed, 19-foot concrete box beam bridge with 4.5 feet of minimum underclearance in Bradys Run to carry T-562 over said stream at a point approximately 1 mile from intersection of SR 2060 and Brady Run (Leechburg, PA Quadrangle N: 2.7 inches; W: 14.6 inches) in Gilpin Township, **Armstrong County**.

E26-227. Encroachment. **Doug Cortea**, 101 Frankie Ln., Leisenring, PA 15455. To construct and maintain a 24-foot by 10-foot box culvert in Oppossum Run for purpose of accessing DiVito Park located on the south side of SR 1051 approximately 0.25 mile from Intersection of SR 1051 and Sr 1053 (Uniontown, PA Quadrangle N: 22.0 inches; W: 2.25 inches) in Dunbar Township, **Fayette County**.

E26-228. Encroachment. **Springdale Golf Club**, R. R. 2, Box 335 B, Smithfield, PA 15478. To expand existing pond along channel of Jennings Run for the purpose of irrigation at the Springdale Golf Course located along Route 21 approximately 2 miles from Uniontown Bypass (New Salem, PA Quadrangle N: 4.8 inches; W: 3.2 inches) in South Union Township, **Fayette County**.

E56-267. Encroachment. **Somerset County Conservation District**, 1590 N. Center Ave., Ste. 103, Somerset, PA 15501. To place and maintain limestone into approximately 1,400 linear feet of Coal Run (CWF) to treat acid mine drainage, located along the south side of S. R. 2014 approximately 0.75 mile north of Boyton (Meyersdale, PA Quadrangle N: 4.5 inches; W: 11.7 inches) in Elk Lick Township, **Somerset County**.

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

E08-302. Water obstruction and encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. Remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge with a normal clear span of 52 feet and an average underclearance of 14 feet on a 60 degree right skew plus an associated temporary bridge with a single span of 78 feet and an underclearance of 3.5 feet across Buck Creek located at the Ulster Township and Athens Township boundary line on SR 0220 (Sayre, PA Quadrangle N: 6.3 inches; W: 3.3 inches) in Ulster and Athens Townships, **Bradford County**. Estimated stream disturbance 200 linear feet; stream classification WWF.

E18-220. Water obstruction and encroachment. **James Eppley**, Dept. of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an existing structure and to construct and maintain a prestressed concrete spread box beam bridge that will carry Left Branch Young Womans Creek Road across Greenlick Run. The proposed bridge shall be constructed with a clear normal span of 33.0 feet, an underclearance of 8.0 feet and a curb to curb width of 18.0 feet. The project is located along the northern right-of-way of SR 0120 approximately 75.0 feet north of the intersection of Greenlock Road and Left Branch of Young Womans Creek Road (Young Womans Creek, PA Quadrangle N: 11.7 inches; W: 10.7 inches) in Chapman Township, **Clinton County**. Estimated stream disturbance 95.0 linear feet with no wetland impacts; stream classification High Quality-Cold Water Fishery.

E18-223. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove the existing structure and to construct and maintain a precast reinforced concrete box culvert with a 16 foot clear span and a 4 foot 6 inch effective rise plus the associated precast reinforced concrete end sections in Crowley Run which is located approximately 1 mile northbound on Cooks Run Road from its intersection with SR 0120 (Keating, PA Quadrangle N: 7.2 inches; W: 3.4 inches) in Noyes Township, **Clinton County**. This project proposes to impact approximately 80 feet; stream classification is CWF.

E55-141. Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a two span composite prestressed adjacent box beam bridge on two concrete cantilever abutments and one reinforced concrete pier with the normal clear spans being 51.3 feet, a minimum underclearance of 10.3 inches and a 82 degree skew across Middle Creek at a location approximately 100 feet west of the intersection of SR 0522 and SR 0104 (Middleburg, PA Quadrangle N: 7.0 inches; W: 6.12 inches) in Middleburg Borough, **Snyder County**.

E57-071. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an existing structure and to construct and maintain a precast reinforced concrete box culvert that will carry Mill Creek Road across west branch of Mill Creek. The proposed culvert shall be constructed with a clear normal span of 16.0 feet, a rise of 5.0 feet and a rail to rail width of 18.0 feet. The project is located along the western right-of-way of SR 0087 approximately 1.0 mile north of the intersection of Big Hollow Road and Mill Creek Road (Barbours, PA Quadrangle N: 19.5 inches; W: 1.3 inches) in Fox Township, **Sullivan County**. Estimated stream disturbance 55.0 linear feet with no wetland impacts; stream classification High Quality-Cold Water.

E57-074. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove the existing structure and to construct and maintain a precast concrete box culvert with a clear span of 16.0 feet and minimum underclearance of 5.25 feet and protected with riprap over the west branch of Mill Creek on Mill Creek Road approximately 4.6 miles from Hillsgrove (Barbours, PA Quadrangle N: 19.5 inches; W: 2.1 inches) in Fox Township, **Sullivan County**. Estimated stream disturbance is less than 250 linear feet; stream classification CWF-HQ.

E57-075. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an

existing structure and to construct and maintain a precast reinforced concrete box culvert with a 16 foot clear span and a 5 foot 3 inch effective rise plus the associated precast reinforced concrete end sections on a 60 degree skew in west branch Mill Creek which is located approximately 4.6 miles northbound on Mill Creek Road from its intersection with SR 0087 (Barbours, PA Quadrangle N: 19.5 inches; W: 2.65 inches) in Fox Township, **Sullivan Township**. Estimated stream disturbance approximately 100 feet; stream classification HQ-CWF.

E57-076. Water obstruction and encroachment. **William Derkacs**, 299 Goldenridge Dr., Levittown, PA 19057-3425. To construct and maintain a single span steel I-beam bridge that will carry a private single resident use road across Porter Run. The proposed bridge shall be constructed with a single span of 40.0 feet, an underclearance of 15.0 feet and width of 10.0 feet. The project is located along the southern right-of-way of the intersection of Hoagland Branch Road and T-416 (Shunk, PA Quadrangle N: 5.3 inches; W: 10.6 inches) in Fox Township, **Sullivan County**. Estimated stream disturbance 26.0 linear feet with no wetland impact; stream classification High Quality-Cold Water Fishery.

The following Environmental Assessment and request for Water Quality Certification are being processed under section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

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

E10-007. Environmental Assessment. **Robert Hedin**, Hedin Environmental, 634 Washington Road, Pittsburgh, PA 15228. To expand and maintain an existing passive mine water treatment system by placing an 8,500 square foot Successive Alkalinity Producing System (SAPS) within the water course of the existing mine water discharge. The SAPS will discharge into wetlands created in 1988 to provide passive mine drainage treatment. The project is located approximately 250 feet east of Foltz School within the Jennings Environmental Education Center State Park (Slippery Rock, PA Quadrangle N: 1.5 inches; W: 0.1 inch) located in Brady Township, **Butler County**.

ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of The Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does

not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

Permits Issued

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

NPDES Permit No. PA0056961. Sewerage. **Rick Mars**, 2973 Artmar Road, Glen Moore, PA 19343 is authorized to discharge from a facility located in Worcester Township, **Montgomery County** into an unnamed tributary to Stony Creek.

NPDES Permit No. PA0031747. Sewerage. **Glen Mills School**, Glen Mills Road, Concordville, PA 19331 is authorized to discharge from a facility located in Thornbury Township, **Delaware County** into the east branch Chester Creek.

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

NPDES Permit No. PA0022004. Industrial waste, **Flexsys America L. P.**, 829 Route 481, Monongahela, PA 15063 is authorized to discharge from a facility located at Carroll Township, **Washington County** to Pigeon Creek.

NPDES Permit No. PA0206041. Industrial waste, **Washington Penn Plastics Co. Inc.**, 2080 North Main Street, Washington, PA 15301 is authorized to discharge from a facility located at Arden Plant, South Strabane Township, **Washington County** to Chartiers Creek.

NPDES Permit No. PA0216593. Industrial waste, **Texas Eastern Transmission Corporation**, 5444 Westheimer Court—WT 712, Houston, Texas 77056-5388 is authorized to discharge from a facility located at Holbrook Compressor Station, Richhill Township, **Greene County** to North Fork of Dunkard Fork Creek.

NPDES Permit No. PA0217352. Sewage, **Thomas Goetz**, 1341 Vinemont Street, Pittsburgh, PA 15205 is authorized to discharge from a facility located at Club 40 Restaurant Sewage Treatment Plant, North Franklin Township, **Washington County** to unnamed tributary of Chartiers Creek.

NPDES Permit No. PA0000914. Industrial waste, **U. S. Department of Energy**, Pittsburgh Naval Reactors Office, 814 Pittsburgh—McKeesport Road, West Mifflin, PA 15122-0109 is authorized to discharge from a facility located at Bettis Atomic Power Laboratory, West Mifflin Borough, **Allegheny County** to Bull Run and unnamed tributaries to Thompson Run.

NPDES Permit No. PA0002917. Industrial waste, **West Penn Power Company**, 800 Cabin Hill Drive, Greensburg, PA 15601 is authorized to discharge from a facility located at Armstrong Power Station, Washington Township, **Armstrong County** to Allegheny River (Outfalls 001, 003, 006, 007, 008, 009, 010, 011, 013, 014, 015, 016, 017) and unnamed tributaries to Allegheny River (Outfalls 002, 004, 005, 012).

NPDES Permit No. PA0021113. Sewage. **Glassport Borough**, Fifth and Monongahela Avenues, Glassport, PA 15045.

This notice reflects changes from the notice published in the March 9, 1996 *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Ave. Mon.</i>	<i>Max. Daily</i>	<i>Avg. Mon.</i>	<i>Avg. Weekly</i>	<i>Max. Daily</i>	<i>Instant. Max.</i>
Total Residual Chlorine	1.0					3.3

NPDES Permit No. PA0021113. Sewage, **Glassport Borough**, Fifth and Monongahela Avenues, Glassport, PA 15045 is authorized to discharge from a facility located at Glassport Sewage Treatment Plant, Glassport Borough, **Allegheny County** to Monongahela River.

NPDES Permit No. PA0035483. Sewage, **Camp Albryoca**, R. D. 3, Box 93, Meyersdale, PA 15552 is authorized to discharge from a facility located at Camp Albryoca STP, Greenville Township, **Somerset County** to Little Piney Creek.

NPDES Permit No. PA0217336. Sewage, **Emerald Estates, Inc.**, R. D. 3, Box 255, Ebensburg, PA 15931 is authorized to discharge from a facility located at Emerald Estates STP, Cambria Township, **Cambria County** to unnamed tributary of south branch Blacklick Creek.

Notices of Intent for Coverage under NPDES General Permit for Construction Activities and Department Final Actions

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

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>
PAR101511	Wal Mart Stores, Inc. 701 S. Walton Blvd. Bentonville, PA 72716	Clarion County Monroe Township	Courtley Run

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

<i>NPDES Permit</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR106406	Dept. of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Susquehanna County Great Bend Township	Trowbridge Creek

Adams County Conservation District, District Manager, 57 N. Fifth Street, Gettysburg, PA 17325, telephone (717) 334-0636.

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

Blair County Conservation District, District Manager, 1407 Blair Street, Hollidaysburg, PA 16648, telephone (814) 696-0877.

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.

Centre County Conservation District, District Manager, 414 Holmes Ave. Ste. 4, Bellefonte, PA 16823, telephone (814) 355-6817.

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

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

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.

Elk County Conservation District, District Manager, Courthouse, P. O. Box 448, Ridgway, PA 15853, telephone (814) 776-5373.

Indiana County Conservation District, District Manager, 251 Rte. 286 N., Ag. Service Ctr., Indiana, PA 15701, telephone (412) 463-7702.

Lancaster County Conservation District, District Manager, 1383 Arcadia Rd., Rm. 6, Farm & Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.

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

Luzerne County Conservation District, District Manager, Courthouse Annex, 5 Water Street, Wilkes-Barre, PA 18711, telephone (717) 825-1844.

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

Perry County Conservation District, District Manager, 31 W. Main St., Box 36, New Bloomfield, PA 17068, telephone (717) 582-8988.

Snyder County Conservation District, District Manager, 403 W. Market St., Middleburg, PA 17842, telephone (717) 837-0085.

Tioga County Conservation District, District Manager, 5 East Avenue, Wellsboro, PA 16901, telephone (717) 724-4812.

Union County Conservation District, District Manager, 60 Bull Run Crossing, Lewisburg, PA 17837, telephone (717) 523-8782.

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

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

York County Conservation District, District Manager, 118 Pleasant Acres Rd., 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>
PAR100035	KB Development Co. 1655 Herrs Ridge Rd. Gettysburg, PA 17325	Adams Co. Straban Twp.	Rock Crk.
PAR100416	Merle Heuston 849 3rd Ave. Duncansville, PA 16635	Bedford Co. Kimmel Twp.	Beaverdam Crk.
PAR100644	Hamerview Assocs. 120 W. Church St. Frederick, MD 21701	Blair Co. Blair Twp.	UNT to Beaver Dam

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100645	Richard and Connie Himes R. D. 2, Box 411 Tyrone, PA 16686	Blair Co. Frankstown Twp.	Brush Run
PAR100646	Greenfield Township Municipal Authority R. D. 1, Box 948 Claysburg, PA 16625	Blair Co. Greenfield Twp.	Frankstown Br. Juniata River
PAR10E057	Slippery Rock Munic. 633 Kelly Blvd. Slippery Rock, PA	Butler Co. Slippery Rock Twp.	Slippery Crk.
PAR10F053	AccuWeather 358 Science Park Rd. State College, PA	Centre Co. Ferguson Twp.	UNT to Big Hollow
PAR10G183	Downingtown Area School Dist. 122 Wallace Avenue Downingtown, PA	Chester Co. Uwchlan Twp.	Brandywine Basin
PAR10G194	Penn Oaks Farms Inc. P. O. Box 2089 Media, PA 19063	Chester Co. Marlborough Twp.	Red Clay Crk.
PAR10I728	Buterbaugh Bros. Land and Timber Corp. P. O. Box 245 Cherry Tree, PA	Clearfield Co. Beccaria Twp.	Pine Run and Clearfield Crk.
PAR10H106	Grace Atlantic Corp. 418 Oak St. Lemoyne, PA 17043	Cumberland Co. Lemoyne Boro. and L. Allen Twp.	Susquehanna Rvr.
PAR10I097	Crossgates Inc. 3555 Washington Rd. McMurray, PA 15317	Dauphin Co. L. Swatara Twp.	Susquehanna Rvr.
PAR10I096	Brisben Companies 7800 E. Kemper Rd. Cincinnati, OH 45249	Dauphin Co. Swatara Twp.	Spring Crk.
PAR10I098	Triple Crown Corp. 5351 Jaycee Ave. Harrisburg, PA 17112	Dauphin Co. Susquehanna Twp.	Paxton Crk.
PAR102507	Premier Hospitality—St. Marys 2801 Freeport Rd. Pittsburgh, PA	Elk Co. City of St. Marys	Iron Run
PAR103128	Burrell Twp. Sewer Authority P. O. Box 454 Blacklick, PA 15716	Indiana Co. Burrell Twp.	Sulphur and Toms Runs
PAR10-O-213	R W Grand Lodge F & AM of Pa. One Masonic Dr. Elizabethtown, PA	Lancaster Co. W. Donegal Twp.	Concy Crk.
PAR10-O-219	Larry Weaver 641 Spruce St. N. Holland, PA 17557	Lancaster Co. N. Holland Boro.	UNT to Conestoga River
PAR10-O-220	Ruth Lesley 58 Walnut Dr. Oxford, PA 19363	Lancaster Co. Colerain Twp.	Octoraro Lake
PAR10-O-221	Fairmount Rest Home 232 Cats Back Rd. Ephrata, PA 17522	Lancaster Co. W. Earl Twp.	Conestoga River
PAR10Q077	Lewis Novack t/a North Fork Inc. 2697 Lapp Rd. Allentown, PA	Lehigh Co. Weisenberg Twp.	Mill Crk.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10R092	Polyglass USA Inc. 150 Lyon Dr. Fernley, Nevada 89408	Luzerne Co. Hazle Twp.	Ltl. Tomhickon and Susquehanna
PAR10T262	Fieldstone Partnership 906A Cross Keys Dr. Doylestown, PA 18901	Montgomery Co. Skippack Twp.	Skippack Crk.
PAR10T290	Comrock Assocs LP 4000 Forsgate Dr. Cranbury, NJ 08512	Montgomery Co. Horsham Twp.	Park Crk.
PAR10T279	Feodor & Kristin Pitcairn 1 Pitcairn Pl., Ste. 3000 Jenkintown, PA 19046	Montgomery Co. L. Moreland Twp.	Pennypack Crk.
PAR10T289	Theodore Anderko 908 S. Park Ave. Audubon, PA 19403	Montgomery Co. L. Providence Twp.	Schuylkill River
PAR105112	Daniel Deichmiller P. O. Box 400 Dauphin, PA 17018	Perry Co. Juniata and Centre Twps.	Ltl. Buffalo Crk.
PAR105911	Earl and Edna Chubb 105 10th Ave. Selinsgrove, PA 17870	Snyder Co. Beavertown Boro.	Wetzel Run
PAR106622	Sylvan Glen Inc. P. O. Box 61 Gaines, PA	Tioga Co. Covington Twp.	Tioga River
PAR106623	Pine Hill Inc. P. O. Box 62 Blossburg, PA	Tioga Co. Ward Twp.	Fall Brook
PAR106819	John Griffith R. R. 5, Box 430 Mifflinburg, PA 17844	Union Co. Limestone Twp.	UNT to Buffalo
PAR10W074	Don Strimel 15 W. Pike St. Houston, PA 15342	Washington Co. Chartiers Twp.	Chartiers Crk.
PAR10X091	Louis Catalano R. D. 7, Old Rte. 30 Greensburg, PA 15601	Westmoreland Co. Unity Twp.	Slate Crk.
PAR10X092	Overlook Partners 100 E. Boyce Park Center Pittsburgh, PA	Westmoreland Co. L. Burrell Twp.	Chartiers Crk.
PAR10X093	Sandra McNulty 718 S. 7th St. Youngwood, PA	Westmoreland Co. Hempfield Twp.	Belson Run
PAR10X094	Word of Life Ministries R. D. 6, Box 59M Greensburg, PA 15601	Westmoreland Co. Hempfield Twp.	UNT to Jacks Run
PAR10X095	L T Development 100 3rd St. Charleroi, PA	Westmoreland Co. Rostraver Twp.	Cedar Crk.
PAR10X096	Wellington Estates 772 Pine Valley Dr. Pittsburgh, PA	Westmoreland Co. Washington Twp.	UNT to Thorn Run
PAR10Y222	John King Baptist Ch. 301 E. Freedom Rd. N. Freedom, PA 17349	York Co. N. Freedom Boro.	Beetree Run
PAR10Y225	North Ridge Associates 131 Carlisle Pike Gettysburg, PA 17325	York Co. Hanover Boro.	Slagle Run

Notices of Intent for Coverage Under NPDES General Permits and Department Final Actions

The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the following final actions by approving the requested general permit coverages.

These actions of the Department may be appealed 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, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days from the date of this issuance of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of procedure before the Board may be obtained from the Board.

**List of NPDES General Permits Issued by DEP's
Water Management Deputate**

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
2	SW—Construction	BLWC
3	SW—Industrial	BWQM
4	SRSTP	BWQM
6	CSO	BWQM

NOIS Received and Final Actions Under NPDES General Permits

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

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

<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>
PAR900015	3	Soil Remediation Systems, Inc. 2900 West Front Street Chester, PA 19013	Delaware City of Chester	Delaware River	4953
PAR800004	3	GATX Logistics, Inc. 38 Cabot Boulevard Langhorne, PA 19047	Bucks Borough of Langhorne	Unnamed Tributary of Queen Anne Creek	4225
PAR130008	3	Philadelphia Newspapers, Inc. 800 River Road Conshohocken, PA 19428	Montgomery Upper Merion Township	Matsunk Creek and Frog Run	2711
PAR600009	3	Joseph Bullock & Sons, Inc. 1525 Turk Rd. Warrington, PA	Bucks Warrington Township	Unnamed Tributary to Neshaminy Creek	5015
PAR900009	3	Republic Environmental Systems of PA, Inc. 2869 Sandstone Drive Hatfield, PA 19440	Montgomery Hatfield Township	West Branch Neshaminy Creek	4953
PAR200025	3	G. O. Carlson, Inc. West Lincoln Highway Coatesville, PA 19320	Chester City of Coatesville	West Branch Brandywine Creek	3443
PAR200017	3	Van Leer Containers, Inc. 95 Louis Drive Warminster, PA 18974	Bucks Warminster Township	Unnamed Tributary to Little Neshaminy Creek	3412
PAR110023	3	T-Thermal, Inc. Brook Road Conshohocken, PA 19428	Montgomery Plymouth Township	Plymouth Creek	3567

<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>
PAR800065	3	United Parcel Service, Inc. 1200 Ward Avenue West Chester, PA 19380	Chester West Goshen Township	East Branch Chester Creek	4215
PAR150005	3	Thoro System Products Route 13 and Beaver Dam Road Bristol, PA 19007	Bucks Bristol Borough	Delaware River	2851
PAR800059	3	Yellow Freight System—PHI 2627 State Road Bensalem, PA 19020	Bucks Bensalem Township	Delaware River	4213
PAR800063	3	United States Postal Service—SE VMF 1000 West Valley Road Southeastern, PA 19399-9331	Chester Tredyffrin Township	Unnamed Tributary to Trout Creek	4311
PAR800052	3	TDSI Philadelphia BIDS Terminal 36th and Moore Sts. Philadelphia, PA 19145	Philadelphia City of Philadelphia	Schuylkill River	4011
PAR800008	3	Engle Oostdyke Terminal 530 Haunted Lane Bensalem, PA 19020	Bucks Bensalem Township	Unnamed Tributary of Neshaminy Creek	4213
PAR600019	3	Ray's Truck Parts, Inc. Hook Road and Industrial Dr. Sharon Hill, PA 19079	Delaware Darby Township	Darby Creek	5015
PAR600013	3	Oren M. Woodward & Sons, Inc. 2919 Ridge Road Woxall, PA 18979	Montgomery Upper Salford Township	Unnamed Tributary to Unami Creek	5015
PAR600018	3	Pipersville Auto Recycling 6774 Route 611 Pipersville, PA 18947	Bucks Bedminster Township	Unnamed Tributary of Cabin Run	5010
PAR210008	3	Moyco Industries 200 Commerce Drive Montgomeryville, PA 18936	Montgomery Montgomery Township	Little Neshaminy Creek and Park Creek	3291
PAR800045	3	Overnight Transportation Company Pottstown Terminal Old Reading Pike Stowe, PA 19464	Montgomery West Pottsgrove Township	Schuylkill River	4212

NPDES General Permit Final Actions

The Department of Environmental Protection has taken the following final actions on previously received Notices of Intent for approval of coverage under General NPDES Permits.

**List of NPDES General Permits Issued by DEP's
Water Management Deputate**

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-2	Stormwater—Construction Activities	BLWC
PAG-3	Stormwater—Industrial Activities	BWQM
PAG-4	Single Residence Sewage Treatment Plant	BWQM
PAG-6	Combined Sewer Overflows	BWQM

NOI Received and Final Actions Under NPDES General Permits

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

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

<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>
PAG046113	4	Ernest G. Clawson R. D. 5, Box 131-C Mt. Pleasant, PA 15666	Westmoreland Mt. Pleasant Twp.	Unnamed tributary of Brush Run	8811
PAG046114	4	Ray W. Swank 8560 Mayhew Road Fort Wayne, IN 46835	Somerset Lincoln Twp.	Unnamed tributary to N. Branch of Quemahoning Creek	8811
PAG066117	6	City of Uniontown City Hall 20 North Gallatin Avenue Uniontown, PA 15401	Fayette Uniontown	Redstone Creek Lick Run Cove Run	4952

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

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

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

PAS-10-0410. Individual NPDES. **Wal-Mart Stores Inc.**, 701 South Walton Blvd., Bentonville, AR 72716-8702. To implement an Erosion and Sedimentation Control Plan for warehousing facility on 109 acres in Bedford Township, **Bedford County**. The project is located just east of Cessna Village (Bedford, PA Quadrangle N: 17.1 inches; W: 2.7 inches). Drainage will be to Dunning Creek.

PAS-10-0053. Individual NPDES. **Hogan Lepore, and Hogan**, 1271 Lititz Pike, Lancaster, PA 17601. To implement an Erosion and Sedimentation Control Plan for Falcon Ridge Phase 3—Falcon Ridge South on 47.1 acres in West Hempfield Township, **Lancaster County**. The project is located between Summit Drive and Hill Road, on the north side of U. S. Route 30 (Columbia East, PA Quadrangle N: 8.5 inches; W: 8.5 inches). Drainage will be to Strickler Run.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101307	Bethlehem Authority 10 East Church Street Bethlehem, PA 18018	Carbon County Penn Forest Township	Wild Creek
PAS10Q117	Upper Macungie Township 8330 Schantz Road Breinigsville, PA 18031	Lackawanna County Upper Macungie Township	Little Lehigh Creek
PAS10Q109	St. Joseph the Worker R. C. Church 1879 Applewood Drive Orefield, PA 18069-9536	Lackawanna County Orefield Township	Little Lehigh Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G190	Joseph Chamberlain P. O. Box 19363 Oxford, PA 19363	East Nottingham Township Chester County	West Branch Big Elk Creek
PAS10-D076	Pennridge School District 1506 North Fifth Street Perkasie, PA 18944	Silverdale Borough Bucks County	Unnamed Tributary to Pleasant Spring Creek
PAS10-G217	Gray D. Creighton P. O. Box 68 Media, PA 19063	Londonderry Twp. Chester County	Unnamed Tributary to East Branch Big Elk Creek

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

Permits Issued

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

Permit No. 4696411. Sewerage. **Rick Mars** (251 Andover Road, Glen Moore, PA 19343). Construction and operation of a sewage treatment plant with stream discharge located in Worcester Township, **Montgomery County** to serve an existing single family residential dwelling.

Permit No. 1596404. Sewerage. **East Bradford Township** (666 Copeland School Road, West Chester, PA 19380). Construction of sanitary sewer line, forced main, pump station, impoundment, sewage treatment units and spray irrigation system located in East Bradford Township, **Chester County** to serve Brandywine River Estates.

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

Permit No. 0471208-T1. Amendment No. 2. Industrial waste, **ARCO Chemical Company**, 400 Frankfort Road, Monaca, PA 15061-2298. Construction of a plastic manufacturer located in the Township of Potter, **Beaver County** to serve the Beaver Valley—Monaca Plant.

Permit No. 0396401. Sewerage, **Kenneth W. Grey**, R. D. 1, Box 26, Kittanning, PA 16201. Construction of a small flow sewage treatment plant located in the Township of Kittanning, **Armstrong County** to serve the Grey's Colonial Manor Personal Care Home.

Permit No. 2690401. Amendment No. 1. Sewerage, **Williamhouse—Regency, Inc.**, 1 Wedding Lane, Scottdale, PA 15683. Construction of a sewage treatment plant expansion located in the Township of Upper Tyrone, **Fayette County** to serve the Williamhouse Sewage Treatment Plant.

Permit No. 5696406. Sewerage, **Ray W. Swank**, 8560 Mayhew Road, Fort Wayne, IN 46835. Construction of a single residence sewage treatment plant located in the Township of Lincoln, **Somerset County** to serve the Swank SRSTP.

Permit No. 6396406. Sewerage, **Thomas Goetz**, 1341 Vinemont Street, Pittsburgh, PA 15205. Construction of a sewage treatment plant located in the Township of North Franklin, **Washington County** to serve the Club 40 Restaurant Sewage Treatment Plant.

Permit No. 6577410. Amendment No. 1. Sewerage, **Maronda Farms, Inc.**, 11 Timberglen Drive, Imperial, PA 15126. Construction of sewage treatment plant located in the Township of Washington, **Westmoreland County** to serve Washington Acres.

Permit No. 6596407. Sewerage, **Ernest B. Clawson**, R. D. 5, Box 131-C, Mt. Pleasant, PA 15666. Construction of a single residence sewage treatment plant located in the Township of Mt. Pleasant, **Westmoreland County** to serve the Clawson Residence STP.

Permit No. 0271473-T1. Amendment No. 1. Sewerage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239-1197. Construction of sanitary sewer interceptor located in the Borough of Plum, **Allegheny County**, to serve the Woodlawn Estates.

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

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

Permit No. 1596502. Public water supply. **Citizens Utilities Water Company**, Brian J. Hassinger, 4 Wellington Boulevard, Wyomissing Hills, PA 19610. Permit has been issued for the construction of a corrosion control treatment facility at the Merlin Hills System in East Pikeland Township, **Chester County**.

Type of Facility: Public water supply.

Consulting Engineer: Spotts, Stevens & McCoy, Inc., 345 North Wyomissing Boulevard, Wyomissing Hills, PA 19610.

Permit to Construct Issued: August 21, 1996.

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

Permit No. 0796501. Public water supply. **Hollidaysburg Borough Authority**, Hollidaysburg Borough, **Blair County**, (Richard A. Mingle, Chairperson, 401 Blair Street, Hollidaysburg, PA 16648), construction and operation of one booster pump station, one chlorine booster facility and one combination booster pump and chlorine booster station.

Permit No. 3696501. Public water supply. **Upper Leacock Township Water Department**, Leola Borough, **Lancaster County**, (Jimmy Dennis—Supervisor, Upper Leacock Township Water Department, 115 Newport Road, Leola, PA 17540), installation of equipment for addition of caustic soda for pH control at the Newport Road and Quarry Road Treatment plants.

Permit No. 3695513. Public water supply. **East Petersburg Borough Authority**, East Petersburg Borough, **Lancaster County**, (Herbert E. Mattern, Jr., 5856 Vaughn Road, East Petersburg, PA 17520), construction of a diatomaceous earth filtration system to filter Koser Road spring source and the installation of corrosion control.

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

Permit No. 0396503. Public water supply. **William E. Altmeyer**, R. D. 1, Box 136, Kittanning, PA 16201.

Type of Facility: New water treatment system including well no. 1 and a 10,000 gallon finished water concrete tank.

Permit to Operate Issued: August 22, 1996.

Permit No. 1191501. Public water supply. **William M. Hess, Owner**, King's II, R. D. 2, Box 623, Altoona, PA 16601.

Type of Facility: Wells no. 1, 2, 3, and 4.

Permit to Operate Issued: August 20, 1996.

Permit No. 0481502-A1. Public water supply. **Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009.

Type of Facility: One million gallon water storage tank.

Permit to Operate Issued: August 22, 1996.

Permit No. 3076501-A1. Public water supply. **Municipal Authority of the Borough of Carmichaels**, 104 Pine Street, Carmichaels, PA 15320.

Type of Facility: A 300,000 gallon tank.

Permit to Operate Issued: August 29, 1996.

Permit No. 0291509. Public water supply. **Municipal Authority of the Borough of Oakmont**, 721 Allegheny River Boulevard, Oakmont, PA 15139.

Type of Facility: Mill Dam Road booster station.

Permit to Operate Issued: August 27, 1996.

Permit No. 0389502-A3. Public water supply. **South Buffalo Township Municipal Authority**, P. O. Box 266, Iron Bridge Road, Freeport, PA 16229.

Type of Facility: Booster pump station.

Permit to Operate Issued: August 27, 1996.

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

Permit No. 4294503. Public water supply, **Smethport Borough**, 412 West Water Street, Smethport, PA 16749. Permit issued for the consolidation of the existing sources of supply (Wells no. 3A [drilled in 1992], no. 3B [drilled in 1992], no. 3C [drilled in 1945, redrilled in 1991] and no. 5 [drilled in 1966]), the proposed addition of caustic soda and AquaMag for corrosion control, the proposed addition of fluoride and the existing addition of sodium hypochlorite. Wells service customers located in Smethport Borough and Keating Township, **McKean County**.

Type of Facility: Public water supply.

Consulting Engineer: James E. Murphy, P.E., Northwest Engineering, Inc., R. D. 1, P. O. Box Q, Tidioute, PA 16351.

Permit to Construct Issued: August 29, 1996.

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

Permit No. 1396502. Public water supply. **Lehigh State Police**, R. D. 1, Box 1561, Gouldsboro, PA 18424. This proposal involves addition of soda ash and phosphate inhibitor treatment to the existing well source water supply.

Permit to Operate: August 12, 1996.

Permit No. 4096502. Public water supply. **Keystone Job Corp. Center**, Village of Drums, Michael Martine, P. O. Box 37, Foot Hills Drive, Drums, PA 18222. This proposal involves addition of pH adjustment and corrosion control facilities at each of the three existing permitted well houses.

Engineer: Mr. Patrick Caulfield, P.E., Alfred Benesch & Company, 1 Norwegian Plaza, Pottsville, PA 17901.

Permit to Operate: August 9, 1996.

Permit No. 4595505. Public water supply. **Snow Shoe Condominium**, Thomas Wilkins, 304 Park Avenue, Stroudsburg, PA 18360. 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**.

Engineer: Mr. Harry Garman, P.E., McTish, Kunkel & Associates, 2402 Sunshine Road, Allentown, PA 18103.

Permit to Operate: August 9, 1996.

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.

LES Soudures Chagnon Limitee, 580 Boul. Lionel Boulet, Varennes, PQ J3X 1S5 Canada; License No. **PA-AH 0455**; amended license issued August 26, 1996.

Applications denied 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.

Kleen Resources, Inc., P. O. Box 779, Rensselaer, NY 12144; application denied August 16, 1996.

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. WMGI005A and WMGI005B. Merck & Company, Inc., P. O. Box 4, West Point, PA 19486-0004 and 100 Avenue C, Riverside, PA 17868. A permit for the processing of infectious waste through chemical and thermal inactivation. The permit was issued by central office on August 19, 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.

Permits modified under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate hazardous waste storage facility.

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

Permit ID No. PAD000736942. Calgon Carbon Corporation, P. O. Box 717, Pittsburgh, PA 15230-0717. Operation of a hazardous waste storage facility in Neville Township, **Allegheny County**. Permit modified in the Regional Office on August 19, 1996. This minor modification to Calgon Carbon's permit clarified the types of hazardous waste allowed for storage at the facility under the referenced permit.

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

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

I. D. No. 101624. Pacton Corporation (formerly Composting Associates), 800 Exeter Avenue, West Pittston, PA 18643. A permit authorizing the construction and operation of this municipal waste composting facility, located in Hazle Township, **Luzerne County**. The permit was issued in the Regional Office on August 19, 1996. This permit provides for composting operations for the next 10 years. It does not include processing or composting of concrete or construction/demolition wastes or the application of compost products for reclamation purposes.

I. D. No. 301289. Shen Penn Pit Demonstration Facility, Reading Anthracite Company, 200 Mahantongo Street, Pottsville, PA 17901. A permit authorizing the construction and operation of this residual solid waste demonstration facility. The Shen Penn 120 acre permit area is located within both Shenandoah Borough and Mahanoy Township, **Schuylkill County**; the 40 acre authorized disposal area, known as Shen Penn Pit, is only located within Shenandoah Borough, Schuylkill County. The permit was issued in the Regional Office on August 6, 1996.

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

Permit No. 100973. USA Waste Hauling of Philadelphia, Inc., 2960 East Orthodox Street, Philadelphia, PA 19137. This permit is for the reissuance of a waste management permit to USA Waste Hauling of Philadelphia, Inc. from Quickway, Inc. for the continuing operation of the municipal waste transfer station located in the City of Philadelphia. Permit re-issued in the Southeast Regional Office on August 21, 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.

Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4588.

Permit No. 601430. Parkes Farm & Moist Farm, Brown Township Municipal Authority, (P. O. Box 365, Reedsville, PA 17084). Application for operation of an agricultural utilization of sewage sludge site in Brown Township, **Mifflin County**. Permit issued in the Regional Office August 26, 1996.

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

Permit ID No. 100081. Southern Alleghenies Landfill, Southern Alleghenies Disposal Service, Inc., 310 Leger Road, North Huntingdon, PA 15642. Operation of a municipal waste landfill in Conemaugh Township, **Somerset County**. A major modification for changes/clarification to the final cover system was issued in the Regional Office on August 21, 1996.

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.

05-323-005A. On August 21, 1996, the Department issued a Plan Approval to **Cannondale Corporation** (R. D. 7, Friendship Road, Bedford, PA 15522) for the installation of a pyrolysis burn-off oven controlled by an afterburner in Bedford Township, **Bedford County**.

22-301-058. On August 16, 1996, the Department issued a Plan Approval to **Department of Agriculture** (2301 North Cameron Street, Harrisburg, PA 17110) for the construction of an animal health laboratory multichambered incinerator controlled by a Venturi west scrubber and mist eliminator in Susquehanna Township, **Dauphin County**.

36-318-159. On August 14, 1996, the Department issued a Plan Approval to **Goodhart Sons, Inc.** (2515 Horseshoe Road, Lancaster, PA 17605-0308) for the construction of a spray paint booth at their Horseshoe Road facility in Upper Leacock Township, **Lancaster County**.

67-310-006B. On August 15, 1996, the Department issued a Plan Approval to **York Building Products Company, Inc.** (P. O. Box 1708, York, PA 17405) for the construction of a stone crushing plant at their Lincoln Stone Division in Jackson Township, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

43-399-016. On August 21, 1996, a Plan Approval was issued to **GE Transportation Systems** (1503 West Main Street Ext., Grove City, PA 16127) for the modification of diesel engine and turbocharger test cells at Grove City, **Mercer County**. This application is subject to the Prevention of Significant Deterioration 40 CFR, Part 52 Section 52.21 and the New Source Review Subchapter E of 25 Pa. Code Chapter 127.

10-312-014. On August 20, 1996, a Plan Approval was issued to **Penreco Div., Pennzoil Co.** (138 Petrolia St., Karns City, PA 16041) for a flare at Fairview Township, **Butler County**.

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Applications Issued

32950109. Dunamis Resources, Inc. (P. O. Box 846, Latrobe, PA 15650), commencement, operation and restoration of a bituminous strip mine in White Township, **Indiana County**, affecting 66.0 acres, receiving stream unnamed tributary to, and, Yellow Creek, application received December 21, 1995, permit issued August 26, 1996.

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

04850103R. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for reclamation only of a bituminous surface/auger mine located in Big Beaver Borough, **Beaver County**, affecting 207.7 acres. Receiving streams unnamed tributaries to Clark Run. Application received July 5, 1996. Renewal issued August 19, 1996.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

17860146. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319), transfer of an existing bituminous surface mine permit from The Arcadia Co., Inc., Chest Township, **Clearfield County** affecting 214.8 acres, receiving streams unnamed tributary to Wilson Run, to Wilson Run, both to Chest Creek, to west branch Susquehanna River to Susquehanna River, application received June 24, 1996, permit issued August 13, 1996.

17910117. Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit, affecting 129.1 acres, Gulich Township, **Clearfield County**, application received February 27, 1996, permit issued August 9, 1996.

17810104. Thompson Brothers Coal Company (P. O. Box 626, Philipsburg, PA 16866), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 49.47 acres, receiving streams two unnamed tributaries to Laurel Run, to Laurel Run to Moshannon Creek to west branch of the Susquehanna River, application received March 11, 1996, permit issued August 5, 1996.

17813055. Thompson Brothers Coal Company (P. O. Box 626, Philipsburg, PA 16866), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 47.8 acres, receiving streams an unnamed tributary to Laurel Run, and Laurel Run, and Emigh Run, all to Moshannon Creek to west branch of the Susquehanna River to the Susquehanna River, application received March 11, 1996, permit issued August 5, 1996.

17960101. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Morris Township, **Clearfield County** affecting 170.7 acres, receiving streams Hawk Run and two unnamed tributaries to Hawk Run, application received January 30, 1996, permit issued August 2, 1996.

17950104. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine/auger permit in Beccaria Township, **Clearfield County** affecting 53.2 acres, receiving streams Cofinan Run and unnamed tributaries to Cofinan Run to Clearfield Creek to the west branch Susquehanna River, application received March 13, 1995, permit issued August 2, 1996.

17950112. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 175.2 acres, receiving streams west branch Susquehanna River, application received June 26, 1995, permit issued August 2, 1996.

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

33950105. Swisher Contracting, Inc. (R. D. 2, Box 81, Clearfield, PA 16830). Application for a stream encroachment to conduct surface mining activities within 100 feet of unnamed tributary 2 to Walburn Run. Mining activities may be conducted no closer than 50 feet to unnamed tributary 2 to Walburn for the purposes of support facility construction and maintenance; however, no mineral extraction may be conducted closer than 100 feet to the stream in Snyder Township, **Jefferson County**. Application received April 9, 1996. Permit issued August 7, 1996.

10930104. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Richland Sportsmen's Association, Inc. property in Clay and Center Townships, **Butler County** affecting 145.0 acres. Receiving streams one unnamed tributary to Stony Run to Connoquenessing Creek, and three unnamed tributaries to Pine Run. Application received June 5, 1996. Permit issued August 1, 1996.

37930106. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Sam Arcuri property in Shenango Township, **Lawrence County** affecting 158.0 acres. Receiving streams five unnamed tributaries to McKee Run. Application received June 5, 1996. Permit issued August 1, 1996.

16930105. Doverspike Bros. Coal Co., Inc. (R. D. 4, Box 271, Punxsutawney, PA 15767). Revision to an existing bituminous strip operation to change the postmining land use from pastureland/land occasionally cut for hay to industrial/commercial on a portion of the C & K Coal Company property in Perry Township, **Clarion County** affecting 105.0 acres. Receiving streams unnamed tributary to Allegheny River. Application received June 7, 1996. Permit issued August 13, 1996.

33830116. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous strip operation in Oliver Township, **Jefferson County** affecting 154.3 acres. Receiving streams unnamed tributary to Little Sandy Creek. Application received July 5, 1996. Permit issued August 21, 1996.

33900113. M. B. Energy, Inc. (250 Airport Rd., P. O. Box 1319, Indiana, PA 15701). Renewal of an existing bituminous strip operation in McCalmont Township, **Jefferson County** affecting 147.0 acres. This renewal is issued for reclamation only. Receiving streams two unnamed tributaries of Clutch Run. Application received May 9, 1996. Permit issued August 16, 1996.

37850101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous strip, auger and tipple refuse disposal operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Robert D. Cress property in Plain Grove and Washington Townships, **Lawrence County**. Receiving streams two unnamed tributaries to Taylor Run. Application received June 14, 1996. Permit issued August 16, 1996.

16910104. TDK Coal Sales, Inc. (P. O. Box 627, Clarion, PA 16214). Revision to an existing bituminous strip and auger operation to add fly ash disposal in Madison Township, **Clarion County** affecting 304.3 acres. Receiving streams unnamed tributary to Catfish

Run, unnamed tributary to the Allegheny River. Application received May 2, 1996. Permit issued August 22, 1996.

33880106. P & N Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous strip operation in Knox Township, **Jefferson County** affecting 178.0 acres. This renewal is issued for reclamation only. Receiving streams unnamed tributary to Sandy Lick Creek. Application received June 10, 1996. Permit issued August 26, 1996.

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

54880202R. Morea Cogen, Inc., (800 Exeter Avenue, West Pittston, PA 18643), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 200.0 acres, receiving stream none. Renewal issued August 19, 1996.

54920101. N & L Coal Company, (5 Woodland Drive, Mt. Carmel, PA 17851), commencement, operation and restoration of an anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 459.0 acres, receiving stream none. Permit issued August 19, 1996.

54841305R2. Gorenty Tunneling Co., (3 Walnut Street, Middleport, PA 17953), renewal of an existing anthracite deep mine operation in Blythe Township, **Schuylkill County** affecting 5.0 acres, receiving stream Schuylkill River. Renewal issued August 22, 1996.

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

33860701. Doverspike Brothers Coal Company, (R. D. 4, Box 271, Punxsutawney, PA 15767), to revise the permit for the Weisner CRA in Ringgold Township, **Jefferson County** to add support area to permit, no additional discharge. Permit issued August 27, 1996.

33860701. Doverspike Brothers, (R. D. 4, Box 271, Punxsutawney, PA 15767), to renew the permit for the Weisner CRA in Ringgold Township, **Jefferson County**, no additional discharge. Permit issued August 27, 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**. Permit issued August 20, 1996.

30743701. J & L Steel Company/Nemacolin Mines Corporation, (c/o LTV Steel Company, Inc., 2800 North Main St. Ext., Washington, PA 15301), to renew the permit for the Nemacolin mine coal refuse disposal area in Cumberland Township, **Greene County** for reclamation only, no additional discharge. Permit issued August 20, 1996.

16831604. C & K Coal Company, (P. O. Box 69, Clarion, PA 16214), to renew the permit for the Shannon preparation plant in Piney and Toby Townships, **Clarion County**. Permit issued August 16, 1996.

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

Noncoal Permits Issued

37930302. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225). Transfer of an existing Limestone operation from Northern Allegheny Stone, Inc. in Slippery Rock Township, **Lawrence County** affecting 140.0 acres. Receiving streams unnamed tributary of

Slippery Rock Creek. Application received February 8, 1996. Permit issued August 13, 1996.

37880304. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225). Transfer of an existing Limestone operation from Northern Allegheny Stone, Inc. in Slippery Rock Township, **Butler County** affecting 211.0 acres. Receiving streams unnamed tributaries of Slippery Rock Creek. Application received February 8, 1996. Permit issued August 13, 1996.

10960301. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225). Commencement, operation and restoration of a Limestone operation in Marion Township, **Butler County** affecting 113.0 acres. Receiving streams unnamed tributary to Blacks Creek and unnamed tributary to Slippery Rock Creek. Application received February 16, 1996. Permit issued August 13, 1996.

37960302. Shamrock Minerals Corp. (P. O. Box 19, Portersville, PA 16049). Commencement, operation and restoration of a sand and gravel operation in Little Beaver Township and New Beaver Borough, **Lawrence County** affecting 70.7 acres. Receiving streams unnamed tributary of North Fork Little Beaver Creek. Application received February 9, 1996. Permit issued August 8, 1996.

4876SM19. Albert R. Conn (154 South Lake St., North East, PA 16428). Revision to a sand and gravel operation to allow the use of composted sewage sludge in Northeast Township, **Erie County** affecting 15.8 acres. Receiving streams Twelve Mile Creek. Application received July 8, 1996. Permit issued August 14, 1996.

37950304. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a sand and gravel operation in Plain Grove, Scott and Worth Townships, **Lawrence and Butler Counties** affecting 199.3 acres. Receiving streams Slippery Rock Creek, unnamed tributary to Jamison Run and Jamison Run. Application received November 22, 1995. Permit issued August 27, 1996.

300719-37950304-E-1. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to mine through approximately 450 feet of an unnamed tributary to Jamison Run and replace the permanent open water habitat and reconstructed wetlands within the mitigation area in Plain Grove, Scott and Worth Townships, **Lawrence and Butler Counties**. Receiving streams Slippery Rock Creek, unnamed tributary to Jamison Run and Jamison Run. Application received November 22, 1995. Permit issued August 27, 1996.

300719-37950304-E-2. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities no closer than 50 feet to Slippery Rock Creek for the purposes of support facility construction and maintenance. No mineral extraction may be conducted closer than 100 feet to the stream in Plain Grove, Scott and Worth Townships, **Lawrence and Butler Counties**. Receiving streams Slippery Rock Creek, unnamed tributary to Jamison Run and Jamison Run. Application received November 22, 1995. Permit issued August 27, 1996.

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

7976SM2C2. Eureka Stone Quarry, Inc., (Lower State and Pickertown Roads, Chalfont, PA 18914), renewal of NPDES Permit #PA0122351 in Warrington

Township, **Bucks County**, receiving stream unnamed tributary to Neshaminy Creek. Renewal issued August 23, 1996.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Large Industrial Mineral Permits Issued

14930301. Glenn O. Hawbaker, Inc. (Correction) (325 West Aaron Drive, State College, PA 16801), commencement, operation and restoration of a Large Industrial Mineral Permit (Sandstone), Spring Township, **Centre County** affecting 66.1 acres, receiving streams Logan Branch to Spring Creek to Bald Eagle Creek to the Susquehanna River, application received October 18, 1993, permit issued June 27, 1996.

Small Industrial Mineral Authorizations Granted

59950801. Dale Alan Aumick (R. R. 2, Box 2169, Mansfield, PA 16933), commencement, operation and restoration of a Small Industrial Mineral (Gravel) permit in Tioga Township, **Tioga County** affecting 1 acre, application received March 6, 1996, authorization granted July 31, 1996.

District Mining Operations, P. O. Box 669, Knox, Pennsylvania 16232.

General Small Noncoal Authorizations Granted

20950807. Donald R. Wallis (R. R. 1, Box 494, Saegertown, PA 16433), commencement, operation and restoration of a small noncoal sand and gravel operation in Hayfield Township, **Crawford County** affecting 2.0 acres. Receiving streams: none. Application received: November 9, 1995. Permit issued: August 6, 1996.

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

General Small Noncoal Authorizations Granted

66960801. Duane White, (R. R. 2, Box 2692, Nicholson, PA 18446), commencement, operation and restoration of a small quarry operation in Nicholson Township, **Wyoming County** affecting 3.0 acres, receiving stream—none. Authorization granted August 21, 1996.

40960804. Green Valley Landscaping, Inc., (52 Reese Street, Plains, PA 18702), commencement, operation and restoration of a small quarry operation in Plains Township, **Luzerne County** affecting 3.0 acres, receiving stream—none. Authorization granted August 22, 1996.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board

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. § 679.403) 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

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

E16-094. Encroachment. Paint Township Supervisors, R. D. 2, Box 508, Shippensburg, PA 16254-8939. To remove the existing bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 31.7 feet and a minimum underclearance of 8.2 feet on a 52 degree skew across Little Paint Creek on Banner Road (T-582) approximately 1.5 mile northeast of T-414 (Fryburg, PA Quadrangle N: 3.8 inches; W: 7.55 inches) located in Paint Township, **Clarion County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E20-433. Encroachment. Meadville Area Sewer Authority, 984 Water Street, Meadville, PA 16335. To construct and maintain a sanitary sewage pump station in a wetland along the south side of Martin Road (T-974) approximately 550 feet west of S. R. 0086 (Meadville Quadrangle N: 8.9 inches; W: 1.25 inches) located in West Mead Township, **Crawford County**.

Environmental Assessment Approvals and Actions on 401 Certifications

EA61-001NW. Environmental Assessment. Atlantic Richfield Company, 444 South Flower Street 32-14, Los Angeles, CA 90071. This project will involve removal of tar and contaminated soil as part of an environmental clean-up program on the former Eclipse refinery property. The excavated areas will be backfilled with clean soil and revegetated with native vegetation. The affected area dimensions measure approximately 100 feet long measured parallel to the Allegheny River and approximately 270 feet wide measured from the Allegheny River in-land (extending 5 to 10 feet into the Allegheny River. This project will include usage of cofferdams to allow for the excavation in stream. The project is located on the north bank of the Allegheny River approximately 2,500 feet upstream of Hoge Island (Franklin, PA Quadrangle N: 5.1 inches; W: 7.0 inches) located in Sugarcreek Borough, **Venango County**.

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

E09-716. Encroachment. Walker's Acres, Inc., 301 North Broad Street, Lansdale, PA 19446. To construct an outfall channel for a stormwater detention basin disturbing approximately 0.03 acre (1,225 s.f.) of adjacent wetlands within the 100-year floodway of the east branch of the Perkiomen Creek (TSF) associated with the Walker's Acres Subdivision. The project is situated 1,180 feet

west of the intersection of North Main Street and Cal-lowhill Street (Telford, PA-NJ Quadrangle N: 22.10 inches; W: 4.65 inches) in Perkasio Borough, **Bucks County**.

E46-741. Encroachment. **Cabot Performance Materials**, 300 Holly Road, Boyertown, PA 19512. To construct an employee parking lot for Cabot Performance Materials which will impact 0.98 acre of wetland (PEM) within the 100-year floodplain of Swamp Creek (TSF) located east of the intersection of County Line Road (T-688) and Swamp Creek Road (T-617) (Sassamansville, PA Quadrangle N: 16.5 inches; W: 16.0 inches) in Douglass Township, **Montgomery County**. Applicant proposes to construct 1.26 acres of replacement wetland.

E09-236A. Encroachment. **Jack's Neshaminy Marina, Inc.**, 100 River Road, Croydon, PA 19020. To amend permit no. E09-236 which authorized construction and maintenance of an existing Marina Lagoon and Travel Lift Slip and to perform maintenance dredging along the east bank of Neshaminy Creek at points 1,250 feet to 3,000 feet upstream from the confluence of Neshaminy Creek with the Delaware River in Bristol Township, **Bucks County**.

Permit is amended to include the following:

1. To maintain a 6-foot wide "L" shaped pier which extends parallel to the Neshaminy Creek for 300 feet and is attached to an 80 foot section which extends eastward. This dock is located approximately 3,300 feet upstream from the confluence with the Delaware River.

2. To maintain a 6-foot wide, 140-foot long pier along the east bank of Neshaminy Creek at a point 1,500 feet from the confluence of the Delaware River.

3. To operate and maintain an existing 45-foot × 51.5-foot restaurant building which is located along the east bank and the 100-year floodway of the Neshaminy Creek at a point 1,500 feet upstream from the confluence of Neshaminy Creek and the Delaware River. Jack's Marina is located along the east bank of Neshaminy Creek (Beverly PA-NJ Quadrangle N: 16 inches; W: 5.5 inches) in Bristol Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E09-717. Encroachment. **Hilltown Township**, 13 West Creamery Road, Hilltown, PA 18927. To remove a 22-foot single span bridge with an underclearance between 4 and 5 feet and replace, construct and maintain with a 32-foot single span prestressed concrete box beam bridge with an underclearance of 7 feet. This bridge is located on Telegraph Road spanning Lenape Creek (TSF) (a tributary to the east branch of Perkiomen Creek) approximately 200 feet from the intersection with Perkasio Road (Telford, PA Quadrangle N: 20.3 inches; W: 3.6 inches) in Hilltown Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E08-236. Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. Remove the existing structure and to construct and maintain a prestressed concrete box beam bridge with a normal clear span of 54.2 feet and average underclearance of 7.6 feet at approximately an 80 degree

skew over Parks Creek on SR 1044 approximately 1 mile south of Union Valley Church (Windham, PA Quadrangle N: 8.5 inches; W: 15.2 inches) in Rome Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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 50.0 feet, an underclearance of 5.00 feet and a width of 8.75. The project is located along the western right-of-way of SR 0220 approximately 2,500 feet west of the intersection of SR 4004 and SR 0220 (Bellefonte, PA Quadrangle N: 8.6 inches; W: 15.1 inches) in Union Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E17-305. Water obstruction and encroachment. **Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. Remove two corrugated metal pipes and to place and maintain a single cell pre-cast concrete box culvert having a 16 foot clear span, 42 foot length, and a 4 foot rise in Alder Run located approximately 4,000 feet west of SR 0053 on SR 2032 at Seg. 0084, Offset 0000 (Philipsburg, PA Quadrangle N: 17.3 inches; W: 12.6 inches) in Morris Township, **Clearfield County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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 SR 0144 (Renovo West, PA Quadrangle N: 12.4 inches; W: 13.85 inches) in Liedy Township, **Clinton County**.

E18-215. 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 prestressed concrete spread box beam bridge that will carry County Line Road across Baldwin Branch of Young Women's Creek. The proposed bridge shall be constructed with a clear normal span of 30.0 feet, an underclearance of 7.0 feet and a curb to curb width of 18.0 feet that is located along the northern right-of-way of Benson Road approximately 250.0 feet north of the intersection of County Line Road and Benson (Slate Run, PA Quadrangle N: 17.0 inches; W: 16.8 inches) in Chapman Township, **Clinton County**.

E19-154. Water obstruction and encroachment. **Dept. 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 SR 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**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-367. Water obstruction and encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. Repair and maintain the stream channel of Beck Run for flood protection. The repair work shall consist of (1) the removal of 150 feet of gravel deposition to reestablish the original stream channel; (2) the widening of 300 feet of stream channel; and (3) the placement of 130 feet of riprap protection at a location approximately 1,000 feet southeast of the intersection of SR 4007 and T-818 (Nauvoo, PA Quadrangle N: 2.1 inches; W: 0.3 inch) in Jackson Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-374. Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove the existing structure and to construct and maintain a single span multiple glulam timber beam bridge to carry Rock Run Road across Miners Run. The project is located along the north right-of-way of Rock Run Road approximately 1.6 miles east of the intersection of McIntyre Road and Rock Run Road (Ralston, PA Quadrangle N: 2.8 inches; W: 5.7 inches) in McIntyre Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-200. Water obstruction and encroachment. **Shamokin Township**, R. R. 1, Box 936, Paxinos, PA 17860. Remove the existing structure and to construct and maintain two 60 inch culverts in an unnamed tributary to Shamokin Creek on T-485 approximately .3 mile west of SR 4015 (Treverton, PA Quadrangle N: 16.6 inches; W: 2.3 inches) in Shamokin Township, **Northumberland 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.

E39-313. Encroachment. **Department of Transportation**, District 5-0, 1713 Lehigh Street, Allentown, PA 18103. (1) Remove the existing structure and to construct and maintain a dual 8-span continuous steel girder bridge having a total length of 1,230.00 feet with an underclearance of approximately 54.80 feet on a 19 degree skew across the Lehigh River; (2) modify and maintain a stream enclosure consisting of 85 linear feet of existing 6 foot x 5 foot concrete arch culvert and approximately 21 linear feet of a 6 foot x 5 foot concrete box culvert extension at station 226+30 in an unnamed tributary to the Lehigh River; and (3) place fill in a de minimus area of wetlands less than or equal to 0.05 acre. The project, known as the Treichlers Bridge Replacement Project, is located on S. R. 0145, at its intersection with the Lehigh River, (Clementon, PA Quadrangle N: 19.6 inches; W: 5.7 inches) in North Whitehall and Lehigh Township, **Lehigh and Northampton County**.

E45-299. Encroachment. **Pleasant Valley Manor**, Monroe County Housing Authority, 4227 Manor Drive, Stroudsburg, PA 18360. To construct and maintain a 0.73 acre bituminous pavement parking lot addition within the

100-year floodplain of McMichael Creek. The project is associated with the expansion of Monroe County Housing Authority's Pleasant Valley Manor and Hamilton Nursing Homes located approximately 500 feet northeast of the intersection of S. R. 2010 (Manor Drive) and T235 (Saylorburg, PA Quadrangle N: 13.3 inches; W: 5.2 inches) in Hamilton Township, **Monroe County**.

E58-221. Encroachment. **Susquehanna County Commissioners**, Susquehanna County Courthouse, Montrose, PA 18801. To construct and maintain a single-span steel I-beam bridge with a timber deck (County Bridge No. 22), having a span of approximately 65 feet and an underclearance of approximately 16.3 feet, across Tunkhannock Creek. The bridge will be constructed at the location of the former T-434 bridge, which was severely flood damaged, and will utilize/modify portions of the existing abutments. The project is located immediately east of the intersection of T-434 and S. R. 0092 (Lenoxville, PA Quadrangle N: 11.0 inches; W: 9.7 inches) in Lenox Township, **Susquehanna County**.

[Pa.B. Doc. No. 96-1538. Filed for public inspection September 13, 1996, 9:00 a.m.]

Availability of Technical Guidance

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent Inventory was published June 1996. This Inventory is also posted on DEP's World Wide Web page. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the following path: 1) Public Participation Center, 2) Status of Legislation, Regulations and Policies, 3) Recently Finalized Regulations and Policies and 4) Technical Guidance Document Inventory. Persons can order a copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 (note this new number) if calling from outside Pennsylvania.

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996 edition of the *Bulletin*.

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

Persons who have any questions or comments should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance Documents

DEP ID: 012-1920-001 Title: Public Participation in the Development of Regulations and Technical Guidance Description: DEP will ensure that all guidance documents and regulations are developed with effective participation by the public during all steps in the process. Page Length: 8 pages Location: Vol. 1, Tab. 3A Contact: Barbara Sexton at (717) 783-8727.

DEP ID: 563-2000-204 Title: Homeowner Notification of Right to Pre-Blast Survey (industrial minerals)

Description: DEP will ensure, by verifiable record, that each home/structure owner has received notification of their right to obtain a pre-blast survey. Page Length: 2 pages Location: Vol. 12, Tab 108A (BMR PGM Section VIII, Part 2, Subpart 4) Contact: Michael Getto at (717) 787-7846.

DEP ID: 563-2000-223 Title: Review Process for the Approval of Bituminous Coal Blast Plan Description: This guidance standardizes the review process and approval methods for bituminous coal blast plans. Page Length: 3 pages Location: Vol. 12, Tab 59 (BMR PGM Section II, Part 2, Subpart 23) Contact: Michael Getto at (717) 787-7846.

Draft Guidance

DEP ID: 012-0900-002 Draft Title: Electronic Copies of Technical Guidance Background: In addition to paper copies of DEP's technical guidance documents, DEP is converting all of its guidance to electronic media. DEP will make both draft and final documents available on the World Wide Web. This document (directed to staff) outlines implementation stages for electronic conversion and procedures for placing and monitoring documents on the Web. Anticipated Effective Date: September 20, 1996 Deadline for Comments: September 1, 1996 Contact: Nina Huizinga at (717) 783-8727.

Notice of Intent to Revise Technical Guidance

Draft Title: Pennsylvania Drinking Water Information System (PADWIS) Inventory Users Manual Background: The computerized inventory of regulated public water supplies has changed from a batch system on a contractor's computer with paper forms data entry to a user friendly on-line system on the Department's DEC computer. Also, many enhancements have been made to the inventory in response to program and user needs. These changes have resulted in the need for a substantial modification to the users manual which is used by field operations staff to maintain the public water system inventory in the PADWIS. Anticipated Effective Date: January 1997 Anticipated Draft Development Date: October 1, 1996 Proposed Development and Review Process: The Water Supply and Community Health (WSCH) Field Operations staff are to be involved in the review. Revisions to this manual were developed with significant input from the field staff, who are the primary users of the system. Contact: Barry Greenawald or Donna Green at (717) 772-4018.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-1539. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Division

The Department of General Services, State Surplus Property Division is seeking paper recyclers to purchase and receive Office Waste Paper consisting of mixed office waste paper, corrugated (OCC), newspaper (ONP) and magazines, generated in Commonwealth facilities located in the Harrisburg area. The contract will be for a 1 year period with possible extensions for 2 additional years.

Interested bidders may contact State Surplus at (717) 787-4085 for a bid package prior to September 27, 1996.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1540. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Notice of Beginning of Review; Certificates of Need

The Department of Health 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-96-C-2645-B: Holy Spirit Hospital, 503 North 21st Street, Camp Hill, PA 17011. Convert two neonatal intermediate care beds (Level II) to two neonatal intensive care beds (Level III), at an estimated cost of \$817,712.

CON-96-C-2674-B: Fairmount Homes, c/o Bricker Group, Suite 602, 1525 Oregon Pike, Lancaster, PA 17601-4374. Construction of a 120-bed LTC facility to replace existing 118-bed LTC home, at an estimated cost of \$8,237,084.

CON-95-A-2577-B: Delaware County Memorial Hospital, 501 North Lansdowne Avenue, Drexel Hill, PA 19026. Replacement of linear accelerator, at an estimated cost of \$3,804,750.

CON-96-C-2738-B: St. Anne's Home, 3952 Columbia Avenue, Columbia, PA 17512-9715. Renovation and new construction to replace 80 and add three long-term care beds to existing nursing care facility, at an estimated cost of \$8,742,495.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning September 14, 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 act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, the meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, Pennsylvania. Holy Spirit Hospital public meeting will begin at 9 a.m., Tuesday, October 1, 1996. Fairmount Homes public meeting will begin at 9 a.m., Delaware County Memorial Hospital public meeting will begin at 11 a.m., St. Anne's Home public meeting will begin at 1 p.m., Monday, October 21, 1996. Persons who need an accommodation due to a disability and want to attend a 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. These meetings are 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. 96-1541. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Access Route Approvals

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations of interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 34 (Adams County)	From PA 394 to Boyd's School Road (T-341)	6.0
Boyd's School Road (T-341) (Adams County)	From PA 34 to the HERFF Jones Yearbooks facility	0.2
PA 234 (Adams County)	From the Inland Container facility to PA 34	0.3

Approved May 21, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 309 (Lehigh County)	From US 22 to the Orefield Cold Storage Facility.	4.3

Approved June 7, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 66 (Clarion and Forest Counties)	From US 322 to the Forest/Elk County Line.	35.6
US 19 (Lawrence and Mercer Counties)	From US 422 to PA 58	20.1
PA 58 (Mercer County)	From US 19 to SR 4012	10.9
SR 4012 (Mercer County)	From PA 58 to the American Recycled Wood and Pallet Facility	3.2

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
US 119 (Indiana and Jefferson Counties)	From US 422 to the Groundhog Plaza in Punxsutawney.	31.5

Approved June 12, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 328 (Tioga County)	From US 15 to Keck's Meat and Food Service Facility	5.6

Approved June 20, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 26 (Bedford and Huntingdon Counties)	From US 30 to US 22	43.4

Approved July 1, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 208 (Lawrence County)	From PA 60 to PA 18	3.7

The following Municipalities approved the access routes within their jurisdictions:

Town of Bloomsburg
Greenwood Township

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 487 (Columbia County)	From US 11 and Sixth Street to I-80 (Exit 35)	2.7
US 11 (Columbia County)	From PA 487 and Sixth Street	0.7
US 11 (Columbia County)	From the Bloomsburg Carpet facility to I-80 (Exit 36)	2.1
SR 4004 (Columbia County)	From the T. and L. Miller facility to PA 42	0.2
West 5th Street (Columbia County)	From Railroad St. to Market St.	0.3
Market Street (Columbia County)	From West 5th St. to East 9th Street	0.3
East 9th Street (Columbia County)	From Market St. to the Agway facility at Iron Street	0.2
T-583 (Bottom Road) (Columbia County)	From PA 42 to T-581 (Blue Jay Road)	0.4

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
T-581 (Blue Jay Road) (Columbia County)	From T-583 (Bottom Road) to the Miller Residence	0.1

Approved July 15, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
SR 4006 (Adams County)	From SR 4008 to PA 34	4.8

Approved August 6, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 114 (Cumberland County)	From I-81 (Exit 18) To Heinz Street.	4.5
PA 114 (Cumberland County)	From US 15 to the entrance driveway to The Book of the Month Club facility.	1.6

Approved August 13, 1996

The following municipality approved the access routes within its jurisdiction:

Pittston Township

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
Eastern Distribution Center/Vogelbacher Industrial Site (Luzerne County)	All roadways within the Eastern Distribution Center/Vogelbacher Industrial Site	N/A

Approved August 15, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations of interstates and certain primary highways), the Department of Transportation approved the following access route for use by the following types of truck combinations: 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 104 (Juniata and Snyder Counties)	From US 11/US 15 to the Ivan Lauver & Son, Inc. facility	8.5

Approved June 24, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 772 (Lancaster County)	From US 222 to the Carver facility at 40 Glen Brook Road	3.0

Approved July 19, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer.

The following municipality approved the access route within its jurisdiction:

Modena Borough

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 82 (Chester County)	From US 30 to Business US 30 (Lincoln Highway).	1.8
SR 3049 (Chester County)	From Business US 30 to SR 3049 (Modena Road).	0.7
S. R. 3049 (Chester County)	From SR 3049 (S. First Avenue) (Modena Road) to SR 3047 (Union Street).	1.7
S. R. 3047 (Chester County)	From SR 3049 (Modena Road) to (Union Street) Fabricated Metals, Inc. Facility	0.1
Meridith Court (Chester County)	From SR 3047 (Union Street) to Sealed Air Corp. Facility.	0.1

Approved June 5, 1996

The following municipalities approved the access route within their jurisdictions:

Butler Township
Menallen Township

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
S. R. 4015 (Adams County)	From 1280 Nawakwa Road to S. R. 4008.	0.1
S. R. 4008 (Adams County)	From PA 234 to S. R. 4015.	3.2
S. R. 3011 (Adams County)	From US 30 to PA 234.	3.8
PA 234 (Adams County)	From S. R. 4008 to S. R. 3011.	0.6
PA 234 (Adams County)	From T-369 to PA 34.	1.5
PA 394 (Adams County)	From PA 234 to PA 34.	0.4
T-369 (Adams County)	Heckenluber Road—From S. R. 4008 to PA 234.	1.6

Approved June 7, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
Delaware Avenue (Luzerne County)	From SR 1027 to the Scooter Division of Pride Health Care, Inc.	0.4
Delaware Avenue (Luzerne County)	From the Scooter Division of Pride Health Care, Inc. to Sixth Street.	0.3
Sixth Street (Luzerne County)	From Delaware Avenue to SR 1027.	0.5

Approved July 19, 1996

The following municipalities approved the access routes within their jurisdiction:

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
	Pringle Borough Kingston Borough Luzerne Borough	
SR 1013 (Union St.) (Luzerne County)	From PA 309 (Exit 6) to West Union Street.	1.1
West Union Street (Luzerne County)	From SR 1013 (Union St.) to Railroad Street.	0.1
Railroad Street (Luzerne County)	From West Union Street to Division Street.	0.3
Division Street (Luzerne County)	From Railroad Street to Thomas Lane.	0.3
Thomas Lane (Luzerne County)	From Division Street to the Biscontini Warehouse.	0.1

Approved August 6, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations of interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 28 (Jefferson Co.)	From US 322 to the McCauley Trucking Warehouse 0.1 mile south of I-80 (Exit 14)	16.0
PA 36 (Jefferson Co.)	From I-80 (Exit 13) to PA 899	10.6
PA 899 (Jefferson and Forest Counties)	From PA 36 to PA 66	10.7

These routes were previously approved for 48' and twin trailers.

Approved June 12, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 48' long trailer.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 924 (Luzerne and Schuylkill Counties)	From I-81 (Exit 40) to PA 61	18.2
PA 61 (Schuylkill County)	From I-81 (Exit 36) to PA 924	1.0
SR 4033 (Schuylkill County)	From PA 924 to SR 4035	3.9
SR 4035 (Schuylkill County)	From SR 4035 to the Wenco terminal	0.1

Approved June 4, 1996

The following Municipality approved the access routes within its jurisdiction:

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
	Mechanicsburg Borough	
West Allen Street (Cumberland County)	From PA 114 to the corner of Frederick and West Allen Streets.	0.1
West Allen Street (Cumberland County)	From PA 114 to 325 West Allen Street which is at the corner of PA 114 and West Allen Street	0.01

Approved June 18, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 114 (Cumberland County)	From Heinz Street to the entrance driveway to the Book of the Month Club facility.	1.8

Approved August 13, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 96" wide, 45' long trailer (over 60' combination length).

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 660 (Tioga County)	From US 6 to US 15	6.1
PA 36 (Blair, Cambria, Clearfield, Jefferson and Indiana Counties)	From S. R. 4010 at 10th Avenue to US 119	54.5

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
S. R. 4010 (Blair County)	From US 220 to PA 36	2.1

Approved July 15, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways) the Department of Transportation approved the following access routes for use by the types of truck combinations: 96" wide straight truck trailer 67' long.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 23 (Lancaster County)	From Shirk Road to PA 10	1.4
PA 10/PA 23 (Berks County)	From PA 23 to I-76 (Exit 22)	1.5
US 1 (Bucks County)	From I-276 (Exit 28) to Oxford Valley Road—SR 2029	7.4
SR 2029 (Oxford Valley Rd) (Bucks County)	From US 1 to US 1 Business (Lincoln Highway)	1.1
US 1 Business (SR 2037) (Bucks County)	From SR 2029 (Oxford Valley Rd) to PA 213 (Old Lincoln Highway)	0.5
PA 213 (Bucks County)	From US 1 Business (Lincoln Highway) to US 1 (Southbound only)	1.5

Approved June 18, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways), the Department of Transportation revokes the following access route for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 114 (Cumberland County)	From US 15 to I-81 (Exit 18)	7.1

Approved August 13, 1996

The effective date of this revocation shall be 15 days following the publication of this notice in the *Pennsylvania Bulletin*.

Comments, suggestions or questions may be directed to James Weakland, Truck Access Manager, Room 1014 Transportation and Safety Building, Harrisburg, PA 17120, telephone (717) 787-7445.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1542. Filed for public inspection September 13, 1996, 9:00 a.m.]

Retention of Engineering Firms

**Allegheny County
Reference No. 08430AG2011**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately seven inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 3160, Section A05, removal of an at-grade intersection and replacing it with a grade separated diamond interchange, including structure work, guiderail, drainage, retaining walls, and concrete roadway paving, Allegheny 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 inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving, drainage, guiderail and retaining walls.
- b. Understanding of Department's requirements, policies and specifications.
- c. Past performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.
- f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	4 (3)
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 an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1996 will be limited to the actual direct salary of the individual employee, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Direct Payroll Rate</i>
Transportation Construction Manager 1 (TCM-1)	\$19.79
Transportation Construction Inspector Supervisor (TCIS)	\$17.34
Transportation Construction Inspector (TCI)	\$15.18
Technical Assistant (TA)	\$10.43

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, 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; provide one inspector certified in computer documentation and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCM-1 and TCIS positions, giving their approval to use their names in the letter of interest for this specific project. The Lead Inspector's name, classification and years of classification must also be shown.

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

Technical questions concerning the requirements for this project should be directed to Terry McCue, District 11-0, at (412) 429-4926.

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

**Allegheny, Beaver and Lawrence Counties
Reference No. 08430AG2012**

The Department of Transportation will retain an engineering firm for an open-end contract for various geotechnical engineering services on various projects located in Engineering District 11-0, that is, Allegheny, Beaver and Lawrence Counties. The contract will be for a 30 month period with projects assigned on an as-needed basis. The maximum amount of the open-end contract will be \$750,000.

The required services may encompass a wide range of geotechnical design, review and consultation efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects which may require geotechnical assistance include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), Capital Improvement Projects (bridges and roadways), maintenance type remediation and minor location studies.

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 interest:

- a. Understanding of Department's requirements, design manuals, policies and specifications.
- b. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms shall be considered.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on open-end contracts.
- d. Location of consultant in respect to the District. This will include ability/provisions for quick responses to District requests.
- e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants and the like.

The firm may be required to perform, but will not be limited to, the following geotechnical engineering services: review of geotechnical work performed by private engineering firms; perform geotechnical design for major Department designed projects; prepare Health and Safety Plans; perform geotechnical investigations under a Health and Safety Plan; investigate and prioritize slope movements and other geologic hazards for future programming; install and/or monitor geotechnical instruments; perform geophysical investigations; geotechnical consultation during and after construction; review projects developed by local municipalities; drilling inspection in accordance with Design Manuals 1 and 4 qualifications and criteria; review of wetland designs from a geological or geotechnical perspective; emergency response to geologic hazards; review and comment on Department procedures and documents; review of right-of-way relinquishments; investigate tunnels and design

and necessary remediations; review of requests of mine variances; review of permit requests; assist in evaluating the level of effort needed to complete geotechnical work tasks; investigate stability of retaining systems; develop geotechnical specifications; water quality sampling and evaluation; review erosion and sedimentation control plans from a geological or geotechnical perspective; develop experimental geotechnical work plan activities and other research activities; review, from a geotechnical perspective, preliminary area reconnaissances (PARs), initial site assessments (ISAs), preliminary site investigations (PSIs), detailed site investigations (DSIs) and waste management plans; provide geotechnical input for pavement designs; respond to requests from the Department for various types of geotechnical investigations; develop and administer subsurface boring sampling and testing contracts; perform stability analyses of slopes and retaining structures; geotechnical assistance in preparation of erosion and sedimentation control plans; geotechnical assistance in performing scour analyses and developing remedial solutions; geotechnical review of contour grading plans; geotechnical review of storm water management plans; develop remediation schemes for acid mine drainage (AMD) problems; and preparation of geotechnical engineering reports.

These services may include, but not be limited to, the following specific items: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; perform related field surveys; plot topography and cross sections. Most of the drilling and testing services will be provided by the Department through separate service purchase contracts with other contractors. However, the firm may be required to let separate contractors for drilling and will have to have soil, rock and water testing capabilities. The soil and rock testing will be performed at an AASHTO Materials Reference Laboratory (AMRL) accredited laboratory and the water testing must be performed at a Department of Environment Protection certified laboratory.

The primary services to be provided are geotechnically related; however, other services requiring geotechnical input may be required and they may include, but not be limited to, the following items: prepare and disseminate right-of-entry letters; prepare and provide geotechnical information required for a value engineering review; make the necessary geotechnical investigations and adjustments to the design as a result of the value engineering review comments; make necessary contact with the railroad officials for any railroad-related costs estimates, permits, insurance, approvals and other required information needed for a geotechnical investigation; geotechnical alternatives using benefit/cost analysis; document geotechnical study activities and findings; attend coordination and status meetings with District personnel and prepare minutes; and provide geotechnical assistance in the preparation of construction plans, specifications including special provisions and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The firm may be required to assist and provide geotechnical input for any or all of the following environmental studies: surface water and groundwater hydrology; wetlands; soils; geology; farmland; hazardous waste; Section 4(f) and Section 106 documents; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firm may also be required to perform any or all of the following in order to ensure a complete investigation has been performed: plans and lists of areas where soil, rock and water will be impacted and demolition will occur during proposed construction activities.

The geotechnical, geological and geophysical engineering services identified above are the general work activities that can be expected under this open-end contract. A more specific and project-related scope of work will be outlined for each individual work order developed under this open-end contract.

Technical questions concerning the requirements for this project should be directed to William R. Adams, Jr., P.E., District 11-0, at (412) 429-4919.

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

Cumberland and Dauphin Counties Reference No. 08430AG2013

The Department of Transportation will retain an engineering firm to perform the preliminary design of approach roadway reconstruction and bridge replacement on S. R. 3034, Section 003, Walnut Street Bridge over the Susquehanna River, City of Harrisburg, Dauphin County. The estimated construction cost is \$10 million.

The required services will include preparation of Feasibility Study and Cost Analysis; Intent to Enter Notices; Categorical Exclusion Evaluation, Section 2002 Evaluation; Cultural Resources; Preliminary Area Reconnaissance; Agency Participation and Coordination; Public Involvement; Deed Searches; Submission of Utility Investigation and Relocation Engineering; Field Survey; Plot Topography and Cross Sections; Safety Design Review; Pavement and Deck Drainage Design; Preliminary Traffic Control Plan with Special Provision; Step 9; Hydraulic Report including Wetland Identification and Delineation Report, Environmental Assessment Form, and the application Checklist for Water Obstruction and Encroachment Permit; Erosion Control Plan with Narrative; and Type, Size and Location Submission.

The shortlisting of firms for further consideration on this project will be held in the Engineering District 8-0 office, in Conference Room D, 2140 Herr Street, Harrisburg, Pennsylvania, on October 4, 1996, at 3 p.m. The shortlist meeting will be open to the public.

Technical questions concerning the requirements for this project should be directed to William P. Longstreet, Consultant Liaison Engineer, District 8-0, at (717) 783-1210.

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 Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Expressions of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same project advertisement. Also a firm that responds to a project advertisement as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. 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. 96-1543. Filed for public inspection September 13, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Felton v. DEP; EHB Doc. No. 95-269-C

The Department of Environmental Protection and the Borough of Felton (Borough), a municipality in York County, have agreed to a settlement of the above matter. The Commonwealth has ordered under date of November 27, 1995, the Borough to either implement its official plan, the York County Comprehensive Sewerage Study and Plan or to update its plan. This order was issued in response to a private request for revision of the Borough's Plan to provide public sewers.

The parties have agreed to a settlement, the major provisions of which include the Borough's submission of an officially adopted update to its official plan which thoroughly documents the Borough's sewage disposal needs and identifies the most appropriate alternative to address short and long term needs.

Copies of the full agreement are in the hands of:

Gina Thomas, Esquire, Assistant Counsel, DEP, 400 Market Street, Ninth Floor, P. O. Box 8464, Harrisburg, PA 17105-8464;

Jon C. Countess, Esquire, Countess, Gilbert, Andrews, 29 North Duke Street, York, PA 17401-1282;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1544. Filed for public inspection September 13, 1996, 9:00 a.m.]

Montgomery County v. DEP; EHB Doc. No. 92-448-MR

The Department of Environmental Protection (Department), and Montgomery County (County) have agreed to a settlement of the appeal at the above-referenced docket.

On August 28, 1992, the Department issued an Order to the County in which the Department required that the County: (1) construct, and place into operation, a system for the collection and conveyance of leachate and contaminated groundwater from Landfills No 1 and 2 to the Upper Merion Township Wastewater Treatment Plant (Matsunk Plant); (2) pump and haul, for treatment at a wastewater treatment plant, a specified amount of leachate and/or contaminated groundwater until completion of the connection to the Matsunk Plant; (3) upon completion of the connection to the Matsunk Plant, increase removal of leachate and contaminated groundwater to a minimum of 110,000 gallons per day and continue to pump at this rate until further Department notice; (4) implement a Department-approved plan for an expanded groundwater monitoring program according to a specified schedule; and (5) submit biweekly progress reports until connection to the Matsunk sewer treatment facility. The County filed a timely appeal from the Department's Order.

The parties have agreed to a settlement of the appeal, the major provisions of which include:

1. The County has constructed, and placed into operation, the connection to the Matsunk Plant. The County has agreed that it will maintain removals of leachate and/or contaminated groundwater to the Matsunk Plant at a minimum of 110,000 gallons averaged per day and calculated over a calendar month, provided, however, that daily removals shall not be below 100,000 gallons on any given day. The County has agreed to continue such removals at this rate until further notice from the Department, and to submit reports to the Department documenting the gallonage of such removals.

(2) The County has agreed to the dismissal of the appeal at this docket.

Copies of the full agreement are in the hands of:

R. Stephen Barrett, Esquire, County of Montgomery, Office of the Solicitor, 5th Floor, Court House, Norristown, PA 19404-0311, (610) 278-3033;

Martha E. Blasberg, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park—555 E. North Lane—Suite 6015, Conshohocken, PA 19428-2233, (610) 832-6300;

and at the Office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement which becomes final if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1545. Filed for public inspection September 13, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-288	Environmental Quality Board Stream Redesignations; Kettle Creek, et al.	09/03/06
7-295	Environmental Quality Board General Conformity	09/03/96

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1546. Filed for public inspection September 13, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Independence Blue Cross; Non-Group Rate Increase for Basic Blue Cross, Personal Choice and Special Care; Filing No. 7-P-96

By filing no. 7-P-96, Independence Blue Cross submits for Insurance Department approval a request to increase the premium rates for its Non-Group line of business namely, Basic Blue Cross, 6.5%; Personal Choice, 9.0%; and Special Care, 9.0%. An effective date of November 1, 1996 is requested.

The proposed rate increase will affect approximately 54,000 contracts and will produce additional premium income of about \$5.34 million per year.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary,

Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 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. 96-1547. Filed for public inspection September 13, 1996, 9:00 a.m.]

Independence Blue Cross; Rate Increase for Blue Cross Community-Rated Groups; Filing No. 9-P-96

By filing no. 9-P-96, Independence Blue Cross submits for Insurance Department approval a request to increase the premium rates for its Community-Rated Group Blue Cross Hospitalization programs. An effective date of November 1, 1996 is requested.

The proposed rate increase will affect approximately 28,000 contracts and will produce an additional premium income of about \$4.25 million per year.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 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. 96-1548. Filed for public inspection September 13, 1996, 9:00 a.m.]

Independence Blue Cross; Rate Increase for Medicare Supplement Programs: Plans A, B, C and H (Security 65); Filing No. 8-P-96

By filing no. 8-P-96, Independence Blue Cross submits for Insurance Department approval a request to increase the premium rates by 13.69% for its Medicare Supplement business. An effective date of January 1, 1997 is requested.

The proposed rate increase of 13.69% will affect approximately 116,600 members and will produce additional premium income of about \$10.3 million per year.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 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. 96-1549. Filed for public inspection September 13, 1996, 9:00 a.m.]

Independence Blue Cross; Pennsylvania Blue Shield; Rate Increase for Non-Group Major Medical; Filing No. 6-P-96

By filing no. 6-P-96, Independence Blue Cross and Pennsylvania Blue Shield submit for Insurance Department approval a request to increase the premium rates by 25% for its Non-Group Major Medical line of business. An effective date of November 1, 1996 is requested.

The proposed rate increase will affect approximately 11,000 contracts and will produce additional premium income of about \$2.3 million per year.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 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. 96-1550. Filed for public inspection September 13, 1996, 9:00 a.m.]

Independence Blue Cross; Pennsylvania Blue Shield; Rate Increase for Personal Choice Community-Rated Group; Filing No. 10-P-96

By filing no. 10-P-96, Independence Blue Cross and Pennsylvania Blue Shield submit for Insurance Department approval a request to increase the premium rates for its Community-Rated Group Personal Choice line of business. An effective date of November 1, 1996 is requested.

The proposed rate increase will affect approximately 110,700 contracts and will produce additional premium income of about \$12.7 million per year.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 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. 96-1551. Filed for public inspection September 13, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Eldore Sebastinelli; file no. 96-121-05396; USF&G; doc. no. P96-08-063; October 3, 1996, at 10 a.m.;

Appeal of Justin V. Thomas, file no. 96-188-04648; General Accident Insurance Company; doc. no. P96-08-026; October 3, 1996, at 11 a.m.;

Appeal of Robert S. Wright; file no. 96-265-34928; Pennland Insurance Company; doc. no. PH96-08-058; October 3, 1996, at 2 p.m.;

Appeal of Vincent Cerrone; file no. 96-264-34920; Nationwide Insurance Company; doc. no. PH96-08-059; October 3, 1996, at 3 p.m.;

Appeal of Paul and Linda Barry; file no. 96-121-05094; Liberty Mutual Fire Insurance Company; doc. no. P96-08-062; October 8, 1996, at 9 a.m.;

Appeal of Zoila T. Ruiz; file no. 95-121-05173; TICO Insurance Company; doc. no. P96-08-065; October 8, 1996, at 10 a.m.;

Appeal of Donald and Janet Law; file no. 96-121-05435; Erie Insurance Company; doc. no. P96-08-064; October 10, 1996, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service, or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1552. Filed for public inspection September 13, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of TICO Insurance Company; file no. 96-267-34472; Harry Wilson; doc. no. PH96-08-057; October 8, 1996, at 11 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1553. Filed for public inspection September 13, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Alice V. Hoke; file no. 96-124-03310; Donegal Mutual Insurance Company; doc. no. P96-08-060; October 3, 1996, at 9 a.m.;

Appeal of Jennifer L. Olack, file no. 96-121-04973; Erie Insurance Company; doc. no. P96-08-061; October 10, 1996, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1554. Filed for public inspection September 13, 1996, 9:00 a.m.]

LAWYER TRUST ACCOUNT BOARD

Meeting Notice

A meeting of the Lawyer Trust Account Board will be held on Friday, September 20, 1996, at 10 a.m.

The meeting will be held at the Philadelphia Bar Association, 11th Floor, Committee Room, Philadelphia, PA.

GERALD A. MCHUGH, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1555. Filed for public inspection September 13, 1996, 9:00 a.m.]

MILK MARKETING BOARD

Presubmission Schedule and Prehearing Conference for All Milk Marketing Areas; Over-Order Premium; Hearing

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1204), the Commonwealth of Pennsylvania, Milk Marketing Board (Board) will conduct

a public hearing for Milk Marketing Areas 1, 2, 3, 4, 5 and 6 on October 2, 1996, at 9 a.m. in Room 309 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing will be to receive testimony and exhibits concerning whether an adjustment should be made to increase the level of the over-order premium, as requested in petitions filed by the Pennsylvania Farm Bureau, the Pennsylvania Farmers Union and the Pennsylvania State Grange.

The petitioners and the staff of the Board shall be deemed to be parties for purposes of this hearing. Other interested persons as defined in section 801 of the Milk Marketing Law who wish to present testimony or exhibits, or both, at the hearing shall file with the Board on or before September 18, 1996, a written request to be included on the Board's list of parties.

(A) Each party shall file with the Board seven copies and serve on all other parties one copy of the following on or before September 24, 1996:

(1) A written designation identifying each witness who will testify on behalf of the party at the hearing, including identification of any witness who will testify as an expert.

(2) A statement of the subjects concerning which each witness will testify.

(3) A copy of each exhibit to be presented, including but not limited to financial statements, accounting statements, accounting schedules and economic statistics.

(B) Requests by parties for Board staff to provide data pertinent to this hearing shall be made in writing and received in the Board office on or before September 18, 1996.

(C) Parties shall file seven copies of rebuttal exhibits with the Board and serve one copy on all other parties on or before September 27, 1996.

(D) Parties shall have available in the hearing room at least 20 copies of the documents described in (A)(1)—(3) for the use of nonparties attending the hearing.

(E) Parties wishing the Board to take administrative notice of any document shall, when notice is requested, provide a copy of the document to each Board member and to all other parties. At least 20 additional copies shall be available for the use of nonparties attending the hearing.

The Board may exclude witnesses, evidence or exhibits of a party who failed to comply with the requirements of (A).

There will be a prehearing conference for all parties on September 30, 1996, in Room 110 of the Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA, beginning at 2 p.m.

Persons who require this information in an alternate format should call (717) 787-4194 or 1 (800) 654-5984 (PA Relay Service for TDD users).

O. FRANK DEGARCIA,
Executive Secretary

[Pa.B. Doc. No. 96-1556. Filed for public inspection September 13, 1996, 9:00 a.m.]

Presubmission Schedule and Prehearing Conference for Milk Marketing Area No. 5; Hearing

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1204), the Commonwealth of Pennsylvania, Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5. The hearing will commence on October 2, 1996, at 1:30 p.m. and will be continued to October 3, 1996, at 9 a.m., if necessary. The hearing will be held in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The sole purpose of the hearing will be to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5 for the following existing costs: processing, packaging, delivery and container. This hearing is being held under Official General Order A-887, section G.

The staff of the Board is deemed to be a party for purposes of this hearing. Other interested persons as defined in section 801 of the Milk Marketing Law who wish to present testimony or exhibits, or both, at the hearing shall file with the Board on or before September 18, 1996, a written request to be included on the Board's list of parties.

(A) Each party shall file with the Board seven copies and serve on all other parties one copy of the following on or before September 24, 1996:

(1) A written designation identifying each witness who will testify on behalf of the party at the hearing, including identification of any witness who will testify as an expert.

(2) A statement of the subjects concerning which each witness will testify.

(3) A copy of each exhibit to be presented, including but not limited to financial statements, accounting statements, accounting schedules and economic statistics.

(B) Requests by parties for Board staff to provide data pertinent to this hearing shall be made in writing and received in the Board office on or before September 18, 1996.

(C) Rebuttal exhibits shall be filed with the Board (seven copies) and served on all other parties (one copy) on or before September 27, 1996.

(D) Parties shall have available in the hearing room at least 20 copies of the documents described in (A)(1)—(3) and (C) for the use of nonparties attending the hearing.

(E) Parties wishing the Board to take administrative notice of any document shall, when notice is requested, provide a copy of the document to each Board member and to all other parties. At least 20 additional copies shall be available for the use of nonparties attending the hearing.

The Board may exclude witnesses, evidence or exhibits of a party who failed to comply with the requirements of (A) or (C).

There will be a prehearing conference for all parties on September 30, 1996, in Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA, beginning at 2:30 p.m.

Persons who require this information in an alternate format should call (717) 787-4194 or 1 (800) 654-5984 (PA Relay Service for TDD users).

O. FRANK DEGARCIA,
Executive Secretary

[Pa.B. Doc. No. 96-1557. Filed for public inspection September 13, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Fuel Adjustment Statements; Doc. No. M-FACS9601-9604

This notice is to inform the public that the following companies:

Community Central Energy Corporation
Trigen-Philadelphia Energy Corporation
Pittsburgh Thermal L. P.
Harrisburg Steam Works

have filed statements of their revenues and expenses attributable to their use of the automatic adjustment clause (Fuel Cost Adjustment) for the 12 month period ending June 30, 1996.

The filing of these statements is required by 66 Pa.C.S. § 1307(e) (relating to sliding scale of rates; adjustments).

The Pennsylvania Public Utility Commission has scheduled a hearing on Thursday, October 10, 1996, at 10 a.m. in the Commission's Hearing Room, Ground Floor, North Office Building, Harrisburg, PA, when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1558. Filed for public inspection September 13, 1996, 9:00 a.m.]

Petition of Pennsylvania-American Water Company for Approval to Implement a Tariff Supplement Establishing a Distribution System Improvement Charge; Doc. No. P-00961031

Commissioners Present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; Robert K. Bloom

Public meeting held
August 22, 1996

Opinion and Order

By the Commission:

I. Background

On March 15, 1996, the Pennsylvania-American Water Company (PAWC or company) filed the above-referenced petition with this Commission requesting regulatory approval to file and implement an automatic adjustment clause tariff that would establish a Distribution System Improvement Charge (DSIC or surcharge) under section 1307(a) of the Public Utility Code. 66 Pa.C.S. § 1307(a).

Section 1307 (a) provides statutory authority for a utility to establish, subject to Commission review and approval, a tariffed automatic adjustment clause mechanism designed to provide "a just and reasonable return on the rate base" of the public utility.

As proposed by PAWC, the DSIC would operate to recover the fixed costs (depreciation and pre-tax return) of certain nonrevenue producing, nonexpense reducing infrastructure rehabilitation projects completed and placed in service between section 1308 base rate cases. The company maintains that the property additions eligible for the DSIC will be limited to revenue neutral infrastructure projects, consisting principally of replacement investments in so-called "mass property" accounts. The DSIC is designed to provide the company with the resources it needs to accelerate its investment in new utility plant to replace aging water distribution infrastructure, facilitating compliance with evolving regulatory requirements imposed by the Safe Drinking Water Act (SDWA) and the implementation of solutions to regional water supply problems.

To illustrate its point, the company states that it has 5,600 miles of mains, that it is currently rehabilitating between 25 and 30 miles of main each year, and that, at that pace, it would require between 185 and 225 years to make all of the needed improvements to existing facilities. The company also states that water service, more than any other utility service, is critical to maintaining public health as water is "a necessity of life and vital for public fire protection services." Petition at 3.

The company alleges that the DSIC may enable it to reduce the frequency of its base rate cases and place the company in a better position to absorb increases in other categories of costs for a longer period, particularly during times of relatively low interest rates. Any reduction in rate case filing frequency would generate costs savings which would inure to the benefit of customers and the Commission. In its petition, the company proposes certain accounts for recovery, time-frames and other procedures to be followed in implementing the DSIC. The details of those procedures will be discussed below.

To begin with, the company proposes that the DSIC become effective for service rendered on and after July 1, 1996. The company also proposes that the initial charge to be calculated would recover the fixed costs of eligible plant additions that have not previously been reflected in the company's rate base and will have been placed in service between January 1, 1996 and May 31, 1996. Thereafter, the company proposes to update the DSIC on a quarterly basis to reflect eligible plant additions placed in service during the 3-month periods ending 1 month prior to the effective date of each DSIC update. Petition at 3-4.

As to its geographic applicability, the company states that the DSIC will not apply initially to customers located within the authorized service territory formerly served by the Pennsylvania Gas and Water Company (PG&W) that was acquired as of February 16, 1996. Likewise, the company's investment in infrastructure improvements made within the service territory acquired from PG&W are not included in the initial calculation of the surcharge under the DSIC. Petition at 1-2.

The company also proposes that the DSIC be capped at 5% of the amount billed to customers under otherwise applicable rates and charges, exclusive of amounts recovered under the State Tax Adjustment Surcharge (STAS). If the cap is reached, the company would not seek any additional increases. Petition at 4.

As with any section 1307 automatic adjustment clause, the DSIC will be subject to an annual reconciliation, whereby the revenue received under the DSIC for the reconciliation period will be compared to the Company's eligible costs for that period. The difference between such revenues and costs will be recouped or refunded to customers, as appropriate, in accordance with section 1307(e). Petition at 5.

Lastly, in terms of procedures, the company proposes that the DSIC will be reset to zero as of the effective date of new section 1308 base rates that provide for prospective recovery of the annual costs that had previously been recovered under the DSIC. Petition at 5. And to avoid over recovery of costs in the absence of a base rate case, the company also proposed that the DSIC will be reset to zero if, in any quarter, data filed with the Commission in the company's then most recent Annual or Quarterly Earnings Report shows that the company will earn a rate of return that would exceed the rate of return used to calculate its fixed costs under the DSIC. Petition at 5.

In terms of the legal issues raised by its petition, the company also states that its proposed automatic adjustment clause and procedures are lawful for a number of reasons found in statutory and case law. With regard to statutory law, PAWC states that section 1307(a) of the Public Utility Code, 66 Pa.C.S. § 1307(a), provides that a company may establish a sliding scale of rates or such other method for the automatic adjustment of the rates to recover a variety of costs. Petition at 19. Moreover, the company has cited circumstances in which the Commission has authorized the use of section 1307(a) automatic adjustment clauses to recover a wide array of expenses, depreciation and capital costs. See *Pennsylvania Industrial Energy Coalition v. Pa. P.U.C.*, 653 A.2d 1336 (Pa. Cmwlth. 1995) (PIEC) (recovery of electric utilities' demand-side management costs); 52 Pa. Code § 69.181 (recovery of gas utilities' take or pay liabilities to pipeline suppliers); 52 Pa. Code § 69.341(b) (recovery of gas utilities' gas supply realignment costs and stranded costs resulting from Federal Energy Regulatory Commission Order 636); and 52 Pa. Code § 69.353 (recovery of water utilities' principal and interest due on PennVEST obligations). Petition at 20-21.

Answers were filed by the Office of Trial Staff (OTS) (Answer filed April 4, 1996), the Office of Small Business Advocate (OSBA) (Answer filed May 3, 1996), the Pennsylvania-American Water Large Users Group (PAWLUG) (Answer filed May 6, 1996), and the Office of Consumer Advocate (OCA) (Comments and testimony filed May 6, 1996). Protests to the petition were also filed by individual customers.

In its answer, the OTS requests that the Commission deny the company's petition based on legal and technical grounds. With regard to the legal objections, the OTS argues that, since the facilities are "new" facilities, the company is attempting to circumvent a base rate review through the use of a surcharge, in violation of the Court's decision in *PIEC*.

The OSBA's answer did not submit legal arguments opposing the implementation of the DSIC. Rather, the OSBA has requested that the Commission conduct a thorough investigation regarding the reasonableness and lawfulness of the proposed tariff supplement as they affect the company's various customer classes.

In its comments, the OCA argues against the implementation of the DSIC alleging that the company does not need the DSIC mechanism and that implementation

of a DSIC mechanism would provide in excess of a fair return to the company. With regard to legal arguments, OCA challenges the legality of the surcharge based upon the same arguments outlined in OTS' answer based on its interpretation of section 1307(a) and the *PIEC* decision.

On April 16 and May 30, 1996, the company filed replies with the Commission addressing the comments raised in the answers filed by OTS, OSBA, PAWLUG and OCA. In PAWC's reply to the various parties concerning the legality of the DSIC, the company continued to support the legality of a surcharge under section 1307(a) of the Public Utility Code and the Commonwealth Court decision in *PIEC*, and supplied rebuttal arguments in support of its need for the DSIC and the legality of its proposal.

II. Discussion

At the outset of this discussion regarding the PAWC petition, we believe it necessary to clarify the Commission's view of the scope of this proceeding and the nature of the PAWC proposal. Because the PAWC petition requests regulatory approval to file and implement a certain type of automatic adjustment clause, we will not address, in this order, the specific factual issues that may be raised by the proposed tariff supplement and sample DSIC rate calculations submitted as Exhibits A and B to the petition. The Commission views these exhibits as no more than an illustration of how the company's proposal would operate. Indeed, as explained below, the specific tariff supplement proposed by PAWC will not be approved by this order.

Therefore, to the extent that parties have objections and/or complaints to the rates to be charged by means of an automatic adjustment clause that provides for the recovery of a water company's infrastructure improvement costs, those objections and/or complaints would be appropriately addressed to an actual PAWC tariff filing that contains specific rates to be charged to consumers based on specific distribution system improvement expenditures. A section 701 complaint would be the appropriate procedural vehicle to challenge such a tariff filing and, provided that factual issues are raised, the filing of such a complaint will entitle the complainant to a hearing before an administrative law judge and an adjudication of the complaint.

Thus, the key issues raised by the PAWC petition, and to be resolved in this order, are generic threshold issues regarding (1) the legality of the type of automatic adjustment clause proposed by the company and (2) the appropriate general structure of such an automatic adjustment clause that conforms to the requirement of the statute and Pennsylvania case law. In other words, this proceeding will address the legal issue concerning the adoption of the surcharge pursuant to section 1307(a) of the Code. In addition, the Commission will outline the general parameters of a surcharge mechanism that meets the requirement of the statute, that is consistent with the case law, that has adequate safeguards to protect consumers' interests and, therefore, constitutes a surcharge that is likely to receive regulatory approval when filed.

To begin with, we applaud companies who present this Commission with innovative ideas to address recurring problems for their respective industries. In the water industry, companies are faced with the dual tasks of improving the quality of the water delivered to customers due to the new mandates of the SDWA and other governmental requirements and, at the same time, maintaining an aging water utility infrastructure. We recog-

nize that, in recent years, PAWC and other Pennsylvania water companies have been required to make significant investments in new utility plant for projects such as the filtration of surface water supplies, the replacement of aging water distribution plant and the implementation of meter replacement programs. In addition, water companies face the daunting challenge of rehabilitating their existing distribution infrastructure before the property reaches the end of its service life to avoid serious public health and safety risks.

In the Commission's judgment, the establishment of a DSIC along the lines proposed by PAWC can substantially aid the water company in meeting these challenges on behalf of the water consuming public. We agree with the company that the establishment of a DSIC would enable the company to address, in an orderly and comprehensive manner, the problems presented by its aging water distribution system, and would have a direct and positive effect upon water quality, water pressure and service reliability. For these reasons, we endorse the concept of using an automatic adjustment clause to address this regulatory problem for the water industry in Pennsylvania and, in particular, the type of DSIC proposed by PAWC.

A. Legal Issues

In Pennsylvania, utility costs are recovered from customers through section 1308 base rates and through section 1307 automatic adjustment clauses. The purpose of a section 1307 automatic adjustment clause is to provide an automatic mechanism enabling utilities to recover specific costs not covered by general rates. *Allegheny Ludlum Steel Corporation v. Pa. P.U.C.*, 501 Pa. 71, 75 n.3, 459 A.2d 1218, 1220 n.3 (1983). Moreover, section 1307(e), 66 Pa.C.S. § 1307(e), provides that the automatic adjustment clause procedures shall include an annual report detailing the revenues collected and the expenses incurred under the automatic adjustment clause, followed by a public hearing to reconcile the amounts and to determine any refunds owed to customers or additional recovery due from customers.

Until recently, an automatic adjustment clause has usually been applied only to gas and electric companies. However, the Commission has provided for the recovery of capital costs in at least one instance to date, i.e., for PECO Energy's costs to convert oil-fired units to units which burn natural gas. *Philadelphia Electric Co. ECR No. 3*, Docket No. M-00920312 (Order adopted April 1, 1993). The Commission has also adopted a policy statement which encourages water companies to seek section 1307(a) cost recovery for their PENNVEST debt costs, 52 Pa. Code § 69.361, and policy statements approving section 1307 cost recovery for certain FERC Order 636 stranded costs, 52 Pa. Code § 69.341(b)(4), and electric utility coal uprating costs, 52 Pa. Code § 57.124(a). Moreover, since 1970, the Commission has authorized all utilities to use an automatic adjustment clause mechanism to recover certain incremental changes in State tax rates. 52 Pa. Code § 69.44.

Pennsylvania case law regarding the permissible scope of section 1307 cost recovery, while not extensive, supports a broad interpretation of that section. In *National Fuel Gas Distribution Corp. v. Pa. P.U.C.*, 473 A.2d 1109, 1121 (Pa. Cmwlth. 1984), the Commonwealth Court held that the purpose of section 1307 of the Code is to permit reflection in customer charges of changes in one component of a utility's cost of providing public service without the necessity of the "broad, costly and time-consuming inquiry" required in a section 1308 base rate case.

Moreover, under the 1995 *PIEC* decision, the Commonwealth Court adopted the Commission's legal position that its use of section 1307 was not limited to fuel and purchased power costs. At the same time, the Commonwealth Court cautioned that section 1307 should have limited application and should not override the traditional ratemaking process. *PIEC* at 1349. In determining whether DSM costs could be recovered through the section 1307 mechanism, the Court wrote:

Although we agree that Section 1307 should have limited application and the PUC should not use it to disassemble the traditional rate-making process, *the General Assembly did not limit the allowance of automatic adjustment to only fuel costs and taxes which are generally beyond the control of the utility. Instead, the General Assembly specifically allowed the recovery of fuel costs and also allowed the PUC or the utilities to initiate the automatic adjustment of costs within specific procedures...* In this case, Section 1319 of the Code specifically states that all prudent and reasonable costs should be recovered and sets forth requirements that the proposed programs be determined to be "prudent and cost-effective" by the PUC (or the Bureau of Conservation, Economics and Energy Planning as designated by the PUC), before any costs may be recovered through the surcharge mechanism.

PIEC at 1349 (emphasis added). The Court then concluded that the recovery of DSM costs under section 1307 was lawful because the language of section 1307 gives the Commission discretion to establish automatic adjustment clauses for the recovery of prudently incurred costs, and because in section 1319 the legislature specifically identified and provided for the recovery of prudent and reasonable costs for developing DSM programs.

Clearly, the Court in *PIEC* recognized the importance of the statute (section 1319) in providing for the recovery of development costs of the DSM programs via section 1307. However, the Court also recognized that the language of section 1307 is not limited to a narrow set of costs (as advocated by the industrials), that whether the costs at issue should be recovered via an automatic adjustment clause is a matter of Commission discretion, and that the court "is not free to substitute its discretion for the discretion properly exercised by the PUC in establishing the surcharge method." *PIEC* at 1349.

Turning to the PAWC proposal to file and implement an automatic adjustment clause to recover its distribution system improvement costs, we find that the proposal is appropriately limited and narrowly tailored to recover a specific category of utility costs—the incremental fixed costs (depreciation and pre-tax return) associated with nonrevenue producing, nonexpense reducing distribution system improvement projects completed and placed in service between base rate cases. Recovery of this narrow set of costs is clearly permitted under section 1307(a) (which has no cost category limitation in its language) and Pennsylvania case law; and, in the Commission's judgment, this proposal is in no way a mechanism to "disassemble" the traditional ratemaking process for several reasons: first, the DSIC is designed to identify and recover the distribution system improvement costs incurred between rate cases; second, the costs to be recovered represent a narrow subset of the company's total cost of service; and third, the DSIC amount will be capped at a relatively low level to prevent any long-term evasion of a base rate review of these plant costs. Indeed, the company's proposal recognizes that there will be a full

review of these costs in a subsequent section 1308 base rate proceeding. We also note that the DSIC is designed to reflect only the costs of the eligible plant additions that are actually placed in service during the 3-month periods ending 1 month prior to the effective date of each surcharge update; this key provision serves to avoid any potential violation of section 1315 and this State's long-standing "used and useful" rule.

Additionally, we find that sections 1307(d) and (e) provide broad auditing powers to the Commission and a formal reconciliation mechanism to carefully monitor the operation of such a surcharge. While admittedly section 1307(d) is addressed to fuel cost adjustment audits, we do not view the Commission's auditing power over automatic adjustment clauses as limited to only fuel costs, given the broad auditing and investigative powers granted to the Commission via sections 504, 505, 506, and 516 of the Public Utility Code. 66 Pa.C.S. §§ 504, 505, 506, 516. Nor would we be likely to approve a utility's request for approval of an automatic adjustment clause in the absence of its complete agreement that the Commission has such auditing powers. Moreover, section 1307(e) provides for a mandatory annual reconciliation report regarding the revenues and expenses recovered via an automatic adjustment clause and a "public hearing on the substance of the report and any matters pertaining to the use by such public utility" of the automatic adjustment clause. As such, the costs to be recovered via the company's DSIC proposal will be subject to the Commission's auditing powers, an annual reconciliation report and public hearings.

B. General Tariff Parameters

The basic elements of a tariff supplement to implement a lawful DSIC mechanism include a statement of purpose and description of eligible property, a specification of its effective date and the dates of its subsequent quarterly updates, details regarding the computation methodology and appropriate consumer safeguards. The proposed tariff supplement included with the PAWC petition, as Exhibit A, has no such details. Therefore, in order to provide guidance to PAWC and any other water utility that may need to implement a DSIC, the Commission has developed sample tariff language that, if used in a water utility's section 1307 proposed tariff supplement, is likely to receive the Commission's approval. The sample tariff language is contained in Appendix A to this order.

A properly designed tariff supplement to establish a DSIC that meets the requirement of section 1307 and contains adequate consumer safeguards should include the following features:

- specification of the eligible plant accounts by type and account number;
- elimination from eligibility of (a) the costs of extending facilities to serve new customers¹ and (b) the costs of projects funded by PENNVEST loans;
- include recovery of main extensions installed to eliminate dead ends and to implement solutions to regional water supply problems that have been documented as presenting a significant health and safety concern to existing customers;
- provision of a prospective January 1, 1997 effective date for the tariff supplement and the property eligible for the initial filing;

¹ For purposes of the DSIC surcharge, the existing customers of a newly-acquired water company are not "new customers" and, thus, the replacement of aging water distribution facilities by the acquiring water utility in order to maintain safe, reliable and adequate service to such customers would be eligible for DSIC recovery.

—if more than 2 years have elapsed since the utility's last base rate case, use of the equity return rate determined by staff and specified in the latest Quarterly Earnings Report released by the Commission;

—greater specification of the depreciation and pretax return elements in the formula to calculate the DSIC;

—added provision to provide interest to consumers for any over recoveries during operation of the DSIC; and

—provision for customer notice of any DSIC changes.

Thus, use of the sample tariff language will fully explain the DSIC computation, including a listing of DSIC eligible property and related account numbers, so that in future years the purpose and intent of the DSIC surcharge will be apparent from reading only the tariff supplement. Additionally, the inclusion of plant account numbers and descriptions of property eligible for DSIC cost recovery parallels the format used for other section 1307 surcharges, such as the ECR for electric utilities, the GCR for gas distribution utilities and the SCR for steam heat companies.

With these key changes to PAWC's proposal, the eligible property, filing dates, calculation parameters, and consumer safeguards will be clearly specified. Moreover, we note here that the provisions (1) for resetting the DSIC to zero if the company's rate of return exceeds its allowable rate of return, and (2) for resetting the DSIC to zero as of the effective date of new section 1308 base rates that provide for prospective recovery of the eligible plant costs both serve as effective and reliable rate mechanisms to insure that the DSIC automatic adjustment clause will not produce rates in excess of a fair return to the utility, as required by section 1307(a). We also note that the provision of a 5% of billed revenues cap on the maximum amount of any DSIC insures that the surcharge mechanism will not evade the section 1308 base rate process and its intensive top-to-bottom review of all company revenue, expense, rate base and return claims. See Appendix A. In other words, the 5% cap will insure that the surcharge will not allow the company to avoid a base rate review of the eligible property in perpetuity.

Accordingly, although we are denying the PAWC petition to the extent that it requests permission to file and implement a section 1307(a) tariff supplement to implement a surcharge as set forth in its Exhibit A, we invite the company to file a new tariff supplement consistent with the parameters outlined in the sample tariff language set forth in Appendix A to this order. The sample tariff language in Appendix A is identical to that recommended for the Philadelphia Suburban Water Company at Docket No. P-00961036 which has also requested permission to establish a DSIC surcharge.

As with other section 1307 tariff filings, the new tariff supplement would provide for a notice period of no less than 60 days to allow sufficient time for staff review of the proposed tariff supplement and its initial rates for consistency with the sample tariff language and for accuracy of the plant account, depreciation, pre-tax return and other elements of the DSIC calculation. If recommended for approval by staff and formally approved by the Commission, the tariff supplement and initial rates to implement the DSIC will be permitted to go into effect, subject to the outcome of any timely filed complaints. Subsequent quarterly updates, however, may be filed on 10 days notice as originally proposed by the company.

Therefore, It Is Ordered That:

1. The petition filed by the Pennsylvania American Water Company (PAWC) to file and implement a section

1307(a) automatic adjustment clause tariff that would establish a Distribution System Improvement Charge (DSIC) is hereby approved in part and denied in part consistent with this order.

2. All protests, answers and other objections filed with respect to the PAWC petition are hereby granted in part and denied in part consistent with this order.

3. Any complaints regarding the rates to be charged under a DSIC tariff supplement may be filed if and when PAWC files a tariff supplement with specific rates in accordance with the tariff parameters outlined by this order.

4. The parameters set forth in the Appendix A are hereby adopted to serve as sample tariff language to be implemented for tariff supplements to establish a DSIC.

5. The normal auditing, reconciliation, reporting and public hearing procedures applicable to all 1307(e) filings will likewise apply to all DSIC tariff supplements.

6. This order be published in the *Pennsylvania Bulletin*.

7. This order be served upon Pennsylvania American Water Company, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, the Pennsylvania-American Water Large Users Group, and the National Association of Water Companies.

JOHN G. ALFORD,
Secretary

APPENDIX A

Sample Tariff Language

Distribution System Improvement Charge (DSIC)

I. General Description

Purpose: To recover the fixed costs (depreciation and pre-tax return) of certain nonrevenue producing, non-expense reducing distribution system improvement projects completed and placed in service and to be recorded in the individual accounts, as noted below, between base rate cases and to provide the Company with the resources to accelerate the replacement of aging water distribution infrastructure, to comply with evolving regulatory requirements imposed by the Safe Drinking Water Act and to develop and implement solutions to regional water supply problems. The costs of extending facilities to serve new customers are not recoverable through the DSIC. Also, Company projects receiving PENNVEST funding are not DSIC-eligible property.

Eligible Property: The DSIC-eligible property will consist of the following:

—services (account 323), meters (account 324) and hydrants (account 325) installed as in-kind replacements for customers;

—mains and valves (account 322) installed as replacements for existing facilities that have worn out, are in deteriorated condition, or upgraded to meet Chapter 65 regulations of Title 52;

—main extensions (account 322) installed to eliminate dead ends and to implement solutions to regional water supply problems that have been documented as presenting a significant health and safety concern for customers currently receiving service from the Company or the acquired Company;

—main cleaning and relining (account 322) projects; and

—unreimbursed funds related to capital projects to relocate Company facilities due to highway relocations.

Effective Date: The DSIC will become effective for bills rendered on and after January 1, 1997.

II. Computation of the DSIC

Calculation: The initial charge, effective January 1, 1997, shall be calculated to recover the fixed costs of eligible plant additions that have not previously been reflected in the Company's rate base and will have been placed in service between September 1, 1996, and November 30, 1996. Thereafter, the DSIC will be updated on a quarterly basis to reflect eligible plant additions placed in service during the 3-month periods ending 1 month prior to the effective date of each DSIC update. Thus, changes in the DSIC rate will occur as follows:

<i>Effective Date of Change</i>	<i>Date To Which DSIC-Eligible Plant Addition Reflected</i>
April 1	February 28
July 1	May 30
October 1	August 31
January 1	November 30

The fixed costs of eligible distribution system improvement projects will consist of depreciation and pre-tax return, calculated as follows:

Depreciation: The depreciation expense will be calculated by applying to the original cost of DSIC-eligible property the annual accrual rates employed in the Company's last base rate case for the plant accounts in which each retirement unit of DSIC-eligible property is recorded.

Pre-tax return: The pre-tax return will be calculated using the State and Federal income tax rates, the Company's actual capital structure and actual cost rates for long-term debt and preferred stock as of the last day of the 3-month period ending 1 month prior to the effective date of the DSIC and subsequent updates. The cost of equity will be the equity return rate approved in the Company's last fully-litigated base rate proceeding for which a final order was entered not more than 2 years prior to the effective date of the DSIC. If more than 2 years shall have elapsed between the entry of such a final order and the effective date of the DSIC, then the equity return rate used in the calculation will be the equity return rate calculated by the Commission Staff in the latest Quarterly Report on the Earnings of Jurisdictional Utilities released by the Commission.

DSIC Surcharge Amount: The charge will be expressed as a percentage carried to two decimal places and will be applied to the total amount billed to each customer under the Company's otherwise applicable rates and charges, excluding amounts billed for public fire protection service and the State Tax Adjustment Surcharge (STAS). To calculate the DSIC, one-fourth of the annual fixed costs associated with all property eligible for cost recovery under the DSIC will be divided by the Company's projected revenue for sales of water for the quarterly period during which the charge will be collected, exclusive of revenues from public fire protection service and the STAS.

Formula: The formula for calculation of the DSIC surcharge is as follows:

$$\text{DSIC} = \frac{(\text{DSI} \times \text{PTRR}) + \text{Dep} + e}{\text{PQR}}$$

Where:

- DSI = the original cost of eligible distribution system improvement projects.
- PTRR = the pre-tax return rate applicable to eligible distribution system improvement projects.
- Dep = Depreciation expense related to eligible distribution system improvement projects.
- e = the amount calculated under the annual reconciliation feature as described below.
- PQR = Projected quarterly revenue including any revenue from acquired companies that are now being charged the rates of the acquiring company.

Quarterly updates: Supporting data for each quarterly update will be filed with the Commission and served upon the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate at least 10 days prior to the effective date of the update.

III. Safeguards

Cap: The DSIC will be capped at 5% of the amount billed to customers under otherwise applicable rates and charges.

Audit/Reconciliation: The DSIC will be subject to audit at intervals determined by the Commission. It will also be subject to annual reconciliation based on a reconciliation period consisting of the 12 months ending December 31 of each year. The revenue received under the DSIC for the reconciliation period will be compared to the Company's eligible costs for that period. The difference between revenue and costs will be recouped or refunded, as appropriate, in accordance with section 1307(e), over a 1 year period commencing on April 1 of each year. If DSIC revenues exceed DSIC-eligible costs, such overcollections will be refunded with interest. Interest on the overcollections will be calculated at the residential mortgage lending specified by the Secretary of Banking in accordance with the Loan Interest and Protection Law (41 P. S. § 101, et seq.) and will be refunded in the same manner as an overcollection.

New Base Rates: The charge will be reset at zero as of the effective date of new base rates that provide for prospective recovery of the annual costs that had theretofore been recovered under the DSIC. Thereafter, only the fixed costs of new eligible plant additions, that have not previously been reflected in the Company's rate base, would be reflected in the quarterly updates of the DSIC.

Earning Reports: The charge will also be reset at zero if, in any quarter, data filed with the Commission in the Company's then most recent Annual or Quarterly Earnings reports show that the Company will earn a rate of return that would exceed the allowable rate of return used to calculate its fixed costs under the DSIC as described in the Pre-tax return section.

Customer Notice: Customers shall be notified of changes in the DSIC by including appropriate information on the first bill they receive following any change. An

explanatory bill insert shall also be included with the first billing.

[Pa.B. Doc. No. 96-1559. Filed for public inspection September 13, 1996, 9:00 a.m.]

Petition of Philadelphia Suburban Water Company for Approval to Implement a Tariff Supplement Establishing a Distribution System Improvement Charge; Doc. No. P-00961036

Commissioners Present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; Robert K. Bloom

Public meeting held
August 22, 1996

Opinion and Order

By the Commission:

I. Background

On March 20, 1996, the Philadelphia Suburban Water Company (PSWC or company) filed the above-referenced petition with this Commission requesting regulatory approval to file and implement an automatic adjustment clause tariff that would establish a Distribution System Improvement Charge (DSIC or surcharge) under section 1307(a) of the Public Utility Code. 66 Pa.C.S. § 1307(a). Section 1307 (a) provides statutory authority for a utility to establish, subject to Commission review and approval, a tariffed automatic adjustment clause mechanism designed to provide "a just and reasonable return on the rate base" of the public utility.

As proposed by PSWC, the DSIC would operate to recover the fixed costs (depreciation and pre-tax return) of certain nonrevenue producing, nonexpense reducing infrastructure rehabilitation projects completed and placed in service between section 1308 base rate cases. The company maintains that the property additions eligible for the DSIC will be limited to revenue neutral infrastructure projects, consisting principally of replacement investments in so-called "mass property" accounts. The DSIC is designed to provide the company with the resources it needs to accelerate its investment in new utility plant to replace aging water distribution infrastructure, facilitating compliance with evolving regulatory requirements imposed by the Safe Drinking Water Act (SDWA) and the implementation of solutions to regional water supply problems.

To illustrate its point, the company states that it has 3,180 miles of mains, that it is currently rehabilitating approximately 15 miles of main each year, and that, at that pace, it would require approximately 212 years to make all of the needed improvements to existing facilities. The company also states that water service, more than any other utility service, is critical to maintaining public health as water is "a necessity of life and vital for public fire protection services." Petition at 3.

The company alleges that the DSIC may enable it to break out of a cycle, imposed on it by its capital investment needs, of filing base rate relief every 15 months. Any reduction in rate case filing frequency would generate costs savings which would inure to the benefit of customers and the Commission. In its petition, the company proposes certain accounts for recovery, time-frames and other procedures to be followed in implementing the DSIC. The details of those procedures will be discussed below.

To begin with, the company proposes that the DSIC become effective for service rendered on and after July 1, 1996. The company also proposes that the initial charge to be calculated would recover the fixed costs of eligible plant additions that have not previously been reflected in the company's rate base and will have been placed in service between January 1, 1996 and May 31, 1996. Thereafter, the company proposes to update the DSIC on a quarterly basis to reflect eligible plant additions placed in service during the 3-month periods ending 1 month prior to the effective date of each DSIC update. Petition at 3-4.

The company also proposes that the DSIC be capped at 5% of the amount billed to customers under otherwise applicable rates and charges, exclusive of amounts recovered under the State Tax Adjustment Surcharge (STAS). If the cap is reached, the company would not seek any additional increases. Petition at 4.

As with any section 1307 automatic adjustment clause, the DSIC will be subject to an annual reconciliation, whereby the revenue received under the DSIC for the reconciliation period will be compared to the Company's eligible costs for that period. The difference between such revenues and costs will be recouped or refunded to customers, as appropriate, in accordance with section 1307(e). Petition at 5.

Lastly, in terms of procedures, the company proposes that the DSIC will be reset to zero as of the effective date of new section 1308 base rates that provide for prospective recovery of the annual costs that had previously been recovered under the DSIC. Petition at 5. And to avoid over recovery of costs in the absence of a base rate case, the company also proposed that the DSIC will be reset to zero if, in any quarter, data filed with the Commission in the company's then most recent Annual or Quarterly Earnings Report shows that the company will earn a rate of return that would exceed the rate of return used to calculate its fixed costs under the DSIC. Petition at 5.

In terms of the legal issues raised by its petition, the company also states that its proposed automatic adjustment clause and procedures are lawful for a number of reasons found in statutory and case law. With regard to statutory law, PSWC states that section 1307(a) of the Public Utility Code, 66 Pa.C.S. § 1307(a), provides that a company may establish a sliding scale of rates or such other method for the automatic adjustment of the rates to recover a variety of costs. Petition at 19. Moreover, the company has cited circumstances in which the Commission has authorized the use of section 1307(a) automatic adjustment clauses to recover a wide array of expenses, depreciation and capital costs. See *Pennsylvania Industrial Energy Coalition v. Pa. P.U.C.*, 653 A.2d 1336 (Pa. Cmwlth. 1995) (PIEC) (recovery of electric utilities' demand-side management costs); 52 Pa. Code § 69.181 (recovery of gas utilities' take or pay liabilities to pipeline suppliers); 52 Pa. Code § 69.341(b) (recovery of gas utilities' gas supply realignment costs and stranded costs resulting from Federal Energy Regulatory Commission Order 636); and 52 Pa. Code § 69.353 (recovery of water utilities' principal and interest due on PennVEST obligations). Petition at 20-21.

Answers were filed by the Office of Trial Staff (OTS) (Answer filed April 9, 1996), the Office of Small Business Advocate (OSBA) (Answer filed May 3, 1996) and the Office of Consumer Advocate (OCA) (Comments and testimony filed May 6, 1996). Protests to the petition were also filed by many individual customers.

In its answer, the OTS requests that the Commission deny the company's petition based on legal and technical grounds. With regard to the legal objections, the OTS argues that, since the facilities are "new" facilities, the company is attempting to circumvent a base rate review through the use of a surcharge, in violation of the Court's decision in *PIEC*.

The OSBA's answer did not submit legal arguments opposing the implementation of the DSIC. Rather, the OSBA has requested that the Commission conduct a thorough investigation regarding the reasonableness and lawfulness of the proposed tariff supplement as they affect the company's various customer classes.

In its comments, the OCA argues against the implementation of the DSIC alleging that the company does not need the DSIC mechanism and that implementation of a DSIC mechanism would provide in excess of a fair return to the company. With regard to legal arguments, OCA challenges the legality of the surcharge based upon the same arguments outlined in OTS' answer based on its interpretation of section 1307(a) and the *PIEC* decision.

On May 30, 1996, the company filed a reply with the Commission addressing the comments raised in the answers filed by OTS, OSBA and OCA. The OCA then filed a response to this reply on June 19, 1996. In PSWC's reply to the various parties concerning the legality of the DSIC, the company continued to support the legality of a surcharge under section 1307(a) of the Public Utility Code and the Commonwealth Court decision in *PIEC*, and supplied rebuttal arguments in support of its need for the DSIC and the legality of its proposal.

II. Discussion

At the outset of this discussion regarding the PSWC petition, we believe it necessary to clarify the Commission's view of the scope of this proceeding and the nature of the PSWC proposal. Because the PSWC petition requests regulatory approval to file and implement a certain type of automatic adjustment clause, we will not address, in this order, the specific factual issues that may be raised by the proposed tariff supplement submitted as Exhibit A to the petition. The Commission views the tariff supplement in Exhibit A as no more than the company's proposal as to how such an automatic adjustment clause should be structured. Indeed, as explained below, the specific tariff supplement proposed by PSWC will not be approved by this order.

Therefore, to the extent that parties have objections and/or complaints to the rates to be charged by means of an automatic adjustment clause that provides for the recovery of a water company's infrastructure improvement costs, those objections and/or complaints would be appropriately addressed to an actual PSWC tariff filing that contains specific rates to be charged to consumers based on specific distribution system improvement expenditures. A section 701 complaint would be the appropriate procedural vehicle to challenge such a tariff filing and, provided that factual issues are raised, the filing of such a complaint will entitle the complainant to a hearing before an administrative law judge and an adjudication of the complaint.

Thus, the key issues raised by the PSWC petition, and to be resolved in this order, are generic threshold issues regarding (1) the legality of the type of automatic adjustment clause proposed by the company and (2) the appropriate general structure of such an automatic adjustment clause that conforms to the requirement of the statute and Pennsylvania case law. In other words, this proceed-

ing will address the legal issue concerning the adoption of the surcharge under section 1307(a) of the Code. In addition, the Commission will outline the general parameters of a surcharge mechanism that meets the requirement of the statute, that is consistent with the case law, that has adequate safeguards to protect consumers' interests and, therefore, constitutes a surcharge that is likely to receive regulatory approval when filed.

To begin with, we applaud companies who present this Commission with innovative ideas to address recurring problems for their respective industries. In the water industry, companies are faced with the dual tasks of improving the quality of the water delivered to customers due to the new mandates of the SDWA and other governmental requirements and, at the same time, maintaining an aging water utility infrastructure. We recognize that, in recent years, PSWC and other Pennsylvania water companies have been required to make significant investments in new utility plant for projects such as the filtration of surface water supplies, the replacement of aging water distribution plant and the implementation of meter replacement programs. In addition, water companies face the daunting challenge of rehabilitating their existing distribution infrastructure before the property reaches the end of its service life to avoid serious public health and safety risks.

In the Commission's judgment, the establishment of a DSIC along the lines proposed by PSWC can substantially aid the water company in meeting these challenges on behalf of the water consuming public. We agree with the company that the establishment of a DSIC would enable the company to address, in an orderly and comprehensive manner, the problems presented by its aging water distribution system, and would have a direct and positive effect upon water quality, water pressure and service reliability. For these reasons, we endorse the concept of using an automatic adjustment clause to address this regulatory problem for the water industry in Pennsylvania and, in particular, the type of DSIC proposed by PSWC.

A. Legal Issues

In Pennsylvania, utility costs are recovered from customers through section 1308 base rates and through section 1307 automatic adjustment clauses. The purpose of a section 1307 automatic adjustment clause is to provide an automatic mechanism enabling utilities to recover specific costs not covered by general rates. *Allegheny Ludlum Steel Corporation v. Pa. P.U.C.* 501 Pa. 71, 75 n.3, 459 A.2d 1218, 1220 n.3 (1983). Moreover, section 1307(e), 66 Pa.C.S. § 1307(e), provides that the automatic adjustment clause procedures shall include an annual report detailing the revenues collected and the expenses incurred under the automatic adjustment clause, followed by a public hearing to reconcile the amounts and to determine any refunds owed to customers or additional recovery due from customers.

Until recently, an automatic adjustment clause has usually been applied only to gas and electric companies. However, the Commission has provided for the recovery of capital costs in at least one instance to date, i.e., for PECO Energy's costs to convert oil-fired units to units which burn natural gas. *Philadelphia Electric Co. ECR No. 3*, Docket No. M-00920312 (Order adopted April 1, 1993). The Commission has also adopted a policy statement which encourages water companies to seek section 1307(a) cost recovery for their PENNVEST debt costs, 52 Pa. Code § 69.361, and policy statements approving section 1307 cost recovery for certain FERC Order 636

stranded costs, 52 Pa. Code § 69.341(b)(4), and electric utility coal uprating costs, 52 Pa. Code § 57.124(a). Moreover, since 1970, the Commission has authorized all utilities to use an automatic adjustment clause mechanism to recover certain incremental changes in State tax rates. 52 Pa. Code § 69.44.

Pennsylvania case law regarding the permissible scope of section 1307 cost recovery, while not extensive, supports a broad interpretation of that section. In *National Fuel Gas Distribution Corp. v. Pa. P.U.C.*, 473 A.2d 1109, 1121 (Pa. Cmwlth. 1984), the Commonwealth Court held that the purpose of section 1307 of the code is to permit reflection in customer charges of changes in one component of a utility's cost of providing public service without the necessity of the "broad, costly and time-consuming inquiry" required in a section 1308 base rate case. Moreover, under the 1995 *PIEC* decision, the Commonwealth Court adopted the Commission's legal position that its use of section 1307 was not limited to fuel and purchased power costs. At the same time, the Commonwealth Court cautioned that section 1307 should have limited application and should not override the traditional ratemaking process. *PIEC* at 1349. In determining whether DSM costs could be recovered through the section 1307 mechanism, the Court wrote:

Although we agree that Section 1307 should have limited application and the PUC should not use it to disassemble the traditional rate-making process, *the General Assembly did not limit the allowance of automatic adjustment to only fuel costs and taxes which are generally beyond the control of the utility. Instead, the General Assembly specifically allowed the recovery of fuel costs and also allowed the PUC or the utilities to initiate the automatic adjustment of costs within specific procedures...* In this case, Section 1319 of the Code specifically states that all prudent and reasonable costs should be recovered and sets forth requirements that the proposed programs be determined to be "prudent and cost-effective" by the PUC (or the Bureau of Conservation, Economics and Energy Planning as designated by the PUC), before any costs may be recovered through the surcharge mechanism.

PIEC at 1349 (emphasis added). The Court then concluded that the recovery of DSM costs under section 1307 was lawful because the language of section 1307 gives the Commission discretion to establish automatic adjustment clauses for the recovery of prudently incurred costs, and because in section 1319 the legislature specifically identified and provided for the recovery of prudent and reasonable costs for developing DSM programs.

Clearly, the Court in *PIEC* recognized the importance of the statute (section 1319) in providing for the recovery of development costs of the DSM programs via section 1307. However, the Court also recognized that the language of section 1307 is not limited to a narrow set of costs (as advocated by the industrials), that whether the costs at issue should be recovered via an automatic adjustment clause is a matter of Commission discretion, and that the court "is not free to substitute its discretion for the discretion properly exercised by the PUC in establishing the surcharge method." *PIEC* at 1349.

Turning to the PSWC proposal to file and implement an automatic adjustment clause to recover its distribution system improvement costs, we find that the proposal is appropriately limited and narrowly tailored to recover a specific category of utility costs—the incremental fixed costs (depreciation and pre-tax return) associated with

nonrevenue producing, nonexpense reducing distribution system improvement projects completed and placed in service between base rate cases. Recovery of this narrow set of costs is clearly permitted under section 1307(a) (which has no cost category limitation in its language) and Pennsylvania case law; and, in the Commission's judgment, this proposal is in no way a mechanism to "disassemble" the traditional ratemaking process for several reasons: first, the DSIC is designed to identify and recover the distribution system improvement costs incurred between rate cases; second, the costs to be recovered represent a narrow subset of the company's total cost of service; and third, the DSIC amount will be capped at a relatively low level to prevent any long-term evasion of a base rate review of these plant costs. Indeed, the company's proposal recognizes that there will be a full review of these costs in a subsequent section 1308 base rate proceeding. We also note that the DSIC is designed to reflect only the costs of the eligible plant additions that are actually placed in service during the 3-month periods ending 1 month prior to the effective date of each surcharge update; this key provision serves to avoid any potential violation of section 1315 and this State's long-standing "used and useful" rule.

Additionally, we find that sections 1307(d) and (e) provide broad auditing powers to the Commission and a formal reconciliation mechanism to carefully monitor the operation of such a surcharge. While admittedly section 1307(d) is addressed to fuel cost adjustment audits, we do not view the Commission's auditing power over automatic adjustment clauses as limited to only fuel costs, given the broad auditing and investigative powers granted to the Commission via sections 504, 505, 506, and 516 of the Public Utility Code. 66 Pa.C.S. §§ 504, 505, 506, 516. Nor would we be likely to approve a utility's request for approval of an automatic adjustment clause in the absence of its complete agreement that the Commission has such auditing powers. Moreover, section 1307(e) provides for a mandatory annual reconciliation report regarding the revenues and expenses recovered via an automatic adjustment clause and a "public hearing on the substance of the report and any matters pertaining to the use by such public utility" of the automatic adjustment clause. As such, the costs to be recovered via the company's DSIC proposal will be subject to the Commission's auditing powers, an annual reconciliation report and public hearings.

B. General Tariff Parameters

The basic elements of a tariff supplement to implement a lawful DSIC mechanism include a statement of purpose and description of eligible property, a specification of its effective date and the dates of its subsequent quarterly updates, details regarding the computation methodology and appropriate consumer safeguards. The proposed tariff supplement included with the PSWC petition, as Exhibit A, includes most of these elements but, in the Commission's judgment, certain elements should be modified in order to adequately protect consumer interests and to comply with section 1307. In order to provide guidance to PSWC and any other water utility that may need to implement a DSIC, the Commission has developed sample tariff language that, if used in a water utility's section 1307 proposed tariff supplement, is likely to receive the Commission's approval. The sample tariff language is contained in Appendix A to this order.

The major differences between the tariff supplement proposed by PSWC and the sample tariff language in Appendix A can be summarized as follows:

- specification of the eligible plant accounts by type and account number;

- provision to include recovery of main extensions installed to implement solutions to regional water supply problems that have been documented as presenting a significant public health and safety concern to existing customers;

- specification that the costs of projects funded by PENNVEST loans are not eligible;

- provision of a prospective January 1, 1997 effective date for the tariff supplement and the property eligible for the initial filing;

- if more than 2 years have elapsed since the utility's last base rate case, use of the equity return rate determined by staff and specified in the latest Quarterly Earnings Report released by the Commission;

- greater specification of the depreciation and pretax return elements in the formula to calculate the DSIC;

- added provision to provide interest to consumers for any over recoveries during operation of the DSIC; and

- provision for customer notice of any DSIC changes.

Thus, use of the sample tariff language will fully explain the DSIC computation, including a listing of DSIC eligible property and related account numbers, so that in future years the purpose and intent of the DSIC surcharge will be apparent from reading only the tariff supplement. Additionally, the inclusion of plant account numbers and descriptions of property eligible for DSIC cost recovery parallels the format used for other section 1307 surcharges, such as the ECR for electric utilities, the GCR for gas distribution utilities and the SCR for steam heat companies.

With these changes to PSWC's proposal, the eligible property, filing dates, parameters, and consumer safeguards have been significantly strengthened. In particular, we note here that the provisions (1) for resetting the DSIC to zero if the company's rate of return exceeds its allowable rate of return, and (2) for resetting the DSIC to zero as of the effective date of new section 1308 base rates that provide for prospective recovery of the eligible plant costs both serve as effective and reliable rate mechanisms to insure that the DSIC automatic adjustment clause will not produce rates in excess of a fair return to the utility, as required by section 1307(a). We also note that the provision of a 5% of billed revenues cap on the maximum amount of any DSIC insures that the surcharge mechanism will not evade the section 1308 base rate process and its intensive top-to-bottom review of all company revenue, expense, rate base and return claims. See Appendix A. In other words, the 5% cap will insure that the surcharge will not allow the company to avoid a base rate review of the eligible property in perpetuity.

Accordingly, although we are denying the PSWC petition to the extent that it requests permission to file and implement a section 1307(a) tariff supplement to implement a surcharge as set forth in its Exhibit A, we invite the company to file a new tariff supplement consistent with the parameters outlined in the sample tariff language set forth in Appendix A to this order. The sample tariff language in Appendix A is identical to that recommended for the Pennsylvania-American Water Company at Docket No. P-00961031 which has also requested permission to file a DSIC surcharge.

As with other section 1307 tariff filings, the new tariff supplement would provide for a notice period of no less

than 60 days to allow sufficient time for staff review of the proposed tariff supplement and its initial rates for consistency with the sample tariff language and for accuracy of the plant account, depreciation, pre-tax return and other elements of the DSIC calculation. If recommended for approval by staff and formally approved by the Commission, the tariff supplement and initial rates to implement the DSIC will be permitted to go into effect, subject to the outcome of any timely filed complaints. Subsequent quarterly updates, however, may be filed on 10 days notice as originally proposed by the company. *Therefore,*

It Is Ordered That:

1. The petition filed by the Philadelphia Suburban Water Company (PSWC) to file and implement a section 1307(a) automatic adjustment clause tariff that would establish a Distribution System Improvement Charge (DSIC) is hereby approved in part and denied in part consistent with this order.

2. All protests, answers and other objections filed with respect to the PSWC petition are hereby granted in part and denied in part consistent with this order.

3. Any complaints regarding the rates to be charged pursuant to a DSIC tariff supplement may be filed if and when PSWC files a tariff supplement with specific rates in accordance with the tariff parameters outlined by this order.

4. The parameters set forth in the Appendix A are hereby adopted to serve as sample tariff language to be implemented for tariff supplements to establish a DSIC.

5. The normal auditing, reconciliation, reporting and public hearing procedures applicable to all 1307(e) filings will likewise apply to all DSIC tariff supplements.

6. This order be published in the *Pennsylvania Bulletin*.

7. This order be served upon Philadelphia Suburban Water Company, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the National Association of Water Companies.

JOHN G. ALFORD,
Secretary

APPENDIX A

Sample Tariff Language

Distribution System Improvement Charge (DSIC)

I. General Description

Purpose: To recover the fixed costs (depreciation and pre-tax return) of certain nonrevenue producing, nonexpense reducing distribution system improvement projects completed and placed in service and to be recorded in the individual accounts, as noted below, between base rate cases and to provide the Company with the resources to accelerate the replacement of aging water distribution infrastructure, to comply with evolving regulatory requirements imposed by the Safe Drinking Water Act and to develop and implement solutions to regional water supply problems. The costs of extending facilities to serve new customers are not recoverable through the DSIC. Also, Company projects receiving PENNVEST funding are not DSIC-eligible property.

Eligible Property: The DSIC-eligible property will consist of the following:

—services (account 323), meters (account 324) and hydrants (account 325) installed as in-kind replacements for customers;

—mains and valves (account 322) installed as replacements for existing facilities that have worn out, are in deteriorated condition, or upgraded to meet Chapter 65 regulations of Title 52;

—main extensions (account 322) installed to eliminate dead ends and to implement solutions to regional water supply problems that have been documented as presenting a significant health and safety concern for customers currently receiving service from the company or the acquired Company;

—main cleaning and relining (account 322) projects; and

—unreimbursed funds related to capital projects to relocate Company facilities due to highway relocations.

Effective Date: The DSIC will become effective for bills rendered on and after January 1, 1997.

II. Computation of the DSIC

Calculation: The initial charge, effective January 1, 1997, shall be calculated to recover the fixed costs of eligible plant additions that have not previously been reflected in the Company's rate base and will have been placed in service between September 1, 1996, and November 30, 1996. Thereafter, the DSIC will be updated on a quarterly basis to reflect eligible plant additions placed in service during the 3-month periods ending 1 month prior to the effective date of each DSIC update. Thus, changes in the DSIC rate will occur as follows:

<i>Effective Date of Change</i>	<i>Date To Which DSIC-Eligible Plant Addition Reflected</i>
April 1	February 28
July 1	May 30
October 1	August 31
January 1	November 30

The fixed costs of eligible distribution system improvement projects will consist of depreciation and pre-tax return, calculated as follows:

Depreciation: The depreciation expense will be calculated by applying to the original cost of DSIC-eligible property the annual accrual rates employed in the Company's last base rate case for the plant accounts in which each retirement unit of DSIC-eligible property is recorded.

Pre-tax return: The pre-tax return will be calculated using the State and Federal income tax rates, the Company's actual capital structure and actual cost rates for long-term debt and preferred stock as of the last day of the 3-month period ending 1 month prior to the effective date of the DSIC and subsequent updates. The cost of equity will be the equity return rate approved in the Company's last fully-litigated base rate proceeding for which a final order was entered not more than 2 years prior to the effective date of the DSIC. If more than 2 years shall have elapsed between the entry of such a final order and the effective date of the DSIC, then the equity return rate used in the calculation will be the equity return rate calculated by the Commission Staff in the latest Quarterly Report on the Earnings of Jurisdictional Utilities released by the Commission.

DISC Surcharge Amount: The charge will be expressed as a percentage carried to two decimal places and will be applied to the total amount billed to each customer under the Company's otherwise applicable rates and charges, excluding amounts billed for public fire protection service and the State Tax Adjustment Surcharge (STAS). To

calculate the DSIC, one-fourth of the annual fixed costs associated with all property eligible for cost recovery under the DSIC will be divided by the Company's projected revenue for sales of water for the quarterly period during which the charge will be collected, exclusive of revenues from public fire protection service and the STAS.

Formula: The formula for calculation of the DISC surcharge is as follows:

$$\text{DSIC} = \frac{(\text{DSI} \times \text{PTRR}) + \text{Dep} + e}{\text{PQR}}$$

Where:

- DSI = the original cost of eligible distribution system improvement projects.
- PTRR = the pre-tax return rate applicable to eligible distribution system improvement projects.
- Dep = Depreciation expense related to eligible distribution system improvement projects.
- e = the amount calculated under the annual reconciliation feature as described below.
- PQR = Projected quarterly revenue including any revenue from acquired companies that are now being charged the rates of the acquiring company.

Quarterly updates: Supporting data for each quarterly update will be filed with the Commission and served upon the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate at least 10 days prior to the effective date of the update.

III. Safeguards

Cap: The DSIC will be capped at 5% of the amount billed to customers under otherwise applicable rates and charges.

Audit/Reconciliation: The DSIC will be subject to audit at intervals determined by the Commission. It will also be subject to annual reconciliation based on a reconciliation period consisting of the 12 months ending December 31 of each year. The revenue received under the DSIC for the reconciliation period will be compared to the Company's eligible costs for that period. The difference between revenue and costs will be recouped or refunded, as appropriate, in accordance with section 1307(e), over a 1 year period commencing on April 1 of each year. If DSIC revenues exceed DSIC-eligible costs, such overcollections will be refunded with interest. Interest on the overcollections will be calculated at the residential mortgage lending specified by the Secretary of Banking in accordance with the Loan Interest and Protection Law (41 P. S. § 101, et seq.) and will be refunded in the same manner as an overcollection.

New Base Rates: The charge will be reset at zero as of the effective date of new base rates that provide for prospective recovery of the annual costs that had theretofore been recovered under the DSIC. Thereafter, only the fixed costs of new eligible plant additions, that have not previously been reflected in the Company's rate base, would be reflected in the quarterly updates of the DSIC.

Earning Reports: The charge will also be reset at zero if, in any quarter, data filed with the Commission in the Company's then most recent Annual or Quarterly Earnings reports show that the Company will earn a rate of return that would exceed the allowable rate of return used to calculate its fixed costs under the DSIC as described in the Pre-tax return section.

Customer Notice: Customers shall be notified of changes in the DSIC by including appropriate information on the first bill they receive following any change. An explanatory bill insert shall also be included with the first billing.

[Pa.B. Doc. No. 96-1560. Filed for public inspection September 13, 1996, 9:00 a.m.]

Railroad With Hearing

I-00860009. Consolidated Rail Corporation. Investigation into the matters pertaining to the restrictions of, and necessary improvements to the rail-highway crossing carrying South Grosstown Road over and above the grade of the tracks of Consolidated Rail Corporation, in West Pottsgrove Township, Montgomery County.

A public hearing in this investigation will be held Wednesday, November 20, 1996, at 10 a.m. in an available hearing room, 13th floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1561. Filed for public inspection September 13, 1996, 9:00 a.m.]

Railroad With Hearing

C-00968151. Donna L. Blair v. Consolidated Rail Corporation and C-00968152. Joseph R. Spilis v. Consolidated Rail Corporation. Complaints have been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The complaints allege malfunction due to faulty equipment and request inspection of a railroad crossing where a track of Conrail's Lurgan Branch cross Station Road (Longsdorf Road) State Route 3013 (AAR 592 528 W) in Penn Township, Cumberland County. This crossing is the location of a recent fatal accident.

A public hearing upon this proceeding will be held Thursday, November 7, 1996, at 10 a.m., in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when persons may appear and be heard.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1562. Filed for public inspection September 13, 1996, 9:00 a.m.]

Railroad With Hearing

I-00960064 (AAR 592 703 K). Southeastern Pennsylvania Transportation Authority. Investigation into the maintenance of the crossing carrying S. R. 3009 (AAR 592 703 K) above the tracks of Southeastern Pennsylvania Transportation Authority (SEPTA), in the City of Philadelphia.

A public hearing in this investigation will be held Tuesday, December 10, 1996, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1563. Filed for public inspection September 13, 1996, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 7, 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 as common carriers for transportation of persons as described under each application.

A-00113319. Cottage Hose Ambulance Corps, Inc. (2 Greenfield Road, Carbondale, Lackawanna County, PA 18407), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Lackawanna, Wayne and Susquehanna. *Attorney:* Jeff Levine, Seventh Avenue and Church Street, Carbondale, PA 18407.

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 September 30, 1996.

- A-00113324 Service America Courier Corp.
6001 North Adams Road, Suite 210,
Bloomfield Hills, MI 48304
- A-00113325 Michael L. Bowser
R. D. 1, Box 66A, Knox, PA 16232; Kent
S. Pope, Esquire, Pope, Pope and
Drayer, Ten Grant Street, Clarion, PA
16214
- A-00113298 McCarthy Flowered Cabs, Inc.
1708 Delaware Street, Dunmore, PA
18509; Lloyd R. Persun, P. O. Box 5950,
Harrisburg, PA 17110
- A-00113331 David W. Skapnit
21 Trinley Road, Linfield, PA 19468
- A-00113332 Nancy T. Adams
R. D. 1, Box 90, Punxsutawney, PA
15767
- A-00113333 H & R Transport, Inc.
9521 Bradford Lane, N. E., Warren, OH
44484
- A-00113334 Robin M. Snyder, t/d/b/a Deliverie
3454 Exley Drive, Fairview, PA 16415
- A-00113337 George W. Markert, t/d/b/a AAA Carriers
8060 Bausch Road, New Tripoli, PA
18066
- A-00113338 William Summerhill, t/d/b/a Summerhill
Trucking,
10030 Bridge Lane, Clarks Summit, PA
18411
- A-00113340 John G. Kulick
629 Hillside Street, Vandling, PA 18421-
1515
- A-00113341 Valcon Utilities, Inc.
P. O. Box 305, Mount Carmel, PA 17851
- A-00113342 Edwards Sales, Inc.
1490 Lake Street, Lake City, PA 16423

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1564. Filed for public inspection September 13, 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

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337

Commodities

8231680 Alarm and signal systems—1 each; variable message board as per attached specifications, pick-up truck bed mounted.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1266116 Clothing and individual equipment—26,000 pair; soles: men's rubber, 14 iron, brown w/appropriate sizes.

Department: Corrections
Location: Graterford, Montgomery County, PA 19426
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1237236 Communication and entertainment equipment and supplies—2 each; remote wireless target controller—10 each; portable, wireless target systems.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA 17110-9797
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8503350 Construction, mining, excavating and highway maintenance equipment—1,000 each; long handle shovel, round point, 48" fiberglass.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231710 Highway and roads construction materials and equipment—various amounts; spreader control system (DS2)—furnish and set-up to be fully operational w/appropriate accessories.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8160360 Maintenance and repair shop equipment—2 each; mobile lifts SEFAC Model 1200 M65BV or approved equal.

Department: Transportation
Location: Mifflintown, Juniata County, PA 17059
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8204770 Signs/outdoor—128M; parking placard for persons with disabilities.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8217040 Weather measuring equipment and supplies—1,000 each; thermometers, different ranges for Fahrenheit and Celsius.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8216970 Weather measuring equipment and supplies—9 each; surface moisture/density gauges w/transport case and miscellaneous accessories, also trade-in credit for government furnished Troxler and CPN moisture density gauges—1 lot.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17105
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Construction & Construction Maintenance—09

080921 Crawford County, SR 18 (01S); District Wide 2-0, SR 22 (901), etc.; Union County, SR 304 (02M); Lackawanna County, SR 1033 (270); Bucks County, SR 413 (M01); Franklin County, T-313 Claylick Road; Franklin County, SR 30 (025, 027); Armstrong County, SR 422 (153)/66 (BRP); Butler County, SR 528 (251); Allegheny County, SR 8 (A08); Allegheny County, SR (A13); Lawrence County, SR 65 (L11); Washington County, Bentleyville Lighting; Washington County, SR 40 (11M); Blair County, Rail Road Memorial Museum.

Department: Transportation
Location: Districts 1-0, 2-0, 3-0, 4-0, 6-0, 8-0, 9-0, 10-0, 11-0, 12-0
Duration: FY 1996/97
Contact: V. C. Shah, (717) 787-5914

Drafting and Design Services—12

CLA-464 Clarion University of Pennsylvania of the State System of Higher Education is interested in securing design services for development of detailed plans and specifications for construction of a Recreation Center on the Clarion campus. Previous design experience as the Professional of Record on indoor, multi-purpose recreation facilities is required, and firms would be expected to work within the parameters of a previously developed feasibility study for this project. Estimated project cost is \$5 million. Interested firms should submit four (4) copies of current Standard Forms 254 and 255 to: Judy McAninch, 218 Carrier Hall, Clarion University, Clarion, PA 16214. To be considered firms must be received on or before 4:30 p.m. on October 4, 1996. A University Slatting Committee will develop a short list from applications received and a formal RFP will be mailed to these short-listed firms. The System committees disclaim any liability whatsoever as to their recommendations for further consideration. All recommendations shall be final pursuant to the Act of November 1982, (P. L. 660, No. 188). 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 which will enable these firms to participate.

Department: State System of Higher Education
Location: Clarion University, Clarion, Clarion County, PA
Duration: Indeterminate 1996-97
Contact: Judy McAninch, Contract Manager, (814) 226-2240

Engineering Services and Consultation—14

08430AG2012 Open-End contract for geotechnical engineering services in Allegheny, Beaver and Lawrence Counties.

Department: Transportation
Location: Engineering District 11-0
Duration: Thirty (30) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2011 To provide construction inspection and documentation services for S. R. 3160, Section A05, Ewing Interchange, in Allegheny County, PA.

Department: Transportation
Location: Engineering District 11-0
Duration: Twenty-two (22) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2013 Preliminary design and environmental studies for S. R. 3034, Section 003, the Walnut Street Bridge in Harrisburg, Dauphin County, PA.

Department: Transportation
Location: Engineering District 8-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

OSM 63(1590)101.1 Abandoned Mine Reclamation, Dague Road Water Line. Involves an estimated 5,550 L. F. of 6" PVC pipe, AWWA C900 Class 200 w/fittings, 1200 L. F. of 2" PVC pipe ASTM D2241, SDR 21 w/fittings, 4 six inch gate valves, 2 two inch air/vacuum release valve, 13 three quarter inch taps and one stream crossing. One hundred percent of this project is financed by the Federal Government. Federal funds available for this program total 19.04 million dollars for Pennsylvania's 1995 AML Grant.

Department: Environmental Protection
Location: Centerville Borough, Washington County, PA
Duration: 120 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

OSM PA(819)106.5 On-Call Rotary Exploration Drilling Investigation in the Anthracite Coal Region. Involves an estimated 6 work sites, 15,400 L. F. of drilling, and 9,000 L. F. of 6, 8, or 10 inch steel casing. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1996 AML Grant.

Department: Environmental Protection
Location: Counties of Columbia, Lackawanna, Luzerne, Northumberland and Schuylkill
Duration: 365 days after notice to proceed
Contact: Construction Contract Unit, (717) 783-7994

AMD 26(2678)101.1 Acid Mine Drainage Abatement, Cucumber Run. Involves grading for anoxic limestone drains, 2150 tons of limestone, 125 tons of stone baffles and 600 SY of rock lining. One Hundred Percent of this project is financed by the Federal Government. Federal Funds available for this program total 19.04 million dollars for Pennsylvania's 1995 AML Grant.

Department: Environmental Protection
Location: Stewart Township, Fayette County, PA
Duration: 180 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

11096008 Perform soil, rock, aggregate and water testing services primarily on samples taken during investigation of District 11's design and maintenance projects. Samples must be picked up at the District Office or Bridgeville Maintenance facility no later than three working days after being notified. Results are to be supplied no later than seven working days after receipt of samples unless testing procedures require additional time. All laboratory data sheets, graphs, calculations and computer input/output must be submitted with results. The laboratory must be AMRL accredited, and located within 40 miles of the Engineering District 11-0 office building.

Department: Transportation
Location: Allegheny, Beaver and Lawrence Counties, PA
Duration: 11-15-96 through 11-14-97 with renewal options
Contact: William R. Adams, Jr., Ph.D., P.E., P.G., (412) 429-4919

Financial and Insurance Consulting—17

RFQ 1996-01 The Insurance Department is compiling a list of pre-qualified contractors to assist in reviewing a plan of conversion and to perform an evaluation of the pro forma market value of a mutual insurance company in conjunction with the insurer's plans to convert to a stock company pursuant to the Mutual-to-Stock Conversion Act, Act 79 of 1995. Those interested in obtaining a copy of the Request for Qualification (RFQ) should contact Bev Ward at (717) 783-2031 by September 20, 1996.

Department: Insurance
Location: 1326 Strawberry Square, Harrisburg, PA 17120
Duration: Indeterminate 1996-97
Contact: Tracey Pontius, (717) 787-6469

Janitorial Services—23

SP318296 Provide window washing service for the Department of Public Welfare Complex 2, Willow Oak Building and Cherrywood, which are located on the grounds of the Harrisburg State Hospital. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Room 233, Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675
Duration: October 1, 1996—June 30, 2001
Contact: Lori Vessella, (717) 783-9281

Firefighting Services—18

Project No. 9727 Installation of backflow prevention device and reroute of fire service line.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 3205 Lancaster Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 September 97
Contact: Emma Schroff, (717) 861-8518

Medical Services—29

0882-120 X-Ray Processor, service and repair of Kodak RPX-OMAT Processor. Contract period: 1/1/97 through 12/31/01. Contractor shall supply all labor and parts to make any necessary repairs and adjustments to one (1) Kodak RPX-OMAT Processor, Model 7B, located in the X-Ray Department of the Center. In addition to any repairs that become necessary, the contractor agrees to make a monthly maintenance inspection on this equipment at a time and day mutually agreed between the contractor and the Center's X-Ray Department's normal work hours. The serviceman must give at least 48 hours advance notice to set up a day and time to perform maintenance inspection. All service and repairs shall be performed by fully qualified personnel. Services to be performed during the monthly maintenance inspection include changing the chemistry and cleaning and inspecting the complete unit. Any necessary repairs found at the monthly maintenance inspection should be made at the same time as this servicing. All calls for emergency service should be responded to by a serviceman via telephone within one hour of notification to see if the problem can be resolved by X-Ray personnel before a serviceman is dispatched. If a serviceman is still needed, emergency service to be provided within 48 hours of notification.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: January 1, 1997 through December 31, 2001
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

Fuel Related Services—20

Project No. 753 Install two (2) new hot water heating units and repair hot water piping.

Department: Military and Veterans Affairs
Location: PAARNG Armory, Finleyville, Washington County, PA
Duration: 1 July 96—30 September 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9726 Steam boiler re-insulation. Apply two (2) inches thick of calcium silicate block to both Boiler No. 1 and No. 2. Drill Hall Building.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 14th and Calder Streets, Harrisburg, Dauphin County, PA
Duration: 1 July 96—30 September 97
Contact: Emma Schroff, (717) 861-8518

E-1188 Clean fly ash from boiler plant. To receive specifications, send written request to I. G. Reinert, Hamburg Center, Hamburg, PA 19526 (FAX: (610) 562-6025).

Department: Public Welfare
Location: Embreeville Center, Coatesville, PA 19320
Duration: 9/1/96—6/30/97
Contact: Irvin G. Reinert, Purchasing Agent, (610) 562-6031

Property Maintenance—33

MI-681 Wickersham Hall Patio Renovation. Plans cost \$15. Scope: remove and replace existing paving. Modify existing brick wall. Construct cantilevered concrete slab. Install new railing.

Department: State System of Higher Education
Location: Dilworth Building, Millersville University, Millersville, Lancaster County, PA 17551-0302
Duration: 30 calendar days from notice to proceed
Contact: Bernadette Wendler, Dilworth Building, (717) 372-3829

Project No. 756 American Disabilities Act (ADA)—Prepare area for the installation of new concrete walkway 5 feet wide by 125 feet length by 4 inches thick, with welded wire fabric 6x6 12/12 galvanized. Design mixture 2700 p.s.i. minimum compressive strength. All walk areas shall be formed for straight edges and ends. System of forming shall be the choice of the contractor. Finish by screening, floated and circular motion steel troweling, textured. All debris and/or trash shall be removed from the site by the contractor and disposed of off Post by the contractor.

Department: Military and Veterans Affairs
Location: Building 0-47, Ft. Indiantown Gap, Lebanon County, PA
Duration: 20 days
Contact: Emma Schroff, (717) 861-8518

Project No. 9722 Latrine construction (female). New toilet fixtures, lights, heater.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 14th and Calder Streets, Harrisburg, Dauphin County, PA
Duration: 1 July 96—30 September 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9723 Sidewalk placement and replacement.

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

Project No. 9724 Overhead ceiling door replacement.

Department: Military and Veterans Affairs
Location: PAARNG Armory, Route 550 East, Bellefonte, Centre County, PA
Duration: 1 July 96—30 September 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9725 Replace roof, approximately 30 squares of roofing.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 926 South Logan Avenue, Tyrone, Blair County, PA
Duration: 1 July 96—30 September 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9731 Carpentry needed to construct a wall 4 feet high by 25 feet long with a 16 inch wide shelf area on top. The wall surface shall be 1/2" gypsum wall board, spackle taped and sanded, ready for painting, by owner. All debris and trash shall be removed and disposed of by the contractor off the Post. Any electrical outlets will be extended or relocated to the new wall surface by the State Armory Board.

Department: Military and Veterans Affairs
Location: Building 0-47, Ft. Indiantown Gap, Lebanon County, PA
Duration: 10 work days
Contact: Emma Schroff, (717) 861-8518

Project No. 9732 American Disabilities Act (ADA)—Removal and replacement of four (4) water closets and four (4) lavatories including trim for each fixture. Furnish all water piping (copper) from the point of existing water service to the fixture connection. The lavatories shall have hot and cold water service. Install stops for each water service line. All existing holes in the existing wall and any new damage generated by the contractor shall be corrected by the contractor of record and shall match the existing finishes adjacent to the damage. All debris and trash shall be removed by the contractor. The State Armory Board will be the sole source of decision making.

Department: Military and Veterans Affairs
Location: Building 0-47, Ft. Indiantown Gap, Lebanon County, PA
Duration: 10 work days
Contact: Emma Schroff, (717) 861-8518

SSP 96-1 Picnic Pavilion, 45' hexagon shape. Package without shingles, felt and roofing nails. Bids will be opened at the Shikellamy State Park Office, Bridge Avenue, Sunbury, PA 17801, Northumberland County, September 27, 1996, 2:00 p.m. prevailing time.

Department: Conservation and Natural Resources
Location: Shikellamy State Park, Bridge Avenue, Sunbury, Northumberland County, PA 17801
Duration: June 30, 1997
Contact: Mary Gatski, Park Manager, (717) 988-5557

SP 318295 Contractor shall perform snow and ice removal services within the Department of Public Welfare Complex 2 located on the grounds of the Harrisburg State Hospital. Complete specifications can be obtained by contacting the Procurement office.

Department: Public Welfare
Location: Department of Public Welfare Complex No. 2, Harrisburg State Hospital, Harrisburg, PA 17105
Duration: 11/01/96 through 04/30/99
Contact: Ed Blandy, (717) 772-4883

304-07371 Contractor to remove and install eight (8) stormwater inlets at five (5) locations at the Capitol Complex. This work includes removing brick walls and pouring concrete bottoms and walls, resetting grates at 18th and Herr Streets and replacing grate, backfilling stone behind walls, pave with macadam to grade and seal joints.

Department: General Services
Location: Bureau of Buildings and Grounds, Capitol Complex and Outlying Areas, Harrisburg, PA 17125
Duration: 9-30-96 through 6-30-97
Contact: William Myers, (717) 787-6463

304-07369 Contractor to furnish and install EPDM roof at the KVA Sub-Station, Capitol Complex, and three electrical housing units. Approximately 1,600 square feet. Contractor must be a Certified Applicator by major EPDM manufacturer.

Department: General Services
Location: Bureau of Buildings and Grounds, KVA Sub-Station (Capitol Complex), Harrisburg, PA
Duration: 9-27-96 through 6-30-97
Contact: Carlos Ramos, (717) 787-5412

Contract No. FDC-110-187 Provide and install a reinforced PVC membrane lining system in the main and wading pools, repair stainless steel gutter and concrete repairs at Hyner Run State Park.

Department: Conservation and Natural Resources
Location: Chapman Township, Clinton County, PA
Duration: All work is to be completed by May 1, 1997
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-132-190 Provide and install a reinforced PVC membrane lining system in the swimming pool at Mt. Pisgah State Park.

Department: Conservation and Natural Resources
Location: West Burlington Township, Bradford County, PA
Duration: All work to be completed by May 1, 1997
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-313-193 Sand blasting and painting the interior and exterior surface of a water storage tank; and provide and install a liquid level indicator, at Shawnee State Park.

Department: Conservation and Natural Resources
Location: Napier Township, Bedford County, PA
Duration: All work to be completed by May 16, 1997
Contact: Construction Management Section, (717) 787-5055

7200-0186 For the replacement of approximately 2700 square feet of ceiling tile and repair/replacement/cleaning of existing ceiling grid system. Bid package can be obtained from Driver Licensing Facility Management at (717) 783-8482 or FAX (717) 772-3254.

Department: Transportation
Location: Driver Exam Center, 190 Mill Road, Chambersburg, PA 17201
Duration: Indeterminate 1996-97
Contact: Bob Bruce, (717) 772-0570

Real Estate Services—35

Cedar Springs Sale of approximately 1 3/4 acres, located at R. D. 1, Mill Hall, PA 17751, Porter Township, Clinton County. Two story frame dwelling, detached two car and one car garages. Two lots: Lot A (includes dwellings) 1 acre; Lot B (vacant, perked for sandmound) 3/4 acre.

Department: Fish and Boat Commission
Location: R. D. 1, Mill Hall, PA
Duration: Bid opens October 4, 1996, 2:30 p.m.
Contact: Bernie Kiesnoski, (814) 359-5108

935A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with approximately 8,311 net useable square feet of new or existing office space in Philadelphia, PA, with minimum parking for seventeen (17) vehicles, within the following boundaries: North: Grant Avenue; South: Rhawn Street; East: Frankford Avenue; West: Bustleton Avenue. In areas where street or public parking is not available, an additional one hundred (100) parking spaces are required. The office must be situated within two (2) blocks of a public transportation system. Proposals due: November 18, 1996. Solicitation No.: 92353.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or John A. Hocker, (717) 787-4394

Sanitation—36

SPC 315009 Removal of solid wastes from park; disposal in accordance with all rules and regulations. Sealed bids will be opened at Parker Dam State Park, R. D. 1, Box 165, Penfield, PA 15849-9799 at 2:00 p.m. prevailing time, on October 14, 1996.

Department: Conservation and Natural Resources
Location: State Parks, Parker Dam, S. B. Elliott State Parks, R. D. 1, Box 165, Penfield, Clearfield County, PA 15849-9799
Duration: January 1, 1997—December 31, 1999
Contact: Park Manager, (814) 765-0630

Security Services—37

Project No. DGS 376-1 Phase 1 Project title: Perimeter Fence/Lighting/Detection System Conversion of Somerset State Hospital to a State Correctional Institution. Brief description: perimeter fence, lighting, detection system, sally-port building with HVAC, water, sewage and lighting, grading, clearing and grubbing. General and electrical construction. Plans deposit: \$80.00 per set. Payable to: Dynamic Design Engineering, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications, contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Dynamic Design Engineering, Inc., 416 Main Street, Suite 200, Johnstown, PA 15901. Telephone (814) 536-1651. Bid date: Wednesday, September 18, 1996 at 11:00 a.m.

Department: General Services
Location: Laurel Highlands State Correctional Institution, Somerset, Somerset County, PA
Duration: 180 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Miscellaneous—39

Inquiry No. 30138 Furnish, install, maintain, service and operate vending machines at Western Center. Percentage of sales to be paid to facility.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: 2/1/97—1/31/00
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

[Pa.B. Doc. No. 96-1565. Filed for public inspection September 13, 1996, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1130156-01	08/30/96	Leica, Inc.	11,820.85
1149206-01	08/29/96	American Business Printing	23,580.00
1166186-01	08/29/96	The Pannier Corp. Graphics Div.	96,501.40
1191356-01	08/30/96	Oakland Prod- ucts	16,497.50
1210156-01	08/30/96	Firing Line, Inc.	9,620.00

Requisition or Contract #	Awarded On	To	In the Amount Of
2242115-01	08/29/96	Essbar Equip- ment Co.	16,875.00
8231400-01	08/29/96	Meissner Chev/Geo/ Olds, Inc.	717,930.00
8503270-01	08/30/96	Rhomar Indus- tries, Inc.	17,184.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1566. Filed for public inspection September 13, 1996, 9:00 a.m.]