

# PENNSYLVANIA BULLETIN

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

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

**Printing Format**

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

**Fiscal Notes**

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

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

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 6000 ..... 989, 1684, 1688, 3126  
 9000 ..... 3531

**Proposed Rulemaking**

50 ..... 2166, 3630, 4892  
 100 ..... 2307, 3630, 4895  
 200 ..... 2307  
 1400 ..... 1343  
 1500 ..... 2296  
 6000 ..... 2307  
 9000 ..... 2307

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

500 ..... 1691, 1999  
 1000 ..... 1691, 1999

**Proposed Rulemaking**

500 ..... 312  
 1000 ..... 312

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 15, 159, 585, 661, 662, 748, 865, 991,  
 1129, 1130, 2319, 2409, 2410, 2489, 2902,  
 3830, 4323, 4329, 5633, 5948

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 314, 1999, 2000, 5882, 5884

**255 Pa. Code (Local Court Rules)**

Unclassified (with correction) ..... 160, 323, 439,  
 464, 586, 587, 662, 665, 678, 750, 865, 992, 1130,  
 1263, 1351, 1352, 1550, 1551, 1696, 1704, 1820, 2001,  
 2002, 2003, 2097, 2098, 2167, 2183, 2320, 2410, 2705,  
 2782, 2903, 2904, 3316, 3318, 3432, 3633, 4081, 4084,  
 4333, 4519, 4523, 4637, 4638, 4760, 4762, 4763, 4901,  
 4902, 5099, 5228, 5229, 5230, 5368, 5369, 5635, 5695,  
 5805, 5806, 5810, 5884, 5885, 5949, 6072, 6073,  
 6185, 6187

# THE GENERAL ASSEMBLY

## Recent Actions During the 1996 Regular and Special Sessions of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1996 Regular and Special Sessions.

### 1996 ACTS—Acts 134 through 148 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1996-134	Nov. 21	HB544	PN4238	Immediately*	State Lottery Law—omnibus amendments
1996-135	Nov. 26	HB2210	PN4281	Immediately*	Health Care Services Malpractice Act—omnibus amendments
1996-136	Nov. 27	SB598	PN622	Immediately	Charitable Instruments Act of 1971—governing instruments of charitable organizations
1996-137	Nov. 27	HB2380	PN4071	60 days	Hardwoods Development Council Act—definitions, powers and duties and transfer to Department of Agriculture
1996-138	Dec. 3	HB1509	PN4282	Jan. 1, '97	Associations Code (15 Pa.C.S.) and Public Utility Code (66 Pa.C.S.)—omnibus amendments
1996-139	Dec. 4	HB774	PN4199	Immediately	Military Affairs (51 Pa.C.S.)—assistant adjutant general appointments and officers and enlisted personnel pay
1996-140	Dec. 4	HB1782	PN3657	60 days	C.P.A. Law, The—omnibus amendments
1996-141	Dec. 4	HB2511	PN3636	60 days	Liquor Code—omnibus amendments
1996-142	Dec. 4	SB1165	PN1361	Immediately	Peer Review Protection Act—definitions and veterinarian peer review committees
1996-143	Dec. 4	SB1645	PN2242	Immediately	Regulation and government of Northampton county prison—repeal
1996-144	Dec. 4	SB484	PN2316	Immediately	Conveyance—Commonwealth property in Lackawanna County
1996-145	Dec. 4	SB1315	PN2426	60 days	Crimes Code (18 Pa.C.S.)—deceptive business practices and prohibition of tobacco in school
1996-146	Dec. 4	SB1316	PN2427	60 days	Unfair Trade Practices and Consumer Protection Law—omnibus amendments
1996-147	Dec. 4	SB1317	PN2388	90 days	Telemarketer Registration Act—enactment
1996-148	Dec. 4	SB857	PN2459	90 days	Capital Budget Project Itemization Act for 1996-1997—enactment

\*with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

**Legislative Bills and Documents**

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

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

CARL MEASE,  
*Acting Director*

[Pa.B. Doc. No. 96-2175. Filed for public inspection December 27, 1996, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 83]

#### Amendment to the Pennsylvania Rules of Disciplinary Enforcement Relating to Notice of Involuntary Commitments of Attorneys; Notice of Proposed Rulemaking

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Supreme Court of Pennsylvania that it amend the Pennsylvania Rules of Disciplinary Enforcement, as set forth in Annex A, to change the time within which Disciplinary Counsel is to be notified that an attorney has been declared incompetent or involuntarily committed.

Rule 301(a) of the Pennsylvania Rules of Disciplinary Enforcement currently provides that the clerk of any court within Pennsylvania in which an attorney is declared incompetent or is involuntarily committed to an institution on the grounds of incompetency or disability must notify Disciplinary Counsel within 20 days of that disposition so that Disciplinary Counsel may, in turn, notify the Supreme Court so that the Court may transfer the attorney to inactive status. The Board has encountered situations in which the 20-day delay has compromised the Board's ability to protect the public from continued practice by the incompetent attorney, and thus the Board is proposing a significantly shortened notice period of 24 hours so that the Board is in a position to move quickly to have the attorney transferred to inactive status. The Board believes that notice to Disciplinary Counsel can be made part of the process of entering the order declaring the attorney incompetent or committing the attorney, and that the shortened notice period should thus not present a problem for the clerks of the courts.

Interested persons are invited to submit written comments regarding the proposed amendment to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before January 17, 1997.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE BIXLER,  
Secretary

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

#### Subchapter C. DISABILITY AND RELATED MATTERS

#### Rule 301. Proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated.

(a) The clerk of any court within this Commonwealth in which an attorney is declared incompetent or is involuntarily committed to an institution on the grounds of incompetency or disability shall within [ 20 days ] 24 hours of such disposition transmit a certificate thereof to Disciplinary Counsel, who shall file such certificate with the Supreme Court.

\* \* \* \* \*

[Pa.B. Doc. No. 96-2176. Filed for public inspection December 27, 1996, 9:00 a.m.]

### [204 PA. CODE CH. 93]

#### Amendments to the Rules of Organization and Procedure of the Board Relating to the Retention of Records; Notice of Proposed Rulemaking

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering amending its Rules of Organization and Procedure as set forth in Annex A.

The Rules of Organization and Procedure of the Board currently provide that the Board will maintain permanent records of all matters processed by the Board and the disposition thereof, but that the permanent retention of correspondence, transcripts, briefs and other similar documents which underlie the final disposition of a matter by the Board is not required. 204 Pa. Code § 93.54. The Rules are silent, however, as to how long correspondence, transcripts, briefs, etc. must be retained. The Board is proposing to amend its Rules to specify that the materials that are not retained permanently will be retained for ten years.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before January 17, 1997.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE BIXLER,  
Secretary

## Annex A

TITLE 204. JUDICIAL SYSTEM  
GENERAL PROVISIONS

## PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIACHAPTER 93. ORGANIZATION AND  
ADMINISTRATION

## Subchapter C. OFFICE OF THE SECRETARY

## § 93.54. Powers and duties of Office of the Secretary.

The Office of the Secretary shall have the power and duty:

(1) To maintain permanent records of all matters processed by the Board and the disposition thereof. This paragraph shall not be construed to require the permanent retention of correspondence, transcripts, briefs and other similar documents which underlie the final disposition of a matter by the Board, but shall include the findings of any hearing committee or special master and the action and any related opinion or opinions of the Board with respect thereto, and any other information which these rules expressly require to be made a matter of record. **Correspondence, transcripts, briefs and other similar documents which underlie the final disposition of a matter by the Board shall be retained for ten years.**

\* \* \* \* \*

[Pa.B. Doc. No. 96-2177. Filed for public inspection December 27, 1996, 9:00 a.m.]

PART VII. ADMINISTRATIVE OFFICE OF  
PENNSYLVANIA COURTS

## [204 PA. CODE CH. 213]

## Public Access Policy of the Unified Judicial System of Pennsylvania: District Justice Records

## Annex A

TITLE 204. JUDICIAL SYSTEM  
GENERAL PROVISIONSPART VII. ADMINISTRATIVE OFFICE OF  
PENNSYLVANIA COURTSCHAPTER 213. ACCESS TO DISTRICT JUSTICE  
RECORDS POLICY

## Subchapter A. GENERAL POLICY

## STATEMENT OF GENERAL POLICY

## § 213.1. General.

It is the policy of the Administrative Office of Pennsylvania Courts (AOPC) that index, docket and case file information for all matters originating in a District Justice office are public records and shall be available for inspection and photocopying upon request in a reasonable manner. Confidentiality of records, however, is appropriate in certain limited circumstances, consistent with personal privacy and security as provided by law (e.g.,

identity of child victims of sexual or physical abuse, 42 Pa.C.S.A. § 5988(a)).

## POLICY IMPLEMENTATION

## § 213.11. Case information available at the District Justice office.

(a) *Case Indexes.* Indexes are intended to facilitate access to case files and dockets. District Justice staff shall assist the requestor in identifying the specific cases and docket numbers of interest.

(b) *Case Dockets.* Printed copies of case dockets (i.e., Criminal Case Docket Transcript, Motor Vehicle Docket, Non-Traffic/Summary Docket, Civil Case Progress Record) shall be provided upon request.

(1) If a docket for a disposed case is not immediately available due to archiving, District Justice staff shall advise the requestor that the docket will be retrieved from the AOPC and made available through the District Justice Office.

(2) Requests for docket or case index information that cannot be satisfied without substantially impeding the orderly conduct of office business may be referred to the AOPC. See § 213.12 for AOPC case access requests.

(c) *Case Files.* Case files and all materials contained therein shall be available for on-site inspection and photocopying. The fee for photocopying shall not exceed \$0.50 per page. Security, possession, custody and control of case files shall continue to be the responsibility of the District Justice or his/her designated staff.

## § 213.12. Public access requests referred by the District Justice to AOPC and requests involving more than one magisterial district submitted directly to AOPC.

(a) *Request Form.* All requests must be submitted to the AOPC on a form specified by the AOPC. The completed form must include the date of the request and the requestor's signature acknowledging acceptance of all disclaimers printed on the form.

(b) *Extracts Provided.* AOPC policy is to provide only extracts of statistical, docket or case index information. The following information will not be released:

(1) The address of a party or witness, social security number, telephone number, fax number, pager number, driver's license number, vehicle registration number, state fingerprint identification number (SID), or other identifier which would present a risk to personal security or privacy.

(2) Names of juvenile victims of abuse or juveniles charged with crimes subject to the Juvenile Act, 42 Pa.C.S. § 6301 et seq.

(3) Names of individuals designated "confidential" by a district justice when the release of the name of the individual will impair a person's safety or privacy.

(4) Information likely to impair public safety.

(c) *Priority of Requests.* AOPC would like to promptly satisfy all requests; however, limited staff/computer resources require that governmental requests will be given priority.

(d) *Choice of Medium.* The requestor should indicate the preferred choice of medium (e.g., Internet, tape, diskette, paper) for receiving the requested information. AOPC will accommodate such preferences to the extent

that they are consistent with AOPC efforts to conserve staff and computer resources.

(e) *Costs of Processing Requests.* Costs shall be assessed based on the actual costs of the report medium, a pro-rata share of computer and staff time, plus shipping and handling. AOPC will provide a statement of costs to the requestor, which must be paid in full, before staff is assigned to the project.

(f) Formula for the assessment of costs as of January 1, 1997:

(1) Staff time for processing requests: 1/2 hour rate = \$14.00

(2) Computer equipment time for processing requests: 1/2 hour rate = \$25.00

(3) Costs of report medium: current market rate

(4) Costs of shipping and handling: postage plus market rate for supplies

Amended December 13, 1996; effective date January 1, 1997.

[Pa.B. Doc. No. 96-2178. Filed for public inspection December 27, 1996, 9:00 a.m.]

# Title 210—APPELLATE PROCEDURE

## PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

### Amendment of Internal Operating Procedures

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT

#### MOTIONS PRACTICE

#### § 65.22. Motions Review Subject to Motions Panel Disposition.

A. Motions to Quash or Dismiss Appeals, Petitions for Permission to Appeal pursuant to Pa.R.A.P. 312, 1301—1323 and 42 Pa.C.S. § 702(b), and Petitions for Review pursuant to Pa.R.A.P. 1501 *et seq.* shall be subject to review and disposition by a panel of three commissioned judges.

B. The President Judge shall set the motions panel. Each motions panel shall consist of three commissioned judges and shall serve for a period of two months. During each two-month period, the motions panel shall consider all motions identified in Paragraph A of this section which are filed during the two month period.

As amended, effective January 1, 1997.

[Pa.B. Doc. No. 96-2179. Filed for public inspection December 27, 1996, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[231 PA. CODE CH. 200]

### Proposed Amendment of Rules 227.4 and 238 relating to Business of Courts; Recommendation No. 140

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 238 governing damages for delay and the note to Rule 227.4 governing post-trial practice be amended as set forth in this recommendation. The recommendation is being published to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than January 25, 1997 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, or E-Mail to hdon@courts.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

### CHAPTER 200. BUSINESS OF COURTS

#### Rule 227.4. Entry of Judgment upon Praecipe of a Party.

\* \* \* \* \*

(1) \* \* \*

(a) \* \* \*

(b) \* \* \*

**Official Note:** If a motion for delay damages has been filed [ **and is opposed** ], judgment may not be entered until that motion is decided **or otherwise resolved**. See Rule 238(c)(3)(i).

\* \* \* \* \*

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

\* \* \* \* \*

(c) Not later than ten days after the verdict or notice of the decision, the plaintiff may file a written motion requesting damages for delay and setting forth the computation. **The motion shall begin with the following notice:**

#### NOTICE

**You are hereby notified to file a written answer to the attached motion for delay damages within twenty days from the filing of the motion or the delay damages sought in the motion may be added to the verdict or decision against you.**

(1) Within [ **ten** ] **twenty** days after the motion is filed, the defendant may answer specifying the grounds for opposing the plaintiff's motion. The averments of the



answer shall be deemed denied. If an issue of fact is raised, the court may, in its discretion, hold a hearing before entering an appropriate order.

**Official Note:** An order of the court on the motion for delay damages shall not be subject to a motion for post-trial relief.

(2) If the defendant does not **file an answer and oppose the motion**, the [ **court** ] **prothonotary upon praecipe** shall add the damages for delay to the verdict or decision **in the amount set forth in the motion**.

(3)(i) If a motion for post-trial relief has been filed under Rule 227.1 and a motion for delay damages is [ **opposed** ] **pending**, a judgment may not be entered until **disposition has been made of** all motions filed under Rule 227.1 and this rule [ **have been decided** ].

(ii) If no motion for post-trial relief is filed within the ten-day period under Rule 227.1 but the defendant opposes the motion for delay damages, the plaintiff may enter judgment on the verdict or decision. Thereafter, upon deciding the motion for damages for delay, the court shall enter judgment for the amount of the delay damages, if any.

\* \* \* \* \*

#### Explanatory Comment

A party may enter judgment upon a verdict or decision under Rule 227.4(1)(b) when a motion for post-trial relief is not decided within a 120-day period. One court of common pleas has ruled that the entry of judgment under Rule 227.4 prior to the disposition of an unopposed motion for delay damages under Rule 238 precludes the award of such damages.

This is a result the Committee did not intend. The following amendments are proposed to remedy this problem. First, Rule 238(c) will be revised by prescribing a form of notice to begin the motion for delay damages, advising the defendant to file an answer within twenty days or the damages for delay may be added to the verdict or decision. Second, Rule 238(c)(1) will be amended to enlarge from ten days to twenty days the time in which to answer a motion for delay damages. Third, Rule 238(c)(2) will provide that if the motion is not opposed by filing an answer, the prothonotary upon praecipe will add the delay damages as set forth in the motion. Finally, Rule 238(c)(3)(i) will prohibit the entry of judgment until there has been disposition of a pending motion for delay damages by order of court, by praecipe pursuant to Rule 238(c)(2) or by other resolution. The note to Rule 227.4(1)(b) will be revised to conform to the amended Rule 238(c)(3)(i).

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 96-2180. Filed for public inspection December 27, 1996, 9:00 a.m.]

#### [231 PA. CODE CH. 1300]

#### Proposed Amendment of Rule 1303 Governing Compulsory Arbitration; Recommendation No. 138

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1303 governing notice and hear-

ing be amended as set forth in this recommendation. The recommendation is being published to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than January 25, 1997 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, or E-Mail to hdon@courts.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

#### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1300. COMPULSORY ARBITRATION

#### Subchapter A. RULES

#### Rule 1303. Hearing, Notice.

(a)(1) The procedure for fixing the date, time and place of hearing before a board of arbitrators shall be prescribed by local rule, provided that not less than thirty days' notice in writing shall be given to the parties or their attorneys of record.

**Official Note:** See Rule 248 as to shortening or extending the time for the giving of notice.

(2) **The local rule may provide that the written notice required by subdivision (a)(1) include the following statement: "This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties."**

(b) When the board is convened for hearing, if one party is ready and the other is not the case shall proceed and the arbitrators shall make an award unless the court

(1) orders a continuance, or

(2) **hears the matter if the notice of hearing contains the statement required by subdivision (a)(2) and all parties present consent.**

**Official Note:** It is within the discretion of the court whether it should hear the matter or whether the matter should proceed in arbitration. If the court is to hear the matter, it should be heard on the same date as the scheduled arbitration hearing.

**In hearing the matter, the trial court may take action not available to the arbitrators, including the entry of a nonsuit if the plaintiff is not ready or a non pros if neither party is ready. If the defendant is not ready, it may hear the matter and enter a decision.**

**For relief from a nonsuit, see Rule 227.1 governing post-trial practice. See also Rule 3051 governing relief from a judgment of non pros.**

#### Explanatory Comment

If at a hearing before a board of arbitrators one party is ready and the other is not, Rule of Civil Procedure 1303 presently provides for the arbitration to proceed and an award to be made unless the court orders a continuance.

Under this rule, some courts have experienced the problem of a party failing to appear for the arbitration hearing and then appealing for a trial *de novo* before the court.

It is proposed that Rule 1303 be amended to provide an additional alternative in such a circumstance and allow a court of common pleas by local rule to provide that the court may hear the case if the notice of hearing so advised the parties and all parties present agree. If the court hears the matter, then the parties will have had their trial in the court of common pleas. Relief from the decision of the court will be by motion for post-trial relief and, where warranted, subsequent appeal to an appellate court.

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 96-2181. Filed for public inspection December 27, 1996, 9:00 a.m.]

**[231 PA. CODE CH. 3000]**

**Proposed Amendment of Rule 3201 et seq. Governing Sheriff's Interpleader; Recommendation No. 139**

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 3201 et seq. governing sheriff's interpleader be amended as set forth in this recommendation. The recommendation is being published to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than January 25, 1997 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055, or E-Mail to hdon@courts.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 3000. JUDGMENTS**

**Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS**

**SHERIFF'S INTERPLEADER**

**Rule 3201. Scope.**

These rules govern the procedure in sheriff's interpleader [under the Act of June 22, 1931, P. L. 883, 12 P. S. § 2358, et seq.,] when tangible personal property levied upon pursuant to a writ of execution is claimed to be the property of a person other than the defendant in the execution.

\* \* \* \* \*

**Rule 3202. Property claim.**

\* \* \* \* \*

(b) The claim shall be signed by the claimant or some one on [his] the claimant's behalf, and shall set forth

- (1) a list of the property claimed sufficient to identify it;
- (2) an estimate of the value of the property;
- (3) a statement of the source of the claimant's ownership of the property.

\* \* \* \* \*

**Rule 3205. Appraisal of property; appraisal fees.**

\* \* \* \* \*

(b) A party requesting an appraisal shall advance the sheriff's appraisal fee. The sheriff shall then appraise the property and immediately give notice of the amount of [his] the appraisal by ordinary mail to all parties to whom the sheriff's notice was mailed. The sheriff or any party in interest may apply to the court for an order fixing a special appraisal fee where the appraisal of a large quantity of property or the services of experts shall be required.

**Official Note:** The Sheriff's Fee [Bills] Act [re-main] remains unaffected by these rules. See [Act of May 9, 1949, P. L. 927, as last amended June 14, 1961, P. L. 350, 16 P. S. § 11301, et seq.; Act of June 1, 1933, P. L. 1141, 16 P. S. § 7861, et seq.] Act of July 6, 1984, P. L. 614, No. 127, 42 P. S. § 21101 et seq.

**Rule 3206. Sheriff's determination in favor of claimant; objections; amount of bond; delivery of property; interpleader.**

(a) If the sheriff determines that the claimant is prima facie the owner of the property in whole or in part, [he] the sheriff shall file in the prothonotary's office the claim, [his] the determination of ownership including the valuation of the property, and shall send by ordinary mail copies of the determination and valuation to the claimant, the plaintiff, the defendant, and all other execution creditors and claimants of the property.

\* \* \* \* \*

(d) Upon abandonment of the levy, the sheriff shall return the claimed property to the person from whom it was taken. If the claimed property was found in the possession of a person other than the claimant, the sheriff shall, before returning it, give forty-eight (48) hours notice to the claimant of the abandonment of the levy and [his] the intention to return the property to a person other than the claimant.

\* \* \* \* \*

**Rule 3207. Sheriff's determination against claimant; objection; amount of bond; delivery of property; interpleader.**

(a) If the sheriff determines that the claimant is prima facie not the owner of the property in whole or in part, [he] the sheriff shall file in the prothonotary's office the claim, [his] the determination of ownership including the valuation of the property, and shall send by ordinary mail copies of the determination and valuation to the claimant, the plaintiff, the defendant, and all other execution creditors and claimants of the property.

\* \* \* \* \*

(d) If the claimant files [his] an objection with bond in a sum double the valuation of the property as determined by the sheriff or double the amount due under all

writs of execution against the defendant on which the sheriff has levied, whichever is smaller, the sheriff unless otherwise ordered by the court shall withdraw all levies on the claimed property. Upon payment by the claimant of the sheriff's costs, if any, for keeping and transporting the property, the sheriff shall deliver it to the person from whom it was taken, provided that, if the property was taken from a person other than the claimant and the claimant desires possession thereof, the sheriff shall deliver it to the claimant if [ **he** ] **the claimant** elects to file a bond in double the valuation of the property.

**Official Note:** As to possession in the case of two or more claimants, see Rule 3210.

(e) If the claimant files [ **his** ] **an** objection without bond the property shall remain subject to the levy and shall be sold in execution, unless otherwise ordered by the court. The proceeds shall be retained by the sheriff or paid into court until the determination of the interpleader.

\* \* \* \* \*

**Rule 3208. Bond; more than one execution.**

(a) The bond shall name the Commonwealth of Pennsylvania as obligee, with security approved by the prothonotary, and shall be conditioned that claimant shall maintain [ **his** ] **the** claim to the property or pay its value to the persons entitled thereto with costs.

(b) The claimant may file [ **his own** ] **a** bond without security and without order of court as to household goods and furnishings levied on by the sheriff in the household of the claimant. The court may, upon petition of the claimant and after notice and hearing, permit the filing of the claimant's own bond without security as to any other property levied on by the sheriff.

(c) [ **If the** ] **A** claimant **who** files a bond in double the valuation of the property [ **he** ] shall not be required during the pendency of the interpleader proceedings to file another bond in any subsequent execution against the same property but the subsequent execution creditor shall be made a party to the pending interpleader proceedings.

\* \* \* \* \*

**Rule 3213. Judgment.**

The judgment in the interpleader proceedings shall

- (1) determine the title to the claimed property as among the parties to the interpleader,
- (2) provide for the disposition of the proceeds of sale thereof,
- (3) fix the amount of
  - (i) special damages sustained by the claimant if [ **he** ] **the claimant** has sustained [ **his** ] **the** claim or [ **the amount of** ]
  - (ii) any liability of the claimant [ **if** ] **to whom** property has been delivered [ **to him** ] as to which [ **he** ] **the claimant** has not sustained [ **his** ] **the** claim and [ **shall** ]
- (4) include such counsel fees as may be awarded by the court as part of the costs.

\* \* \* \* \*

**Rule 3215. Effective date; pending actions.**

[ **These rules shall become effective on First day of March, 1966, and shall apply only to property claims filed on or after that date.** ] Rescinded.

**ACTS OF ASSEMBLY NOT SUSPENDED**

**Rule 3231. Acts of Assembly not suspended.**

\* \* \* \* \*

(33) Rescinded.

\* \* \* \* \*

(35) Rescinded.

\* \* \* \* \*

**Rule 3234. Sheriff's interpleader proceedings.**

Rescinded.

**Official Note:** The statutes formerly preserved by this rule have been repealed.

**Rule 3241. Acts of Assembly suspended.**

\* \* \* \* \*

(80) Rescinded.

\* \* \* \* \*

**Rule 3246. Sheriff's interpleader proceedings.**

Rescinded.

**Official Note:** The statutes formerly suspended by this rule have been repealed.

**Explanatory Comment**

The Act of June 22, 1931, P. L. 883, 12 P. S. § 2358 et seq., when enacted formed the basis for both the substantive and procedural law governing sheriff's interpleader. The rules of civil procedure governing the same subject promulgated in 1965 suspended the procedural provisions of the statute but preserved certain other provisions. However, the Act of 1931 was repealed in its entirety in 1978 by Section 2(a) of the Judiciary Act Repealer Act (JARA), 42 Pa.C.S. § 20002(a)[1124].

*Proposed Amendments*

The recommendation proposes the following amendments to the rules but these amendments do not affect practice and procedure:

- 1. Rule 3201 and the note to Rule 3205(b) are amended to delete references to the repealed Act of 1931 or other repealed statutes.
- 2. Rules 3202(b), 3205(b), 3206(a) and (d), 3207(a), (d) and (e), 3208 and 3213 are amended to be gender neutral.
- 3. Rule 3215 governing the effective date of the rules when originally promulgated in 1966 is rescinded as obsolete.
- 4. Rules 3231(33) and (35), 3234, 3241(80) and 3246 governing Acts of Assembly are rescinded as obsolete. The statutes preserved and suspended by these rules have been repealed.

*Statutory Provisions*

The rules of civil procedure preserve the following four sections of the Act of 1931 which are now repealed and which can no longer be found as part of Purdon's Pennsylvania Statutes or the Pennsylvania Consolidated Statutes. However, the Committee believes that the present rules are sufficient in themselves and that there

is no need to incorporate into the rules the substance of these statutory provisions:

I. Section 3 of the Act of 1931, preserved by Rule 3234(1):

§ 2360. Bond to inure to benefit of plaintiff

Such bond shall inure to the benefit of the plaintiff in the execution or process, or of any other person who may be adjudged to have the right or title to said goods or chattels, or any part thereof, and successive suits may be brought thereon to the use of such persons until the amount thereof is exhausted.

II. Sections 13 and 14 of the Act of 1931, preserved by Rule 3234(2) and (3), which provided in relevant part:

§ 2370. When title found not to be in claimant; costs; when title found to be in claimant; damages

If upon the trials of said issue the title to said goods and chattels be found not to be in the claimant, he shall pay all the costs of said proceeding, including the allowance of a fee to counsel for the plaintiff in the execution or process as shall be fixed by the court, and the proceeds of said goods and chattels, if in court, shall be paid to the party entitled thereto as thus ascertained. . . .

If upon the trials of said issue the title to said goods and chattels be found in the claimant, a verdict and judgment may be entered against the plaintiffs in the executions or processes for the damages suffered by the

claimant by reason of the levies or attachments on same, including the allowance of a counsel fee to be fixed by the court. . . .

§ 2371. Costs to follow judgment

In all issues framed under this act, all the costs of the proceeding shall follow the judgment and be paid by the losing party as in other cases.

III. Section 16 of the Act of 1931, preserved by Rule 3234(5):

§ 2373. Rights of lien holder

Nothing herein contained shall be construed to affect the rights of any lien holder other than the plaintiffs in each execution and process herein provided for.

IV. Section 19 of the Act, preserved by Rule 3234(7):

§ 2376. Statements by sheriff

Any statement by the sheriff, in any petition, rule, notice, or return of service, regarding the person or persons found in possession of the goods and chattels claimed, or any of them, shall not be conclusive against the claimant or any other person or party interested therein.

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

Table of Statutes Repealed and Rules Affected

<i>Rule</i>	<i>Act</i>	<i>Citation</i>	<i>Repealer</i>
3231(33)	Act of May 7, 1929, P. L. 1595	12 P. S. § 2342 et seq.	JARA § 2(a)[1110]
3231(35)	Act of June 22, 1931, P. L. 883	12 P. S. §§ 2358 to 2377, inclusive	JARA § 2(a)[1124]
3234(1)	§ 3 of the Act of June 22, 1931, P. L. 883	12 P. S. § 2360	JARA § 2(a)[1124]
3234(2)	§ 13 of the Act of June 22, 1931, P. L. 883	12 P. S. § 2370	JARA § 2(a)[1124]
3234(3)	§ 14 of the Act of June 22, 1931, P. L. 883	12 P. S. § 2371	JARA § 2(a)[1124]
3234(4)	§ 15 of the Act of June 22, 1931, P. L. 883	12 P. S. § 2372	JARA § 2(a)[1124]
3234(5)	§ 16 of the Act of June 22, 1931, P. L. 883	12 P. S. § 2373	JARA § 2(a)[1124]
3234(6)	§ 17 of the Act of June 22, 1931, P. L. 883	12 P. S. § 2374	JARA § 2(a)[1124]
3234(7)	§ 19 of the Act of June 22, 1931, P. L. 883	12 P. S. § 2376	JARA § 2(a)[1124]
3241(80)	§ 1 of the Act of April 11, 1899, P. L. 35	12 P. S. § 2637	JARA § 2(a)[835]
3246(1)	§ 1 of the Act of May 7, 1929, P. L. 1595	12 P. S. § 2342	JARA § 2(a)[1110]
3246(2)	§§ 1, 2, 4 to 13, and 18 of the Act of June 22, 1931, P. L. 883	12 P. S. §§ 2358, 2359, 2361 to 2370 and 2375	JARA § 2(a)[1124]
3246(2.1)	§ 10 of the Act of June 22, 1931, P. L. 883, 12 P. S. § 2367, as affected by the Appellate Court Jurisdiction Act of June 3, 1971, No. 6, Sec. 1, (Sec. 509(a))	17 P. S. § 211.509(a)(91)	JARA § 2(a)[1124]

[Pa.B. Doc. No. 96-2182. Filed for public inspection December 27, 1996, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## BRADFORD COUNTY

Rules of Civil Procedure No. 1915.15, 1919 and  
1920.12; No. 96IR000066

### Order

*And Now*, this 6th day of December 1996, the Court hereby amends the above-referenced local rules by adopting the following Bradford County Rules of Civil Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Domestic Relations Rules Committee and one (1) copy to the *Bradford County Law Journal* for publication in the next issue of the *Bradford County Law Journal*.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

*By the Court*

JEFFREY A. SMITH,  
*President Judge*

### Rule 1915. Custody.

#### Rule 1915.15. Form of Complaint. Order.

(1) In addition to the information required by Pa.R.C.P. 1915.15, every Complaint for Custody, Partial Custody, or Visitation shall contain one of the following averments:

A. Plaintiff has been advised of the requirement to attend the seminar titled "Children Cope With Divorce"

(or)

**B. The parties have previously attended the "Children Cope With Divorce" program as evidenced by certificates of attendance contained in the official court file.**

(2) The Order and Notice shall also include the following:

"The parties are directed to **pre-register with the Court Administrator** and attend the "Children Cope With Divorce" seminar on one of the two dates listed below:

Tuesday, \_\_\_\_\_, 6:00 p.m. to 10:00 p.m.

Saturday, \_\_\_\_\_, 8:30 a.m. to 12:30 p.m."

(or)

**"The parties have previously attended the "Children Cope With Divorce" program as evidenced by certificates of attendance contained in the official court file.**

#### Rule 1919. Mandatory Seminar for Separating Families.

1. In all divorce and custody proceedings filed on or after December 1, 1994, and in such other cases as the Court shall direct, where the interests of children under the age of 18 years are involved, the parties shall, within thirty (30) days of the date of custody, visitation or

divorce claim is filed, attend a four-hour seminar entitled "Children Cope With Divorce." If service of the complaint is not made within ten (10) days of filing, the Plaintiff shall immediately notify the Court Administrator and shall thereafter provide the Court Administrator with proof of service within five (5) days of service.

Note: See the "Children Cope With Divorce" program description following this Rule.

2. In all custody/visitation proceedings filed on or after December 1, 1994, each Notice Order and complaint shall include the additional information in accordance with Bradford County Civil Rule 1915.15.

3. In all divorce proceedings filed on or after December 1, 1994, where the parties have a child or children under the age of eighteen years, every complaint shall contain the additional information required by Bradford County Civil Rule 1920.12. It shall also have attached thereto an Order directing attendance at the Seminar in the form set forth in Rule 1920.12(3).

4. The moving party shall serve the responding party with a copy of the Court Order directing attendance at the Seminar at the time a divorce complaint is served. A program brochure/registration form and a copy of the Instruction Sheet shall also be provided by the moving party to the responding party at the time of service of the complaint.

5. The affidavit of service shall include a statement that the opposing party was advised of the requirement to attend the "Children Cope With Divorce" program and served with the registration form and Instruction Sheet.

6. Within seven (7) days after service, both parties are required to register for the program by mailing or personally presenting the pre-printed "Children Cope With Divorce" registration form, along with a registration fee of \$35.00 to the [ "Facilitator", ] Court Administrator [ 's Office ], Bradford County Courthouse, 301 Main Street, Towanda, PA 18848. Any waiver or reduction of attendance fee can only be granted by the [ **Facilitator** ] **Court Administrator**, in consultation with the Court.

7. Court approval is required for an extension of time to complete the seminar.

8. Parents living outside of Bradford County shall contact the [ **Program Facilitator** ] **Court Administrator** for possible alternative program attendance.

9. Upon completion of the seminar, each [ **parent** ] **participant** will receive a copy of a certificate verifying that they have attended the program. The original certificate will be placed in the official court file. No custody trial shall be held or final order entered until both parties have completed the program unless the Court has waived this requirement for good cause shown.

10. Failure to register for and complete the program may result in a finding of contempt and the imposition of sanctions.

### CHILDREN COPE WITH DIVORCE

#### *Program Goals*

"Children Cope With Divorce" will provide parents with information, support and direction that will facilitate a healthy adjustment for their children. Bitterness often ensnares children caught between divorcing parents. In an effort to reduce the emotional toll on children and limit acrimony, attendance at this four-hour educational seminar is required by the court of all parties in all

divorce, custody and visitation actions, and such other family court actions as the Court may deem appropriate. This program will also be open to educators and other persons involved in caring for children. Administration of the program will be through the Court of Common Pleas of Bradford County.

#### *Program Content*

The four-hour program provides parents with information about the developmental stages and needs of children with emphasis on fostering the child's emotional health during periods of stress. The program is informative, supportive and will give parents a list of community resources.

Topics will also include typical reactions of families, stress indicators in children, pitfalls to avoid, and skills to help children work through stress.

#### *When*

The program is presented twice each month, alternating between Tuesday evenings, from 6:00 p.m. until 10:00 p.m. and Saturday mornings from 8:30 a.m. to 12:30 p.m.

#### *Where*

The program is presented at The Children's House, near the Towanda Memorial Hospital.

#### *Attendance*

Attendance at the program is required of all parties involved in divorce and custody/visitation cases where the interests of children under the age of 18 years are at issue. The Court may also order attendance in certain instances in other family court cases.

A waiver of attendance will be provided for individuals who have attended a program of equal value. They will need to document for the Court participation in a similar program or counseling experience where the educational information was covered. Any waiver must be determined by **[ mutual agreement among the presenter, ]** the Court. **[ and individual ]**.

#### *Fees*

A fee of \$35.00 per party is required and is used to cover all costs of the program, including the presenter's fees, handouts, applications, and program administration. The **[ Facilitator ] Court Administrator**, in consultation with the Court, will determine whether any fee will be reduced or waived. **PRE-PAYMENT IS REQUIRED.**

#### *Presenters*

The presenters have received training from Families First, Atlanta, GA and will present the programs pursuant to an agreement with the Court.

#### *Application Process*

Upon initiation of a divorce/custody/visitation filing, both parties will receive a brochure about the program. The brochure will include a registration form and an instruction sheet describing registration and payment methods. These documents will be served along with the pleading. Registration will be by mail or in person at the

Office of the Court Administrator at least three days prior to the scheduled seminar. The registration process is designed to maximize safety to the participants. *For safety purposes*, participants are asked to indicate if they prefer not to attend the same seminar as the other parent. There are **NO WALK-IN ADMISSIONS.**

#### *Verification*

An alphabetical list of all parties participating in the program will be provided to the presenters prior to each session. This list will be used by the presenters, the facilitator and the Court. Upon completion of the seminar, each parent will receive a copy of a certificate verifying that they have attended the course. The original certificate will be placed in the official court file.

#### *Security*

A peace officer will be present throughout the seminar to ensure safety for all participants. The material that is presented is emotionally charged. Although every effort is made to maintain a light, open atmosphere in the presentation of the material, the orientation the participants bring to the seminar can produce very powerful reactions.

#### *Monitoring and Evaluation*

Each participant will complete a written evaluation of the seminar at its conclusion, indicating their individual assessment of the value of the program and any suggestions for future programs.

#### **Rule 1920. Actions of Divorce or Annulment.**

##### **Rule 1920.12. Complaint.**

(1) In addition to the information required by Pa.R.C.P. 1920.12, every Complaint in Divorce shall contain one of the following averments:

A. Plaintiff avers that there are no children under the age of eighteen (18) years born of the marriage; or

B. Plaintiff avers that there are children under the age of eighteen (18) years born of the marriage namely, to wit: (list names and dates of birth).

(2) If there are children under the age of eighteen (18) years born of the marriage, the complaint shall include one of the following averments:

A. Plaintiff has been advised of the requirement to attend the seminar "Children Cope With Divorce";

(or)

**B. The parties have previously attended the "Children Cope With Divorce" program as evidenced by certificates of attendance contained in the official court file.**

(3) **In the event there are children under the age of eighteen (18) years of age born of the marriage, and there is no averment that the parties previously attended the "Children Cope With Divorce" program, the divorce complaint shall have attached thereto, an order in substantially the following [ Order ] form:**

VS. : IN THE COURT OF COMMON PLEAS  
: OF BRADFORD COUNTY, PENNSYLVANIA  
: NO.

## ORDER OF COURT

AND NOW, \_\_\_\_\_ 199 , a Complaint in Divorce being filed herewith which avers that there are children of the marriage under the age of eighteen (18) years of age, **and that the parties have not yet attended the "Children Cope with Divorce" program**, the Court directs that the parties shall **pre-register with the Court Administrator and attend the "Children Cope With Divorce" seminar** on one of the two dates listed below:

Tuesday, \_\_\_\_\_, 6:00 p.m. to 10:00 p.m.

Saturday, \_\_\_\_\_, 8:30 a.m. to 12:30 p.m.

BY THE COURT:

\_\_\_\_\_ J.

[Pa.B. Doc. No. 96-2183. Filed for public inspection December 27, 1996, 9:00 a.m.]

## LUZERNE COUNTY

**Jurisdictional Maximum Monetary Limits for Compulsory Arbitration; No. 7433-C-96**

**Order**

*And Now* this 10th day of December, 1996, at 9 o'clock a.m., in order to increase the jurisdictional maximum monetary limits of compulsory arbitration in Luzerne County, it is

*Ordered, Adjudged and Decreed* that Luzerne County Local Rule 260 governing arbitration is hereby renumbered Rule 1301 and subsection (a) of said Rule is amended to provide as follows:

**Rule 1301.**

(a) All civil actions in which the amount in controversy, exclusive of interest and costs, is FORTY THOUSAND (\$40,000.00) DOLLARS or less shall be submitted to and heard and decided by a Board of Arbitrators pursuant to and in accordance with the provisions of 42 Pa.C.S.A. Sec. 7361 and Pa.R.C.P. 1301 et seq.

*It Is Further Ordered and Directed* that the amendment shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and that seven (7) certified copies shall be filed with the Administrative Office of the Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and one (1) certified copy shall be available for inspection in the Prothonotary's Office and the Court Administrator's Office.

*By the Court*

PATRICK J. TOOLE, Jr.,  
*President Judge*

[Pa.B. Doc. No. 96-2184. Filed for public inspection December 27, 1996, 9:00 a.m.]

## LUZERNE COUNTY

**Local Rule 510: Time and Manner of Motion Presentation; No. 7434C of 1996**

**Order**

*And Now* this 18th day of October, 1996, at 9 o'clock a.m., the Court hereby rescinds Luzerne County Rule of Procedure No. 510 and adopts the following Rule 510 which shall become effective December 30, 1996:

**Rule 510. Time and Manner of Motion Presentation.** Unless otherwise provided by Law or Rule, any person desiring to present any petition, motion or application requiring the signature of or action by any Judge shall personally present the same, with, if necessary, an appropriate Brief, to the designated Motion Judge on any regular business day between the hours of 8:30 a.m. and 9:15 a.m. The person presenting the petition, motion or application must be prepared to answer any questions concerning the matter being presented for consideration.

No petition, motion or application involving any criminal case shall be presented to the Motion Judge for consideration unless and until all parties have been served with a copy of said petition, motion or application and advised in writing of the date and time said matter will be presented to the Court for consideration.

*It Is Further Ordered and Directed* that:

(1) Seven (7) certified copies of this Order and Rule shall be filed with the Administrative Office of the Pennsylvania Courts.

(2) Two (2) certified copies of this Order and Rule shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One (1) certified copy of this Order and Rule shall be filed with the Pennsylvania Criminal Procedural Rules Committee.

(4) One (1) copy of this Order and Rule shall be forwarded to the Luzerne County Law and Library Association for publication in the Luzerne Legal Register.

(5) That the Court Administrator shall keep continuously available for public inspection copies of this Order and Rule.

*By the Court*

PATRICK J. TOOLE, Jr.,  
*President Judge*

[Pa.B. Doc. No. 96-2185. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 13, 1996, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 13, 1996 for Compliance Group 1 due April 30, 1996.

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

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

STUART H. ADAMS JR.  
Washington, DC

DAVID P. AFFINITO  
Kinnelon, NJ

JOHN DIXON BARTLE  
Richfield Springs, NY

KATHLEEN L. BEIERMEISTER  
Newark, NJ

MAYA BOHSALI  
Houston, TX

GRACIELA CABRET  
Auburn, AL

RICHARD R. CAPONE  
Cherry Hill, NJ

WAYNE MICHAEL CHARIFF  
Binghamton, NY

JOHN PAUL CLARKE  
Haddonfield, NJ

LAMAR CRAVENS  
San Antonio, TX

GEORGE RAYMOND CURE IV  
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KENNETH MICHAEL DILLON  
Collingswood, NJ

PATRICK J. DONLIN SR.  
Warren, OH

SHERYL ANN DONNELLA  
Atlanta, GA

JAMES BARRETT EVANS JR.  
Haddonfield, NJ

TIMOTHY DENNIS FARLEY  
Wakefield, RI

JOEL ALAN FISCHMAN  
Washington, DC

JOHN FRANCIS FOLEY  
Silver Spring, MD

MARGARET V. W. FOSTER  
Charlottesville, VA

ELIZABETH L. FOUNTAIN  
Washington, DC

SHARON MARIE FRIEL  
Glastonbury, CT

PAULA SHEILA GELBARD  
Hartford, CT

DAVID GEVANTER  
Massapequa Park, NY

ALAN S. GOLDSTEIN  
New York, NY

ANTHONY ROGERS HIGGINS  
Fairfield, NJ

GREGORY WILLIS HOMER  
Washington, DC

ELDRED DEWITT INGRAHAM  
Alexandria, VA

R. MICHAEL KENNEDY JR.  
Mt. Laurel, NJ

STEVEN A. KLUXEN  
Jackson, NJ

JOSEPH J. LONGOBARDI III  
Wilmington, DE

TIMOTHY DENNIS LYONS  
Westfield, NJ

BARBARA GAYLE McCLUNG  
Emeryville, CA

SANDRA SCHAFFNER McCRARY  
Vienna, VA

GREGORY HALL MELICK  
Cleveland, OH

JOSEPH R. MESAR  
New York, NY

THOMAS FRANCIS MILITANO  
Moorestown, NJ

SUSAN B. MUSTOKOFF  
Princeton, NJ

LORISE ELAINE MYERS  
North Miami, FL

JAY WILLIAM NASH  
Belleville, NJ

GAIL M. NEASE  
Frisco, CO

ANTHONY PANTANO  
Paramus, NJ



FRANK MILTON PASCAL  
Washington, DC

PRATHER G. RANDLE  
Memphis, TN

F. ANNE ROSS  
Manchester, NH

ROBIN CARROLL SCHARD  
Wildwood Crest, NJ

JOANNE E. SCIULLO  
Wilmington, DE

MARTIN P. SHEEHAN  
Wheeling, WV

DONALD MELVIN TEMPLE  
Washington, DC

ALAN BENES VLCEK  
Jacksonville, FL

LYDIA ANTIONETTE WADE  
Washington, DC

ANNA WALDHERR  
Mineola, NY

CAROL-ANN WILSON  
Loris, SC

CLIFFORD A. WILSON  
Houston, TX

[Pa.B. Doc. No. 96-2186. Filed for public inspection December 27, 1996, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 9]

### Effect of Federal Small Business Job Protection Act

The Department of Revenue (Department) has adopted a statement of policy under the authority contained in § 3.2 (relating to statements of policy). This statement of policy adds § 9.16 (relating to the effect of the Federal Small Business Job Protection Act) and shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

The purpose of the statement of policy is to advise the public of the effect of the Federal Small Business Job Protection Act of 1996 on Pennsylvania S corporations. This Federal act is effective for tax years beginning after December 31, 1996. The Department has received numerous inquiries concerning the act's effect on Pennsylvania S corporations. Accordingly, it was determined to be necessary to advise the public of the Department's position prior to the effective date of the Federal Act.

The Small Business Job Protection Act of 1996 amends Subchapter S of the Internal Revenue Code by revising the manner in which Federal Subchapter S corporations may organize. Among other things, these revisions affect the following areas: number of shareholders, types of shareholders, affiliations with other corporations, invalid elections, reelections within 5 years after termination, interim closing of the books upon termination of a shareholder's interest, and basis adjustments for distributions occurring in loss years.

The Tax Reform Code of 1971 (TRC) (72 P. S. §§ 7101—10004) authorizes the shareholders of a small corporation to elect not to be subject to corporate net income tax. The definition of "small corporation" contained in section 301(s.2) of the TRC (72 P. S. § 7301(s.2)) specifically references "subchapter S of Chapter 1 of the Internal Revenue Code of 1954, as amended as of January 1, 1983." Under 1 Pa.C.S. § 1937 (relating to references to statutes and regulations) of the rules of statutory construction, this specific statutory reference locks in the Internal Revenue Code as it existed on January 1, 1983. Subsequent Federal amendments are not applicable to the TRC definition of "small corporation." Therefore, this statement of policy advises the public that the Small Business Job Protection Act of 1996 has no impact on the manner in which Pennsylvania S corporations may organize.

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, Pennsylvania 17128-1061.

ROBERT A. JUDGE, Sr.,  
Secretary

(Editor's Note: The regulations of the Department of Revenue, 61 Pa. Code Chapter 9, are amended by adding a statement of policy at § 9.16.)

**Fiscal Note:** 15-382. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart A. GENERAL PROVISIONS

CHAPTER 9. REVENUE PRONOUNCEMENTS—  
STATEMENTS OF POLICY

### § 9.16. Effect of Federal Small Business Job Protection Act.

(a) *Internal Revenue Code Subchapter S revisions.* The United States Congress has enacted the Small Business Job Protection Act of 1996 (Federal Act) (Pub.L. No. 104-188, 110 Stat. 1755 (1996)) to be effective for tax years beginning after December 31, 1996. This act amends Subchapter S of the IRC by revising the manner in which Federal S corporations may organize. Among other things, these revisions affect the following areas:

- (1) The number of shareholders.
- (2) The types of shareholders.
- (3) Affiliations with other corporations.
- (4) Invalid elections.
- (5) Reelections within 5 years after termination.
- (6) Interim closing of the books upon termination of a shareholder's interest.
- (7) Basis adjustments for distributions occurring in loss years.

(b) *Pennsylvania S corporation tax treatment.* The TRC authorizes the shareholders of a "small corporation" to elect not to be subject to corporate net income tax. Section 301(s.2) of the TRC (72 P. S. § 7301(s.2)) defines a "small corporation" as "any corporation which has a valid election in effect under subchapter S of Chapter 1 of the Internal Revenue Code of 1954, as amended as of January 1, 1983, and which does not have passive investment income in excess of twenty-five percent of its gross receipts."

(c) *Effect of Internal Revenue Code Subchapter S revisions on the TRC.* Section 1937 of Title 1 of the *Pennsylvania Consolidated Statutes* (relating to references to statutes and regulations) provides that a reference to a specific statute includes the statute with all amendments, unless the specific language of the statute clearly includes only the statute as in force as of a specific date. The definition of "small corporation" contained in section 301(s.2) of the TRC specifically references "subchapter S of Chapter 1 of the IRC, as amended as of January 1, 1983." This specific statutory reference locks in the IRC as it existed on January 1, 1983. Subsequent Federal amendments are not applicable to the TRC definition of "small corporation." Therefore, the Federal Act has no impact on the manner in which Pennsylvania S corporations may organize. Corporations that do not qualify for Federal Subchapter S status under the IRC, as amended as of January 1, 1983, are not eligible to elect Pennsylvania S corporation tax treatment.

(d) *Answers to the most frequently asked questions.* Since the enactment of the Federal Act, the Department has received numerous inquiries concerning the impact of the Federal Act on Pennsylvania S corporations. This subsection provides the Department's response to the most frequently asked questions.

(1) *Effect on Pennsylvania S corporations.*

(i) *Question:* Does the enactment of the Federal Act, effective for tax years beginning after December 31, 1996, change the corporations that are eligible to elect Pennsylvania S corporation tax treatment?

(ii) *Answer:* No. The corporations that are eligible to elect Pennsylvania S corporation tax treatment are not changed by the enactment of the Federal Act. Only Federal S corporations that would qualify to elect Federal S corporation tax treatment under the IRC, as amended as of January 1, 1983, are eligible to elect Pennsylvania corporation tax treatment.

(2) *Limitations on number of shareholders.*

(i) *Question:* Will a valid Pennsylvania S corporation lose its Pennsylvania S status if it expands to 75 shareholders as permitted by the Federal Act?

(ii) *Answer:* Yes. Pennsylvania is locked into the IRC as of January 1, 1983. The IRC as of that date does not permit a Federal S corporation to have 75 shareholders. Therefore, a Pennsylvania S corporation would cease to be a small corporation eligible for Pennsylvania S corporation tax treatment and its Pennsylvania S election would be terminated if it expands to 75 shareholders. The corporation would not be eligible to elect Pennsylvania S status for 5 taxable years.

(3) *Ownership interests.*

(i) *Affiliated groups.* The Federal Act permits a Federal S corporation to be a member of an affiliated group as determined under section 1504 of the IRC (generally, an 80% or greater common interest).

(A) *Question:* May a Pennsylvania S corporation be a member of an affiliated group? For example, may it hold an 80% or greater interest in another corporation?

(B) *Answer:* No. Pennsylvania is locked into the IRC as of January 1, 1983. The IRC as of that date does not permit a Federal S corporation to be a member of an affiliated group as determined under section 1504 of the IRC (generally, an 80% or greater common interest). Therefore, a corporation is not eligible for Pennsylvania S corporation tax treatment if it is part of an affiliated group as determined by section 1504 of the IRC. This means that a Pennsylvania S corporation may not own 80% or more of the stock of another corporation.

(ii) *Electing small business trusts.* The Federal Act permits a Federal S corporation to have an electing small business trust (IRC § 1361(e)) as a shareholder.

(A) *Question:* May a Pennsylvania S corporation have an electing small business trust as a shareholder?

(B) *Answer:* No. Pennsylvania is locked into the IRC as of January 1, 1983. The IRC as of that date does not permit a Federal S corporation to have an electing small business trust as a shareholder. Therefore, a corporation is not eligible for Pennsylvania S corporation tax treatment if it has a shareholder that is an electing small business trust.

(iii) *Qualified pension, profit-sharing and stock bonus plans; and IRC § 501(c)(3) exempt organizations.* The Federal Act permits a Federal S corporation to have shareholders that are qualified pension, profit-sharing and stock bonus plans under section 401 of the IRC or exempt organizations under section 501(c)(3) of the IRC.

(A) *Question:* May a Pennsylvania S corporation have a shareholder that is a qualified pension, profit-sharing and stock bonus plan under section 401 of the IRC or an exempt organization under section 501(c)(3) of the IRC?

(B) *Answer:* No. Pennsylvania is locked into the IRC as of January 1, 1983. The IRC as of that date does not permit a Federal S corporation to have a qualified pension, profit-sharing and stock bonus plan under section 401 of the IRC or an exempt organization under section 501(c)(3) of the IRC as a shareholder. Therefore, a corporation is not eligible for Pennsylvania S corporation tax treatment if it has any shareholder that is a qualified pension, profit-sharing and stock bonus plan under section 401 of the IRC or an exempt organization under section 501(c)(3) of the IRC.

(4) *Qualified Subchapter S subsidiaries.*

(i) *Flow through treatment.* The Federal Act permits a Federal S corporation to own a 100% ownership interest in another corporation known as a qualified Subchapter S subsidiary (IRC § 1361(b)(3)(B)(ii)). Upon election of the parent Federal S corporation, the two corporations shall be treated as a single entity and the assets, liabilities, income, deductions and credits of the wholly owned subsidiary shall be treated as belonging to the parent corporation.

(A) *Question:* May a Pennsylvania S corporation own a 100% ownership interest in another corporation and elect qualified Subchapter S subsidiary tax treatment?

(B) *Answer:* No. Pennsylvania is locked into the IRC as of January 1, 1983. The IRC as of that date does not permit a Federal S corporation to own 80% or more of the ownership interest of another corporation. Therefore, a corporation is not eligible for Pennsylvania S corporation tax treatment if it has a qualified Subchapter S subsidiary.

(ii) *Taxation.*

(A) *Question:* How will Pennsylvania tax a Federal S corporation that creates a qualified Subchapter S subsidiary?

(B) *Answer:* Under the IRC as of January 1, 1983, neither the parent Federal S corporation nor the qualified Subchapter S subsidiary would be eligible for Pennsylvania S corporation tax treatment. Both corporations would be required to file Pennsylvania corporate tax reports on a separate company basis with pro forma Federal 1120's identifying the Federal corporate net income tax that would have been reported to the Federal government if they had filed separate returns as C corporations.

[Pa.B. Doc. No. 96-2187. Filed for public inspection December 27, 1996, 9:00 a.m.]

# NOTICES

## COMMISSION ON CRIME AND DELINQUENCY

### Availability of Federal Challenge Grant Funds

The Pennsylvania Commission on Crime and Delinquency (PCCD) announces the availability of approximately \$1.159 million in Federal Office of Juvenile Justice and Delinquency Prevention Challenge Grant funds to establish a 24-bed secure care residential program for serious and habitual juvenile offenders to be located in Southeast Pennsylvania. These funds can be applied to facility renovations, furnishings and equipment, salaries and related start-up expenses subject to allowable cost limitations. Funds will be awarded on a match-free basis, with the exception of renovations involving construction. Federal regulations require a 50% match by the applicant for construction and prohibit the use of these funds for the purchase of land.

Funds will be awarded for a 12-month project period under a competitive review process according to the review criteria, requirements and conditions outlined in the official funding announcement.

This funding initiative is a joint venture involving PCCD and the Pennsylvania Department of Public Welfare/Office of Children, Youth and Families, the agency responsible for the provision of continuation funding.

Eligible applicants include private nonprofit established adolescent care providers experienced in the care and treatment of serious and habitual juvenile offenders. Agencies interested in applying must submit a letter of intent by close of business on Friday, January 17, 1997. Applicants will be required to attend an applicant's conference to be held in the Harrisburg area in late January or early February 1997. The submission deadline date for proposals is close of business on Friday, March 7, 1997, with the final funding awards expected to be made by April 30, 1997.

To request a copy of the official funding announcement which provides proposal submission requirements, prospective applicants should contact Ruth Williams at Extension 3084 at either (717) 787-8559 or toll-free (800) 692-7292.

JAMES THOMAS,  
*Executive Director*

[Pa.B. Doc. No. 96-2188. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF AGING

### Medical Exception Process; Generic Drug Substitution

#### *Background*

Act 134-96, the State Lottery Law, requires publication and dissemination of the medical exception process used by the Department of Aging for the Pharmaceutical Assistance Contract for the Elderly (PACE) and for the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET). Specifically, the legisla-

tion addresses the medical exception process with regard to generic substitution when an A-rated therapeutically equivalent medication is available. The law further requires that the Department of Aging distribute the medical exception process to providers and recipients in the Program.

#### *The Medical Exception Process*

Through the online claims processing system, the PACE/PACENET Program provides prospective therapeutic review of prescriptions before the pharmacist dispenses the medication to the cardholder. The review checks for potential drug interactions, duplicative therapies, over-utilization, under-utilization and other misutilization. The Department of Aging, of course, recognizes the possibility of exceptional circumstances in connection with the application of therapeutic criteria and reimbursement edits. A medical exception will be considered by the Program when the cardholder's physician indicates the diagnosis, medical rationale, anticipated therapeutic outcomes, the expected length of exception therapy, and the last trial at alternative therapy.

Act 134-96 requires a pharmacist to dispense the A-rated, therapeutically equivalent, generic drug to the cardholder if they have a prescription for a multisource brand product. If a cardholder seeks an exception to this mandate, a pharmacist may request a short term medical exception at the time of dispensing by calling 1 (800) 835-4080. The PACE Program may grant a 30-day medical exception if requested. Immediately following approval of the exception, the Program sends a follow-up letter to the cardholder's prescribing physician. This letter serves as notice that the Program granted a temporary medical exception to the mandatory substitution requirement. The letter seeks the therapeutic rationale for continuing the medical exception. The Program allows 30 days for the return of the written medical exception request from the prescriber. If the Program does not receive written documentation, the short term medical exception will expire. If the prescriber does respond to the letter and provides appropriate information, the Program may grant a longer medical exception period. The cardholder may continue to obtain the brand medication without paying the extra cost of a generic differential.

The Program may refer a request to a physician consultant or to a therapeutics committee for special review and consideration. The cardholder will receive a short term medical exception until completion of the review process.

If the Program denies a request for a medical exception to the mandatory generic requirement, the cardholder may opt to continue using the brand multisource product and, then, pay the generic differential. If this occurs, the pharmacist must collect the copay for the brand name product plus 70% of the average wholesale price of the brand name product from the cardholder.

Please direct questions regarding the implementation of the medical exception process to 1 (800) 835-4080 or in writing to Thomas M. Snedden, Director, Bureau of Pharmaceutical Assistance, Pennsylvania Department of Aging, 400 Market Street, 6th Floor, Harrisburg, PA 17101.

RICHARD BROWDIE,  
*Secretary*

[Pa.B. Doc. No. 96-2189. Filed for public inspection December 27, 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 December 17, 1996.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-12-96	Prime Newco, Inc. (to be renamed Prime Bancorp., Inc.), Philadelphia, to merge with First Sterling Bancorp, Inc., Devon, and so indirectly acquire First Sterling Bank, Devon	Philadelphia	Approved

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-13-96	Northwest Interim Savings Bank Warren Warren County	Warren	Approved

Subject institution will be utilized to merge Bridgeville Savings Bank, FSB, Bridgeville, with and into Northwest Savings Bank, Warren.

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-9-96	Parkvale Savings Bank Monroeville Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, FSB, Pittsburgh, located at: Crafton-Ingram Shopping Center Pittsburgh Allegheny County	Monroeville	Effective
12-9-96	Northside Bank Pittsburgh Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, FSB, Pittsburgh, located at: 701 Liberty Avenue Pittsburgh Allegheny County	Pittsburgh	Effective
12-9-96	Pittsburgh Home Savings Bank Pittsburgh Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, FSB, Pittsburgh, located at: 2905 West Liberty Avenue Pittsburgh Allegheny County	Pittsburgh	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-13-96	Northwest Savings Bank, Warren, and Bridgeville Savings Bank, F.S.B., Bridgeville surviving institution— Northwest Savings Bank, Warren	Warren	Approved

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-13-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	WalMart 1355 E. Lehman St. Lebanon Lebanon County	Opened
11-19-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Cressler's Grocery Store 1075 W. King St. Shippensburg Franklin County	Opened
12-2-96	Mifflin County Savings Bank Lewistown Mifflin County	Corner of Specht and Brown Sts. McClure Snyder County	Opened
12-2-96	Summit Bank Bethlehem Northampton County	Centerville Square 580 Centerville Rd. East Hempfield Twp. Lancaster County	Opened
12-10-96	Peoples Bank of Glen Rock Glen Rock York County	2701 Eastern Blvd. York Springettsbury Twp. York County	Filed
12-13-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Rossmoyne Business Center Ritter Road Mechanicsburg Cumberland County	Filed

**SAVINGS ASSOCIATIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-10-96	Keystone Savings and Loan Association, Philadelphia; Hometown Building and Loan Association, Philadelphia; and Wayne Junction Savings Association, Ambler surviving institution—Keystone Savings and Loan Association, Philadelphia	Philadelphia	Withdrawn

**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
12-12-96	William F. Campbell Building and Loan Association Philadelphia Philadelphia County	Certificate of Election for Voluntary Dissolution filed. Effective as of the opening of business December 13, 1996.

**CREDIT UNIONS****Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-12-96	Diamond Federal Credit Union Pottstown Montgomery County	100 Medical Drive Pottstown Montgomery County	Filed

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
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To:  
 Diamond Credit Union  
 Pottstown  
 Montgomery County  
 Represents conversion from a Federally-chartered credit union to a State-chartered credit union.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-2190. Filed for public inspection December 27, 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.**

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

**PA 0053554.** Industrial waste, **Earthgro, Inc.**, Newark Road, P. O. Box 863, Avondale, PA 19311.

This application is for renewal of an NPDES permit to discharge stormwater from a soil products bagging facility in New Garden Township, **Chester County**. This is an existing discharge to the west branch of Red Clay Creek.

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

The proposed effluent limits for Outfall 001, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.0—9.0 standard units at all times		
Total Suspended Solids	monitor/report		
Fecal Coliforms	monitor/report		
Zinc	monitor/report		
Aluminum	monitor/report		
Copper	monitor/report		
Iron (Total)	monitor/report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Iron (Dissolved)	monitor/report		
4'4 DDT	monitor/report		
4'4 DDD	monitor/report		
4'4 DDE	monitor/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 0205451.** Sewage, **Lawrence G. Schwartz**, 110 North Lane, Sewickley, PA 15143.

This application is for renewal of an NPDES permit to discharge treated sewage from Schwartz Mobile Home Park Sewage Treatment Plant in Economy Borough, **Beaver County**.

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

Outfall 001: existing discharge, design flow of .0063 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	21			42
(11-1 to 4-30)	25			50
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	45,000/100 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.

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

**PA 0010533.** SIC: 0921, **Fish and Boat Commission**, 1225 Shiloh Road, State College, PA 16801-8495.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Spring Creek in Benner Township, **Centre County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is located at Lock Haven approximately 30 miles below the discharge.

Outfall 001—The proposed effluent limits, based on a design flow of 8.01 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
TSS	15.0	30.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus—Total Dissolved		
(3-1 to 10-31)	0.3	0.6
Dissolved Oxygen	monitor	
pH	6.0—9.0 s.u. at all times	



Outfall 002—The proposed effluent limits, based on a design flow of 1.21 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
TSS	15.0	30.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus—Total Dissolved (3-1 to 10-31)	0.3	0.6
Dissolved Oxygen	monitor	
pH	6.0—9.0 s.u. at all times	

*Other Conditions:* Whole Effluent Toxicity testing for Outfall 001.

The EPA waiver is in effect.

**PA 0039144.** SIC: 0921, **Fish and Boat Commission**, Oswayo FCS, R. R. 2, Box 84, Coudersport, PA 16915-9646.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Oswayo Creek in Oswayo Township, **Potter County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the PA/NY border located approximately 20 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 3.4992 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
TSS	10.0	20.0
NH <sub>3</sub> -N	monitor	
Dissolved Oxygen	minimum 6.0 mg/l at all times	
pH	6.0—9.0 s.u. at all times	

*Other Conditions:* Whole Effluent Toxicity testing for Outfall 001.

The EPA waiver is in effect.

**PA 0115363.** SIC: 4952, **Buffalo Township Municipal Sewer Authority**, R. R. 2, Box 284-A, Lewisburg, PA 17837.

This proposed action is for issuance of an NPDES permit for an existing discharge of 0.04 mgd of treated sewage with expansion to 0.08 mgd to Buffalo Creek in Buffalo Township, **Union County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Shamokin Dam Municipal Authority located 3.7 river miles downstream.

Outfall 001:

The proposed effluent limits, until plant expansion, based on a design flow of 0.04 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
TRC	1.0		2.3
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 at all times		

The proposed effluent limits, after plant expansion, based on a design flow of 0.08 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
TRC	1.0		2.3

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average		
pH	6.0—9.0 at all times		

Other Conditions: none

The EPA waiver is in effect.

**PA 0209431.** SIC: 4952, **William A. Marion**, 640 Berkshire Drive, State College, PA 16801.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage to unnamed tributary of Halfmoon Creek in Halfmoon Township, **Centre County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin on the Susquehanna River.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 200/100 ml as a geometric average	
pH	6.0—9.0 at all times	
Free Chlorine Residual	monitor and report	

The EPA waiver is in effect.

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

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

**1596417.** Sewerage. **New Garden Township Sewer  
Authority**, R. D. 1, Post Office Box 139, Landenberg, PA  
19350. Construction of an influent pump station, a lagoon  
treatment plant and spray irrigation fields to serve the  
East End Wastewater Treatment Facilities located in New  
Garden Township, **Chester County**.

**0996424.** Sewerage. **Milford-Trumbauersville Area  
Sewer Authority**, Post Office Box 126, Spinnerstown, PA  
18968. Construction of a pumping station to serve  
Hillcrest Hunt located in Milford Township, **Bucks  
County**.

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

**A. 5696409.** Sewerage. **Shade-Central City Joint  
Authority**, 429 Sunshine Avenue, Central City, PA 15926.  
Application for the construction and operation of sewers  
and appurtenances and pump stations to serve the Bun-  
ker Hill Sewer Lines and Pump Station (T-792) located in  
the Township of Shade, **Somerset County**.

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

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*Southcentral Regional Office, Sanitarian Regional Man-  
ager, One Ararat Boulevard, Harrisburg, PA 17110, tele-  
phone (717) 657-4692.*

**A. 2896502.** Public water supply. **Whitetail Resorts,  
L. P.**, Montgomery Township, **Franklin County** (Steve  
Rice, President, Whitetail Resorts, L. P., 13805 Blairs  
Valley Road, Mercersburg, PA 17325), modification of an  
existing public water supply to include two new wells and  
changes to existing treatment including addition of a  
third manganese greensand filter. Upon completion, the  
water system is to be reclassified as a community system  
serving 250 residences (David C. Goodwin, William A.  
Brindle Associates, Inc., 220 Lincoln Way East,  
Chambersburg, PA 17201).

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

**A. 4396508.** Public water supply. **Reynolds Mobile  
Home Park**, 110 West 10th Street, Greenville, PA 16125.  
This proposal involves obtaining a permit for an existing  
water system in the Reynolds Home Park that is supplied  
water by the Reynolds Water Company in the Borough of  
Greenville, **Mercer County**.

**Permit No. 2596506.** Public water supply. **Erie City  
Water Authority**, 340 West Bayfront Parkway (Chestnut  
Street Plant), Erie, PA 16507. This permit covers the  
installation and operation of a chemical feed pump sys-  
tem for the injection of ortho-polyphosphate blend (corro-  
sion control treatment) in the City of Erie, **Erie County**.

*Type of Facility:* Community water supply.

*Consulting Engineer:* KLH Engineers, 5173 Campbells  
Run Rd., Pittsburgh, PA 15205.

*Permit to Construct Issued:* December 9, 1996.

**Permit No. 2596507.** Public water supply. **Erie City Water Authority**, 340 West Bayfront Parkway (Sommerheim Plant), Erie, PA 16507. This permit covers the installation and operation of a chemical feed pump system for the injection of ortho-polyphosphate blend (corrosion control treatment) in the City of Erie, **Erie County**.

*Type of Facility:* Community water supply.

*Consulting Engineer:* KLH Engineers, 5173 Campbells Run Rd., Pittsburgh, PA 15205.

*Permit to Construct Issued:* December 9, 1996.

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### Acknowledgment of Notices of Intent to Remediate

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 provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

**Buck Run Property Site**, including 19 Buck Run Road, 26 Buck Run Road, and the Buck Run Road Right-of-Way, South Heidelberg Township, **Berks County**. C. D. Schneck, Inc., 1200 Columbia Avenue, Sinking Spring, PA 17569, has submitted a Notice of Intent to Remediate site soils contaminated with BTEX and PAHs. 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 Times* on December 15, 1996.

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

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

**A. 603285. Martin Greenleaf Farm, Bio Gro Division** (180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). Application for modification to add additional acreage to a site in Colerian Township, **Lancaster County**. Application determined to be complete in the Regional Office December 9, 1996.

**A. 603285. Borkey Farms, Bio Gro Division** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification to add additional acreage to a site in Upper Bern Township, **Berks County**. Application determined to be complete in the Regional Office December 9, 1996.

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### 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.

*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: **46-301-268**  
Source: Hospital Waste Incinerator  
Company: **North Penn Hospital**  
Location: Hatfield  
County: **Montgomery**

*Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

The Department intends to issue an Air Quality Operating Permit for the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **64-310-004E**  
Source: Stone Crushing Plant w/Waterspray  
Company: **Milestone Materials Incorporated**  
Location: Lake Township  
County: **Wayne**

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### Notice of Intent to Issue

Title V Operating Permit  
Permit No. TV-22-05007

Dauphin County

The Department of Environmental Protection intends to issue a Title V Operating Permit to The Harrisburg Authority for the Harrisburg Materials, Energy, Recycling and Recovery facility located in Harrisburg, Dauphin County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional office may be scheduled by contacting Mary DiSanto at (717) 541-7937 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publications of this notice. Each comment must include the name, address and telephone number of the persons submitting the comments along with the reference number of the permit (TV-22-05007).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521.

Reasonably Available Control Technology  
Plan Approval No. 36-2013  
and  
Title V Operating Permit 36-05013  
Permit No. TV-36-05013  
Lancaster County

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan for the purpose of revising the State Implementation Plan (SIP) and also intends to issue a Title V Operating Permit to Lancaster County Solid Waste Management Authority for Lancaster County Resource Recovery Facility located in Conoy Township, Lancaster County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in RACT Plan Approval No. 36-2013 for the existing facility to comply with current regulations. The preliminary NOx RACT determination for the three combustion sources is Selective Non-Catalytic Reduction and Activated Carbon Adsorber.

The preliminary RACT determination, when finally approved, will be incorporated into a Plan Approval/Operating Permit for the facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on February 25, 1997 at Bainbridge Fire Hall, Second and Market Streets, Bainbridge, PA 17562 from 3 p.m. until all scheduled comments on the proposal are received.

Those wishing to comment on RACT Plan Approval No. 36-2013 or Title V Permit No. 36-05013 are requested to contact Monsoor Rashid at (717) 657-6328 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Persons with a disability who wish to attend the hearing scheduled for February 25, 1997 at Bainbridge Fire Hall and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Susan Frank directly at (717) 541-7969 through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources and associated air cleaning devices.**

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

An application for Plan Approval has been received by this office for the construction, modification or reactivation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **40-302-127G**  
Source: 12.6MMBTU N American Boil 1A-1618  
Received: November 27, 1996  
Company: **Intermetro Industries Corporation**  
Location: City of Wilkes-Barre  
County: **Luzerne**

**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—23 and 86.31—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*

**03930103. General Mining, Inc.** (R. D. 2, Box 194, Avonmore, PA 15618). Application received for transfer of permit from Thomas J. Smith, Inc., for an existing surface mining operation located in Plumcreek Township, **Armstrong County**, and Washington Township, **Indiana County**, affecting 73 acres. Receiving streams Dutch Run, an unnamed tributary to Dutch Run to Plum Creek to Crooked Creek to Allegheny River. Application received November 20, 1996.

**03940113. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Application received for transfer of permit from ALT, Inc., for an existing surface mining operation located in Washington Township, **Armstrong County**, affecting 68.7 acres. Receiving streams unnamed tributary "A" to Huling Run, Huling Run to Allegheny River. Application received November 21, 1996.

**30960102. Taylortown Mining, Inc.** (P. O. Box 298, Point Marion, PA 15474). Permit application received for commencement, operation and reclamation of a bituminous surface mine located in Dunkard Township, **Greene County**, affecting 63.0 acres. Receiving streams unnamed tributary to Dunkard Creek, Dunkard Creek to the Monongahela River. Application received November 26, 1996.

**02960902. ACV Power Corporation** (P. O. Box 402, Emlenton, PA 16373). Application received for commencement, operation and reclamation of an incidental coal extraction operation located in West Deer Township, **Allegheny County**, affecting 14.0 acres. Receiving streams two unnamed tributaries to Bull Creek. Application received November 14, 1996.

**04960101. Kerry Coal Company** (P. O. Box 19, Portersville, PA 16051). Application received for commencement, operation and reclamation of a bituminous surface mine located in South Beaver Township, **Beaver County**, affecting 224.0 acres. Receiving streams unnamed tributaries to Brush Run to North Fork Little

Beaver Creek to Little Beaver Creek to the Ohio River. A social and economic justification is included. Application received November 26, 1996.

**03930106. Dutch Run Coal, Inc.** (A02-366, Shelocta, PA 15774). Revision received for a change in land use from forestland to pastureland/land occasionally cut for hay on an existing bituminous surface mine located in Burrell Township, **Armstrong County**. Revision received: December 5, 1996.

**03910108R. Stitt Coal Co., Inc.** (R. R. 1, Box 197A, Ford City, PA 16226). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Kittanning Township, **Armstrong County**. Receiving streams Garretts Run watershed. Renewal application received: December 11, 1996.

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

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a U. S. Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306, 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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

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

**E15-454. Encroachment. Citizens Home Utilities Water Co.**, 4 Wellington Blvd., Wyomissing, PA 19610. To amend permit E15-454 for the following work: To remove an existing intake structure and to construct a concrete intake structure in the Schuylkill River and along the southern bank of the Schuylkill River. This work is located in the Royersford Water Treatment Plant property (Phoenixville, PA Quadrangle N: 12.25 inches; W: 10.0 inches) in East Vincent Township, **Chester County**.

**E46-757. Encroachment. Maple Village**, 2815 Byberry Road, Hatboro, PA 19040. To construct and maintain a stormwater management facility associated with Maple Village Subdivision Development which will impact a 0.14 acre body of water (POW) and 145 L. F. of unnamed tributary to Pennypack Creek (WWF). The site is located on the northwest corner of Byberry and Orangeman's

Roads (Hatboro, PA Quadrangle N: 8.00 inches; W: 12.90 inches) in Upper Moreland Township, **Montgomery County**.

*DEP Central Office, Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**D30-046.** Dam. **Cyprus Emerald Resources Corporation**, 145 Elm Drive, Waynesburg, PA 15370. To construct, operate and maintain a slurry impoundment impacting 7,136 linear feet of perennial (5,003 feet) and intermittent (2,133 feet) tributaries to Smith Creek (WWF). The proposed project site is located approximately 1,500 feet west of the intersection of Township Road T-521 and State Route 218 (Waynesburg, PA Quadrangle N: 1.45 inches; W: 11.05 inches) in Franklin Township, **Greene County**.

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

**E06-485.** Encroachment. **Charles and Theresa Ziegler**, 1279 Powder Mill Hollow Road, Boyertown, PA 19512. To place fill in 0.3 acre of wetlands adjacent to Ironstone Creek at a point along the north side of South Reading Avenue approximately 300 feet west of the intersection of South Reading Avenue and Mill Street (Boyertown, PA Quadrangle N: 13.8 inches; W: 3.5 inches) in Colebrookdale Township, **Berks County**.

**E07-275.** Encroachment. **New Enterprise Stone & Lime Co., Inc.**, P. O. Box 77, Church Street, New Enterprise, PA 16664. To construct and maintain a single span concrete foot bridge having a span of about 40 feet and an underclearance of about 4.0 feet across Halter Creek to provide access from a proposed parking area to existing office and maintenance buildings located about 500 feet east of SR 0036 about 1.0 mile north of Roaring Springs Boro (Roaring Springs, PA Quadrangle N: 17.3 inches; W: 4.0 inches) in Taylor Township, **Blair County**.

**E22-356.** Encroachment. **City of Harrisburg**, City Government Center, 10 North Second St., Harrisburg, PA 17101. To construct and maintain a 100 foot by 78 foot-6 inch building on City Island along the Susquehanna River at a point approximately 300 feet upstream of the Walnut Street Bridge (Harrisburg West, PA Quadrangle N: 0.8 inch; W: 1.8 inches) in the City of Harrisburg, **Dauphin County**.

**E34-085.** Encroachment. **Dept. of Transportation**, Engineering District 2-0, George Khoury, 1924-30 Daisy Street, Clearfield, PA 16830. To replace an existing structure with a 25 foot x 7 foot-6 inch pre-cast box culvert in the channel of Lick Run at a point at SR 3020 (Blairs Mills, PA Quadrangle N: 18.85 inches; W: 3.35 inches) in Lack Township, **Juniata County**.

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

**E45-314.** Encroachment. **Eldred Township Supervisors**, P. O. Box 600, Kunkletown, PA 18058. To maintain a road crossing of Borger Creek (CWF, MF), consisting of an open-bottom corrugated metal culvert having a span of 19.0 feet and an underclearance of approximately 5.1 feet. Removal of the previously-existing flood damaged structure and construction of the existing structure was authorized by Emergency Permit No. EP4596409. The project is located on Township Road T-354 (known locally as 57 Road), approximately 250 feet upstream of the Carbon/

Monroe county line (Palmerton, PA Quadrangle N: 19.6 inches; W: 0.2 inch) in Eldred Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E66-109.** Encroachment. **Kane Properties, Inc.**, P. O. Box 931, Scranton, PA 18501-0931. To place fill in approximately 0.21 acre of PEM wetlands for the purpose of constructing a loading dock area associated with the proposed warehouse addition to the existing freight facility. The project is located on the east side of S. R. 0006, just north of the intersection of S. R. 0006 and Township Road T397 (Mile Road) (Tunkhannock, PA Quadrangle N: 11.5 inches; W: 12.3 inches) in Tunkhannock Township, **Wyoming County** (Baltimore District, Army Corps of Engineers).

**E66-110.** Encroachment. **Pennsylvania Electric Company**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001. To construct and maintain an aerial crossing of the Susquehanna River (WWF) by a 34.5 KV electric distribution line to provide electrical service to Wyoming Sand and Stone Company. The project is located approximately 0.15 mile upstream from the mouth of Meshoppen Creek (Meshoppen, PA Quadrangle N: 20.9 inches; W: 7.5 inches) in Mehoopany Township and Meshoppen Borough, **Wyoming County** (Baltimore District, Army Corps of Engineers).

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

**E14-299.** Encroachment. **State College Borough Water Auth.**, c/o Max G. Gill, 1201 West Branch Rd., State College, PA 16801. To construct and maintain a stream enclosure to carry a rough grade road across an unnamed tributary to Buffalo Run that provides access strictly for the operation and maintenance of a municipal water supply line. The proposed stream enclosure shall be constructed with two corrugated metal culvert pipes that have a diameter of 6.0 feet and a length of 235.0 feet. The project is located along southern right-of-way of SR 0322 approximately 1.9 miles south of the intersection of Scotia Range Road and SR 0322 (Julian, PA Quadrangle N: 9.5 inches; W: 12.5 inches) in Patton Township, **Centre County**. Estimated stream disturbance is 268.0 feet with no wetland impact; stream classification is High Quality-Cold Water Fishery.

**E41-395.** Encroachment. **Daniel Dutton**, 2826 Oakland Drive, Condo 4, Billings, MT 59102. To reconstruct and maintain the superstructure and abutments of an existing bridge, placing riprap at the wingwalls as necessary on a private road over Mill Creek immediately off SR 864, 0.6 mile east of SR 087 (Montoursville North, PA Quadrangle N: 5.25 inches; W: 2.88 inches) in Upper Fairfield Township, **Lycoming County**.

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

**E30-174.** Encroachment. **Greene County Commissioners**, 93 E. High St., Waynesburg, PA 15370. To remove existing structure known as Bridge No. 25 (TR 555) and to construct and maintain a 121.75-foot normal clear span with an underclearance of 13.9 feet over South Fork of Ten Mile Creek (WWF) located approximately 2,000 feet south of SR 188 (Mather, PA Quadrangle N: 7.35 inches; W: 15.5 inches) in Morgan and Jefferson Townships, **Greene County**.

**E32-381.** Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a pre-

cast reinforced concrete box culvert having a single span of 15.0 feet with an underclearance of 3.5 feet and a length of 36 feet in south branch Cush Creek (CWF). The culvert invert is to be depressed 1.0 foot. The bridge is located on SR 1034, 100 feet west of its intersection with SR 1033 (Rochester Mills, PA Quadrangle N: 8.1 inches; W: 1.8 inches) in Montgomery Township, **Indiana County**.

**E32-382.** Encroachment. **Dept. of Transportation**, P. O. Box 429, Indiana, PA 15701. To remove existing structure and to construct and maintain a 44-long, twin-cell box culvert 14.0' x 9.0' with a 1-foot depressed invert in Cush Creek (CWF) for the purpose of realigning SR 0286; and to place and maintain fill in 0.098 acre of wetlands (EM) with proposed stabilization of abandoned mine spoil in lieu of wetland replacement. The project is located approximately 1.0 mile north of Arcadia (Burnside, PA Quadrangle N: 7.4 inches; W: 14.2 inches) in Montgomery Township, **Indiana County**.

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

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

**WA 10-921A.** Subsidiary Water Allocation. **Center Township Water Department**, 419 Sunset Drive, Butler, PA 16001. Applicant submitted revision to original request for the continued right to purchase bulk water from PA American Water Company—Butler District. This revised proposal is to increase the projected amount from 255,135 gpd to 320,880 gpd. Original application published at 26 Pa.B. 3945 (August 17, 1996).

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## ACTIONS

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

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

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

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### *Permits Issued*

*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. PA0056979.** Sewerage. **Jonathan Kimmel**, 46 Tanguy Road, Glen Mills, PA 19342 is authorized to discharge from a facility located in Thornbury Township, **Delaware County** into an unnamed tributary of Chester Creek.

**NPDES Permit No. PA0026662.** Amendment No. 1. Sewerage. **City of Philadelphia Water Department**, ARA Tower at Reading Center, 1101 Market Street, Philadelphia, PA 19107-2994 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware River Zone 3: 001-017 and 020-037 and Schuylkill River: 038.

**NPDES Permit No. PA0026671.** Amendment No. 1. Sewerage. **City of Philadelphia Water Department**, ARA Tower at Reading Center, 1101 Market Street, Philadelphia, PA 19107-2994 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware River Zone 4: 001, Schuylkill River: 002-040 and 073-077; Cobbs Creek: 041-072.

**NPDES Permit No. PA0026689.** Amendment No. 1. Sewerage. **City of Philadelphia Water Department**, ARA Tower at Reading Center, 1101 Market Street, Philadelphia, PA 19107-2994 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware River Zone 3: 001-022 and 058; Pennypack Creek: 023-027; Tacony Creek: 028-041 and 059-060; Frankford Creek: 042-057.

**NPDES Permit No. PA0052515.** Industrial waste. **Ambler Borough Water Department**, 122 East Butler Avenue, Ambler, PA 19002-4476 is authorized to discharge from a facility located in Whitmarsh Township, **Montgomery County** into Wissahickon Creek.

*Northcentral Regional Office, Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit No. NPDES PAG044915.** Sewerage. **R. George and Julia M. Kritzer**, R. R. 1 Box 82-1, Woodland, PA 16881. Permit application has been approved for single residence sewage treatment plant, to be located at Bradford Township, **Clearfield County**.

**Permit No. NPDES PAG044916.** Sewerage. **Al Hamilton**, P. O. Box 157, Manheim, PA 17454. Permit application has been approved for single residence sewage treatment plant to be located at Bradford Township, **Clearfield County**.

**Permit No. NPDES PA0114961.** Sewerage. **Hughesville-Wolf Township Joint Sewer Authority**, R. R. 3 Box 167, Hughesville, PA 17737. Renewal Application has been approved for the discharge of sewage to Muncy Creek, located at Wolf Township, **Lycoming County**.

**Permit No. NPDES PAG044918.** Sewerage. **Bradley Jones**, P. O. Box 212, Woodland, PA 16881. Applicant has been approved for a single residence sewage treatment system located in Bradford Township, **Clearfield County**.

**Permit No. NPDES PA0101290.** Sewerage. **Sandy Township Board of Supervisors**, P. O. Box 267,

Dubois, PA 15801. Renewal application has been approved for discharge from facility located at Sandy Township, **Clearfield County**.

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

**NPDES Permit No. PA0090964. CQ, Inc.**, R. R. 2, Box 2113, Homer City, PA 15748 is authorized to discharge from a facility located at Center Township, **Indiana County** to a named tributary of Cherry Run.

**NPDES Permit No. PA0095851.** Amendment No. 1. Sewage. **Donald and Marie Shaffer**, Roof Garden Court, R. D. 7, Box 55, Route 281 North, Somerset, PA 15501 is authorized to discharge from a facility located at Roof Garden Mobile Home Court STP, Somerset Township, **Somerset County**.

**NPDES Permit No. PA0096717.** Sewage. **Penn Cambria School District**, 201 6th Street, Cresson, PA 16630 is authorized to discharge from a facility located at

Penn Cambria Primary STP, Lilly Borough, **Cambria County** to Bear Rock Run.

**NPDES Permit No. PA0111597.** Sewage. **Westmont Hilltop Recreation Commission**, 1000 Edgehill Drive, Johnstown, PA 15905 is authorized to discharge from a facility located at Westmont Hilltop Recreation Commission STP, Upper Yoder Township, **Cambria County** to unnamed tributary to Allwine Creek.

**NPDES Permit No. PA0205087.** Sewage. **Rockwood Real Estate**, R. D. 2, Box 208, Rockwood, PA 15557 is authorized to discharge from a facility located at Scotlyland Camping Resort STP, Middle Creek Township, **Somerset County** to Lost Creek.

**NPDES Permit No. PA0217450.** Sewage. **Dennis F. Creighton**, R. D. 2, Box 478, New Alexandria, PA 15670 is authorized to discharge from a facility located at Dennis F. Creighton Plan Sewage Treatment Plant, Fennelton Road, Salem Township, **Westmoreland County** to an unnamed tributary of Whitethorn Creek.

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

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

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>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10-5312	American Stores Properties, Inc. P. O. Box 30658 Salt Lake City, Utah 84130-0658	City of Philadelphia Philadelphia County	Pauls Run

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### The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS 10S046	S.I.D.E. Corporation P. O. Box 1050 Blakeslee, PA 18610	Monroe Co. Tobyhanna Twp.	Goose Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-J035	County of Delaware Government Center Building Media, PA 19063	Concord Township Delaware County	West Branch Chester County

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

**PAS-10-H054.** Individual NPDES. **North Middleton Township Board of Supervisors**, 211 North Middleton Road, Carlisle, PA 17013. To implement an

Erosion and Sedimentation Control Plan for the Township's Municipal Campus on 30.85 acres in North Middleton Township, **Cumberland County**. The project is located along the right bank of the Conodoguinet Creek downstream of PA 34 bridge (Carlisle, PA Quadrangle N: 20.7 inches; W: 7 inches). Drainage will be the Conodoguinet Creek.



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

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*Permits Issued*

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

**Permit No. 1596203.** Industrial waste. **To-Jo Mushrooms, Inc.** (974 Penn Green Road, Avondale, PA 19311). Construction and operation of the industrial wastewater treatment plant located in New Garden Township, **Chester County** to serve To-Jo Mushrooms.

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

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*Northeast Regional Office, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.*

*Location:* **Trexler Park Multi-family, a.k.a. West Ridge** located on the south side of Springhouse Road, City of Allentown, **Lehigh County**.

*Project Description:* This project proposes a townhouse and apartment development on a 60.0 acre tract. The 196 townhouses and 114 apartments will be built in several phases. The project will be served by an extension of the City of Allentown Sanitary Sewer System, connecting at an existing manhole at Springhouse Road and Benner Road. Sanitary sewer service will be by gravity in 8" diameter main sewer lines with 6" diameter house laterals to the property line. The proposed 75,400 gpd of sanitary flows will be conveyed and treated by City of Allentown Municipal facilities. Public water will be provided to the project by the City of Allentown.

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

*Location:* **Bulltown/Remaley Road Sewer Extension Project.** The sewer lines will be extended along Bulltown and Remaley Roads. Municipality of Murrys ville, **Westmoreland County**.

*Project Description:* Approval of a revision to the Official Sewage Plan of Municipality of Murrys ville, Westmoreland County. Project involves the installation of approximately 25,000 lineal feet of 8-inch and 10-inch diameter PVC sanitary sewer pipe, precast concrete manholes and appurtenances. This sewer project will provide service to 132 existing residences located along Bulltown and Remaley Roads. The sewage is to be conveyed and treated at the Franklin Township Municipal Sanitary Authority's Meadowbrook Road Water Pollution Control Plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Location:* **Samel C. Davis** single resident sewage treatment plant. East side of F. R. 0819 across from the Jacobs Creek Methodist Church, south of the Borough of Scottdale, in East Huntingdon Township, **Westmoreland County**.

*Project Description:* Approval of a revision to the official Sewage Facilities Plan of East Huntingdon Township, Westmoreland County. Project involves the construction of a single resident sewage treatment plant to serve a proposed dwelling located along F. R. 0819. Treated effluent is to be discharged to Jacobs Creek.

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**Plan revision approval granted November 26, 1996, under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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*Southcentral Regional Office, Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110-3999.*

*Location:* **Gary Discavage Single Residence Experimental Sewage Treatment Plant.** One mile east of Route 22 along T-463.

*Project Description:* Approval of a revision to the Official Plan of Catherine Township, Blair County. Project involves construction of a small flow experimental treatment facility to serve an existing house and cottage located 1 mile east of Route 22 along T-463. Treated effluent is to be discharged to the existing soil via trenches. Any required Water Quality Permits must be obtained in the name of the property owner.

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**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.**

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*Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.*

**Permit No. 603447. U. S. Army Corps of Engineers Raystown, U. S. Army Corps of Engineers (R. R. 1, Box 222, Hesston, PA 16647).** Application for operation of an agricultural utilization of sewage sludge in Hopewell Township, **Huntingdon County**. Permit issued in the Regional Office December 10, 1996.

*Override Justification:*

Hopewell Township has opposed the issuance of an agricultural utilization of sewage sludge permit to the U. S. Army Corps of Engineers at the Lake Raystown site in Hopewell Township, Huntingdon County. The Township maintains there are other sites, outside Hopewell Township, that would be suitable for the land application of sewage sludge.

As the Municipal Waste Regulations do not prescribe how an applicant selects a site location, other than through technical siting criteria, and as it has been determined that all technical and administrative requirements of the regulations have been satisfied by the applicant, the Department has issued a permit for the Lake Raystown site.

**Permit No. 602497. Reuben Weaver Farm, Ephrata Borough Authority** (114 East Main Street, Ephrata, PA 17522). Application for modification of an agricultural utilization of sewage sludge site in Ephrata and West Cocalico Townships, **Lancaster County**. Permit issued in the Regional Office December 11, 1996.

**Permit No. 400556. Bridgeview, Inc.** (R. R. 1, Box 364, Morgantown, PA 19543). Application for modification for the addition of a Chem-Clav processing unit to a site in Robeson Township, **Berks County**. Permit issued in the Regional Office December 11, 1996.

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

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

**A. 301259. Post Precision Casting, Post Precision Castings, Inc.** (P. O. Box 4, Strausstown, PA 19559). Application for construction and Operation of a Class III residual waste landfill site Upper Tulpehocken Township, **Berks County**. Application withdrawn from the Regional Office December 5, 1996.

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

*Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, telephone (717) 327-3653.*

**Permit No. 101649** (originally 301106). Permit Modification. **Phoenix Resources Inc. Construction/Demolition Facility, Phoenix Resources, Inc.** (P. O. Box 38, Blossburg, PA 16912). Modification to residual waste landfill to convert to a construction/demolition landfill located in Duncan Township, **Tioga County**. Permit issued in the regional office on December 12, 1996.

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

**Permit No. 603444. Community Sewage, Inc.**, operated by Ronald L. Lasher, R. D. 1, Box 248, Fort Run Road, Ford City, PA. Operation of a municipal waste processing facility in Manor Township, **Armstrong County**. Permit issued in the Regional Office on December 4, 1996.

**Permit No. 100620. BFI-Imperial Landfill, Brown-ing-Ferris Industries of Pennsylvania, Inc.** P. O. Box 47, Route 980 and Boggs Road, Imperial, PA 15126. Operation of a municipal waste landfill in Findlay Township, **Allegheny County**. Permit modification issued in the Regional Office on December 5, 1996.

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

*Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

A Plan Approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **64-310-004E**

Source: Stone Crushing Plant w/Waterspray

Issued: November 22, 1996

Company: **Milestone Materials Incorporated**

Location: Lake Township

County: **Wayne**

**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*

**11960201. Smith Energy, Inc.** (1075 Chestnut Street, Nanty Glo, PA 15943), commencement, operation and restoration of a bituminous strip mine (coal refuse reprocessing) in Nanty Glo Borough, **Cambria County**, affecting 7.4 acres, receiving stream Pergrin Run, application received August 8, 1996, permit issued December 10, 1996.

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

**65960105. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Permit issued for commencement, operation, and restoration of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 165.6 acres. Receiving streams unnamed tributary to Stony Run and Stony Run. Application received March 5, 1996. Permit issued: November 25, 1996.

**03950112. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation, and restoration of a bituminous surface mine located in Madison Township, **Armstrong County**, affecting 55.0 acres. Receiving streams unnamed tributaries to Mahoning Creek. Application received June 6, 1996. Permit issued: December 4, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**17920114. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine permit from James I. Cowfer Contracting, Inc., affecting 61.7 acres in Decatur Township, **Clearfield County**. Receiving streams an unnamed tributary of Little Beaver Run to Little Beaver Run, Little Beaver Run to Beaver Run, Beaver Run to Moshannon Creek; Moshannon Creek to west branch Susquehanna River, and north branch Morgan Run to Upper Morgan Run; Upper Morgan Run to Clearfield Creek; Clearfield Creek to west branch Susquehanna River, application received July 12, 1996.

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

**32841302. Greenwich Collieries Division of Pennsylvania Mines Corporation** (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Greenwich North no. 1 and south no. 2 bituminous deep mine in Green Township, **Indiana County** for reclamation only, no additional discharge. Permit issued December 11, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

*Large Industrial Mineral Permits Issued*

**4775SM1. John H. Bradshaw** (R. D. 2, Box 111A, Tioga, PA 16946), transfer of an existing Large Industrial Mineral (Sand and Gravel) permit from Gordon C. Martin Construction, Lawrence Township, **Tioga County** affecting 42 acres, receiving streams: unnamed tributary to

Tioga River to Chemung River to Susquehanna River, application received December 6, 1995, permit issued December 3, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

*Small Industrial Mineral Authorizations Granted*

**59960804. Copley Sand and Gravel** (R. D. 1, Box 139, Covington, PA 16917), commencement, operation and restoration of a Small Industrial Mineral (Gravel) Permit in Delmar Township, **Tioga County** affecting 1 acre, application received March 26, 1996, authorization granted December 10, 1996.

**53960809. Fessenden Construction Company, Inc.** (P. O. Box 271, Roulette, PA 16746), commencement, operation and restoration of a Small Industrial Mineral (Rock Quarry) Permit in Roulette Township, **Potter County** affecting 2 acres, application received November 1, 1996, authorization granted December 10, 1996.

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

*Coal Applications Returned*

**04900102R. Kerry Coal Company** (P. O. Box 19, Portersville, PA 16051). Renewal application returned for continued reclamation of a bituminous surface mine located in Darlington Township, **Beaver County**. Receiving streams Dilworth Run/Coalbank Run watersheds. Renewal application received: October 30, 1995. Renewal application returned: November 25, 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, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a))** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

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*Permits Issued and Actions on 401 Certifications:*

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

**E23-348. Encroachment. Kimberly-Clark Tissue Company**, Front and Avenue of the States, Chester, PA 19013. To construct and maintain an approximately 515-foot long, steel sheet pile structure and to reconstruct and maintain a 24-inch steel pipe stormwater outlet structure within the Kimberly-Clark Tissue Company property at the upriver confluence of the Delaware River (WWF-MF) and Chester Creek (WWF-MF). This steel sheet pile structure is a rehabilitative measure for an existing deteriorated bulkhead of a low deck pier. The site is situated 1,100 feet south of the intersection of Second Street and the Avenue of the States (Bridgeport, NJ-PA USGS Quadrangle N: 16.80 inches; W: 15.25 inches) in the City of Chester, **Delaware County**.

**E51-153. Encroachment. Schuylkill Yankee Realty**, 61st and West Passyunk Avenue, Philadelphia, PA 19153. To operate and maintain an existing dock, four piling clusters and a transfer barge pier in and along the western bank of the 100-year floodplain of the Schuylkill River (WWF) on Schuylkill Yankee Realty property (a.k.a. Yankee Point Terminal). The site is located approximately 3,000 feet south of the Passyunk Avenue Bridge, at 61st Street and West Passyunk Avenue (Philadelphia, PA-NJ Quadrangle N: 7:00 inches; W: 12.00 inches) in the City and **County of Philadelphia**. 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.*

**E40-453. Encroachment. MapleMoor, Inc.**, 147 Hayfield Road, Shavertown, PA 18708-9748. To excavate in 0.84 acre of wetlands for the purpose of increasing the storage capacity of an existing irrigation pond serving the Huntsville Golf Course. The project is located on the east side of T-587, approximately 2,000 feet southwest of the intersection of T-587 and T-795 (Harveys Lake, PA Quadrangle N: 9.7 inches; W: 1.9 inches) in Lehman Township, **Luzerne County**. The permittee is required to provide 0.87 acre of replacement wetlands.

**E58-212. Encroachment. Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To place fill in 0.27 acre of wetlands, to remove the existing superstructure and to construct and maintain a prestressed concrete spread box beam bridge having a span of 76 feet and an underclearance of approximately 15 feet across Trowbridge Creek along the southbound lanes of Interstate 81. The bridge will also be widened by 14 feet to accommodate an acceleration lane for a proposed welcome center to be constructed in the 100-year floodplain of Trowbridge Creek. This project is located on the north side of Trowbridge Creek between S. R. 0081 and S. R. 0011 (Great Bend, PA Quadrangle N: 19.8 inches; W: 16.9 inches) in Great Bend Township, **Susquehanna County**. The permittee is required to provide 0.33 acre of replacement wetlands.

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

**E41-388. Encroachment. Jersey Shore Borough**, 232 Smith St., Jersey Shore, PA 17740. To construct and maintain approximately 731 cubic yards of fill in a manmade gully adjacent to the existing garage and office

building of the Jersey Shore Borough Sewage treatment plant in the floodway fringe of the west branch of the Susquehanna River. The project is located at the north end of Pennsylvania Ave. (Jersey Shore, PA Quadrangle N: 14.9 inches; W: 0.6 inch) in Jersey Shore Borough, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

**E59-327.** Encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To install and maintain streambed paving, partial jacketing on abutments, and a new deck slab on an existing bridge across Bailey Creek. The project is located on SR 1013 about 300 feet north of SR 1011 (Millerton, PA Quadrangle N: 4.5 inches; W: 14.8 inches) in Rutland Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E06-482.** Encroachment. **Parker R. Biery**, P. O. Box 68, 1 Kukenbucher Road, Long Pond, PA 18334. To construct and maintain two golf cart bridges across an unnamed tributary to Mill Creek for the purpose of developing a 9-hole golf course and a 3-lot residential subdivision located on the west side of Walnut Road (T-742) about 1,500 feet north of its intersection with Hex Highway (SR 4028) (Auburn, PA Quadrangle N: 7.4 inches; W: 3.8 inches) in Tilden Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E06-483.** Encroachment. **Neill J. Dekker**, Berks County, 1713 Lehigh Street, Allentown, PA 18103. To construct a temporary detour bridge across the channel of Maiden Creek at a point approximately 100 feet upstream of Route 143 (Hamburg, PA Quadrangle N: 4.5 inches; W: 0.1 inch) in Perry and Greenwich Townships, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-248.** Encroachment. **North Middleton Township**, 211 North Middleton Road, Carlisle, PA 17013. To place fill material in 0.81 acre of wetland in order to construct the North Middleton Township Municipal Campus located along the right bank of Conodoguinet Creek downstream of PA 34 bridge (Carlisle, PA Quadrangle N: 20.5 inches; W: 7.5 inches) in North Middleton Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-255.** Encroachment. **Department of Conservation and Natural Resources**, Bureau of Forestry District 1, ATTN: Kenneth Swartz, District Forester, Cumberland County, 10099 Lincoln Way East, Fayetteville, PA 17222-9609. To realign approximately 64 feet of the channel of Reservoir Hollow located on the left side of Milesburn Road about 2.8 miles south of Cleversburg Village (Caledonia Park, PA Quadrangle N: 22.2 inches; W: 11.67 inches) in Southampton Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-610.** Encroachment. **Gary L. Grossman**, 12 Fuhrman Road, Marietta, PA 17547. To construct and maintain two boulder retaining walls (total length of 220 L. F.)

and place backfill material within the floodway of a tributary to the Conestoga River, to provide vehicular access from Blanche Place to the rear of six townhouses at Emerald Valley (Lancaster, PA Quadrangle N: 3.7 inches; W: 9 inches) in the City of Lancaster, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E50-180.** Encroachment. **Juniata Township Supervisors**, Robert Gabel, Perry County, R. D. 3 Box 65AA, Newport, PA 17074. To remove an existing twin culvert and to construct and maintain a reinforced concrete box culvert having a span of 7.0 feet and a rise of 4.0 feet in an unnamed tributary to Buffalo Creek for roadway maintenance purposes located on Frog Hollow Road (T-376) about 0.2 mile south of its intersection with SR 0849 (Ickesburg, PA Quadrangle N: 14.45 inches; W: 1.55 inches) in Juniata Township, **Perry County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-572.** Encroachment. **Daniel Petre and Ester C. Petre**, Rt. 3 Box 3501, Seven Valleys, PA 17360. To place fill measuring approximately 190 feet by 10 feet by 3 feet deep in the floodway of a tributary to Codorus Creek to build a new dairy barn located on the south side of Wolfs Church Road (West York, PA Quadrangle N: 13.6 inches; W: 8.1 inches) in West Manchester Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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**Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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*Southeast Regional Office, Bureau of Water Supply and Community Health, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

*Permit Issued*

**WA-23-275B.** Water allocation. **City of Chester, Delaware County**. The right to sell 6.0 million gallons per day, based on a 30-day average, from Chester Water Authority to Artesian Water Company.

*Type of Facility:* Water supply.

*Consulting Engineer:* Robert W. Naef, Chester Water Authority, P. O. Box 467, Chester, PA 19016.

*Permit Issued:* December 6, 1996.

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

**Permit No. 0996515.** Public water supply. **Warwick Township Water and Sewer Authority**, Thomas Courduff, 2242 York Road, Jamison, PA 18929. For the construction of the Windrush Storage Tank and Booster Pump Station in Warwick Township, **Bucks County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* Carroll Engineering Corporation, 949 Easton Road, Suite 100, Warrington, PA 18976.

*Permit to Construct Issued:* December 5, 1996.

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**SPECIAL NOTICES**


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**Registered and Certified Emission  
Reduction Credits**

The following emission reduction credits (ERCs) have been approved, registered and certified by the Department of Environmental Protection (Department), Commonwealth of Pennsylvania. ERCs are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department has established a computerized ERC registry system, under 25 Pa. Code § 127.209, to provide for the registration, certification and tracking of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. Following certification of the ERCs, they may be used for either of the following purposes:

(1) To satisfy new source review (NSR) emission offset ratio requirements;

(2) To “net-out” of NSR at ERC-generating facilities;

(3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown below, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—208. ERCs created from the curtailment or shutdown of a source or facility expire for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or U. S. Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. A copy of this notice is also posted on the DEP World Wide Web Site at <http://www.dep.state.pa.us> (choose Environmental Subjects/Air Quality/Permit Information/ERC Registry files).

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs amount (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Lord Corporation Source: Two coal fired boilers Source Location: Erie Facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	NOx	30.5	12/20/2004	Trading
Lord Corporation Source: Vapor degreaser (ID # 117) Source Location: Erie facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	VOCs	8.5	08/08/2004	Trading
Lord Corporation Source: Vapor degreaser (ID # 122) Source Location: Erie facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	VOCs	14.9	06/30/2005	Trading
Julian B. Slevin Co. Inc. Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact Person: Ronald W. Lockhart Telephone Number: (610) 388-0337	VOCs	85.22	12/20/2005	Trading
Graphic Controls Corporation Recipient: RIDC Southwestern Pennsylvania Growth Fund Ozone nonattainment status: Moderate Contact Person: F. Brooks Robinson Telephone Number: (412) 471-3939	VOCs	106.0	5/15/2002	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs amount (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Package Service Co. Inc. Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	VOCs	39.6	3/31/2002	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York Telephone Number: (717) 293-2056	VOCs	132.0		Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment status: Severe Contact Person: Robert Wallace Telephone Number: (215) 632-2300	VOCs	538.0		Trading

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**Status Report for Emission Reduction Credit (ERC) Registry Applications**

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The following Emission Reduction Credit (ERC) Registry Applications and requests for ERCs have been received by the Bureau of Air Quality, Department of Environmental Protection (Department), Commonwealth of Pennsylvania. In addition to ERC Registry Applications submitted directly to the Department, ERC Registry Applications reviewed and approved initially by the Allegheny County Health Department (Allegheny County), and Philadelphia Department of Public Health, Air Management Services (Philadelphia County) are also submitted to the Department for review and approval to verify compliance with applicable ERC requirements in 25 Pa. Code §§ 127.206—127.208 prior to registration of the ERCs in the Statewide ERC Registry system.

The ERC Registry Applications, requesting ERCs primarily for VOCs and NO<sub>x</sub>, are currently under review by the Department unless otherwise indicated in the "Status of ERC Registry Application" column. For New Source Review (NSR) purposes, the entire Commonwealth is considered nonattainment for ozone because of the Commonwealth's inclusion in the Ozone Transport Region (OTR). Southeastern Pennsylvania (Bucks, Chester, Delaware, Montgomery and Philadelphia counties) is classified as a "severe" ozone nonattainment area and the remainder of the Commonwealth is considered a "moderate" ozone nonattainment area. VOC and NO<sub>x</sub> credits generated in a moderate ozone nonattainment area can not be traded to a facility located in a severe ozone nonattainment area. However, VOC or NO<sub>x</sub> credits generated in a severe ozone nonattainment area may be traded to a facility located in a moderate ozone nonattainment area which is either within 200 kilometers or 2 days upwind of the ERC-generating facility.

**Allegheny County Health Department, Allegheny County**

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Graphic Controls Corporation Recipient: RIDC Southwestern Pennsylvania Growth Fund Ozone nonattainment status: Moderate Contact Person: F. Brooks Robinson Telephone Number: (412) 471-3939	VOCs	106.0	ERCs approved and certified on 11/14/1996	Trading
Graphic Controls Corporation Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NO <sub>x</sub>	5.0	Technical review completed	Trading
Package Service Co. Inc. Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	VOCs	39.6	ERCs approved and certified on 11/14/96	Trading
Charles Bluestone Company Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NO <sub>x</sub> VOCs	1.75 44.7	Technical review completed	Trading
Green Valley Dry Cleaners Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	VOCs	55.8	Currently under review	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
O. Hommel Company Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NOx VOCs	22.0 8.0	Currently under review	Trading
United States Steel Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NOx VOCs SOx PM	263.1 85.5 78.2 70.2	Currently under review	Trading
Smith-Steelite Ozone nonattainment status: Moderate Contact Person: Wm. K. Shadle Telephone Number: (412) 299-8167	VOCs	7.32	Technical review completed	Trading

**Department of Public Health, Air Management Services, Philadelphia County**

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Sun Refining Co. Ozone nonattainment status: Severe Contact Person: D. E. Tormey Telephone Number: (215) 339-7167	VOCs	41.8	Pending Federal enforceability	Trading
Sun Refining Co. Ozone nonattainment status: Severe Contact Person: D. E. Tormey Telephone Number: (215) 339-7167	VOCs	22.0	Pending Federal enforceability	Trading
Crown Cork & Seal Co. Inc. Ozone nonattainment status: Severe Contact Person: Michael A. Antry Telephone Number: (215) 698-5308	VOCs	171.8	Pending Federal enforceability	Trading
U. S. Naval Hospital Ozone nonattainment status: Severe Contact Person: Mark Donato Telephone Number: (215) 897-1809	NOx	30.5	ERCs approved and certified on June 10, 1996	Trading
Anzon, Inc. Ozone nonattainment status: Severe Contact Person: William J. Duffin Telephone Number: (215) 427-3000	NOx VOCs SOx	9.1 0.18 13.1	Currently under review	Trading
Rohm & Haas Ozone nonattainment status: Severe Contact Person: Trena H. Attipoe Telephone Number: (215) 537-4000	VOCs	33.6	Technical review completed	Trading
Kurz Hastings Inc. Ozone nonattainment status: Severe Contact Person: Robert Wallace Telephone Number: (215) 632-2300	VOCs	538.0	ERCs approved and certified on 11/15/96	Trading and Internal use
Allied Signal Inc. Ozone nonattainment status: Severe Contact Person: J. S. Bresland Telephone Number: (215) 533-3000	VOCs	1,385.0	Currently under review	Internal use and trading
Progress Lighting Inc. Ozone nonattainment status: Severe Contact Person: John A. Miller Telephone Number: (215) 289-1200	VOCs	31.5	Pending Federal enforceability	Trading

**Department of Environmental Protection  
Bureau of Air Quality, Region 1: Southeast**

(Bucks, Chester, Delaware and Montgomery Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone nonattainment status: Severe Contact Person: Belinda Wirth Telephone Number: (612) 778-6014	VOCs	641.95	Currently under review	Trading
Fasson Div. of Avery Dennison Corp. Source Location: Quakertown Ozone nonattainment status: Severe Contact Person: Roy R. Getz Telephone Number: (215) 538-6271	VOCs	360.00	Technical review completed	Trading
Fasson Div. of Avery Dennison Corp. Source Location: Quakertown Ozone nonattainment status: Severe Contact Person: Roy R. Getz Telephone Number: (215) 538-6271	VOCs	43.17	Currently under review	Trading
Rohm and Haas DVI Source Location: Bristol Ozone nonattainment status: Severe Contact Person: Robert J. O'Larnic Telephone Number: (215) 785-8219	VOCs	38.46	Currently under review	Trading
United States Steel Group Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: Roy Weiskircher Telephone Number: (412) 433-5914	NOx VOCs	1,420.0 18.1	ERCs approved and certified on June 10, 1996	Trading
Quebecor Printing Atglen, Inc. Source Location: Atglen County: Chester Ozone nonattainment status: Severe Contact Person: Diane E. Potts Telephone Number: (610) 593-5173	VOCs	270.00	Currently under review	Internal Use
Wyeth-Ayerst Laboratories, Inc. Source Location: Radnor County: Chester Ozone nonattainment status: Severe Contact Person: W. Fink Telephone Number: (610) 341-2635	NOx	10.75	Currently under review	Trading
Wyeth-Ayerst Laboratories, Inc. Source Location: West Chester County: Chester Ozone nonattainment status: Severe Contact Person: Glenn Miller Telephone Number: (610) 344-2557	NOx	7.80	Currently under review	Trading
Bayway Refining Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Carl Hess Telephone Number: (908) 523-6318	VOCs NOx	144.24 4.2	Currently under review	Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Robert G. Rucker Telephone Number: (609) 584-3271	VOCs NOx	194.6 9.7	Currently under review	Trading



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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Sun Refining and Marketing Company Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Heather Chelpaty Telephone Number: (610) 859-1175	NOx VOCs	215.58 63.75	Pending EPA's approval of RACT	Internal Use/ Trading
Brown Printing Company Source Location: East Greenville County: Montgomery Ozone nonattainment status: Severe Contact Person: William Booth Telephone Number: (215) 679-4451	VOCs	18.74	Technical review completed	Trading
Merck & Co., Inc. Source Location: West Point County: Montgomery Ozone nonattainment status: Severe Contact Person: Stacey L. Weaver Telephone Number: (215) 653-7712	NOx VOCs	0.21 0.02	Currently under review	Internal Use
Martin Marietta Astro Space Source Location: King of Prussia County: Montgomery Ozone nonattainment status: Severe Contact Person: Eileen Wisser Telephone Number: (215) 354-1085	NOx	6.78	Currently under review	Trading
SUPERPAC, INC. Source Location: Southampton County: Bucks Ozone nonattainment status: Severe Contact Person: Robert Stull Telephone Number: (215) 322-1010	VOCs	26.91	Currently under review	Trading
Jefferson Smurfit Corporation Source Location: Upper Providence Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Joseph Timcik Telephone Number: (610) 935-4000	VOCs	30.1	Pending EPA's approval of RACT	Internal Use
Julian B. Slevin Co. Inc. Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact Person: Ronald W. Lockhart Telephone Number: (610) 388-0337	VOCs	85.2	ERCs approved and certified on 12/09/96	Trading
Occidental Chemical Corp., Vinyls Division Source Location: Lower Pottsgrove Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Bradley A. Okoniewski Telephone Number: (610) 327-6505	NOx SOx	232.5 557.3	Pending EPA's approval of RACT	Internal Use
BG Packaging Source Location: Oaks Plant County: Montgomery Ozone nonattainment status: Severe Contact Person: Gerald R. Lawrence Telephone Number: (610) 666-1608	VOCs	10.5	Currently under review	Trading
Klearfold, Inc. Source Location: Valley Road County: Bucks Ozone nonattainment status: Severe Contact Person: Mike Rosica Telephone Number: (215) 343-9300	VOCs	4.01	Currently under review	Internal Use

**Region 2: Northeast Region**

(Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
American National Can Co. Source Location: Lehigh Valley County: Lehigh Ozone nonattainment status: Moderate Contact Person: Rohinton Rivetna Telephone Number: (312) 399-3392	VOCs	166.7	ERCs approved and certified on 3/30/96	Trading
Lafarge Corporation Source Location: Whitehall Plant County: Lehigh Ozone nonattainment status: Moderate Contact Person: Terry Dengler Telephone Number: (610) 261-3424	NOx VOCs	298.1 3.7	Technical review completed	Internal Use
ESSROC Materials, Inc. Source Location: Nazareth Plant III County: Northampton Ozone nonattainment status: Moderate Contact Person: F. L. Streitman Telephone Number: (610) 759-4210	NOx VOCs	585.0 2.9	Technical review completed	Internal Use
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone nonattainment status: Moderate Contact Person: T. E. Kreichelt Telephone Number: (610) 694-7450	VOCs	507.0	Pending EPA's approval of RACT	Trading

**Region 3: Southcentral Region**

(Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx VOCs	867.0 3.0	Pending EPA's approval of RACT	Trading
Bethlehem Steel Corporation Source Location: Steelton Plant County: Dauphin Ozone nonattainment status: Moderate Contact Person: James R. Hernjak Telephone Number: (717) 986-2454	NOx VOCs	26.47 2.91	Currently under review	Trading
DMi Furniture, Inc. Source Location: Gettysburg County: Adams Ozone nonattainment status: Moderate Contact Person: John Rothgerber Telephone Number: (812) 367-1020	VOCs	85.2	Pending EPA's approval of RACT	Trading
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact Person: David W. Warne Telephone Number: (717) 765-0746	VOCs	20.0	Pending EPA's approval of RACT	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Armstrong World Industries, Inc. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: Martha Loeffler Telephone Number: (717) 396-3608	VOCs	248.0	Currently under review	Internal Use
Garden State Tanning, Inc. Source Location: Fleetwood County: Berks Ozone nonattainment status: Moderate Contact Person: Chris R. Ehret Telephone Number: (610) 944-7601	VOCs	555.2	Currently under review	Internal use and trading
Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone nonattainment status: Moderate Contact Person: William E. Knight Telephone Number: (717) 355-4903	NOx VOCs	3.515 77.9	Currently under review	Trading
R. R. Donnelley & Sons Co. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York Telephone Number: (717) 293-2056	VOCs	132.0	ERCs approved and certified on 9/16/96	Internal Use
R. R. Donnelley & Sons Co. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York Telephone Number: (717) 293-2056	VOCs	15.0	Pending EPA's approval of RACT	Internal Use
Standard Steel, Division of Freedom Forge Source Location: Burnham County: Mifflin Ozone nonattainment status: Moderate Contact Person: Blair Echard Telephone Number: (717) 248-4911	NOx VOCs	66.06 0.52	Currently under review	Trading
C-P Converters, Inc. Source Location: York County: York Ozone nonattainment status: Moderate Contact Person: Mark Paules Telephone Number: (717) 764-1193	NOx	33.9	Currently under review	Trading
REXAM DSI Source Location: DSI-Reading Plant County: Berks Ozone nonattainment status: Moderate Contact Person: LeRoy H. Hinkle Telephone Number: (610) 916-4248	NOx VOCs SOx	9.42 158.8 51.05	Currently under review	Trading
Quakermaid Facility Division of Schrock Cabinet Co. Source Location: Leesport Ozone nonattainment status: Moderate Contact Person: Douglas McWilliams Telephone Number: (216) 479-8500	VOCs	104.9	Currently under review	Trading
The Glidden Company Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact Person: Bruce F. Maco Telephone Number: (610) 376-8320	VOCs	35.04	Currently under review	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact Person: D. David Hancock, Jr. Telephone Number: (215) 777-7811	VOCs	17.96	Currently under review	Trading
Hershey Foods Corporation Source Location: East Plant County: Dauphin Ozone nonattainment status: Moderate Contact Person: Charles Stoner Telephone Number: (717) 534-4692	NOx	258.0	Currently under review	Trading

**Region 4: Northcentral Region**

(Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Merck & Co. Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	VOCs	16.6	Emission reductions approved for netting purpose	Internal Use
American Home Foods, Incorporated Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact Person: Michael West Telephone Number: (717) 742-6639	NOx VOCs PM-10 SOx	94.15 12.88 36.79 228.29	Technical review completed	Internal use and trading
Merck & Co., Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	VOCs	3.4	ERCs approved and certified	Internal Use
Merck & Co., Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	NOx VOCs	319.1 11.7	Emission reductions approved for netting purpose	Internal Use
Merck & Co., Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	NOx VOCs	0.1 0.3	Currently under review	Internal Use
CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone nonattainment status: Moderate	VOCs NOx	0.55 39.28	Currently under review	Internal use and trading
E. I. DuPont de Nemours & Co., Inc. Source Location: N. Towanda Township County: Bradford Ozone nonattainment status: Moderate	VOCs	11.5	Currently under review	Internal use and trading
Masonite Corporation Source Location: Wysox Township County: Bradford Ozone nonattainment status: Moderate	VOCs	32.6	Currently under review	Internal use and trading
Brodart, Inc. Source Location: City of Williamsport County: Lycoming Ozone nonattainment status: Moderate	VOCs	15.6	Currently under review	Internal use and trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Ozone nonattainment status: Moderate Contact Person: Lee Chesney Telephone Number: (717) 275-1400	VOCs	29.28	Currently under review	Internal use and trading

**Region 5: Southwest Region**

Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
PPG Industries Source Location: Ford City County: Armstrong Ozone nonattainment status: Moderate Contact Person: Jerome Osheka Telephone Number: (412) 434-4149	NOx VOCs	13.0 9.0	Currently under review	Trading
Arco Chemical Source Location: Beaver Valley County: Beaver Ozone nonattainment status: Moderate Contact Person: Joseph McCay Telephone Number: (412) 773-2470	NOx VOCs	54.0 40.0	Technical review completed	Trading
Armstrong World Industries Source Location: Beaver Falls County: Beaver Ozone nonattainment status: Moderate Contact Person: Wayne Pease Telephone Number: (412) 843-5700	VOCs	6.0	Technical review completed	Internal Use
Bethlehem Steel Corp. Source Location: Ebensburg County: Cambria Ozone nonattainment status: Moderate Contact Person: David R. Layman Telephone Number: (814) 533-7113	NOx VOCs	163.3 0.8	Currently under review	Trading
Commercial Stone Company, Inc. Source Location: Connellsville County: Fayette Ozone nonattainment status: Moderate Contact Person: Joseph Pfohl Telephone Number: (412) 626-0080	NOx SOx	1.0 8.0	Technical review completed	Trading
Penelec Source Location: Homer City County: Indiana Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx	54.0	Pending EPA's approval of RACT	Trading
Corning Inc. Source Location: Charleroi Plant County: Washington Ozone nonattainment status: Moderate Contact Person: Joe Kane Telephone Number: (607) 974-6568	NOx	500.0	Pending EPA's approval of RACT	Trading
Standard Steel Source Location: Latrobe County: Westmoreland Ozone nonattainment status: Moderate Contact Person: Blair Echard Telephone Number: (717) 248-4911	NOx VOCs	14.0 0.04	Technical review completed	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Allegheny Ludlum Corp. Source Location: Vandergrift Plant County: Westmoreland Ozone nonattainment status: Moderate Contact Person: John Tishok Telephone Number: (412) 226-5030	NOx	9.2	Technical review completed	Trading
General Glass Industrial Corp. Source Location: Westmoreland County: Westmoreland Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NOx	518.0	ERCs approved and certified on July 1, 1996. These ERCs purchased by Sony Corp. on 9/20/96	Trading
Mace Security International, Inc. Source Location: Federal Laboratories County: Indiana Ozone nonattainment status: Moderate Contact Person: Richard Galt Telephone Number: (802) 447-1503	VOCs	33.5	Technical review completed	Trading
The Peoples Natural Gas Company Source Location: Laurel Ridge Station County: Cambria Ozone nonattainment status: Moderate Contact Person: Bill Runyan Telephone Number: (412) 471-5100	NOx VOCs CO	13.0 4.0 13.0	Pending EPA's approval of RACT	Internal Use

#### Region 6: Northwest Region

(Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
General Electric Company Source Location: Lawrence Park County: Erie Ozone nonattainment status: Moderate Contact Person: Scott Gowdy Telephone Number: (814) 875-2427	VOCs	76.0	Currently under review	Trading
Penelec Source Location: Front St. Station County: Erie Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx VOCs	2160.0 8.4	Pending EPA's approval of RACT	Trading
National Fuel Gas Supply Corp. Source Location: Knox Station County: Jefferson Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx	145.7	ERCs approved and certified on 3/30/96	Internal Use
Penn Power Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact Person: Dale W. Corfman	NOx VOCs	882.0 2.39	Pending EPA's approval of RACT	Trading
Rockwell International Source Location: New Castle County: Lawrence Ozone nonattainment status: Moderate Contact Person: Harry Klodowski Telephone Number: (412) 281-7997	NOx VOCs	61.5 13.1	Technical review completed	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Caparo Steel Source Location: Mercer County County: Mercer Ozone nonattainment status: Moderate Contact Person: Richard Herman Telephone Number: (412) 983-6330	NOx VOCs	868.6 1.84	Pending EPA's approval of RACT	Trading
Sharon Steel Source Location: Mercer County County: Mercer Ozone nonattainment status: Moderate Contact Person: Richard Herman Telephone Number: (412) 983-6330	NOx VOCs	469.6 215.7	Pending EPA's approval of RACT	Trading
Pennzoil Source Location: Rouseville Refinery County: Venango Ozone nonattainment status: Moderate Contact Person: Lee E. Wilson Telephone Number: (814) 678-4649	NOx	131.6	Pending EPA's approval of RACT	Trading
National Fuel Gas Supply Corp. Source Location: Heath Station County: Jefferson County Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	122.8 5.8	Currently under review	Internal Use
Witco Corporation Source Location: Petrolia Facility County: Butler Ozone nonattainment status: Moderate Contact Person: R. G. Fleegeer Telephone Number: (412) 756-2210	VOCs	52.3	Currently under review	Internal Use
INDSPEC Chemical Corp. Source Location: Petrolia County: Butler Ozone nonattainment status: Moderate Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx	231.4	Currently under review	Trading
Hammermill Papers Source Location: Erie Mill County: Erie Ozone nonattainment status: Moderate Contact Person: Gary Morrow Telephone Number: (814) 870-6782	VOCs	21.3	Currently under review	Trading
Lord Corporation Source Location: Erie facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	NOx VOCs SOx PM-10	30.5 23.4 223.9 37.3	ERCs approved and certified on 11/12/96	Trading
Lord Corporation Source Location: Cambridge Springs County: Crawford Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	VOCs	30.4	Currently under review	Trading
National Fuel Gas Supply Corp. Source Location: Roystone Station County: Warren Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx	103.3	ERCs approved and certified on 3/30/96	Internal Use

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Werzalit Source Location: Bradford County: McKean Ozone nonattainment status: Moderate Contact Person: Harry Klodowski Telephone Number: (412) 281-7997	VOCs	41.0	Currently under review	Trading
Advanced Monobloc Source Location: Hermitage County: Mercer Ozone nonattainment status: Moderate Contact Person: Bill Danielson Telephone Number: (412) 981-4420	VOCs	7.02	Currently under review	Trading
W. R. Grace & Co. Source Location: New Castle County: Lawrence Ozone nonattainment status: Moderate Contact Person: Brian O'Connell	VOCs	36.33	Currently under review	Trading

[Pa.B. Doc. No. 96-2191. Filed for public inspection December 27, 1996, 9:00 a.m.]

### **Water Quality Toxics Management Strategy (Great Lakes Water Quality Guidance (GLI)); Public Hearing and Proposed Amendments to Statement of Policy**

The Department of Environmental Protection is holding a public hearing and soliciting public comments on proposed amendments to Chapter 16 (relating to water quality toxics management strategy—statement of policy) to implement the Federal Great Lakes Water Quality Guidance (GLI).

The public hearing will be held on Wednesday, February 12, 1997, at Erie City Hall, Council Chambers, First Floor, 626 State Street, Erie, Pennsylvania at 10 a.m.

Pennsylvania's water quality standards, which are set forth in part in 25 Pa. Code Chapter 93, implement the provisions of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act, 33 U.S.C.A. § 1313. Water quality standards consist of the designated uses of the surface waters of the Commonwealth and the specific numeric and narrative criteria necessary to achieve and maintain those uses. Chapter 16 is a water quality policy for regulating toxic pollutants in wastewater discharges. It sets forth the guidelines for development of criteria for toxic substances, and lists the water quality criteria and the analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a support policy document in the Department's toxic substances regulation at section 93.8a.

The GLI requirements, promulgated at 40 CFR Part 132 on March 23, 1995 (60 *Fed. Reg.* 15366), provide for consistent protection for fish and shellfish in all waters of the Great Lakes System and for the people and wildlife who consume them. The GLI focuses on long lasting-pollutants called bioaccumulative chemicals of concern (BCCs) that accumulate in the food web of large lakes. The major elements of the GLI are water quality criteria to protect human health, aquatic life and wildlife, methodologies for criteria development, procedures for developing effluent limits for point sources, and antidegradation policies and procedures. States are required to adopt

water quality standards, antidegradation policies and implementation procedures "as protective as" the GLI.

Pennsylvania's strategy for complying with the GLI has two major objectives. The first objective is, wherever possible, to provide Statewide consistency, so that unequal requirements are not focused on specific regions of the Commonwealth. The second objective is to provide special protection to the unique resource known as the Great Lakes System in Pennsylvania. To meet these objectives, the Department proposes applying scientifically sound methodologies, from both current practice and as identified in the GLI, Statewide. Exceptions to Statewide procedures are made when the unique character of the Great Lakes System demands special consideration. For example, BCCs pose a particular threat to the Great Lakes because of the long retention of pollutants in the Lakes, which contrasts with the ability of streams to flush out those pollutants via their flow. For this reason, application of procedures for BCCs is different for the Great Lakes than in other waters of the State.

The Department held a public meeting in Erie on the requirements of the GLI on September 5, 1995. In February 1996, Pennsylvania's proposed strategy was made available on the World Wide Web for public comment. Two meetings were also held on June 5, 1996, one with an ad hoc Great Lakes Technical Committee and the second with the general public, to discuss the proposed strategy. In addition, the Department has met on several occasions with the Water Subcommittee of the Air and Water Quality Technical Advisory Committee (AWQTAC) to discuss the GLI strategy, and has sent representatives to participate in meetings with the Council of Great Lakes Governors Working Group and Technical Subcommittee, which provides a forum for the states to discuss how each is addressing the GLI requirements.

The Department proposes to incorporate many of the GLI requirements into Chapter 16. These amendments will be supplemented with proposed regulatory changes that will be considered by the Environmental Quality Board early in 1997.



*Summary of Amendments**Section Description of Amendments*

## Statewide:

16.22

*Criteria Development (Aquatic life):* In general, the current aquatic life criteria development procedures and water quality criteria are not proposed to be changed either Statewide or for the Great Lakes System. The major differences between the Great Lakes procedures and current Pennsylvania procedures, which are the same as established National procedures, are (1) the use of a refined database and (2) no longer using the residue-based values as criteria continuous concentrations (chronic criteria).

The Department proposes to not use the refined data. EPA has determined that only data specifically approved by EPA may be used for GLI criteria development; and, for the 12 GLI aquatic life criteria, EPA approved a refined database. If no GLI criteria have been developed, there is no refined databank for a chemical at this time. Therefore, criteria developed in the near future would rely on the same dataset that supports the Statewide and National criteria, and the GLI criteria would be the same as the current criteria. Data changes in GLI criteria development are not specific to Great Lakes species; that means the data evaluation would be equally applicable on a National basis. Adopting the GLI criteria for the Great Lakes System would mean using different criteria from the rest of the State with no special protection of the Great Lakes resource. Adopting the GLI criteria Statewide would result in criteria different from National criteria used in neighboring states. The Department believes that if EPA endorses other data than that which supports the National criteria, EPA should amend the National criteria and procedures, and the Department will then evaluate them for Statewide applicability. For most chemicals with GLI criteria, the changes from the National criteria are minor except for nickel, which has GLI criteria about ten times more stringent than the National criteria.

Likewise, in order to foster Statewide consistency, the Department proposes to not eliminate use of the residue-based criteria. Unlike most GLI procedures, which are more stringent than National procedures, the elimination of this procedure results in a less stringent chronic criterion for mercury, which is a BCC. If EPA believes that this procedure is correct, it should be made part of the National procedures, at which time the Department will evaluate it for Statewide applicability.

Subsection (4) is updated to reference the use of the current EPA procedures for whole effluent toxicity testing (WETT) at 40 CFR Part 136.

16.23

*Sources of Information:* The Great Lakes Clearinghouse, which is being planned by EPA to house toxicity data and criteria for toxic substances, is added as a data source to be used in the future for criteria development.

16.32

*Threshold level toxic effects:* As with aquatic criteria, the Department proposes to generally retain the current procedures and criteria for human health Statewide. The major differences between the current procedures and the GLI procedures are (1) a change from consumption of 6.5 to 15 grams of fish per day; (2) adding an additional modifying factor to account for relative source contribution (RSC provides a reserve to account for other sources of a chemical, while current procedures assume the only source of exposure is water); and (3) use of bioaccumulation factors (see next paragraph). The Department believes EPA should evaluate these procedures for National applicability, and adopt them if it is warranted. The Department would then evaluate them for adoption on a Statewide basis.

A few changes, described below, are proposed to incorporate the most recent scientific understanding on certain issues. Subsection (b) adds the use of bioaccumulation factors (BAF), which are values that include exposure through ingestion of water and food, in criteria development. The use of BAFs is a change from current procedures which use bioconcentration factors (BCFs) (exposure through ingestion of water only). BCFs are not specifically discussed in the current statement of policy. Use of BAFs may result in more stringent criteria, especially for BCCs, depending on the data available to determine the BAFs. Subsection (d) is updated to add the Great Lakes Clearinghouse.

16.33

*Nonthreshold effects (cancer):* The current procedures for criteria development generally result in more stringent criteria than the GLI criteria because the GLI allows for a one in 100,000 cancer risk level, while the Pennsylvania regulation at § 93.8a (relating to toxic substances) sets a one in 1,000,000 cancer risk level Statewide. This level of protection is not proposed to be amended either for the Great Lakes System or Statewide. Subsection (j) adds the use of bioaccumulation factors in criteria development for carcinogens.

16.51

*Table:* The discussion preceding the table is amended to include reference to the new Great Lakes System section.

Great Lakes specific:  
NEW 16.61

*Water Quality Criteria for the Great Lakes System:* This section is added to comply with Federal GLI (40 CFR Part 132). It includes subsections on aquatic life and human health criteria and values, and wildlife criteria.

*Section**Description of Amendments*

Subsection (a) discusses general provisions including the Federal requirement for protection of the Great Lakes System; bioaccumulative chemicals of concern, and the unique character of the Great Lakes System.

Subsection (b) discusses water quality criteria and methodologies for their development for the Great Lakes System. Paragraph (1) states that aquatic life criteria are developed using the same methods as Statewide criteria and adds a new provision for development of protective values (called Tier II values) in the absence of sufficient data to develop criteria. Paragraph (2) for development of human health criteria and values is similar to (1). For human health criteria in the Great Lakes System, the GLI procedures for BAFs are adopted by reference. The GLI procedures for BAFs are more encompassing than the ones used Statewide. The GLI includes a hierarchy of four methods for determination of BAFs, while Statewide procedures are limited to field measured BAFs or, if those data are not available, the BAF is set equal to the current BCF. This difference in procedures may result in a few criteria more stringent in the Great Lakes than Statewide. The human health criteria for BCCs that have been developed to this time are included in a table in this subsection.

Paragraph (3) addresses wildlife criteria for BCCs in the Great Lakes System only. The subsection references the GLI and lists the four criteria that have been determined to this time.

Paragraph (4) is specific to the Great Lakes System for assessing the additivity of chlorinated dioxins and furans. It references the GLI procedure.

## Statewide:

## Appendix A Table 1

*Water Quality Criteria for Toxic Substances:* The table is amended to add the numeric criteria for WETT: 1 toxic unit—chronic (TUc) as the criterion continuous concentration and 0.3 toxic unit—acute (TUa) as the criterion maximum concentration.

*Contact Persons*

For further information or a copy of the proposed amendments to the statement of policy contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Watershed Protection, P. O. Box 8465, Harrisburg, PA 17105-8465 (express mail: Rachel Carson State Office Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101-2301), (717) 787-7637. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). The proposal is available electronically through the DEP Web site (<http://www//dep.state.pa.us>).

Persons wishing to present testimony at the public hearing are requested to contact Kelly Burch, Chief, Office of Great Lakes, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6816, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf.

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

Comments, suggestions or objections regarding the proposed statement of policy should be sent to Edward R. Brezina or may be submitted electronically at [RegComments@A1.dep.state.pa.us](mailto:RegComments@A1.dep.state.pa.us). A subject heading of the proposal and return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Comments must be received by February 13, 1997 (within 45 days of publication in the *Pennsylvania*

*nia Bulletin*). Comments submitted by facsimile will not be accepted.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-2192. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Wetlands Protection Advisory Committee; Cancellation of Meeting

The Wetlands Protection Advisory Committee meeting scheduled for January 7, 1997, has been cancelled. The next meeting is scheduled for March 4, 1997, in the 1st Floor Meeting Room of the Rachel Carson State Office Building.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-2193. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Division of Special Health Care Needs; Eligibility Criteria

The Department of Health hereby provides notice of intent to apply the following eligibility criteria to the Department's programs set forth below, effective January 1, 1997:

#### *Disease or Condition*

Coverage is provided for the following conditions:

For children up to 21 years of age: chronic respiratory failure, cardiac, orthopedic, cleft palate/plastic surgery, hearing and speech;

For both children and adults: cystic fibrosis, hemophilia, spina bifida and end-stage renal disease.

A written physician's verification of the diagnosis of disease or condition is required.

#### *Income*

Applicants must have an annual income of 0% to 300% of the Federal poverty guidelines as published by the Department of Health and Human Services in the Federal Register and any revisions thereto (to the extent services are not covered by Medical Assistance). A sliding fee scale will be applied to applicants with an annual income of 185% to 300% of the Federal poverty guidelines as published by the Department of Health and Human Services in the Federal Register and any revisions thereto and in compliance with the requirements of the Maternal and Child Health Services Block Grant of Title V of the Social Security Act, 42 U.S.C.A. § 701 *et seq.* Applicants must submit their most recent Federal 1040 tax return to verify annual income. If no Federal 1040 tax return was filed, other supporting documentation of annual income is required.

#### *Resources*

Verification of other health care resources, including other third party benefits such as Medical Assistance and Insurance, is required.

#### *Age*

Children up to 21 years of age with chronic respiratory disease, cardiac, orthopedic, cleft palate/plastic surgery, hearing and speech conditions are eligible for services.

Children and adults of all ages with cystic fibrosis, hemophilia, spina bifida and end-stage renal disease are eligible for services.

#### *Residency*

Applicants must be United States citizens or legal aliens (admitted under the Immigration Return and Control Act of 1986 [IRCA] or who qualify for refugee/asylum status) and Pennsylvania residents for at least 90 consecutive days. Applicants who have not lived in Pennsylvania for 90 consecutive days will be considered residents for purposes of the Department if they can establish an intent to maintain a permanent home in Pennsylvania for the indefinite future. The following documentation must be submitted with the application and updated annually as necessary: birth certificate; naturalization papers or INS documents; dated identification with Pennsylvania address and/or other verification, for example, public utility records and receipts, rent receipts, motor vehicle records, local tax records, or completed and signed Federal or State income tax return with preprinted name and address.

#### *Length of Eligibility*

Eligibility is for a period of 1 year and will be re-evaluated annually.

Questions regarding this notice should be directed to C. Gail Stock, Director, Division of Special Health Care Needs, Department of Health, Bureau of Maternal and Child Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-5436. Persons with a disability may submit questions to C. Gail Stock in alternative formats, such as audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille),

should contact C. Gail Stock so that she may make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-2194. Filed for public inspection December 27, 1996, 9:00 a.m.]

### **Proposed Changes to Immunization Requirements for Attendance at School**

The Department of Health (Department) hereby gives notice of its intent to revise its regulations pertaining to the immunization of children for attendance at school. Under the Hepatitis B Prevention Act (35 P. S. §§ 630.1—630.3), the Department shall cause hepatitis B to be placed on the list of diseases that require immunization for entry into school after August 1, 1997, consistent with the recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention of the United States Department of Health and Human Services (ACIP). As part of its regulatory initiative, Department intends to also amend other school regulations, including requirements for measles, diphtheria and tetanus immunization to conform to current recommendations of the ACIP, the American Academy of Pediatrics (AAP) and the American Academy of Family Physicians (AAFP).

The Department intends to adopt changes to the school immunization regulations at 28 Pa. Code Chapter 23 (relating to school health), Subchapter C (relating to immunization requirements) so that they will provide as follows:

1. The following are required as a condition of entry into school for the first time, at the kindergarten or first grade level, at any public, private or parochial school, including special education and home education programs:

- a. *Hepatitis B vaccine*: three properly-spaced doses;
- b. *Diphtheria vaccine/tetanus toxoid (Department recommends any of the following combined vaccines: DTP, DTaP, DT or Td)*: four or more properly-spaced doses, with one dose administered on or after the fourth birthday;
- c. *Measles (rubeola) vaccine (Department recommends the combined MMRII vaccine)*: two properly-spaced doses, with the first dose administered at 12 months of age or older, or proof of immunity.

2. At the beginning of the 2000/2001 school year, the following is required for attendance at school at all grade levels:

- a. *Measles (rubeola) vaccine (Department recommends the combined MMRII vaccine)*: two properly-spaced doses, with the first dose administered at 12 months of age or older, or proof of immunity.

3. Information previously recorded and stored on the paper "Certificate of Immunization" (green and white card) may be recorded and maintained in a computer data base.

The Department expects to submit final-form regulations to the Independent Regulatory Review Commission and the designated standing committees when the General Assembly reconvenes in January 1997. In order to comply with the statute's mandated effective date for

hepatitis B immunization, the Department intends to proceed with final rulemaking, omitting proposed rulemaking.

For additional information or if you wish to provide comments to the Department prior to its development of final-form regulations, write to the Immunization Program at the following address: Department of Health, Room 1006, P. O. Box 90, Harrisburg, PA 17108. Persons with a disability may submit comments in alternative formats, such as by audio tape or braille.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-2195. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Income Restrictions for Admission to a Pennsylvania State Veterans' Home

Effective immediately, the allowable income for a single domiciliary care applicant is \$23,088 per year plus \$1,344 per year per dependent, the maximum income paid to a 100% disabled veteran by the United States Department of Veterans Affairs. An income below \$23,088 will demonstrate the applicant may be incapable of self-support and demonstrate a financial need. An amount above \$23,088 may qualify an applicant for admission on his or her ability to pay full per diem rate.

JAMES MACVAY,  
*Adjutant General*

[Pa.B. Doc. No. 96-2196. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Interest Rate Notice

Under the provisions of section 806 of the act of April 9, 1929 (P. L. 343, No. 176), known as the Fiscal Code, the Secretary of Revenue announces that, for the year commencing January 1, 1997, all unpaid taxes which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 9% per annum. This rate will remain constant until December 31, 1997. Under the provisions of section 6621(a)(2) of the Internal Revenue Code, this rate has been established by the Secretary of the Treasury of the United States, to be effective January 1, 1997. This rate will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

Although the Tax Reform Act of 1986 amended Internal Revenue Code section 6621, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Pennsylvania law. The Fiscal Code, as herein cited, requires that the interest

rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-2197. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Zero Emission Vehicles Notice

In accordance with 61 Pa. Code § 60.14(b)(3) (relating to zero emission vehicles), the Secretary of Revenue, under the provisions of section 204(47) and (48) of the Tax Reform Code of 1971 (72 P. S. § 7204(47) and (48)), announces that the following comparable vehicle amounts will be used from January 1, 1997 through December 31, 1997, and codified at 61 Pa. Code § 60.14(d)(4):

(i) Passenger car	\$20,196
(ii) Passenger truck	\$15,921
(iii) Passenger van	\$18,972

These comparable vehicle amounts shall remain in effect until the Department of Revenue publishes a replacement listing of amounts.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-2198. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Administrative Docket Filing Fee Schedule

The Department of Transportation, Office of Chief Counsel, by this notice, hereby establishes, consistent with the provisions of 67 Pa. Code § 491.5 (relating to filing fees), the Administrative Docket Filing Fee Schedule for use in calendar year 1997, or until the next annual list is published.

The Administrative Docket Filing Fee Schedule prescribes the filing fee, not otherwise provided by statute or regulation, for all requests for a hearing in appeal of Department action under 2 Pa.C.S. §§ 501—508 and §§ 701—704 (relating to Administrative Agency Law). Among the matters that are subject to these hearings are revocation or denial of driveway permits, outdoor advertising permits, public and private airport licenses and overweight or oversize truck hauling permits and credit toward suspension of operating privilege.

Under 67 Pa. Code § 491.5, the Department has reviewed the schedule of filing fees and has determined that amendment of the existing fees is not necessary at this time. The Department will continue to review and revise this schedule of filing fees as necessitated by the increasing costs of adjudication.

Comment, questions or suggestions may be directed to Helen F. Topolski, Administrative Docket Clerk, Office of Chief Counsel, Pennsylvania Department of Transporta-

tion, 9th Floor, Forum Place, Harrisburg, PA 17101-1900, (717) 772-8397.

BRADLEY L. MALLORY, Secretary

ADMINISTRATIVE DOCKET FILING FEE SCHEDULE

1. Basic filing fee ..... \$100.00

Includes proceedings regarding the following matters:

- (a) Application for credit toward suspension of operating privilege.
(b) Minimum use driveway permits (25 vehicles, or less, per day).
(c) Occupational limited license privilege denial.
(d) School bus/hazardous walking routes.
(e) Probationary license denial.
(f) Miscellaneous matters (including Petition to Intervene).

2. Level II filing fee ..... \$150.00

Includes proceedings regarding the following matters:

- (a) Low volume driveway permits (25 to 750 vehicles per day).
(b) Municipal reimbursement matters.
(c) Overweight or oversize truck hauling permits.
(d) Private airport permits.

3. Level III filing fee ..... \$250.00

Includes proceedings regarding the following matters:

- (a) Medium volume driveway permits (750 to 1500 vehicles per day).
(b) Highway beautification/outdoor advertising matters.

4. Level IV filing fee ..... \$500.00

Includes proceedings regarding the following matters:

- (a) High volume driveway permits (>1500 vehicles per day).
(b) Public airport permits.

[Pa.B. Doc. No. 96-2199. Filed for public inspection December 27, 1996, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 and section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)), an application has been made to the Department of Transportation by The Lakemont Partnership, who seeks to lease highway right-of-way located at the intersection of Logan Boulevard and S. R. I-99, associated with highway 1061-E06. The intended uses of the property are hospitality and tourist information area. Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Engineer-

ing District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY, Secretary

[Pa.B. Doc. No. 96-2200. Filed for public inspection December 27, 1996, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 and section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)), an application has been made to the Department of Transportation by Randy E. Dick, who seeks to lease highway right-of-way located at R. D. 1, Route 22, Huntingdon, PA, associated with highway L. R. 55-5E. The intended use of the property is parking. Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY, Secretary

[Pa.B. Doc. No. 96-2201. Filed for public inspection December 27, 1996, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 and section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)), an application has been made to the Department of Transportation by McDonald's Corporation, who seeks to lease highway right-of-way located near the intersection of Haynes Street and Napoleon Street, in the City of Johnstown, PA, associated with highway L. R. 11011, Section 2. The intended use of the property is parking. Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY, Secretary

[Pa.B. Doc. No. 96-2202. Filed for public inspection December 27, 1996, 9:00 a.m.]

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar):

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(2) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(3) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(5) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66214.

(7) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(8) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(9) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Inc., 715 Bright Street, Decatur, IL 62522.

(11) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, KY 42303.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, Pa. 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pa. 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, Pa. 17701.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, Pa. 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, Minnesota 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pa. 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, Pa. 17701.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and § 3368(c)(3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code, Chapter 105, Mechanical, Electrical and Electronic Speed-Timing Devices. The Department issues an approved speed-timing device certificate for the device, as required by section 105.72. The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy which was issued within 60 days of the citation and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

The Department of Transportation, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police:

E.I.L. Instruments, Incorporated, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, Pa. 15235 (Appointed: 04/06/73, Station R5).

Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, Pa. 19446 (Appointed: 09/19/96, Station R9).

Thomas Associates R. & E., Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, Pa. 18707 (Appointed: 08/08/86, Station R7).

Westinghouse Electric Corporation, 1002 McKee Road, Oakdale, Allegheny County, Pa. 15071 (Appointed: 09/12/85, Station R8).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404 (Appointed: 01/14/75, Station R3).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, Pa. 19057 (Appointed: 03/14/74, Station S54).

Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, Pa. 16823 (Appointed: 02/10/69, Station S22).

Billy, The Speedometer Man, 4800 North Marvine Street, Philadelphia, Philadelphia County, Pa. 19141 (Appointed: 06/20/73, Station S52).

Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, Pa. 19403 (Appointed: 11/15/77, Station S79).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, Pa. 16501 (Appointed: 03/25/93, Station S39).

Ciulli Motors, Incorporated, 520 Clairton Boulevard, Pittsburgh, Allegheny County, Pa. 15236 (Appointed: 09/13/78, Station S13).

James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, Pa. 19401 (Appointed: 02/11/75, Station S49).

Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, Pa. 18045 (Appointed: 10/29/76, Station S33).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, Pa. 19145 (Appointed: 08/25/78, Station S85).

Hertz Penske Truck Leasing, Incorporated, 255 Penske Plaza, Reading, Berks County, Pa. 19603 (Appointed: 07/03/74, Station S76).

Highway Safety Traffic Surveillance, 1395 McLaughlin Run Road, Upper St. Clair, Allegheny County, Pa. 15241—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Hoffman Ford Sales, Incorporated, 5200 Jonestown Road, Harrisburg, Dauphin County, Pa. 17112 (Appointed: 06/23/81, Station S5).

Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, Pa. 18201 (Appointed: 11/13/67, Station S74).

Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, Pa. 17272 (Appointed: 02/23/53, Station S106).

Joe's Carburetor & Ignition Service, 868 Providence Road, Scranton, Lackawanna County, Pa. 18508 (Appointed: 08/16/57, Station S89).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, Pa. 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, Pa. 15317 (Appointed: 01/03/84, Station S7).

Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakertown, Bucks County, Pa. 18951 (Appointed: 09/15/71, Station S38).

North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, Pa. 15202 (Appointed: 11/02/78, Station S69).

C. S. Powl & Son Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, Pa. 17601 (Appointed: 09/07/78, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

Reading Mack Distributors, Incorporated, 4226 Pottsville Pike, Reading, Berks County, Pa. 19605 (Appointed: 05/15/79, Station S48).

Reading Speedometer Service Company, 200-210 Warren Street, Reading, Berks County, Pa. 19601 (Appointed: 09/22/78, Station S47).

S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, Pa. 15601 (Appointed: 03/20/80, Station S58).

Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, Pa. 17044 (Appointed: 10/03/78, Station S104).

Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, Pa. 18360 (Appointed: 07/24/89, Station S105).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which measure elapsed time between measured road surface points by using two sensors:

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station EL20).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units. (Appointed: 04/07/93, Station EL3).

E.I.L. Instruments, Incorporated, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, Pa. 15235 (Appointed: 08/28/86, Station EL17).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station EL12).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Allegheny County, Pa. 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, Pa. 19446 (Appointed: 09/19/96, Station EL8). Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, Pa. 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units. (Appointed: 12/01/78, Station EL2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming Co., Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, Pa. 18707 (Appointed: 11/27/79, Station EL6).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, Pa. 16602 (Appointed: 09/02/77, Station W14).

George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, Pa. 15065 (Appointed: 09/27/77, Station W9).

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station W2).

Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, Pa. 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Greene Jewelers, Route 819, Armbrust, Westmoreland County, Pa. 15616 (Appointed: 06/23/78, Station W41).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station W3).

Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, Pa. 17361 (Appointed: 11/18/77, Station W30).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, Pa. 17067 (Appointed: 09/01/87, Station W58).

Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, Pa. 19061 (Appointed: 07/28/77, Station W7).

Marella's Jewelry, 416 North Springfield Road, Clifton Heights, Delaware County, Pa. 19018 (Appointed: 08/10/79, Station W42).

Molnars Jewelry, 972 Pennsylvania Avenue, Tyrone, Blair County, Pa. 16686 (Appointed: 06/30/87, Station W57).

Mountz Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, Pa. 17013 (Appointed: 09/21/87, Station W59).

William H. Nagle, Incorporated, 617 Penn Avenue, West Reading, Berks County, Pa. 19611 (Appointed: 11/02/77, Station W25).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, Pa. 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, Pa. 18612 (Appointed: 09/22/78, Station W47).

S & D Calibration, 132 Fawn Valley Road, McMurray, Allegheny County, Pa. 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, Pa. 16630 (Appointed: 05/18/78, Station W40).

C. A. Shire Jeweler, 456 River Avenue, Williamsport, Lycoming County, Pa. 17701 (Appointed: 07/20/77, Station W4).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming Co., Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Wolf's Jewelry, 314 Market Street, Lewisburg, Union County, Pa. 17837 (Appointed: 10/06/77, Station W22).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

Zimmel Jewelers, 1521 Bethlehem Pike, Flourtown, Montgomery County, Pa. 19031 (Appointed: 04/17/80, Station W35).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points:

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units. (Appointed: 04/04/96, Station EM20).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units. (Appointed: 05/03/94, Station EM10).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration, 132 Fawn Valley Road, McMurray, Allegheny County, Pa. 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, Pa. 19446 (Appointed: 09/09/96, Station EM7).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, Pa. 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountaintop, Luzerne County, Pa. 18707 (Appointed: 10/06/80, Station EM3).



YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Mary Sheriff, Manager, Inspection Station Processing, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-2203. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located in the City of Pittsburgh, Allegheny County.

The following is a list of the properties available for sale by the Department.

1. Parcel 94—The parcel contains approximately 14,213 square feet of unimproved land situated on the north side of Pittsburgh running adjacent to Ramp T and Ridge Avenue in the Twenty-second Ward of the City of Pittsburgh.

2. Parcel 82—The parcel contains approximately 31,086 square feet of unimproved land situated on the north side of Pittsburgh adjacent to Ramp T and Galveston Avenue in the Twenty-second Ward of the City of Pittsburgh.

3. Parcel 100—The parcel contains approximately 13,793 square feet of unimproved land situated along East General Robinson Street and the corner of River Avenue Connector (S. R. 0028 Eastbound) in the Twenty-third Ward of the City of Pittsburgh.

It has been determined that the land is no longer needed for present or future Transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Henry M. Nutbrown, P.E., District Engineer, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-2204. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located at Ridge Avenue and Fairground Road, Huntingdon, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L.

Neiderhiser, P.E., District Engineer, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-2205. Filed for public inspection December 27, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### West Penn Power Company v. DEP; Doc. No. 96-123-C

The Department of Environmental Protection (Department) and West Penn Power Company (West Penn) have agreed to a settlement of the above matter.

West Penn Power Company appealed issuance of NPDES Permit No. PA0091740 authorizing discharge of wastewater from Outfall 001 to Riddle Run and Outfall 002 to Tawney Run, waters of the Commonwealth. Outfall 001 conveys wastewater from a newly constructed wetland treating leachate from a closed ash disposal site.

The parties have agreed to a settlement, the major provisions of which include

1. The Department will amend the NPDES Permit. The amendment provides that West Penn Power will submit 3 years worth of influent/effluent sampling information with a calculation of the coefficient of variations to the Department to allow it to evaluate West Penn Power's request for reduced monitoring frequencies at Outfall 001.

2. The agreement also includes a provision whereby West Penn Power will investigate several unpermitted discharges and will provide a plan and schedule for their elimination or treatment.

Copies of the full agreement are in the possession of:

Zelda Curtiss, Assistant Regional Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

John Munsch, Esquire, Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601-1689;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, 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 Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-2206. Filed for public inspection December 27, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Reliance Direct Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on December 17, 1996 and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. Section 1 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2660.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-2207. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Federal Insurance Company; Vigilant Insurance Company; Pacific Indemnity Company; Great Northern Insurance Company; Homeowners Insurance Program

On December 11, 1996, the Insurance Department received from Federal Insurance Company, Vigilant Insurance Company, Pacific Indemnity Company and Great Northern Insurance Company a filing for a rate level and rules changes for homeowners insurance.

The companies request an overall +0.9% increase, amounting to \$296,101 annually, and request to propose an effective date upon notification of approval.

Unless formal administrative action is taken prior to February 9, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Larry Polin, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review

Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-2208. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Medical Professional Liability Catastrophe Loss Fund; Surcharge Filing

The Medical Professional Liability Catastrophe Loss Fund has filed a 75% surcharge under the Health Care Services Malpractice Act (40 P.S. §§ 1301.101—1301.1006), commonly known as Act 111, as amended by Act 135 of 1996. The surcharge would be based on the prevailing primary premium for each health care provider. The prevailing primary premium would be determined using the schedule of approved Joint Underwriting Association (JUA) occurrence rates. The surcharge applies to any new policies effective on or after January 1, 1997.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-2209. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Pennland Insurance Company; Huron Insurance Company; Private Passenger Auto Insurance Program

On December 12, 1996, the Insurance Department received from Pennland Insurance Company and Huron Insurance Company a filing for a rate level and rules change for private passenger auto insurance.

The companies request an overall 5.1% increase, amounting to \$3,548,036 annually, to be effective March 1, 1997 for new business and April 1, 1997 for renewals.

Unless formal administrative action is taken prior to March 12, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Jin Liu, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-2210. Filed for public inspection December 27, 1996, 9:00 a.m.]

**Pennsylvania Compensation Rating Bureau; Coal Mine Compensation Rating Bureau Workers' Compensation Loss Cost Filings**

The Insurance Department has received from the Pennsylvania Compensation Rating Bureau a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 30(5) of Act 57 which amends the Pennsylvania Workers' Compensation Act. The Bureau requests an overall 21.44% decrease. The independent actuary's indications are for an overall 25.4% decrease.

The Coal Mine Compensation Rating Bureau submitted a filing requesting an overall 14.8% decrease. The independent actuary's indications for coal mine business are for an overall 21.8% decrease.

Copies of the filings are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Ramona Lee, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-2211. Filed for public inspection December 27, 1996, 9:00 a.m.]

**OFFICE OF ATTORNEY  
GENERAL**

[OFFICIAL OPINION NO. 96-1]

**Department of Public Welfare; Enforceability of Durational Residency and Citizenship Requirement of Act 1996-35**

December 9, 1996

Honorable Feather O. Houstoun  
Secretary  
Department of Public Welfare  
Room 333, Health and Welfare Building  
Harrisburg, PA 17105

Dear Secretary Houstoun:

You have requested my opinion regarding the enforceability of the durational residency and citizenship requirements of Act 1996-35 ("Act 35"), which amended various provisions of the Public Welfare Code governing eligibility for cash and medical assistance under the Commonwealth's General Assistance program.

Section 11 of Act 35 amends Section 432.4 of the Public Welfare Code, 62 P. S. § 432.4, to enlarge from sixty days to twelve months the period of time that an applicant for cash assistance must be a Pennsylvania resident before becoming eligible for benefits. Section 15 of Act 35 amends Section 442.1 of the Code, 62 P. S. § 442.1, to add a requirement that an applicant for medical assistance must be a Pennsylvania resident for ninety days before

becoming eligible for benefits. Section 14.1 of Act 35 amends the Code to add Section 432.22, 62 P. S. § 432.22, which disqualifies for cash or medical assistance an applicant who is not a citizen of the United States.

In providing legal advice to the head of a Commonwealth agency, the Attorney General is required by Section 204(a)(3) of the Commonwealth Attorneys Act, 71 P. S. § 732-204(a)(3), "to uphold and defend the constitutionality of all statutes so as to prevent their suspension or abrogation in the absence of a controlling decision by a court of competent jurisdiction." Since each of the foregoing provisions of Act 35 implicates a decision of the United States Supreme Court relevant to its constitutionality, it is incumbent upon me to determine whether the Supreme Court decision is "controlling" so as to compel the advice that the provision to which it relates is unenforceable.

As a threshold matter, it must be emphasized that the concept of a "controlling decision by a court of competent jurisdiction" is not susceptible to precise definition. Clearly, it cannot be construed so narrowly as to require a decision by a court of last resort holding unconstitutional the very provision on which the Attorney General's advice is sought, since that construction would render the Attorney General's advice a meaningless gesture. On the other hand, the decision said to be "controlling" must be more than merely predictive of the constitutionality of the statutory provision on which the Attorney General's advice is sought; it must adjudicate the constitutionality of a statutory provision materially indistinguishable from the statutory provision on which the advice is sought, and it must be rendered by a court that has jurisdiction over the entirety of Pennsylvania.

**I. RESIDENCY**

In *Shapiro v. Thompson*, 394 U. S. 618 (1969), the United States Supreme Court held that a state statute that requires a minimum one-year residence in the state as a condition of eligibility for public assistance violates the Equal Protection Clause of the United States Constitution. Among the state statutes specifically invalidated in *Shapiro* was then Section 432(6) of the Public Welfare Code, which required a minimum one-year residence in Pennsylvania as a condition of eligibility for cash general assistance or Aid to Families with Dependent Children.

In relation to Section 11 of Act 35, *Shapiro* presents a clear example of a "controlling decision by a court of competent jurisdiction," since it invalidated a materially identical provision of the same statute, pertaining to the same government program. That the appellees in *Shapiro* were all applicants for federally-assisted rather than wholly state-funded cash assistance is of no consequence, since the Supreme Court has held that "whether or not a welfare program is federally funded is irrelevant to the applicability of the *Shapiro* analysis." *Memorial Hospital v. Maricopa County*, 415 U. S. 250, 261 (1974) (citations omitted). The *Shapiro* decision, therefore, renders Section 11 unenforceable.

In *Memorial Hospital v. Maricopa County, id.*, the United States Supreme Court held that a state statute that requires a minimum one-year residence in the state as a condition of eligibility for medical assistance violates the Equal Protection Clause of the United States Constitution. Specifically invalidated in *Memorial Hospital* was an Arizona statute that required one-year residence in a county as a condition of eligibility for county-funded medical assistance.

On its face, the Arizona statute invalidated in *Memorial Hospital* exhibited two features that distinguish it from

Section 15 of Act 35: first, its residency requirement applied to county rather than state residence; second, its residency requirement was one year rather than ninety days. Notwithstanding such differences, the *Memorial Hospital* decision may be "controlling" with respect to the constitutionality of Section 15. The key question is whether the differences are material, that is, whether either of them presents a basis on which to conclude that there is a reasonable possibility that the Supreme Court would uphold Section 15.

The decision in *Memorial Hospital* relied heavily upon the Court's analysis in *Shapiro v. Thompson*. In *Shapiro*, the Court observed that, because the right to travel interstate—more precisely described as the right to migrate from one state to another—is a fundamental right protected by the Constitution, "any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a compelling governmental interest, is unconstitutional." *Shapiro*, 394 U. S. at 634. The Court found that differentiating between old and new indigent residents penalized the latter for the exercise of a constitutional right by denying them aid upon which they may depend for the basic necessities of life. The Court then examined, and found impermissible or insufficiently compelling, each of the governmental interests advanced in support of the classification.

Rejected by the Court as impermissible, because they served only to deter the exercise of the constitutional right to travel interstate, were the state objectives of preserving the fiscal integrity of public assistance programs by discouraging the immigration of indigents or by discouraging those who would enter the state solely to obtain larger benefits, and favoring old residents over new based on the contribution to the community that old residents may have made through the past payment of taxes. Rejected by the Court as insufficiently compelling were the administrative objectives of facilitating the planning of the welfare budget, providing an objective test of residency, minimizing the opportunity for fraudulently obtaining benefits from more than one jurisdiction, and encouraging early entry of new residents into the labor force.

In *Memorial Hospital*, the Court first noted that the applicability of the Arizona statute to county residency rather than state residency did not distinguish that case from *Shapiro*, since the Arizona residency requirement operated not merely upon intrastate migration, but upon interstate migration as well. For the same reason, it is immaterial to the determination of whether the *Memorial Hospital* decision is "controlling" with respect to the constitutionality of Section 15 of Act 35 that Section 15 imposes a state rather than a county residency requirement upon eligibility for medical assistance.

The Court in *Memorial Hospital* next proceeded to emphasize that a durational residency requirement must be justified by a compelling state interest only if the residency requirement operates to penalize the exercise of the constitutional right to interstate migration. Acknowledging that *Shapiro* did not specify the level of impact on interstate migration that would constitute a penalty, the Court nevertheless concluded that "it is at least clear that medical care is as much 'a basic necessity of life' to an indigent as welfare assistance." *Memorial Hospital*, 415 U. S. at 259. Thus, the Arizona residency requirement penalized the right to interstate migration and could survive constitutional challenge only if shown to be necessary to promote a compelling state interest.

As in *Shapiro*, the Court in *Memorial Hospital* rejected as impermissible or as insufficiently compelling each of the proffered state interests. Rejected as impermissible were the state objectives of preserving the fiscal integrity of its free medical care program by discouraging the immigration of indigent persons generally or indigent persons who would enter the county solely to partake of its medical facilities, and favoring long-time residents because of their contribution to the community through the past payment of taxes. Rejected as insufficiently compelling were the state objectives of facilitating determination of residency, preventing fraud, and assuring budget predictability.

From the *Shapiro* and *Memorial Hospital* decisions, it is apparent that the determination of whether the *Memorial Hospital* decision controls the constitutionality of Section 15 of Act 35 rests squarely upon the determination of whether the ninety-day residency requirement of Section 15 "penalizes" the exercise of the right to interstate migration. If the ninety-day residency requirement does not rise to the level of a penalty, then strict scrutiny is avoided and the state interests proffered in support of the requirement need only be rational.

While it is exceedingly rare for the Office of Attorney General to refer to pending litigation in rendering an official opinion, the decision of the District Court on the plaintiffs' motion for preliminary injunction in *Warrick v. Snider*, No. 94-1634 (W.D. Pa. filed June 30, 1995), underscores the importance of the "penalty" inquiry, while shedding considerable light upon the determination of whether the ninety-day residency requirement for medical assistance in Section 15 rises to the level of a penalty. In *Warrick*, a class of indigent Pennsylvania residents challenges the sixty-day residency requirement for cash general assistance, which was enacted by Section 6 of Act 1994-49 ("Act 49"). They contend that the sixty-day residency requirement operates to penalize the exercise of their fundamental right to travel interstate, and cannot withstand strict scrutiny.

In denying the plaintiffs' motion for preliminary injunction, the District Court distinguished *Shapiro* on the ground that the statutory provisions there at issue worked to deny to new residents all benefits necessary for basic sustenance and health, for an entire year, while Act 49 denies only cash assistance, for a period of only sixty days, allowing qualified new residents access to food stamps, emergency housing, medical assistance, job training, and job placement assistance. Because Act 49 provides new residents the means of obtaining what is necessary for their basic sustenance and health, and because a waiting period of two months is substantially less burdensome than a waiting period of an entire year, the District Court concluded that Act 49's durational residency requirement does not operate as a penalty on the right to interstate migration, and therefore need only be rationally related to a legitimate government purpose to survive constitutional challenge.

Holding that Act 49's sixty-day residency requirement is rationally related to the Commonwealth's legitimate governmental interest in encouraging employment, self-respect, and self-dependency, the District Court reasoned that "a social welfare structure which provides the things necessary for basic sustenance and health, and at the same time providing job training and assistance while limiting temporarily cash benefits is rationally related to the legitimate goal of encouraging welfare recipients to seek employment so as to support themselves." Slip op. at 19.

Ironically, if I were to conclude in this Opinion that *Memorial Hospital* is not “controlling” with respect to the constitutionality of Section 15 of Act 35, the plaintiff class in *Warrick* would become ineligible for medical assistance, and a major underpinning of the District Court’s decision in *Warrick* would be removed. It is my judgment, however, that *Memorial Hospital* is indeed “controlling” and that Section 15, therefore, is unenforceable.

Unlike the sixty-day residency requirement for cash assistance upheld by the court in *Warrick*, the ninety-day residency requirement for medical assistance in Act 35 is not part of a statutory scheme that provides to new residents “the things necessary for basic sustenance and health.” Whereas the availability of medical assistance served to mitigate the impact of denying cash assistance to new residents under Act 49, the unavailability of cash assistance serves to compound the impact of denying medical assistance to new residents under Act 35.

Since Act 35, in contrast to Act 49, does not afford indigent new residents the means of providing for their basic sustenance and health, I conclude that the ninety-day residency requirement for medical assistance in Act 35 indeed operates to penalize the exercise of the right to interstate migration. Although admittedly less burdensome than the one-year requirement struck down in *Memorial Hospital*, it nevertheless denies medical assistance to indigent new residents while providing them no other assistance with which to meet their medical needs. I am unable, moreover, to identify any state interest served by this differential treatment of old and new residents that is any more compelling than the state interests rejected by the Supreme Court in *Shapiro* and *Memorial Hospital*.

In a series of decisions since *Shapiro* and *Memorial Hospital*, the United States Supreme Court applied rational basis analysis to invalidate state statutes that afforded preferential treatment to state residents based upon when residency was established. See *Zobel v. Williams*, 457 U. S. 55 (1982) (mineral income distributed to state residents according to years of residency); *Hooper v. Bernalillo County Assessor*, 472 U. S. 612 (1985) (property tax exemption afforded to Vietnam veterans who were state residents before May 8, 1976); *Attorney General of New York v. Soto-Lopez*, 476 U. S. 898 (1986) (civil service preference afforded to veterans who were state residents at the time they entered military service). In *Zobel* and *Hooper*, the majority of justices held that the classification of residents based upon when they first established residency served no legitimate state interest. In *Soto-Lopez*, a plurality of justices applied strict scrutiny, while the concurring justices needed to form a majority followed *Zobel* and *Hooper* to hold again that the classification of residents based upon when residency was established is irrational.

Although these more recent decisions employed rational basis review, they cannot be said to signal a change of approach by the Supreme Court that would undermine my conclusion that the *Shapiro* and *Memorial Hospital* decisions are “controlling” with respect to the constitutionality of the durational residency requirements in Act 35. The statutes invalidated in the more recent decisions involved neither durational residency requirements nor welfare benefits; and they created classifications that, unlike those involved in *Shapiro* and *Memorial Hospital*, were permanent and would never equalize. It is always possible that the Supreme Court will depart from its prior decisions, but until it does so we are bound by them.

## II. CITIZENSHIP

In *Graham v. Richardson*, 403 U. S. 365 (1971), the United States Supreme Court held that a state statute that requires United States citizenship as a condition of eligibility for public assistance violates the Equal Protection Clause of the United States Constitution. Among the state statutes invalidated specifically in *Graham* was then Section 432(2) of the Public Welfare Code, which required citizenship as a condition of eligibility for the Commonwealth’s General Assistance program.

In relation to Section 14.1 of Act 35, *Graham* presents another clear example of a “controlling decision by a court of competent jurisdiction.” Like *Shapiro*, *Graham* invalidated a materially identical provision of the same statute, pertaining to the same government program. Also like *Shapiro*, *Graham* employed strict scrutiny analysis, albeit for the different reason that classifications based on alienage, like those based on nationality or race, are inherently suspect. The *Graham* decision, therefore, renders Section 14.1 unenforceable.

In the Personal Responsibility and Work Opportunity Act of 1996, Congress enacted sweeping changes in federal welfare law, including provisions that affect the eligibility of aliens not only for federal and federally-assisted welfare benefits, but also for wholly state-funded welfare benefits. Section 411 of the federal act provides that, with certain exceptions, an alien not lawfully admitted into the United States “is not eligible for any State or local public benefits. . . .” Section 412 provides that, with certain exceptions, “a State is authorized to determine the eligibility for any State public benefits” of an alien lawfully residing in the United States.

*Graham v. Richardson* did not address the constitutionality of a state’s denial of welfare benefits to an alien not lawfully admitted into the United States, and Section 432(3) of the Public Welfare Code, 62 P. S. § 432(3), already provides that an alien must be “lawfully admitted” to be eligible for general assistance. *Graham*, however, specifically invalidated Arizona and Pennsylvania statutes that respectively denied federally-assisted and wholly state-funded welfare benefits to lawfully admitted resident aliens, and it did so in the face of Arizona’s argument that the Social Security Act authorized Arizona’s denial of benefits.

Questioning whether Congress indeed intended to authorize states to deny federally-assisted welfare benefits to lawfully admitted resident aliens, the Court in *Graham* stated that:

Although the Federal Government admittedly has broad constitutional power to determine what aliens shall be admitted to the United States, the period they may remain, and the terms and conditions of their naturalization, Congress does not have the power to authorize the individual States to violate the Equal Protection Clause. *Shapiro v. Thompson*, [supra, 394 U. S. at 641]. Under Art. I, § 8, cl. 4, of the Constitution, Congress’ power is to ‘establish a uniform Rule of Naturalization.’ A congressional enactment construed so as to permit state legislatures to adopt divergent laws on the subject of citizenship requirements for federally supported welfare programs would appear to contravene this explicit constitutional requirement of uniformity.

*Id.* at 382 (footnote omitted). Applying the principle that statutes should be construed whenever possible so as to uphold their constitutionality, the Court ruled that the Social Security Act did not authorize Arizona’s citizenship requirement.

In *Mathews v. Diaz*, 426 U. S. 67 (1976), the Supreme Court rejected a due process challenge to a provision of the Social Security Act that conditioned an alien's eligibility for federal medicare benefits on admission for permanent residence and continuous residence in the United States for a period of five years. Noting that the provision discriminated not against aliens as a class, but rather among subclasses of aliens, and that the responsibility for regulating the status of aliens in the United States has been committed to the political branches of the federal government, the Court concluded that "[t]he reasons that preclude judicial review of political questions also dictate a narrow standard of review of decisions made by the Congress or the President in the area of immigration and naturalization." *Id.* at 81-82 (footnote omitted).

The Court in *Mathews* drew a sharp distinction between its decision in that case and its decision in *Graham*. The equal protection analysis relevant to the state law classifications at issue in *Graham*, the Court observed, "involves significantly different considerations because it concerns the relationship between aliens and the State rather than between aliens and the Federal Government." *Id.* at 84-85. As the Court explained:

Insofar as state welfare policy is concerned, there is little, if any, basis for treating persons who are citizens of another State differently from persons who are citizens of another country. Both groups are noncitizens as far as the State's interests in administering its welfare programs are concerned. Thus, a division by a State of the category of persons who are not citizens of that State into subcategories of United States citizens and aliens has no apparent justification, whereas, a comparable classification by the Federal Government is a routine and normally legitimate part of its business. Furthermore, whereas the Constitution inhibits every State's power to restrict travel across its own borders, Congress is explicitly empowered to exercise that type of control over travel across the borders of the United States.

*Id.* at 85 (footnotes omitted).

*Mathews*, therefore, does nothing to disturb the rule of *Graham* that state laws that discriminate against aliens in the provision of welfare benefits are unconstitutional unless narrowly tailored to achieve a compelling government interest. *Mathews*, however, did not address the question implicated by Section 412 of the recent federal welfare act of whether a state law that establishes classifications of eligibility for welfare benefits based on alienage is similarly subject to strict scrutiny if the state law is authorized by an act of Congress.

In *Plyler v. Doe*, 457 U. S. 202 (1982), the Supreme Court applied rational basis analysis to sustain an equal protection challenge to a Texas statute that withheld from local school districts state funds for the education of children not lawfully admitted into the United States and that authorized the school districts to deny such children enrollment. In a footnote discussing the Court's rejection of a claim that "illegal aliens" are a "suspect class," the Court stated the following:

With respect to the actions of the Federal Government, alienage classifications may be intimately related to the conduct of foreign policy, to the federal prerogative to control access to the United States, and to the plenary federal power to determine who has sufficiently manifested his allegiance to become a citizen of the Nation. No State may independently exercise a like power. But if the Federal Government

has by uniform rule prescribed what it believes to be appropriate standards for the treatment of an alien subclass, the States may, of course, follow the federal direction. See *DeCanas v. Bica*, [424 U. S. 351 (1976)].

*Id.* at 219 n.19.

In *DeCanas v. Bica*, the Court upheld a California statute that prohibited employers from knowingly hiring illegal aliens if doing so would adversely affect lawful resident workers. The challenge was based not on the Equal Protection Clause, but rather on claims that the statute violated the Supremacy Clause and interfered with Congressional power to regulate immigration and naturalization. Although *Plyler* involved an equal protection challenge, the Court's citation to *DeCanas* suggests that the Court's statement that a state may follow federal direction in its treatment of an alien subclass is concerned not with the extent to which a state may legislate with respect to aliens without violating the Equal Protection Clause, but rather with the extent to which a state may legislate with respect to illegal aliens without violating the Supremacy Clause or interfering with Congressional power over immigration and naturalization. See *Barannikova v. Town of Greenwich*, 643 A.2d 251 (Conn. Sup. Ct. 1994) (similarly interpreting the *Plyler* footnote).

Even assuming that the Court's statement in *Plyler* is concerned with the equal protection analysis of a state law classification based on alienage, the statement, by its terms, is relevant only if the state law classification is authorized by a "uniform" federal rule - a circumstance that would appear not to prevail in the relationship between Section 14.1 of Act 35 and Section 412 of the recent federal welfare act. Rather than prescribing a "uniform" rule, Section 412 allows each individual state to determine the eligibility of its resident aliens for state welfare benefits, which leads inevitably back to the Court's statement in *Graham* that "[a] congressional enactment construed so as to permit state legislatures to adopt divergent laws on the subject of citizenship requirements for federally supported welfare programs would appear to contravene th[e] explicit constitutional requirement of uniformity." *Graham, supra*, 403 U. S. at 382.

Admittedly, the constitutionality of Section 412 has yet to be tested, and the Court in *Graham* did not hold the Social Security Act provision there at issue unconstitutional, but rather construed it not to authorize divergent state laws concerning citizenship requirements for federally supported welfare programs. The possibility that a court could hold Section 412 to be a "uniform" rule, however, is hardly a sufficient basis on which to conclude that *Graham* no longer controls the constitutionality of a state statute, such as Act 35, that requires citizenship as a condition of eligibility for a wholly state-funded welfare program. On the contrary, *Graham* held specifically that the Fourteenth Amendment prohibits Pennsylvania from requiring citizenship as a condition of eligibility for its General Assistance program, and we are bound by that decision unless and until the Supreme Court, directly or implicitly, holds otherwise.

### III. CONCLUSION

In summary, it is my opinion, and you are so advised, that controlling decisions of the United States Supreme Court render Sections 11, 14.1, and 15 of Act 1996-35 unenforceable. You are further advised that you should administer the Public Welfare Code, as amended by Act 35, as if the unenforceable durational residency and citizenship requirements of Act 35 were not enacted.

In particular, you should continue to enforce the sixty-day residency requirement for cash assistance enacted by

Act 49, since it is clear that the General Assembly did not intend to repeal that requirement unless it could substitute the one-year residency requirement of Act 35. See *Mazurek v. Farmers' Mutual Fire Ins. Co.*, 320 Pa. 33 (1935) (legislative intent controls the effect of an unconstitutional enactment upon the pre-existing statute).

You should also continue to enforce Section 432(3) of the Public Welfare Code, which denies general assistance to illegal aliens. That provision was neither repealed nor significantly amended by Act 35; it is fully consistent with Section 411 of the recent federal welfare act, and its constitutionality is not in question.

Finally, you are advised that, in accordance with Section 204(a)(1) of the Commonwealth Attorneys Act, 71 P. S. § 732-204(a)(1), you are required to follow the advice set forth in this Opinion and shall not in any way be liable for doing so.

THOMAS W. CORBETT, JR.,  
*Attorney General*

[Pa.B. Doc. No. 96-2212. Filed for public inspection December 27, 1996, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by section 2 of the act of October 19, 1995 (P. L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date the adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on December 12, 1996, that the salaries covered by that law shall be increased by 2.9% effective January 1, 1997. The following chart sets out the agency head position, the salary prior to the adjustment, the percentage amount of the adjustment, and the new salary:

#### COLA ADJUSTMENT FOR ELECTED AND APPOINTED OFFICIALS RECEIVING SALARIES CONTAINED IN ACT 1995-51

COLA ADJUSTMENT IS BASED ON THE PERCENT CHANGE IN THE CPI-U FOR PA-DE-NJ-MD, CMSA, FOR THE 12 MONTH PERIOD ENDING NOVEMBER 1996

<i>POSITION</i>	<i>SALARY PRIOR TO 01/01/97</i>	<i>COLA ADJUSTMENT</i>	<i>SALARY EFFECTIVE 01/01/97</i>
Governor	\$125,000	2.9%	\$128,625
Lieutenant Governor	\$105,000	2.9%	\$108,045
State Treasurer	\$104,000	2.9%	\$107,016
Auditor General	\$104,000	2.9%	\$107,016
Attorney General	\$104,000	2.9%	\$107,016
Large Agency Head	\$100,000	2.9%	\$102,900
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor & Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$95,000	2.9%	\$97,755
Secretary of Aging			
Secretary of Commerce & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$90,000	2.9%	\$92,610
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairman	\$50,800	2.9%	\$52,273
Member	\$48,800	2.9%	\$50,215
Civil Service Commission			
Chairman	\$40,625	2.9%	\$41,803

POSITION	SALARY PRIOR TO 01/01/97	COLA ADJUSTMENT	SALARY EFFECTIVE 01/01/97
Member State Tax Equalization Board	\$40,625	2.9%	\$41,803
Chairman	\$17,500	2.9%	\$18,008
Member Milk Marketing Board	\$16,250	2.9%	\$16,721
Chairman	\$16,250	2.9%	\$16,721
Member Securities Commission	\$15,625	2.9%	\$16,078
Chairman	\$16,250	2.9%	\$16,721
Member Athletic Commission	\$15,000	2.9%	\$15,435
Chairman	\$13,125	2.9%	\$13,506
Member Board of Pardons	\$12,500	2.9%	\$12,863
Member Board of Claims	\$11,500	2.9%	\$11,834
Chairman	\$84,800	2.9%	\$87,259
Member Public Utility Commission	\$80,800	2.9%	\$83,143
Chairman	\$97,500	2.9%	\$100,328
Member Environmental Hearing Board*	\$95,000	2.9%	\$97,755
Chairman	\$97,500	2.9%	\$100,328
Member	\$95,000	2.9%	\$97,755

\*The Environmental Hearing Board is not contained in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

ROBERT BITTENBENDER,  
*Secretary*

[Pa.B. Doc. No. 96-2213. Filed for public inspection December 27, 1996, 9:00 a.m.]

## PENNSYLVANIA COUNCIL ON AGING

### Meeting Dates for 1997

In accordance with the Sunshine Act of 1986 (P. L. 388, No. 84), the Pennsylvania Council on Aging has established the following meeting dates for the calendar year 1997.

Wednesday ..... January 8, 1997  
 Wednesday ..... March 5, 1997  
 Wednesday ..... May 7, 1997  
 Wednesday ..... July 2, 1997  
 Wednesday ..... October 8, 1997  
 Wednesday ..... November 5, 1997

All meetings of the Pennsylvania Council on Aging will be held in the Sixth Floor Conference Room, 400 Market Street, Harrisburg, PA. Meetings are from 9 a.m. to 1 p.m.

VELMA E. CARTER-DRYER,  
*Executive Director*

[Pa.B. Doc. No. 96-2214. Filed for public inspection December 27, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service Without Hearing

**A-120650F0004. PFG Gas, Inc.** Application of PFG Gas, Inc., for approval to begin to offer, render, furnish or supply gas service to the public in additional territory in Walker Township, Huntingdon County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before January 13, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* John H. Isom, Kevin L. Welsh, PFG Gas, Inc., One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-2215. Filed for public inspection December 27, 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 January 21, 1997, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**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-00113555. EZ Transport, Inc.** (6600 Hall Road, Columbus, OH 43119), a corporation of the State of Ohio—persons in paratransit service between points in the county of Erie, and from points in said county to points in Pennsylvania and return.

**A-00113597. John Russell Fanning, Jr.** (58 Fairview Avenue, Williamsport, Lycoming County, PA 17701)—persons in paratransit service between points in the city of Williamsport, Lycoming County, and within an airline distance of 10 statute miles of the limits of the city of Williamsport, and from points in the said territory to points in Pennsylvania and return.

**A-00113606. S & D Limousine Service, Inc.** (12 Southwood Court, Glendora, NJ 08029), a corporation of the State of New Jersey—persons in limousine service between points in the city and county of Philadelphia, and points within an airline distance of 10 statute miles of the limits of said city and county, and from points in said area to points in Pennsylvania and return. *Attorney:* Conrad J. Benedetto, 239A McClellan Street, Philadelphia, PA 19148.

**Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before January 13, 1997.

- A-00113067, F. 2 Randall J. Smith, t/d/b/a Smith  
Refrigeration  
R. D. 2, Box 145, Columbia Cross-  
roads, PA 16914
- A-00113596 Crea Excavating, Inc.  
1315 Pleasant Hills Road, Wexford,  
PA 15090; John A. Pillar, Esquire  
Pillar, Mulroy & Ferber, 1106 Frick  
Building, Pittsburgh, PA 15219
- A-00113610 Paul D. Peachey  
417 School House Road, Belleville,  
PA 17004
- A-00113611 William J. Martin  
795 Wollups Hill Road, Stevens, PA  
17578

- A-00113612 Michael C. Dalton, t/d/b/a Dalton  
Delivery Service  
2260 Industrial Drive, Bethlehem,  
PA 18017
- A-00113613 Central Transportation & Delivery,  
Inc.  
2415 Campus Drive, Suite 101,  
Irvine, PA 92715
- A-00113598 Acme Transportation, Inc.  
13927 CR4, Bristol, IN 46507
- A-00113599 Randall A. Yoder  
1360 Saylor Street, Johnstown, PA  
15905
- A-00113601 Lloyd D. Halteman, t/d/b/a L. G.  
Weaver Trucking  
841B Kutztown Road, Myerstown,  
PA 17067
- A-00113608 Marvin H. Sensenig, t/d/b/a Marbec  
Trucking  
P. O. Box 87, Dry Run, PA 17220
- A-00113600 Eugene J. Manchas, t/d/b/a Manchas  
Trucking  
136 Easy Street, Uniontown, PA  
15401
- A-00113602 Paul Matthew Beddoe, t/d/b/a Beddoe  
Trucking  
402 Lenni Road, P. O. Box 8, Lenni,  
PA 19052
- A-00113603 Sherred Appliance Service, Inc.  
2206 Brownsville Road, Pittsburgh,  
PA 15210
- A-00113604 Stony's Trucking Company  
P. O. Box 3809, 945 Boardman-  
Canfield Road, Youngstown, OH  
44513
- A-00113608 Robert R. Stremick, t/d/b/a Robert R.  
Stremick Trucking  
318 Valley Street, Brockton, PA  
17925

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-2216. Filed for public inspection December 27, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-211870F2000. William J. McCormick t/d/b/a McCormick Water Company.** Application of William J. McCormick t/d/b/a McCormick Water Company, for approval of the abandonment of water service rights in the Village of Gibson and surrounding portions of Fallowfield Township, Washington County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before January 13, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* John McCormick Petrisek, Esquire, McCormick Water Company, 998 Main Street, Bentleyville, PA 15314.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-2217. Filed for public inspection December 27, 1996, 9:00 a.m.]

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## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 97-004-RL84.** Bituminous overlay, ID-2, SRL-E between M. P. 306.38 and M. P. 312.35 on the PA Turnpike System in Chester Co., PA.

*Bid Opening Date:* January 30, 1997, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-2218. Filed for public inspection December 27, 1996, 9:00 a.m.]

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# 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 x340**

### Commodities

**8503530** Agricultural machinery and supplies—400 each spray tank 3 gallon, RHOMAR No. RH553-S.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8084760** Badges, insignias and patches—205,000; Patches for 1997 Keep Pennsylvania Beautiful program.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17101-1900  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7313690** Bags, paper, Kraft—2,800 bdl. pint size; 14,500 bdl. quart size; 33,000 bdl. gallon size.

**Department:** Liquor Control Board  
**Location:** Various locations  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1556116** Building materials—120 ft. galvanized tubular steel green vinyl, 8 each post caps, 25 each tension bars and various quantities of related accessories.

**Department:** Corrections  
**Location:** State Correctional Institution Mahanoy, Frackville, Schuylkill County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1483156** Cameras, lenses and supplies—2 each; IKEGAMI HL-59E video cameras—2 each; IKEGAMI HL-59E video camera accessories.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17126-0333  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1525116** Construction and building materials—136 each replacement windows, single hung 61" W x 66 1/2" H, color: brown; 12 each replacement windows, single hung, 39" W x 49" H, color: brown.

**Department:** Corrections  
**Location:** State Correctional Institution Cambridge Springs, Cambridge Springs, Crawford County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503540** Engines, turbines and components—500 each mirror head West Coast Conventional, heated, DELBAR HR-H44.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1577206** Envelopes, various sizes—20M; SP 4-132, envelopes, fingerprint, size 9" x 9", 29 lb. brown manila Kraft, packed 500 per case.

**Department:** State Police  
**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

**1536116** Fence—150 roll, general purpose barbed obstacle fence, Type II.

**Department:** Corrections  
**Location:** State Correctional Institution Greensburg, Greensburg, Westmoreland County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1466116** Fertilizer, liquid—liquid fertilizer to top dress 200 acres of alfalfa in two separate applications. 0-80-150 with two pounds boron and eight pounds of sulphur per acres.

**Department:** Correctional Industries  
**Location:** Graterford, Montgomery County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7313730** Flooring—carpet tile, size: 18" x 18"—approximately 4,500 square yards of various colors, styles.

**Department:** Liquor Control Board  
**Location:** Various locations  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1423116** Food—150 bags, dry baby green lima beans; 100 bags pinto beans; 50 bags dry blackeyed peas.

**Department:** Corrections  
**Location:** State Correctional Institution Rockview, Bellefonte, Centre County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1479116** Food preparation equipment—blast chiller to be a Vulcan-Hart No. VBC5 or equal.

**Department:** Corrections  
**Location:** State Correctional Institution Muncy, Muncy, Lycoming County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1496116** Household and commercial furnishings and appliances—1 each; combi-steam oven Model No. CCD202 by Rational by Middleby or equal.

**Department:** Corrections  
**Location:** Frackville, Schuylkill County, PA 17931  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1487116** Household and commercial furnishings and appliances—13 each; combination proof/holding cabinet—unit to be Model No. C175-C8N as manufactured by Intermetro Industries or equal.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA 17001-8837  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**153046** Identification tags—60,000 each cattle ear tags—orange.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1397216** Kitchen equipment and supplies—1 each insulated tray belt with sprocket set and hardware for Champion Dishmachine, Serial No. 60080, Model No. UC-21CW-3T SO. 378441, PN: 402238.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, Haverford, Montgomery and Delaware Counties, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1474116** Kitchen equipment—1 each of combination steamer; tilt griddle, skillet, kettle, fryer, roaster, holding cabinet; combination oven/steamer, roll-in cart, 6 extra shelves, control panel security cover.

**Department:** Corrections  
**Location:** State Correctional Institution Cambridge Springs, Cambridge Springs, Crawford County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1493116** Laundry machinery—2 each washer; 5 each dryer, gas (not to exceed 38" W).

**Department:** Corrections  
**Location:** State Correctional Institution Cambridge Springs, Cambridge Springs, Crawford County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1549226** Marine equipment and supplies—material for building retaining walls at a marina. 891 each interlocking retaining wall system; 349 each tieback unit; 108 coping unit; 25 each right corner; 23 each left corner; 6 each right coping; 13 each left coping.

**Department:** Fish and Boat Commission  
**Location:** North East, Erie County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1552226** Marine equipment and supplies—1 each 1200 gallon capacity seven (7) compartment fish hauling tank.

**Department:** Fish and Boat Commission  
**Location:** Tionesta, Forest County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1535356** Office supplies—8,250 each drop front file pockets, end tab, colored. Size: legal (9 1/2 x 14 3/4), expansion: 3 1/2", colors: vary.

**Department:** Environmental Protection  
**Location:** Ebensburg, Cambria County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1517206** Vehicle accessories—2 each 1997 model four (4) horse trailer, slant load fifth wheel gooseneck with dressing room, constructed of aluminum or fiberglass reinforced with plywood.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1475136** Vehicles—1 each 1997 model cab and chassis with omnibus body with wheelchair spaces.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1441216** Vehicles—1 each 1997 model converted wheelchair/passenger van.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8231650** Vehicles—1 each van, mini, 5 passenger, with air conditioning, cruise control, and mobile data recorder.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8231740** Vehicles—2 each latest model truck, tilt cab w/exchangeable bodies.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1513226** Vehicles—5 each 1997 model passenger mini van.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

## SERVICES

### Agricultural Services—02

**9542** Bid for contractor to provide trapping and removal and disposal service of small animals at the State Correctional Institution, Muncy, PA.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** 7/1/97 through 6/30/2000  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

### Audio/Video—04

**9539** Bid for contractor to provide 2-way radio service for the State Correctional Institution, Muncy, PA.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** 7/1/97 through 6/30/2000  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

**Project 95-12** "Pilot Telephone-Internet Renewal Service" PennDOT is requesting proposals from interested service contractors to provide telephone-internet renewal services for driver's license and motor vehicles customers. To obtain detailed requirements about the Request for Proposal, FAX your request to (717) 783-7971, ATTN: Tina Chubb.

**Department:** Transportation  
**Location:** Bureau of Office Services, 8th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900  
**Duration:** 6 month pilot with option to extend up to 5 years  
**Contact:** Tina Chubb, (717) 783-7971

**9535** Cellular phone service for State Correctional Institution Muncy. Phones are owned by institution.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** 5/1/97 through 6/30/99  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

### Computer Related Services—08

**X106233** Provide training on various SAS mainframe and microcomputer applications.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** Through 6/30/97 with option to renew  
**Contact:** Ally Castaneira, (717) 787-2471

**9538** Bid for contractor to provide digital and tone paging service at State Correctional Institution, Muncy, PA for the period 7/1/97 through 6/30/2000 and provide Alpha Numeric pager service for the period 7/1/99 through 6/30/2000.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** 7/1/97 through 6/30/2000  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

### Construction and Construction Maintenance—09

**DGS 948-41EC5.6** Project title: Removal and Disposal of Asbestos and Hazardous Materials and the Abatement of PCB Contamination in Levels One (1) through Three (3) and Other Areas of the Building. Hazardous material abatement. Plans deposit: \$100.00 for one (1) set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Additional sets may be purchased for \$100.00 per set. 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: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011-2325, (717) 763-7211. Bid date: Tuesday, January 21, 1997 at 2:00 p.m. Contractor or subcontractor personnel must have current PA Department of Labor and Industry asbestos worker licenses, forty (40) hour Hazwoper certifications. A pre-bid conference and building walk-through has been scheduled for Monday, January 6, 1997 at 4:00 p.m. in Room G-105 Transportation and Safety Building, Harrisburg, PA. Walk-through to be conducted at the pre-bid conference. Contact person Thomas S. Brown, telephone (717) 763-7211, ext. 2255. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference and walk-through.

**Department:** General Services  
**Location:** Transportation and Safety Building, Harrisburg, Dauphin County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 522-2 Phase 3** Project title: Renovations and Additions. Brief description: interior renovations and new finishes to second and third floors of building. Courtyard landscaping at exterior of building. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. 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: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, January 15, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Diagnostic and Rehabilitation Center, 229 Arch Street, Philadelphia, Philadelphia County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41EC4.6** Project title: Removal and Disposal of Asbestos and Hazardous Materials and the Abatement of PCB Contamination in Levels Four (4) through Seven (7). Asbestos abatement. Plans deposit: \$100.00 for one (1) set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Additional sets may be purchased for \$100.00 per set. 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: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011-2325, (717) 763-7211. Bid date: Tuesday, January 14, 1997 at 2:00 p.m. Contractor or subcontractor personnel must have current PA Department of Labor and Industry asbestos worker licenses, forty (40) hour Hazwoper certifications. A pre-bid conference and walk-through has been scheduled for Monday, December 30, 1996 at 4:00 p.m. in Room G-100 Transportation and Safety Building, Harrisburg, PA. Walk-through immediately following the pre-bid. Contact person Thomas S. Brown, telephone (717) 763-7211, ext. 2255. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference and walk-through.

**Department:** General Services  
**Location:** Transportation and Safety Building, Harrisburg, Dauphin County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

### Demolition—11

**Contract No. FDC-010-204** Demolition of three existing structures (steel I-beams, open grid steel decks, and stone masonry substructures); construction of two bridges (prestressed concrete spread box beams, reinforced concrete decks, abutments and wingwalls); construction of one precast reinforced concrete box culvert with precast wingwalls and aprons; and restoration of a slide area (excavation, gabion retaining wall, and backfilling). Work is located in Forest District 10 along the left branch Young Womans Creek Road north of the Village of North Bend.

**Department:** Conservation and Natural Resources  
**Location:** Chapman Township, Clinton County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

### Elevator Maintenance—13

**97-002** The contractor shall provide service to cable elevators. Full maintenance with straight-line callbacks. One passenger—Westinghouse. Three freight—Haughton.

**Department:** Corrections  
**Location:** Corrections Training Academy, 1451 North Market Street, Elizabethtown, PA 17022  
**Duration:** 1—3 years  
**Contact:** Ruth Gibson, (717) 367-9070

**Firefighting Services—18**

**9537** Bid for contractor to provide fire extinguisher maintenance service at the State Correctional Institution, Muncy, PA.

**Department:** Corrections  
**Location:** State Correctional Institution Muncy, Route 405, R. D. 3, Muncy, PA 17756  
**Duration:** 7/1/97 through 6/30/2000  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

**Fuel Related Services—20**

**Contract No. FDC-010-224** Removal and disposal of existing fuel systems; provide and install above ground fuel systems; additional soil/water tests; and contaminated soil disposal. Work is located at two sites in Forest District No. 10 near Renovo.

**Department:** Conservation and Natural Resources  
**Location:** Noyes Township, Clinton County, PA  
**Duration:** Complete all work by June 30, 1997  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-100-179R** Removal and disposal of four—1,000 gallon and one—550 gallon gasoline tanks; provide and install two—2,000 gallon dual compartment and two—1,000 gallon above ground fuel systems; additional soil/water tests; and 50 c. y. of contaminated soil disposal. Work is located at four sites; Poe Valley, Ravensburg, Reeds Gap and R. B. Winter State Parks.

**Department:** Conservation and Natural Resources  
**Location:** Penn Township, Centre County; Crawford Township, Clinton County; Armagh Township, Mifflin County and Hartley Township, Union County  
**Duration:** Complete all work by May 30, 1997  
**Contact:** Construction Management Section, (717) 787-5055

**300770** Service to Hagan controls on boilers: calibrate, adjust and provide emergency service to the Hagen controls on the boilers in the Power Plant at Harrisburg State Hospital.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** 7-1-97 through 6-30-2000, a period of three years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**Hazardous Material Services—21**

**300771** To provide all labor, equipment, material and supplies necessary for the packaging, receipt, removal transportation, hauling, storage, and disposal of asbestos material generated by the hospital.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** July 1, 1997 through June 30, 2000, a period of three years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**Heating, Ventilation, Air Conditioning—22**

**SP 293345** Complete installation of up to 42 campground electrical hookups at Codorus State Park, York County.

**Department:** Conservation and Natural Resources  
**Location:** State Parks, Codorus State Park, 1066 Blooming Grove Road, Hanover, PA 17331-9545  
**Duration:** Completion time—60 days after notice to proceed  
**Contact:** Gene Strick, (814) 733-9123

**IN-733** Bathroom and lounge renovations Langham and Wahr Halls. Removing existing walls, carpet, ceilings, unit ventilators, exhaust registers, control wiring, shower piping, shower fittings, light fixtures, conduit, wiring, etc. Notice to contractors may be requested from IUP. Phone: (412) 357-2289, FAX: (412) 357-6480.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-4851

**040079** The Pennsylvania Department of Transportation requires approximately 500 hours of plumbing repair and servicing at 1 Safety Rest Area in Lackawanna County, 3 Safety Rest Areas in Luzerne County, 2 Safety Rest Areas in Pike County, and 1 Safety Rest Area in Susquehanna County. Specifications may be obtained by phoning (717) 963-4016 between 7:00 a.m. and 4:00 p.m., Monday through Friday.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike and Susquehanna Counties  
**Duration:** 1 year  
**Contact:** William Tyson, (717) 963-4016

**Janitorial Services—23**

**97-001** The contractor will provide trash removal twice a week and provide a three cubic foot yard container and rental of a six cubic foot yard frontward compactor and other containers as needed.

**Department:** Corrections  
**Location:** Corrections Training Academy, 1451 North Market Street, Elizabethtown, PA 17022  
**Duration:** 1—3 years  
**Contact:** Ruth Gibson, (717) 367-9070

**Laboratory Services—24**

**9541** Bid for contractor to provide analysis on water and sewer samples taken at the State Correctional Institution, Muncy, PA.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** 7/1/97 through 6/30/2000  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

**Lodging/Meeting Facilities—27**

**SPC No. 216925** Contractor would provide lodging, meals (breakfast/lunch/dinner/a.m. and p.m. breaks), meeting rooms and ancillary equipment for two training/scoring sessions at one of three regional sites: Eastern PA; Central PA; and Western PA. Contractor should bid on one date from the following two groups: Group No. 1—April 21—25, April 28—May 2, and May 4—8; and Group No. 2—September 30-October 3; October 7-10; and October 14-17 or October 21-24. Meetings will be for 110 persons each with 3 nights lodging per meeting, with the exception of Group No. 1 requiring the first night as a training session for 30 with lodging, dinner and a meeting room being provided. Quiet/well-lighted/spacious meeting facilities are mandatory. All sites will be subject to inspection prior to contract award.

**Department:** Education  
**Location:** Eastern PA, Central PA, Western, PA  
**Duration:** April 1, 1997—October 31, 1997  
**Contact:** Lee Plempel, (717) 787-4234

**P000277** Provide meeting facilities, including lodging, meals and meeting rooms for an estimated 120 attendees. Facility must be located within 120 miles of Harrisburg and must be available 5/14/97—5/18/97. Facility must be able to provide outdoor learning areas to include eastern deciduous forest habitat, an unmowed natural field habitat and lake or pond.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of State Parks, within 120 miles of Harrisburg, PA  
**Duration:** 5/14/97—5/18/97  
**Contact:** Cory Gaiski, (717) 783-0760

**C105278** Provide training facilities, including lodging, meals and meeting rooms for an estimated 130 attendees. Facility must be located less than 10 miles of Lewisburg and must be available 8/1/97—8/3/97.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, within 10 miles of Lewisburg, PA  
**Duration:** 8/1/97—8/3/97  
**Contact:** Cory Gaiski, (717) 783-0760

**SPC No. 216926** Contractor would provide lodging, meals (breakfast/lunch/dinner/a.m. and p.m. breaks), meeting rooms and ancillary equipment for training/scoring session for one or two weeks in Central PA. Contractor should bid on one or both of the following dates: April 14-18, 1997 and/or May 6-9, 1997. Meetings will be for 100 persons each with one week consisting of 4 nights lodging and the other week consisting of 3 nights lodging. Quiet/well-lighted/spacious meeting facilities are mandatory. All sites will be subject to inspection prior to contract award.

**Department:** Education  
**Location:** Central PA  
**Duration:** April 1, 1997—May 31, 1997  
**Contact:** Lee Plempel, (717) 787-4234

**Medical Services—29**

**9540** Bid for contractor to provide cremation services as needed at the State Correctional Institution, Muncy, PA.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** 7/1/97 through 6/30/2000  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

**SWIF-01-97** Provide vocational rehabilitation services to SWIF claimants consisting of various specialized and comprehensive services with the goal of returning an injured worker to a productive level of activity. Said services will be provided in the Philadelphia Area (Unit 1); Pittsburgh, Johnstown and Erie Areas (Unit 2); Harrisburg, Pottsville, Sunbury and Scranton Areas (Unit 3); or Statewide. Mandatory pre-proposal conference to be held on a time and date to be specified in the RFP package.

**Department:** Labor and Industry  
**Location:** State Workers' Insurance Fund, Statewide by Units  
**Duration:** 3 years from execution date of agreement with a 2 year option  
**Contact:** Eugene Hallinan, (717) 963-4832

**975** The contractor shall provide dental laboratory services to the inmate population at the State Correctional Institution at Frackville. Performance of services will require pickups and deliveries or pre-paid mailing containers.

**Department:** Corrections  
**Location:** State Correctional Institution at Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** May 1, 1997 to April 30, 2000  
**Contact:** Mary Lou Neverosky, Purchasing Agent, (717) 874-4516

**Property Maintenance—33**

**MI-685** Project title: Osburn Hall—Office Renovations. Scope of work: Demolish partition walls, install new partitions and doors, modify electrical outlets and lighting, and make necessary ceiling and HVAC changes. Plans cost: \$15.00.

**Department:** State System of Higher Education  
**Location:** Osburn Hall, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** 30 days from notice to proceed  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**CL-471** Installation of approximately 5,000 square feet of gypsum board to walls and ceilings of residence building currently being constructed by university. Finish of board with two coats of veneer plaster. Materials to be provided by the university. Two base bids required for total project and finish only. Site visit by appointment only. Bids due and open: 1:30 p.m., January 21, 1997. Bid packages may be obtained by phone or written request to contact person.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, Clarion County, PA  
**Duration:** 30 days from notice to proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**120R-001** Contractor to furnish all labor, equipment, insurance and traffic protection to apply pesticide throughout Fayette and Greene Counties according to contract specifications. Bidders must be certified and licensed to apply pesticides.

**Department:** Transportation  
**Location:** Engineering District 12-0: Fayette and Greene Counties  
**Duration:** 1 year with two 2 year renewals  
**Contact:** Michael D. Maurer, (412) 439-7374

**120R-002** Contractor to furnish all labor, equipment, material, insurance, and traffic, projection to plant wildflowers at designated sites throughout Engineering District 12-0. Also, the construction of raised plant beds at the I79 and I70 Welcome Centers, and the installation of department supplied plant material. Also, other landscape type work as needed according to bid specifications.

**Department:** Transportation  
**Location:** Engineering District 12-0: Fayette, Greene, Washington and Westmoreland Counties, PA  
**Duration:** 1 year with two 2 year renewals  
**Contact:** Michael D. Maurer, (412) 439-7374



**120R-003** Contractor to provide all labor, equipment, material insurance and traffic protection to perform mowing according to bid specifications.

**Department:** Transportation  
**Location:** Westmoreland County, All Routes North of SR 0030 including SR 0030  
**Duration:** 1 year with two 2 year renewals  
**Contact:** Michael D. Maurer, (412) 439-7374

**120R-004** Contractor to provide all labor. Equipment material and traffic/pedestrian control to perform complete maintenance of grounds as directed according to bid specifications (Washington County Welcome Center I-70 near Claysville, Greene County Welcome Center I-79 near Kirby).

**Department:** Transportation  
**Location:** I70 Eastbound Welcome Center Milepost 5; I79 Northbound Welcome Center Milepost 6, PA  
**Duration:** 1 year with two 2 year renewals  
**Contact:** Michael D. Maurer, (412) 439-7374

**ESU 405-154** ESU is accepting bids on ESU 405-154, replace windows and HVAC renovations at Lenape Hall. General Prime EST \$250K, HVAC EST \$100K. Bid specifications available for a nonrefundable fee of \$50.00 payable to Kieran Timberlake & Harris, 20 North 3rd Street, Philadelphia, PA 19106, call (215) 922-6600. Work includes replacement of 199 operable windows; ground floor renovations and HVAC renovations. For special accommodations call Zaffy Zaffuto at (717) 422-3595. All responsible bidders are invited to participate, including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 150 day ANP  
**Contact:** Kieran Timberlake & Harris, (215) 922-6600

**FM 08779602** Repair Structural Damage to Ceiling: The scope of work for this project covers the supplying of all labor, tools, equipment, materials, temporary bracing and appurtenances to install new steel columns, beams and angles in areas shown on the drawings and specifications to be provided with bid package. Complete bid package can be received from the Purchasing Office of the Ebensburg Center.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931  
**Duration:** 90 days from effective date of contract  
**Contact:** Cora Davis, Purchasing Agent I, (814) 472-0288

### Real Estate Services—35

**953A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the PA Board of Probation and Parole with 6,137 useable square feet of new or existing office space, with parking for thirteen (13) vehicles in Philadelphia, Philadelphia County, PA, within the following boundaries: North: Girard Avenue, South: Baltimore Avenue, East: 40th Street, West: 60th Street. Proposals due: January 27, 1997. Solicitation No.: 92428.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or Edward Meyer, (717) 787-4394

### Sanitation—36

**9536** Bid for contractor to haul and treat raw sewage as needed in emergency situations at the State Correctional Institution, Muncy, PA.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** 7/1/97 through 6/30/2000  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

### Miscellaneous—39

**SP 294952** Electric deer fence installation. Site preparation, installation and materials for electric deer fencing around a portion of each timber sale at two locations located on Rothrock State Forest. The sites are located at (1) Treaster Kettle Road, Harris Township, Centre County, approximately 5,500 ft. perimeter and (2) Pine Swamp Road, Jackson Township, Huntingdon County, approximately 12,925 ft. perimeter.

**Department:** Conservation and Natural Resources  
**Location:** Rothrock Forest District No. 5, Rothrock Lane, Huntingdon, PA 16652  
**Duration:** Beginning 2/15/97 through 6/30/97  
**Contact:** Gary N. Rutherford, Assistant District Forester, (814) 643-2340

**Project No. 95-19** "Vehicle Emission Inspection/Maintenance (I/M) Program Management." The objective of this project is to satisfy a need for a management contractor to perform many of the routine management functions for an enhanced emission inspection/mechanic program, as required by EPA and Chapter 177. Detailed requirements and an RFP are available upon request. FAX requests to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 555 Walnut Street, 8th Floor, Forum Place, Harrisburg, PA 17101-1900  
**Duration:** 57 months  
**Contact:** Steven A. Davis, (717) 787-1368

**BOP 1997-01** Consultant to develop and implement a business plan for the purchasing of office supplies by the Department of General Services, which will result in the reduction of procurement costs, give State agencies greater discretion in the purchasing of office supply commodities, and provide opportunities for sales by local vendors in order to stimulate local economies.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** 11 weeks  
**Contact:** Tom DiMartile, (717) 787-4352

[Pa.B. Doc. No. 96-2219. Filed for public inspection December 27, 1996, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1266116-01	12/13/96	Lindgren Corp.	62,400.00
1273116-01	12/13/96	Dori Foods, Inc.	29,852.00
1299116-01	12/13/96	CPAD Technologies, Inc.	45,000.00
1310216-01	12/13/96	Cardinal Computer Sys.	29,000.00
1310216-02	12/13/96	G A Blanco and Sons	13,411.00
1335116-01	12/13/96	M. Glosser & Sons, Inc.	20,950.00
1336156-01	12/13/96	Pierce-Phelps, Inc.	13,205.70
1356236-01	12/13/96	Moyer and Sons, Inc.	84,602.60
1357226-01	12/13/96	Pennock's Sales & Service, Inc.	11,365.00
1374216-01	12/13/96	LTS Handling, Inc.	17,433.00
1382116-01	12/13/96	Geneco Services, Inc.	24,698.48
6675-01	12/23/96	OCE Bruning USA	75,000.00
6675-01	12/23/96	Dietzgen Coro.	75,000.00
6675-01	12/23/96	Charrette Corp.	100,000.00
6675-01	12/23/96	Xerox Corp.	100,000.00
6790-01 (Rebid)	12/20/96	Lightning Powder Co., Inc.	4,080.00
6790-01 (Rebid)	12/20/96	Sirchie Fingerprint Lab, Inc.	3,842.65
6790-01 (Rebid)	12/20/96	Lynn Peavey Co.	10,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
6790-01 (Rebid)	12/20/96	Kinderprint Co., Inc.	1,843.20
7910-02	12/20/96	Resourcenet International, Inc.	51,351.65
7910-02	12/20/96	Clarke Industries, Inc.	111,228.45
7910-02	12/20/96	Mastercraft Industries, Inc.	37,891.30
7910-02	12/20/96	T. Frank McCall's, Inc.	59,603.35
7910-02	12/20/96	Minuteman International, Inc.	37,491.84
7910-02	12/20/96	Airwick Professional Prod., Phila.	27,923.29
7910-02	12/20/96	Advanced Machine Company	53,406.80
8101610-01	12/13/96	Keystone Precision Instruments, Inc.	63,614.93
8204720-01	12/13/96	Duplex Products	2,586.00
8205380-01	12/13/96	Westerex International	149,800.00
8205540-01	12/13/96	Supply Source, Inc.	4,240.89
8540-01	12/20/96	Airwick Professional Prod., Phila.	100,000.00
8540-01	12/20/96	Resourcenet International	480,000.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 96-2220. Filed for public inspection December 27, 1996, 9:00 a.m.]