

# PENNSYLVANIA BULLETIN

Volume 26  
Saturday, October 19, 1996 • Harrisburg, Pa.  
Number 42  
Pages 4975—5084

**In this issue:**

The Courts  
Board of Pardons  
Delaware River Basin Commission  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Labor and Industry  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Pennsylvania Public Utility Commission  
State Board of Medicine  
State Police  
State System of Higher Education  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 263, October 1996**

---

## **PENNSYLVANIA**

## **BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$80.50 per year, postpaid to points in the United States. Individual copies \$2. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

**FRY COMMUNICATIONS**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 340  
(800) 334-1429 ext. 340 (toll free, out-of-State)  
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

Copyright © 1996 Commonwealth of Pennsylvania  
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# Contents

## THE COURTS

### CIVIL PROCEDURAL RULES

Amendment of rules governing minors, incapacitated persons and wrongful death actions; no. 266; doc. no. 5 ..... 4985

## EXECUTIVE AGENCIES

### BOARD OF PARDONS

#### Proposed Rulemaking

General provisions ..... 4988

### DELAWARE RIVER BASIN COMMISSION

#### Notices

Commission meeting and public hearing. .... 5019

### DEPARTMENT OF BANKING

#### Notices

Action on applications ..... 5020

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Pennsylvania Rivers Conservation Registry ..... 5021

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices ..... 5022

Pennsylvania Wetland Replacement Project:

Lake Naomi Project ..... 5054

Project no. S1:01 ..... 5054

Proposed revisions to NPDES General Permit PAG-2 for discharges of stormwater from construction activities ..... 5055

Radiation Protection Advisory Committee Meeting .. 5055

### DEPARTMENT OF GENERAL SERVICES

#### Statements of Policy

Use of the public areas of the Capitol Complex (correction) ..... 5013

#### Notices

Contract awards ..... 5083

Design professional selections ..... 5056

State contracts information ..... 5074

### DEPARTMENT OF LABOR AND INDUSTRY

#### Proposed Rulemaking

Asbestos occupation accreditation and certification .. 4992

#### Notices

Current Prevailing Wage Act debarments. .... 5057

### DEPARTMENT OF PUBLIC WELFARE

#### Notices

General Assistance and General Assistance-related Medical Assistance; notice of rule change ..... 5058

Office of Medical Assistance; payment for vaccines .. 5059

Office of Medical Assistance programs; neonatal intensive care procedure codes ..... 5059

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Holiday Cash '96 Instant Lottery Game ..... 5059

Pennsylvania Stocking Stuffer '96 Instant Lottery Game ..... 5061

### DEPARTMENT OF TRANSPORTATION

#### Notices

Retention of engineering firms ..... 5063

### ENVIRONMENTAL HEARING BOARD

#### Notices

William and Mary Belitskus/Ronald and Anita Housler/PROACT v. DEP and Williamette Industries, Inc., Permittee; EHB doc. no. 96-196-MR ... 5066

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of filing of final-form rulemakings ..... 5066

### INSURANCE DEPARTMENT

#### Notices

Application and request approval of a redomestication (2 documents) ..... 5067

Application for approval of a voluntary dissolution .. 5067

Hartford Insurance Company of the Midwest; home owners rate and rule filing ..... 5067

Medical Professional Liability Catastrophe Loss Fund; surcharge filing ..... 5067

PHICO Insurance Company; manual revisions for Health Care Providers Comprehensive Liability (HCL) Program, Institutional Professional Liability and Physicians Professional Liability ..... 5068

Rescission of termination of hospital provider contracts with St. Joseph Medical Center and Community General Hospital by Capital Blue Cross... 5068

Review procedure hearings; cancellation or refusal of insurance (2 documents) ..... 5068, 5069

Review procedure hearings under The Unfair Insurance Practices Act ..... 5069

### LEGISLATIVE REFERENCE BUREAU

#### Notices

Documents filed but not published ..... 5069

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases ..... 5070

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Alltel Pennsylvania, Inc.; telephone service ..... 5070

Alltel Pennsylvania, Inc. and Tuolumne Telephone Company; merger ..... 5070

Greene Valley Water Company; water service ..... 5071

Tuolumne Telephone Company; telephone service ... 5071

### STATE BOARD OF MEDICINE

#### Proposed Rulemaking

Administration of anesthesia ..... 5009

4978

**STATE POLICE**

**Proposed Rulemaking**

DNA Detection of Sexual and Violent Offenders Act. 5011

**Statements of Policy**

Receipt and processing of DNA samples for the  
State DNA Database..... 5015

**STATE SYSTEM OF HIGHER EDUCATION**

**Notices**

Request for proposal ..... 5071  
Request for proposal; reference SSHE SRD-2-96 .... 5071

**TURNPIKE COMMISSION**

**Notices**

Request for bids ..... 5071  
Request for expanded letters of interest; ref. no.  
3-089 and 3-090 ..... 5072

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

#### Printing Format

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

#### Fiscal Notes

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

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

# List of Pa. Code Chapters Affected

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

## 1 Pa. Code (General Revisions)

### Proposed Rulemaking

101	332
103	332

## 4 Pa. Code (Administration)

### Adopted Rules

1	856
5	2288, 2290, 2292, 4515
39	993

### Statements of Policy

1	593, 1146
9	596, 913, 1147, 1377, 1560, 2010, 2419, 2712, 2822, 3550, 3849, 4244, 4655, 4767, 4904
86 (with correction)	4906, 5013

## 7 Pa. Code (Agriculture)

### Adopted Rules

10	2184
20	4218
21	161
49	2707
59	3129
78	2707
79	2707
80	2707
81	2707
82	2707
104	2783, 3534
130b	4723

### Proposed Rulemaking

3	3837
5	3837
7	3837
8	3837
9	3837
59	3546
110	1558
138h	1555

### Statements of Policy

17a	1271
105	4526
138g	1149

## 13 Pa. Code (Commerce and Trade)

### Adopted Rules

57	2905
205	483

### Statements of Policy

55	2923
----	------

## 16 Pa. Code (Community Affairs)

### Adopted Rules

5	2707
---	------

### Proposed Rulemaking

15	2323
29	4432

## 17 Pa. Code (Conservation and Natural Resources)

### Adopted Rules

11	2707
15	2707
17	2707
21	2707
23	2707
25	2707
27	2707
29	2707
41	2707
43	2707
45	2707
47	2707
51	2707
61	2707

## 22 Pa. Code (Education)

### Adopted Rules

73	4334
121	3321

### Proposed Rulemaking

211	232
213	232

### Notices

44	1060
----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

11	2707
17	2707
18	2707
31	2707
51	2707
52	2707
81	2707
82	2707
86 (with correction)	324, 4181
93	2192
107	2707
151	2707
153	2707
155	2707
157	2707
175	2707
177	2707
191	2707
193	2707
195	2707
245	4735
1021	4222

### Proposed Rulemaking

71	1491
72	1491
73	1491
93	3637
127	1139
245	3073
250	3985
260	1828
261	1828, 3801

262 ..... 1828, 3801  
 263 ..... 1828  
 264 ..... 1828, 3801  
 265 ..... 1828, 3801  
 266 ..... 1828, 3801  
 267 ..... 1828  
 269 ..... 1828  
 270 ..... 1828  
 285 ..... 2790  
 901 ..... 3537  
 971 ..... 491  
 Unclassified ..... 591

**Statements of Policy**

105 ..... 494

**Notices**

105 ..... 526

**28 Pa. Code (Health and Safety)**

**Adopted Rules**

18 ..... 2707  
 19 ..... 2707  
 20 ..... 2707  
 701 ..... 567  
 704 ..... 567

**Statements of Policy**

9 ..... 1629

**31 Pa. Code (Insurance)**

**Adopted Rules**

89 ..... 2196  
 113 ..... 230  
 149 ..... 1705  
 151 ..... 1705

**Proposed Rulemaking**

27, Appendix A ..... 752  
 113 ..... 4434  
 163 ..... 996

**Statements of Policy**

301 ..... 1636

**Notices**

89, Appendix G ..... 3958  
 89, Appendix H ..... 3958

**34 Pa. Code (Labor & Industry)**

**Adopted Rules**

50 ..... 1552

**Proposed Rulemaking**

65 ..... 4347  
 101 ..... 1141  
 203 ..... 1133  
 401 ..... 4992

**37 Pa. Code (Law)**

**Proposed Rulemaking**

55 ..... 2907  
 58 ..... 5011  
 81 ..... 4988  
 201 ..... 2793  
 203 ..... 2793

**Statements of Policy**

56 ..... 1057  
 59 ..... 5015

**40 Pa. Code (Liquor)**

**Adopted Rules**

5 ..... 2209  
 11 ..... 1353

**Proposed Rulemaking**

5 ..... 31

**43 Pa. Code (Military Affairs)**

**Notices**

7 ..... 545, 1188

**49 Pa. Code (Professional and Vocational Standards)**

**Adopted Rules**

1 ..... 866  
 5 ..... 324  
 7 ..... 325  
 15 ..... 327  
 16 ..... 487, 4411  
 21 ..... 2005  
 25 ..... 485, 3832  
 29 ..... 328  
 31 ..... 2785  
 39 ..... 330

**Proposed Rulemaking**

5 ..... 1001  
 13 ..... 1011  
 16 ..... 1014, 5009  
 18 ..... 757  
 21 ..... 1017, 4652  
 23 ..... 1023  
 25 ..... 591, 757, 1027  
 27 ..... 1030, 1032  
 29 ..... 1047  
 31 ..... 4765  
 33 ..... 1004  
 36 ..... 489  
 40 ..... 1043  
 41 ..... 1050, 2819  
 42 ..... 1020  
 45 ..... 1008  
 47 ..... 1053

**Statements of Policy**

43a ..... 2100

**51 Pa. Code (Public Officers)**

**Rules and Regulations**

11 ..... 4524  
 19 ..... 4524

**52 Pa. Code (Public Utilities)**

**Adopted Rules**

57 ..... 590, 3339  
 59 ..... 1265  
 60 ..... 1265  
 69 ..... 1265

**Proposed Rulemaking**

1 ..... 1358  
 3 ..... 1358  
 5 ..... 2325  
 21 ..... 1358  
 23 ..... 1358  
 29 ..... 1358, 2808  
 30 ..... 2808  
 31 ..... 1358, 2808  
 37 ..... 2325  
 53 ..... 2325  
 56 ..... 2325, 2908

59 (with correction) . . . . . 1370, 2805, 2908, 4091  
 63 . . . . . 2810, 4095  
 64 . . . . . 2810  
 65 . . . . . 2211  
 69 . . . . . 2325, 4091  
 71 . . . . . 2325

**Statements of Policy**

53 . . . . . 1377  
 69 . . . . . 1377, 1380, 3851  
 93 . . . . . 1377  
 Unclassified . . . . . 756

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

140 . . . . . 2412  
 183 . . . . . 2321  
 1181 . . . . . 4086  
 5320 . . . . . 867

**Proposed Rulemaking**

181 . . . . . 1715  
 3040 . . . . . 3433

**Statements of Policy**

100 . . . . . 596  
 140 . . . . . 2213  
 3040 . . . . . 596  
 3270 . . . . . 3552, 3553, 3554  
 3280 . . . . . 3552, 3553, 3554  
 3290 . . . . . 3552, 3553, 3554  
 6000 . . . . . 1563, 1829

**Notice of Rule Changes**

125 . . . . . 945  
 133 . . . . . 945  
 141 . . . . . 805, 806, 945  
 178 . . . . . 805  
 181 . . . . . 805  
 227 . . . . . 69  
 1101 . . . . . 2132, 5058  
 1121 . . . . . 806  
 1153 . . . . . 806  
 Unclassified . . . . . 2865

**Notices**

181 . . . . . 1762  
 501 . . . . . 714  
 1181 . . . . . 259

**58 Pa. Code (Recreation)**

**Adopted Rules**

53 . . . . . 1706, 1822  
 61 . . . . . 1706, 1825  
 63 . . . . . 1706  
 65 . . . . . 1706, 2995  
 69 . . . . . 1706  
 77 . . . . . 1825  
 93 . . . . . 1822  
 95 . . . . . 1822  
 97 . . . . . 1706, 1822  
 101 . . . . . 1822  
 103 . . . . . 1822  
 111 . . . . . 1822  
 113 . . . . . 1822  
 117 . . . . . 1822  
 135 . . . . . 4339  
 139 . . . . . 4339  
 141 . . . . . 884, 4339  
 147 . . . . . 884, 1131  
 183 . . . . . 3636

**Proposed Rulemaking**

51 . . . . . 2792  
 53 . . . . . 168, 2709  
 61 . . . . . 168  
 63 . . . . . 168  
 69 . . . . . 168, 2328  
 91 . . . . . 2709  
 107 . . . . . 2709  
 111 . . . . . 2328, 2709  
 135 . . . . . 1354, 3645  
 139 . . . . . 907  
 141 . . . . . 1354, 3645  
 143 . . . . . 3645  
 163 . . . . . 4653

**Notices**

Unclassified . . . . . 547, 720, 953, 1042, 1769, 1875

**61 Pa. Code (Revenue)**

**Adopted Rules**

5 . . . . . 4089  
 103 (with correction) . . . . . 887, 994  
 108 (with correction) . . . . . 887, 994  
 117 (with correction) . . . . . 887, 994  
 125 (with correction) . . . . . 887, 994  
 817 . . . . . 1268  
 853 . . . . . 2006  
 854 . . . . . 2006  
 856 . . . . . 2006  
 857 . . . . . 2006  
 859 . . . . . 2006  
 860 . . . . . 2006  
 861 . . . . . 2006  
 864 . . . . . 2006

**Proposed Rulemaking**

9 . . . . . 2007, 2919  
 47 . . . . . 2007, 2919  
 55 . . . . . 893  
 60 . . . . . 893

**Notices**

60 . . . . . 1872

**64 Pa. Code (Securities)**

**Adopted Rules**

203 . . . . . 30

**67 Pa. Code (Transportation)**

**Adopted Rules**

105 . . . . . 3833  
 171 . . . . . 4411  
 175 . . . . . 4640  
 203 . . . . . 3130

**Proposed Rulemaking**

43 . . . . . 3839  
 175 . . . . . 4230  
 177 . . . . . 1221  
 231 . . . . . 2416  
 457 . . . . . 895

**Statements of Policy**

202 . . . . . 1563

**201 Pa. Code (Judicial Administration)**

**Adopted Rules**

5 . . . . . 2985

**Proposed Rulemaking**

1 . . . . . 3124

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

29 ..... 4634  
 71 ..... 4635  
 81 ..... 3624, 4213, 4214  
 82 ..... 984, 2096, 3624, 4760  
 83 ..... 1806, 3624, 4519  
 85 ..... 1984  
 89 ..... 1984  
 211 ..... 4636  
 Unclassified ..... 3530

**Proposed Rulemaking**

81 ..... 2090, 2094  
 85 ..... 7  
 89 ..... 7, 3626  
 303 ..... 3404

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

101 ..... 2782  
 117 ..... 2782  
 Unclassified ..... 1677, 2097, 2296

**Proposed Rulemaking**

101 ..... 862  
 117 ..... 862  
 201 ..... 661  
 215 ..... 661  
 Unclassified ..... 1550

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

3 ..... 1985  
 11 ..... 2482  
 65 ..... 2985

**Proposed Rulemaking**

1 ..... 1988  
 3 ..... 1988  
 7 ..... 1988  
 9 ..... 1988  
 11 ..... 1988  
 13 ..... 1988  
 15 ..... 1988  
 17 ..... 1342, 1988  
 19 ..... 1988  
 21 ..... 1988  
 23 ..... 1988  
 25 ..... 1988  
 33 ..... 1988  
 51 ..... 1988

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 159, 585, 1129  
 1000 ..... 862, 4216  
 1910 ..... 4892  
 1920 ..... 4892  
 2020 ..... 4985  
 2050 ..... 4985  
 2200 ..... 4985  
 2950 ..... 1806, 4636  
 2970 ..... 1814, 3531  
 2980 ..... 1806  
 3000 ..... 1806, 1814  
 4000 ..... 227

**Proposed Rulemaking**

200 ..... 427  
 400 ..... 428  
 1300 ..... 1262  
 1900 ..... 2402  
 1910 ..... 1818, 3627  
 1920 ..... 1818, 2992  
 2020 ..... 429  
 2050 ..... 429  
 2200 ..... 429  
 3000 ..... 2482  
 4000 ..... 431, 1818  
 Part II ..... 407

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1684  
 20 ..... 3126  
 50 ..... 436, 3628, 4892  
 100 ..... 436, 1684, 1688, 3126, 4894  
 300 ..... 8, 2486, 3126  
 1100 ..... 438, 1684  
 1400 ..... 13, 1684, 4898  
 1500 ..... 3126  
 4000 ..... 1684  
 6000 ..... 989, 1684, 1688, 3126  
 9000 ..... 3531

**Proposed Rulemaking**

50 ..... 2166, 3630  
 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

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

Unclassified ..... 314, 1999, 2000

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

Unclassified ..... 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

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 2020, 2050 AND 2200]

Amendment of Rules Governing Minors, Incapacitated Persons and Wrongful Death Actions; No. 266; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 3rd day of October, 1996, Pennsylvania Rules of Civil Procedure 2039, 2064 and 2206 are amended to read as follows.

This Order shall be effective January 1, 1997 and shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b).

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 2020. MINORS AS PARTIES

**Rule 2039. Compromise, Settlement, Discontinuance and Distribution.**

\* \* \* \* \*

(b) When a compromise or settlement has been so approved by the court, or when a judgment has been entered upon a verdict or by agreement, the court, upon petition by the guardian or any party to the action, shall make an order approving or disapproving any agreement entered into by the guardian for the payment of counsel fees and other expenses out of the fund created by the compromise, settlement or judgment; or the court may make such order as it deems proper fixing counsel fees and other proper expenses. The balance of the fund shall be paid to a guardian of the estate of the minor qualified to receive the fund, if [ **he** ] **the minor** has one or one is to be appointed. **The balance of the fund payable to the guardian of the estate may include a structured settlement underwritten by a financially responsible entity that assumes responsibility for future payments or a trust as described in subdivision (b)(4) of this rule.** If the minor has no such guardian and none is to be appointed, the court may order:

(1) an amount not more than [ **Ten Thousand Dollars (\$10,000.00)** ] **twenty-five thousand dollars (\$25,000.00)** to be paid for the benefit of the minor to the guardian of the person or to the natural guardian or to the person or agency by whom the minor is maintained or to the minor;

**Official Note: The amount payable under subparagraph (1) conforms to the amount set forth in Section 5101 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 5101, relating to when a guardian is unnecessary.**

(2) any amount in cash of a resident or non-resident minor to be deposited in one or more savings accounts in the name of the minor in banks, building and loan associations [ **or** ], savings and loan associations or

**credit unions**, deposits in which are insured by a Federal governmental agency, provided that the amount deposited in any one such savings institution shall not exceed the amount to which accounts are thus insured, **or in one or more accounts in the name of the minor investing only in securities guaranteed by the United States government or a Federal governmental agency managed by responsible financial institutions.** Every such order shall contain a provision that no withdrawal can be made from any such account until the minor attains [ **his** ] majority, except as authorized by a prior order of the court. Proof of the deposit shall be promptly filed of record[ . ];

**Official Note:** The order should provide for deposits in more than one savings institution if future accrued interest may reasonably be expected to increase a single deposit beyond the insured limit.

For the definition of savings account, see Rule 76.

**The rule contemplates the deposit of money in an account investing in federally guaranteed securities, withdrawals from which may be blocked, and not the direct investment in a particular security.**

(3) **an agreement be executed providing for a structured settlement underwritten by a financially responsible entity that assumes responsibility for future payments. All moneys paid from the structured settlement during minority shall be paid into a restricted account as provided by subdivision (b)(2) of this rule;**

(4) **a trust agreement be executed with a corporate fiduciary which is independent from the minor and anyone acting on the minor's behalf and is lawfully authorized to engage in trust business in Pennsylvania or the state of the minor's domicile, which trust**

(i) **is designated to receive the fund;**

(ii) **contains such terms for investment, disbursement and distribution of the fund as the court deems proper; and**

(iii) **expressly provides that it is subject to the court's continuing jurisdiction, including the court's right to modify or terminate, for cause shown, although the trust may be otherwise irrevocable.**

**Official Note: This rule permits the use of a trust, including a special needs trust.**

\* \* \* \* \*

#### CHAPTER 2050. INCAPACITATED PERSONS AS PARTIES

**Rule 2064. Compromise, Settlement, Discontinuance and Distribution.**

\* \* \* \* \*

(b) When a compromise or settlement has been approved by the court, or when a judgment has been entered upon a verdict or by agreement, the court, upon petition by the guardian or the guardian ad litem or any party to the action, shall make an order approving or disapproving any agreement entered into by the guardian or the guardian ad litem for the payment of counsel fees and other expenses out of the fund created by the compromise, settlement or judgment; or the court may

make such order as it deems proper fixing counsel fees and other proper expenses. The balance of the fund shall be paid to the guardian of the estate of the incapacitated person qualified to receive the fund, if there is one or one is to be appointed. **The balance of the fund payable to the guardian of the estate may include a structured settlement underwritten by a financially responsible entity that assumes responsibility for future payments or a trust as described in subdivision (b)(4) of this rule.** If the incapacitated person has no such guardian, and none is to be appointed, the court may order:

(1) an amount not more than [ **Ten Thousand Dollars (\$10,000.00)** ] **twenty-five thousand dollars (\$25,000.00)** to be paid for the benefit of the incapacitated person to the guardian of the person or to the person or agency by whom the incapacitated person is maintained;

**Official Note: The amount payable under subparagraph (1) conforms to the amount set forth in Section 5101 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 5101, relating to when a guardian is unnecessary, incorporated by reference into Section 5505 of the Code, 20 Pa.C.S. § 5505.**

(2) any amount in cash of a resident or non-resident incapacitated person to be deposited in one or more savings accounts in the name of the incapacitated person in banks, building and loan associations [ **or** ], savings and loan associations **or credit unions**, deposits in which are insured by a Federal governmental agency, provided that the amount deposited in any one such savings institution shall not exceed the amount to which accounts are thus insured, **or in one or more accounts in the name of the incapacitated person investing only in securities guaranteed by the United States government or a Federal governmental agency managed by responsible financial institutions.** Every such order shall contain a provision that no withdrawal can be made from any such account unless the incapacitated person is adjudicated to have capacity, except as authorized by a prior order of the court. Proof of the deposit shall be promptly filed of record[ . ];

**Official Note:** The order should provide for deposits in more than one savings institution if future accrued interest may reasonably be expected to increase a single deposit beyond the insured limit.

For the definition of savings account, see Rule 76.

**The rule contemplates the deposit of money in an account investing in federally guaranteed securities, withdrawals from which may be blocked, and not the direct investment in a particular security.**

(3) an agreement be executed providing for a structured settlement underwritten by a financially responsible entity that assumes responsibility for future payments. All moneys paid from the structured settlement during incapacity shall be paid into a restricted account as provided by subdivision (b)(2) of this rule;

(4) a trust agreement be executed with a corporate fiduciary which is independent from the incapacitated person and anyone acting on the incapacitated person's behalf and is lawfully authorized to engage in trust business in Pennsylvania or the state of the incapacitated person's domicile, which trust

(i) is designated to receive the fund;

(ii) contains such terms for investment, disbursement and distribution of the fund as the court deems proper; and

(iii) expressly provides that it is subject to the court's continuing jurisdiction, including the court's right to modify or terminate, for cause shown, although the trust may be otherwise irrevocable.

**Official Note: This rule permits the use of a trust, including a special needs trust.**

\* \* \* \* \*

**CHAPTER 2200. ACTIONS FOR WRONGFUL DEATH**

**Rule 2206. Settlement, compromise, discontinuance and judgment.**

\* \* \* \* \*

(b)(1) When as the result of a verdict, judgment, compromise, settlement or otherwise it has been determined that a sum of money is due the plaintiff in an action for wrongful death, the court, upon petition of any party in interest, shall make an order designating the persons entitled to share in the damages recovered and the proportionate share of the net proceeds to which each is entitled. If a share shall be payable to a minor or incapacitated person, the court shall designate as the person to receive such share a guardian of the estate of the minor or incapacitated person qualified to receive the fund if there is one or one is to be appointed. **The share to be received by the guardian of the estate may include a structured settlement underwritten by a financially responsible entity that assumes responsibility for future payments or a trust as described in subdivision (b)(4)(iii) of this rule.**

(2) If the minor has no such guardian, and none is to be appointed, the court upon petition may order an amount not more than [ **Ten Thousand Dollars (\$10,000.00)** ] **twenty-five thousand dollars (\$25,000.00)** to be paid for the benefit of the minor to the guardian of the person or to the natural guardian or to the person or agency by whom the minor is maintained or to the minor.

**Official Note: The amount payable under paragraph (2) conforms to the amount set forth in Section 5101 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 5101, relating to when a guardian is unnecessary.**

(3) If the incapacitated person has no such guardian, and none is to be appointed, the court upon petition may order an amount not more than [ **Ten Thousand Dollars (\$10,000.00)** ] **twenty-five thousand dollars (\$25,000.00)** to be paid for the benefit of the incapacitated person to the guardian of the person or to the person or agency by whom the incapacitated person is maintained.

**Official Note: The amount payable under paragraph (3) conforms to the amount set forth in Section 5101 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 5101, relating to when a guardian is unnecessary, incorporated by reference into Section 5505 of the Code, 20 Pa.C.S. § 5505.**

(4) If the minor or the incapacitated person has no such guardian, and none is to be appointed, the court may order

(i) any amount in cash of a resident or nonresident minor or incapacitated person to be deposited in one or more savings accounts in the name of the minor or the incapacitated person in banks, building and loan associations [or], savings and loan associations or credit unions, deposits in which are insured by a Federal governmental agency, provided that the amount deposited in any one such savings institution shall not exceed the amount to which such accounts are thus insured, or in one or more accounts in the name of the minor or the incapacitated person investing only in securities guaranteed by the United States government or a Federal governmental agency managed by responsible financial institutions. Every such order shall contain a provision that no withdrawal can be made from any such account until the minor attains his majority or unless the incapacitated person is adjudicated to have capacity, except as authorized by a prior order of the court. Proof of the deposit shall be promptly filed of record[.];

**Official Note:** The order should provide for deposits in more than one savings institution if future accrued interest may reasonably be expected to increase a single deposit beyond the insured limit.

For the definition of savings account, see Rule 76.

**The rule contemplates the deposit of money in an account investing in federally guaranteed securities, withdrawals from which may be blocked, and not the direct investment in a particular security.**

(ii) an agreement be executed providing for a structured settlement underwritten by a financially responsible entity that assumes responsibility for future payments. All moneys paid from the structured settlement during minority or incapacity shall be paid into a restricted account as provided by subdivision (b)(4)(i) of this rule;

(iii) a trust agreement be executed with a corporate fiduciary which is independent from the minor or incapacitated person and anyone acting on behalf of the minor or incapacitated person and is lawfully authorized to engage in trust business in Pennsylvania or the state of the minor's or incapacitated person's domicile, which trust

(i) is designated to receive the fund;

(ii) contains such terms for investment, disbursement and distribution of the fund as the court deems proper; and

(iii) expressly provides that it is subject to the court's continuing jurisdiction, including the court's right to modify or terminate, for cause shown, although the trust may be otherwise irrevocable.

**Official Note:** This rule permits the use of a trust, including a special needs trust.

\* \* \* \* \*

### Explanatory Comment

Identical amendments have been promulgated to three rules governing compromise, settlement, discontinuance and distribution: Rule 2039 (Minors), Rule 2064 (Incapacitated Persons) and Rule 2206 (Wrongful Death Actions).

The first amendment increases from \$10,000 to \$25,000 the amount which may be paid directly to the guardian of the person, the natural guardian, the person or agency by whom the minor or incapacitated person is maintained or to the minor and provides that the payment "is for the benefit of" the minor or incapacitated person. This amendment conforms the amount set forth in the rules to the amount stated in Section 5101 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 5101, relating to when a guardian is unnecessary in small estates of minors. The amount in Section 5101 of the Code was similarly increased from \$10,000 to \$25,000 by Act No. 102 of 1994. This statutory provision applies also to small estates of incapacitated persons as it is incorporated by reference into Section 5505 of the Code, 20 Pa.C.S. § 5505.

The second amendment is a specific authorization for the court to approve a distribution of funds which includes a structured settlement or a trust. Prior to the present amendment, the rules contained no explicit statement in this regard. The amended rules authorize the use of a structured settlement or trust both where there is a guardian of the estate and where there is no such guardian. A note indicates that the broad category of trusts includes a special needs trust.

The third amendment makes two revisions to rules which formerly limited the investment of funds to savings accounts in banks, building and loan associations or savings and loan associations. The amendment now includes credit unions among these institutions. As in the case of banks and the other institutions in which deposits have been traditionally allowed, the rules will apply only to credit unions "deposits in which are insured by a Federal governmental agency."

In addition, the amendment expands the permissible investments to include accounts "investing only in securities guaranteed by the United States government or a Federal governmental agency managed by responsible financial institutions." A note advises that the rules contemplate the deposit of funds in an account investing in such securities rather than investment in a security directly. Restrictions as to withdrawals or other matters may be placed upon an account which might not be placed upon an individual security.

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 96-1738. Filed for public inspection October 18, 1996, 9:00 a.m.]

# PROPOSED RULEMAKING

## BOARD OF PARDONS

### [37 PA. CODE CH. 81] General Provisions

The Board of Pardons (Board), proposes a total revision of its rules contained in Chapter 81 (relating to Board of Pardons) under the authority of section 909(c) of The Administrative Code of 1929 (71 P. S. § 299(c)) and PA. CONST. Art. IV.

#### *Background*

The purpose of these proposed amendments is to update and replace the rules governing the operation of the Board to reflect recently enacted statutory requirements as found in section 909 of The Administrative Code of 1929 and section 34.1(a) of the act of August 6, 1941 (P. L. 861, No. 323) (61 P. S. § 331.34a(a)) and to incorporate current practices of the Board into regulations. The regulations of the Board have not been updated since 1986 and have become outdated for various reasons.

#### *Summary*

##### *General Provisions*

*Limitations on Filing (§ 81.223)* This section changes the criteria for calculating the time in which a person can refile an application for clemency if the previous application was not granted. The existing regulation uses the filing date of the previous application as the event from which time is calculated to determine eligibility for refiling and the proposed regulation uses the date of the final adverse decision.

*Use of Application (§ 81.226)* This section expands the existing policy of the Board to notify victims or next of kin as set forth in section 909(d) of The Administrative Code of 1929 who are registered with the Office of Victim Advocate, Department of Corrections or the Board of Probation and Parole.

*Listing for Hearing (§ 81.231(a))* Under section 909(b) of The Administrative Code of 1929, this section requires a majority vote of the Board to grant a public hearing on applications filed by prisoners serving life sentences or sentences for crimes of violence.

*Listing for Hearing (§ 81.231(b))* Under section 909(c) of The Administrative Code of 1929, this section imposes a 10-day deadline for filing an application for commutation of a death sentence to life in prison. The 10-day period begins when the Governor issues an execution warrant.

*Interview of the Applicant (§ 81.232)* Under section 909(e) of The Administrative Code of 1929, this section establishes the procedures by which the members of the Board will interview an applicant for commutation prior to a public hearing if the applicant is serving a sentence of death, life or for a crime of violence.

*Request for Reconsideration (§ 81.271)* This section expands the scope of matters for which an applicant can request reconsideration. The existing regulation allows the applicant to request a rehearing. The proposed amendment would allow an applicant to request that the Board reconsider its decision to deny a public hearing. This section also requires a showing of a change in circumstances as a prerequisite for the request and

establishes that requests for reconsideration will be granted by a majority vote of the Board.

*Recommendation (§ 81.301)* Under section 909(f) of The Administrative Code of 1929, this section requires that any recommendation of the Board presented to the Governor for commutation of a death sentence, life sentence or sentence for a crime of violence must include a requirement that the applicant serve at least 1 year in a prerelease center prior to release on parole. This section also requires that recommendations for commutation made to the Governor be conditional and suggests standard language for this purpose.

*Record Maintenance (§ 81.305)* This section enumerates the records of the Board to which the public has access.

#### *Affected Organizations and Individuals*

The proposed amendments will affect persons seeking Executive clemency by providing rules outlining the process from application to final disposition. Persons affected by a crime, like victims or next of kin, will also be affected by reason of their interest and involvement in the clemency process. A clear, concise and accurate group of regulations will benefit all those involved with the process.

#### *Cost and Paperwork Requirements*

There is no fiscal impact associated with the proposed amendments for the Commonwealth, local government, the private sector or the general public.

#### *Effective Date*

The proposed amendments will become effective on the day after they are published in the *Pennsylvania Bulletin* in final form.

#### *Sunset Date*

There is no sunset date for these regulations.

#### *Public Comment Period*

Interested persons are invited to submit suggestions or objections regarding the proposed regulations to the Board of Pardons, Nelson R. Zullinger, Secretary, 333 Market Street, 15th Floor, Harrisburg, PA 17126, (717) 787-2596 within 30 days of the date of publication of this notice in the *Pennsylvania Bulletin*. All comments received within 30-calendar days will be reviewed and considered in the preparation of the final regulations. Comments received after the 30-day comment period will be considered for any subsequent revisions of these regulations.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on October 8, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate Judiciary Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

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

NELSON R. ZULLINGER,  
*Secretary*

**Fiscal Note:** 56-1. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* Chapter 81, which appears at 37 Pa. Code pages 81-1—81-13, serial pages (209800)—(209809), is proposed to be replaced in its entirety by the following text.)

**Annex A**

**TITLE 37. LAW**

**PART III. AGENCIES AND OFFICES**

**Subpart A. BOARD OF PARDONS**

**CHAPTER 81. BOARD OF PARDONS**

**GENERAL PROVISIONS**

- Sec.
- 81.201. Scope.
- 81.202. Definitions.

**POWERS**

- 81.211. Clemency.
- 81.212. Prerelease arbitration.

**APPLICATIONS**

- 81.221. Forms.
- 81.222. Filing.
- 81.223. Limitations on filing.
- 81.224. Request for early filing.
- 81.225. Filing fee.
- 81.226. Use of application.
- 81.227. Application to be public.
- 81.228. Subsequent use by applicant.

**LISTINGS**

- 81.231. Listing for hearing.
- 81.232. Interview of the applicant.
- 81.233. Publication.

**CONTINUANCES AND REINSTATEMENTS**

- 81.241. Granting continuances.
- 81.242. Reinstatement.

**CALENDAR**

- 81.251. Preparation.
- 81.252. Distribution.

**HEARINGS**

- 81.261. Time.
- 81.262. Place.
- 81.263. Nature of hearings.

**RECONSIDERATION**

- 81.271. Request.
- 81.272. Notice.

**REPRESENTATION**

- 81.281. Appearance of applicant.
- 81.282. Representation of applicant.
- 81.283. Fees for representation.
- 81.284. Commonwealth attorney.

**CONDUCT OF HEARINGS AND COMMUNICATIONS**

- 81.291. Call of calendar.
- 81.292. Advocacy.
- 81.293. Witnesses.
- 81.294. Communications with the Board.

**DISPOSITION**

- 81.301. Recommendation.
- 81.302. Notification of Board action.
- 81.303. Announcement of action by Governor.
- 81.304. Charter and warrant.
- 81.305. Record maintenance.

**GENERAL PROVISIONS**

**§ 81.201. Scope.**

This chapter is applicable to applications for clemency to the Board, including applications for commutation of capital sentences. This chapter will be liberally construed to secure the fair and just determination of every application for clemency.

**§ 81.202. Definitions.**

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

*Application*—The official form which shall be used to request a clemency hearing before the Board.

*Board*—The Board of Pardons of the Commonwealth.

*Calendar*—A published schedule of applications listed for hearings during a particular session.

*Capital case*—A case in which the applicant has requested a commutation of death sentence to life imprisonment.

*Clemency*—The power of the Governor to pardon or commute a criminal sentence based upon recommendations by the Board.

*Commutation*—The reduction of a legal penalty or punishment.

*Crime of violence*—

(i) Murder of the third degree, voluntary manslaughter, rape, sexual assault, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(I), (ii) or (iii) (relating to robbery) or kidnapping.

(ii) An attempt to commit murder of the third degree, voluntary manslaughter, rape, sexual assault, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1), robbery as defined in 18 Pa.C.S. § 3701(a)(I)(ii) or (iii) or kidnapping.

(iii) An offense committed while in visible possession of a firearm for which sentencing was imposed under 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms).

*Filing*—The receipt of the application by the Board's office.

*Final adverse decision*—

(i) The Board's denial of a public hearing.

(ii) The Board's refusal to recommend an application to the Governor.

(iii) The Governor's denial of an application.

*Form in forma pauperis*—An official form which when submitted permits an applicant to show a verified statement of the inability to pay a required fee. The form shall be used to request the waiver of the application purchase fee or filing fee.

*Merit review*—The process of reviewing an application by the Board to determine if the application has sufficient merit to hold a public hearing on the matter.

*Merit review vote*—A public vote by the Board to determine if a public hearing will be held on an application.

*Pardon*—Forgiveness; an act of grace from governing power which mitigates the punishment the law demands

for the offense and restores the rights and privileges forfeited on account of the offense. The term does not mean expungement of the record.

*Secretary*—The administrator of the Board.

*Vote*—Action on approval or disapproval taken by a quorum of the Board during its regularly scheduled meeting.

## POWERS

### § 81.211. Clemency.

The Board hears and acts upon applications for:

- (1) Pardon.
- (2) Commutation of sentences including:
  - (i) Death sentence to life imprisonment.
  - (ii) Life imprisonment to life on parole.
  - (iii) Minimum sentence.
  - (iv) Maximum sentence.

### § 81.212. Prerelease arbitration.

In cases when eligibility for prerelease from incarceration is in dispute, the Commissioner or Deputy Commissioner of Corrections shall refer the cases to the Board for hearing and resolution as provided under section 1052(c) of the act of July 16, 1968 (P. L. 351, No. 173) (61 P. S. § 1052(c)).

## APPLICATIONS

### § 81.221. Forms.

Applications shall be made on forms prescribed by the Board. The forms shall be obtained from the Secretary for a fee as established by Board resolution, except that the fee will be waived by the Board upon evidence satisfactory to the Board that the applicant is unable by reason of indigency to pay the fee. The official form to proceed in forma pauperis shall be obtained from the Secretary and filed in place of the fee.

### § 81.222. Filing.

(a) The original application and ten copies shall be filed with the Secretary of the Board, 333 Market Street, 15th Floor, Harrisburg, Pennsylvania 17126-0333.

(b) It is the responsibility of an applicant who is not confined to furnish five passport type photographs with the application.

### § 81.223. Limitations on filing.

(a) Except as provided in § 81.224 (relating to request for early filing), an application may not be filed before the expiration of 12 months from a final adverse decision on any prior application.

(b) If an applicant filed in 2 consecutive years and receives adverse decisions from the Board on both applications, an application may not be filed before the expiration of 24 months from the last adverse decision.

### § 81.224. Request for early filing.

(a) A request for permission to file a subsequent application before the time provided in § 81.223 (relating to limitations on filing) may be granted upon prior approval of at least 3 members of the Board.

(b) The Board will respond to the applicant's early filing request within 90 days.

### § 81.225. Filing fee.

(a) Except in capital cases, a filing fee to be determined by the Board shall accompany the application.

(b) The Board may waive the filing fee upon proof of indigency. The official form to proceed without payment of the fee shall be obtained from the Secretary and filed in place of the fee.

### § 81.226. Use of application.

(a) A copy of each application will be sent by the Board to the court, to the district attorney of the county from which the applicant was sentenced and to the correctional institution in which the applicant is confined to obtain expressions of opinions as to the merits of the application, and to the Board of Probation and Parole for its investigation.

(b) If a hearing is granted, the Board will make every reasonable effort to notify victims or next of kin, including providing notification to victims who are registered with the Office of Victim Advocate, the Department of Corrections, the Board of Probation and Parole and those whose whereabouts are otherwise known.

(c) Victims will be notified of their opportunity to offer prior comment regarding an application that has been granted a public hearing. Comment may be accepted in writing or presented orally in person. The Board will provide notice to the victims or next of kin of the date, time and place of any hearing pertaining to their case. Written communications with the Board will be confidential.

### § 81.227. Application to be public.

The application will be available for public inspection.

### § 81.228. Subsequent use by applicant.

An applicant's representative or any of the persons named in § 81.226 (relating to use of application) may obtain a copy of the last application filed by the applicant, upon payment of the costs of reproduction.

## LISTINGS

### § 81.231. Listing for hearing.

(a) *Noncapital cases.* Applications are subject to merit review by the Board to determine if a public hearing will be granted. For prisoners serving life sentences or sentences for crimes of violence, a vote by a majority of the Board is required to grant a public hearing. In all other cases, except capital cases, two votes are required for a hearing to be granted.

(b) *Capital cases.* Applicants seeking commutation of a death sentence will automatically receive a public hearing. Applications for commutation of death sentences shall be filed with the Board within 10 days of the Governor's issuance of an execution warrant.

### § 81.232. Interview of the applicant.

(a) If a public hearing is granted to an applicant who is serving a sentence of death, life or a sentence for murder, voluntary manslaughter, attempt to commit murder or attempt to commit voluntary manslaughter, each member of the Board will interview the applicant prior to the public hearing.

(b) If a member does not interview the applicant, that member may not vote at the public hearing.

(c) The interview will be conducted at a time, place and in a manner that is convenient to the Board. The interview may be conducted by the Board as a group or by an individual member. The interview will be held in private. The applicant's attorney or representative may be permitted to attend unless, in the opinion of the Board, the attorney's or representative's attendance would create

an undue security risk. The interview will be recorded by the Board. Subsequent use of the recording will be at the Board's sole discretion.

**§ 81.233. Publication.**

(a) For every application to be heard, the Board will publish a notice stating:

(1) The applicant's true name and other names by which the applicant is or has been known.

(2) The crimes for which the applicant has applied for clemency.

(3) The institution, if any, in which the applicant is confined.

(4) The time and place of the hearing at which the application will be heard.

(b) Except in capital cases, the publication described in subsection (a) will be made at least 1 week prior to the public hearing on the application. It will appear in a newspaper of general circulation in the county where the crimes were committed.

**CONTINUANCES AND REINSTATEMENTS**

**§ 81.241. Granting continuances.**

A continuance may be granted by the Board on its own motion or by the Secretary upon the written request of the applicant or the applicant's representative. Only one continuance will be granted at the applicant's request.

**§ 81.242. Reinstatement.**

An application may be reinstated by the Secretary only upon written request by the applicant or the applicant's representative.

**CALENDAR**

**§ 81.251. Preparation.**

The Secretary will prepare a calendar of the cases to be heard by the Board at each hearing.

**§ 81.252. Distribution.**

Calendars will be sent to each applicant or applicant's representative, the district attorney of the county from which the applicant was sentenced, the Commissioner of Corrections, the Board of Probation and Parole, victims of the offense for which the applicant has sought a pardon or commutation of sentence, and, at the discretion of the Secretary, to other interested parties.

**HEARINGS**

**§ 81.261. Time.**

The Board will meet in regular session each month excluding the months of January, July and August except as may be otherwise provided. Sessions may be canceled at the discretion of the Board. Public notice of hearings will be issued in advance of the hearing dates.

**§ 81.262. Place.**

Hearings will be held in Harrisburg or at other locations in this Commonwealth the Board may designate.

**§ 81.263. Nature of hearings.**

Hearings will be public. The hearings are audio-recorded by the Board to preserve a record of the proceedings for use by the Board. Other recordings, including photographs, motion pictures, video recordings and audio recordings are prohibited, unless 24 hours prior notice is given to the Board's Secretary.

**RECONSIDERATION**

**§ 81.271. Request.**

A request for reconsideration of a decision may be made to the Board. The applicant shall show a change in circumstances since the application was filed, or other compelling reasons, sufficient to justify reconsideration. Dissatisfaction with the Board's decision is not grounds to request reconsideration. Meritorious requests may be addressed by the Board upon a public motion by any member. A request for reconsideration will be granted only upon a majority vote of the Board. If the matter to be reconsidered is the denial of a public hearing, another merit review vote will be taken immediately in accordance with § 81.231 (relating to listing for hearing).

**§ 81.272. Notice.**

If reconsideration is granted, notice will be made to interested parties by regular mail as set forth in § 81.226 (relating to use of application).

**REPRESENTATION**

**§ 81.281. Appearance of applicant.**

An applicant, if confined, may not appear before the Board, but may designate another person to appear for the applicant. An applicant, if not confined, shall appear personally at the public hearing unless excused by the Board for cause.

**§ 81.282. Representation of applicant.**

The applicant may be represented by privately retained legal counsel or another person designated by the applicant. If confined, the applicant may request representation from the Department of Corrections.

**§ 81.283. Fees for representation.**

Only attorneys may charge fees for the legal representation of an applicant. A nonattorney representative who has charged a fee for representation of an applicant may not thereafter make any presentation on behalf of applicants before the Board.

**§ 81.284. Commonwealth attorney.**

The attorney for the Commonwealth or a designee has the right, and is encouraged, to appear at the hearings to give the Commonwealth's opinion.

**CONDUCT OF HEARINGS AND COMMUNICATIONS**

**§ 81.291. Call of calendar.**

Applications will be called in the order of their listing on the calendar unless the Board directs otherwise. If there is no answer when a case is called, it will be passed temporarily and then called at the end of the list. If there is no answer when it is called subsequently, it will not be heard at that session. The application may be relisted for the next possible session if the applicant or the applicant's representative contacts the Secretary and requests a relisting.

**§ 81.292. Advocacy.**

(a) *Noncapital cases.* Fifteen minutes will be allowed for the entire presentation in support of an application, and 15 minutes will be allowed for the entire presentation in opposition to an application.

(b) *Capital cases.* In capital cases, a maximum of 30 minutes will be allowed for the entire presentation in support of an application, and a maximum of 30 minutes will be allowed for the entire presentation in opposition to an application.

**§ 81.293. Witnesses.**

The Board may request a person to appear at the hearing as a witness.

**§ 81.294. Communications with the Board.**

A person having information which might assist the Board in its consideration of a particular application may communicate with the Board in writing to the Secretary. Direct or indirect communications with the Board or a member thereof concerning the merits of a case, during the pendency of the application, shall be referred to the Secretary.

**DISPOSITION****§ 81.301. Recommendation.**

(a) An application for pardon or commutation of sentence may not be delivered to the Governor for a decision except on written recommendation of at least three members of the Board after public hearing. The recommendation will include a statement of the reasons therefor.

(b) In cases when the applicant is serving a sentence described in § 81.232 (relating to interview of the applicant), a recommendation and Warrant of Commutation that is presented to the Governor shall include a requirement that the applicant serve at least 1 year in a prerelease center prior to release on parole unless transfer of the applicant to a prerelease center is not appropriate due to a certified terminal illness.

(c) Recommendations made to the Governor for commutation of sentence will be conditioned as set forth in subsection (e). At the Board's discretion, other conditions may be included.

(d) Generally, recommendations for a pardon will not be conditional. Recommendations for a pardon may be made conditional by a majority vote by the Board. That vote will be taken after the vote that results in a favorable recommendation to the Governor.

(e) If it is the Board's desire that the commutation or pardon be conditional, any recommended Warrant of Commutation or Charter of Pardon presented to the Governor shall include the following language:

"Subsequent to this date, if it is determined, upon hearing by the Board of Pardons, that (name) has committed a probation or parole violation or has been convicted of a new criminal offense, this grant of clemency may be rendered null and void by myself or by my successors in office."

(f) When notified of a subsequent conviction or probation or parole violation, the Secretary will inform the Board. The Board will then decide, on a case-by-case basis, whether to hold a hearing regarding the suspected violation of the conditional pardon or commutation. If a hearing is held, a majority of the Board may recommend to the Governor that clemency be revoked.

**§ 81.302. Notification of Board action.**

Within 14 days following the public hearing, the applicant and the interested parties will be notified of the action by the Board.

**§ 81.303. Announcement of action by Governor.**

Public access to the decision of the Governor will be available 14 days after receipt by the Secretary of notice of the Governor's final disposition.

**§ 81.304. Charter and warrant.**

If the recommendation of the Board is approved by the Governor, the Secretary will prepare the proper Charter of Pardon or Warrant of Commutation for the signature of the Governor and for the attachment of the Seal of the Commonwealth and the attestation of the Secretary of the Commonwealth.

**§ 81.305. Record maintenance.**

(a) *General rule.* The records, documents and files maintained by the Board are confidential.

(b) *Exceptions.* The following records are public: monthly calendars, minutes of meetings, vote sheets of monthly sessions, completed applications and lists of actions taken by the Governor. The Board's written recommendation to the Governor will be made public only after the Governor has acted on an application.

[Pa.B. Doc. No. 96-1739. Filed for public inspection October 18, 1996, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 401]

### Asbestos Occupation Accreditation and Certification

The Department of Labor and Industry (Department), under the authority contained in the Asbestos Occupation Accreditation and Certification Act (act) (63 P. S. §§ 2101—2112), proposes regulations concerning the accreditation of training providers and the certification of asbestos occupations.

#### *Purpose of Proposed Rulemaking*

The proposed regulations, in Annex A, sets forth accreditation requirements and procedures for training providers and certification requirements and procedures for asbestos occupations. The Department appointed an Asbestos Advisory Committee (Advisory Committee), as required by section 10 of the act (63 P. S. § 2110). The Advisory Committee held monthly public hearings to determine the content of the regulations they would recommend to the Secretary of the Department (Secretary). These meetings were attended by training providers and various representatives of the asbestos-abatement industry.

The Secretary has reviewed the Advisory Committee's recommendations in conjunction with the Federal requirements for training provider accreditation and asbestos occupation certification. The proposed regulations meet the Environmental Protection Agency's (EPA) Model Plan requirements.

#### *Statutory Authority*

The Department is proposing these regulations under the authority contained in the act.

#### *Summary of Proposed Rulemaking*

##### *Chapter 401.*

##### *Section 401.1 (relating to definitions)*

Section 401.1 provides definitions for the terms in the regulations. Some of the definitions—such as "major fiber release episode"; "minor fiber release episode"; "inspec-

tion"; and "small-scale, short-duration activities"—are mandated by the EPA for certification under its model plan.

*Sections 401.11—401.21 (relating to training course accreditation procedures and requirements)*

These proposed sections provide for the accreditation of initial and refresher training courses. An application for accreditation must be received 30 days before a training provider's first-course session. The Department will grant conditional accreditation if the materials submitted are complete and comply with the Department's requirements. The Department will issue final-course approval after it determines, from a complete review of the materials and observation of the course, that the course meets the requirements of the act and these regulations.

These proposed sections set out the specific requirements for courses in each of the occupations. For EPA occupation classifications, these sections adopt the EPA's course requirements by reference. These sections also adopt a shorter (6—8 hour) training course for the subworker classifications (roofer/sider, resilient floor covering remover, restricted handler, and asbestos operations and maintenance individual). These sections also create a new classification, asbestos air-sampling technician.

These sections set out the final examination requirements, which mirror the EPA requirements and provide requirements for course changes, course instructor requirements, issuance of training certificates and course provider recordkeeping requirements.

*Sections 401.41—401.47 (relating to certification procedures and requirements)*

These proposed sections provide the requirements for initial and renewal occupation certification. Asbestos occupation certifications are valid for 1 year—except for asbestos worker (roofer/sider), asbestos worker (resilient floor covering remover), restricted asbestos handler and asbestos operations and maintenance individual, which are valid for 3 years.

These sections provide the certification requirements and scope of duties permitted for each occupation under the regulations and the act for asbestos management planner, asbestos project designer, asbestos project monitor, asbestos inspector, asbestos contractor, asbestos supervisor, asbestos worker (general, roofer/sider, resilient floor covering, restricted handler, and asbestos operations and maintenance individual), and asbestos air-sampling technician. The sections allow an on-the-job training option for some of the occupational classes and require proof of occupation certification on the work site.

*Sections 401.61—401.63 (relating to denial, suspension or revocation of certification or accreditation)*

These proposed sections provide the grounds and the process for denial, suspension or revocation of accreditation or certification. The reasons for such actions are set out in § 401.61 (relating to grounds). These grounds are based on those found in the act and the EPA's model plan. Proposed § 401.62 (relating to notice and hearing) provides for notice and hearing, in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

*Sections 401.81—401.87 (relating to fees)*

These proposed sections provide the fee schedules for initial and renewal certification fees, training course accreditation fees and refresher training course accreditation fees. There is a fee cap of \$5,000 per year on training course provider fees for an individual provider.

*Sections 401.101—401.103 (relating to enforcement procedures and penalties)*

These proposed sections allow inspectors to enter work sites to determine compliance with the act and these regulations. They also provide for civil penalties for violations of the act and the regulations. These sections set out certification, accreditation and notification violations. They provide the standards to be used by the Department in determining a civil penalty.

*Sections 401.121 and 401.122 (relating to notification requirements)*

These proposed sections provide for a single point of notification for all asbestos-abatement projects in the Department of Environmental Protection (DEP). These sections require contractors to submit written notification to DEP at least 10 business days before the start of an abatement project and at least 1-business day before the start of an emergency business abatement project. These sections also provide for changes to the original notification of an abatement project.

*Sections 401.141—401.146 (relating to administrative matters)*

These proposed sections provide the purpose and scope of the regulations, specifically stating to whom the chapter applies. They also set out additional recordkeeping requirements and provide that the Department may adopt any changes to the EPA's model plan by publication of a notice in the *Pennsylvania Bulletin*.

*Sections 401.161 and 401.162 (relating to reciprocity)*

These proposed sections provide for the recognition of accreditation and certification granted by other states. The Department may enter into reciprocal agreements with other states and jurisdictions, so persons in occupations will not be required to take additional training classes and providers will not be required to meet additional standards. The fees set out in §§ 401.81—401.87 will still apply.

*Affected Persons*

These proposed regulations will affect persons in asbestos-abatement occupations, asbestos-abatement contractors, training providers and building owners.

*Fiscal Impact and Paperwork*

The Department will not incur additional administrative costs and paperwork as a result of the proposed regulations. The Department is currently operating an EPA-approved accreditation and certification program with statutorily authorized fees. Asbestos contractors, persons in asbestos abatement occupations, and training course providers will not incur additional expense as a result of this proposed regulations. Training providers will be required to keep some additional records on their students.

*Sunset Date*

A sunset date is not appropriate because the Commonwealth's program must be certified and in compliance with EPA standards.

*Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed

regulations to Sharon K. Lawson, Administrator, Asbestos Division, Bureau of Occupational and Industry Safety, Department of Labor and Industry, Room 1402, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, within 30 days of publication in the *Pennsylvania Bulletin*.

Prior to the adoption of final regulations, the Department will carefully review and consider comments received concerning this proposal. Written comments will be officially reviewed and considered by the Department within 30 days of the publication of these regulations. The Department will hold three public hearings in Philadelphia, Pittsburgh and Harrisburg during the comment period. One hearing will be held in each location.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed regulations on October 8, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Labor Relations Committee and the Senate Labor and Industry Committee (Committees). In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department, in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

- (1) *Pittsburgh*  
Tuesday, October 29, 1996 10 a.m.-noon  
Radisson Hotel  
Room Monroe 2  
101 Mall Blvd.  
Monroeville, PA 15146  
(412) 373-7300
- (2) *Harrisburg*  
Wednesday, October 30, 1996 10 a.m.-noon  
Holiday Inn Harrisburg/Hershey  
Room Royale 3  
Exit 28, Interstate 81  
Grantville, PA 17028  
(717) 469-0661
- (3) *Philadelphia*  
Friday, November 1, 1996 10 a.m.-noon  
Valley Forge Hilton  
Jefferson Room  
251 W. Dekalb Pike  
King of Prussia, PA 19406  
(610) 337-1200

JOHNNY J. BUTLER,  
*Secretary*

**Fiscal Note:** 12-38. No fiscal impact; (8) recommends adoption. Fees generated should offset program costs.

## Annex A

### TITLE 34. LABOR AND INDUSTRY PART XIV. ASBESTOS OCCUPATIONS ACCREDITATION AND CERTIFICATION CHAPTER 401. ASBESTOS OCCUPATIONS ACCREDITATION AND CERTIFICATION

#### GENERAL

- Sec.  
401.1. Definitions.

#### TRAINING COURSE ACCREDITATION PROCEDURES AND REQUIREMENTS

- 401.11. Accreditation of initial and refresher courses.  
401.12. General requirements for accreditation of initial refresher training courses.  
401.13. Specific requirements for accreditation of initial training courses.  
401.14. Specific requirements for accreditation of refresher training courses.  
401.15. Final examination requirements.  
401.16. Changes to accredited training courses.  
401.17. Training course provider requirements.  
401.18. Training course instructor requirements.  
401.19. Issuance of training certificate.  
401.20. Recordkeeping requirements.  
401.21. Prior accreditation.

#### CERTIFICATION PROCEDURES AND REQUIREMENTS

- 401.41. Prior certification.  
401.42. Initial certification.  
401.43. Renewal of certification.  
401.44. Multiple asbestos occupations.  
401.45. Certification requirements and scope of duties.  
401.46. On-the-job training option.  
401.47. Proof of certification.

#### DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATION OR ACCREDITATION

- 401.61. Grounds.  
401.62. Notice and hearing.  
401.63. Civil actions and criminal proceedings.

#### FEES

- 401.81. General information.  
401.82. Training course accreditation fees.  
401.83. Refresher training course accreditation fees.  
401.84. Fee limitation.  
401.85. Initial certification fees.  
401.86. Certification renewal fees.  
401.87. Additional fees.

#### ENFORCEMENT PROCEDURES AND PENALTIES

- 401.101. Inspections.  
401.102. Interference with inspections.  
401.103. Civil penalties.

#### NOTIFICATION REQUIREMENTS

- 401.121. Original notification.  
401.122. Changes to original notification.

#### ADMINISTRATIVE MATTERS

- 401.141. Purpose and scope.  
401.142. Application of chapter.  
401.143. Other requirements.  
401.144. Federal requirements.  
401.145. Additional recordkeeping requirements.  
401.146. Changes to the Model Accreditation Plan (MAP) by the EPA.

#### RECIPROCITY

- 401.161. Accreditation of other training programs.  
401.162. Certification in other jurisdictions.

#### GENERAL

#### § 401.1. Definitions.

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

*ACBM—Friable asbestos-containing building material*—A friable ACM that is in or on interior structural members or other parts of a school or public and commercial buildings.

*ACM—Asbestos-containing material*—A material that contains more than 1% asbestos by weight.

*AHERA*—The Asbestos Hazard Emergency Response Act of 1986 (15 U.S.C.A. §§ 2641—2654).

*ASHARA*—The Asbestos School Hazard Abatement Reauthorization Act of 1984 (20 U.S.C.A. §§ 4011—4022).

*Accreditation*—A certificate issued by the Department permitting a person to conduct asbestos occupation training courses.

*Act*—The Asbestos Occupations Accreditation and Certification Act (63 P. S. §§ 2101—2111).

*Asbestos*—The asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite) anthophyllite, actinolite and tremolite.

*Asbestos abatement*—A demolition, renovation, repair, construction or maintenance activity of a public, commercial or private facility that involves the repair, enclosure, encapsulation, removal, salvage, handling or disposal of materials with the potential of releasing asbestos fibers from asbestos-containing materials.

*Asbestos abatement project*—Activities, including site preparation and cleanup, associated with asbestos abatement performed within or on a building involving more than 3 linear feet or 3 square feet of asbestos-containing material. Activities from the start of the project through obtaining an acceptable final clearance air sample in the project areas or removal of all abated asbestos-containing material from the project site, whichever is later, are included.

*Asbestos air sampling technician*—An individual who collects air samples before, during and after an asbestos abatement project.

*Asbestos-containing material*—A material that contains more than 1% asbestos by weight.

*Asbestos occupation*—An asbestos air sampling technician, asbestos contractor, asbestos inspector, asbestos management planner, asbestos worker (asbestos operations and maintenance individual), asbestos project designer, asbestos project monitor, asbestos worker (restricted asbestos handler), asbestos supervisor, asbestos worker, asbestos worker (resilient floor covering remover) or asbestos worker (roofing/siding).

*Asbestos operations and maintenance activity*—Any asbestos abatement performed, including site preparation and clean-up, within or on a building involving not more than 3 linear feet or 3 square feet of asbestos-containing material.

(i) *Asbestos worker—asbestos operations and maintenance individual*—An individual who works in a building which contains asbestos-containing material and who conducts activities that will result in the disturbance of asbestos-containing material or who performs spot asbestos abatement of asbestos-containing material within or on the buildings.

(ii) *Resilient floor covering remover*—An individual who performs limited or specialized asbestos abatement involving any flooring comprised of or containing nonfriable asbestos-containing material.

(iii) *Restricted asbestos handler*—An individual who enters an asbestos abatement work area as a result of his specific job duties for a limited period of time to perform specialized tasks that may release asbestos fibers.

(iv) *Roofing/siding*—An individual who performs limited or specialized asbestos abatement of any roofing or siding comprised of or containing nonfriable asbestos-containing material.

*Building*—All or part of a public, commercial or private building or structure.

*Certification*—A certificate issued by the Department permitting a person to work in an asbestos occupation and which contains a recent photograph of that person.

*Day of training*—For purposes of §§ 401.41—401.47 (relating to certification procedures and requirements), 1 day of training equals to 8 hours, including breaks and lunch.

*Department*—The Department of Labor and Industry of the Commonwealth.

*EPA*—The Environmental Protection Agency.

*Emergency project*—A project that was not planned but results from a sudden unexpected event that, if not immediately attended to, presents a safety or health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. The term includes operations necessitated by nonroutine failures of equipment. The Department reserves the right to determine that which constitutes an emergency project.

*Facility*—A building or group of buildings at a single site that are under the control of the same owner or operator (or owner or operator under common control).

*Friable asbestos material*—An asbestos-containing material that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure, including an asbestos-containing material that will or can reasonably be expected to become friable as a result of the asbestos abatement activity.

*Inspection*—

(i) Activities undertaken to specifically determine the presence or location, or to assess the condition of, friable or nonfriable ACBM or suspected ACBM, whether by visual or physical examination, or to assess its physical condition or by collecting samples of such material. The term also includes reinspections of friable and nonfriable known or assumed ACBM which has been previously identified.

(ii) The term also includes three specific exceptions, dealing with related activities which do not require accreditation. The three exceptions include:

(A) *Periodic surveillance*. A periodic surveillance, as described in 40 CFR 763.92(a) (relating to training and periodic surveillance), is commonly performed by custodial or maintenance workers. The term is distinct from reinspection and is limited only to visual observations and refers to a visual examination of an area in a building that previously has been identified as containing ACBM, or that previously has been assumed to contain ACBM, and that is undertaken to identify changes in the physical condition of that ACBM. A person does not need accreditation to visually survey a ceiling that has already been identified in an earlier inspection or reinspection as suspected ACBM to determine whether the ceiling had been damaged by a water leak. If the person assessed the condition of the ceiling by collecting a sample, or touched

it to determine whether it had become friable, however, that person must be accredited as an inspector.

(B) *Compliance inspection.* Compliance inspections performed by Federal, State or local regulatory agencies are excluded from accreditation because their primary purpose is to determine adherence to applicable statutes or regulations, and not to locate, assess or remedy the condition of ACBM. Based upon the purpose of ASHARA, the EPA has concluded that government personnel who inspect to determine compliance with laws regulating asbestos are not required to obtain accreditation.

(C) *Visual inspections.*

(I) Visual inspections referenced in 40 CFR 763.90(i) (relating to response actions) are excluded from the accreditation requirement because their purpose is to determine whether a response action is complete, not to actually inspect for asbestos.

(II) The EPA has concluded that a person who conducts an inspection in a public or commercial building to determine whether a response action is complete does not have to be accredited as an inspector. Persons performing these activities will otherwise need accreditation as asbestos abatement workers or contractor/supervisors.

*Major fiber release episode*—An uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of more than 3 square or linear feet of friable ACBM.

*Minor fiber release episode*—An uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of 3 square or linear feet or less of friable ACBM.

*NESHAP*—National Emission Standards for Hazardous Air Pollutants, 40 CFR 61 Subpart M (relating to national emission standards for asbestos).

*OSHA*—The Occupational Safety and Health Administrations of the United States Department of Labor.

*Person*—An individual, public or private corporation, nonprofit corporation, association, firm, partnership, joint venture, business trust, joint stock company, municipal corporation, the Commonwealth and any of its agencies or political subdivisions, the Federal Government or any of its agencies or any other entity, public or private, however organized.

*Response action*—A method, including removal, encapsulation, enclosure, repair and operation and maintenance, that protects human health and environment from friable ACBM.

*SSSD—Small scale, short-duration activities*—Includes the following:

- (i) Removal of asbestos containing insulation on pipes.
- (ii) Removal of small quantities of asbestos-containing insulation on beams or above ceilings.
- (iii) Replacement of an asbestos-containing gasket on a valve.
- (iv) Installation or removal of a small section of drywall.
- (v) Installation of electrical conduits through or proximate to asbestos-containing materials.
- (vi) Removal of small quantities of ACM only if required in the performance of another maintenance activity not intended as asbestos abatement.

(vii) Removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glove bag.

(viii) Minor repairs to damaged thermal system insulation which do not require removal.

(ix) Repairs to a piece of asbestos-containing wallboard.

(x) Repairs, involving encapsulation, enclosure or removal, to small amounts of friable ACM only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. The work may not exceed amounts greater than those which can be contained in a single prefabricated mini-enclosure. The enclosure shall conform spatially and geometrically to the localized work area, in order to perform its intended containment function.

*Secretary*—The Secretary of Labor and Industry of the Commonwealth.

### TRAINING COURSE ACCREDITATION PROCEDURES AND REQUIREMENTS

#### § 401.11. Accreditation of initial and refresher courses.

(a) EPA-approved courses under AHERA are deemed accredited by the Department. Nothing in this section prohibits the Department from requiring a training provider to comply with its renewal requirements to have its accreditation renewed.

(b) A provider requesting accreditation of an initial or refresher asbestos occupations training course shall submit an application on a form provided by the Department along with the appropriate fee designated in §§ 401.81—401.87 (relating to fees). The application must be received by the Department at least 30 days before the first course session. The Department will not process an application that is submitted without the fee or that is incomplete. Information required on the Department's application form will include at least the following:

- (1) The provider's name, address and telephone number.
- (2) The address, the telephone number and a detailed description of each site where training, including demonstrations and hands-on practice exercises, will be conducted.
- (3) The dates and length of each course session.
- (4) Evidence that the provider has employed or contracted with at least two training course instructors who meet the requirements of § 401.18 (relating to training course instructor requirements). Information shall include the name and qualifications (education and experience) of each instructor, the subject the instructor will teach, and a list of other asbestos occupation training courses the instructor has conducted.
- (5) A statement of the maximum instructor-to-student ratio.
- (6) The course curriculum, along with a precise description of how the course meets the requirements of § 401.12 (relating to general requirements for accreditation of initial and refresher training courses), in the following areas:
  - (i) The length of training in days.
  - (ii) The amount and type of hands-on training.
  - (iii) The examinations (length, format and passing score).

(iv) The topics covered in the course.

(7) A description of the teaching method to be used to present each topic (lecture, demonstration, and the like), including the title, the name of the producer and the date of production of audiovisual materials.

(8) Copies of the course materials (student manuals, instructor notebooks, handouts, and the like).

(9) A list of the types and quantities of respirators to be used to demonstrate fit testing and positive/negative pressure checks.

(10) A detailed statement explaining the development of each examination given in the course. The Department may request copies of examinations.

(11) A copy of the student course evaluation form.

(12) A copy of the uniquely numbered training certificate to be issued to students who successfully complete the course.

(13) A list of other states that currently approve the training course.

(c) A provider requesting accreditation of a training course given outside of this Commonwealth shall, in addition to complying with subsection (b), submit copies of applicable state or Federal approvals, along with the name, address and telephone number of the person, department or agency giving the approval.

(d) The Department will grant conditional accreditation of a training course if it determines that these materials are complete and demonstrate that the course substantially meets the Department's requirements.

(e) The Department will grant final accreditation of a conditionally accredited training course and issue a certificate of accreditation when it has determined from a complete review of application materials that the course meets the Department's requirements, and when a Department representative has observed and satisfactorily evaluated the course in progress.

(f) The Department will inform the provider in writing of its reasons for denying conditional and final accreditation. The Department may schedule a reevaluation.

(g) Course accreditation shall be renewed annually. A provider requesting renewal of accreditation shall submit a renewal application on a form provided by the Department, along with the appropriate renewal fee designated in §§ 401.14 and 401.15 (relating to specific requirements for accreditation of refresher training courses; and final examination requirements). The application must be received by the Department at least 30 days before the first course session.

**§ 401.12. General requirements for accreditation of initial and refresher training courses.**

To qualify for accreditation, an initial or refresher asbestos occupations training course shall meet the following requirements:

(1) Each initial and refresher training course offered for accreditation shall be specific to a single asbestos occupation, and not combined with training for another asbestos occupation.

(2) The initial course shall be conducted by at least two instructors who meet the requirements of this § 401.18 (relating to training course instructor requirements).

(3) Courses shall be taught by instructors fluent in the language of the majority of trainees. Instruction course materials and the course examination shall be provided in the same language.

(4) Class size shall be limited to no more than 30 students in an initial training course and no more than 75 students in a refresher course unless the Department grants a waiver for good cause.

(5) The instructor-to-student ratio may not exceed 1 to 15 for hands-on practice exercises and demonstrations and 1 to 5 for respirator fit testing.

(6) Materials to be used for demonstrations and hands-on practice exercises shall include at least the following:

(i) High Efficiency Particulate Air (HEPA) vacuum filtration equipment.

(ii) Hand tools.

(iii) Elevated working surfaces.

(iv) Plastic sheeting.

(v) Barrier constructions.

(vi) Supplies.

(vii) Engineering control methods.

(viii) Water spray devices.

(ix) Decontamination facilities.

(x) Personal protective equipment.

(xi) Air sampling equipment.

(7) Course materials shall comply with relevant Federal, State and local requirements. The most current EPA-approved asbestos occupation training course publication in effect, and any subsequent amendments to that publication, shall be used.

(8) Procedures and materials for fit testing shall meet the requirements under the following OSHA and EPA asbestos regulations and any successor regulations:

(i) OSHA, Construction Standard, 29 CFR 1926.1101, Appendix C.

(ii) OSHA, General Industry Standard, 29 CFR 1910.1001, Appendix C.

(iii) EPA, Worker Protection Rule for Asbestos, 40 CFR 763, Subpart G (40 CFR 763.121, Appendix C).

(9) The course shall include the following topics:

(i) The characteristics and uses of asbestos and the potential health effects of exposure to asbestos.

(ii) Federal, State and local standards relating to asbestos abatement work practices and the interrelationships among these standards.

(iii) Methods to protect personal and public health from asbestos hazards.

(iv) Air monitoring.

(v) Safe and proper asbestos abatement techniques, including at least one exercise to test skill in these techniques.

(vi) Proper disposal of waste containing asbestos.

(10) Fulfillment of hands-on training requirements shall be based only on the actual time spent by a student in hands-on exercises.

**§ 401.13. Specific requirements for accreditation of initial training courses.**

(a) *Asbestos management planner training course.*

(1) The course shall conform with the EPA's Model Accreditation Plan in 40 CFR Part 763, Subpart E, Appendix C(I)(B)(4), Management Planners (1994), and

with training requirements described by OSHA (29 CFR 1910.1001 and 1926.1101 (relating to asbestos)), or successor regulations, which are incorporated by reference.

(2) Instruction methods shall include at least lectures and demonstrations.

(b) *Asbestos project designer training course.*

(1) The course shall conform with the EPA's Model Accreditation Plan in 40 CFR Part 763, Subpart E, Appendix C(I)(B)(5), Abatement Project Designers (1994), and training requirements described by OSHA (29 CFR 1910.1001 and 29 CFR 1926.1101), or successor regulations which are incorporated by reference.

(2) Instruction methods shall include at least lectures, demonstrations and a demonstration test, and a field trip to an asbestos abatement project.

(c) *Asbestos project monitor training course.*

(1) The course shall conform with the EPA's Model Accreditation Plan in 40 CFR Part 763, Subpart E, Appendix C(I)(B)(6), Project Monitors (1994), and training requirements described by OSHA (29 CFR 1910.1001 and 1926.1101), or successor regulations, which are incorporated by reference.

(2) Instruction methods shall include at least lectures, demonstrations and 6 hours of hands-on training in asbestos abatement techniques and safety procedures.

(d) *Asbestos inspector training course.*

(1) The course shall conform with the EPA's Model Accreditation Plan in 40 CFR Part 763, Subpart E, Appendix C(I)(B)(3), Inspectors (1994), and training requirements described by OSHA (29 CFR 1910.1001 and 1926.1101), or successor regulations, which are incorporated by reference.

(2) Instruction methods shall include at least lectures, demonstrations, 4 hours hands-on training in asbestos abatement and safety techniques, and practical individual respirator fit test instruction.

(e) *Asbestos contractor and asbestos supervisor training course.*

(1) The course shall conform with the EPA's Model Accreditation Plan in 40 CFR Part 763, Subpart E, Appendix C(I)(B)(2), Asbestos Abatement Contractors and Supervisors (1994), and training requirements described by OSHA (29 CFR 1910.1001 and 1926.1101), or successor regulations which are incorporated by reference.

(2) Instruction methods shall include lectures, demonstrations, at least 14 hours hands-on training in asbestos abatement and safety techniques, and practical individual respirator fit test instruction.

(3) The asbestos contractor may designate an asbestos supervisor to serve as contractor's agent for the purposes of the certification requirement and pay the contractor certification fee listed in §§ 401.81—401.87 (relating to fees).

(f) *Asbestos worker training course.*

(1) The course shall conform with the EPA's Model Accreditation Plan in 40 CFR Part 763, Subpart E, Appendix C(I)(B)(1), Asbestos Abatement Workers (1994), and training requirements described by OSHA (29 CFR 1910.1001 and 1926.1101), or successor regulations, which are incorporated by reference.

(2) Instruction methods shall include lectures, demonstrations, at least 14 hours hands-on training in asbestos

abatement safety techniques, and practical individual respirator fit test instruction.

(g) *Asbestos worker (roofing/siding) training course.*

(1) The asbestos worker (roofing/siding) course shall be a minimum of 8 hours, including a minimum of 4 hours in either a roofing or siding specialty module.

(2) The asbestos worker (roofing/siding) training course shall address the following topics:

(i) *Basic training module for an asbestos worker (roofing/siding).*

(A) *Physical characteristics.*

(I) Identification of asbestos.

(II) Aerodynamic characteristics.

(III) Typical uses and physical appearance.

(IV) Summary of asbestos roofing or siding removing hazard-control options.

(V) Recognition of damaged, deteriorating and delaminated ACM.

(B) *Health effects related to asbestos exposure.*

(I) Nature of asbestos-related disease.

(II) Routes of exposure, dose-response relationships and the lack of a safe exposure level.

(III) Cigarette smoking and asbestos exposure.

(IV) Latency period for disease.

(V) Need and importance of following safety instructions.

(C) *Laws and regulations.*

(I) Licensing and certification requirements.

(II) Relevant Federal, State and local regulatory requirements, procedures and standards.

(III) Smoking cessation information (29 CFR 1910.1001 and 1926.1101) and successor regulations.

(D) *Personal protective equipment.*

(I) Classes and characteristics of respirator types, limitations, proper selection, inspection, donning, use, maintenance and storage procedures.

(II) Fit-testing procedures.

(III) Components of a proper respiratory-protection program.

(IV) Selection and use of personal protective clothing; use, storage and handling of nondisposable clothing, hard hats, safety glasses, nonslip shoes.

(E) *Air monitoring.*

(I) Procedures to determine airborne concentrations of asbestos fibers in an outdoor environment.

(II) Discussion of how personal air sampling is performed and the reasons for it.

(F) *Personal hygiene.*

(I) Entry and exit procedures for the work area.

(II) Avoidance of eating, drinking, smoking and chewing (gum or tobacco) in the work area.

(III) Potential exposures, such as family exposure.

(G) *Medical monitoring.* OSHA requirements for a pulmonary function test, chest X-rays and a medical history for each employe.

(H) *Additional safety hazards.*

(I) Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat and cold stresses, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips and falls, hazardous chemical/right-to-know/hazard communication and material safety data sheets and confined spaces.

(II) Hazards associated with other roof products such as fiberglass.

(ii) *Roofing module.*

(A) Identification of roofing materials which may contain asbestos including typical uses and physical appearance of asbestos-roofing materials.

(B) Recommended work practices.

(I) Preparation of the work area; assessment of ACM and substrates; hazard identification and assessment; and other site requirements.

(II) Proper work techniques for minimizing fiber releases, wet methods, use of HEPA vacuums, procedures; proper procedures for removal of asbestos-cement products versus built-up-roof products; discussion of prohibited work practices; and proper methods of handling ACM.

(III) Work practices for removal—wetting, wet removal, hand tools, HEPA-vacuumed tools, use of sealants, and run off and spill protection techniques.

(IV) Ventilation system lockout, sealing of intake and exhaust vents, windows, doors, chimneys and all openings.

(V) Proper cleanup and disposal techniques, exterior enclosures and scaffolding, construction of leak-tight chutes, sealing or wetting of friable ACM edges, waste containment methods, site waste handling methods, and handling nonroofing/siding ACM encountered onsite.

(VI) Waste transport, disposal and storage as cited in the United States Department of Transportation's HM-181 and HM-126F HazMat training requirements or as subsequently amended, and disposal destinations for nonfriable ACM.

(VII) Positioning of warning signs, critical barriers and designation of regulated areas.

(VIII) Emergency procedures.

(IX) Recommended safe work practices for installation of asbestos-containing roofing materials.

(iii) *Siding-specialty module.*

(A) Identification and discussion of siding materials which may contain asbestos. Typical uses and physical appearance of asbestos roofing materials.

(B) Recommended work practices.

(I) Preparation of the work area; assessment of ACM and substrates; hazard identification and assessment; and other site requirements.

(II) Proper work techniques for minimizing fiber releases; wetting; procedures for removal of asbestos cement products.

(III) Work practices for removal, wetting, hand tools, HEPA-vacuumed tools and use of sealants.

(IV) Ventilation system lockout, sealing of intake and exhaust vents, windows, doors, chimneys and all openings.

(V) Positioning of warning signs and designation of regulated areas.

(VI) Waste transport, disposal and storage as cited in HM-181 and HM-126F HazMat training requirements or as subsequently amended, and disposal destinations for nonfriable ACM.

(VII) Recommended safe work practices for installation of asbestos-containing siding materials.

(3) Instruction methods shall include at least lectures, demonstrations, hands-on training in asbestos abatement and safety techniques, and practical individual respirator fit test instruction.

(h) *Asbestos worker (resilient floor covering remover) training course.*

(1) The asbestos worker (resilient floor covering remover) course shall be a minimum of 8 hours, including a minimum of 4 hours in a resilient floor covering removal module.

(2) The asbestos worker (resilient floor covering remover) training course shall address the following topics:

(i) *Basic training module.* Basic training module for an asbestos worker (resilient floor covering remover).

(A) *Physical characteristics.*

(I) Identification of asbestos.

(II) Aerodynamic characteristics.

(III) Typical uses and physical appearance.

(IV) Summary of asbestos-containing floor covering materials hazard-control options.

(B) *Health effects related to asbestos exposure.*

(I) Nature of asbestos-related disease.

(II) Routes of exposure, dose-response relationships and the lack of a safe exposure level.

(III) Cigarette smoking and asbestos exposure.

(IV) Latency period for disease.

(V) Need and importance of following all safety instructions, including such hazards as dermal injury.

(VI) Understanding permissible exposure limits.

(C) *Laws and regulations.*

(I) Licensing and certification requirements.

(II) Relevant Federal, State and local regulatory requirements, procedures and standards.

(D) *Personal protection.*

(I) Personal protective equipment and applicable use in removing asbestos-containing floor covering materials.

(II) Discussion of how personal air sampling is performed and the reasons for it.

(III) Personal hygiene practices during the removal of asbestos-containing floor covering materials.

(IV) Discussion of safety practices including discussions of hazards posed by wet working conditions, electrical hazards, slips, trips and falls.

(V) Emergency procedures.

(ii) *Floor-covering specialty module.*

(A) Floor-covering materials and adhesives which may contain asbestos.

(I) Floor-covering materials.

(II) Adhesives-asbestos-containing and nonasbestos-containing.

(III) Dates of production of asbestos-containing resilient floor coverings.

(IV) Alternatives to removal of existing floor and proper methods.

(V) Friable versus nonfriable asbestos-containing flooring materials.

(B) Recommended work practices.

(I) Use of recommended work practices.

(-a-) Procedures which should not be used in removing asbestos-containing floor covering.

(-b-) Importance of strict adherence to recommended work practices in order to comply with Federal and State regulations.

(II) Detailed instruction in:

(-a-) Removal of resilient floor tile.

(-b-) Removal of resilient sheet vinyl.

(-c-) Removal of residual adhesives.

(-d-) Removal of complete underlayment with resilient floor covering.

(-e-) Methods of controlling, containing and preventing the release of asbestos fibers.

(III) Proper cleanup, storage and disposal techniques.

(IV) Notification requirements.

(V) Demarcation requirements and communication with property owner and residence.

(3) Instruction methods shall include at least lectures, demonstrations and hands-on training in asbestos abatement and safety techniques.

(i) *Asbestos worker (restricted asbestos handler) training course.*

(1) A restricted asbestos handler shall have a minimum of 6 hours of training which shall include at least the following topics:

(i) Physical characteristics of asbestos.

(ii) Health hazards and effects of asbestos.

(iii) Respiratory protection.

(iv) Personal protective equipment.

(v) Decontamination system.

(vi) Scope of current and proposed Federal, State and local regulations.

(vii) Special safety hazards.

(viii) Personal hygiene.

(ix) State-of-the-art work practices for asbestos abatement.

(x) Medical surveillance.

(xi) Understanding the importance of air monitoring.

(xii) Entry and personal decontamination during abatement activities.

(xiii) Recognition of damaged, deteriorating and delaminated ACM.

(xiv) Proper methods of handling ACM.

(xv) Proper cleanup techniques.

(xvi) Disposal practices, including proper storage and transport of small quantities of ACM.

(xvii) Maintenance programs.

(xviii) Smoking cessation information (29 CFR 1910.1001 and 1926.1101) and any successor regulations.

(2) Instruction methods shall include at least lectures, demonstrations, hands-on training in asbestos abatement and safety techniques, and practical individual respirator fit test instruction.

(3) An industry-specific course exceeding the minimal Departmental requirements shall be considered as meeting the training requirements for a restricted asbestos handler as specified in this chapter, if approved by the Department.

(j) *Asbestos air sampling technician training course.*

(i) An asbestos air sampling technician shall have completed a minimum of 6 hours training which shall include at least the following topics:

(A) Physical characteristics of asbestos.

(B) Health hazards and effects of asbestos.

(C) Calibration of air sampling equipment.

(D) Regulations currently in effect under existing Federal, State and local jurisdictions.

(E) Recordkeeping and documentation.

(F) Air sampling, which shall include at least:

(I) Purposes of air sampling.

(II) Equipment/media utilized.

(III) Sampling techniques, calculations and methods.

(IV) Sample packing/handling relating to proper shipping to maintain chain-of-custody.

(V) Personal protective equipment.

(VI) Containment entry and decontamination procedures.

(VII) Medical surveillance.

(VIII) Personal hygiene.

(IX) Additional safety practices other than asbestos.

(X) State-of-the-art work practices for asbestos abatement.

(XI) Smoking cessation information (29 CFR 1910.1001 and 29 CFR 1926.1101) and any successor regulations.

(XII) Other topics as may be required by the Department.

(ii) Instruction methods shall include at least lectures, demonstrations, hands-on training in air sampling and safety techniques, and practical individual respirator fit test instruction.

(k) *Asbestos worker (asbestos operations and maintenance individual) training course.*

(1) The course shall include the EPA's Asbestos Containing Materials in Schools, in 40 CFR 763.92(a)(2) Training and Periodic Surveillance (1987), and training requirements described by OSHA (29 CFR 1910.1001 and 1926.1101), or successor regulations, which are incorporated by reference.

(2) The asbestos worker (operations and maintenance individual) training topics shall include at least:

(i) Physical characteristics of asbestos.

- (ii) Health hazards and effects of asbestos.
- (iii) Respiratory protection.
- (iv) Personal protective equipment.
- (v) Decontamination system.
- (vi) Scope of all current and proposed Federal, State and local regulations.
- (vii) Special safety hazards.
- (viii) Personal hygiene.
- (ix) State-of-the-art work practices for asbestos abatement.
- (x) Medical surveillance.
- (xi) Entry and personal decontamination during abatement activities.
- (xii) Additional safety practices other than asbestos.
- (xiii) Understanding the importance of air monitoring.
- (xiv) Recognition of damaged, deteriorating and delaminated ACM.
- (xv) Preparation of a work area.
- (xvi) Proper methods of handling ACM.
- (xvii) Enclosures to prevent fiber releases.
- (xviii) Proper use of encapsulants.
- (xix) Proper cleanup techniques.
- (xx) Disposal practices, including proper storage and transport of small quantities of ACM.
- (xxi) Maintenance programs.

(3) Instruction methods shall include at least lectures, demonstrations, hands-on training in asbestos abatement and safety techniques, and a demonstration test.

(4) An industry-specific course exceeding the minimal Departmental requirements shall be considered as meeting the training requirements for an asbestos operations and maintenance individual as specified in this chapter, if approved by the Department.

**§ 401.14. Specific requirements for accreditation of refresher training courses.**

(a) The course shall conform to the minimum time requirements in paragraphs (1) and (2).

(1) Eight hours for refresher training in the following occupations:

- (i) Asbestos management planner (4 hours each in asbestos inspector training and asbestos management planner training).
- (ii) Asbestos project designer.
- (iii) Asbestos project monitor.
- (iv) Asbestos contractor.
- (v) Asbestos supervisor.
- (vi) Asbestos worker.

(2) Four hours for refresher training in asbestos inspector, asbestos air sampling technician, asbestos worker (roofing/siding), asbestos worker (resilient floor covering remover), asbestos worker (restricted asbestos handler), and asbestos worker (operations and maintenance individual) occupations.

(b) The course shall include review and discussion of changes in Federal, State and local regulations, and developments in state-of-the-art procedures in asbestos abatement and safety techniques.

(c) In addition to meeting the requirements in subsection (b), the course shall be specific to the applicable occupation and shall include at least the following elements:

- (1) *Asbestos management planner refresher course.*
  - (i) Evaluation/interpretation of survey results.
  - (ii) Hazard assessment.
  - (iii) Evaluation and selection of control options.
  - (iv) Developing an operations and maintenance plan.
- (2) *Asbestos project designer.*
  - (i) Potential health effects related to asbestos exposure.
  - (ii) Medical surveillance.
  - (iii) Personal protective equipment.
  - (iv) Safety system design specifications.
  - (v) Writing abatement specifications.
  - (vi) Budgeting/cost estimation.
- (3) *Asbestos project monitor.*
  - (i) Potential health effects related to asbestos exposure.
  - (ii) Medical surveillance.
  - (iii) Personal protective equipment.
  - (iv) Recommended safe work practices.
  - (v) Air monitoring procedures.
  - (vi) Clearance procedures.
  - (vii) Safety hazards.
  - (viii) Case examples of problems and solutions.
- (4) *Asbestos inspector.*
  - (i) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM (including AHERA damage classification).
  - (ii) Bulk sampling/documentation of asbestos in schools.
  - (iii) Reinspection/reassessment techniques.
- (5) *Asbestos contractor/supervisor.*
  - (i) Potential health effects related to asbestos exposure.
  - (ii) Recommended safe work practices.
  - (iii) Respiratory protection programs and medical surveillance and monitoring programs.
- (6) *Asbestos worker.*
  - (i) Potential health effects of asbestos exposure.
  - (ii) Medical surveillance.
  - (iii) Personal protective equipment.
  - (iv) Personal hygiene.
  - (v) Recommended safe work practices.
- (7) *Asbestos worker (roofing/siding).*
  - (i) Potential health effects related to asbestos exposure.
  - (ii) Medical surveillance.
  - (iii) Personal protective equipment.
  - (iv) Personal hygiene.
  - (v) Recommended safe work practices.
- (8) *Asbestos worker (resilient floor covering remover).*
  - (i) Potential health effects related to asbestos exposure.

- (ii) Medical surveillance.
- (iii) Personal protective equipment.
- (iv) Personal hygiene.
- (v) Recommended safe work practices.
- (9) *Asbestos worker (restricted asbestos handler)*.
- (i) Potential health effects related to asbestos exposure.
- (ii) Medical surveillance.
- (iii) Personal protective equipment.
- (iv) Personal hygiene.
- (v) Recommended safe work practices.
- (vi) Review of recognition of damaged ACM and proper methods of handling ACM.
- (10) *Air sampling technician*.
- (i) Potential health effects related to asbestos exposure.
- (ii) Medical surveillance.
- (iii) Personal protective equipment.
- (iv) Personal hygiene.
- (v) Air sampling
- (vi) Recordkeeping.
- (vii) Recommended safe work practices.
- (11) *Asbestos worker (asbestos operations and maintenance individual)*.
- (i) Potential health effects related to asbestos exposure.
- (ii) Medical surveillance.
- (iii) Personal protective equipment.
- (iv) Personal hygiene.
- (v) Recommended safe work practices.
- (vi) Review of recognition of damaged ACM and proper methods of handling ACM.

**§ 401.15. Final examination requirements.**

- (a) Closed book examinations will be required for both initial and refresher training courses.
- (b) A monitored final written examination is required for all courses unless provided for in this chapter. For students who are unable to take a written examination, the Department may accept an equivalent oral examination.
- (c) Training course instructors, who provide oral examinations for students who are unable to take a written examination, shall issue an answer sheet to be marked by the attendee. The student shall sign the answer sheet and it shall become a part of the training course provider's recordkeeping as described within this chapter.
- (d) Examinations will be administered by either the Department or the Department's designee.
- (e) Final examination and appropriate practice exercises shall be specific to the occupation.
- (f) The examination format shall be appropriate for the course and shall include topics from all aspects of training.
- (g) The minimum number of multiple choice questions for all initial asbestos occupation course examinations shall be as follows:
  - (1) 50—Asbestos management planner.
  - (2) 100—Asbestos project designer.
  - (3) 100—Asbestos project monitor.
  - (4) 50—Asbestos inspector.
  - (5) 100—Asbestos contractor.
  - (6) 100—Asbestos supervisor.
  - (7) 50—Asbestos worker.
  - (8) 50—Asbestos worker (roofing/siding).
  - (9) 50—Asbestos worker (resilient floor covering remover).
  - (10) 25—Asbestos worker (restricted asbestos handler).
  - (11) 50—Asbestos air sampling technician.
  - (12) 25—Asbestos worker (asbestos operations and maintenance individual).

(h) The minimum number of multiple choice questions for refresher asbestos occupation course examinations is 25 questions.

(i) Students shall achieve a minimum examination grade of 70% correct to pass.

(j) Students who fail the exam are allowed to retake the exam twice. After a total of three successive failures, the student shall retake the full course before being allowed to retest.

(k) Each student's examination shall be retained for 3 years.

(l) Students who complete the course and pass the examination will receive a training certificate indicating successful completion of the course.

(m) The Department retains the right to develop a Statewide examination program.

**§ 401.16. Changes to accredited training courses.**

(a) A provider may change an accredited training course only with the approval of the Department. The provider shall submit to the Department written notice of the contemplated change at least 10 days before its proposed implementation date. The Department may waive the 10-day requirement for good cause shown.

(b) Changes may include the following:

- (1) The topics covered.
- (2) The course materials.
- (3) The training course providers.
- (4) The teaching methods.
- (5) The dates and location of scheduled courses.
- (6) The language in which the course is given.

(c) The Department may grant conditional approval of a change pending its detailed evaluation of the change.

**§ 401.17. Training course provider requirements.**

(a) The provider shall notify the Department in writing of the scheduled commencement of a course 10 days before the first session.

(b) The provider shall cooperate with the Department in matters relating to the conduct of the course and shall permit representatives of the Department to attend course sessions. The provider shall make available to the Department, upon request and at no cost, course materials, examinations and records.

(c) The provider is responsible for compliance with the course and instructor requirements in this section.

**§ 401.18. Training course instructor requirements.**

(a) Training instructors approved by the Department or the EPA prior to \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal) shall be deemed to be approved under this chapter.

(b) For other instructors, the training course provider shall submit a resume to the Department for contingent approval. Final approval of the training course and instructors shall be at the discretion of the Department after the course and the instructor have been audited by the Department.

**§ 401.19. Issuance of training certificate.**

(a) The provider shall issue a training certificate to each student who successfully completes the training course. Successful completion requires that the student attend every course session and pass the final examination.

(b) The training certificate shall include at least:

(1) The name of the accredited person.

(2) A unique certificate number.

(3) The name of the course completed.

(4) The dates of the course.

(5) The examination date.

(6) The training course provider's name, address and phone number.

(7) The signature of the training course director or a designee.

(8) The expiration date of certificate.

(9) A statement that the person receiving the certificate has received the requisite training for asbestos accreditation under TSCA Title II (40 CFR Part 763).

(10) Other information as may be required by the Department.

(c) The provider shall submit the following information to the Department, for each student who has met the qualifications for a training certificate, within 30 days of the conclusion of the course:

(1) The student's name.

(2) The student's address.

(3) The student's telephone number, if available.

(4) The student's unique identification number.

(5) The name of course completed.

(6) The date of the course.

**§ 401.20. Recordkeeping requirements.**

(a) *Training course materials.* A training provider shall retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks and handouts.

(b) *Instructor qualifications.* A training provider shall retain copies of all instructors' resumes and related documentation. Records shall accurately identify the instructors that taught each particular course for each date that a course is offered.

(c) *Examinations.* Training providers shall document that each person who receives a certificate of training for an initial training course has achieved a passing score on the examination. These records shall clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the

name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course shall correspond to those listed on that person's certificate of training.

(d) *Certificates of training.* Training providers shall maintain records that document the names of the persons who have been awarded certificates, their certificate numbers, the disciplines for which certificates were conferred, training and expiration dates and the training location. Training providers shall maintain the records in a manner that allows verification by telephone of the required information.

(e) *Verification of certificate information.* Training providers of refresher training courses shall confirm that their students possess valid initial training certificate before granting course admission. Training providers offering the initial management planner training course shall verify that students have met the prerequisite of possessing valid inspector training certificates at the time of course admission.

(f) *Records retention and access.* Training providers shall maintain required records for a minimum of 3 years. Training providers shall allow reasonable access to the records required by the EPA Model Accreditation Plan (MAP), and to other records which may be required by the Department for the approval of asbestos training providers or the accreditation of asbestos training courses, to both the EPA and to the Department, on request. When a training provider ceases to conduct training, the training provider shall notify the Department, and give the Department the opportunity to take possession of its asbestos training records.

**§ 401.21. Prior accreditation.**

Training courses accredited by the Department as of \_\_\_\_ (*Editor's Note:* The blank refers to proposed effective date of adoption of this proposal) shall be deemed to be accredited under this chapter for the remainder of the existing accreditation period, after which the training courses shall be required to undergo renewal of accreditation under § 401.11(b) (relating to accreditation of initial and refresher courses).

### CERTIFICATION PROCEDURES AND REQUIREMENTS

**§ 401.41. Prior certification.**

An individual certified by the Department in an asbestos occupation as of \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal) is deemed to be certified under this chapter for the remainder of the existing certification period, after which the individual shall renew certification under § 401.43 (relating to renewal of certification).

**§ 401.42. Initial certification.**

(a) An applicant for initial certification in an asbestos occupation shall submit a completed application on a form provided by the Department, with the appropriate fee designated in § 401.82 (relating to training course accreditation fees) and a copy of the training certificate issued under § 401.19 (relating to issuance of training certificate) or documentation of on-the-job training in accordance with § 401.46 (relating to on-the-job training option). The Department will not process an application that is incomplete or submitted without the proper registration fee.

(b) Pending certification by the Department, an applicant may engage in the asbestos occupation for which

certification is being sought for 60 days from the date the application is mailed if that the applicant has available at the work site a copy of the completed application, proof of payment and documentation of training.

(c) Certification for asbestos occupations shall be valid for 1 year from the date of training except for the following occupations for which certification is valid for 3 years:

- (1) Asbestos Worker (Restricted asbestos handler).
- (2) Asbestos Worker (Operations and maintenance individual).
- (3) Asbestos Worker (Roofing/Siding).
- (4) Asbestos Worker (Resilient floor covering remover).

**§ 401.43. Renewal of certification.**

(a) An individual shall renew certification by submitting a renewal application, the renewal fee designated in §§ 401.81—401.87 (relating to fees) and a copy of the refresher training certificate issued under §§ 401.18 and 401.19 (relating to training course instructor requirements; and issuance of training certificate) or documentation of on-the-job refresher training in accordance with the requirements in § 401.46 (relating to on-the-job training option). The Department will not process an application that is incomplete or submitted with the proper registration fee.

(b) Pending renewal of certification by the Department, an individual may engage in the asbestos occupation for which certification was initially issued for 60 days from the date the application is mailed if the individual has available at the work site the original of the most recent expired certification and a copy of his initial and current training certificates with a copy of the renewal application and proof of payment of the application fee.

**§ 401.44. Multiple asbestos occupations.**

Individuals certified in the following occupations may perform the duties of other specified asbestos occupations without obtaining additional certification:

- (1) An asbestos management planner may also perform the duties of an asbestos inspector.
- (2) A certified asbestos project designer may also perform the duties of an asbestos project monitor and an asbestos air sampling technician.
- (3) A certified asbestos project monitor may also perform the duties of an asbestos air sampling technician.
- (4) A certified asbestos contractor may also perform the duties of an asbestos supervisor, asbestos worker, asbestos worker (restricted asbestos handler) and asbestos worker (asbestos operations and maintenance individual).
- (5) A certified asbestos supervisor may also perform the duties of asbestos worker, asbestos worker (restricted asbestos handler) and asbestos worker (asbestos operations and maintenance individual).
- (6) A certified asbestos worker may also perform the duties of asbestos worker (restricted asbestos handler) and asbestos worker (asbestos operations and maintenance individual).
- (7) A certified asbestos worker (asbestos operations and maintenance individual) may also perform the duties of an asbestos worker (restricted asbestos handler).

**§ 401.45. Certification requirements and scope of duties.**

- (a) *Asbestos management planner.*

(1) An applicant for certification as an asbestos management planner shall possess a high school diploma or a general equivalency diploma (GED), successfully complete accredited asbestos inspector training and asbestos management planner training courses, and possess one of the following experience requirements:

- (i) Six months' asbestos inspection experience and 6 months' asbestos abatement experience which may include asbestos management planning.
- (ii) Six months' experience under the supervision of a certified asbestos management planner in a manner prescribed by the Department.

(2) A certified asbestos management planner may develop and recommend asbestos abatement response actions and operations and maintenance plans.

- (b) *Asbestos project designer.*

(1) An applicant for certification as an asbestos project designer shall meet the following requirements:

- (i) Possession of a bachelor's degree in engineering, architecture, industrial hygiene, or environmental science or a related field.
- (ii) Successful completion of an accredited asbestos project designer training course.
- (iii) Two years' experience in asbestos abatement activities and 6 months' experience in performing air monitoring and sampling.
- (iv) As an alternative to subparagraphs (i)—(iii), an equivalent combination of training and experience as approved by the Department and pass an equivalency examination developed by the Department.

(2) A certified asbestos project designer may design and develop asbestos abatement projects, prepare asbestos abatement specifications, prepare bidding documents and review submittals, and prepare and interpret asbestos abatement drawings.

- (c) *Asbestos project monitor.*

(1) An applicant for certification as an asbestos project monitor shall complete 2 years' college credit or possess an Associate or technical degree, successfully complete an accredited asbestos project monitor training course and possess one of the following experience requirements:

- (i) Six months' field experience performing asbestos abatement activity.
- (ii) Experience in performing air monitoring and sampling. The applicant shall submit a list of equipment used.

(2) As an alternative to paragraph (1), an equivalent combination of training and experience as determined by the Department and passing an equivalency examination developed by the Department will meet the requirements for certification as an asbestos project monitor.

(3) A certified asbestos project monitor may collect air samples, monitor employees' exposure to asbestos, conduct area monitoring, perform final clearance of completed abatement projects, observe asbestos abatement projects for compliance with generally accepted standards of the industry and applicable laws and regulations.

- (d) *Asbestos inspector.*

(1) An applicant for certification as an asbestos inspector shall possess a high school diploma or general equivalency diploma (GED) and successfully complete an accredited asbestos inspector training course.

(2) A certified asbestos inspector may review facility records, perform visual inspections or surveillance of facilities to identify, document or inventory materials suspected of containing asbestos, collect bulk samples for asbestos analysis, prepare inspection reports and related documentation and conduct asbestos assessments.

(e) *Asbestos contractor.*

(1) An applicant for certification as an asbestos contractor shall successfully complete an accredited asbestos contractor/supervisor training course.

(2) A certified asbestos contractor may engage in asbestos abatement as a business and employ persons to perform asbestos abatement work.

(3) A certified asbestos contractor shall designate one of the contractor's employees who is involved in asbestos abatement projects to be responsible for complying with the contractor certification requirements. If the designated employe leaves the employment of the contractor or ceases to be involved in asbestos abatement projects, the contractor shall reapply for certification by designating another employe to comply with the contractor certification requirements and pay the appropriate fee designated in §§ 401.82 and 401.83 (relating to training course accreditation fees; and refresher training course accreditation fees).

(f) *Asbestos supervisor.*

(1) An applicant for certification as an asbestos supervisor shall meet the following requirements:

(i) Successful completion of an accredited asbestos contractor/supervisor training course.

(ii) One year's experience in asbestos abatement activity.

(iii) Current certification in cardiopulmonary resuscitation (CPR) by an agency approved by the Department.

(iv) Current certification by the American Red Cross First Aid "Responding to Emergencies" training course. A first aid training course that is equivalent to this training course may be accepted by the Department.

(2) A certified asbestos supervisor may supervise asbestos workers engaged in asbestos abatement projects.

(g) *Asbestos worker.*

(1) An applicant for certification as an asbestos worker shall successfully complete an accredited asbestos worker training course.

(2) A certified asbestos worker may repair, remove, encapsulate, enclose or load-out ACM.

(h) *Asbestos worker (roofing/siding).*

(1) An applicant for certification as an asbestos worker (roofing/siding) shall successfully complete an asbestos worker (roofing/siding) training course.

(2) A certified asbestos worker (roofing/siding) may engage in roofing and siding activities which result in the installation, removal or disturbance of a nonfriable asbestos-containing material, if the worker's main business is not asbestos abatement. The worker may repair, remove, encapsulate, enclose or load-out nonfriable asbestos-containing roofing or siding material.

(i) *Asbestos worker (resilient floor covering remover).*

(1) An applicant for certification as an asbestos worker (resilient floor covering remover) shall successfully complete an accredited asbestos worker (resilient floor covering remover) training course.

(2) A certified asbestos worker (resilient floor covering remover) may engage in flooring activities which result in the installation, removal or disturbance of a nonfriable asbestos-containing material, if the worker's main business is not asbestos abatement. The worker may repair, remove, encapsulate, enclose or load-out nonfriable asbestos-containing floor material.

(j) *Asbestos worker (restricted asbestos handler).*

(1) An applicant for certification as an asbestos worker (restricted asbestos handler) shall have successfully completed an accredited restricted asbestos handler training course or on-the-job training by a competent person in accordance with in § 401.46 (relating to on-the-job training option).

(2) A certified restricted asbestos handler may enter a contained work area for a limited period of time to perform certain specialized tasks in preparation for or ancillary to the actual abatement for which asbestos worker certification is required.

(k) *Asbestos air sampling technician.*

(1) An applicant for certification as an asbestos air sampling technician shall possess a high school diploma or a general equivalency diploma (GED) and successfully complete an accredited asbestos air sampling technician training course or on-the-job training in accordance with § 401.46.

(2) A certified asbestos air sampling technician may prepare and calibrate air sampling equipment, conduct air sampling, perform recordkeeping procedures and maintain chain-of-custody procedures in the transport of environmental samples.

(l) *Asbestos worker (asbestos operations and maintenance individual).*

(1) An applicant for certification as an asbestos worker (asbestos operations and maintenance individual) shall successfully complete an accredited asbestos operations and maintenance individual training course.

(2) A certified asbestos worker (operations and maintenance individual) may conduct asbestos abatement activities within a facility which may disturb or involve not more than 3 linear or 3 square feet of asbestos-containing material within a distinct or specific work area.

**§ 401.46. On-the-job training option.**

(a) For certification of asbestos workers (restricted asbestos handlers) and air sampling technicians, the Department may approve on-the-job training conducted by a competent person as meeting the initial training requirements in § 401.45(j)—(l) (relating to certification requirements and scope of duties) and the refresher training required for renewal of certification in § 401.43(b) (relating to renewal of certification).

(b) "Competent person" is defined as follows:

(1) For an asbestos air sampling technician, either a certified asbestos project designer or a certified asbestos project monitor.

(2) For an asbestos worker (restricted asbestos handler), a certified asbestos management planner, asbestos project designer, asbestos project monitor, asbestos contractor or asbestos supervisor.

**§ 401.47. Proof of certification.**

(a) A person engaged in an asbestos occupation shall have the original training certificate, current refresher course training certificate and valid Commonwealth is-

sued photo certification card. This documentation shall be available for inspection by the Department.

(b) A person whose photo certification card and training documentation is lost or destroyed shall notify the Department in writing within 2 days and shall maintain a copy of the written notification at the work site until the Department issues a new photo certification card.

**DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATION OR ACCREDITATION**

**§ 401.61. Grounds.**

(a) The Department may deny a person's application for certification or accreditation, and may suspend or revoke a certification or accreditation issued to a person under the act and this chapter or may reprimand the person for one or more of the following reasons:

- (1) Failing to meet the qualification requirements of the act or this chapter.
- (2) Fraudulently or deceptively obtaining or attempting to obtain certification or accreditation.
- (3) Failing to pay an application or renewal fee.
- (4) Failing to meet applicable Federal requirements including those outlined in the EPA Model Accreditation Plan in 40 CFR Part 763, Subpart E, Appendix C(I)(G) and Subpart E, Appendix C(III)(C) and State and local standards relating to asbestos abatement.
- (5) Failing to notify the Department of abatement projects as required under section 8 of the act (63 P. S. § 2108) and §§ 401.121 and 401.122 (relating to original notification; and changes to original notification).
- (6) Failing or refusing to submit to the Department documentation or information required by the act or this chapter.
- (7) Failing to comply with a provision of this chapter.
- (8) Performing work requiring certification at a job site without being in physical possession of initial and current certificates.
- (9) Permitting the use or duplication of one's training certificate or photo identification card by another to fraudulently or deceptively obtain certification.
- (10) Misrepresentation of the extent of a training course's approval by a state or the EPA.
- (11) Failure to maintain requisite records.
- (12) Falsification of accreditation records, instructor qualifications or other accreditation information.
- (13) Failure to adhere to the training standards and requirements of the EPA Model Accreditation Plan and State Accreditation Program.

(b) The Department may also deny, suspend or revoke any accreditation or certification issued under the act or this chapter for any other reason affecting the responsibility of the applicant, training provider or person possessing the certification or accreditation.

**§ 401.62. Notice and hearing.**

(a) Actions of the Department related to suspension or revocation will be taken subject to the right of notice hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). Hearings will be conducted under 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(b) Within 30 days of the date of notice of denial of an application for certification or accreditation, the applicant

may request in writing that the Department provide a hearing to reconsider the propriety of the denial. Requests for hearings shall be sent to the Director of the Bureau of Occupational and Industrial Safety.

(c) After hearing, the Department by written order may affirm, reverse or modify the denial.

**§ 401.63. Civil actions and criminal proceedings.**

Denial, suspension or revocation of certification or accreditation does not affect or mitigate a civil action or criminal proceeding permitted by the act or this chapter or by any other law or regulation.

**FEES**

**§ 401.81. General information.**

Sections 401.82—401.87 set out the Department's certification and accreditation fees. Fees shall be remitted by check or money order made payable to the "Commonwealth of Pennsylvania." Fees are not refundable.

**§ 401.82. Training course accreditation fees.**

Providers of training courses shall remit the following initial accreditation and annual renewal fees:

- (1) *Initial asbestos management planner course fee:*
  - (i) Application for initial training course . . . . . \$1,000
  - (ii) Annual renewal of accreditation for the initial training course . . . . . \$ 500
- (2) *Initial asbestos project designer course fee:*
  - (i) Application for initial training course . . . . . \$1,000
  - (ii) Annual renewal of accreditation for the initial training course . . . . . \$ 500
- (3) *Initial asbestos project monitor course fee:*
  - (i) Application for initial training course . . . . . \$1,000
  - (ii) Annual renewal of accreditation for the initial training course . . . . . \$ 500
- (4) *Initial asbestos inspector course fee:*
  - (i) Application for initial training course . . . . . \$1,000
  - (ii) Annual renewal of accreditation for the initial training course . . . . . \$ 500
- (5) *Initial asbestos contractor/supervisor course fee:*
  - (i) Application for initial training course . . . . . \$1,000
  - (ii) Annual renewal of accreditation for the initial training course . . . . . \$ 500
- (6) *Initial asbestos worker course fee:*
  - (i) Application for initial training course . . . . . \$1,000
  - (ii) Annual renewal of accreditation for the initial training course . . . . . \$ 500
- (7) *Initial asbestos worker (roofing/siding) course fee:*
  - (i) Application for initial training course . . . . . \$ 500
  - (ii) Annual renewal of accreditation for the initial training course . . . . . \$ 250
- (8) *Initial asbestos worker (resilient floor covering remover) course fee:*
  - (i) Application for initial training course . . . . . \$ 500
  - (ii) Annual renewal of accreditation for the initial training course . . . . . \$ 250
- (9) *Initial asbestos worker (restricted asbestos handler) course fee:*
  - (i) Application for initial training course . . . . . \$ 500

(ii) Annual renewal of accreditation for the initial training course ..... \$ 250

(10) *Initial asbestos worker (asbestos operations and maintenance individual) course fee:*

(i) Application for initial training course ..... \$ 500

(ii) Annual renewal of accreditation for the initial training course ..... \$ 250

**§ 401.83. Refresher training course accreditation fees.**

Providers of refresher training courses shall remit the following initial accreditation and annual renewal fees:

(1) *Refresher asbestos management planner course fee:*

(i) Accreditation of the refresher asbestos management planner course..... \$ 500

(ii) Annual renewal of accreditation for the refresher asbestos management planner course ..... \$ 250

(2) *Refresher asbestos project designer course fee:*

(i) Accreditation of the refresher asbestos project designer course ..... \$ 500

(ii) Annual renewal of accreditation for the refresher asbestos project designer course ..... \$ 250

(3) *Refresher asbestos project monitor course fee:*

(i) Accreditation of the refresher asbestos project monitor course ..... \$ 500

(ii) Annual renewal of accreditation for the refresher project monitor course..... \$ 250

(4) *Refresher asbestos inspector course fee:*

(i) Accreditation of the refresher asbestos inspector course..... \$ 500

(ii) Annual renewal of accreditation for the refresher asbestos inspector course..... \$ 250

(5) *Refresher asbestos contractor/supervisor course fee:*

(i) Accreditation of the refresher asbestos contractor/supervisor course ..... \$ 500

(ii) Annual renewal of accreditation for the refresher asbestos contractor/supervisor course..... \$ 250

(6) *Refresher asbestos worker course fee:*

(i) Accreditation of the refresher asbestos worker course..... \$ 500

(ii) Annual renewal of accreditation for the refresher asbestos worker course..... \$ 250

(7) *Refresher asbestos worker (roofing/siding) course fee:*

(i) Accreditation of the refresher asbestos worker (roofing/siding) course..... \$ 250

(ii) Annual renewal of accreditation for the refresher worker (roofing/siding) course..... \$ 250

(8) *Refresher asbestos worker (resilient floor covering remover) course fee:*

(i) Accreditation of the refresher asbestos worker (resilient floor covering remover) course..... \$ 250

(ii) Annual renewal of accreditation for the refresher worker (resilient floor covering remover) course... \$ 250

(9) *Refresher asbestos worker (restricted asbestos handler) course fee:*

(i) Accreditation of the refresher asbestos worker (restricted asbestos handler) course..... \$ 250

(ii) Annual renewal of accreditation for the refresher worker (restricted asbestos handler) course..... \$ 250

(10) *Refresher asbestos worker (asbestos operations and maintenance individual) course fee:*

(i) Accreditation of the refresher asbestos worker (asbestos operations and maintenance individual) course ..... \$ 250

(ii) Annual renewal of accreditation for the refresher worker (asbestos operations and maintenance individual) course..... \$ 250

**§ 401.84. Fee limitation.**

Within any calendar year, cumulative course accreditation fees will not exceed \$5,000 for an individual training provider.

**§ 401.85. Initial certification fees.**

Applicants for initial certification in asbestos occupations shall remit the following fees:

(1) Asbestos management planner ..... \$ 300

(2) Asbestos project designer ..... \$ 300

(3) Asbestos project monitor..... \$ 300

(4) Asbestos inspector..... \$ 300

(5) Asbestos contractor..... \$ 500

(6) Asbestos supervisor ..... \$ 100

(7) Asbestos worker..... \$ 50

(8) Asbestos air sampling technician..... \$ 50

(9) Asbestos worker (roofing/siding)..... \$ 100

(10) Asbestos worker (resilient floor covering remover)..... \$ 100

(11) Asbestos worker (restricted asbestos handler) ..... \$ 100

(12) Asbestos worker (asbestos operations and maintenance individual) ..... \$ 100

**§ 401.86. Certification renewal fees.**

(a) Individuals whose certification expires annually shall remit the following renewal fees:

(1) Asbestos management planner ..... \$ 300

(2) Asbestos project designer ..... \$ 300

(3) Asbestos project monitor..... \$ 300

(4) Asbestos inspector..... \$ 300

(5) Asbestos contractor..... \$ 500

(6) Asbestos supervisor ..... \$ 100

(7) Asbestos worker..... \$ 50

(8) Asbestos air sampling technician..... \$ 50

(b) Individuals whose certification expires every 3 years shall remit the following renewal fees:

(1) Asbestos worker (roofing/siding)..... \$ 100

(2) Asbestos worker (resilient floor covering remover)..... \$ 100

(3) Asbestos worker (restricted asbestos handler) ..... \$ 100

(4) Asbestos worker (asbestos operations and maintenance individual) ..... \$ 100

**§ 401.87. Additional fees.**

The Department may establish certification and accreditation fees for additional occupational and course categories.

**ENFORCEMENT PROCEDURES AND PENALTIES****§ 401.101. Inspections.**

An enforcement officer representing the Department has the power to enter any building, structure or facility to determine compliance with the act and this chapter.

**§ 401.102. Interference with inspections.**

A person may not hinder or delay an enforcement officer of the Department in the performance of his duty, nor refuse or fail to provide information requested to determine compliance with the act and this chapter.

**§ 401.103. Civil penalties.**

(a) The Department, after a hearing, may levy a civil penalty of not more than \$1,000 a day for an initial violation and a civil penalty of not more than \$5,000 a day for each subsequent violation committed within a 3-year period arising from willful violation of the act.

(b) The Department may, after hearing, find a person who either interferes with the investigation or refuses to provide requested information to an enforcement officer of the Department guilty of a violation of the act and may assess a civil penalty of not more than \$1,000.

(c) Willful violations of the act, including the following, may result in the imposition of civil penalties.

- (1) *Certification violations.*
  - (i) Submitting false information on the application for certification.
  - (ii) Working in an occupation without a current valid certification.
  - (iii) Tampering with, altering or defacing a training certificate or Commonwealth issued photo certification card.
  - (iv) Using fraudulent means to pass an examination.
- (2) *Accreditation violations.*
  - (i) Submitting false information on the application for course accreditation.
  - (ii) Performing as a training provider without receiving Department accreditation.
  - (iii) Failure to perform asbestos training.
  - (iv) Failure to allow a representative of the Department to audit any phase of the course whenever requested.
  - (v) Failure to supply the Department with information relating to, but not limited to, completion of records of attending students as set forth in this chapter.
  - (vi) Failure to properly administer required examinations if the provider is the Department's designee under § 401.15(d) (relating to final examination requirements).

**(3) Notification violations.**

- (i) Failure to notify the Department regarding asbestos abatement projects as required under this chapter.
- (ii) Submitting false information on the notification form.
- (d) In assessing an administrative penalty under the act, the Department will consider the following factors

when applicable in determining what constitutes an appropriate penalty for the particular violations:

- (1) The degree of hazard posed to human health and the environment.
- (2) The degree of harm posed to the proper administration of the certification and accreditation program.
- (3) The category of culpability evidenced by the violator's action.
  - (i) In determining culpability, violation in ignorance of any legal requirement of the act or this chapter shall constitute a negligent action unless a legal requirement is one of which the violator has constructive notice, in which case the violator's action shall be classified as reckless.
  - (ii) Violation despite actual notice of the legal requirement of the act or this chapter shall constitute a finding of willful action.
- (4) Past history on the part of the violator.
- (5) The economic benefit which the violator accrues as a result of the violation.
- (6) Cooperation of the violator in correcting the violation.

**NOTIFICATION REQUIREMENTS****§ 401.121. Original notification.**

The Department and the Department of Environmental Protection have agreed to a single point of notification for all asbestos abatement projects.

(1) An asbestos contractor or operator shall notify the Department of Environmental Protection at Post Office Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105-8468, on forms prescribed by the Department of Environmental Protection, before engaging in any asbestos abatement project.

(2) If notification is provided by the asbestos contractor or operator, a copy of the notification shall be simultaneously submitted to the building owner by the contractor or operator.

(3) The contractor or operator shall postmark or hand deliver two copies of the notification to the Department of Environmental Protection at least 10 business days before the project start date.

(4) In the case of an emergency project, verbal notification shall be given immediately to the Department of Environmental Protection at (717) 787-1663 and written notification shall be provided to the Department of Environmental Protection within 1 business day of the emergency.

(5) The Department of Environmental Protection will transmit all notification information to the Department.

**§ 401.122. Changes to original notification.**

(a) If there is a change of the information provided on the original notification form, the contractor or operator shall immediately notify the Department of Environmental Protection of the changes in the manner provided in § 401.121(3) (relating to original notification) if:

- (1) In the case of a postponement of the start date, the contractor or operator provides the Department of Environmental Protection with immediate verbal notification and submits written confirmation of the postponement within 1 business day before the original start date.
- (2) In the case of an advancement of the start date, the contractor or operator provides the Department of Envi-

ronmental Protection with written notification of the advancement at least 10 business days prior to the new start date.

(3) In the case of a change of at least 20% of the estimate of the amount of asbestos involved in the project provided on the previous notification as required by section 8 of the act (63 P. S. § 2108), the contractor or operator immediately provides the Department of Environmental Protection with written notification of the changes.

(4) In the case of a change of less than 20% of the estimate of the amount of asbestos involved in the project, no notification is required to be given by the contractor or operator.

(b) Notification to the Department of Environmental Protection does not relieve the asbestos contractor or operator of the responsibility for making written notification as may be required by a municipality, agency of the Commonwealth or agency of the Federal government.

#### ADMINISTRATIVE MATTERS

##### § 401.141. Purpose and scope.

This chapter implements the certification, accreditation and related requirements of the act.

##### § 401.142. Application of chapter.

This chapter applies to the following persons:

(1) Persons engaged in asbestos occupations within this Commonwealth.

(2) Persons performing asbestos abatement upon or within a building which they own or occupy who utilize employes, other contractors or workers to perform asbestos abatement.

(3) Training course providers desiring to provide training courses required for employment in asbestos abatement occupations within this Commonwealth.

##### § 401.143. Other requirements.

Nothing in this chapter relieves a person subject to the act from a duty or responsibility under another Federal or State statute or regulation, or local ordinance relating to asbestos abatement.

##### § 401.144. Federal requirements.

This chapter shall be read in conjunction with Federal statutes and regulations providing for the certification of persons engaged in asbestos occupations and the accreditation of training courses provided for those respective occupations, and are intended to supplement Federal regulations in the interest of protecting the environment and the health and safety of the citizens of this Commonwealth.

##### § 401.145. Additional recordkeeping requirements.

(a) The asbestos contractor shall maintain a list of individuals engaged in asbestos occupations or who enter the asbestos abatement project area at each job site. The list shall include the following information:

- (1) Names.
- (2) Certification identification number.
- (3) Job classification or job title.
- (4) Time in.
- (5) Time out.

(6) Other information that may be required by the Department.

(b) These records shall be available to the Department upon request.

##### § 401.146. Changes to the Model Accreditation Plan (MAP) by the EPA.

The Department may adopt changes made to the MAP (40 CFR Part 763) in this chapter by publishing notice of the change in the *Pennsylvania Bulletin*.

#### RECIPROcity

##### § 401.161. Accreditation of other training programs.

(a) The Department may enter into reciprocal agreement with other states and jurisdictions to allow the use of accredited training programs to satisfy Commonwealth training requirements, if the Department finds that the training course meets the requirements under the act and this chapter.

(b) Providers requesting accreditation under this section shall comply with the renewal provisions of §§ 401.11—401.21 (relating to training course accreditation procedures and requirements) including payment of the appropriate fee listed §§ 401.81—401.87 (relating to fees).

##### § 401.162. Certification in other jurisdictions.

(a) The Department may enter into reciprocal agreement with other states and jurisdictions to certify for an asbestos occupation a person who has been certified in the other state or jurisdiction which has requirements at least as stringent as those in this chapter.

(b) A person applying for certification under this section shall comply with §§ 401.41—401.47 (relating to certification procedures and requirements) including the payment of the appropriate fee listed in §§ 401.81—401.87 (relating to fees) except as provided by section 5 of the act (63 P. S. § 2105).

[Pa.B. Doc. No. 96-1740. Filed for public inspection October 18, 1996, 9:00 a.m.]

## STATE BOARD OF MEDICINE

[49 PA. CODE CH. 16]

### Administration of Anesthesia

The State Board of Medicine (Board) proposes to adopt § 16.98 (relating to administration of anesthesia) to read as set forth in Annex A. This proposed regulation establishes the standard of practice in regard to the supervision by medical doctors of the administration of anesthesia by certified registered nurse anesthetists.

This proposal was initiated by a "Petition for the Issuance of Regulations Concerning the Delegation of Medical Services to Nurse Anesthetists" (Petition) filed with the Board on May 17, 1993, by the Pennsylvania Medical Society and the Pennsylvania Society of Anesthesiologists (Societies). Subsequent to the receipt of the Societies' Petition, the Board invited comment from interested parties, including the State Board of Nursing and professional associations.

The Societies' Petition requested the Board develop regulations which would "define the conditions under which a physician may delegate the performance of medical services to a certified registered nurse anesthe-

tist." Specifically, the Petition sought regulations which would require the physical presence, direction and supervision of a physician with graduate training in anesthesia whenever a nurse anesthetist administered anesthesia.

In response to the Petition, the Board received comments in opposition to the development of restrictions to the use of nurse anesthetists from the State Board of Nursing, the Hospital Association of Pennsylvania (HAP), the Pennsylvania Association of Nurse Anesthetists (PANA), the Brookville Hospital and several individual nurse anesthetists. HAP's comments in opposition to the development of additional regulations in this area indicated that the "combined Department of Health Regulations and licensure requirements, regulations of the State Boards of Medicine and Nursing, Joint Commission on Accreditation of Health Care Organizations (JCAHO) requirements, together with each licensed entity's bylaws, protocols, and quality and risk management initiatives, provide the necessary guidance for the safe delivery of anesthesia services in the Commonwealth." The Board does not intend, by this regulation, to restrict the use of nurse anesthetists, but rather provide for appropriate supervision when nurse anesthetists are utilized. When nurse anesthetists are utilized, the regulation provides minimum standards for the supervision of the procedure by the delegating physician who is ultimately responsible. The Board does not view these standards as inconsistent with those standards referenced by HAP.

PANA and the other commentators were concerned that the regulation would require supervision by a Board certified anesthesiologist. They contended that level of supervision was unnecessary. The Board agrees that supervision by a Board certified anesthesiologist is not necessary. However, the Board believes that a physician supervising the administration of anesthesia should possess knowledge sufficient to make the supervision meaningful.

After considering the evidence presented by the various interested parties, the Board determined that there appears to be a need for a uniform standard of practice regarding the delegation of the administration of anesthesia. Specifically, the Board is of the opinion that supervision of a nurse anesthetist by a physician who has graduate training in anesthesia is necessary to safeguard the health, safety and welfare of the citizens of this Commonwealth to whom anesthesia may be administered. The Board's conclusion is supported by the study published in *Medical Care*, July 1992, "Hospital and Patient Characteristics Associated with Death After Surgery." That study suggested that incidence of death was less in hospitals in which the administration of anesthesia was overseen by qualified personnel.

Accordingly, the Board proposes to adopt § 16.98, which would provide for the supervision of the administration of anesthesia by a nurse anesthetist. The regulation would authorize the delegation to a nurse anesthetist of the administration of anesthetic agents to render a patient sedate, unconscious or insensible to pain provided that the supervising medical doctor has successfully completed an approved anesthesia graduate medical training program; the medical doctor specifies the anesthetic plan and signs the anesthetic record; the medical doctor is physically present in the treatment area (unless the medical doctor's presence is needed to address a medical emergency elsewhere in the facility); and the delegation (when occurring in a health care facility) is in keeping with

written policies and procedures approved by the medical staff and governing body of the health care facility.

Finally, the Board makes clear in subsection (b) that the requirements of subsection (a) will not apply to the administration of conscious sedation. Conscious sedation is defined as that state in which the patient retains the ability to independently and continuously maintain an airway and remains responsive to stimuli.

#### *Statutory Authority*

This regulation is proposed under the authority of section 17(b) of the Medical Practice Act of 1985 (63 P. S. § 422.17(b)), which authorizes the Board to promulgate regulations which establish criteria under which a medical doctor may delegate the performance of medical services.

#### *Fiscal Impact and Paperwork Requirements*

The proposed regulation will have no fiscal impact on the Commonwealth or its political subdivisions. No new paperwork requirements are established.

#### *Executive Order 1996-1*

The Board's development of this regulation involved significant public comment during the drafting stage. Although the comments were received prior to the issuance of Executive Order 1996-1, the requirements of the Executive Order pertaining to the solicitation of public comment have been met.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of this proposed regulation on October 8, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulation, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to Cindy L. Warner, Board Administrator, State Board of Medicine, 116 Pine Street, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

CHARLES J. BANNON, M.D.,  
*Chairperson*

**Fiscal Note:** 16A-493. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS**

**Subchapter F. MINIMUM STANDARDS OF PRACTICE**

**§ 16.98. Administration of anesthesia.**

(a) A licensed medical doctor may delegate to a licensed registered nurse, who is a certified registered nurse anesthetist, the administration of anesthetic agents or adjunctive agents to render a patient sedate, unconscious or insensible to pain for a surgical, diagnostic or obstetric procedure, if the following conditions are met:

(1) The medical doctor has successfully completed an approved anesthesia graduate medical training program or is certified by his specialty board as appropriately trained and experienced in the properties and use of all anesthetic agents or adjunctive agents and the performance of anesthetic and patient monitoring procedures which are employed.

(2) The medical doctor specifies the anesthetic plan to the certified registered nurse anesthetist and signs the anesthetic record.

(3) The medical doctor is physically present in the treatment area during the administration of anesthesia. The medical doctor may be excused from the physical presence requirement to cover a medical emergency elsewhere in the facility.

(4) Delegation occurring within a health care facility licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.901) shall be in accordance with written policies and procedures approved by the medical staff and governing body of the health care facility.

(b) Subsection (a) does not apply to the administration of "conscious sedation," which is defined as a minimally depressed level of consciousness in which the patient retains the ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands.

[Pa.B. Doc. No. 96-1741. Filed for public inspection October 18, 1996, 9:00 a.m.]

**STATE POLICE**

**[37 PA. CODE CH. 58]**

**DNA Detection of Sexual and Violent Offenders Act**

As a requirement of the DNA Detection of Sexual and Violent Offenders Act (35 P. S. §§ 7651.101—7651.1102) (act), the State Police is proposing regulations necessary for the general administration of the act. As provided under the act, this proposed regulation will take effect 60 days from the date of this publication or January 1, 1997, whichever is earlier. The proposed regulations set forth the administration, policies and procedures designed to carry out the provisions of this act.

*Benefits*

The benefits include the identification of repeat offenders by identification of their forensic DNA profile obtained from evidentiary material, the linking of serial offenders within this Commonwealth and across the country, the solving of cases of unidentified perpetrators in sexual assaults and homicides, and the identification of missing persons and victims of mass disasters. These DNA profiles are from regions of the DNA that do not identify physical, sociological or psychological characteristics.

*Effect*

The proposed regulation will affect various criminal justice agencies.

*Paperwork Requirements*

The proposed regulation will require the completion of additional forms, reports or other paperwork as prescribed and provided by the State Police.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745(a)), the State Police submitted a copy of this proposed regulation on October 8, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee. In addition to submitting the proposed regulation, the State Police has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of the material is also available to the public upon request.

If IRRC has objections to any portion of the proposed regulation, it will notify the State Police within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which havenot been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the State Police, the General Assembly and the Governor of objections raised.

*Sunset Date*

No sunset date has been assigned; however, every facet of these proposed regulation will be continuously reviewed for effectiveness, clarity and whether they are serving the greater interests of citizens of this Commonwealth.

*Public Hearings*

This proposed regulation has been promulgated in conjunction with the Department of Corrections, Warden's Association, Board of Probation and Parole, District Attorney's Association, Juvenile Court Judges Association and Juvenile Detention Centers Association. Regional meetings to update and inform those affected are in the planning stages.

*Public Comment*

Interested parties wishing to comment are invited to submit a written statement within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written statement shall include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements may be directed to the State Police, Attention: Director, Bureau of Research and Development, 1800 Elmerton Avenue, Harrisburg, PA 17110.

*Contact Person*

The contact person is Trooper R. M. Van Buskirk, State Police, Bureau of Research and Development, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-4898.

COLONEL PAUL J. EVANKO,  
*Commissioner*

**Fiscal Note:** 17-59. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 37. LAW****PART I. STATE POLICE****Subpart I. DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS****CHAPTER 58. ADMINISTRATIVE REGULATION REGARDING THE DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS ACT**

Sec.  
58.1. General

**§ 58.1. General.**

The State Police will establish written policies to carry out the provisions of the DNA Detection of Sexual and

Violent Offenders Act (35 P. S. §§ 7651.101—7651.1102). The written policies shall provide for:

(1) The management and administration of the State DNA identification record system.

(2) The mechanism for collection, submission, analysis, identification, storage, retention, disposition and expungement of DNA samples and for dissemination of DNA information to support law enforcement agencies and other criminal justice agencies.

(3) Liaison with the Federal Bureau of Investigation (FBI) and other criminal justice agencies in regard to the Commonwealth's participation in the combined DNA Index System of the FBI or in any other DNA database.

(4) Procedures compatible with the procedures specified by the FBI, including use of comparable test procedures, laboratory equipment, supplies and computer software.

(5) Quality assurance guidelines to ensure that DNA identification records meet standards for laboratories which submit DNA records to the State DNA Database.

[Pa.B. Doc. No. 96-1742. Filed for public inspection October 18, 1996, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 86]

[Correction]

### Use of the Public Areas of the Capitol Complex

An error appeared in the map found in Appendix A of a document which appeared at 26 Pa.B. 4906, 4911 (October 12, 1996). Appendix A is being reprinted as set forth in Annex A.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART III. DEPARTMENT OF GENERAL SERVICES

#### Subpart F. COMMONWEALTH BUILDINGS

#### CHAPTER 86. USE OF THE PUBLIC AREAS OF THE CAPITOL COMPLEX—STATEMENT OF POLICY

#### APPENDIX A

STATEMENTS OF POLICY

[Pa.B. Doc. No. 96-1706. Filed for public inspection October 11, 1996, 9:00 a.m.]

---

# Title 37—LAW

## STATE POLICE

### [37 PA. CODE CH. 59]

#### Receipt and Processing of DNA Samples for the State DNA Database

As a requirement of the DNA Detection of Sexual and Violent Offenders Act (35 P. S. §§ 7651.101—7651.1102) (act), the State Police is adopting this statement of policy which is necessary for the general administration of the act. Certain provisions of the act take effect 18 months after the date of final enactment. The statement of policy sets forth the administration, policies and procedures designed to carry out the provisions of this act.

#### *Benefits*

The benefits include the identification of repeat offenders by identification of their forensic DNA profile obtained from evidentiary material, the linking of serial offenders within this Commonwealth and across the country, the solving of cases of unidentified perpetrators in sexual assaults and homicides, and the identification of missing persons and victims of mass disasters. These DNA profiles are from regions of the DNA that do not identify physical, sociological or psychological characteristics.

#### *Effect*

The statement of policy will affect various criminal justice agencies.

#### *Paperwork Requirements*

The statement of policy will require the completion of additional forms, reports, kits or other paperwork as prescribed and provided by the State Police.

#### *Sunset Date*

No sunset date has been assigned; however, every facet of the statement of policy will be continuously reviewed for effectiveness, clarity and whether it is serving the greater interests of citizens of this Commonwealth.

#### *Public Hearings*

This statement of policy has been written in consultation with the Department of Corrections, Warden's Association, Board of Probation and Parole, District Attorney's Association, Juvenile Court Judges Commission and Juvenile Detention Centers Association. Regional meetings to update and inform those affected are in the planning stages.

#### *Public Comment*

Interested parties wishing to comment are invited to submit a written statement within 30 days of the publication of this statement of policy in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, and a concise statement with sufficient detail on the subject. Written statements may be directed to the State Police, Attention: Director, Bureau of Research and Development, 1800 Elmerton Avenue, Harrisburg, PA 17110.

#### *Contact Person*

The contact person is Trooper R. M. Van Buskirk, State Police, Bureau of Research and Development, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-4898.

*Effective Date:* The statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

COLONEL PAUL J. EVANKO,  
*Commissioner*

*(Editor's Note:* The regulations of the State Police are amended by adding a statement of policy at 37 Pa. Code §§ 59.1—59.3, 59.11, 59.12 and 59.21 to read as set forth in Annex A.)

**Fiscal Note:** 17-61. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 37. LAW

#### PART I. STATE POLICE

#### Subpart I. DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS

#### CHAPTER 59. PROCEDURES FOR THE RECEIPT AND PROCESSING OF DNA SAMPLES FOR THE STATE DNA DATABASE

#### PRELIMINARY PROVISIONS

Sec.	
59.1	Definitions.
59.2.	Scope.
59.3.	Goals and objectives.

#### GENERAL PROVISIONS

59.11.	Operations manuals.
59.12.	Access to data and information.

#### FORMS

59.21.	Forms.
--------	--------

#### PRELIMINARY PROVISIONS

#### § 59.1. Definitions.

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

*Act*—The DNA Detection of Sexual and Violent Offenders Act (35 P. S. §§ 7651.101—7651.1102).

*CODIS—Combined DNA Index System*—This term is derived from the Combined DNA Index System, the National DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories. It is comprised of three indexes, the Local DNA Identification System (LDIS), the State DNA Identification System (SDIS), and the National DNA Identification System (NDIS).

*Commissioner*—The Commissioner of the State Police.

*Criminal justice agency*—A criminal justice agency as defined in 18 Pa.C.S. § 9102 (relating to definitions).

*DNA Databank*—The repository of DNA samples obtained from offenders covered by the act.

*DNA Database*—The CODIS computerized collection of the DNA profiles obtained from the DNA samples.

*Database lab*—The laboratory processing the DNA samples to achieve a DNA profile on each.

*DNA*—Deoxyribonucleic Acid.

*DNA sample*—A body fluid sample provided by a person with respect to offenses covered by the act or submitted to the State Police Laboratory under the act for analysis or storage, or both.

*DOC*—The Department of Corrections of the Commonwealth.

*EDTA*—Ethylene diamine tetracetic acid. An anti-coagulant contained in lavender top blood collection tubes.

*Effective date*—As specified in section 1102(1) of the act (35 P. S. § 7651.1102(1)), November 28, 1996.

*FBI*—Federal Bureau of Investigation.

*Felony sex offense*—A felony offense, or an attempt, conspiracy or solicitation to commit a felony offense, under one or more of the following:

- (i) 18 Pa.C.S. Chapter 31 (relating to sexual offenses).
- (ii) 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

*Intake*—The facility at which the sentences will be served or, in the case of juveniles, the facility where a juvenile is committed under 42 Pa.C.S. Chapter 63 (relating to juvenile matters).

*Juvenile detention facility*—A resident facility/shelter care program approved by the Department of Public Welfare for the treatment of adjudicated juveniles under 42 Pa.C.S. § 6327 (relating to place of detention).

*Juvenile facility*—A facility licensed or approved to receive an adjudicated delinquent for disposition under 42 Pa.C.S. Chapter 63.

*LDIS*—*Local DNA Identification System*—A system consisting of profiles generated at a local law enforcement laboratory.

*NDIS*—*National DNA Identification System*—This is the CODIS National DNA Database. Policy and procedures for maintenance of this system are set by the FBI and are covered in the NDIS Privacy Act Notification (Justice/FBI-Q17). The NDIS is comprised of DNA profiles received from the various SDIS. Computer linkage is through secured modems by encrypted data.

*Other specified offenses*—An offense, or an attempt, conspiracy or solicitation to commit an offense, under one or more of the following:

- (i) 18 Pa.C.S. § 2502 (relating to murder).
- (ii) 18 Pa.C.S. § 2709 (relating to harassment and stalking).
- (iii) 18 Pa.C.S. § 3126 (relating to indecent assault).

*Place of incarceration*—The facility where a sentence is served.

*Release*—To set free from confinement.

*Released prisoner*—One who has been released into the public sector, not transported from one correctional facility to another or from a local lock up to a DOC facility.

*SDIS*—*State DNA Identification System*—This is the individual state DNA profile system that is comprised of the DNA convicted offender profiles and those indices as described in NDIS. The local laboratory DNA profiles feed into SDIS. The SDIS in this Commonwealth is operated by the State Police in compliance with CODIS rules and regulations.

### § 59.2. Scope.

This chapter sets forth policy and procedures for regulating the collection, submission, preservation, analysis and dissemination of information or records relating to DNA samples from individuals convicted or adjudicated delinquent under the act.

### § 59.3. Goals and objectives.

(a) The purpose of the State Police DNA Database Laboratory is to:

(1) Provide a databank for DNA specimens obtained from persons convicted or adjudicated delinquent under the act.

(2) Analyze samples from the specimens in the databank to develop their DNA profile for entry into CODIS.

(b) The information contained in both the DNA Databank and the DNA Database will be used by forensic scientists assigned to the DNA Database Laboratory to provide both exculpatory and inculpatory information useful in the investigation of violent crimes and to identify remains of missing persons and victims of mass disaster.

### GENERAL PROVISIONS

#### § 59.11. Procedures for regulating the collection, receipt and processing of DNA samples in the DNA database laboratory.

The procedures for regulating this subchapter have been promulgated in consultation with the DOC, in accordance with section 306(d) of the act (35 P. S. § 7651.306(d)), the Juvenile Court Judges Commission, the Juvenile Detention Centers Association, the Board of Probation and Parole, the District Attorney's Association and Warden's Association.

(1) *Sample origin.*

(i) *Convicted or adjudicated delinquent after November 28, 1996.*

(A) Samples for entry into the DNA Databank will originate from the DOC, local jail facilities and juvenile facilities throughout this Commonwealth, and any other facility specified by the court to withdraw a sample from an offender. DNA samples will consist of an EDTA tube of blood unless a special written request is made for a different tissue sample. These requests shall be in writing and due to a medical reason.

(B) Individuals from whom samples must be drawn for inclusion in the DNA Databank are selected under sections 306 and 307 of the act (35 P. S. §§ 7651.306 and 7651.307). Individual samples shall be drawn at the facility where the sentence is served. Samples shall be drawn at time of intake. If the sentence is served at the local level, the sample shall be drawn there. In the case of juveniles, the sample shall be drawn at the juvenile detention facility or at a facility specified by the court. To prevent duplication of draw and to ensure a sample is collected, a DNA Sample Tracking Sheet, Form SP 4-244, shall accompany the inmate and be placed into the inmate's file. A copy of the DNA Sample Tracking Sheet will be attached to the Reclassification Summary, DOC Form DC-13A, at the time the recommendation is made to the Board of Probation and Parole for release consideration. A copy of the DNA Sample Tracking Sheet will also be attached to the Institution Parole Summary, Form PB245A.

(C) If the disposition of a person covered by the act will not involve an intake into a prison, jail, juvenile detention facility, or another detention facility, or institution, the sample shall be drawn before release at a prison, jail unit, juvenile facility or other facility designated by the court.

(ii) *Conviction of adjudicated delinquent before November 28, 1996.* Individuals incarcerated before November

28, 1996, shall have samples drawn at the facility where the sentence/commitment is served. Samples shall be drawn prior to release or parole. Collection of samples from individuals already incarcerated shall be prioritized by release/parole date. These samples shall be collected after scheduling a compatible time for receipt by the DNA Database Laboratory.

(2) *Collection of DNA samples for the DNA Databank.*

(i) The responsibility for this section is as follows:

(A) The DOC will have the responsibility when the offender is sentenced to incarceration within a State correctional facility.

(B) The director of the youth development center or juvenile detention facility will have the responsibility when the offender is sentenced to detainment within a State juvenile correctional facility.

(C) The warden/official in charge of a county or local correctional facility or the administrator of a county juvenile detention center or other juvenile facility will have the responsibility for compliance with collection of the DNA samples under the act when the offender is sentenced to incarceration within these correctional facilities.

(D) Individuals given a disposition, other than incarceration, such as probation, will be the responsibility of the Chief County Adult or Juvenile Probation/Parole Officer. The sample will be drawn at a facility designated by the court.

(ii) The facility collecting the blood sample shall determine that the offender is subject to section 306 of the act prior to taking the blood sample. The SID Number associated with an inmate's commitment and sentencing documentation will be used as a tracking number for this purpose.

(iii) Blood samples will be collected by using the State Police provided DNA Database Kits. The kits will include an EDTA (lavender top) blood tube, seals, packing material, DNA Database Collection Card and a self-addressed, postage-paid, mailing carton.

(iv) Only those individuals qualified to draw blood samples in a medically approved manner shall draw a blood sample to be submitted for DNA analysis.

(v) Each form, card and blood tube inside the kit shall be completed in full and properly sealed. The imprinting of the offender's left and right thumbs, by means of an inked impression in the spaces indicated on the DNA Database Collection Card shall also be completed. In addition, a Pennsylvania State Police Arrest and Institution Fingerprint Card, Form SP 4-123, shall be completed. This card is supplied with a self-addressed, postage-paid, envelope.

(vi) The completed kit, including tube of blood and DNA Database Collection Card, and the fingerprint card shall be delivered to the State Police DNA Database Laboratory within 48 hours of drawing the sample.

(3) *Receipt of DNA samples in the DNA Databank.*

(i) DNA samples received in person, by mail, by parcel post or by a bonded courier service will be accompanied by a DNA Database Sample Inventory and Receipt Form. When received in person, the DNA Database Laboratory will verify that the samples delivered are the same samples as listed on the DNA Database Sample Inventory and Receipt Form. The DNA Database Laboratory will sign and date the chain of custody portion of the form, indicate the manner of receipt and ensure that the

correctional officer or courier signs in the appropriate space. The original of this form will be maintained in the DNA Database Laboratory and a copy will be given to the correctional officer or courier as a delivery receipt. A copy of the form will also be mailed to the submitting agency. After inventory of the samples, each sample will receive a unique DNA bar code number. The number will then be entered into a Sample Tracking System.

(ii) Associated paperwork with the sample kit will receive the same bar code number and be placed into the DNA Sample File that is generated at this time.

(iii) The DNA Sample File will not contain sizing information or DNA typing data.

(iv) Upon receipt and after assignment of a unique bar code number, the DNA Database Laboratory will break the seal and closely examine each individual sample received to determine that:

(A) The name and other identifying information on the DNA Database Collection Card has been included and that this information matches that on the label of the blood tube.

(B) The offense listed on the DNA Database Collection Card is an offense covered by the act.

(C) The tube of blood is not broken or putrid or does not contain a sufficient amount of blood for analysis.

(v) The sample and kit are further processed, and the kit is then resealed, initialed, dated and placed into a secured refrigerator to await preparation of a bloodstain.

(vi) All components of the DNA Database kit will be checked for any problems by the DNA Database Laboratory.

(A) If the sample needs to be redrawn, the kit will be placed in a special location in the refrigerator/freezer and labeled "REDRAW."

(B) The DNA Database Laboratory will ensure that the submitting agency is contacted and notified if a sample needs to be redrawn. It will also track the sample to ensure it is indeed redrawn as requested.

(C) A DNA Sample Destruction Form will be completed if the DNA Database Laboratory determines that a sample has been received from an individual not covered by the act, and the sample will be destroyed.

(vii) Specimens in the DNA Databank will be retained for a minimum of 50 years.

(viii) Lab files will not contain offender names. The only identifier will be the unique bar code number.

**§ 59.12. Access to data and information.**

*General operating procedures:*

(1) Access to information in the DNA Database and DNA Databank (including personal identifying information) is permitted only as specified in section 309(a)(1) and (2) of the act (35 P.S. § 7651.309(a)(1) and (2)). Other requests for information will be denied.

(2) The identity of any person/agency making a request for information shall be verified prior to the release of any information.

(3) Requests for information will only be accepted from law enforcement or criminal justice agencies, or approved governmental forensic science laboratories or upon written or electronic request and in furtherance of an official

investigation of a criminal offense or offender or suspected offender. Requests from private forensic laboratories will not be honored.

(4) A request may be made by personal contact, mail or electronic means. A Request for Database Search Form shall be completed.

(5) The name of the requestor and the purpose for which the information is requested shall be maintained on file in the DNA Database Laboratory.

(6) Other requests on information in the Convicted Offender DNA Database in CODIS may only be released upon written court order.

(7) Only when a sample or DNA profile supplied by the requestor satisfactorily matches a profile in the Convicted Offender DNA Database shall the existence of data in the Convicted Offender DNA Database be confirmed or identifying information from the DNA Database be disseminated.

(8) Violations or suspected violations of disclosure of DNA Database information shall be reported to the Director of the Laboratory Division. Violations are described in section 501 of the act (35 P. S. § 7651.501). Criminal and civil penalties are described in sections 502 and 503 of the act (35 P. S. §§ 7651.502 and 7651.503).

### FORMS

#### § 59.21. Forms.

The reporting forms/documents referred to in this subpart will be prescribed by the State Police and be in compliance with the FBI CODIS standards. Forms/documents and their related instructions will be furnished to the applicable criminal justice agencies.

[Pa.B. Doc. No. 96-1743. Filed for public inspection October 18, 1996, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission will hold a public hearing on Wednesday, October 23, 1996. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 11 a.m. in the Joint Finance Committee Room on the first floor of Legislative Hall on Legislative Avenue in Dover, DE.

A briefing of the Delaware River Basin's Delaware legislators will be held at 10 a.m. at the same location.

The subjects of the hearing will be as follows:

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

1. *Holdover Project: Evesham Municipal Utilities Authority (D-93-38 CP).* An application for approval of a groundwater withdrawal project to supply up to 29 million gallons (mg)/30 days of water to the applicant's distribution system from new well no. 13 screened in the Mount Laurel Aquifer, and to increase the existing withdrawal limit of 136 mg/30 days from all wells to 149 mg/30 days. The project is located in Evesham Township, Burlington County, NJ. This hearing continues that of September 19, 1996.

2. *Resorts USA, Inc. D-96-15 CP.* An application for approval of groundwater withdrawal project to supply up to 2.42 mg/30 days of water to the applicant's Saw Creek Estates development from new well no. 12, and to retain the existing withdrawal limit from all wells of 22.8 mg/30 days. The project is located in Lehman Township, Pike County, PA.

3. *City of Coatesville Authority D-96-16 CP.* A project to withdraw a maximum of 4.0 million gallons per day (mgd) from the West Branch Brandywine Creek to serve the City of Coatesville and portions of its existing inter-basin system including nine adjacent municipalities in Chester County, PA, most of which are within the Delaware River Basin, and portions of six townships in Lancaster County in the Susquehanna River Basin. Water will be withdrawn via the Hibernia Pump Station located approximately 2,000 feet downstream of the Hibernia Dam in West Caln Township, Chester County, PA. Public water supply storage has been provided in Hibernia Reservoir and water will be released to Birch Run, a tributary of west branch Brandywine Creek on which Hibernia Dam is located, to compensate for the project withdrawal during periods of low flow.

4. *Schnecksville North Sewer Company D-96-25.* A project to expand an existing sewage treatment plant (STP) from 48,000 gallons per day (gpd) to 75,000 gpd to serve the Schnecksville North residential and commercial

development located on Schneck Road, North Whitehall Township, Lehigh County, PA. The STP is situated approximately 2,000 feet west of the Pennsylvania Turnpike Extension and just off Schneck Road in North Whitehall Township. The STP will discharge to an unnamed tributary of Coplay Creek in the Lehigh River watershed after providing advanced secondary biological treatment with a modified extended aeration activated sludge process followed by tertiary filtration and disinfection by chlorine contact.

5. *Pine Valley Golf Club D-96-34.* A project to increase the surface water withdrawal at two onsite ponds (Intake No. 1 at Pond 3 and Intake No. 2 at Pond 5) and existing well nos. 2 and 3, from 12.5 mg/30 days to 32 mg/30 days. Withdrawal from the wells will continue to be limited to 3 mg/30 days. Surface water is used for irrigation and the increase will serve expanded operations of the applicant's facility, including a ten-hole short course, turf nurseries and several practice areas. The golf course is situated along the headwaters of the north branch of Big Timber Creek in Pine Valley Borough, Camden County, NJ.

6. *Connaught Laboratories, Inc. D-96-38.* An application for a new Total Dissolved Solids (TDS) determination for the applicant's existing 0.15 mgd wastewater treatment plant discharge to Swiftwater Creek, a tributary of Paradise Creek, in Pocono Township, Monroe County, PA. The plant will continue to serve only the wastewaters generated by the vaccine production operations of Connaught Laboratories, Inc. and the adjacent Salk Institute, both in Pocono Township, Monroe County, PA. As a result of continuing instream monitoring for background levels and the effects of TDS, and in order to meet future vaccine production demands, the applicant requests an allowable mass load increase from the 838 pounds/day monthly average to 2,250 pounds/day monthly average (from 670 mg/l to 1,800 mg/l).

7. *Schleicher Trailer Park D-96-39.* A project to construct a 100,000 gpd STP in two 50,000 gpd phases, to serve a 96-unit mobile home park in East Penn Township, Carbon County, PA. The STP will provide secondary biological treatment utilizing the extended aeration activated sludge process, chlorine disinfection and dechlorination prior to discharge to an unnamed tributary of Lizard Creek, a tributary of the Lehigh River, approximately 1,000 feet south of Route 895 in East Penn Township, Carbon County, PA.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

SUSAN M. WEISMAN,  
Secretary

[Pa.B. Doc. No. 96-1744. Filed for public inspection October 18, 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 October 8, 1996.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-4-96	Parkvale Savings Bank Monroeville Allegheny County  Purchase of assets/assumption of liabilities of a branch office of First Home Savings Bank, FSB, Pittsburgh, located at: Crafton-Ingram Shopping Center Pittsburgh Allegheny County  Assumption of deposits only; said deposits will be transferred to the applicant's existing branch located at the Crafton-Ingram Shopping Center.	Monroeville	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-96	United Savings Bank Philadelphia Philadelphia County	2535 West Chester Pike Broomall Delaware County	Opened
10-1-96	The Dime Bank Honesdale Wayne County	Route 507 Greentown Pike County	Opened
10-2-96	Twin Rivers Community Bank Easton Northampton County	1003 W. Broad Street Bethlehem Lehigh County	Filed
10-4-96	Old Forge Bank Old Forge Lackawanna County	304 Main Street Duryea Luzerne County	Approved
10-7-96	United Bank of Philadelphia Philadelphia Philadelphia County	100 E. Olney Ave. Philadelphia Philadelphia County	Withdrawn

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-96	First Sterling Bank Devon Chester County	<i>To:</i> 101 West Baltimore Pike Media Delaware County  <i>From:</i> NE Corner of State and Jackson Sts. Media Delaware County (Approved/Unopened)	Effective

#### Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-2-96	Northwest Savings Bank Warren Warren County	<i>From:</i> 537 Main Street Clarion Clarion County  <i>To:</i> 601 Main Street Clarion Clarion County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-27-96	The Drovers & Mechanics Bank York York County	2 East Main St. Windsor York County	Effective
10-3-96	United Bank of Philadelphia Philadelphia Philadelphia County	1015 N. Marshall St. Philadelphia Philadelphia County	Approved
10-3-96	United Bank of Philadelphia Philadelphia Philadelphia County	1321 W. Lindley Ave. Philadelphia Philadelphia County	Approved

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-1745. Filed for public inspection October 18, 1996, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Pennsylvania Rivers Conservation Registry

*Background:* The Keystone Recreation, Parks and Conservation Fund established by Act 50 of July 2, 1993 (P. L. 359), authorized the Department of Conservation and Natural Resources (DCNR) to expend up to 10% of the Department's share (30%) of the realty transfer taxes, for 50/50 matching grants for the purpose of rivers conservation. Money from this source became available July 1, 1995. As one of the Department's Community Conservation Partnership Initiatives, the Rivers Conservation Program was created to restore, maintain or enhance the river resources of the Commonwealth through the development and implementation of locally initiated rivers conservation plans. Applicants eligible to apply for 50/50 matching grants include municipalities (any county, city, borough, incorporated town, township, home rule municipality or any official agency created by the foregoing units of government under the laws of the Commonwealth) and appropriate organizations (nonprofit organizations recognized by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code of 1986 or incorporated under Pennsylvania Law and registered with the Department of State). A major purpose of the organization must be conservation of river resources and values. The Rivers Conservation Program provides funding and technical assistance to support the completion of Rivers Conservation Plans.

A Rivers Conservation Plan must be completed and approved by the Department in order for river segments studied and defined within the plan to become components of the Pennsylvania Rivers Conservation Registry. River conservation projects or implementation activities recommended within rivers or river segments which are included on the Pennsylvania Rivers Conservation Registry are eligible for Implementation or Acquisition/Development Grants from the Keystone Program. The conservation of river resources is desirable and the

Commonwealth wishes to recognize and foster local conservation initiatives by establishing a Pennsylvania Rivers Conservation Registry.

*Purposes:* The purposes of the Pennsylvania Rivers Conservation Registry are: (1) to recognize and list rivers or river segments, defined within a Rivers Conservation Plan, which have been studied, evaluated and through a public participation process, have had recommended courses of action and site-specific projects detailed to conserve the river and river values; (2) to provide a mechanism by which recommended actions or projects within a River Conservation Plan would be eligible for technical assistance and Implementation, Acquisition and Development Grants from the Keystone Program.

*Procedure:* In order for rivers or river segments to be listed on the Pennsylvania Rivers Conservation Registry, a River Conservation Plan must be completed and approved by the Department of Conservation and Natural Resources. A summary of the content, public participation requirements and supplemental materials of a River Conservation Plan are as follows:

#### 1. Content

A River Conservation Plan must contain sufficient natural and cultural resource data and an analysis and evaluation of the data defining site-specific actions and projects to restore, maintain or enhance rivers or river segments contained within the plan.

#### 2. Public Participation

Documentation that at least one public informational meeting, a workshop and a public hearing were held in the study area; and that a public notification process was utilized to allow interested individuals and organizations to attend public forums and review and comment on the plan.

#### 3. Resolution

A municipality or nonprofit organization must petition the Department of Conservation and Natural Resources to place a river or river segments, included in a River Conservation Plan, on the Pennsylvania Rivers Conservation Registry. A resolution from at least one of the municipalities supporting the plan and nomination to the registry must accompany the petition.

*Note:* Only municipalities supporting the plan will be considered eligible for Implementation, Acquisition or Development Grants. Upon review and approval of the plan content, public participation documentation, petition and resolution, the Department of Conservation and Natural Resources will publish a notice in the *Pennsylvania Bulletin* listing the river or river segments on the

Pennsylvania Rivers Conservation Registry. The entry shall become effective on the date of publication.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 96-1746. Filed for public inspection October 18, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible 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 accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**PA 0055182.** Amendment No. 1. Industrial waste, **Lustig Meats**, 670 East Cherry Road, Quakertown, PA 18951.

This application is for amendment of an NPDES permit to discharge treated process wastewater from Lustig Meats Industrial Wastewater Treatment Plant in Richland Township, **Bucks County**. This is an existing discharge to unnamed tributary to Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 5,700 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	30	
(11-1 to 4-30)	25	50	
Suspended Solids	30	60	
Ammonia (as N)	4.0	8.0	
Total Copper	0.036	0.072	0.09
Total Zinc	monitor/report	monitor/report	
Temperature			110°F
Oil and Grease	15		30
Phosphorus (as P)	0.5	1.0	
Total Residual Chlorine			
(years 1 and 2)	0.5		1.2
(years 3, 4 and 5)	0.3		0.7

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0054194.** Industrial waste, **The West Company**, 101 Gordon Drive, Lionville, PA 19341-0645.

This application is for renewal of an NPDES permit to discharge treated groundwater from West Bridge Street remediation project of The West Company located in Phoenixville Borough, **Chester County**. This is an existing discharge to French Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 86,400 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
pH	within limits of 6.0—9.0 standard units at all times		
Total Iron	monitor/report		monitor/report
Total Manganese	monitor/report		monitor/report
Trichloroethylene	monitor/report		monitor/report
Tetrachloroethylene	monitor/report		monitor/report
Carbon Tetrachloride	monitor/report		monitor/report
Vinyl Chloride	monitor/report		monitor/report
Total Xylene	monitor/report		monitor/report
Toluene	monitor/report		monitor/report
Ethylbenzene	monitor/report		monitor/report
Total BETX	0.1	0.2	0.25
Benzene	0.001	0.002	0.0025

The EPA waiver is in effect.

**PA 0053538.** Industrial waste, **Merck and Company, Inc.**, P. O. Box 4, West Point, PA 19486-0004.

This application is for renewal of an NPDES permit to discharge groundwater and stormwater from two detention basins in Upper Gwynedd Township, **Montgomery County**. These are existing discharges to an unnamed tributary to Wissahickon Creek (001) and an unnamed tributary to Towamencin Creek (002).

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>
Total Iron	monitor/report
Total Manganese	monitor/report
Total Zinc	monitor/report
Chloroform	monitor/report

*Other Conditions:*

Instream monitoring for chloroform and total iron.

Special Test Methods for certain pollutants.

The EPA waiver is in effect.

**PA 0026662, PA 0026671 and PA 0026689.** Sewage, **City of Philadelphia Water Department**, ARA Tower at Reading Center, 1101 Market Street, Philadelphia, PA 19107-2994.

This application is for an amendment of existing NPDES permits to discharge treated sewage from the Southeast, Southwest and Northeast Water Pollution Control Plants and combined sewage and stormwater from the combined sewer collection systems in the City of Philadelphia, **Philadelphia**.

The permits are being amended to change the CSO Compliance Schedules. The permittee has requested a 4 month time extension for the submittal of their Long Term CSO Plan and Schedule.

The proposed amended CSO Compliance Schedule is as follows:

<i>Description of Activity</i>	<i>Due Date</i>
E. Submittal of Long Term CSO Plan and Schedule	PID + 40 months
F. DEP approval of Long Term CSO Plan and Schedule	PID + 48 months

(PID = Original Permit Issuance Date = September 27, 1993)

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

**PA 0046418.** Sewage, SIC: 4952, **Municipal Authority of Middleboro**, P. O. Box 189, McKean, PA 16426.

This application is for renewal of an NPDES permit to discharge treated wastewater to Elk Creek in the Borough of McKean, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, there are no potable water supplies (PWS) to consider for the evaluation.

The proposed effluent limits for Outfall 001 based on average design flow of 0.10 mgd, are:

<i>Parameter</i>	<i>Effluent Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	20	40
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5	3.8	5.0
(11-1 to 4-30)	7.5	11.3	15
Phosphorus as P	1.0		
Total Residual Chlorine	0.3		
Dissolved Oxygen	minimum of 4.0 mg/l at all times		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	10,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

**PA 0021555.** Sewerage, **Borough of Weatherly, c/o Jay N. Willard**, 10 Wilbur Street, Weatherly, PA 18255.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Black Creek in Weatherly Borough, **Carbon County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.600 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	CBOD <sub>5</sub>	25.0	40.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0029017.** Sewerage, **Schuylkill Haven Municipal Authority**, Martin Berger, 12 West Main Street, Schuylkill Haven, PA 17972-1900.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Schuylkill River in Schuylkill Haven Borough, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pottstown Borough Authority located on Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of 2.80 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N (5-1 to 10-31)	16.0		32.0
Color	550 units (1)	825 units (1)	1,100 units
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine (2) First month through 36th month 37th month through expiration	monitor and report 0.75		1.76

(1) Platinum cobalt scale or equivalent

(2) TRC effluent limit is not applicable since permittee has chosen to use ultraviolet disinfection.

*Other Requirements:* Pretreatment condition, total residual chlorine requirements, and sludge disposed.

The EPA waiver is not in effect.

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

**PA 0216542.** Industrial waste, SIC: 7542, **Ragan Car Wash, c/o Ronald E. Ragan**, R. D. 2, Box 24A, Burgettstown, PA 15021.

This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the Ragan Car Wash facility in Smith Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters unnamed tributary to Burgetts Fork, classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Midland Borough Water Authority, located at Ohio River Mile 36.2, over 45 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0006 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
CBOD <sub>5</sub>			25		50
TSS			30		60
Oil and Grease			15		30
Fecal Coliforms (Colonies per 100 ml) (5-1 to 9-30) (10-1 to 4-30)			200 2,000		1,000
Total Residual Chlorine			1.1		2.7
Cadmium			0.004		0.010
Copper			0.04		0.10
Lead			0.01		0.03
Zinc			0.24		0.60
Aluminum			1.5		4.0
Total Iron			monitor and report		
Methylene Blue Active Substances (MBAS)			monitor and report		
pH	6.0—9.0				

*Other Conditions:* Special Conditions are included for stormwater, seasonal fecal coliform limits, submittal of Part II application, chemical additives, disposal of solids, minimization of residual chlorine and analysis of priority pollutants. One year compliance period before the numerical limits become effective.

The EPA waiver is in effect.

**PA 0094544.** Sewage, **U. S. Army Corps of Engineers**, CEORP-OR-T, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186.

This application is for renewal of an NPDES permit to discharge treated sewage from the Somerfield South Recreation Area Sewage Treatment Plant in Addison Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Youghiogheny River Reservoir, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Water Works.

Outfall 001: existing discharge, design flow of .00135 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
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0025003.** Sewage, **U. S. Army Corps of Engineers**, CEORP-OR-T, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186.

This application is for renewal of an NPDES permit to discharge treated sewage from the Tub Run Recreation Area Sewage Treatment Plant in Henry Clay Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Youghiogheny River Reservoir, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Water Works.

Outfall 001: existing discharge, design flow of .025 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
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0205346.** Sewage, **Regis and Marianne Belback**, 139 Wilma Drive, Apollo, PA 15613.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Pucketa 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 Oakmont Borough Municipal Authority.

Outfall 001: existing discharge, design flow of .0005 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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	6.0—9.0			

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.

**PA 0114961.** Sewerage, SIC: 4952, **Hughesville-Wolf Township Joint Sewer Authority** R. R. 3, Box 167, Hughesville, PA 17737.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Muncy Creek in Wolf Township, **Lycoming 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 PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.67 mgd, are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia Nitrogen (5-1 to 10-31)	9	13	18
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	200/100 ml as a geometric average		
pH	6.0—9.0 at all times		

Other Conditions: none.

The EPA waiver is in effect.

**PA 0101290.** Sewerage, SIC: 4952, **Sandy Township Board of Supervisors**, P. O. Box 267, DuBois, PA 15801.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Wolf Run in Sandy Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is at Hawthorn located approximately 50 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.1 mgd, are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	1		2.3
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0111058.** SIC: 4952, **Truck Stops of America, Inc.**, 24601 Center Ridge Road, Westlake, OH 44145-5634.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to an unnamed tributary of Fishing Creek in Porter Township, **Clinton 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 proposed downstream potable water supply (PWS) considered during the evaluation is located at Lock Haven.

The proposed effluent limits for Outfall 001, based on a design flow of 0.018 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	10	20
NH <sub>3</sub> -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	1.0	2.3
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 su at all times	

The EPA waiver is in effect.

**PA 0110604.** SIC: 4952, **Loyalsock Township Board of Supervisors**, 2501 East Third Street, Williamsport, PA 17701.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Miller's Run in Loyalsock Township, **Lycoming County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.0012 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	25	50
Suspended Solids	30	60
Chlorine Residual	monitor	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 su at all times	

The EPA waiver is in effect.

---

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

**PA 0042269.** Sewage, SIC: 4952, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Dry Run, in Manor Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 15 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	8.5			17
Total Phosphorus	2			4
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			

The EPA waiver is not in effect.

**PA 0082538.** Industrial waste, SIC: 4941, **Altoona City Authority (Horseshoe Curve Water Plant)**, Water Division, 20 Greenwood Road, Altoona, PA 16602.

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

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

The proposed effluent limits for Outfall 001 for a design flow of .500 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s. u.)	from 6.0—9.0 inclusive		
Total Suspended Solids	30	60	75
Total Aluminum	4	8	10
Total Iron	2	4	5
Total Manganese (Final)	1	2	2.5
Total Manganese (Interim)	3	6	7.5
Total Residual Chlorine	monitor and report		

The EPA waiver is in effect.

**Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Reqmts.</i>
PA0084425	Conewago Township WWTP 490 Copenhaffer Road York, PA 17404	York Conewago Twp.	Little Conewago Creek	N/A

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain

limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this

proposed permit action under the waiver provision 40 CFR 123.24(d).

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

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

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

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

*Northcentral Regional Office, Regional Water Management Program Manager, 208 W. Third Street, Williamsport, PA 17701, telephone (717) 327-3669.*

*Lycoming County Conservation District, District Manager, 240 W. 3rd Street, P. O. Box 68, Williamsport, PA 17703, telephone (717) 326-5858.*

**NPDES Permit PAS103910.** Stormwater. **Creekside Homes Development Inc.**, 330 Pine Street, Williamsport, PA 17701 has applied to discharge stormwater from a construction activity located in Loyalsock Township, **Lycoming County**, to UNT to Millers Run.

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

**NPDES Permit PAS10W054.** Stormwater. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106 has applied to discharge stormwater from a construction activity located in Union Township, **Washington County**, to Houston Run and UNT to Peters Twp.

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

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

**4696420.** Sewerage. **Borough of Royersford**, (300 Main Street, P. O. Box 188, Royersford, PA 19468). Modification and upgrade of individual unit processes to serve

Royersford Wastewater Treatment Plant located in the Borough of Royersford and Upper Providence Township, **Montgomery County**.

**2396405.** Sewerage. **Claude deButton**, (1604 Walnut Street, Philadelphia, PA 19103). Construction of a sewage treatment plant and pump station to serve Regal Theater located in Edgmont Township, **Delaware County**.

**1596412.** Sewerage. **Hudson Farms, Inc.**, (P. O. Box 487, Avondale, PA 19311). Construction of a Wharf runoff management system to serve Hudson Farms located in London Grove Township, **Chester County**.

**0996420.** Sewerage. **Warwick Township Water and Sewer Authority**, (2242 Old York Road, P. O. Box 315, Jamison, PA 18929). Construction of a sewage treatment plant to serve Warwick Township Water and Sewer Authority located in Warwick Township, **Bucks County**.

**0996419.** Sewerage. **Lower Bucks County Joint Municipal Authority**, (7811 New Falls Road, Levittown, PA 19055). Replacement and installation of two mechanically cleaned bar screens to serve the Authority's Wastewater Treatment Plant located in Bristol Township, **Bucks County**.

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

**A. 6396203.** Industrial waste, **Consolidated Truck Stops, Inc.**, P. O. Box 487, Claysville, PA 15323. Application for the operation of two oil/water separators to serve the Interstate 70, Exit 2 Truck Stop located in the Township of Donegal, **Washington County**.

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

**WQM Permit No. 2596415.** Sewerage. **North East Township Water and Sewer Authority**, I-90 Rest Stop, 10300 West Main Road, P. O. Box 249, North East, PA 16428. This project is for the construction of a sanitary sewer extension for the westbound lanes of I-90 near the PA/NY state boundary in North East Township, **Erie County**.

**WQM Permit No. 4296403.** Sewerage. **Port Allegany Borough**, 1 Maple Street, Port Allegany, PA 16743. This project is for the addition of an effluent pump station and force main from the sewage treatment plant to the Allegheny River in Port Allegany Borough, **McKean County**.

**WQM Permit No. 4396409.** Sewerage. **Lemick, Inc.**, Oak Leaf Estates, 88 Mitchell Road, West Middlesex, PA 16159. This project is for the installation of a 4,500 gallon trash trap to intercept and remove some of the settleable solids that create problems at the bar screen/comminutor structure in West Middlesex, **Mercer County**.

**WQM Permit No. 4296402.** Sewerage. **Troy Ellsworth**, Box 247, Duke Center, PA 16729. This project is for the construction and operation of a sewage treatment system to serve two homes in Otto Township, **McKean County**.

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

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

**A. 6296503.** Public water supply. **Southwest Warren County Municipal Authority**, 174 Main St., Tidioute,

PA 16351-7412. This proposal involves the installation of corrosion control equipment in Tidioute, **Warren County**.

**A. 2096504.** Public water supply. **Lakeview Manor Mobile Home Park**, Semerad Road, Meadville, PA 16335. This proposal involves the permitting of well no. 4 as an additional water source and the construction and operation of the associated pumping and treatment facilities in Union Township, **Crawford County**.

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

**3996502.** Public water supply. **South Whitehall Township Authority**, Gerald J. Gasda, Township Manager, 4444 Walbert Avenue, Allentown, PA 18104-1699. This proposal involves the installation of chemical feed equipment at the existing Allentown/South Whitehall Township distribution system interconnection to boost the chlorine residual of water supplied from the City of Allentown system. It is located in South Whitehall Township, **Lehigh County**.

*Engineer: Stephen R. Henning, P. E., G. Edwin Pidcock Company, 2451 Parkwood Drive, Allentown, PA 18103-9608.*

**4596506.** Public water supply. **Blakelee Village Association**, Gordon Saul, 115 Old York Road, Jenkintown, PA 19046. This proposal involves the addition of caustic soda and aqua mag to reduce lead and copper corrosion in a non-community public water supply system. It is located in Tobyhanna Township, **Monroe County**.

*Engineer: Gregg Bates.*

---

#### **Acknowledgment of Notices of Intent to Remediate**

---

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 is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

**Krajack Tank Lines, Inc.**, Leroy Township, **Bradford County**. Krajack Tank Lines, Inc. has submitted a Notice of Intent to Remediate soil, groundwater and surface water contaminated with toluene. 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 the *Canton Sentinel* on October 3, 1996.

**M. L. Cluster & Sons, Inc.**, Bellefonte Borough, **Centre County**. M. L. Cluster & Sons, Inc., 367 Phoenix Avenue, Bellefonte, PA has submitted a Notice of Intent to Remediate sediment contaminated with lead and heavy metals and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate sediment and groundwater at the site to meet the Background Standard. They have also proposed to remediate soil at the site contaminated with BTEX and PAHs to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* on September 26, 1996.

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Re-

gional 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:

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

**Sunshine Textile Services, Inc.**, Town of Bloomsburg, **Columbia County**. Sunshine Textile Services, Inc. has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvents and PHCs. The applicant proposes to remediate the site to meet the Site-specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Press Enterprises, Inc.* on September 28, 1996.

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than coal ash.**

*Central Office, Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.*

**General Permit Application No. WMGR048. Mitchell Technologies Group, LLC**, 218 Oxford Drive, Lititz, PA 17543. An application for bioremediation of hydrocarbon contaminated soil, sludge and absorbents.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, 1 (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to

the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a residual waste demonstration permit in surface mining permits.**

*Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-3296, telephone (717) 826-2516.*

**A. 301301. Reading Anthracite Company**, 200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901-7200. An application has been received from Reading Anthracite Company for a residual waste demonstration permit in Surface Mining Permit #54793206-08, Mahanoy Township, **Schuylkill County**, under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and the residual waste management regulations for a demonstration permit to dispose of flyash by the slurry method in the approved permit referenced above.

**Announcement of Resource Recovery Demonstration Grants Under the Solid Waste—Resource Recovery Development Act**

In accordance with 25 Pa. Code §§ 76.13 and 76.82(c) of the Solid Waste—Resource Recovery Development Rules and Regulations, notice is hereby given that the Department of Environmental Protection has offered grants to the following application sponsors under the Pennsylvania Solid Waste—Resource Recovery Development Act of July 20, 1974 (P. L. 572, No. 198).

The grant offerings are subject to completion of a contract with the Department in accordance with the Scope of Work approved by the Bureau of Land Recycling and Waste Management. The award is limited to no more than the maximum amount provided in the grant offering, up to 75% of the total eligible project costs.

Inquiries concerning this notice should be directed to Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

**1996**

**Act 198 Demonstration Grants**

<i>Applicant</i>	<i>Project</i>	<i>Grant Offering</i>
Chester County Solid Waste Authority	Landfill Gas Recovery System	\$171,500
Crawford County	Tire Pyrolysis	\$100,000
North Strabane Twp. Washington County	Food and Yardwaste Composting	\$190,275
	TOTAL	\$461,775

**Formation of Water Authorities Grant Program**

The Department of Environmental Protection's Techni-

cal Assistance Center for Small Water Systems is accepting applications under the Formation of Water Authorities Grant Program. This grant program is available to any county or two or more municipalities that are

interested in forming a water authority. The water authority must form a regionalized water system which incorporates at least one small water system.

Grant awards are limited to 50% of all department approved costs or \$50,000, whichever is less. If a disadvantaged municipality, as determined by the Department of Community and Economic Development, is participating in the program, the grant will fund 80% of all approved costs or \$50,000, whichever is less. The grantee must provide local share for the remaining costs in the form of matching funds or in-kind services.

The application period runs from October 15, 1996, to February 4, 1997. Based on the availability of funding, applicants that submit a final work plan and budget which are approved by the Department will be given preference to receive a grant based on a first-come, first-served basis.

For more information or to obtain a grant application, contact the Department of Environmental Protection, Bureau of Water Supply and Community Health, Division of Drinking Water Management, Technical Assistance Center for Small Water Systems, P. O. Box 8467, Harrisburg, PA 17105-8467, or call Donna L. Green at (717) 787-0125.

---

#### County Water Supply Planning/Wellhead Protection Grant Program

---

The Department of Environmental Protection's Technical Assistance Center for Small Water Systems is accepting applications under the County Water Supply Planning/Wellhead Protection Grant Program. This program provides grants to any county to develop a comprehensive county water supply plan and wellhead protection program.

Grant awards are limited to 80% of all Department approved project costs or \$100,000, whichever is less. The grantee must provide local share in the form of matching funds or in-kind services at a minimum of 20% of the total project costs.

The application period runs from October 15, 1996, to January 21, 1997. Grants will be awarded on a competitive basis based on complete applications which best meet criteria established by the Department.

For more information or to obtain a grant application, contact the Department of Environmental Protection, Bureau of Water Supply and Community Health, Division of Drinking Water Management, Technical Assistance Center for Small Water Systems, P. O. Box 8467, Harrisburg, PA 17105-8467, or call Donna L. Green at (717) 787-0125.

---

#### Hazardous Waste Action

---

Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste storage and treatment facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing

has been scheduled for November 7, 1996, at 6:30 p.m. at the Slovenian Hall in Yukon, Pennsylvania to solicit testimony on this action.

Following the 45-day comment period and public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

*Intent to Modify Permit:*

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

**PAD004835146. Mill Service, Inc.**, R. D. 1, Box 135A, Yukon, PA 15698. Operation of a hazardous waste storage and treatment facility located in South Huntingdon Township, **Westmoreland County**. Mill Service has requested DEP to modify a permit to authorize Mill Service to physically stabilize and solidify hazardous waste.

---

#### 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. 300659. J. E. Baker, J. E. Baker Co.**, (P. O. Box 1189, York, PA 17404). Application for repermitting of a residual waste landfill located in West Manchester Township, **York County**. Application determined to be administratively complete in the Regional Office October 1, 1996.

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

**A. 300002. Portland Station Bangor Quarry Ash Disposal Site.** GPU Generation, Inc. (GPU Genco), 1001 Broad Street, Johnstown, PA 15907. A Major Permit Modification for bringing into compliance with the residual waste regulations, as specified in section 287.115, this residual waste ash disposal site, located in Bangor Borough, **Northampton County**. This application includes a proposed equivalency for the highwall construction, leachate detection system and a request for liner and cap waivers. A Class II liner system is provided as the base liner system, along with proposed alternative liner systems. The major permit modification was received on August 30, 1996, and was determined to be complete in the Regional Office on September 18, 1996.

**A. 603399. Kiefer Farm,** Nazareth Borough Municipal Authority, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064. A Major Permit Modification for the agricultural utilization of sewage sludge at this facility, located in Palmer Township, **Northampton County**. The major permit modification was received on September 6, 1996, and was determined to be complete in the Regional Office on September 18, 1996.

---

#### Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

---

*Regional Office, 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: **39-304-018**  
 Source: #2 Finishing System w/Baghouse  
 Company: **Victaulic Company of America**  
 Location: Alburdis Borough  
 County: **Lehigh**

Permit: **39-304-019**  
 Source: Foundry Sand System w/Baghouse  
 Company: **Victaulic Company of America**  
 Location: Alburdis Borough  
 County: **Lehigh**

Permit: **39-304-020**  
 Source: #1 Finishing System w/Baghouse  
 Company: **Victaulic Company of America**  
 Location: Alburdis Borough  
 County: **Lehigh**

Permit: **39-304-021**  
 Source: Melt Area w/Baghouse  
 Company: **Victaulic Company of America**  
 Location: Alburdis Borough  
 County: **Lehigh**

Permit: **39-318-100**  
 Source: 2 Paint Dip Operations  
 Company: **Victaulic Company of America**  
 Location: Alburdis Borough  
 County: **Lehigh**

Permit: **48-304-016B**  
 Source: Foundry Operations w/7 Baghouses  
 Company: **Victaulic Company of America**  
 Location: Forks Township  
 County: **Northampton**

Permit: **54-399-024**  
 Source: Air Arc Operation w/Collectors  
 Company: **Goulds Pump Incorporated**  
 Location: Ashland Borough  
 County: **Schuylkill**

**Proposed Revision to the State Implementation Plan for Oxides of Sulfur (SO<sub>2</sub>). Prevention of Significant Deterioration (PSD) Review of an Air Quality Permit Application.**

Approval of a Modification of Sources, and SO<sub>2</sub> Control Technology Plan for Bethlehem Steel Corporation, Steelton Borough, Dauphin County.

The Department of Environmental Protection (Depart-

ment) has made a preliminary determination to approve a Modification Plan for steel production, submitted as part of the regulatory requirements for PSD review, for two electric arc furnaces at Bethlehem Steel, 215 South Front Street, Steelton, PA 17113.

The PSD Plan Approval Application Number 22-307-034B approves a 9.2% increase in steel production through the operation of two electric arc furnaces designated DCEAF 207 and ACEAF 209 and a Ladle Refining Furnace (LRF) with the following air cleaning devices:

- a. Number 1 Bag House for ACEAF —Existing  
209
- b. Number 2 Bag House for DCEAF —Existing  
207, LRF and Melt Shop
- c. SO<sub>2</sub> Scrubber for LRF —Proposed

Conditions will be imposed in the plan approval under the authority granted to the Department by section 6.1 of the Air Pollution Control Act (35 P. S. § 4006.1) and 25 Pa. Code § 127.12b. Additional conditions require monitoring, testing, reporting, and recordkeeping requirements for the sources at the facility. Such conditions are deemed necessary to insure compliance with the following regulations:

- 40 CFR Part 52 —Prevention of Significant Deterioration
- 40 CFR Part 60 —Standards of Performance for New Stationary Sources
- 35 P. S. § 4000 —Pennsylvania Air Pollution Control Act
- 25 Pa. Code 123 —Standards for Contaminants
- 25 Pa. Code 127 —Construction, Modification, Reactivation and Operation of Sources
- 25 Pa. Code 131 —Ambient Air Quality Standards
- 25 Pa. Code 137 —Air Pollution Episodes
- 25 Pa. Code 139 —Sampling and Testing

Based on the information provided by the applicant and Department's analysis of this, the following is a prediction of emissions from the arc furnaces based on 1.24 million tons steel production (maximum continuous rating) from the Steelton Facility:

Pollutant	Emissions in lb/hr	Emissions in tons/year (tpy)
SO <sub>2</sub>	40.0	149.0 tpy
CO	251.0	955.0 tpy
NO <sub>x</sub>	26.1	99.2 tpy
VOC	21.2	80.6 tpy
Particulates	32.0	122.0 tpy
Lead	0.00037	3.0 lb/yr

Furthermore, the facility would consume 11.15% of the available 3-hour PSD increment, 18.35% of the available 24-hour PSD increment, and 10.1% of the annual increment for sulphur dioxide emissions.

The plan approval would be subjected to the following conditions:

1. The modification of DCEAF 207, ACEAF 209 and

associated air cleaning devices are to be completed in accordance with the plans submitted with the application (as herein approved).

2. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

- a. The Department must receive written notice from

Bethlehem Steel Corporation of the completion of construction and Bethlehem Steel Corporation's intent to commence operation at least 5 working days prior to the completion of construction. The notice must state when construction will be completed and when Bethlehem Steel Corporation expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to prevent operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from Bethlehem Steel Corporation under to subpart a., above.

d. Bethlehem Steel Corporation may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

e. The notice submitted by Bethlehem Steel Corporation under subpart a., above, prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

3. The modifications to the steel manufacturing facility are subject to 40 CFR Part 60, Subpart AAa—Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon—Oxygen Decarburization Vessels Constructed After August 7, 1983.

4. DCEAF, LRF, SO<sub>2</sub> Scrubbers, and Oxy-Fuel Burners are subject to Supart AAa of the Standards of Performance for New Stationary Sources, and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, U. S. EPA, Region III, 841 Chestnut Street, Philadelphia, PA 19107.

5. EAF 209, Number 1 Bag House and Number 2 Bag House are subject to 25 Pa. Code §§ 123.2, 123.31(b), and 123.41.

#### *Emissions and Opacity Limitations*

6. The following are the allowable emission rates for the Melt Shop by specific pollutant, and opacity when producing steel from DCEAF:

a. Particulate matter emissions shall not exceed 0.003 gr/dscf or 32 lb/hr.

b. Sulfur Dioxide (SO<sub>2</sub>) emissions shall not exceed 40 lb/hr or 0.24 lb/ton of steel, on a 3-hour average, or any three continuous cycle of steel production in the EAF from start of charge to finish of tap.

c. Volatile Organic Compounds (VOCs) emissions shall not exceed 21.2 lb/hr or 0.13 lb/ton of steel as carbon.

d. Carbon Monoxide (CO) emissions shall not exceed 251 lb/hr or 1.54 lb/ton of steel on a daily average as measured by a certified continuous emissions monitor.

e. Nitrogen Oxides (NO<sub>x</sub>) emissions shall not exceed 26.1 lb/hr or 0.16 lb/ton of steel on a daily average as measured by a certified continuous emissions monitor.

f. Lead emissions shall not exceed 0.54 lb/hr or 0.0033 lb/ton steel.

g. Opacity based on an average of 24 observations in 6 minutes:

i. Exit from Number 2 Bag House—3%.

ii. Exit from Melt Shop—6%.

iii. Exit from Dust-Handling System—10%.

#### *Continuous Emission Monitoring Requirements*

7. The continuous emission monitors (CEM) shall be used to determine compliance with the applicable limits for the following:

a. CO

b. NO<sub>x</sub>

#### *Stack Testing Requirements*

8. The control system shall be tested to revalidate the Particulate Matters/PM 10, CO, NO<sub>2</sub>, SO<sub>2</sub>, VOCs, and lead emissions. The tests are to be conducted within 180 days of commencement of temporary operation of the sources as per Condition No. 2(c) above.

9. All tests are to be conducted in accordance with the Department's source testing procedures described in the latest Source Testing Manual or source testing procedures approved by the Department prior to testing.

10. A stack test protocol is to be submitted to the Regional Air Quality Program Manager for approval at least 60 days prior to stack test.

11. The company shall notify the Regional Air Quality Program Manager of the date and time of any testing 30 days prior to the test.

12. The company shall submit two copies of the completed stack test reports, including all operating conditions, within 60 days of completion of testing, to the Regional Air Quality Program Manager.

#### *Steel Production Capacity Limit*

13. Annual steel production from the melt shop, Steelton Plant, shall not exceed 1.24 million tons.

14. Annual steel production from EAF 209 shall not exceed 570,000 tons.

15. Monthly production of steel from the tap shall be recorded for each arc furnace to verify the annual steel production listed in Condition No. 13 above. This production record shall be made available to the Department when requested.

#### *Routine Operation*

16. As per 40 CFR, Part 60, Subpart 60.274a(b) check and record the following parameters on a once per shift basis:

a. DCEAF 207 furnace static pressure.

b. Number 2 Bag House fan motors amperes and damper positions, or the volumetric flow rate of gases being continuously recorded.

17. As per 40 CFR, Part 60, Subpart 60.275a(c), perform visible emissions observations of the Melt Shop roof and Number 2 Bag House exit at least once per day of operation of the DCEAF 207 and LRF.

*Monthly Inspection*

18. The owner shall perform monthly operational status inspection of capture system of arc furnaces, LRF, Number 1 and Number 2 Bag Houses, and SO<sub>2</sub> Scrubber as per 40 CFR, Part 60, Subpart 60.274a(a)(2) and (c).

19. The owner shall visually inspect the upper chamber of the bag houses for visible emissions from individual bags on a monthly basis. Worn, frayed or defective bags shall be replaced within 2 weeks following the inspection.

20. The owner shall maintain a log of the inspection and maintenance activities. The log shall be signed and dated by the person responsible for making the inspection and/or repair. This log shall be kept onsite and produced to the Department upon request.

*General Requirements*

21. This plan approval includes the sources and control devices covered under Plan Approval Nos. 22-307-034 and 22-307-034A.

22. EAF 209 shall be operated as a backup unit when DCEAF 207 is inoperable.

23. The following definitions of units shall apply to this Plan Approval Condition:

- a. Year—12-month rolling average
- b. Ton—2,000 pounds

An appointment to review the PSD Application, plan approval and other 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 November 19, 1996 in Room 215L at the Southcentral Regional Office of the Department, One Ararat Boulevard, Harrisburg, PA 17110, from 1 p.m. until such a time as all scheduled comments on the proposal are received.

The public is invited to comment on the proposed plan and SIP revision. Persons interested in commenting are invited to appear at the public hearing; they should contact Mary Ann Fischer at (717) 541-7969 at least 1 week in advance of the hearing to reserve a time to present testimony.

Commentators are requested to provide a written copy of their remarks at the time of the hearing. Persons interested in submitting written comments should send their comments to Ranjan Roy, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before December 2, 1996.

Persons with a disability who wish to attend the above hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Mary Ann Fischer at (717) 541-7969 or through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

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

**23-318-001E.** On September 19, 1996, an application was received to amend a previous application for **Congoleum Corporation** (Ridge Road and Yates Avenue, Marcus Hook, PA 19061) for a surface coating operation to be located in Trainer Borough, **Delaware County**.

**15-312-029.** On September 19, 1996, an application was received from **Atlantic Refining & Marketing Corp.** (1801 Market Street, Philadelphia, PA 19103) for the installation of a vapor recovery unit to be located in West Whiteland Township, **Chester County**.

**46-322-009.** On September 20, 1996, an application was received from **WMDSPI (Pottstown Landfill)** (1425 Sell Road, Pottstown, PA 19464) for the construction of a landfill gas combustion unit to be located in West Pottsgrove Township, **Montgomery County**.

**46-302-212GP.** On September 23, 1996, an application was received from **Lower Merion School District** (301 Montgomery Avenue, Ardmore, PA 19003) for the construction of a lead boiler no. 1 to be located in Lower Merion Township, **Montgomery County**.

**15-399-047.** On September 23, 1996, an application was received from **CFM Technologies, Inc.** (1336 Enterprise Drive, West Chester, PA 19380) for the installation of a flat panel display cleaning system to be located in East Goshen Township, **Chester County**.

**46-318-048.** On September 24, 1996, an application was received from **NASJRB Willow Grove Code 89**, (Environmental Division, Willow Grove, PA 19090) for the installation of a paint booth to be located in Horsham Township, **Montgomery County**.

**46-302-213.** On September 26, 1996, an application was received from **Lockheed Martin** (230 East Mall Boulevard, King of Prussia, PA 19406) for the construction of a combustion unit-boiler to be located in Upper Merion Township, **Montgomery County**.

**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: 40-313-020A**

Source: Hydrofluoric Wash Sta. w/Scrubber  
Received: **Techneglas, Incorporated**  
Location: Jenkins Township  
County: **Luzerne**

**Permit: 45-310-014**

Source: Stone Crushing Oper w/Watersprays  
Received: September 26, 1996  
Company: **Haines & Kibblehouse Incorporated**  
Location: Smithfield Township  
County: **Monroe**

**Permit: 45-313-012**

Source: Blending & Packaging w/Scrubber  
Received: September 16, 1996

Company: **Puritan Products, Inc.**  
 Location: Ross Township  
 County: **Monroe**

Permit: **54-302-060G**  
 Source: Cleaver Brooks #1200-800-150ST  
 Received: September 17, 1996  
 Company: **Cressona Aluminum Company**  
 Location: Cressona Borough  
 County: **Schuylkill**

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

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

**OP-46-0046A.** On September 23, 1996, an application was received from **Uniform Tubes, Inc.** (P. O. Box 992, Collegeville, PA 19426) for the approval of Facility VOC/NOx RACT located in Trappe Borough, **Montgomery County**.

*Source*

- adhesive application operations
- mat coating operations

Additionally, the combined volatile organic compound emissions from all operations existing at the respective facility, other than a boiler and an air stripper, shall not exceed a total of 1,575 tons for the period beginning upon the date of operating permit issuance and ending 3 years from said date or a total of 725 tons during any consecutive 12 month period occurring during this 3 year period or a total of 425 tons during any consecutive 12 month period occurring after the conclusion of the 3 year period.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on November 13, 1996, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Reasonably Available Control Technology; Public Hearing**

Approval of Reasonably Available Control Technology (RACT) Plan for Resilite Sports Products, Inc.

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a wrestling mat manufacturing facility owned and operated by Resilite Sports Products, Inc. in Point Township, Northumberland County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for this facility:

*RACT limitation*

no more than 5.98 pounds of volatile organic compounds per gallon of adhesive (minus water), as applied.

no more than 6.83 pounds of volatile organic compounds per gallon of organic solvent-based coating (minus water), as applied, and no more than 1.0 pound of volatile organic compounds per gallon of water-based coating (minus water), as applied.

Those unable to attend the hearing, but wishing to comment, should provide written comments to Joseph Cooper, Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701. Comments should be submitted by November 28, 1996.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

**MINING ACTIVITY APPLICATIONS**

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated

above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

#### *Coal Applications Received*

**56960111. Laura D Coal, Inc.** (P. O. Box 188, Jennerstown, PA 15547), commencement, operation and restoration of bituminous strip mine in Quemahoning and Stonycreek Townships, **Somerset County**, affecting 89.0 acres, receiving stream unnamed tributaries to/and Stonycreek River to Conemaugh River, application received September 30, 1996.

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

**54890105C17. Porter Associates, Inc.**, (P. O. Box 478, Wilkes-Barre, PA 18703), commencement, operation and restoration of an additional fly ash disposal source at existing SMP in Porter Township, **Schuylkill County**, affecting 115.0 acres, receiving stream east branch Rausch Creek to Pine Creek to Mahantongo Creek to

Susquehanna River. Application received September 25, 1996.

**54960202. City of Philadelphia**, Trustee Acting by the Board of Directors of City Trusts for Girard Estates, (21 South 12th Street, Philadelphia, PA 19107-3684), commencement, operation and restoration of an anthracite surface mine to include a bank removal, preparation plant and stream encroachment in Butler, W. Mahanoy and Union Townships, **Schuylkill County**, affecting 1,071.0 acres, receiving stream none. Application received September 26, 1996.

**54793206C8. Reading Anthracite Company**, (299 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901-7200), commencement, operation and restoration of an additional fly ash disposal source at existing SMP in Mahanoy Township, **Schuylkill County**, affecting 20.0 acres, receiving stream Mahanoy Creek. Application received October 2, 1996.

**49960101. MAK Enterprises**, (501 A Street, Girardville, PA 17935), commencement, operation and restoration of an anthracite surface mine in Zerbe and West Cameron Townships, **Northumberland County**, affecting 919.0 acres, receiving stream Mahanoy Creek. Application received September 19, 1996.

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

#### *Noncoal Applications Received*

**7373SM3C. Huss Contracting Company**, (P. O. Box 549, Tamaqua, PA 18252), renewal of NPDES Permit #PA0593206 in East Penn Township, **Carbon County**, receiving stream unnamed tributary to Lizard Creek. Application received September 23, 1996.

**8274SM1C2. D. M. Stoltzfus & Son, Inc.**, (P. O. Box 84, Talmage, PA 17580), correction to existing limestone quarry operation to include expansion of mining depth in Upper Leacock and Manheim Townships, **Lancaster County**, affecting 78.1 acres, receiving stream Conestoga River. Application received September 19, 1996.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

**E03-322.** Encroachment. **Glacial Sand & Gravel Co.**, P. O. Box 1022, Kittanning, PA 16201. To renew Permit No. E03-322 to perform commercial sand and gravel dredging in the Allegheny River at various locations from Mile Marker 46.0 to 62.0 (Kittanning, PA Quadrangle N: 13.3 inches; W: 4.2 inches) in Boggs, East Franklin, Madison, Pine, Rayburn and Washington Townships and the Boroughs of Kittanning and Templeton, **Armstrong County**.

**E02-919.** Encroachment. **Tri-State River Products**, Box 218, Beaver, PA 15009. To reissue Permit No. E02-919 to perform commercial sand and gravel dredging in the Ohio River at various locations from Mile Marker 7.0 to 15.25 (Emsworth, PA Quadrangle N: 1.6 inches; W: 14.5 inches) in Leetsdale, Edgeworth, Sewickley and Emsworth Boroughs and Kilbuck, Neville and Crescent Townships, **Allegheny County**.

**E04-184-A1.** Encroachment. To amend Permit No. E04-184 to include areas under Permit No. E04-180 and to renew permit to perform commercial sand and gravel dredging in the Ohio River at various locations from Mile Marker 16.0 to 39.5 in Glasgow, Georgetown, Ohioville, Shippingport, Midland, Industry, Vanport, Shippingport, Beaver, Rochester, East Rochester, Freedom, Conway, Baden, Ambridge, Aliquippa and South Heights Boroughs; and Greene and Potter Townships, **Beaver County**.

**E02-584-A1.** Encroachment. **Davison Sand & Gravel Co.**, P. O. Box 5P, New Kensington, PA 15068. To amend Permit E02-584 which will include Permit No. E02-457 and to renew both permits to perform commercial sand and gravel dredging in the Allegheny River at various locations from Mile Marker 16.75 to 28.5 in the Cities of New Kensington, Arnold, Lower Burrell and Allegheny Townships in **Westmoreland County** and in Springdale, Plum Tarentum and Brackenridge Boroughs and East Deer and Harrison Townships, in **Allegheny County**.

**E02-531.** Encroachment. To renew Permit No. E02-531 to perform commercial sand and gravel dredging in the Allegheny River at various locations from Mile Marker 1.0 to 15.35 in the following municipalities in **Allegheny County**: Aspinwall, Avalon, Bellevue, Ben Avon, Blawnox, Cheswick, Coraopolis, Crescent, Edgeworth, Emsworth, Etna, Fox Chapel, Glenfield, Harmer, Haysville, Kennedy, Leetsdale, McKees Rocks, Millvale, Moon, Neville, O'Hara, Oakmont, Ohioville, Osborne, Penn Hills, Plum, Sewickley, Shaler, Sharpsburg, Springdale, Stowe and Verona.

**E03-202-A1.** Encroachment. To amend Permit No. E03-202 to include Permit No. E03-156 and to renew both Permits to perform commercial sand and gravel dredging in the Allegheny River at various locations from Mile Marker 30.6 to 52.0 in South Buffalo, Gilpin, East Franklin, Rayburn and Boggs Townships; and Borough of Kittanning, **Armstrong County**.

**E04-103.** Encroachment. To renew Permit No. E04-103 to perform commercial sand and gravel dredging in the Ohio River at various locations from Mile Marker 16.0 to

39.5 in the following municipalities in **Beaver County**: Aliquippa, Ambridge, Baden, Beaver, Bridgewater, Center, Conway, East Rochester, Freedom, Georgetown, Glasgow, Greene, Industry, Midland, Monaca, Ohioville, Rochester, Shippingport, South Heights and Vanport.

**E02-494.** Encroachment. **Russell Industries, Inc.**, 3025 Washington Rd., McMurray, PA 15317. To renew Permit No. E02-494T-1 to perform commercial sand and gravel dredging in the Allegheny River at various locations from Mile Marker 13.5 to 28.5 in the City of New Kensington; Arnold, Lower Burrell and Allegheny Townships in Westmoreland County and Springdale, Harmar, Harrison and East Deer Townships; Plum, Tarentum and Natrona Heights Boroughs in **Allegheny County**.

**E04-145.** Encroachment. **Campbells Transportation**, P. O. Box 124, Charleroi, PA 15022. To renew Permit No. E04-145 to perform commercial sand and gravel dredging in the Ohio River at various locations from Mile Marker 35.0 to 39.5 in Boroughs of Midland, Georgetown, Glasgow, Shippingport and Greene Township in **Beaver County**.

**E02-1165.** Encroachment. **Allegheny County**, 501 County Office Bldg., 542 Forbes Ave., Pittsburgh, PA 15219. To repair, rehabilitate and maintain the existing structure known as the Glenwood Bridge over the Monongahela River at Mile Marker 6 (Pittsburgh East, PA Quadrangle N: 4.5 inches; W: 8.5 inches) in the City of Pittsburgh, **Allegheny County**.

**E04-240.** Encroachment. **Beaver Falls Municipal Authority**, P. O. Box 400, Beaver Falls, PA 15010. To construct and maintain an intake structure with necessary appurtenances to improve intake capability and to construct and maintain a backwash water settling tank to improve discharge to the Beaver River, located at the Eastvale Water Treatment Plant (Beaver Falls, PA Quadrangle N: 2.25 inches; W: 8.75 inches) in Daugherty Township and Eastvale Borough, **Beaver County**.

**E30-170.** Encroachment. **Dept. of Transportation**, P. O. Box 459, Uniontown, PA 15401. To rehabilitate and maintain existing bridge over Roberts Run, known as Township Road 318/County Bridge 150 to allow for access as a detour. The structure is located on TR 318, 0.5 mile from SR 0218 South (Oak Forest, PA Quadrangle N: 5.5 inches; W: 13.1 inches) in Wayne Township, **Greene County**.

**E56-268.** Encroachment. **Allegheny Township Supervisors**, R. R. 1, Box 144, Fairhope, PA 15538. To remove existing flood-damaged structure and to construct and maintain an approximate 60-foot long, 12-foot wide, 8-foot high arch culvert for the purpose of carrying T-421 over Panther Run and to perform and maintain stream channel restoration in said stream, located approximately 1.8 miles from T-720 (New Baltimore, PA Quadrangle N: 3.4 inches; W: 16.3 inches) in Allegheny Township, **Somerset County**.

**E63-418.** Encroachment. **Crown American Properties, L. P.**, Pasquerilla Plaza, Johnstown, PA 15907. To place and maintain fill in 0.13 acre of wetlands as part of the Franklin Mall expansion located at the intersection of S. R. 40 and I-70 (Washington West, PA Quadrangle N: 6.2 inches; W: 3.8 inches) in North Franklin Township, **Washington County**.

**E65-638.** Encroachment. **Lakefront Properties**, 772 Pine Valley Dr., Pittsburgh, PA 15239. To fill a 5.5 acre lake known as Cloverleaf Lake for the purpose of commercial development of the property, located at the southeast corner of intersection of SR 0022 and US 66

(Slickville, PA Quadrangle N: 4.4 inches; W: 8.7 inches) in Salem Township, **Westmoreland County**.

**E65-639.** Encroachment. **Dept. of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove existing structure and to construct and maintain a twin-cell box culvert with a 12-foot span and 7.5-foot underclearance, to carry SR 4003 Section F01 over Brush Creek near the intersection of SR 4003 and SR 0130 (Greensburg, PA Quadrangle N: 15.25 inches; W: 4.50 inches) in Penn and Hempfield Townships, **Westmoreland County**.

**E65-640.** Encroachment. **Joseph B. Kingston**, 75 First St., Trafford, PA 15085. To place and maintain fill in 0.1 acre of wetlands with temporary impacts to 0.1 acre of wetlands for purpose of residential development known as (Murrysville, PA Quadrangle N: 3.3 inches; W: 16.4 inches) in the Borough of Trafford, **Westmoreland County**. Applicant proposes to construct 0.32 acre of replacement wetlands.

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

**E15-525.** Encroachment. **Rouse/Chamberlin, Inc.**, 500 Exton Commons, Exton, PA 19341. To relocate approximately 1,200 linear feet of an unnamed tributary to Pickering Creek (WWF) which crosses a property of the proposed residential subdivision Moorehall at Valley Forge. Also, to construct and maintain 1,410 linear feet, 42-inch diameter (minimum) and 60-inch diameter (maximum) R.C.P. stream enclosure and associated storm sewer utility lines including a proposed detention basin. The project site is located along the right side of the Nutt Road (S. R. 0023) immediately next to the intersection with Horse Road (T-552) (Valley Forge, PA Quadrangle N: 22.1 inches; W: 17.0 inches) in Schuylkill Township, **Chester County**.

**E51-157.** Encroachment. **Fairmount Park Commission**, Memorial Hall, West Park, P. O. Box 21601, Philadelphia, PA 19131-0901. To remove five 60-inch culverts and replace and maintain a triple 30 foot long box culvert, appurtenant wingwalls, pedestrian walkway and associated roadway backfill. The northern box culvert is 15-feet wide by 9-feet high, the center culvert is 12-feet wide by 7-feet high and the southern culvert is 10-feet wide by 6-feet high. This Cotton Street roadway culvert will provide access across the Manayunk-Schuylkill Canal to Venice Island (Germantown, PA Quadrangle N: 4.55 inches; W: 13.6 inches) in the City of Philadelphia, **Philadelphia County**.

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

**E01-169.** Encroachment. **Franklin Township Supervisors**, Larry Smith, Zoning Officer, Adams County, Box 309, Cashtown, PA 17310. To remove an existing structure and to construct and maintain two 48-inch asphalt coated galvanized pipe culverts with gabion headwall and endwall in Marsh Creek at its intersection with Spigot Valley Road (Caledonia Park, PA Quadrangle N: 3.5 inches; W: 1.8 inches) in Franklin Township, **Adams County**.

**E21-256.** Encroachment. **Penn Valley Corporation**, Richard Helwig, 715 Twining Road, Twining Center, Suite 100, Dresher, PA 19025. To place fill material in a 0.093 acre of wetland in order to construct homes in Penn Valley Development located about 1,800 feet south of Valley Street and Salt Road intersection (Harrisburg

West, PA Quadrangle N: 8.1 inches; W: 10.8 inches) in East Pennsboro Township, **Cumberland County**.

**E28-241.** Encroachment. **David and Eugenia Shindledecker**, Franklin County, 915 Hade Road, Chambersburg, PA 17201. To construct and maintain a 40 foot span steel girder bridge with a minimum 5 feet underclearance across Conodoguinet Creek to provide access to the land of the Shindledeckers located south of T-556 (Lower Horse Valley Road) about 2.6 miles from its intersection with PA 641 (Roxburg, PA Quadrangle N: 14.4 inches; W: 16.7 inches) in Letterkenny Township, **Franklin County**.

**E67-573.** Encroachment. **Department of Transportation**, John Rautzahn, York County, 2140 Herr Street, Harrisburg, PA 17103-1699. To extend an existing 10 feet by 6 feet concrete box culvert 13 feet southward on S. R. 0030 over a tributary to Mill Creek (York, PA Quadrangle N: 19.5 inches; W: 10.6 inches) in Springettsbury Township, **York County**.

**E67-574.** Encroachment. **L & H Trucking Company**, Helen Longstreth, Sec/Treasurer, York County, 860 Gitts Run Road, Hanover, PA 17331. To fill 2.37 acres of jurisdiction wetlands for the purpose of facility and parking expansion located at the southwest corner of the intersection of Moulstown Road and Gitts Run Road (Hanover, PA Quadrangle N: 14.7 inches; W: 11.6 inches) in Penn Township, **York County**. The permittee is required to construct 2.37 acres of replacement wetlands.

**EA-01-002.** Environmental assessment. **Carroll Valley Borough**, P. O. Box 718, Fairfield, PA 17320. Remove six reinforced concrete pipes under White Oak Trail, Elm Trail, Willow Trail and Short Trail and returning unnamed tributary to Toms Creek back to original contour located in (Iron Springs, PA Quadrangle W: 2.3 inches; N: 4.2 inches) Carroll Valley Borough, **Adams County**, PA.

**E06-483.** Encroachment. **Department of Transportation**, Berks County, Engineering District 5-0, 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**.

**E07-267.** Encroachment. **Ralph Albarano, Jr.**, Strawberry Meadows Partnership, Blair County, Strawberry Meadows Partnership, P. O. Box 419, Hollidaysburg, PA 16648. To place fill in 0.35 acre of wetlands for the purpose of developing a 4.7 acre parcel of land in the Strawberry Meadows commercial development located along Roosevelt Avenue and along the northern side of US Route 22 about 1.2 miles west of its intersection with US Route 220 in Hollidaysburg (Hollidaysburg, PA Quadrangle N: 10.2 inches; W: 4.4 inches) in Blair Township, **Blair County**.

**E21-253.** Encroachment. **East Pennsboro Township**, ATTN: Robert L. Gill, Cumberland County, 98 South Enola Drive, Enola, PA 17025-2796. To construct and maintain an additional 8 foot x 12 foot concrete building to the existing Brentwater Road pumping station to elevate the location of the electrical controls within the 100 year floodplain of the Conodoguinet Creek (Harrisburg West, PA Quadrangle N: 2.0 inches; W: 9.5 inches) in East Pennsboro Township, **Cumberland County**.

**E21-254.** Encroachment. **Department of Transportation**, Cumberland County, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a 14 feet x 5 feet

precast box culvert in Burd Run on SR 3003-001 located about 0.5 mile north of Cleversburg Village (Walnut Bottom, PA Quadrangle N: 8.0 inches; W: 13.75 inches) in Southampton Township, **Cumberland County**.

**E50-179.** Encroachment. **Juniata Township**, ATTN: Robert Gabel, Supervisor, Perry County, R. D. 3, Box 65AA, Newport, PA 17074. To remove an existing culvert and to construct and maintain a 53-inch by 83-inch elliptical concrete culvert pipe in Little Buffalo Creek for roadway maintenance purposes located on Buffalo Road (T-431), just north of its intersection with Mansville Road (SR 40.10) (Ickesburg PA Quadrangle N: 10.55 inches; W: 0.5 inch) in Juniata Township, **Perry County**.

**E50-180.** Encroachment. **Juniata Township Supervisors**, ATTN: 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 2.0 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 0549 (Ickesburg, PA Quadrangle N: 14.45 inches; W: 1.55 inches) in Juniata Township, **Perry County**.

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

**E40-452.** Encroachment. **Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a two-span concrete I-beam bridge, having clear spans of 81 feet and 74 feet and a minimum underclearance of 9.7 feet, across Huntington Creek (TSF). The bridge is located on S. R. 0239, Section 371, Segment 0310, Offset 2552, in Huntington Mills (Shickshinny, PA Quadrangle N: 11.9 inches; W: 15.0 inches), in Huntington Township, **Luzerne 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.*

**E08-303.** Water obstruction and encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge with a normal span length of 47.6 feet and an underclearance of 8.75 feet. The bridge will be on a 60 degree left skew, crossing Murray Creek on SR 0220, Section 046 approximately 300 feet south of the Route 220/Pump Station Hill Road. Estimated stream disturbance 80.0 linear feet and 0.00013 acre of wetlands; stream classification WWF.

**E08-304.** Water obstruction and encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To 1) remove the existing structure and to construct and maintain a single cell reinforced box culvert with a normal span length of 10 feet with a skew of 90 degrees and an underclearance of 8.5 feet depressed 1 foot below the stream bed crossing an unnamed tributary to Towanda Creek on S. R. 14 about 1.6 miles north of Alba; 2) to reconstruct about 7,350 linear feet of roadway. There will be some shifting of alignment to meet modern design standards. The roadway is 2 lanes, 12 feet wide and two shoulders 8 feet wide each, beginning and proceeding north on SR 14 about 1.6 miles north of Alba (Canton, PA Quadrangle N: 18.4 inches; W: 8.9 inches) in Troy Township, **Bradford County**. The project will impact wetlands and 90 feet of waterway; stream classification is cold water fishery.

**E14-294.** Water obstruction and encroachment. **Chris Hostetler**, R. R. 1, Box 38, Woodard, PA 16882. To remove the existing structure and to construct and maintain a 6 foot diameter CMP culvert about 20 feet long in an unnamed tributary to Pine Creek and located in a private driveway about 1.5 miles east of Aaronsburg off Bower Hill Road (Millheim, PA Quadrangle N: 2.1 inches; W: 6.0 inches) in Haines Township, **Centre County**. Estimated stream disturbance 20 linear feet with no wetland impacts; stream classification Exceptional Value.

**E17-306.** Water obstruction and encroachment. **Coral Cove Committee**, c/o Diane Andres, 215 Treasure Lake, Boibois, PA 15801. To expand Treasure Lake by enlarging Coral Cove for the development of lake front lots and rerouting of drainage areas and lot development. The project is located in Sandy Township, **Clearfield County** (Sabula, PA Quadrangle N: 7.1 inches W: 11.1 inches). The project will impact 0.22 acre of PSS/PEM wetlands for the lake enlargement and 0.22 acre of PSS/PFO wetlands for drainage and lot development. Treasure Lake is a CWF.

**E18-224.** Water obstruction and encroachment. **Daniel B. Lapp**, R. R. 1, Box 247A, Mill Hall, PA 17751. To remove part of the existing structure and to construct and maintain a concrete abutment, steel beam, wooden deck bridge with a normal span of 60 feet and an underclearance of about 5 feet crossing Fishing Creek 2 miles west of Mackeyville off SR 2004 in a private driveway to the Lapp Dairy Farm (Mill Hall, PA Quadrangle N: 5.3 inches; W: 15.6 inches) in Porter Township, **Clinton County**. Estimated stream disturbance is 18 feet; stream classification High Quality—Cold Water Fisheries—Wild Trout Stream.

**E18-225.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552. To remove an existing structure and to construct and maintain a single cell box culvert with a 14 foot normal span and an underclearance of 7 feet 9 inches across Mudlick Run on the left branch of Young Womans Creek Road about 1.5 miles north of T-579 and to place about 50 linear feet of R-7 riprap on the upstream channel bank (Young Womans Creek, PA Quadrangle N: 2.4 inches; W: 11.11 inches) in Chapman Township, **Clinton County**. Estimated stream disturbance about 105 feet. Stream classification is High Quality-Cold Water Fishery.

**E59-331.** Water obstruction and encroachment. **Morris Township**, P. O. Box 66, Morris, PA 16938. To remove the existing structure and to construct and maintain an 87 inch x 137 inch CMP arch culvert about 30 feet long, depressed 6 inches below stream bed in Dixie Run and crossing T-309 about 2.2 miles southeast of SR 414 (Morris, PA Quadrangle N: 9.5 inches; W: 8.8 inches) in Morris Township, **Tioga County**. Estimated stream disturbance 45 feet; stream classification is Cold Water Fishery.

**E59-332.** Water obstruction and encroachment. **Sullivan Township**, P. O. Box 84, Mainesburg, PA 16932. To remove the existing structures and to construct and maintain a triple barrel 44 inch by 72 inch CMPA culvert about 40 feet long depressed 6 inches below streambed in an unnamed tributary to Elk Run and located on T-876 about 0.9 mile east of SR 1007 (Roseville, PA Quadrangle N: 13.4 inches; W: 12.5 inches) in Sullivan Township, **Tioga County**. Estimated stream disturbance 45 feet with no wetland impact; stream classification Stock Trout Stream.

**E59-333.** Water obstruction and encroachment. **Phoenix Resources, Inc.**, P. O. Box 38, Blossburg, PA 16912. To place and maintain fill in a total of 1.44 acres of wetlands, consisting of 9.7 acres of palustrine emergent, 0.63 acre palustrine scrub-shrub and 0.11 acre palustrine forested wetlands. Purpose of the project is to construct a construction/demolition waste landfill facility. The applicant proposes to replace the affected wetlands to compensate for unavoidable impacts. The project site is located approximately 1 mile northeast of the village of Antrim (Antrim, PA Quadrangle N: 3.0 inches; W: 2.5 inches) in Duncan Township, **Tioga County**.

---

## ACTIONS

---

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

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

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

---

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

---

#### *Permits Issued*

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

**NPDES Permit No. PA 0002381.** Industrial waste. **Astor Corporation**, Petrowax Refining Division, Emlenton Plant, Emlenton, PA 16373 is authorized to discharge from a facility located in Emlenton Borough, **Venango County** to the Allegheny River.

**NPDES Permit No. PA 0036056.** Sewage. **Heritage Hills Mobile Home Estates**, 100 Beechwood Boulevard, Pulaski, PA 16143 is authorized to discharge from a facility located in Pulaski Township, **Lawrence County** to an unnamed tributary to the Shenango River.

**NPDES Permit No. PA 0000183.** Amendment No. 1. Industrial waste. **General Electric Company**, 2901 East Lake Road, Erie, PA 16531 is authorized to discharge from a facility located in Lawrence Park Township, **Erie County** to unnamed tributaries to Lake Erie.

*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. PA0052493.** Sewerage. **Florence Coleman**, 168 Cheese Factory Road, Doylestown, PA 18901 is authorized to discharge from a facility located in Plumstead Township, **Bucks County** into an unnamed tributary to north branch Neshaminy Creek.

**NPDES Permit No. PA0051713.** Amendment No. 1. Industrial waste. **Degussa Corporation**, 1200 West Front Street, Chester, PA 19013 is authorized to discharge from a facility located in the City of Chester, **Delaware County** into the Delaware Estuary Zone 4.

**NPDES Permit No. PA0056758.** Amendment No. 1. Sewerage. **Warrington Township**, 852 Easton Road, Warrington, PA 18976 and Co-Permittee The Cutler Group, 5 Sentry Parkway West, Suite 100, 325 Walton Road, Blue Bell, PA 19422 is authorized to discharge from a facility located in Warrington Township, **Bucks County** into Mill Creek.

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

**NPDES Permit No. PA0205061.** Sewage. **Hopewell Area School District**, 2121 Brodhead Road, Aliquippa, PA 15001 is authorized to discharge from a facility located at Raccoon Elementary School STP, Raccoon Township, **Beaver County** to tributary of Gum Run.

**NPDES Permit No. PA0217409.** Sewage. **Matthew J. Maurer**, R. D. 1, Box 90, Hollsopple, PA 159355 is authorized to discharge from a facility located at Maurer Small Flow Sewage Treatment Facility, east of Intersection T-546 and S. R. 4025, Jenner Township, **Somerset County** to unnamed tributary of Twomile Run.

**NPDES Permit No. PA0217417.** Sewage. **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690 is authorized to discharge from a facility located at Mamont Elementary School, Washington Township, **Westmoreland County** to tributary of Beaver Run.

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

**NPDES Permit No. PA 0070394.** Industrial waste. **Herceg Landfill** (closed), 539 Roundtable Drive, Nazareth, PA 18064 is authorized to discharge from a facility located in Bushkill Township, **Northampton County** to an unnamed tributary to east branch Monocacy Creek.

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

**NPDES Permit No. PA0080055.** Sewerage. **Conewago Industrial Park Water & Sewer Company**, 1600 North Second Street, Harrisburg, PA 17102 is authorized to discharge from a facility located in West Donegal Township, **Lancaster County** to the receiving waters named Conewago Creek.

**NPDES Permit No. PA0081710.** Sewerage. **Outdoor World Corporation**, Rte. 209 N., P. O. Box 447, Bushkill, PA 18324 is authorized to discharge from a facility located in Pequea Township, **Lancaster County** to the receiving waters named Conestoga River.

**NPDES Permit No. PA0082333.** Sewerage. **Conestoga Hills Mobile Home Park**, 1230 Stony Lane, Conestoga, PA 17516 is authorized to discharge from a facility located in Conestoga Township, **Lancaster County** to the receiving waters of an unnamed tributary to Stehman Run.

**NPDES Permit No. PA0007641.** Sewerage. **Tarmac Minerals, Inc.**, P. O. Box 160, Annville, PA 17003-0160 is authorized to discharge from a facility located in Oxford and Conewago Townships, **Adams County** to the receiving waters of an unnamed tributary of the south branch of Conewago Creek.

**NPDES Permit No. PA0081060.** Sewerage. **Meadowbrook Mobile Home Park**, 314 Erford Road, Camp Hill, PA 17011 is authorized to discharge from a facility located in Fairview Township, **York County** to the receiving waters of an unnamed tributary of Yellow Breeches Creek.

**NPDES Permit No. PA0020320.** Sewerage. **Borough of Lititz**, 50 Lititz Run Road, Lititz, PA 17543 is authorized to discharge from a facility located in Warwick Township, **Lancaster County** to the receiving waters named Lititz Run.

**NPDES Permit No. PA0087122.** Sewerage. **Borough of Carroll Valley SRSTP Proposal**, 5685 Fairfield Road, Carroll Valley, PA 17320 is authorized to discharge from a facility located in Carroll Valley Borough, **Adams County** to the receiving waters in accordance with effluent limitations, monitoring requirements and conditions set forth in the permit.

**NPDES Permit No. PA0021717.** Sewerage. **Marietta-Donegal Joint Sewer Authority**, P. O. Box 167, Marietta, PA 17547 is authorized to discharge from a facility located in Marietta Borough, **Lancaster County** to the receiving waters named Susquehanna River.

**NPDES Permit No. PA0081949.** Sewerage. **West Earl Sewer Authority**, P. O. Box 725, Brownstown, PA 17508 is authorized to discharge from a facility located in West Earl Township, **Lancaster County** to the receiving waters named Conestoga River.

**NPDES Permit No. PA0084506.** Sewerage. **Starlite Camping Resort**, 1500 Furnace Hill Road, Stevens, PA 17578 is authorized to discharge from a facility located in Clay Township, **Lancaster County** to the receiving waters of a swale to Middle Creek.

**NPDES Permit No. PA0084247.** Sewerage. **Berk Tek, Inc.**, 132 White Oak Road, P. O. Box 888, New Holland, PA 17557 is authorized to discharge from a facility located in Earl Township, **Lancaster County** to the receiving waters of an unnamed tributary of the Conestoga River.

**NPDES Permit No. PA0021067.** Sewerage. **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552 is authorized to discharge from a facility located in East Donegal Township, **Lancaster County** to the receiving waters named Little Chickies Creek.

**NPDES Permit No. PA0087131.** Sewerage. **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517 is authorized to discharge from a facility located in Brecknock Township, **Lancaster County** to the receiving waters named Little Muddy Creek.

**NPDES Permit No. PA0029106.** Sewerage. **Greenfield Township Municipal Authority**, R. D. 1, Box 585B, Claysburg, PA 16625 is authorized to discharge from a facility located in Greenfield Township, **Blair County** to the receiving waters named Frankstown Branch.

**NPDES Permit No. PA0035319.** Sewerage. **Ronald J. Phillips**, Nine East Miller Road, New Providence, PA 17560 is authorized to discharge from a facility located in Providence Township, **Lancaster County** to the receiving waters named Huber Run.

**NPDES Permit No. PAG043546.** Single Family Residence. **Thomas C. Hann**, R. D. 2, Box 447, Everett, PA 15537 is authorized to discharge from a facility located in East Providence Township, **Bedford County** to the receiving waters of an unnamed tributary to Tub Mill Run.

**NPDES Permit No. PA0084581.** Industrial waste. **New Holland Borough Authority**, 436 East Main Street, New Holland, PA 17557 is authorized to discharge from a facility located in East Earl Township, **Lancaster County** to the receiving waters of an unnamed tributary to Mill Creek.

**NPDES Permit No. PA0045560.** Industrial waste. **Heritage Metal Finishing, Inc.**, 800 South Market Street, Elizabethtown, PA 17022 is authorized to discharge from a facility located in Elizabethtown Borough, **Lancaster County** to the receiving waters of Conoy Creek.

**NPDES Permit No. PA0038598.** Industrial waste. **Pennsylvania Power and Light Company**, Two North Ninth Street, Allentown, PA 18101 is authorized to discharge from a facility located in East Manchester Township, **York County** to the receiving waters named Susquehanna River.

**NPDES Permit No. PA0081744.** Industrial waste. **York County Solid Waste and Refuse Authority**, 2700 Blackbridge Road, York, PA 17402 is authorized to discharge from a facility located in Hopewell Township, **York County** to the receiving waters of an unnamed tributary to Rambo Run and Ebaughs Run.

**NPDES Permit No. PA0044059.** Industrial waste. **Fish and Boat Commission**, R. R. 2, Box 550, New Paris, PA 15554-9401 is authorized to discharge from a facility located in East St. Clair Township, **Bedford County** to the receiving waters named Dunning Creek.

**NPDES Permit No. PA0044911.** Industrial waste. **Holly Milk**, 405 Park Drive, Carlisle, PA 17013 is authorized to discharge from a facility located in South Middletown Township, **Cumberland County** to the receiving waters named Mountain Creek.

**NPDES Permit No. PA0080624.** Industrial waste. **B & W Quality Growers, Inc.**, 17825 79th Street, Fellsmere, FL 32948 is authorized to discharge from a facility located in South Middletown Township, **Cumberland County** to the receiving waters named Letort Spring Run.

**NPDES Permit No. PA0081418.** Industrial waste. **Rutters Dairy, Inc.**, 2100 North George Street, York, PA 17404-8751 is authorized to discharge from a facility located in Manchester Township, **York County** to the receiving waters of an unnamed tributary to Codorus Creek.

**NPDES Permit No. PA0087416.** Industrial waste. **Schmidt Baking Company**, 7801 Fitch Lane, Baltimore, MD 21236-3916 is authorized to discharge from a facility located in Manchester Township, **York County** to the receiving waters of an unnamed tributary to Codorus Creek.

**NPDES Permit No. PA0080675.** Industrial waste. **B & W Quality Growers, Inc.**, 17825-79th Street, Fellsmere, FL 32948 is authorized to discharge from a facility located in Washington Township, **Franklin County** to the receiving waters of an unnamed tributary to the receiving waters named Red Run.

**NPDES Permit No. PA0008087.** Industrial waste. **Hershey Chocolate**, North America, 19 East Chocolate

Avenue, Box 819, Hershey, PA 17033-0819 is authorized to discharge from a facility located in Derry Township, **Dauphin County** to the receiving waters named Spring Creek.

**NPDES Permit No. PA0012998.** Industrial waste. **Atlas Minerals & Chemicals, Inc.**, 1227 Valley Road, P. O. Box 38, Mertztown, PA 19539-0038 is authorized to discharge from a facility located in Longswamp Township, **Berks County** to the receiving waters named Toad Creek.

**NPDES Permit No. PA0051560.** Industrial waste. **Western Berks Water Authority**, 91 Water Road, Sinking Spring, PA 19608-9633 is authorized to discharge from a facility located in Sinking Spring Borough, **Berks County**, to the receiving waters named Tulpehocken Creek.

**NPDES Permit No. PA0042781.** Industrial waste. **Mount Joy Wire Corporation**, 1000 East Main Street, Mount Joy, PA 17552 is authorized to discharge from a

facility located in Rapho Township, **Lancaster County** to the receiving waters named Little Chickies Creek.

**NPDES Permit No. PA0044571.** Industrial waste. **Dart Container Corporation**, 60 East Main Street, Leola, PA 17540 is authorized to discharge from a facility located in Upper Leacock Township, **Lancaster County** to the receiving waters of an unnamed tributary of Mill Creek.

**NPDES Permit No. PA0084841.** Industrial waste. **Texas Eastern Transmission Corporation**, 5444 Westheimer WT770, Houston, TX 77056-5388 is authorized to discharge from a facility located in East Donegal Township, **Lancaster County** to the receiving waters of an unnamed tributary to the Susquehanna River.

**NPDES Permit No. PA0083771.** Industrial waste. **Turkey Hill Dairy**, 2601 River Road, Conestoga, PA 17516 is authorized to discharge from a facility located in Manor Township, **Lancaster County** to the receiving waters named Mann's Run.

---

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

---

*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>
PAR10-5311	Fred Betz and Sons, Inc. 670 Knowles Avenue Southampton, PA 18966	City of Philadelphia Philadelphia County	Unnamed Tributary to Rockledge Branch

---

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

---

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

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

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

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

---

### NOIS Received and Final Actions Under NPDES General Permits

---

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

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

## NOTICES

5045

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR210007	3	Main Line Concrete and Supply, Inc. 1001 Boot Road Downingtown, PA 19335	Chester County East Caln Township	East Branch Brandywine River	2951
PAR110025	3	Simon LG Industries 479 Thomas Jones Way Exton, PA 19341	Chester County West Caln Township	Unnamed Tributary to Rock Run	3554
PAR110044	3	Gross-Given Manufacturing Company 300 Jacksonville Road Warminster, PA 18974	Bucks County Warminster Township	Unnamed Tributary to Pennypack Creek	3851
PAR800050	3	TDSI Twin Oaks 147-B Conchester Highway Aston, PA 19014	Delaware County Chester Township	Marcus Hook Creek	4011
PAR230054	3	CRC Industries, Inc. 885 Louis Drive Warminster, PA 18974	Bucks County Warminster Township	Unnamed Tributary of Neshaminy Creek	2899
PAR700007	3	Pottstown Trap Rock Quarry 394 Sanatoga Road Pottstown, PA 19464	Montgomery County Lower Pottsgrove	Sanatoga Creek	2951
PAR500002	3	Pottstown Landfill 1545 Sell Road Pottstown, PA 19464	Chester County West Pottsgrove	Goose Run and Unnamed Tributary to Manatawny Creek	4953
PAR120023	3	Leidy's Inc. 266 Cherry Lane Souderton, PA 18964	Montgomery County Franconia Township	Skippack Creek	2011
PAR110043	3	DANA Corporation—Diveshaft Division 125 South Keim Street Pottstown, PA 19464	Montgomery County Borough of Pottstown	Sproegel's Run	3714
PAR120021	3	Moyer Packing Company 741 Souder Road Souderton, PA 18964	Montgomery County Franconia Township	Skippack Creek	2077
PAR800019	3	Tioga Marine Terminal Delaware Avenue and Venango Street Philadelphia, PA 19134	Philadelphia County City of Philadelphia	Delaware River	4421
PAR230029	3	Northtec, Inc. 411 Sinclair Street Bristol, PA 19007	Bucks County Bristol Township	Neshaminy Creek	2844
PAR800017	3	Rosenberger Cold Storage 2525 Bergey Road Hatfield, PA 19440	Montgomery County Hatfield Township	West Branch Neshaminy Creek	4222
PAR600036	3	Phoenixville Scrap Company West High and Saint Mary's Streets Phoenixville, PA 19460	Chester County Borough of Phoenixville	Schuylkill River	5093
PAR800051	3	A & R Transport, Inc. 111 East 13th Street Chester, PA 19013	Delaware County Warminster Township	Unnamed Tributary of Neshaminy Creek	2899
PAR210006	3	Jowitt and Rogers Company 9400 State Road Philadelphia, PA 19114	Philadelphia County City of Philadelphia	Pennypack Creek	3291
PAR230022	3	LNP Engineering Plastics, Inc. 251 South Bailey Road Thorndale, PA 19372	Chester County Caln Township	Valley Run	3079
PAR230012	3	Edlon Products 117 State Road Avondale, PA 19311	Chester County Borough of Avondale	East Branch White Clay Creek	3081

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR130005	3	Irving Textile Products, Inc. Valley Avenue Atglen, PA 19310	Chester County Atglen Borough	East Branch Octoraro Creek	2297
PAR110042	3	SPD Technologies 13500 Roosevelt Boulevard Philadelphia, PA 19116	Philadelphia County City of Philadelphia	Byberry Creek	3613
PAR230037	3	WCC Industries, Inc. 439 South Bolmar Street West Chester, PA 19381	Chester County West Goshen Town- ship	Goose Creek	2891

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG048401	PAG-4	Cynthia Kilmartin 3740 Stirrup Dr. Erie, PA 16506	Erie County Millcreek Twp.	Unnamed Tributary to Walnut Creek	

*Southcentral Regional Office, Water Management Program Manager, One Ararat Blvd., Harrisburg, PA 17110-9333, telephone (717) 657-4590.*

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR113544	3	Fridge Coil East 1499 W. Philadelphia St. York, PA 17403	York County Springettsbury Twp.	Little Codorus Creek	3585
PAR203582	3	Burnham Corp. CI/CS Boiler Plant 1237 Harrisburg Pike Lancaster, PA 17604	Lancaster County Lancaster City & Manheim Twp.	Little Conestoga Creek	3433
PAR203583	3	Burnham Corp. Dillerville & Fruitville Pikes Lancaster, PA 17604	Lancaster County Lancaster City & Manheim Twp.	Little Conestoga Creek	3433
PAR803605	3	Transtar Services, Inc. 597 Salem Rd. Etters, PA 17319	York County Fairview Twp.	UNT to Fishing Creek	4213
PAR803606	3	Altoona-Blair Co. Airport 2 Airport Dr. Martinsburg, PA 16662	Blair County No. Woodbury Twp.	Plum Creek	4581
PAR203570	3	Amerimax Home Prods. 450 Richardson Dr. Lancaster, PA 17603	Lancaster County E. Hempfield Twp.	Little Conestoga Creek	3444

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

<i>NPDES No.</i>	<i>GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR206128	3	Dura-Bond Industries P. O. Drawer 518 2658 Jefferson Street Export, PA 15632	Westmoreland County Export Boro	Turtle Creek	3479
PAR206129	3	Dura-Bond Industries P. O. Drawer 518 2658 Jefferson Street Export, PA 15632	Allegheny County Liberty Boro	Youghiogheny River	3479
PAR206130	3	Damascus Steel Casting Company P. O. Box 257 New Brighton, PA 15010	Beaver County New Brighton	Blockhouse Run (005, 006) UNT Blockhouse Run (003, 004)	3325
PAR206132	3	Somerset Foundry & Machine Company 809-831 South Edgewood Ave. Somerset, PA 15501	Somerset County Somerset Twp.	Parsons Run	3321

<i>NPDES No.</i>	<i>GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR216140	3	Redland Brick, Inc. 15718 Clear Spring Road Williamsport, MD 21795	Allegheny County Harmar Twp.	Deer Creek	3251
PAR606139	3	Keystone Iron & Metal Company, Inc. 4903 E. Carson St. Pittsburgh, PA 15207	Allegheny County Pittsburgh	Monongahela River	5093
PAR606141	3	Robert Tatko Tatko Auto Salvage 612 Tulip Drive New Brighton, PA 15066	Beaver County New Sewickley Twp.	UNT to Brush Creek	5015
PAR806173	3	Ryder Student Transportation Services 3600 NW 82nd Ave. Miami, FL 33166	Allegheny County Pittsburgh	Monongahela River	4151

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

*Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 422-4000.*

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A069	Moon Transportation Auth. 1000 Beaver Grade Rd. Coraopolis, PA 15108	Moon Twp. Allegheny County	McClarens Run and Montour Run
PAS10A088	Pleasant View Condominium Inc. 100 Wingate Drive Pittsburgh, PA 15205	Robinson Twp. Allegheny County	Campbells Run, UNT
PAS10A060-3	Port Auth. of Allegheny Cnty. 2235 Beaver Ave. Pittsburgh, PA 15233-1080	Pittsburgh, City Boroughs of Crafton, Carnegie, Ingram, Rosslyn Farms Allegheny County	Monongahela and Ohio Rivers Chartiers Creek Campbells Run Oakland Run Saw Mill Run
PAS100235	Connoquenessing Assoc. 617 Portersville Rd. Ellwood City, PA 16117	No. Sewickley Twp. Beaver County	Connoquenessing, UNT
PAS106105	PA Dept. of Transportation 1620 N. Juniata St. Hollidaysburg, PA 16648	Summit Twp. Somerset County	Casselman River Bluelick Creek Elklick Creek Miller Run
PAS10W052	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Carroll Twp. Washington County	Taylor Run and UNT
PAS10W047	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Carroll Twp. Washington County	Pigeon Creek, UNT

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D081	The David Cutler Group 5 Sentry Parkway West Suite 100 Blue Bell, PA 19422	Warrington Township Bucks County	Tributary to Neshaminy Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G221	Richard Meredith 111 Sun Coast Road Lancaster, PA 17601	Uwchlan Township Chester County	Shamona Creek

---

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

---

*Permits Issued*

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

**Permit No. 0996409.** Sewerage. **Department of Conservation and Natural Resources**, Bureau of Facility Design and Construction (2808 Three Mile Run Road, Perkasio, PA 18944-2065). Modification of existing sewage treatment located in Bedminster Township, **Bucks County** to serve Nockamixon State Park.

**Permit No. 1596408.** Sewerage. **Jenner's Pond Associates** (1015 West Baltimore Pike, West Grove, PA 19390). Construction and operation of sanitary sewers, three pump stations and force mains located in Penn Township, **Chester County** to serve Jenner's Pond Retirement Community.

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

**WQM Permit No. 1096408.** Sewerage. **Sylvan Springs Plan of Lots, Land Company of Slippery Rock**, One PPG Place 23rd Floor, Pittsburgh, PA 15222-5401. This project is for the plans to provide sewerage service to the Sylvan Springs Plan of Lots in Slippery Rock Borough, **Butler County**.

**WQM Permit No. 2596401.** Sewerage, **Cynthia Kilmartin, SRSTP**, 3740 Stirrup Drive, Millcreek Township, **Erie County**.

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

**Permit No. 1395401.** Sewerage. **Borough of Bowmanstown**, P. O. Box 127, Bowmanstown, PA 18030. Permit to construct and operate a sewage collection system and sewage treatment plant to serve the Borough of Bowmanstown, located in the Borough of Bowmanstown, **Carbon County**.

**Permit No. 4596402.** Sewerage. **Tobyhanna Township** (Board of Supervisors), P. O. Box 880, Pocono Pines, PA 18350. Permit to construct and operate a sewage collection system and a sewage treatment plant to serve Tobyhanna Township, located in Tobyhanna Township, **Monroe County**.

**Permit No. 6494401.** Sewerage. **New Jersey Federation YMHA—YWHA**, 21 Plymouth Street, Fairfield, NJ 07006. Permit to construct and operate a sewage treatment plant with spray irrigation to serve the New Jersey Federation YMHA—YWHA Camp, located in Preston Township, **Wayne County**.

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

---

*Part II Permits Issued*

**Permit No. 0796401.** Sewerage. **Greenfield Township Municipal Authority**, R. D. 1, Box 585B, Claysburg, PA 16625. Construction of sewage treatment facilities, sewers and appurtenances to serve Greenfield Township, **Blair County**.

**Permit No. 3696407.** Sewerage. **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517. Construction of sewage treatment facilities and sewers and appurtenances to serve Brecknock Township, **Lancaster County**.

**Permit No. 3890401.** Sewerage. **South Londonderry Township Municipal Authority**, P. O. Box 3, Centre and Market Street, Campbelltown, PA 17010. Construction of Sewage Treatment Facilities and modifications to the construction/operation of facilities for South Londonderry Township, **Lebanon County**.

**Permit No. 6896408.** Sewerage. **York City Sewer Authority**, 17 East Market Street, York, PA 17401. Construction of sewers and appurtenances to the Pennsylvania Avenue Interceptor servicing York City, **York County**.

**Permit No. 0195411.** Sewerage. **Borough of Carroll Valley**, 5685 Fairfield Road, Carroll Valley, PA 17320. Construction of sewage treatment facilities for Carroll Valley Borough, **Adams County**.

**Permit No. 3696408.** Sewerage. **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. Construction of sewage treatment facilities and sewers and appurtenances to service Manor Township, **Lancaster County**.

**Permit No. 6796409.** Sewerage. **Stewartstown Borough Authority**, P. O. Box 415, Stewartstown, PA 17363. Construction of sewers and appurtenances for Poplar Springs Manor Pump Station to serve Stewartstown Borough, **York County**.

**Permit No. 6769408.** Sewerage. **J. E. Baker Company**, 232 East Market Street, P. O. Box 1189, York, PA 17405-1189. Construction of sewage treatment facilities for Baker Refractories, West Manchester Township, **York County**.

**Permit No. 2196404.** Sewerage. **Mr. & Mrs. Brian K. Kurtz**, 2131 Longs Gap Road, Carlisle, PA 17013. Construction of sewage treatment facilities in North Middleton Township, **Cumberland County**.

**Permit No. 3896201.** Industrial waste. **Pennfield Farms, Inc.**, Rt. 22, P. O. Box 70, Fredericksburg, PA 17026. Modifications to the construction/operation of industrial waste treatment facilities in Bethel Township, **Lebanon County**.

---

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

---

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

**Permit No. 3589514.** Public water supply. **Elmdale Mobile Home Park, c/o Rollin Keisling**, Owner, R. D.

4, Box 322, Lake Ariel, PA 18436. This proposal involves the permitting of an existing public water supply system consisting of one well, disinfection facilities, distribution storage and a distribution system. It is located in Jefferson Township, **Lackawanna County**.

*Permit to Operate:* September 10, 1996.

**Permit No. 3594502.** Public water supply. **Finch Hill Water, Inc., c/o Bruce Evans**, President, R. D. 1, Box 249, Carbondale, PA 18407. This proposal involves modifications of the existing system to provide chlorine disinfection, well head protection and distribution looping. It is located in Greenfield Township, **Lackawanna County**.

*Permit to Operate:* September 10, 1996.

**Permit No. 4096503.** Public water supply. **Penn State University**, Wilkes-Barre Campus, c/o The Pennsylvania State University, 113 Physical Plant Building, University Park, PA 16802-1118. This proposal involves the installation of corrosion control (zinc orthophosphate inhibitor) chemical feed systems at wells No. 1 and No. 2 at the Penn State Wilkes-Barre Campus. It is located in Lehman Township, **Luzerne County**.

*Engineer:* Robert E. Cooper, P.E., Mgr. Engineering Services.

*Permit to Operate:* September 10, 1996.

**Permit No. 4596504.** Public water supply. **Borough of Delaware Water Gap**, 49 Main St., Delaware Water Gap, PA 18327. This proposal involves construction of two new well sources, transmission line, 0.4 MG storage tank, and treatment building. It is located in the Borough of Delaware Water Gap, **Monroe County**.

*Engineer:* Brick Linder, Linder Engineering, R. R. 1, Box 4080, Skytop Road, Canadensis, PA 18325.

*Permit to Operate:* September 10, 1996.

**Permit No. 5888502.** Public water supply. **Lake Raylean Corporation**, c/o John Lasher, President, RD1, Montrose, PA 18801. This proposal involves the permitting of an existing public water supply system serving the Lake Raylean Development in Bridgewater Township, Susquehanna County. The system includes one well, one finished water storage facility, distribution system and proposals for disinfection units. It is located in Bridgewater Township, **Susquehanna County**.

*Permit to Operate:* September 10, 1996.

**Permit No. 6687502.** Public water supply. **Village of Mountain Heights, c/o Century Enterprises**, Box 502, Montgomeryville, PA 18936. This project is for the installation of chlorination metering pump and permitting of existing well storage tank and distribution system in Overfield Township, **Wyoming County**.

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

**Permit No. 3288504.** Public water supply. **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

*Type of Facility:* Shelocta Water System.

*Permit to Operate Issued:* September 25, 1996.

**Permit No. 466W001-T1-A2.** Public water supply. **Harrison Township Water Authority**, 1705 Old Freeport Road, P. O. Box 175, Natrona Heights, PA 15065-0175.

*Type of Facility:* Water treatment plant rehabilitation.

*Permit to Operate Issued:* September 26, 1996.

**Permit No. 6588501.** Public water supply. **Authority of the Borough of Charleroi**, 325-327 McKean Avenue, Charleroi, PA 15022.

*Type of Facility:* Maple Avenue booster chlorination facility.

*Permit to Operate Issued:* September 26, 1996.

**Permit No. 0389505.** Public water supply. **Pennsylvania-American Water Company**, West Central Division, 800 West Hersheypark Drive, Hershey, PA 17033.

*Type of Facility:* Production Improvement, Phases I, II and III.

*Permit to Operate Issued:* September 26, 1996.

**Permit No. 5696504.** Public water supply. **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963.

*Type of Facility:* Lower Clear Shade Wellfield, Wells #95-1 and 88-2.

*Permit to Construct Issued:* September 26, 1996.

---

**Permits terminated 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. 101647. Eagle Towing & Recovery, Inc.** (Box 542, Milesburg, PA 16853-0542). Permit for operation of a municipal waste processing facility located in Boggs Township, **Centre County** has been terminated, at the request of the applicant, in the Regional Office as of September 30, 1996.

---

### Reasonably Available Control Technology; Public Hearing

Approval of Reasonably Available Control Technology (RACT) Plans for: Hatfield Quality Meats, Inc. (Hatfield Township, Montgomery County) DPW Norristown State Hospital (Norristown Township, Montgomery County) PECO Energy Company, Croydon Station (Bristol Township, Bucks County) Zenith Products Corporation (Aston Township, Delaware County) Jefferson Smurfit Corporation (Upper Providence Township, Montgomery County).

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

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

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

*Hatfield Quality Meats, Inc. (Operating Permit OP-46-0013A)*

<i>Sources</i>	<i>NO<sub>x</sub> Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Cleaver Brooks Boiler	78.7	Manufacturers' Specifications	Implemented
Keeler Boiler No. 1	43.9	Manufacturers' Specifications	Implemented
Keeler Boiler No. 2	43.9	Manufacturers' Specifications	Implemented

*Department of Public Welfare Norristown State Hospital (Operating Permit OP-46-0066)*

<i>Sources</i>	<i>NO<sub>x</sub> Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Keller Boiler 1	86.3	Combustion Tuning	Upon permit issuance
IBW/SPC-30 Boiler 2	48.6	Combustion Tuning	Upon permit issuance
Keeler Boiler 3	86.3	Combustion Tuning	Upon permit issuance
Keller Boiler 4	86.3	Combustion Tuning	Upon permit issuance

*PECO Energy Company Croydon Station (Operating Permit OP-09-0016A)*

<i>Source</i>	<i>NO<sub>x</sub> Limitation</i>	<i>Implementation Schedule</i>
5 Simple Cycle Turbines	25% Capacity Factor/Each	Upon Issuance of Permit
3 Regenerative Turbines	20% Capacity Factor/Each	Upon Issuance of Permit

The facility NO<sub>x</sub> emissions are limited to 1,296 tons per year.

*Zenith Products Corporation (Operating Permit OP-23-0008)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Implementation Schedule</i>
Spray Booth	88.7	Implemented

*Jefferson Smurfit Corporation (Operating Permit OP-46-0041)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Planeta Press No. 4	22	Alcohol Content < 15% Temperature < 70°F	Implemented
Harris Press No. 5	Removed 10/94	Alcohol Content < 15% Temperature < 70°F	Implemented
Harris Press No. 6	Removed 2/93	Alcohol Content < 15% Temperature < 70°F	Implemented
Planeta Press No. 7	32	Alcohol Content < 10% Temperature < 55°F	Implemented
Harris Press No. 8	22	Alcohol Content < 15% Temperature < 70°F	Implemented
Heidelberg Press No. 9	32	Alcohol Content < 10% Temperature < 55°F	Implemented
17 Glue Machines	10.8	VOC < 1.38 lbs/gal	Implemented
Clean-up Operations		Work Practice Standards	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on November 21, 1996, at the Department of Environmental Protection Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to DEP on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing.

Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before November 21, 1996.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the DEP Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6268.

**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.**

*Regional Office: 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: **39-313-028A**

Source: 4M Line IR Heaters w/Incinerator

Issued: September 20, 1996

Company: **Tarkett, Incorporated**

Location: Whitehall Township

County: **Lehigh**

Permit: **39-318-075A**

Source: SAT Enhanced Rollwrap w/Demister

Issued: September 20, 1996

Company: **Tarkett, Incorporated**

Location: Whitehall Township

County: **Lehigh**

Permit: **40-309-035**

Source: Ceramic Extrusion w/Afterburners

Issued: September 25, 1996

Company: **Certech Incorporated**

Location: Hanover Township

County: **Luzerne**

Permit: **45-399-012**

Source: Thermal Egg Dryer w/Afterburner

Issued: September 17, 1996

Company: **Connaught Laboratories**

Location: Pocono Township

County: **Monroe**

Permit: **48-318-125**

Source: Paint Spray Booth w/Panel Filters

Issued: September 24, 1996

Company: **Belyea Company Incorporated**

Location: Palmer Township

County: **Northampton**

**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. §§ 4401—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.*

**56900109.** Permit Renewal, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of a bituminous strip mine in Quemahoning and Somerset Townships, **Somerset County**, affecting 48.2 acres, receiving stream Wells Creek, application received May 20, 1996, permit issued September 30, 1996.

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

**30841313.** **Consolidation Coal Company**, (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth bituminous deep mine in Jefferson Township, **Greene County** to install No. 10 airshaft, receiving stream unnamed tributary to South Fork of Tenmile Creek. Permit issued October 3, 1996.

**03901302.** **TJS Mining, Inc.** (R. D. 1, Box 260D, Shelcta, PA 15774), to renew and revise the TJS No. 1 bituminous deep mine in South Bend Township, **Armstrong County** per Act 54, no additional discharge. Permit issued September 30, 1996.

**63841302.** **Maple Creek Mining, Inc.** (P. O. Box 517, Bentleyville, PA 15314), to revise the permit for the Maple Creek bituminous deep mine in Nottingham Township, **Washington County** to add 4.9 subsidence control plan acres and the Sundust Shaft, no additional discharge. Permit issued September 30, 1996.

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

**49871603R.** **D. Dale Lenig**, (R. R. 1, Box 292, Shamokin, PA 17872), renewal of an existing coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 2.1 acres, receiving stream none. Renewal issued September 30, 1996.

**54793206C7R2.** **Reading Anthracite Company**, (200 Mahantongo Street, Pottsville, PA 17901), correction and renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 3,038.0 acres, receiving stream Mahanoy Creek. Correction/Renewal issued October 4, 1996.

**40850102R.** **Northeast Energy Company**, (254 Johnson Street, Wilkes-Barre, PA 18702), renewal and correction of an existing anthracite surface mine operation in Laurel Run Borough, **Luzerne County** affecting 111.1 acres, receiving stream none. Renewal/correction issued September 23, 1996.

**54890102T.** **White Pine Coal Co., Inc.** (P. O. Box 59, Ashland, PA 17921-0059), transfer of an existing surface mine operation in Reilly, Cass and Foster Townships, **Schuylkill County** affecting 729.7 acres, receiving stream Muddy Branch Creek. Transfer issued September 23, 1996.

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

*Noncoal Permits Issued*

**01870301T.** **TARMAC America**, (P. O. Box 160, Annville, PA 17003), transfer of an existing quarry operation in Oxford, Conewago and Berwick Townships, **Adams County** affecting 1,293.0 acres, receiving stream N. Stream and Beaver Creek. Transfer issued October 1, 1996.

**38870301T.** **TARMAC America**, (P. O. Box 160, Annville, PA 17003), transfer of an existing quarry operation

in North Annville, South Annville, Annville and North Londonderry Townships, **Lebanon County** affecting 1028.9 acres, receiving stream Killinger and Quittapahilla Creeks. Transfer issued October 1, 1996.

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

*General Small Noncoal Authorizations Granted*

**58960805. Douglas G. Kilmer**, (R. R. 1, Box 85K, Union Dale, PA 18470), commencement, operation and restoration of a small flagstone quarry operation in Choconut Township, **Susquehanna County** affecting 2.0 acres, receiving stream none. Authorization granted October 4, 1996.

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

*Permits Issued and Actions on 401 Certification*

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

*Environmental Assessment Approvals and Actions on 401 Certification*

**EA46-019CO.** Environmental assessment. **Westrum Development**, 794 Penllyn Pike, Suite 101, Blue Bell, PA 19422. To construct and maintain a nonjurisdictional dam in the watershed of Park Creek (WWF, MF) impacting approximately 0.2 acre of wetlands (PFO) for the purpose of stormwater management at the proposed Whiteman Tract subdivision located approximately 1,600 feet southeast of the intersection of Horsham Road (State Route 463) and Limekiln Pike (Ambler, PA Quadrangle N: 15.05 inches; W: 8.25 inches) in Horsham Township, **Montgomery County**. The applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

**EA46-020CO.** Environmental assessment. **Wisler, Pearlstine, Talone, Craig, Garrity & Potash**, 484 Norristown Road, Office Court at Walton Point, Blue Bell, PA 19422-2326. To construct and maintain a non-jurisdictional dam across a tributary to Zacharias Creek (TSF) impacting approximately 0.11 acre of wetlands (PFO) for the purpose of stormwater management at the proposed Ager Tract subdivision and is located approximately 1,500 feet west of the intersection of Morris Road and West Point Pike (Lansdale, PA Quadrangle N: 13.55 inches; W: 8.50 inches) in Worcester Township, **Montgomery County**. The applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

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

**E15-499.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087. To remove two dilapidated bridges carrying Hopewell Road (S. R. 3016) over a tributary to Tweed Creek (Bridge No.

1) and Tweed Creek (Bridge No. 2). Also to construct and maintain a culvert to replace bridge No. 1 on a new alignment shifted 10 feet south of the current location having a clear span of 18.2 feet and an underclearance of 4.25 feet and replace Bridge No. 2 on the existing alignment with a twin cell box culvert having a clear span, normal to abutments, of 15 feet each and underclearance of 7.5 feet (Kirkwood, PA Quadrangle N: 5.2 inches; W: 2.68 inches). The subject culvert/bridges are located 2.1 miles west of the Borough of Oxford in East Nottingham Township, **Chester County**.

**E15-500.** Encroachment. **Department of Transportation and Treddyffrin Township**, 1100 Duportail Road, Berwyn, PA 19312. To improve the intersection of Swedesford Road and Duportail Road, to operate, maintain and extend by 19 linear feet an existing 10-foot × 6-foot reinforced concrete culvert, owned by Treddyffrin Township, situated in and along Crabby Creek, a tributary to Little Valley Creek (EV). Also to operate and maintain an existing Department of Transportation's bridge that spans Little Valley Creek (EV) and widen Swedesford Road. This project is located in the vicinity of the Swedesford Road and Duportail Roads intersection (Valley Forge, PA Quadrangle N: 11.50 inches; W: 14.00 inches) in Treddyffrin Township, **Chester County**. This project requires the replacement of 0.05 acre of wetlands.

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

**E67-565.** Encroachment. **Hanover Country Club**, P. O. Box 185 (Water Street), Abbottstown, PA 17301. To construct and maintain two golf cart bridges, each having a clear span of 27 feet with an average underclearance of 3.5 feet and 4.5 feet across Beaver Creek for access to adjacent lands. Fill will be placed within the floodway of Beaver Creek for construction of new Greens No. 4 and No. 5 at the Hanover Country Club (Abbottstown, PA Quadrangle N: 3.9 inches; W: 14.9 inches) in Hamilton Township, Adams County, and Paradise Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E40-445.** Encroachment. **Craig M. and Carol M. Buckley**, P. O. Box 159, Mountaintop, PA 18707-0159. To construct and maintain a single-span bridge, having a span of approximately 37.5 feet and an underclearance of approximately 5 feet, across Bow Creek, for the purpose of providing access to a proposed single-family residence. The project is located at 272-278 South Main Road (S. R. 2045), approximately 165 feet south of the intersection of S. R. 2045 and S. R. 2042 (Nuangola Road) (Wilkes-Barre West, PA Quadrangle N: 3.6 inches; W: 4.4 inches), in Wright Township, **Luzerne County**.

**E40-446.** Encroachment. **Pocono Downs, Inc.**, 1280 Highway 315, Wilkes-Barre, PA 18702. To construct and maintain in a stream enclosure, consisting of 120 linear feet of dual 13.3-foot × 9.4-foot corrugated steel arch culverts, in Mill Creek, for the purpose of replacing a flood-damaged road crossing providing horse and vehicular access between the racetrack and stables. The culverts will be constructed such that the invert of one culvert is depressed 12 inches and the invert of the other culvert is

depressed 6 inches below streambed elevation. The project is located at Pocono Downs, approximately 0.7 mile downstream of S. R. 0315 (Pittston, PA Quadrangle N: 4.2 inches; W: 8.9 inches) in Plains Township, **Luzerne County**.

**E64-170.** Encroachment. **Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure, to excavate a de minimus area of wetlands less than or equal to 0.05 acre, and to construct and maintain an 18.5 × 5.5 foot pre-cast concrete box culvert on a 74° skew and depressed 6 inches in the channel of a tributary to Shehawken Creek. This project is located along S. R. 4020, Section 650, Segment 0030 at the intersection of S. R. 4033 (Hancock, PA Quadrangle N: 5.4 inches; W: 11.0 inches) in Buckingham Township, **Wayne County**.

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

**E41-384.** Water obstruction and encroachment. **Donald and Shirley Ertel**, HC31, Box 308, Williamsport, PA 17701. Remove outside walls and decking and to construct and maintain new living areas, elevated on piers, for an existing home in the floodway of Loyalsock Creek. This project is located next to Loyalsock Creek about 600 feet upstream of the Barbours, SR 10078, bridge (Barbours, PA Quadrangle N: 3.50 inches; W: 6.50 inches) in Puketts Creek Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

**E41-386.** Water obstruction and encroachment. **Elsie R. Cole**, 1834 Vesta Ave., Williamsport, PA 17701. Remove the existing structure and to construct and maintain a new home in the floodway of Lycoming Creek. This project is located on Chatham Lane about 800 feet east of Lycoming Creek Road (Cogan Station, PA Quadrangle N: 1.6 inches; W: 5.7 inches) in Old Lycoming Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

#### **Requests for Certification under section 401 of the Federal Water Pollution Control Act**

The following requests have been made to the Department of Environmental Protection for certification under § 401(a) of the 1972 amendments to the Federal Water Pollution Control Act (33 U.S.C.A. §§ 1341(a)) that there is reasonable assurance that the construction herein described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of the date of this Notice. Comments should be submitted to the Department of Environmental Protection at the address indicated above each of the following requests for certification. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a.m. and 4 p.m. on each working day.

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

*Certification Request Initiated By: Philadelphia Suburban Water Company, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489.*

*Project Description/Location:* This project involves the maintenance dredging of Lower Crum Reservoir on Crum Creek on Springfield Township, Delaware County. Approximately 30,000 cubic yards (average of less than 2 feet of sediment) of material will be removed from the bottom of the reservoir over the 10 acre area of open water from the dam to a point about 600 feet upstream. It is also proposed that a channel will be cut through an island of sediment which has developed at the upstream end of the open water in order to direct flow through what has become a stagnant backwater area of the reservoir. This proposed dredging activity follows emergency weed removal and dredging performed in June 1996 to remove sediments related to taste and odor problems in finished drinking water at the Crum Creek water treatment plant.

## **SPECIAL NOTICES**

### **Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of September 1996 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Gregory S. Foust	40 Eagle Court Gilbertsville, PA 19525	Testing
Housing Inspection Services, Inc.	P. O. Box 373 Murrysville, PA 15668	Testing
J. L. Camp Inspection Services, Inc.	6028 Forest Drive Monaca, PA 15061	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kenneth Miller, II	1275 Buck Road Pennsburg, PA 18073	Testing
Raymond Rowe	735 Municipal Street Pittsburgh, PA 15204	Mitigation
Mar Tafeen, M.D. MTMM, Inc.	1087 Deerwood Lane Fort Lauderdale, FL 33326	Laboratory

---

#### Notice of Suspension of Certification to Perform Radon-Related Activities in Pennsylvania

---

In the month of September 1996, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code § 240.203(b), suspended certification of the person or persons listed below to perform radon-related activities in Pennsylvania.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Radon Environmental Monitoring	3334 Commercial Avenue Northbrook, IL 60062	Laboratory (Liquid Scintillation Only)

---

#### Notice of Denial to Perform Radon-Related Activities in Pennsylvania

---

In the month of September 1996, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code § 240.201, denied the person or persons listed below from performing radon-related activities in Pennsylvania.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
William Heck Professional Home Services	R408 Kidder Street Wilkes-Barre, PA 18702-5606	Testing Mitigation

[Pa.B. Doc. No. 96-1747. Filed for public inspection October 18, 1996, 9:00 a.m.]

#### **Pennsylvania Wetland Replacement Project; Lake Naomi Project**

D1-1. Wetland Restoration Project. The Division of Wetlands Protection, in cooperation with the Lake Naomi Club, U. S. Fish and Wildlife Service, and Ducks Unlimited, proposes to create 7.5 acres of wetland at the Lake Naomi Club, approximately 2,000 feet north of the intersection of Burnt Shanty Road and Crestview Lane, (Pocono Pines, PA Quadrangle, N: 22 inches; W: 14.6 inches) in Tobyhanna Township, Monroe County.

The goal of the Lake Naomi project is to restore a wetland mosaic that provides wildlife habitat. Restoration in an abandoned sand and gravel mine will eliminate a blight on the landscape of the Lake Naomi Club while creating 7.5 acres of wetland in the Middle Delaware Subbasin to offset approximately 1 acre of impact. Upon completion, approximately 40% of the site will have standing water between 4 and 18 inches in depth. On 20% of the site, the water will be greater than 18 inches in depth, 20% of the site will have water less than 4 inches in depth, and 20% of the site will be wetland dominated by winterberry. Winterberry will provide food for winter birds, and be the dominant species in the transition from shallow water areas to the adjacent upland dominated by hemlocks. The plan also calls for islands within the wetland to provide resting and nesting areas. The mosaic of open water and vegetated shallows comprised of button bush, wild celery and duck potatoes should attract a variety of water fowl, song birds and other species indigenous to the Pocono plateau, including black bear and snowshoe hare.

For further information contact: Department of Environmental Protection, Bureau of Dams, Waterways and

Wetlands, Division of Wetlands Protection, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-6827.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1748. Filed for public inspection October 18, 1996, 9:00 a.m.]

#### **Pennsylvania Wetland Replacement Project; Project No. S1:01**

Project No. S1:01: Wetland Restoration Site/J. M. Steward's Woodcock Hollow Farm

This registry property is located in Penn Township, Huntingdon County, in Subbasin 11 D, 1.5 miles north of Marklesburg on Route 26 (Williamsburg, PA Quadrangle, N: 4.8 inches, W: 2.8 inches). The project will result in 1 acre of emergent wetlands with a scrub/shrub fringe and is part of a larger 5 acre woodcock habitat area on this 70-acre farm. The farm is located adjacent to Raystown Army Corps of Engineers property that is managed by Game Commission for wildlife.

The project includes construction of two dikes, each with an emergency spillway and a water control structure. Using the water control structures, the height of the water will be adjusted to favor the growth of food and cover for wildlife. Upon completion, 25% (pool area) will be 2 to 3 feet deep; another 25% of emergent wetland will be covered with 1 foot of water, with the remaining area having less than 1 foot of water. After the construction this fall, the banks on dike and perimeter areas will be well stabilized, seeded and mulched. All other disturbed

areas adjacent to water line will be seeded to rye or wheat. Natural wetland vegetation in the adjacent area will spread into the new emergent area. In the spring, dogwood and alders will also be planted. This 1 acre emergent wetland will be surrounded by four additional acres of wildlife habitat. Switch grass and other warm season grasses will be planted in the spring in adjacent upland areas. Hawthorne and crabapple trees have been planted on the hillside. The upland ridge area was planted with pines spring of 1996. Additional fir, pine and spruce seedlings will be planted next spring.

Partners in the project include: Department of Environmental Protection, U. S. Fish and Wildlife Service; Game Commission; Natural Resources Conservation Service; Huntingdon County Conservation District; Southern Alleghenies RC&D; U. S. Army Corps of Engineers (Baltimore); and the Ruffed Grouse Society.

For further information contact: Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands, Division of Wetlands Protection, 400 Market Street, 6th Floor, Rachel Carson State Office Building, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-6827.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1749. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Proposed Revisions to NPDES General Permit PAG-2 for Discharges of Stormwater from Construction Activities

The Department of Environmental Protection (Department) is proposing to modify and renew the general National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with construction activity (PAG-2) which was issued on October 10, 1992. This permit shall expire on October 9, 1997, unless extended by the Department.

This general permit will apply, generally, to eligible existing and new point source stormwater discharges associated with construction activity in the Commonwealth of Pennsylvania including grading, excavating, and related activities.

The proposed revisions include minor and major modifications to the existing permit requirements and conditions. The proposed revisions are summarized below:

#### Requirements

1. *Filing Fees:* Proposed revisions to PAG-2 include an increase in the filing fee from \$100 to \$250. The proposed revision would also establish a \$100 fee for permit renewals.

2. *Maximum Acreage Limitations:* Proposed revisions to PAG-2 include eliminating the maximum acreage limitation of 25 acres for the use of a general permit. This revision will allow the Department to implement Pennsylvania's NPDES general permit requirements to be consistent with other states.

3. *Processing Entity Approval:* Proposed revisions will require both an administrative and technical review of the permit application by the Department or a delegated county conservation district prior to the acknowledgement of the Notice of Intent.

#### Conditions

The proposed revisions will include permit conditions regarding operational, maintenance and inspection requirements. Activities authorized by this permit will reference special requirements for both permittees and co-permittees to file transfer agreements, maintain erosion and sediment control facilities, notification procedures for spoil and borrow areas and notification procedures for preconstruction meetings and termination of construction.

The proposed revisions to PAG-2 have been sent to the EPA Region III Regional Administrator.

Persons wishing to comment on the proposed revisions are invited to obtain a copy of the revised permit from and/or submit a written statement to the Chief, Permits and Compliance Section, Department of Environmental Protection, Bureau of Land and Water Conservation, Division of Stormwater Management and Sediment Control, 11th Floor, Rachel Carson State Office Building, P. O. Box 8555, Harrisburg, PA 17105-8555. Comments can also be sent by electronic mail to MURIN.KENNETH@a1.dep.state.pa.us.

Comments must be submitted within 30 days from the date of this notice. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Comments received within this 30-day period will be considered in the formulation of the Final Notice of Availability of Amendments to PAG-2. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Department considers the public interest in holding a hearing significant.

Following the 30-day comment period, the Department will make a final determination regarding the proposed revisions to PAG-2. Notice of this determination will be published in the *Pennsylvania Bulletin*.

A draft of the permit with the proposed revisions and related documents is on file at the Harrisburg office of the Bureau of Land and Water Conservation at the location noted above. Anyone wishing to review or receive further information should write to that office or call (717) 783-7577. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1750. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Radiation Protection Advisory Committee Meeting

A Radiation Protection Advisory Committee (RPAC) meeting is scheduled for October 24, 1996, at 9 a.m. in the State Capitol Annex, Room 22.

Questions concerning the RPAC meeting should be addressed to Stuart Levin at (717) 787-3720 or e-mail at Levin.Stuart@a1.dep.state.pa.us. The agenda is also available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Stuart Levin directly at (717) 787-3720 or

through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1751. Filed for public inspection October 18, 1996, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

**Project No. DGS A 207-10.** Reroofing and Air Conditioning Replacement, Troop K, Philadelphia HQ, Pennsylvania State Police, Philadelphia, Philadelphia County, PA. Construction cost: \$445,000. The scope of work includes, but is not limited to, replacement of existing roof with single ply membrane system; replacement of rooftop air conditioning units, ventilators and condensing units. Modifications to basement air handling systems and related electrical modifications. Clean and sanitize ductwork throughout the building. (See Special Note under Requirements and Information section regarding accelerated design schedule.)

**Project No. DGS A 251-299.** Addition/Renovation to Driver Licensing Facility, New Kensington Driver Exam Site, New Kensington (Plumboro), Allegheny County, PA. Construction cost: \$333,048. The scope of work includes, but is not limited to, partial renovation of the existing facility and an approximately 2,000 sq.ft. addition to the existing facility including license processing area; secure computer area; office and storage area. Replacement of the existing HVAC system with a system to include the existing facility and the addition. Upgrades to the existing electrical systems and a new electrical system for the addition. Miscellaneous site work also included. (See Special Note under Requirements and Information section regarding accelerated design schedule.)

**Project No. DGS A 251-325.** Addition/Renovation to Driver Licensing Facility, Norristown Driver Exam Site, Norristown, Montgomery County, PA. Construction cost: \$272,728. The scope of work includes, but is not limited to, complete renovation of the existing building and an approximately 1,000 sq.ft. addition to the existing facility including license processing area; secure computer area; office and storage area. Replacement of the existing HVAC system with a system to include the existing facility and the addition. Upgrades to the existing electrical systems and a new electrical system for the addition. Miscellaneous site work also included. (See Special Note under Requirements and Information section regarding accelerated design schedule.)

**Project No. DGS A 251-340.** Office Renovations, Department of Transportation District Office No. 5, Allentown, Lehigh County, PA. Construction cost: \$665,000. The scope of work includes, but is not limited to, new windows, ceiling, flooring; new entrance doors, HVAC system for the Front Office and North Wing; and renovation of the existing heating system. Also included are upgrade of the electrical distribution system; lighting

system; fire alarm system and a voice/data system. (See Special Note under Requirements and Information section regarding accelerated design schedule.)

**Project No. DGS A 251-344.** Basement Renovations and New File Area, Department of Transportation District Office No. 8, Harrisburg, Dauphin County, PA. Construction cost: \$731,678. The scope of work includes, but is not limited to, complete renovation of basement area including HVAC, electrical and asbestos removal. Also included is conversion of part of a metal building to storage area with temperature controls. Construction will be completed in three phases.

**Project No. DGS A 251-468.** New Sheet Metal Maintenance Building, Department of Transportation, Tionesta, Forest County, PA. Estimated construction cost: \$600,000. The scope of work includes, but is not limited to, construction of a 200' x 60' metal building to provide offices, storage rooms, lunch room and mens/ladies rest rooms. Building to include HVAC, electrical and plumbing in addition to floor mounted vehicle lift, weld shop with overhead crane, air lines and lube system. Sit work to be included. (See Special Note under Requirements and Information section regarding accelerated design schedule.)

**Project No. DGS 409-56.** Construction of Clearfield Center of Lock Haven University, Lock Haven University, Clearfield, Clearfield County, PA. Construction cost: \$4,167,000. The scope of work includes, but is not limited to, construction of a 40,000 G.S.F. facility to include classroom/laboratory, administration offices, library, seminar/lecture rooms, student lounge and conference room.

**Project No. DGS 577-26.** Exterior Improvements to Cell Blocks, State Correctional Institution, Graterford, Montgomery County, PA. Construction cost: \$1,346,000. The scope of work includes, but is not limited to, replacement of approximately 600 windows and 2,000 lineal feet of brick facing for Cell Block B and one-half of Cell Block C.

**Project No. DGS 1574-3.** Dining Room Expansion, State Correctional Institution, Cresson, Cambria County, PA. Construction cost: \$1,815,000. The scope of work includes, but is not limited to, construction of approximately 10,000 square feet of kitchen/dining rooms space, which will limit groupings of no more than 250 persons.

### Requirements and Information

#### *Special Note*

Projects No. DGS A 207-10, A 251-299, A 251-325, A 251-340 and A 251-468 will be funded through a lapsing appropriation; therefore, a rigid design schedule is mandatory. The professional must guarantee that design of the lapsing fund project will be completed and ready for bidding no later than April 15, 1997. Professionals who cannot meet these requirements should not apply for these projects. There will be no additional fee provided for the required acceleration in the design schedule.

#### *Instructions for Filing Application*

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) below, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures

on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letter head, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional or joint venture members must be the professional of record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the professional of record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Friday, November 8, 1996, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

*Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

The professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The professional agrees to comply with the term of the agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-1752. Filed for public inspection October 18, 1996, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The contractors referenced below have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons or these firms, or any firms, corporations or partnerships in which such persons or firms have an interest, shall be awarded no contract for 3 years after the date listed.

JOHNNY J. BUTLER,  
*Secretary*

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Gary Roccograndi, d/b/a Roccograndi Power Kleen Co. (Fed. ER Tax ID No. 23-2407840)	P. O. Box 1823 Kingston, PA 18704	9/30/96

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Richard L. Knupp, d/b/a Richard L. Knupp & Associates, a/k/a Rick Knupp Associates	R. D. 1 Stahlstown, PA 15687 —and/or— 200 West Second Street Derry, PA 15627	10/02/96

[Pa.B. Doc. No. 96-1753. Filed for public inspection October 18, 1996, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### General Assistance and General Assistance-Related Medical Assistance; Notice of Rule Change

The Department of Public Welfare announces that effective October 1, 1996, all recipients of general assistance (GA) and GA-related medical assistance are responsible for a \$150 deductible each fiscal year for compensable ambulatory surgical center services, inpatient hospital services and outpatient hospital services, except laboratory and x-ray services. This Rule Change is required by section 448 of Act No. 1996-35, signed into law on May 16, 1996. This Rule Change will be adopted by final rulemaking to 55 Pa. Code Chapter 1101.

Failure to implement this Rule Change will result in noncompliance with State statute.

This Rule Change has been reviewed by the Office of General Counsel and the Office of the Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1996-1 (2) 26 Pa.B. 2374 (May 18, 1996) and will be in effect for 365 days pending adoption of final rulemaking by the Department.

Public comments to this Rule Change can be made by contacting: Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

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), or may use a Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTOUN,  
*Secretary*

#### *Purpose*

The purpose of this notice is to notify providers that effective October 1, 1996, all general assistance (GA) and GA-related categories of medical assistance recipients will be required to pay a \$150 deductible per fiscal year for compensable ambulatory surgical center services and inpatient and outpatient hospital services, except for laboratory and x-ray services.

#### *Scope*

This notice applies to all short procedure units (SPU), ambulatory surgical centers (ASC), general hospitals (inpatient and outpatient), rehabilitation hospitals (inpatient and outpatient), private psychiatric hospitals, and extended acute psychiatric inpatient care providers enrolled in the Medical Assistance Program.

#### *Background/Discussion*

Act No. 1996-35, signed into law on May 16, 1996, established a medical assistance deductible for recipients of GA and GA-related medical assistance benefits.

Section 448 of Act No. 1996-35 states: "Recipients of general assistance and general assistance-related medical assistance shall be responsible for a \$150 deductible each fiscal year for medical assistance-compensable ambulatory surgical center services, inpatient hospital services or outpatient hospital services, excluding laboratory and x-ray services."

The deductible, if applicable, will be deducted by medical assistance before it makes payment to the provider.

#### *Policy*

Effective October 1, 1996, Chapter 1101 (General Provisions) will be amended as follows:

§ 1101.63. Payment in full.

\* \* \* \* \*

(c) Medical assistance deductible.

(1) Recipients of general assistance and general assistance-related medical assistance are responsible for a \$150 deductible each fiscal year for compensable ambulatory surgical center services, inpatient hospital services and outpatient hospital services, except laboratory and x-ray services.

(2) A provider participating in the program may not deny covered care or services to an eligible MA recipient because of the recipient's inability to pay the deductible amount. This paragraph does not change the fact that the recipient is liable for the deductible, and it does not prevent the provider from attempting to collect the deductible amount. If a recipient believes that a provider has charged the recipient incorrectly, the recipient shall continue to pay deductible amounts charged by the provider until the Department determines whether the deductible charges are correct.

(3) If a recipient is covered by a third-party resource and the provider is eligible for an additional payment from MA, the deductible required of the recipient may not exceed the amount of the MA payment for the item or service.

\* \* \* \* \*

#### *Next step*

Providers will be notified of the procedures for collecting the \$150 deductible in a separate Medical Assistance Bulletin.

**Fiscal Note:** 14-NRC-065. No fiscal impact; (8) recommends adoption. Implementation of this Notice is ex-

pected to result in savings to the Medical Assistance—Inpatient Appropriation of \$5,605,000 during fiscal year 1996-1997 and \$9,610,000 annually thereafter.

[Pa.B. Doc. No. 96-1754. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Office of Medical Assistance; Payment for Vaccines

The Department of Public Welfare announces that effective January 1, 1997, Medical Assistance will no longer provide reimbursement for vaccines provided to eligible children 18 years of age and under. Statewide implementation of the Vaccines For Children (VFC) Program began July 1, 1996. With the availability of free vaccines, the Federal Government will no longer provide financial support for vaccines provided through Medical Assistance for children 18 years of age and under.

#### Fiscal

It is expected that the Medical Assistance Program will save approximately \$5,676,049 (\$2,547,470 in State funds; \$3,128,579 in Federal funds) for FY 96-97 due to the implementation of the VFC program.

#### Contact Person

A copy of this notice is available for review at local county assistance offices throughout the Commonwealth.

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

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), or may use the Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative format should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-131. No fiscal impact; (8) recommends adoption. This announcement notifies the public that, effective January 1, 1997, the Medical Assistance Program will no longer provide financial support for vaccines for children 18 years of age or younger. The Federal Vaccines for Children Program will provide free vaccines for these children. This action will result in savings to the Medical Assistance-Outpatient Appropriation of \$2,547,000 for the remainder of fiscal year 1996-97 and \$3,201,000 for 1997-98.

[Pa.B. Doc. No. 96-1755. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Office of Medical Assistance Programs; Neonatal Intensive Care Procedure Codes

The Department of Public Welfare announces effective August 1, 1996, the addition of three neonatal intensive care procedure codes to the Medical Assistance Program Fee Schedule for physicians providing direct care of a

neonate or infant in a neonatal intensive care unit. The procedure codes are:

Code	Description
99295	Initial neonatal intensive care per day, for the evaluation and management of a critically ill neonate or infant.
99296	Subsequent neonatal intensive care, per day, for the evaluation and management of a critically ill and unstable neonate or infant.
99297	Subsequent neonatal intensive care, per day, for the evaluation and management of a critically ill and stable neonate or infant.

The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

The Department estimates the cost of the three procedure codes to be \$1,829,369 for Fiscal Year 1996-1997 (\$862,548 in State funds; \$966,821 in Federal funds).

#### Contact Person

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

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), or may use the Department of Public Welfare TDD by calling (717) 787-3616. Persons who require assistance should contact Thomas G. Vracarich at (717) 772-2286.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-132. (1) General Fund; (2) Implementing Year 1996-97 is \$863,000; (3) 1st Succeeding Year 1997-98 is \$1,263,000; 2nd Succeeding Year 1998-99 is \$1,389,000; 3rd Succeeding Year 1999-00 is \$1,528,000; 4th Succeeding Year 2000-01 is \$1,681,000; 5th Succeeding Year 2001-02 is \$1,849,000; (4) Fiscal Year 1995-96 is \$792,293,000; Fiscal Year 1994-95 is \$722,422,000; Fiscal Year 1993-94 is \$623,050,000; (7) Medical Assistant—Outpatient; (8) recommends adoption. Funding to provide three neonatal intensive care procedure codes to the Medical Assistance Program Fee Schedule has been included in the 1996-97 Rebudget of the Department of Public Welfare, Medical Assistance—Outpatient Appropriation.

[Pa.B. Doc. No. 96-1756. Filed for public inspection October 18, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Holiday Cash '96 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Holiday Cash '96.

2. *Price:* The price of a Pennsylvania Holiday Cash '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Holiday Cash '96 instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: FREE (TICKET), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$25\$ (TWO-FIV), \$100\$ (ONE HUN) and \$10000 (TEN THO).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$5, \$25, \$100 and \$10,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 19,982,400 tickets will be printed for the Pennsylvania Holiday Cash '96 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$10000 (TEN THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with three matching play symbols of \$100\$ (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$25\$ (TWO-FIV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25.

(d) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(e) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(f) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play Area" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(g) A prize will be paid only for the highest Pennsylvania Holiday Cash '96 instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Holiday Cash '96 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in a Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to

ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into sub-groups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million-annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code § 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Win	Approximate Odds	Approximate No. of Winners Per Tickets
One Free Ticket Plus Entry	1:6	3,330,400
\$2	1:10	1,998,240
\$5	1:75	266,432
\$25	1:280	71,366
\$100	1:5,430	3,680
\$10,000	1:999,120	20

**8. Retailer Incentive Awards:**

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Holiday Cash '96 instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Cash '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Holiday Cash '96, prize money on winning Pennsylvania Holiday Cash '96

instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Holiday Cash '96, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Holiday Cash '96 or through normal communications methods.

ROBERT A. JUDGE, SR.,  
Secretary

[Pa.B. Doc. No. 96-1757. Filed for public inspection October 18, 1996, 9:00 a.m.]

**Pennsylvania Stocking Stuffer '96 Instant Lottery Game**

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Stocking Stuffer '96.

2. *Price:* The price of a Pennsylvania Stocking Stuffer '96 instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Stocking Stuffer '96 instant lottery game ticket will contain three "Play Areas," known as Game 1, Game 2, and Game 3, respectively. Each game has a different game play method and is played separately.

(b) The play symbols and their captions located in the "Play Area" for Game 1 are: Ball Symbol (BALL), Candle Symbol (CANDLE), Candy Symbol (CANDY), Drum Symbol (DRUM), Gift Symbol (GIFT), Hat Symbol (HAT), Santa Symbol (SANTA), Skate Symbol (SKATE), Sleigh Symbol (SLEIGH), Snowflake Symbol (SNOWFLAKE), Snowman Symbol (SNOWMAN), Star Symbol (STAR), Stocking Symbol (STOCKING), Tree Symbol (TREE) and Wreath Symbol (WREATH).

(c) The play symbols and their captions located in the "Play Area" for Game 2 are: \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$10\$ (TEN), \$25\$ (TWEN-FIV), \$250\$ (TWOHUNFIF) and \$25000 (TWEFIVTHO).

(d) The "Play Area" for Game 3 will contain a "Bell" area and a "Your Symbols" area. The play symbols and their captions located beneath the "Bell" area and the "Your Symbols" area in the "Play Area" for Game 3 are: Ball Symbol (BALL), Candle Symbol (CANDLE), Candy Symbol (CANDY), Drum Symbol (DRUM), Gift Symbol (GIFT), Santa Symbol (SANTA), Skate Symbol

(SKATE), Sleigh Symbol (SLEIGH), Snowflake Symbol (SNOWFLAKE), Snowman Symbol (SNOWMAN), Star Symbol (STAR), Stocking Symbol (STOCKING), Tree Symbol (TREE) and Wreath Symbol (WREATH).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Play Area" for Game 3 are: \$3<sup>00</sup> (THREE), \$5<sup>00</sup> (FIVE), \$10\$ (TEN), \$25\$ (TWE-FIV), \$250\$ (TWOHUNFIF), \$2500 (TWEFIVHUN) and \$100000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in Game 1 are \$2, \$7 and \$25. The prizes that can be won in Game 2 are \$2, \$5, \$10, \$25, \$250 and \$25,000. The prizes that can be won in Game 3 are \$3, \$5, \$10, \$25, \$250, \$2,500 and \$100,000. The player can win up to three times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,050,000 tickets will be printed for the Pennsylvania Stocking Stuffer '96 instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three Hat Symbol (HAT) play symbols, on a single ticket, shall be entitled to a prize of \$25.

(2) Holders of tickets with two Hat Symbol (HAT) play symbols, on a single ticket, shall be entitled to a prize of \$7.

(3) Holders of tickets with one Hat Symbol (HAT) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(4) A prize will be paid only for the highest Pennsylvania Stocking Stuffer '96 instant lottery game prize won in Game 1, if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching play symbols of \$25000 (TWEFIVTHO) in the "Play Area," shall be entitled to a prize of \$25,000.

(2) Holders of tickets with three matching play symbols of \$250\$ (TWOHUNFIF) in the "Play Area," shall be entitled to a prize of \$250.

(3) Holders of tickets with three matching play symbols of \$25\$ (TWE-FIV) in the "Play Area," shall be entitled to a prize of \$25.

(4) Holders of tickets with three matching play symbols of \$10\$ (TEN) in the "Play Area," shall be entitled to a prize of \$10.

(5) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area," shall be entitled to a prize of \$5.

(6) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area," shall be entitled to a prize of \$2.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets where the "Bell" play symbol matches any one of the "Your Symbols" play symbols and a prize play symbol of \$100000 (ONEHUNTHO) appears under the matching "Your Symbols" play symbol, shall be entitled to a prize of \$100,000.

(2) Holders of tickets where the "Bell" play symbol matches any one of the "Your Symbols" play symbols and

a prize play symbol of \$2500 (TWEFIVHUN) appears under the matching "Your Symbols" play symbol, shall be entitled to a prize of \$2,500.

(3) Holders of tickets where the "Bell" play symbol matches any one of the "Your Symbols" play symbols and a prize play symbol of \$250\$ (TWOHUNFIF) appears under the matching "Your Symbols" play symbol, shall be entitled to a prize of \$250.

(4) Holders of tickets where the "Bell" play symbol matches any one of the "Your Symbols" play symbols and a prize play symbol of \$25\$ (TWE-FIV) appears under the matching "Your Symbols" play symbol, shall be entitled to a prize of \$25.

(5) Holders of tickets where the "Bell" play symbol matches any one of the "Your Symbols" play symbols and a prize play symbol of \$10\$ (TEN) appears under the matching "Your Symbols" play symbol, shall be entitled to a prize of \$10.

(6) Holders of tickets where the "Bell" play symbol matches any one of the "Your Symbols" play symbols and a prize play symbol of \$5<sup>00</sup> (FIVE) appears under the matching "Your Symbols" play symbol, shall be entitled to a prize of \$5.

(7) Holders of tickets where the "Bell" play symbol matches any one of the "Your Symbols" play symbols and a prize play symbol of \$3<sup>00</sup> (THREE) appears under the matching "Your Symbols" play symbol, shall be entitled to a prize of \$3.

(8) *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,050,000 Tickets</i>
\$5	\$5	1:6	675,000
\$2 + \$5	\$7	1:25	162,000
\$2 + \$5 + \$3	\$10	1:25	162,000
\$5 + \$5	\$10	1:50	81,000
\$7 + \$5 + \$3	\$15	1:100	40,500
\$5 + \$10	\$15	1:144	28,125
\$7 + \$10 + \$3	\$20	1:144	28,125
\$25	\$25	1:36	112,500
\$250	\$250	1:10,125	400
\$2,500	\$2,500	1:101,250	40
\$25,000	\$25,000	1:202,500	20
\$100,000	\$100,000	1:405,000	10

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Stocking Stuffer '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Stocking Stuffer '96, prize money on winning Pennsylvania Stocking Stuffer '96 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Stocking Stuffer '96 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Stocking Stuffer '96 or through normal communications methods.

ROBERT A. JUDGE, SR.,  
Secretary

[Pa.B. Doc. No. 96-1758. Filed for public inspection October 18, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Bucks and Montgomery Counties Reference No. 08430AG2022

The Department of Transportation will retain an engineering firm to perform environmental mitigation services, preliminary engineering, final design and construction consultation for S. R. 0202, Section 701, U. S. 202 Relocation in Lower and Upper Gwynedd Townships and Montgomery Township, Montgomery County, and Warrington and Doylestown Townships, Bucks County. This project involves preliminary and final design and construction of a portion of the New Alignment Alternative for U. S. 202 between Montgomeryville, Montgomery County and Doylestown, Bucks County as outlined in the U. S. 202, Section 700, Draft Environmental Impact Statement (August, 1996).

The limits of the environmental mitigation services and preliminary engineering are U. S. 202 at Hancock Road in Lower Gwynedd Township, Montgomery County and Bristol Road in Warrington and Doylestown Township, Bucks County a distance of approximately 6.2 miles.

The limits of final design are U. S. 202 at Hancock Road in Lower and Upper Gwynedd Townships, and PA 309 in Montgomery Township in Montgomery County a distance of approximately 1.5 miles. The estimated construction cost of this portion is \$22.0 million.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and sedimentation control design; highway lighting design; right-of-way investigation and plan preparation; structure design; hydrologic and hydraulic analysis; preparation of traffic control, pavement marking and signing plans; traffic signal design; sign lighting plans; utility coordination and design; highway lighting; coordination with PUC, DEP, U. S. Army Corps of Engineers, municipal officials, and the public; preparation of final plans, specifications and estimates; shop drawing reviews, alternate design review; and construction consultation.

The selected firm will also be required to provide environmental mitigation services to complete the fol-

lowing: wetland creation, noise abatement and hazardous waste contamination remediation. These services will be conducted to complete the design and construction proposals. The selected firm will be required to provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, conduct agency and public involvement activities, and prepare reports and plans. The reports and other written graphic material to be prepared may include, but are not limited to, meeting minutes, and coordinating the development of the design with various agencies and special interest groups.

Firms that are currently serving, or are being considered for selection, as municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Questions concerning this requirement should be directed to Vito A. Genua, at the telephone number listed below.

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

Technical questions concerning the requirements for this project should be directed to Vito A. Genua, P.E., District 6-0, at (610) 964-6526, or Randy Wanger, P.E., District 6-0, at (610) 964-6548.

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

#### Statewide Reference No. 08430AG2023

The Department of Transportation will retain an engineering firm for an open-end contract to perform Statewide periodic NBIS bridge safety inspections for designated bridges on the local system throughout the Commonwealth. This contract will be for a minimum period of 30 months from the date of execution with projects assigned on an as-needed basis. This maximum amount of the open-end contract will be a minimum of \$750 thousand.

The selected firm will be required to provide all necessary professional and nonprofessional services, work, material and equipment necessary to inspect/reinspect and evaluate the condition of locally owned bridges at various locations. The firm will provide updated inspection reports including a bridge load capacity rating/rerating and/or posting recommendation as warranted. Structure inventory and appraisal data, and completed Bridge Management System coding sheets are also to be furnished. Inventory and operating ratings based on existing conditions for AASHTO and Department of Transportation loadings using the Department's computer programs and/or other programs with prior approval when the Department's program is not applicable, may be required.

Firms responding to this solicitation shall provide the following additional information in their letter of interest:

1. Indicate the lead person or subconsultant on each of the expert service elements and indicate the qualifica-

tions and experience of the lead person or subconsultant specifically related to each expert service area.

2. Indicate how the firm will provide "on demand" response for urgent problems.

3. Indicate internal procedures for cost containment and quality assurances.

4. Indicate computer capabilities including Department of Transportation programs and other software.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Specialized technical expertise and experience of the individuals committed to this project.

b. Capabilities of the proposed team to address the underwater inspection, diving, engineering evaluations and recommendations, and related aspects identified in the advertisement.

c. Prior technical successes and timeliness in performing work with the Department.

d. Available staffing and "on demand" response capabilities in the event of emergencies.

e. Location, current work log, cost containment and quality assurance program.

The engineering services studies identified above are the general work activities that can be expected under the contract.

Project management will be by the Bridge Quality Assurance Division, Bureau of Design. Engineering inspections will be directed by the respective District Office.

Technical questions concerning the requirements for this project should be directed to Harold Rogers, P.E., at (717) 787-3767.

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

**Berks, Carbon, Lehigh, Monroe, Northampton  
and Schuylkill Counties  
Reference No. 08430AG2024**

The Department of Transportation will retain an engineering firm for an open-end contract for various engineering services and environmental studies on various projects located in Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties in Engineering District 5-0. The contract will be for a 30 month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design and environmental efforts with the possibility of several different projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations, with minor approach work, roadway betterments (3R Type), SAMI studies, SAMI final design, Capital Improvement Projects (bridges or roadways), and minor location studies. The maximum amount of the open-end contract will be \$750,000.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Specialized experience and technical competence of firm.

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

c. Location of consultant in respect to the District.

d. Current workload.

e. Available staffing for this assignment.

f. Relative size of firm to size of projects that may be completed under this contract.

The firm may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography and cross sections; prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare type, size and location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings; provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contact with railroad officials for any railroad related costs estimates, permits, insurance, approvals and other required information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; perform seismic analysis on structures; develop detailed scopes of work for specific contract advertisement; perform surveys for Department in-house design; and prepare construction plans, specifications and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The firm may be required to perform any or all of the following environmental studies: air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socioeconomic; cultural; Section 4(f) and Section 106 documents, and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firm may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; plans of study; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluations; mitigation plans and reports; and wetland floodplain findings.

The engineering services and environmental studies identified above are the general work activities that can be expected under this open-end contract. A more specific and project-related scope of work will be outlined for each individual Work Order developed under this open-end contract.

Technical questions concerning the requirements for this project should be directed to Donald E. Lerch, P.E., District 5-0 at (215) 798-4221.

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

#### **General Requirements and Information**

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

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

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

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Expressions of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same project advertisement. Also a firm that responds to a project advertisement as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to

ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

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

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

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."
2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.
3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.
4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business

Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

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

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

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

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

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

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1759. Filed for public inspection October 18, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**William and Mary Belitskus/Ronald and Anita Housler/PROACT v. DEP and Willamette Industries, Inc., Permittee; EHB Doc. No. 96-196-MR**

William and Mary Belitskus/Ronald and Anita Housler/PROACT have appealed the issuance by the Department of Environmental Protection of an NPDES permit to Willamette Industries, Inc. for a facility in Hamlin Township, McKean County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-1760. Filed for public inspection October 18, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-322	Department of Transportation Minimum Standards for Fixed Based Operations	10/8/96

JOHN R. MCGINLEY, JR.,  
*Chairperson*

[Pa.B. Doc. No. 96-1761. Filed for public inspection October 18, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request Approval of a Redomestication

Colonial Penn Madison Insurance Company, a Wisconsin casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Wisconsin to the Commonwealth of Pennsylvania. The initial filing was received on October 4, 1996, and was made under requirement set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 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 redomestication are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1762. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Application and Request Approval of a Redomestication

Mid-America Insurance Company, a Connecticut stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Connecticut to the Commonwealth of Pennsylvania. The initial filing was received on September 26, 1996, and was made under requirement set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 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 redomestication are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1763. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Application for Approval of a Voluntary Dissolution

Southwestern Mutual Fire Association, a domestic mutual fire insurance company, has submitted an application for approval to voluntarily dissolve its charter. The initial filing was received on October 7, 1996, and was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 *et. seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving dissolution, are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Room 1311, Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1764. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Hartford Insurance Company of the Midwest; Homeowners Rate and Rule Filing

On October 4, 1996, the Insurance Department received from the Hartford Insurance Company of the Midwest a filing for a rate level and rules change for homeowners insurance.

The company requests an overall 7.0% increase, amounting to \$802,780 annually, to be effective March 1, 1997.

Unless formal administrative action is taken prior to December 3, 1996, 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. 96-1765. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Medical Professional Liability Catastrophe Loss Fund; Surcharge Filing

Under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) the Medical Professional

Liability Catastrophe Loss Fund has filed for a 254% surcharge. This represents a change from the 1996 surcharge of 164%. The surcharge would be applicable to all premiums and self-insurance plans subject to the Health Care Services Malpractice Act, commonly known as Act 111. 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 at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to Michael W. Burkett, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 20 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1766. Filed for public inspection October 18, 1996, 9:00 a.m.]

### **PHICO Insurance Company; Manual Revisions for Health Care Providers Comprehensive Liability (HCL) Program, Institutional Professional Liability and Physicians Professional Liability**

On October 3, 1996, the Insurance Department received from PHICO Insurance Company a filing for a rate level and rules change for medical malpractice insurance.

The company requests an overall 15.0% increase, amounting to \$6,058,641 annually, to be effective January 1, 1997.

Unless formal administrative action is taken prior to December 2, 1996, 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 Michael W. Burkett, 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. 96-1767. Filed for public inspection October 18, 1996, 9:00 a.m.]

### **Rescission of Termination of Hospital Provider Contracts with St. Joseph Medical Center and Community General Hospital by Capital Blue Cross**

On October 9, 1996, Capital Blue Cross rescinded the notice of termination of its managed care agreements

with St. Joseph Medical Center and rescinded the termination of the participation of Community General Hospital as a network hospital for members of Keystone Health Plan Central.

Therefore, the public hearing originally scheduled for October 22, 1996, at 10 a.m., in the Reading State Office Building, has been canceled.

Any further questions should be directed to Gregory S. Martino, Deputy Insurance Commissioner, Insurance Department, at (717) 783-5079.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1768. Filed for public inspection October 18, 1996, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of John Morrison; file no. 96-280-35643; Liberty Mutual Insurance Company; doc. no. PH96-09-045; November 5, 1996, at 3 p.m.;

Appeal of Edgar Owen; file no. 96-280-34582; Travelers Indemnity Company; doc. no. PH96-09-047; November 12, 1996, at 9 a.m.;

Appeal of Robert Pisano; file no. 96-308-72401; Erie Insurance Company; doc. no. PI96-09-042; November 19, 1996, at 9 a.m.;

Appeal of Daniel and Alice Helsel; file no. 96-303-72052; Erie Insurance Exchange; doc. no. PI96-09-043; November 19, 1996, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1769. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurers have requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of State Farm Insurance Company; file no. 96-308-72247; Thomas Terry; doc. no. PI96-09-041; November 13, 1996, at 9 a.m.;

Appeal of Erie Insurance Company; file no. 96-308-72327; Gina M. Bruzzese-Battles; doc. no. PI96-09-040; November 19, 1996, at 3 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1770. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Charles and Eileen Ruchis; file no. 96-264-35477; Allstate Insurance Company; doc. no. PH96-09-044; November 7, 1996, at 2 p.m.;

Appeal of Paul and Jane Lupinski; file no. 96-390-72217; Allstate Insurance Company; doc. no. PI96-09-046; November 7, 1996, at 3 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1771. Filed for public inspection October 18, 1996, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 310.10—Collection, Requests for Compromise, and Write-Off of Delinquent Claims, Amended, August 29, 1996.

Management Directive No. 315.8—Restitution of Overpayments and Employee-Related Debts Owed the Commonwealth, Amended, August 29, 1996.

Management Directive No. 315.13—Payment of Wages, Salary, Benefits and Travel Expenses to Survivors of Deceased Employees, Amended, August 19, 1996.

Management Directive No. 315.28—Taxability of State-Provided Parking, Amended, September 12, 1996.

Management Directive No. 505.1—Employe Furlough Policy, Amended, September 11, 1996.

Management Directive No. 525.6—Advances on Salaries or Wages Earned, Amended, August 29, 1996.

Management Directive No. 535.5—Use of Trainee Classes in the Classified Service, Amended, September 12, 1996.

Administrative Circular No. 96-36—Automated Mail Processing Contract, regarding the content and placement of name and address information on all items mailed and will provide discount incentives to mailers who meet their guidelines, August 22, 1996.

Administrative Circular No. 96-38—Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Property previously used as State Police Station, located in West Manchester Township, York County, September 4, 1996.

Administrative Circular No. 96-39—Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Five residential properties located adjacent to the Montgomery Farm Park Grounds at Norristown State Hospital, East Norriton Township, Montgomery County, September 4, 1996.

Administrative Circular No. 96-40—Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Six residential properties located near Norristown State Hospital, East Norriton Township, Montgomery County, September 4, 1996.

Administrative Circular No. 96-41—Mandatory Use of Corporate Card for PSSU, September 12, 1996.

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

[Pa.B. Doc. No. 96-1772. Filed for public inspection October 18, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:  
Carbon County, Wine & Spirits Shoppe # 1304, 143 South Street, Lehighton, PA 18235-2034.

*Lease Expiration Date:* January 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within 3 miles of the intersection of PA Routes 902 and 443, Lehighton Borough.

*Proposals due:* November 22, 1996, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1773. Filed for public inspection October 18, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Merger

### Without Hearing

**A-312050 F0004. Alltel Pennsylvania, Inc. and Tuolumne Telephone Company.** Application of Alltel Pennsylvania, Inc. and Tuolumne Telephone Company for approval of the acquisition by merger by Alltel PA and the transfer by merger by Tuolumne of all property rights and liabilities of Tuolumne.

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 November 4, 1996, under 52 Pa. Code (relating to public utilities).

*Attorneys for Applicants:* Patricia Armstrong, Esquire, D. Mark Thomas, Esquire, Thomas, Thomas, Armstrong and Niesen for Alltel Pennsylvania, Inc., and Tuolumne Telephone Company, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1774. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Telephone Service Without Hearing

**A-312050 F0005. Alltel Pennsylvania, Inc.** Application of Alltel Pennsylvania, Inc., for the right of Alltel PA to begin to offer, render, furnish or supply telephone service to the public in the service territory now served by Tuolumne in Armstrong and Clarion Counties.

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 November 4, 1996, under 52 Pa. Code (relating to public utilities).

*Attorneys for Applicants:* Patricia Armstrong, Esquire, D. Mark Thomas, Esquire, Thomas, Thomas, Armstrong and Niesen for Alltel Pennsylvania, Inc., and Tuolumne Telephone Company, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1775. Filed for public inspection October 18, 1996, 9:00 a.m.]

---

### Telephone Service Without Hearing

**A-310266 F2000. Tuolumne Telephone Company.** Application of Tuolumne Telephone Company for approval of the right of Tuolumne to abandon all public telephone service upon the effectuation of the merger.

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 November 4, 1996, under 52 Pa. Code (relating to public utilities).

*Attorneys for Applicants:* Patricia Armstrong, Esquire, D. Mark Thomas, Esquire, Thomas, Thomas, Armstrong and Niesen for Alltel Pennsylvania, Inc., and Tuolumne Telephone Company, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1776. Filed for public inspection October 18, 1996, 9:00 a.m.]

---

### Water Service Without Hearing

**A-210000 F2000. Greene Valley Water Company.** Application of Greene Valley Water Company for approval of the permanent discontinuance by Greene Valley Water Company of all water service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before November 4, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Russell D. Shurtleff, Esquire, Greene Valley Water Company, 111 College Avenue, Factoryville, PA 18419.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1777. Filed for public inspection October 18, 1996, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

### Request for Proposal

This Notice of Request for Proposal (RFP) is being provided to solicit the services of a vendor to provide a shared library automation system for the 14 universities of the State System of Higher Education and the Dixon University Center. Proposals must be submitted in an original and nine copies as indicated in the RFP document no later than 12 noon, November 22, 1996. Late proposals will not be considered. A copy of the RFP can be obtained by contacting David J. Gray, Vice Chancellor for Information Technology, State System of Higher Education, (717) 720-4140.

JAMES H. MCCORMICK,  
*Chancellor*

[Pa.B. Doc. No. 96-1778. Filed for public inspection October 18, 1996, 9:00 a.m.]

---

### Request for Proposal; Reference SSHE SRD-2-96

The State System of Higher Education will receive applications from interested, qualified firms to provide marketing consulting services with the goal of a System-wide marketing (communications) plan.

A "Request for Proposal" (SSHE-SRD-2-96), outlining the work and criteria for selection may be obtained from the System Relations Division, Office of the Chancellor, 2986 North Second Street, Harrisburg, PA 17110, (717) 720-4020. Deadline for submission is 4 p.m., Tuesday, November 12, 1996.

The State System of Higher Education encourages responses from small firms, minority firms, women-owned firms and firms which have not previously performed work for the State System, and will consider joint ventures which will enable these firms to participate in System professional service contracts. A proposal will be considered only when the information specified is received within the prescribed deadline. Applicants may be required, as part of the selection process, to make an oral presentation of their proposal to the State System of Higher Education.

JAMES H. MCCORMICK,  
*Chancellor*

[Pa.B. Doc. No. 96-1779. Filed for public inspection October 18, 1996, 9:00 a.m.]

---

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting a sealed bid for: Printing of Official Turnpike Map. Open Date: 11-6-96 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms

and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1780. Filed for public inspection October 18, 1996, 9:00 a.m.]

### Request for Expanded Letters of Interest; Ref. No. 3-089 and 3-090

The Turnpike Commission is seeking interested firms to submit Expanded Letters of Interest for the following projects:

**Reference No. 3-089:** Architectural/Engineering firm, Turnpike Commission Central Office Administration Building Renovation and Addition, Lower Swatara Township, Dauphin County, PA. A brief description of the project is as follows: Architectural Engineering firm for Design Services for building renovation and addition, hazardous material abatement, and site improvements. The A/E firm is not acting as constructor or contract manager. The existing building of approximately 105,000 SF will be renovated and a new facility of approximately 45,000 SF will be constructed adjacent to the existing building utilizing current budget constraints as a control. The time frame for design shall not exceed 30 months from notice to proceed until completion.

Direct inquiries to W. Keith Libengood, Facilities Department, at (717) 986-9659.

**Reference No. 3-090:** Construction Management/Engineering firm, Turnpike Commission Central Office Administration Building Renovation and Addition, Lower Swatara Township, Dauphin County, PA. A brief description of the project is as follows: Construction Management firm for Pre-Construction and Construction phases of building renovation and addition, hazardous material abatement, and site improvements. The Construction Management firm is not acting as constructor. The existing building of approximately 105,000 SF will be renovated and a new facility of approximately 45,000 SF will be constructed adjacent to the existing building utilizing current budget constraints as a control. The time frame for design shall not exceed 30 months from notice to proceed until completion.

Construction Management/Engineering firm or subconsultant shall not be an architectural/engineering firm or subconsultant, contractor or subcontractor for this project or in any way associated with the design or construction of this project.

Direct inquiries to W. Keith Libengood, Facilities Department, at (717) 986-9659.

#### General Requirements and Information

Firms interested in performing the above services are invited to submit expanded letters of interest to Selection Committee (c/o Engineering Department), Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1

year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each expanded letter of interest. Explanation that the firm has successfully completed similar type projects, of the same magnitude, is required. If the firm has multiple offices, the location of the office performing the work must be identified.

The Architectural/Engineering firm must have a minimum of 5 years experience and, at least five design projects for renovations and additions of \$10 million or more each.

The Construction Management/Engineering firm must have a minimum of 5 years experience and, at least five construction management projects for renovations and additions of \$10 million or more each.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each expanded letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State.

The Turnpike Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% and the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting expanded letters of interest:

(A) Specialized experience and technical competence of firm. The firm must clearly demonstrate their capabilities of completing this project by identifying similar projects that have been completed, the magnitude of the project, and the client.

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

(C) Expanded letters of interest must include an indication of the prime consultant's and subconsultant's current workload by submitting Form D-427 (revised 6/89) expanded to include current public and private sector workload, in addition to listing all Department of Transportation and Turnpike Commission projects. Expanded letters of interest not including Form D-427 are subject to nonconsideration by the Selection Committee.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the expanded letter of interest will require written approval from the Commission.

(F) Special requirements of the project.

(G) Other factors, if any, specific to the project.

Each firm should demonstrate in their expanded letter of interest their ability to perform the specific requirements indicated for this project.

The expanded letters of interest and required forms must be received by 4 p.m., Friday, November 1, 1996. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest received in response to this solicitation, the order of selection will be established for the purpose of negotiating an agreement with the highest selected firm. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The assignment of the above services will be made to one of the firms which responds to this notice and returns a completed expanded letter of interest, but the Commis-

sion reserves the right to reject all expanded letters of interest, to cancel solicitation requested under this notice, and/or to readvertise solicitation for these services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1781. Filed for public inspection October 18, 1996, 9:00 a.m.]

---

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET THAT COMPETITIVE EDGE—FOR FREE!**

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

**Commodities****0010-09** Offset forms over 50M.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**0014-08** Pubs over 32 pages.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**0050-08** The Communicator Newsletter.

**Department:** State Police  
**Location:** Various  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**0088-07** DPW envelopes.

**Department:** Public Welfare  
**Location:** Various  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**1105-02** Body armor.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01—12/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**5306-01** Aluminum sign bolts, nuts and washers.

**Department:** Transportation  
**Location:** Various  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**5610-36** Bituminous material, plant mixed, District 1-12.

**Department:** Transportation  
**Location:** Various  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**5820-02** 2-way radio communication equipment and accessory equipment.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 03/01—02/28  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**6250-01** Ballasts/fluorescent, HID and electronic solid state.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**6675-02** Surveying and navigational instruments.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01—12/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**6810-04** Chemicals, mine water treatment.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 02/15—02/14  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**7510-10** Sundry office supplies.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**7520-10** Wastebaskets, desk trays/organizers.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** 02/01—01/31  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**8305-03** Textiles.

**Department:** Corrections  
**Location:** Various  
**Duration:** 05/01—04/30  
**Contact:** Vendor Services (717) 787-2199 or 787-4705, Fax request to: (717) 783-6241

**8177100** Chemicals and chemical products—5 each; liquid magnesium chloride storage and dispensing tank systems.

**Department:** Transportation  
**Location:** Lancaster, Lancaster County, PA 17604  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1336156** Data processing and computer equipment and supplies—various amounts; Pioneer laser disk player—CLD-V2600 w/appropriate accessories.

**Department:** University of Pittsburgh  
**Location:** Johnstown, Cambria County, PA 15904  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1307186** Envelopes, various sizes—2,000M, white wove commercial envelopes.

**Department:** Revenue  
**Location:** Middletown, Dauphin County, PA 17057  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1302116** Floor coverings—9,450 each; 12" x 12" vinyl composition floor tile block (commercial tile) Armstrong No. 51979 color multi-beige or approved equal w/tile adhesive non-flammable 3 1/2 gallon container No. S-515 by Armstrong and floor leveler/crack filler for floor preparation 10 lb./bag Margon or equal.

**Department:** Corrections  
**Location:** Waymart, Wayne County, PA 18472-0256  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1316116** Food preparation and serving equipment—2,016 each; serving trays, manufacturer must be design specialties AAT-500, color almond. Dimensions and specifications: length: 14", width: 10 1/2", depth: 1 1/4" molded, polycarbonate dual-purpose tray—five (5) compartment (1 tray serves as base, second serves as cover). Food contact surfaces are textured to prevent scratching. All other surfaces are shiny and smooth. Stain resistant.

**Department:** Corrections  
**Location:** Waynesburg, Greene County, PA 15370-8089  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1299116** Medical, dental and veterinary equipment and supplies—1 each; Ionscan 400 system for drug detection—1 each; military style connector for umbilical cord for Ionscan 400 system.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA 17001-0598  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1335116** Metal bars, sheets and shapes—1,000 each; sheet steel, cold roll size 48" x 96 x 16 gauge must be free from rust and lightly oiled.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny County, PA 15233  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8231720** Motor vehicles—1 each; 1996 or 1997 Model auto, utility, 4x4, 4 door w/air conditioning and cruise control.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1327306** Nautical equipment and supplies—various amounts; topmast, topmast cap, topmast crosstrees, etc.

**Department:** Historical and Museum Commission  
**Location:** Harrisburg, Dauphin County, PA 17108-1026  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1278186** Paper and printing—35 each; Inheritance tax docket books.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA 17128-1200  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503450** Paper and printing—600 Book(ea); Master Diary.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503430** Paper and printing—9,700M; Inspection sticker, annual inside.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17122  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503400** Paper and printing equipment and supplies—300M; Inspection sticker, annual outside—300M; Inspection sticker, semi-annual outside.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17122  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1275726** Radio and television equipment and supplies—13 each; ETJ-24DA-1 black 24-button ACD D-Term III telephones—stock No. 570031(NEC) no substitute w/appropriate accessories.

**Department:** Public School Employee Retirement System  
**Location:** Harrisburg, Dauphin County, PA 17108  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1281116** Refrigerator and air conditioning equipment—4 each; Temp-heat, CH Series heater, Model No. CH-600, "or approved equal"—2 each; Temp-heat, CH series heater, Model No. CH-1000, "or approved equal."

**Department:** Corrections  
**Location:** Karthaus, Clearfield County, PA 16845  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

## SERVICES

### Audio/Video—04

**SP320879** Arrange four-hour interactive voice/video teleconference on February 20, 1997 with an alternate date of March 4, 1997. Teleconference will provide recycling performance grant training to Pennsylvania municipalities.

**Department:** Environmental Protection  
**Location:** Commonwealth of Pennsylvania  
**Duration:** Through June 30, 1997  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1-800-654-5984

**10-96-16** Provide duplication of 16mm x 110' rolls of microfilm to diazo films.

**Department:** State Police  
**Location:** 1800 Elmerton Avenue, Harrisburg, PA  
**Duration:** 12/1/96 through 6/30/01  
**Contact:** Margaret Chapman, P&S Division, (717) 783-5485

### Computer Related Services—08

**Project No. 95-02** "Station Mechanic Processing File Development." The objective of this project is the implementation of a redesigned and upgraded database system that will permit inquiry of specific mechanic, inspection station and sticker information to allow for better customer service, tracking and system security for the Vehicle Inspection Division (VID). Interfacing with other bureaus and agencies and future expansion of the system will also be necessary. 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, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA 17101  
**Duration:** 18 months  
**Contact:** Tina Chubb, (717) 787-7001

**96-016** The contractor shall provide training in a leadership program for managers and executive staff. The contractor shall provide training material and staff. Approximately 700 people will require training.

**Department:** Corrections  
**Location:** Training Academy, 1451 North Market Street, Elizabethtown, PA 17022-1299  
**Duration:** 1 year  
**Contact:** Ruth Gibson, (717) 367-9070

**SPC No. 281444** The Commonwealth of Pennsylvania, Department of Revenue, Bureau of Receipts and Control desires to engage contractor services to provide data entry and verification of Pennsylvania Estimated (Personal Income Tax) records. Bid proposals to be submitted for Transactions 239, price per thousand and 240, price per thousand. Prices and daily production volume must be stated in terms of 400 character records and firm for the period of April 1, 1997 through March 31, 1998. Records are to be recorded on 9 track 1600 B.P.I. magnetic tape.

**Department:** Revenue  
**Location:** Bureau of Receipts and Control  
**Location:** 1854 Brookwood Street, Harrisburg, PA 17104  
**Duration:** April 1, 1997 through March 31, 1998  
**Contact:** William A. Lupp, (717) 772-5465

**SPC No. 281443** The Commonwealth of Pennsylvania, Department of Revenue, Bureau of Receipts and Control desires to engage contractor services to provide data entry and verification of Pennsylvania Corp. Tax records. Bids are to be submitted as a price per hundred for all records, in terms of 1600 character records and firm for the period of April 1, 1997 through March 31, 1998. Records are to be recorded on 9 track 1600 B.P.I. magnetic tape.

**Department:** Revenue  
**Location:** Bureau of Receipts and Control  
**Location:** 1854 Brookwood Street, Harrisburg, PA 17104  
**Duration:** April 1, 1997 through March 31, 1998  
**Contact:** William A. Lupp, (717) 772-5465

**Project No. 96-11** "Pilot Electronic Lien Title Process." The objective of this project is to conduct a pilot program which allows vehicle lien holders to exchange electronic data with PennDOT. The successful contractor will be responsible for providing an interface/connectivity between PennDOT and the lien holder. 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, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA  
**Duration:** 12 months with options to extend up to 60 months  
**Contact:** Tina Chubb, (717) 787-7001

**Project No. 96-01** "Maintenance and Repair of PennDOT's Traffic Monitoring System." PennDOT is issuing a Request for Information (RFI) to seek customer input for providing services to upgrade, repair, calibrate and maintain PennDOT's traffic data collection sites and various types of equipment. PennDOT will issue a Request for Proposals (RFP) after review and incorporation of comments from customers, at a later date. An RFI is available upon request. FAX request to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, 500 North Third Street, Harrisburg, PA 17101  
**Duration:** 3 years  
**Contact:** Tina Chubb, (717) 787-7001

**RFP 97-03:** Kutztown University is seeking qualified firms able to replace the University's present Degree Audit System housed on our Unisys All and administrative database. Scope of System's capabilities should include but not be limited to: 100% Microsoft Windows compatible, networked, also able to run in Novel Netware 3.11-3.12 and 4.1, compatible with Saber LAN Workstation, etc. Interested firms can obtain proposal guidelines from: Kutztown University, Purchasing Department, Attn: Barbara Reitz, Kutztown, PA 19530, phone: (610) 683-4132 or FAX (610) 683-4674. Request for Proposal packages must be made in writing. RFP packages will be available October 21, 1996. Proposals are due November 13, 1996 by 2:00 p.m. Late submissions will be returned unopened.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** Indeterminate 1996-97  
**Contact:** Barbara Reitz, (610) 683-4132

## Construction and Construction Maintenance—09

**Contract No. DGS 182-9** Project title: Tanners Run Floor Control Project. Brief description: Construction of a debris dam and inlet structure, concrete box culvert, rectangular channel and utility relocations. General construction. Plans deposit: \$50.00 per set. Payable to: Department of Environmental Protection. 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 Environmental Protection, Construction Contracts Unit, P. O. Box 8452, Harrisburg, PA 17105-8452. Telephone: (717) 783-7994. Bid date: Wednesday, November 6, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Monday, October 21, 1996 at 10:30 a.m. at Curwensville Borough Building, 900 Susquehanna Avenue, Curwensville, PA. Contact person: Paul Ebright, telephone (717) 783-7929. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Curwensville Borough, Clearfield County, PA  
**Duration:** 360 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**080926** Mercer County, SR 4017 (B00); Bradford County, SR 6 (71M); Schuylkill County, SR 61 (10M); Bucks County, SR 95 (PM5/PM6); Bucks County, Group 6-96-TOUB; Chester County, SR 352 (31S); Delaware County, Group 6-96-TOU; Indiana County, SR 286 (407); Allegheny County, Group 111-96-7135-6; Allegheny County, SR 279 (A26); Allegheny County, Group 111-96-7135-5; Lackawanna County, SR 1033 (270).

**Department:** Transportation  
**Location:** Districts 1-0, 3-0, 5-0, 6-0, 10-0, 11-0  
**Duration:** FY 1996/97  
**Contact:** V. C. Shah, (717) 787-5914

## Engineering Services and Consultation—14

**MI-683 (1, 2, 3, 4)** Lyle Hall Upgrade—Plans Cost \$200.00. This project consists of upgrading and implementing the design for 65,000 square feet of dormitory space into an office complex. The contractor will provide the structural modifications, install the HVAC system, plumbing modifications to the existing bathrooms, and upgrade the electrical system within the building, according to the plans and specifications.

**Department:** State System of Higher Education  
**Location:** Lyle, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** 180 days from the notice to proceed  
**Contact:** Bernadette Wendler, Dilworth, (717) 872-3829

**K-97046** Edinboro University of PA of the State System of Higher Education invites interested Architectural/Engineering firms to submit proposals for developing detailed plans and specifications for installation of campus-wide information networks at the EUP main campus (Edinboro, PA) and the Porreco Extension Center (Erie, PA). Design shall be within the parameters of programming document and cost estimate which should be available 12/96. Preliminary construction estimate is over \$5 million. Interested professionals should request a Request for Proposal (RFP) from Tom Anderson, Contract Specialist, Purchasing Office, 237 McNeerney Hall, Edinboro University of PA, Edinboro, PA 16444. A pre-proposal conference will be held on 11/7/96 at 9:00 a.m. in Room 100 (1st floor seminar room) University Center, Edinboro University of PA. Proposals must be received by 2:00 p.m. 11/27/96 in the Purchasing Office, 237 McNeerney Hall, Edinboro University of PA. Participation is limited to professional firms located within a 150 mile radius of EUP. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System professional services contracts. Non-discrimination and Equal Opportunity are the policies of the Commonwealth and State System.

**Department:** State System of Higher Education  
**Location:** Edinboro University of PA, Edinboro, PA and Porreco Extension Center, Erie, PA  
**Duration:** Design complete within 12 months of agreement  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

**08430AG2024** Open-End Contract for various engineering services and environmental studies on various projects within Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Thirty (30) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2023** Statewide Open-End Contract for NBIS bridge inspections for locally owned bridges throughout the Commonwealth of Pennsylvania.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** Thirty (30) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2022** To perform environmental mitigation services, preliminary engineering, final design, shop drawing review and consultation during construction for S. R. 0202, Section 701, Hancock Road and Bristol Road, in Lower and Upper Gwynedd Townships and Montgomery Township in Montgomery County and Warrington and Doylestown Townships in Bucks County.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

### Environmental Maintenance Services—15

**OSM 49(6388)102.1** Backfilling Mine Openings, Locust Summit Northwest. Involves placing an estimated 7,500 C. Y. of backfill material, 645 C. Y. of drainage excavation, 215 L. F. of 24" corrugated polyethylene pipe and 1/3 acre of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Mt. Carmel Township, Northumberland County, PA  
**Duration:** 110 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**11096011** Two contracts will be bid for on-call drilling services (equipment and personnel) for Geotechnical/Geological subsurface investigations. Response to individual requests must be five (5) days maximum. Approximately 2,100 hours of drilling for each of the contracts, with appropriate maintenance and protection of traffic (MP/T) as per Pub. 203A on all classifications of roadways. Installation of instrumentation at specific locations will be required. Minimum E1 rating is required for occasional work performed under Health and Safety Plans (HASPs) requiring OSHA protection to level C.

**Department:** Transportation  
**Location:** Engineering District 11-0, Various locations throughout Engineering District 11-0, Allegheny, Beaver and Lawrence Counties, PA  
**Duration:** 04/01/97 through 03/31/98 with renewal options  
**Contact:** Rich Schutte, Geotechnical Unit, (412) 429-4922

### Food—19

**071** Miscellaneous meats—for a 3 month period beginning January 1, 1997 through March 31, 1997. Delivery schedule, dates, quantities and complete specifications can be obtained from the hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** January, February, March 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**072** Poultry—for a 3 month period beginning January 1, 1997 through March 31, 1997. Delivery schedule, dates, quantities and complete specifications can be obtained from the hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** January, February, March 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**073** Dairy products and drinks—for a 6 month period beginning January 1, 1997 through June 30, 1997. Delivery schedule, dates, quantities and complete specifications can be obtained from the hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** January, February, March, April, May and June, 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**96-MP 5** Comminuted turkey, under 20% fat, frozen and packed in 40 lb. boxes. 150,000 lbs.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries, Meat Processing Plant at State Correctional Institution, Camp Hill, PA 17001-8837  
**Duration:** 1 year  
**Contact:** Linda Malinak, Purchasing Agent, (717) 975-4931

**320-183953** Milk and cream.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512  
**Duration:** January 1, 1997 through December 31, 1997  
**Contact:** Jeanette J. Gualtieri, (814) 878-4930

**320-183954** Bread and bread products.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** January 1, 1997 through June 30, 1997  
**Contact:** Jeanette J. Gualtieri, (814) 878-4930

**ML-007** The Hiram G. Andrews Center will be inviting bids for the procurement of milk and cream. Deliveries are required three days per week: Monday, Wednesday, Friday; hours: 6:00 a.m. to 7:00 a.m. Quantity requirements available from facility.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905  
**Duration:** 1/97 through 12/97  
**Contact:** R. D. Robinson, Chief Purchasing Agent II, (814) 255-8210

**5082** Frozen juice—for delivery January through June, 1997. Specifications, flavors, quantities, and delivery dates available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** January through June, 1997  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5083** Fresh baked pastries, pies and cakes—for delivery January through June, 1997. Specifications, quantities, and delivery dates available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** January through June, 1997  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5084** Bread, rolls and related items—for delivery January through June, 1997. Specifications, quantities, and delivery dates available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** January through June, 1997  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5085** Fresh prepared salads—for delivery January through June, 1997. Specifications, quantities, and delivery dates available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** January through June, 1997  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5086** Dairy products and drinks—for delivery January through June, 1997. Specifications, quantities, and delivery dates available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** January through June, 1997  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5089** Frozen coffee concentrate, decaffeinated—includes dispensing equipment. Hospital to purchase coffee, vendor to supply at no charge the dispensing equipment for the duration of the contract.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** January through December, 1997  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5087** Meat and meat products—for delivery January through March, 1997. Specifications, quantities, and delivery dates available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** January through March, 1997  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5088** Miscellaneous frozen foods—for delivery January through March, 1997. Specifications, quantities, and delivery dates available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** January through March, 1997  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**Inquiry No. 7361** Miscellaneous meats—for a 3 month period beginning January 1, 1997 through March 31, 1997. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** January, February and March, 1997  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7360** Poultry—for a 3 month period beginning January 1, 1997 through March 31, 1997. Delivery schedule may be obtained from the institution. This bid will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** January, February and March, 1997  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7359** Miscellaneous foods—for a 3 month period beginning January 1, 1997 through March 31, 1997. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** January, February and March, 1997  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**B-169 through B-180** Pastry to include Danish, muffins, donuts, cupcakes, and any other related products. To be bid out on a monthly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Graterford, P. O. Box 246, Graterford, PA 19462-0246  
**Duration:** One year  
**Contact:** Kelly Richardson, (610) 489-4151

**B-37 through B-48** Bread, white, no pork products, Wonder Bread not acceptable. Average monthly usage 35,000 loaves. Rolls: hamburger—1200 dozen; hot dog—1200 dozen; steak—1200 dozen. To include any other related products as needed. To be bid out on a monthly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Graterford, P. O. Box 246, Graterford, PA 19462-0246  
**Duration:** One year  
**Contact:** Kelly Richardson, (610) 489-4151

**7200-0187** Twice weekly, janitorial service according to established schedule. Services will include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or Fax (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Warren Driver Exam Site, Hatch Run Road, Warren, PA 16365  
**Duration:** 03/01/97—12/31/99 w/two 1 year options. Bid opening: 12/05/96, 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482, Fax (717) 772-3254

## Heating, Ventilation, Air Conditioning—22

**060157** Service and maintenance to HVAC system in front office and garage. Two gas fired H. B. Smith steam boilers with power flame burners. Ceiling unit heaters in garage.

**Department:** Transportation  
**Location:** 426 South Old Middletown Road, Bortondale, PA 19063  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Daniel Graham, (610) 566-0972

**Contract No. DGS A 251-227** Project title: Upgrade Heating-Cooling System. Brief description: remove existing steam heating system and asbestos insulation. Install new rooftop and split system HVAC equipment and systems, thru-the-wall unit, electric heat and infra-red heating system including related electrical work. Revise existing electrical service and provide new natural gas service to building. Mechanical, electrical construction and asbestos removal. 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, 18th and Herr Streets, Room 107, Headquarters Building, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, November 6, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** County Office and Maintenance Building, Norristown, Montgomery County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

## Janitorial Services—23

**FM-182** Furnish all labor, equipment and materials to perform services including empty wastebaskets; clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside; general housecleaning twice a year, shampoo carpets, etc. at the Pennsylvania State Police, Kittanning Station, R. D. 8, Box 49, Kittanning, PA 16201-8880. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Kittanning Station, R. D. 8, Box 49, Kittanning, PA 16201  
**Duration:** 01/01/97 to 06/30/99  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

## Medical Services—29

**0882-122** Pharmacy Services. To provide Professional Pharmaceutical Services to include management services and dispensing of pharmaceuticals (legend and non-legend) for residents at the South Mountain Restoration Center. Pharmaceuticals shall be provided in unit dose packaging by contractor 365 days per year. The contractor will deliver pharmaceuticals and medical/pharmaceutical supplies Monday through Friday, between 8:30 a.m. and 4:30 p.m. The vendor will arrange for emergency pharmaceutical coverage for non-work days and non-work hours. Additional specifications can be obtained by contacting the Center.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** January 1, 1997 through December 31, 2001  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

**204949** Speech/Language and Dysphagia Evaluations and Treatment: to provide consultative speech/language and dysphagia evaluation and treatment services by providing assessment, treatment sessions and in-service training for staff. Vendor must hold a certificate of clinical competence in speech pathology from the American Speech and Hearing Association, and have a license as a Speech Language Pathologist as issued by the Pennsylvania Department of State.

**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

**956** Furnish and maintain portable oxygen inhalator units for Polk Center. Estimated 25 units.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** 1/1/97—12/31/99  
**Contact:** Patty Frank, (814) 432-0397

## Property Maintenance—33

**401-BL-501 Window Replacement in Elwell Hall** The project consists of providing all labor, material and equipment to remove existing 1100 window units and two (2) storefront sections at Elwell Hall located on the campus, and replacing with new insulated units. Work will not begin until May 1997 and must be completed by mid-August 1997. To receive a set of specifications and drawings for this project, contact Joe Quinn, (717) 389-4311 before October 28, 1996. Bids will be released in early November with a bid opening in early December 1996, actual bid dates and preproposal conference dates and locations will be contained in the bid package. There is no charge for this bid package.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA 17815  
**Duration:** Three months  
**Contact:** Joseph C. Quinn, (717) 389-4311

**FM-183** Furnish all labor, materials and equipment for removal of snow, salting, and cindering from the driveway and parking areas at the Pennsylvania State Police, Belfast Station, 622 Bangor Road, Easton, PA 18040. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Belfast Station, 622 Bangor Road, Easton, PA 18040  
**Duration:** 11/01/96 to 06/30/99  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

**Contract No. DGS A 251-349 Rebid** Project title: Roof Replacement. Brief description: replace existing built-up roofing and insulation with new tapered insulation and new EPDM single ply membrane roofing and new aluminum gravel stop fascia extender. 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, 18th and Herr Streets, Room 107, Headquarters Building, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, October 30, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** PennDOT District Laboratory Facility, Swede Road and Johnson Highway, Norristown, Montgomery County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**MI-683** Lyle Hall Upgrade—Plans Cost \$200.00. This project consists of upgrading and implementing the design for 65,000 square feet of dormitory space into an office complex. The contractor will provide the structural modifications, install the HVAC system, complete plumbing modifications to the existing bathrooms, and upgrade the electrical system within the building according to the plans and specifications.

**Department:** State System of Higher Education  
**Location:** Lyle, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** 180 days from the notice to proceed  
**Contact:** Bernadette Wendler, Dilworth, (717) 872-3829

**414.56-2** Removal of walkway, paving, manholes and indicated piping systems. Replacing, abandoning or by-passing existing steam and condensate piping, repair and rebuild existing manholes as indicated on drawings, and the incorporation of new manholes, along with drainage piping and catch basins, grading, seeding and landscaping. The work will occur during the summers of 1997 and 1998. Prevailing wages apply and contract bonds will be required. Bid packages are available from Ang Associates, Inc., 1341 North Delaware Avenue, Suite 300, Philadelphia, PA 19125, (215) 427-8700 for \$40.00 plus \$10.00 for mailing.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** Summers of 1997 and 1998  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**FM-181** Furnish all labor, materials and equipment required to cut, trim, fertilize, weed and maintain grass area, including fertilize, vegetation control. Vendor will supply all necessary equipment to perform services and remove from premises all clippings, trimmings and debris from the Swiftwater Station, P. O. Box 949, Swiftwater, PA 18370. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Swiftwater Station, P. O. Box 949, Swiftwater, PA 18370  
**Duration:** 04/01/97 to 06/30/99  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

**Contract No. DGS A 502-72 Revised Rebid** Project title: Roof Replacement. Brief description: Replace roof of entire building with an EIP membrane system (fully adhered) to include recovery board insulation, replacement of rusted hot pipes (5), gutters, downspouts and roof drains. 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, 18th and Herr Streets, Room 107, Headquarters Building, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, October 23, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** Clarks Summit State Hospital, Clarks Summit, Lackawanna County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**FM-180** Furnish all labor, materials and equipment to cut, trim and maintain grass area, trimming of shrubs once per fiscal year at the Pennsylvania State Police, Belle Vernon Station, 560 Circle Drive, Belle Vernon, PA 15012-9654. Supply all necessary equipment to perform service and remove clippings, trimmings and debris from premises. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Belle Vernon Station, 560 Circle Drive, Belle Vernon, PA 15012  
**Duration:** 04/01/97 to 06/30/99  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

**5337** Snow removal—contractor to furnish equipment and operators for back-up service for snow removal at Eastern State School and Hospital and also Philadelphia State Hospital. More detailed information can be obtained from Haverford State Hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Haverford, Delaware County, PA 19041 for the Grounds of Eastern State School and Hospital and Philadelphia State Hospital  
**Duration:** December 1, 1996—April 30, 1997  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2624

## Real Estate Services—35

**943A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 6,153 useable square feet of new or existing office/barracks space, with minimum parking for fifty (50) vehicles in Snyder County, PA within the following boundaries: within a two (2) mile radius of the current State Police Facility located on Route 522. Proposals due: December 16, 1996. Solicitation No.: 92398.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

**120-00209** Provide professional appraisal services for various property acquisitions identified on official plans related to the construction or improvement of S. R. 0119 Section B11, located in Point Marion Borough and Spring Hill Township, Fayette County, PA. The appraiser must be generally State Certified and currently on the Department's Pre-Qualified Fee Appraiser and Consultant list.

**Department:** Transportation  
**Location:** R/W Unit, District 12-0, Uniontown, PA 15401; Properties to be appraised are located at the intersections of S. R. 0119 and S. R. 0166 in Point Marion Boro and Spring Hill Township, Fayette County, PA  
**Duration:** (90) days from the publication date  
**Contact:** Samuel Gallaher, District 12-0, Chief Appraiser, (412) 439-7283

## Sanitation—36

**Contract No. FDC-019-218** Complete construction of a septic tank/pressure dosed, elevated sand mound sewage system at the Owego Ranger Station in Forest District 19, located along U. S. Route 6 just west of PA Route 739.

**Department:** Conservation and Natural Resources  
**Location:** Blooming Grove Township, Pike County, PA  
**Duration:** Complete all work by May 15, 1997  
**Contact:** Construction Management Section, (717) 787-5055

**060157** This work is the disposal of approximately 5,000 tons of stock piled excavated material from pipe, inlet, endwall and manhole installation, broken bricks, pipe and cement blocks, tree limbs and excavation from embankments transported by Department trucks to disposal facility. Disposal site must be an approved landfill.

**Department:** Transportation  
**Location:** 426 South Old Middletown Road, Bortondale, PA 19063  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Daniel Graham, (610) 566-0972

**Contract No. DGS A 973-9 Rebid** Project title: Repairs to Sewage Disposal System. Brief description: "Slipline" existing sanitary sewers. Make miscellaneous repairs to sewage treatment plant and related equipment. Plumbing 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, 18th and Herr Streets, Room 107, Headquarters Building, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, October 30, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** Daniel Boone Homestead, Birdsboro, Berks County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**Security Services—37**

**RFP No. 8-96** Danville Secure Treatment Unit (DSTU) is a 64 bed secure facility for females situated in the Admissions Building on the grounds of Danville State Hospital (DSH), Danville, Montour County, PA. The objectives of this service are to provide a security program that is designed to serve adjudicated delinquent females between the ages of 12 and 20 who can be serious offenders, extremely aggressive, runaway risks who most often have serious emotional problems. Students committed to the unit have had prior contacts with the courts, may have had several placements and are most often lacking in the internal control necessary to cope in open institutional and/or community settings, and thus require controls provided by a security setting.

**Department:** Public Welfare  
**Location:** DSTU is situated in the Admissions Building on the grounds of Danville State Hospital, Danville, Montour County, PA 17821  
**Duration:** An initial contract for one year with an option to renew for four additional years  
**Contact:** Polly Hahn, (717) 787-7585

**Vehicle, Heavy Equipment and Powered Machinery Services—38**

**HUN-303** Contractor shall replace existing 349 Caterpillar generator set with an existing 3508 Caterpillar generator set. To include all materials, labor, equipment and equipment operator needed to accomplish this project. To include but not limited to modification of concrete pad to accept the 3508 unit, removal of old 349 unit and delivery and installation of 3508 unit, testing and training for the 3508 unit. Performance and Payment Bonds of 100% of the contract amount must be provided by awarded contractor. (On-site visitation will be a requirement of this bid.)

**Department:** Corrections  
**Location:** State Correctional Institution, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** 11/1/96 to 6/30/97  
**Contact:** Gloria Morder, (814) 643-2400, ext. 303

**95-07-18 IFB (Snow Removal Service)** Provide a truck with plow or other necessary equipment to clear a 125 car parking area. Rock salt and magnesium chloride application are to be used whenever icing occurs. Also, snow is to be shoveled and magnesium chloride applied to steps and the entire front walk including short walk leading to all the doors. The metal steps and landing to the rear delivery door are to be cleared. All emergency exit doors must be cleared so that they open freely; areas surrounding trash bins and the incinerator pad must be cleared.

**Department:** Health  
**Location:** Bureau of Laboratories, 110 Pickering Way, Lionville, PA 19353  
**Duration:** 1 year, 7 months—November 1, 1996 to June 30, 1998  
**Contact:** Don Middleman, (610) 363-8500, ext. 232

**Miscellaneous—39**

**1996.07** Image Analysis System—electronic system which will analyze the optical image of a polished block of concrete (max size of block is 6" x6"1"). The system must be so designed that it will automatically produce the following parameters: air void content in the cement past (%). Refer to ASTM 457, "Microscopic Determination of Air Void Content and Parameters of the Air Void System in Hardened Concrete" for an explanation of this test. The system must also be designed to allow the user to differentiate between voids by size and shape; to record separately the percentage of air voids larger than a given diameter and a given length to width ratio.

**Department:** Transportation  
**Location:** 1118 State Street, Harrisburg, PA 17120  
**Duration:** Indeterminate 1996-97  
**Contact:** Jeannie Platt, (717) 783-6717

**081-96-7000-02** This announcement describes the requirements and guidelines for submission of proposals for a contractor to assess and refine the current 80-hour constables' basic training curriculum; produce a revised curriculum with summary outline; verify/modify training hours dedicated to each subject; and produce support material that correlates to the revised curriculum; standardized lesson plans for each subject; a course syllabus/trainee study guide; and a bank of standardized test questions for each subject area. The contractor will also develop curriculum for continuing education courses, producing the same curriculum documentation and support materials noted for basic training. The contractor will develop and present instructor development training for both the basic training and the continuing education programs. The Pennsylvania Commission on Crime and Delinquency is an equal opportunity employer.

**Department:** Executive Office  
**Location:** PA Commission on Crime and Delinquency; at site provided by contractor  
**Duration:** Estimate one year contract renewable for one year  
**Contact:** Stephen Spangenberg, (717) 787-1777, ext. 3040

[Pa.B. Doc. No. 96-1782. Filed for public inspection October 18, 1996, 9:00 a.m.]

---

## DESCRIPTION OF LEGEND

---

- |  |   |
|--|---|
| <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> |
|--|---|

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
1104156-01	10/02/96	Kalamazoo Technical Furniture	23,057.10
1129116-01	10/08/96	Tague Lumber, Inc.	25,781.80
1145116-01	10/08/96	Patterson Kelley Co.	23,718.00
1162156-01	10/08/96	Terraplus USA, Inc.	13,850.00
1198126-01	10/08/96	Moore Busi- ness Forms, Inc.	28,418.75
1217216-01	10/08/96	O. D. Taragin & Brothers	11,375.00
1219116-01	10/08/96	Gertz Electric Supply	2,820.00
1219116-02	10/08/96	I&S Supply Co.	927.50
1224116-01	10/08/96	Lindgren Cor- poration	54,461.81
1224116-02	10/08/96	SCT Thread LLC	5,760.00
1226126-01	10/08/96	Digita-L-Ink	24,587.65
1297216-01	10/08/96	Ciba Geneva Pharmaceu- ticals	37,824.00
3610-07 (Rebid in Part No. 1 and Supple- ment No. 1)	10/08/96	Optech Office Systems	1,000.00
3610-07 (Rebid in Part No. 1 and Supple- ment No. 1)	10/08/96	Sharp Elec- tronics	1,000.00
3610-07 (Rebid in Part No. 1 and Supple- ment No. 1)	10/08/96	Canon USA	1,000.00
3610-07 (Rebid in Part No. 1 and Supple- ment No. 1)	10/08/96	G. E. Richards	1,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
5999-01	10/11/96	Eugene Davids Co., Inc.	2,000.00
5999-01	10/11/96	Graybar Elec- tric Com- pany, Inc.	1,000.00
5999-01	10/11/96	Great Valley Industries, Inc.	1,000.00
5999-01	10/11/96	Dauphin Elec- trical Supply Co.	7,000.00
5999-01	10/11/96	Wesco	10,000.00
5999-01	10/11/96	Energy Source Distributing Co.	7,000.00
5999-01	10/11/96	Grainger	1,000.00
6810-01	10/08/96	Sicalco Ltd.	62,451.60
6810-01	10/08/96	JMG Enter- prises, Inc.	102,050.00
6810-01	10/08/96	Tetra Tech.	198,163.00
6810-01	10/08/96	Calcium Chlo- ride Sales, Inc.	31,357.00
7930-04	10/08/96	Ecolab, Inc.	9,745.00
8128510-01	10/02/96	IKG/Greulich	15,043.00
8161150-01	10/08/96	Terre Hill Concrete Products	29,680.00
8161160-01	10/08/96	Terre Hill Concrete Products	24,555.00
8205420-01	10/02/96	Samuel Moore Associates	36,717.75
8205570-01	10/08/96	Phillips Office Products	3,474.47
8231670-01	10/08/96	International Trailers, Inc.	47,771.00
8415-02	10/08/96	Safeware, Inc.	17,312.80
8415-02	10/08/96	Erin Supply Co.	4,335.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 96-1783. Filed for public inspection October 18, 1996, 9:00 a.m.]