

# PENNSYLVANIA BULLETIN

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for January-June 1996

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(Master Transmittal Sheet):**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211**  
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### Printing Format

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

### Fiscal Notes

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

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

## List of Pa. Code Chapters Affected

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

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# THE GOVERNOR

## PROCLAMATION

### Proclamation of Disaster Emergency

*Whereas*, Ongoing investigations made at my direction have disclosed that widespread and unusually heavy rains in parts of Bucks County on or about June 12, 1996, have resulted in extensive damage to roads, streets, bridges, private homes, businesses, and other adverse impacts upon the general population of that county; and

*Whereas*, the emergency situation has been of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans;

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the affected areas of Bucks County, and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

*Further*, I hereby transfer up to \$200,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. The time-consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted.

*Further*, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster affected areas are cleared of debris and any other obstructions resulting from this severe storm. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of the Department of Transportation. However, this assistance does not apply to privately owned highways, roads, streets, or other types of property.

*Further*, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner he deems necessary, to ensure that highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, that have sustained damage in the disaster affected area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the ability of the Department to respond immediately and effectively in repairing, maintaining, reconstructing or replacing these damaged highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, and areas adjacent thereto, or in undertaking necessary new construction.

*Further*, I have directed that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster emergency response and recovery plans be activated and that all

state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency, and

*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency/disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by the aforementioned emergency.

*Still Further*, I hereby continue to urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers, by the rental of equipment and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*GIVEN* under my hand and the Seal of the Commonwealth at the City of Harrisburg, this fourteenth day of June in the year of our Lord, one thousand nine-hundred and ninety-six and of the Commonwealth the two hundred and twentieth.

*Governor*

[Pa.B. Doc. No. 96-1084. Filed for public inspection July 5, 1996, 9:00 a.m.]

### **Amendment to Proclamation of Disaster Emergency**

*Whereas*, on June 14, 1996, I declared a State of Disaster Emergency in Bucks County due to widespread and unusually heavy rains which struck the County and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of that County; and

*Whereas*, other south central counties were also adversely impacted by the same heavy rains which were exacerbated in gravity and severity by a second series of heavy rains on June 17 and 18, 1996, which caused widespread flash flooding to occur throughout the creek and stream systems of Adams, Bedford, Franklin and Huntingdon Counties; and

*Whereas*, the series of heavy rains and subsequent flooding has resulted in extensive road closures, damage to roads, streets, bridges, private homes, businesses, and continued adverse life safety impacts for the general population of Adams, Bedford, Franklin, and Huntingdon Counties; and

*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency;

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.), I do hereby amend my Proclamation of June 14, 1996, as follows:

1. The counties of Adams, Bedford, Franklin, and Huntingdon are now declared to be in a state of disaster emergency and are added to the previously designated disaster emergency area.
2. This Proclamation Amendment shall take effect immediately.

*Given* under my hand and the Seal of the Governor at the City of Harrisburg, this twentieth day of June in the year of our Lord one thousand nine-hundred and ninety-six and of the Commonwealth the two hundred and twentieth.

*Governor*

[Pa.B. Doc. No. 96-1085. Filed for public inspection July 5, 1996, 9:00 a.m.]

### **Amendment to Proclamation of Disaster Emergency**

*Whereas*, on June 14, 1996, I declared a State of Disaster Emergency in Bucks County due to widespread and unusually heavy rains which struck the County and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of that County; and

*Whereas*, other Western and South-central Counties were also adversely impacted by the same heavy rains which were exacerbated in gravity and severity by a second series of heavy rains on June 17 and 18, 1996, which caused widespread flash flooding to occur throughout the creek and stream systems; and

*Whereas*, the series of heavy rains and subsequent flooding has resulted in extensive road closures, damage to roads, streets, bridges, private homes, businesses, and continued adverse life safety impacts for the general population of Beaver, Cambria and Crawford Counties; and

*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency;

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.), I do hereby amend my Proclamation of June 14, 1996, as follows:

1. The counties of Beaver, Cambria and Crawford are now declared to be in a state of disaster emergency and are added to the previously designated disaster emergency area.

2. This Proclamation Amendment shall take effect immediately.

*Given* under my hand and the Seal of the Governor at the City of Harrisburg, this twenty-second day of June in the year of our Lord one thousand nine hundred and ninety-six, and of the Commonwealth the two hundred and twentieth.

*Governor*

[Pa.B. Doc. No. 96-1086. Filed for public inspection July 5, 1996, 9:00 a.m.]

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 1]

### Adoption, Filing and Publishing of Rules

#### Introduction

The Administrative Office of Pennsylvania Courts (AOPC) is considering recommending that the Supreme Court rescind current Rule of Judicial Administration 103 (Procedures for Adoption, Filing and Publishing Rules), Rule of Civil Procedure 239 (Local Rules) and Rule of Criminal Procedure 6 (Local Rules) and replace them with new Rules of Judicial Administration 103.1 through 103.3 (Adoption, Filing and Publishing of Rules). Included in the proposal are changes which specify (1) the procedures for the adoption, publication and filing of both statewide and local rules; (2) the requirements for a valid and enforceable local rule of court; and (3) the schedule for the rescission of all existing local rules and the promulgation of new local rules.

The following explanatory Report highlights the issues considered in formulating this proposal. Please note that the Supreme Court does not adopt the contents of an explanatory Report.

The text of the proposed rules precedes the Report.

Interested persons are encouraged to submit suggestions, comments or objections concerning this proposal to the Court Administrator of Pennsylvania, Administrative Office of Pennsylvania Courts, 1515 Market Street, Philadelphia, Pennsylvania 19102, on or before Friday, October 18, 1996.

*By The Administrative Office of Pennsylvania Courts*

NANCY M. SOBOLEVITCH,  
*Court Administrator of Pennsylvania*

Rule of Judicial Administration 103, Rule of Civil Procedure 239 and Rule of Criminal Procedure 6 are rescinded and replaced with the following:

#### Rules of Judicial Administration 103.1 through 103.3 ADOPTION, FILING AND PUBLISHING OF RULES

##### Introduction

These Rules of Judicial Administration contain the rulemaking procedure for all components of the Unified Judicial System: the Supreme Court of Pennsylvania (Rule 103.1), the courts of common pleas and Philadelphia Municipal Court (Rules 103.2-1, 103.2-2 and 103.2-3) and all other courts, agencies and units of the system except the Court of Judicial Discipline and the Judicial Conduct Board (Rule 103.3).

The Supreme Court's policy on local rulemaking is "to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of procedure normally preempts the subject covered." Order No. 110 of January 28, 1983, Criminal Procedural Rules Docket No. 2.

In accordance with this policy, local rules may not reiterate statewide rules or Acts of Assembly, or make it difficult for attorneys to practice in several counties. It is important to note that the caption or other words used as

a label or designation do not determine whether something is a local rule. If the matter satisfies the definition in Rule 103.2-1, it is a local rule regardless of what it may be called.

To ensure review and consolidation of existing local rules, and to eliminate rules which have become unnecessary or do not comply with these rules, Rule 103.2-2 requires that all local rules be reviewed by the court which promulgated them, that all local rules be rescinded and that only those local rules which the court determines to be necessary to be promulgated and published.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 1. GENERAL PROVISIONS

##### Rule 103.1. Statewide Rules of the Supreme Court. Publication, Filing and Distribution.

(a) Except as provided in subdivision (c), the proposing rules committee shall submit to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* the initial recommendation of a proposed statewide rule or amendment to a rule, including the explanatory note or comment which may accompany it. The proposed rule or amendment as submitted for publication shall be prefaced by a statement inviting written comments which are to be sent directly to the proposing rules committee within a specified period of time.

(b) The proposing rules committee shall review all written communications received in response to the publication prior to the submission of the proposal to the Supreme Court. If after review of the communications the committee revises the proposal, it may submit the revised proposal for publication and comment as provided in subdivision (a).

(c) A proposed rule or amendment may be promulgated even though it has not been previously published in the manner required by subdivision (a) if

(1) exigent circumstances require immediate promulgation; or

(2) the proposed rule or amendment is of a typographical or perfunctory nature; or

(3) in the discretion of the Supreme Court, such action is required in the interests of justice or efficient administration.

(d) The Order of the Supreme Court promulgating a rule or amendment together with the rule or amendment shall be filed in the office of the Prothonotary of the Supreme Court.

(e) The Prothonotary shall distribute the Order and rule as follows:

(1) one certified copy to the publisher of the Pennsylvania State Reports who shall print it in the first available volume;

(2) two duplicate originals and a diskette in the required format containing the Order and rule, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) one certified copy to the clerks and prothonotaries of all courts which may be affected thereby, who shall ensure that the Order and rule are made public in their judicial districts; and

(4) one certified copy to the proposing rule committee.

**Rule 103.2-1. Local Rules Adopted by Courts of Common Pleas or Philadelphia Municipal Court. Definition.**

The term "local rule" shall include but not be limited to every rule, regulation, directive, policy, practice, custom, usage, form or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas or Philadelphia Municipal Court to govern practice or procedure.

**Rule 103.2-2. Rescission and Promulgation of Local Rules Required.**

All local rules and related forms, existing as of the date of the Order of the Supreme Court promulgating this rule, shall be rescinded and new local rules and related forms shall be promulgated in accordance with Rule of Judicial Administration 103.2-3. All local rules and related forms which have not been promulgated as required by this rule will be rescinded by an order of the Supreme Court, one area of law at a time on the following schedule:

Rules of Administration, Business of the Court, General Provisions	December 31, 1997
Criminal Procedural Rules	December 31, 1998
Civil Procedural Rules	December 31, 1999
Orphans' Court Rules	December 31, 2000
Domestic Relations Rules	December 31, 2001

**Rule 103.2-3. Local Rules. Requirements. Effective Date.**

- (a) To be valid and enforceable, a local rule
  - (1) shall be consistent with, but shall not repeat or paraphrase any statewide rule of the Supreme Court or any Act of Assembly;
  - (2) shall be in writing;
  - (3) shall be given a number that is keyed to the number of the statewide rule to which the local rule corresponds;
  - (4) shall be filed, together with the adopting order, with the prothonotary or clerk of the adopting court;
  - (5) shall not make it difficult for attorneys to practice in several counties; and
  - (6) shall be maintained as part of a consolidated set of all the local rules of court adopted and published in accordance with this rule.
    - (i) The consolidated set of local rules shall be kept available for public inspection in the office of the clerk or prothonotary of the court.
    - (ii) Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any local rule of that judicial district.
- (b) A local rule shall not become effective and enforceable until the prothonotary or clerk of the adopting court has fully complied with the following requirements.
  - (1) The prothonotary or clerk shall mail a certified copy of the local rule and adopting order to the appropriate Supreme Court rules committee. Whenever it cannot be determined with rules committee is appropriate, the prothonotary or clerk shall send a copy to all the rules committees.

(2) No sooner than 60 days after mailing to the appropriate rules committee as provided in paragraph (b)(1), the prothonotary or clerk shall submit to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*

(i) two certified copies of the local rule and adopting order. The order shall include a certification, signed by the president judge or a judge formally designated by order of the president judge, that the order and local rule were mailed to the appropriate Supreme Court rules committee as required by paragraph (b)(1), and

(ii) a diskette in the required format containing the text of the order, the local rule, and the judge's certification.

(c) A local rule shall be effective no sooner than 30 days after the date of publication in the *Pennsylvania Bulletin*.

(d) The appropriate Supreme Court rules committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule, and may suspend the local rule pending action by the Court on that recommendation.

(e) Except as provided by Rule of Judicial Administration 1901 relating to the termination of inactive cases, no action or proceeding shall be dismissed for failure to comply with a local rule.

**Rule 103.3. Rules Adopted by All Other Courts, Agencies and Units of the Unified Judicial System.**

(a) The term "rule" shall include but not be limited to every rule, regulation, directive, policy, practice, custom, usage, form or order of general application, however labeled or promulgated, which regulates practice or procedure before the adopting court, agency or unit, or otherwise has the effect of law but shall not include a general or local rule as set forth in Rules 103.1 and 103.2 or a rule of the Court of Judicial Discipline and the Judicial Conduct Board.

(b) To be valid and enforceable, a rule shall be in writing, and maintained as part of a consolidated set of all the rules of the court, agency or unit adopted and published in accordance with this rule. The consolidated set of rules shall be kept available for public inspection in the office of the clerk or prothonotary of the court, agency or unit. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any rule which is part of that consolidated set.

(c) The prothonotary or clerk shall submit to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* two certified copies of the rule and adopting order and a diskette in the required format containing the text of the rule and adopting order.

(d) The Supreme Court may suspend, vacate, or require amendment of a rule adopted by a court, agency or unit.

**Report**

*Proposal to Rescind Rule of Judicial Administration 103, Rule of Civil Procedure 239 and Rule of Criminal Procedure 6 and Adopt New Rules of Judicial Administration 103.1 through 103.3*

*Background*

Current Rule of Judicial Administration 103, Rule of Civil Procedure 239 and Rule of Criminal Procedure 6

establish the process by which the trial courts of Pennsylvania adopt local rules of court, a process recognized as necessary to the efficient administration of the various judicial districts. However, the ongoing proliferation of local rules and practices has made it increasingly difficult for lawyers to practice statewide, adding to the complexity and cost of litigation. Such proliferation also impedes the development of statewide judicial support systems.

#### *Discussion*

AOPC has developed this proposal to rescind Rule of Judicial Administration 103, Rule of Civil Procedure 239 and Rule of Criminal Procedure 6 and adopt new Rules of Judicial Administration 103.1 through 103.3. Several provisions of the proposed new rules are of particular importance:

(1) 103.2-3 defines the local rulemaking process, providing for submission of all proposed rules to the appropriate Supreme Court rules committee before publication in the *Pennsylvania Bulletin*;

(2) 103.2-3 provides that a local rule shall be effective no sooner than 30 days after the date of publication in the *Pennsylvania Bulletin*; and

(3) to ensure review and consolidation of existing local rules and to eliminate rules which are unnecessary or do not comply with the Supreme Court's rules, 103.2-2 sets the schedule, one area of law at a time, by which all local rules and related forms shall be rescinded and new local rules and related forms promulgated.

[Pa.B. Doc. No. 96-1087. Filed for public inspection July 5, 1996, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

[234 PA. CODE CHS. 20, 100, 300, 1500 AND 6000]  
Order Amending Rules 27, 180, 181, 304, 1503 and  
6001; No. 209; Doc. No. 2

#### Order

#### *Per Curiam:*

Now, this 19th day of June, 1996, upon the recommendation of the Criminal Procedural Rules Committee; this Recommendation having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a *Final Report* to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.Rs.Crim.P. 27, 180, 181, 304, 1503, and 6001 are hereby amended, all as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 1996.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 20. ISSUING AUTHORITIES: VENUE, LOCATIONS AND RECORDINGS OF PROCEEDINGS

#### Rule 27. Publicity and Recording of Proceedings.

\* \* \* \* \*

(b) If it appears to the court that a violation of [ **section** ] **paragraph** (a) has resulted in substantial prejudice to the defendant, the court, upon application by the attorney for the Commonwealth or **the** defendant, may:

(1) quash the proceedings at the preliminary hearing and order another preliminary hearing to be held before the same issuing authority at a subsequent time without additional costs being taxed therefor;

(2) discharge the defendant on nominal bail if in custody, or continue his bail if at liberty, pending further proceedings;

(3) order all costs of the issuing authority forfeited in the original proceedings;

[ **(4) in counties in which the indicting grand jury has not been abolished, order the case submitted to the grand jury subsequent to the one to be summoned for the term of court to which the defendant has been bound or held, with notice to the defendant and his bondsman, if any, of the term of court in which the case shall be submitted to the grand jury;** ] and

[ **(5)** ] **(4)** adopt any, all, or combination of the remedies herein established as the nature of the case shall require in the interests of justice.

**Official Note:** Formerly Rule 143 adopted January 31, 1970, effective May 1, 1970; renumbered **Rule 27** September 18, 1973, effective January 1, 1974; amended February 15, 1974, effective immediately; Comment revised March 22, 1989, effective July 1, 1989; **amended June 19, 1996, effective July 1, 1996.**

#### Comment

"Recording" as used in this [ **Rule** ] **rule** is not intended to preclude the use of recording devices for the preservation of testimony as permitted by Rules 9015 and 9015A.

**Committee Explanatory Reports: Final Report explaining the June 19, 1996 amendments published with the Court's Order at 26 Pa.B. 3128 (July 6, 1996).**

### CHAPTER 100. PROCEDURE OF COURT CASES

#### PART VII. ACCELERATED REHABILITATIVE DISPOSITION

#### COURT CASES

Rule 180. Deferring Action Upon Admission to Program Before Information [ **or Indictment** ].

When a defendant is accepted into the program of accelerated rehabilitative disposition before **the filing of an information [ or indictment ]**, the judge shall order that no information shall be filed with the court [ **or that no bill of indictment shall be presented to the grand jury** ] on the charges contained in the transcript during the term of the program.

**Official Note:** [ **Approved** ] **Adopted** May 24, 1972, effective immediately; amended February 15, 1974, effective immediately; **amended June 19, 1996, effective July 1, 1996.**

**Committee Explanatory Reports: Final Report explaining the June 19, 1996 amendments published with the Court's Order at 26 Pa.B. 3128 (July 6, 1996).**



Rule 181. Deferring Adjudication of the Charges Upon Admission to Program After Information [ or Indictment ].

When a defendant is accepted into the program of accelerated rehabilitative disposition after the filing of an information [ or indictment ], the judge shall order that further proceedings on the charges shall be postponed during the term of the program.

Official Note: [ Approved ] Adopted May 24, 1972, effective immediately; amended February 15, 1974, effective immediately; amended June 19, 1996, effective July 1, 1996.

Committee Explanatory Reports: Final Report explaining the June 19, 1996 amendments published with the Court's Order at 26 Pa.B. 3128 (July 6, 1996).

CHAPTER 300. PRETRIAL PROCEEDINGS

Rule 304. Bill of particulars.

\* \* \* \* \*

(c) Upon failure or refusal of the attorney for the Commonwealth to furnish a bill of particulars after service of a request [ upon him ], the defendant may make written motion for relief to the court within 7 days after such failure or refusal. If further particulars are desired after an original bill of particulars has been furnished, a motion therefor may be made to the court within 5 days after the original bill is furnished.

(d) When a motion for relief is made, the court may make such order as it deems necessary in the interests of justice.

Official Note: Adopted June 29, 1977, effective January 1, 1978; amended October 21, 1983, effective January 1, 1984; amended June 19, 1996, effective July 1, 1996.

Comment

[ This rule replaces previous Rules 221 and 230 in their entirety. Prior to the 1977 revision of this Chapter, the rules dealing with Bills of Particulars appeared in Chapter 200, concerning indictments (Rule 221) and informations (Rule 230). ] The 1977 transfer of the provisions concerning bills of particulars from Chapter 200 to Chapter 300 was not intended to change the traditional function of a bill of particulars—namely, to clarify the pleadings and to limit the evidence which can be offered to support the [ indictment or ] information [—has not been changed by the transfer of the provision to Chapter 300 ]. The purpose of the transfer was to place the procedure in chronological context with other pretrial matters, including discovery and the omnibus pretrial motion.

Committee Explanatory Reports: Final Report explaining the June 19, 1996 amendments published with the Court's Order at 26 Pa.B. 3128 (July 6, 1996).

CHAPTER 1500. POST-CONVICTION COLLATERAL PROCEEDINGS

Rule 1503. Docketing and Assignment.

(a) Upon receipt of a motion for post-conviction collateral relief, the clerk of [ court ] courts shall immediately docket the motion to the same term and number as the underlying conviction and sentence. The clerk shall thereafter transmit the motion and the record to the trial

judge, if available, or to the administrative judge, if the trial judge is not available. If the defendant's confinement is by virtue of multiple indictments or informations and sentences, the case shall be docketed to the same term and number as the indictment or information upon which the first unexpired term was imposed, but the court may take judicial notice of all proceedings related to the multiple indictments or informations.

\* \* \* \* \*

Official Note: Previous Rule 1503 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by present Rule 1504. Present Rule 1503 adopted February 1, 1989, effective July 1, 1989; amended June 19, 1996, effective July 1, 1996.

Comment

[ This rule replaces paragraphs (a) and (b) of former Rule 1502. ]

As used in this rule, "trial judge" is intended to include the judge who accepted a plea of guilty or nolo contendere.

The transmittal of the motion to the attorney for the Commonwealth does not require a response unless one is ordered by the judge as provided in these rules.

Although most references to indictments and indicting grand juries were deleted from these rules in 1993 since the indicting grand jury had been abolished in all counties, see PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931(b), the reference was retained in this rule because there may be some cases still pending that were instituted prior to the abolition of the indicting grand jury.

Committee Explanatory Reports: Final Report explaining the June 19, 1996 amendments published with the Court's Order at 26 Pa.B. 3128 (July 6, 1996).

CHAPTER 6000. RULES OF CRIMINAL PROCEDURE FOR THE MUNICIPAL COURT OF PHILADELPHIA

Rule 6001. Disposition of Criminal Cases—Municipal Court, Philadelphia.

(A) Any misdemeanor under the Crimes Code or other statutory criminal offense for which no prison term may be imposed or which is punishable by a term of imprisonment of not more than 5 years, including any [ indictable ] offense under the Vehicle Code other than a summary offense [ under the motor vehicle laws ], shall be a Municipal Court case.

(B) When one or more such offenses are charged in a single complaint or series of complaints against one defendant, all shall be joined in the same Municipal Court case, regardless of the length of the cumulative sentence which could be imposed on all charges.

(C) A case may be transferred from the Municipal Court to the Court of Common Pleas by order of the President Judge of the Court of Common Pleas, or [ his ] the President Judge's designee, upon [ his ] the President Judge's approval of:

(1) a certification by defense counsel that trial in the Municipal Court will unduly delay defendant's access to a trial by jury; or

(2) a certification by both defense counsel and the District Attorney that the trial of the case will be so time consuming as to unduly disrupt the business of the Municipal Court.

**Official Note: [Adopted] Present Rule 6001 adopted** March 28, 1973, effective March 28, 1973, replacing prior Rule 6001; amended June 28, 1974, effective July 1, 1974; **[last sentence] paragraph (C)** added February 10, 1975, effective immediately; title amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; **amended June 19, 1996, effective July 1, 1996.**

#### Comment

This Rule is intended to assure that the Municipal Court will take dispositive action, including trial and verdict when appropriate, in any criminal case which does not involve a felony, excluding summary cases under the **[motor vehicle laws] Vehicle Code**. The latter are under the jurisdiction of the Philadelphia Traffic Court, **see [Judicial Code §§ 1301—1303, 1321;] 42 Pa.C.S. §§ 1301—1303, 1321 [(1981)].**

**Committee Explanatory Reports: Final Report explaining the June 19, 1996 amendments published with the Court's Order at 26 Pa.B. 3128 (July 6, 1996).**

#### FINAL REPORT

*Amendment of Pa.Rs.Crim.P. 27, 180, 181, 304, 1503, and 6001; Indictments and Indicting Grand Juries*

##### Introduction

On June 19, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court amended Rules of Criminal Procedure 27, 180, 181, 304, 1503, and 6001. These changes update the references to indicting grand juries consistent with the changes adopted by the Supreme Court on August 12, 1993. This Final Report highlights the Committee's considerations in formulating these amendments.<sup>1</sup>

##### Discussion

On August 12, 1993, the Court rescinded the indicting grand jury rules and amended a number of rules which

<sup>1</sup> Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Reports.

referred to the grand jury process because the indicting grand jury had been abolished in all counties.<sup>2</sup> In a subsequent review of the rules in general, the Committee discovered that some references to indictments or indicting grand juries had been inadvertently retained in the rules. In view of this, we recommended and the Court adopted the following changes.

**RULE 27 (Publicity and Recording of Proceedings):** Paragraph (b)(4) has been deleted in its entirety. The procedure is no longer necessary since the indicting grand jury has been abolished in all counties.

**RULES 180 (Deferring Action Upon Admission to Program Before Information or Indictment) and 181 (Deferring Adjudication of Charges Upon Admission to Program After Information or Indictment):** Both Rules 180 and 181 refer to proceedings in cases when a defendant is accepted into a program of accelerated rehabilitation disposition either before or after the filing of an information or indictment. The references to indictment procedures have been deleted from the titles and text of both rules.

**RULE 304 (Bill of Particulars):** The first paragraph of the Rule 304 Comment provides an historical background, and refers to indictments. The historical background and references to indictments have been deleted.

**RULE 1503 (Docketing and Assignment):** The reference to indictments in Rule 1503(a) has been retained because of the possibility that cases which were instituted by an indictment may still be awaiting post-conviction collateral review. The reason for retaining this reference is explained in the Comment. In addition, to make the rule clear that it also applies to cases instituted by an information, "or information" has been added after the three references to indictments in paragraph (a).

**RULE 6001 (Disposition of Criminal Cases—Philadelphia Municipal Court):** Rule 6001 has been amended to more clearly convey the point that summary cases under the Vehicle Code are excluded from Municipal Court jurisdiction, and to delete the term "indictable."

[Pa.B. Doc. No. 96-1088. Filed for public inspection July 5, 1996, 9:00 a.m.]

<sup>2</sup> The Committee's Report explaining the 1993 changes was published at 22 Pa.B. 3826 (July 27, 1993).

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

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

#### Milk Sanitation

The Department of Agriculture (Department) amends §§ 59.1 and 59.22 (relating to definitions; milk dating).

The statutory authority for these amendments is the act of July 2, 1935 (P. L. 589, No. 210) (31 P. S. §§ 645—660f) (act), which authorizes the Department to regulate production, processing, storage and packaging of milk to safeguard human health.

This rulemaking amends prior regulatory authority by extending the sell by date which must appear on containers of pasteurized milk by 2 days. Previously, the containers were required to bear a sell by date that did not exceed 12 days from midnight of the date upon which the milk was pasteurized. This order changes that 12-day limit to 14 days.

The amendments also clarify that the sell by date requirement is applicable to containers of pasteurized milk at food establishments. The terms "food establishment" and "retail food store" (a subset of food establishments) are defined as they are defined in the Food Act (31 P. S. §§ 20.1—20.18). The incorporation of these statutorily-defined terms will eliminate confusion over whether there is some intended distinction between establishments and food establishments. There is not.

#### *Regulatory Review*

The amendments meet the general requirements of Executive Order 1996-1, "Regulatory Review and Promulgation."

The amendments are a reasonable, cost-effective approach to preserving the competitiveness of this Commonwealth's dairy industry in interstate commerce. The changes accomplished by these amendments may be implemented at the option of individual milk processors. If a milk processor prefers to use a sell by date of less than 14 days, it is free to do so.

These amendments do not put public health or safety at risk. Neighboring states that have established milk sell by periods of 14 days or longer have not experienced adverse public health, milk quality or milk demand consequences. In fact, a significant number of states have declined to impose any milk sell by date requirements on their milk processors.

#### *Comments*

Notice of proposed rulemaking was published at 25 Pa.B. 5510 (December 2, 1995), and provided for a 30-day public comment period.

The Independent Regulatory Review Commission (IRRC) offered no objections, comments or suggestions.

Comments were received from a major food service company from New York, a dairy, a supermarket assistant manager and Representative William R. Lloyd, Jr. These comments, and the Department's responses, follow.

A New York-based food service company that regularly purchases milk from a Pennsylvania dairy complained that most of its current customer base has, at one time or another, asked why the milk obtained and distributed by

the food service company has a sell by date of 12 days or less, while most other available milk has a sell by date of 14 days or less. The commentator added:

It is our belief that our sales are limited by this 12-day limit, and we can grow our business at a faster rate if the sell by date is allowed to go to 14 days. In addition, due to the guarantee that we give our customers of at least 6 code days on delivery, we will cut our throw outs by 75% with the additional 2 days.

The Erie-based dairy with which the food service company does business also added its support for the amendments, noting that it had an ongoing problem keeping two separate inventories—one for New York and one for Pennsylvania. The dairy stated that this situation puts its milk at a competitive disadvantage with milk processed in New York.

A supermarket assistant manager objected to these amendments on several grounds. He believed the amendments would increase the amount of sour milk returned to his store by dissatisfied customers, and questioned whether smaller stores (convenience stores) would refrigerate their milk well enough and turn over their milk inventories often enough to prevent the degrading of milk quality Statewide.

Along similar lines, Representative Lloyd inquired as to whether other states with milk sell by periods of 14 days or more experienced any measurable increase in consumer complaints regarding milk quality and any measurable decrease in the demand for pasteurized milk as a result.

The Department reviewed the impact of various states' sell by periods on the demand for pasteurized milk, and cannot correlate any inverse relationship between demand for pasteurized milk and the sell by date for pasteurized milk in a given state. Demand for pasteurized milk does not decrease as the maximum sell by date increases.

Ohio requires a milk processor to establish its own quality assurance date—based upon the quality of the pasteurized milk it produces. Ohio may require a milk processor to adopt a particular sell by date if frequent consumer complaints occur.

With the exception of New York City (which has its own 9-day sell by date), New York State does not impose any sell by date on its milk processors. The majority of these milk processors voluntarily affix sell by dates of between 10 and 14 days on their containers of pasteurized milk. New York State does not enforce any sell by date, and views the sell by date as a tool by which processors and retailers can efficiently rotate their inventories.

New Jersey allows a milk processor to conduct bacteriologic and organoleptic analysis of its pasteurized milk and submit its proposed sell by date for approval by its Department. That Department must approve a sell by date for each milk processor, and may reduce a milk processor's sell by date, if necessary.

In summary, most states defer, to some extent, to their milk processors to establish reasonable sell by dates for containers of pasteurized milk, but reserve authority to establish a uniform maximum sell by period or particular sell by periods for milk processors whose pasteurized milk is the subject of complaints. In these respects, the

amendments established by this order are consistent with other states. They impose a maximum sell by date, leaving individual milk processors free to adopt shorter sell by periods as they deem appropriate.

The milk processor has a strong business interest in ensuring the sell by date affixed to its containers of pasteurized milk will result in the consumer receiving milk of acceptable quality.

The Department is satisfied the changes accomplished by this order will not jeopardize the overall quality of the pasteurized milk reaching consumers and will not work to decrease demand for pasteurized milk. The regulatory changes resulting from this order will make this Commonwealth's dairy industry more competitive in interstate commerce.

#### *Fiscal Impact*

##### *Commonwealth*

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

##### *Political Subdivisions*

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

##### *Private Sector*

These amendments will impose no costs on the private sector. Milk processors need only adjust the sell by date stamping apparatus on their packaging machinery in order to take advantage of the extension of the pasteurized milk sell by date established by these amendments. The amendments will have a favorable fiscal impact on this Commonwealth's dairy industry by making its product more competitive in interstate commerce.

##### *General Public*

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

#### *Paperwork Requirements*

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

#### *Contact Person*

Further information is available by contacting the Department of Agriculture, Attention: James C. Dell, Chief, Division of Milk Sanitation, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 20, 1995, the Department submitted a copy of the notice of proposed rulemaking published at 25 Pa.B. 5510 to IRRC and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee and the Senate Committee on June 11, 1996, and were deemed approved by IRRC on June 11, 1996, in accordance with section 5(b.3) of the Regulatory Review Act.

#### *Findings*

The Department finds that:

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

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

(3) The amendments meet the requirements of Executive Order 1996-1, "Regulation Review and Promulgation."

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

#### *Order*

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

(a) The regulations of the Department, 7 Pa. Code Chapter 59, are amended by amending §§ 59.1 and 59.22 to read as set forth at 25 Pa.B. 5510.

(b) The Secretary of Agriculture shall submit this order and 25 Pa.B. 5510 to the Office of General Counsel and to the Office of Attorney General for approval as required by law.

(c) The Secretary of Agriculture shall certify this order and 25 Pa.B. 5510 and deposit them with the Legislative Reference Bureau as required by law.

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

CHARLES C. BROSIUS,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 3237 (July 6, 1996).)*

**Fiscal Note:** Fiscal Note 2-101 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 96-1089. Filed for public inspection July 5, 1996, 9:00 a.m.]

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [67 PA. CODE CH. 203]

#### Work Zone Traffic Control

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering, by this order adopts an amendment to § 203.83 (relating to arrow panels).

The Department plans to make this amendment effective upon publication without notice of proposed rulemaking. Notice of proposed rulemaking has been omitted under the authority contained in section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)) (CDL). The Department, for good cause, finds that the procedures specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202), are, in the circumstances, impracticable, unnecessary and contrary to the public interest for the following reasons:

1. The *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, as approved by the Federal Highway Administration (FHWA), is the National standard for traffic control devices on all highways open to public travel. Under 75 Pa.C.S. § 6121 (relating to uniform system of traffic-control devices), the Department is required to devise a uniform system of traffic control devices which conforms, as nearly as possible, to this standard. The FHWA, at 60 FR 18520, on April 11, 1995, amended the *MUTCD*. This amendment affects the caution mode display on arrow panels used in construction and maintenance operations. The Department must revise its regulation to conform to this new provision.

2. This change must be in place prior to the beginning of the 1996 highway construction and maintenance season or as soon as possible thereafter since it allows the use of a horizontal pattern of a straight line or bar when an arrow panel is placed in the caution mode. Currently, the regulation requires the caution mode to consist of four lamps arranged in a rectangle commonly known as four-corners. The Department owns approximately 500 arrow panels, of these, only 15 are capable of displaying the four-corners pattern. Further, it is estimated that there are several hundred arrow panels owned by municipalities, utilities and private contractors which are not capable of displaying the four-corners pattern. In conformance with the regulation, arrow panels which cannot display the four-corners pattern must be banned from use in applications where the caution mode is required. Other devices can be substituted for arrow panels, however, the Department believes that in many situations, when performing work on the shoulder or during moving operations, arrow panels are the most effective means of alerting drivers. Prohibiting the use of arrow panels in applications where a caution mode is required would be detrimental to the safety of motorists and highway workers.

3. The time and expense of converting arrow panels to display the four-corners pattern, or purchasing new panels with this capability cannot be justified since the FHWA is now allowing the use of the bar pattern.

4. Accordingly, since this amendment is extremely high priority to the Department in meeting Federal standards and in promoting roadway safety in construction areas, it is appropriate for the Department to proceed in the manner described in this Preamble.

#### *Purpose of this Chapter*

The purpose of this chapter is to provide the required basic principles and guidelines for the control of traffic approaching and within construction, maintenance and permit/utility work zones on highways within this Commonwealth. These guidelines satisfy the requirements of 75 Pa.C.S. § 6123 (relating to erection of traffic-control devices while working), and are intended to provide the means by which traffic movement through work zones is made safer and more efficient and to improve workers' safety.

#### *Purpose of this Amendment*

The purpose of this amendment is to bring the Department's rules on work zone traffic control into compliance with the latest amendment to the *MUTCD*, as approved by the FHWA as the National standard for traffic control devices on all highways open to public travel. Under 75 Pa.C.S. § 6121, the Department will establish a uniform system of traffic control devices consistent with 75 Pa.C.S. (relating to the Vehicle Code) and shall conform and correlate its system, so far as possible, with the

system set forth in the most recent edition of the *MUTCD*. Adherence to the Federal standards also helps assure the continuation of funding for Federally-aided highway construction projects.

At 24 Pa.B. 1363 (March 12, 1994), the Department amended Chapter 203 (relating to work zone traffic control). Many of the amendments adopted in this final rulemaking were occasioned by changes in the *MUTCD*, 1988 Edition, Revision 3, as approved by the FHWA.

The FHWA, at 58 FR 65084, on December 10, 1993, amended the *MUTCD* by adopting a total revision of Part VI, "Traffic Controls for Streets and Highway Construction, Maintenance, Utility, and Emergency Operations." Part VI sets forth basic principles and prescribes standards for temporary traffic control zone operations on streets and highways in the United States.

One of the amendments in the FHWA's final adoption of December 10, 1993, involved changes to the arrow panel display. Arrow panels are electrically operated signs containing a matrix of lamps which are used in highway construction and maintenance activities to display a pulsating arrow or sequential chevron to alert drivers at long distance that a travel lane is closed and to instruct them to merge into the open lane.

The Department's Arrow Panel Specifications permit the use of arrow panels which contain either 15 or 20 lamps, and when operations are performed on the shoulder of a highway or during moving operations on a two-lane, two-way highway where a lane change is not required, the panel is placed in a caution mode. Previously, for 15 lamp arrow panels, this was stipulated as four or more pulsating lamps arranged in a horizontal pattern of a straight line or bar that did not indicate a direction.

The FHWA amendments at 58 FR 65084 amended arrow panels to indicate that the caution mode consist of four lamps arranged in a rectangular pattern, commonly known as four-corners. This amendment, as well as the other FHWA amendments of December 10, 1993, to the *MUTCD*, had an effective date of January 10, 1994.

The Department, in anticipation of the previously stated *MUTCD* change to arrow panels, commenced a rulemaking culminating in the final adoption of amendment to § 203.83, at 24 Pa.B. 1363. The amendments to § 203.83, as well as the other changes made to Chapter 203, had an effective date of April 1, 1994. The Department also modified its specifications to reflect these changes.

On April 6, 1994, subsequent to the amendment of § 203.83, the Department was informed by the FHWA regional administrator that the FHWA would not insist that the states comply with its January 10, 1994, effective date for arrow panel amendments to the *MUTCD*, but would permit the states to have 2 years from the date of adoption of its amendments to comply with the same. Thus, the new compliance or effective date was December 10, 1995.

To allow the Department, municipalities, utilities and private contractors time to convert their arrow panels to the new four-corners caution display, the Department by publication of a notice at 25 Pa.B. 1287 (April 8, 1995), amended the effective date of § 203.83 from April 1, 1994, to December 10, 1995, thus permitting the display of the bar caution mode until December 10, 1995. After that date, all arrow panels were mandated to display the four-corners pattern when used in the caution mode.

Subsequent to the amendment of § 203.83, the FHWA, at 60 FR 18520, on April 11, 1995, amended the *MUTCD*. One of the amendments involved changes to the arrow panel display. The FHWA learned that making the electrical modifications needed to alter arrow displays which currently use the horizontal pattern of a straight line or bar would cause an undue financial burden on many public agencies, therefore, the FHWA rescinded its ban and will allow the use of the horizontal pattern of a straight line or bar caution display as an option to the four-corners display. The Department, at that time, did not immediately propose amending § 203.83 to permit the use of the bar caution display since the Department, as part of its process to consolidate and simplify its regulations, intended to adopt by reference the entire *MUTCD* and use it as the standard for the control traffic within this Commonwealth. This effort has been delayed, and it is apparent that it will not be accomplished until 1997; therefore § 203.8 must now be amended to allow the use of the bar caution display during the upcoming construction season.

Consequently, in compliance with the changes to the *MUTCD*, the Department is amending § 203.83(a)(2)(iv) to permit the use of the horizontal pattern of a straight line or bar caution display as an option to the four-corners caution display.

#### *Persons and Entities Affected*

This amendment will affect the Department, its officials and employes, other Commonwealth agencies which hire or cause to hire private contractors to perform work on public highways, local governments, utility companies and private contractors that perform construction on public highways.

#### *Fiscal Impact*

The Department anticipates that the Commonwealth will save \$415,000, which is the estimated cost of converting the Department's arrow panels to the four-corners display.

It is not possible to determine the cost savings to local governments, utilities or private contractors since the Department does not keep a record of arrow panel ownership; however, the cost of converting one arrow panel is approximately \$850.

#### *Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), the Department submitted a copy of this amendment with proposed rulemaking omitted on May 7, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. On the same date, this amendment was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, this amendment was deemed approved by the Committees on May 28, 1996, and was approved by IRRC on June 6, 1996.

In addition to the final amendment, the Committees were provided 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.

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

#### *Sunset Provisions*

The Department is not establishing a sunset date for this regulation since this regulation is needed to administer provisions required under the Vehicle Code.

#### *Contact Person*

The contact person is Richard J. Sesny, P.E., Manager, Regulations and Traffic Control Section, Traffic Engineering and Operations Division, Bureau of Highway Safety and Traffic Engineering, Post Office Box 2047, Room 215 Transportation and Safety Building, Harrisburg, PA 17105-2047, (717) 783-6080.

#### *Authority*

The amendment is adopted under the authority contained in sections 6103, 6109(a)(15), 6121 and 6123 of the Vehicle Code. These provisions, respectively, authorize the Department to promulgate regulations to implement the Vehicle Code; regulate and temporally prohibit traffic on streets closed or restricted for construction, maintenance or special events; require the Department to publish a manual for a uniform system of traffic control devices which is consistent with the Vehicle Code and which conforms, as nearly as possible, to the most recent addition of the *MUTCD* as approved by the FHWA; and authorize any person working on or near the roadway to erect traffic control devices for the maintenance and protection of traffic.

#### *Findings*

The Department finds that:

(1) Public notice of intention to adopt the amendment has been omitted under section 204(3) of the CDL and the regulation promulgated thereunder at 1 Pa. Code § 7.4.

(2) The procedures specified in sections 201 and 202 of the CDL are, in the circumstances, impracticable, unnecessary and contrary to the public interest. The procedures specified are impracticable since this amendment permitting the use of the straight line or bar arrow panel caution mode is needed before the commencement of the 1996 highway construction season to facilitate roadway safety in work zones and cannot be accomplished before the start of the season if rulemaking with comments is attempted. The Department regulation in § 203.83(a)(2)(iv), requires the caution mode to consist of four lamps arranged in a rectangle commonly known as four-corners. The four-corners mode was adopted by the Department to comply with the FHWA and the standard delineated in the *MUTCD*. The FHWA, however, in April of 1995, amended the *MUTCD* to permit the bar arrow panel in the caution mode, as well as the four-corners, because of the undue financial burden that would be imposed on State and local governments by strict insistence upon the use only of the four-corners. Accordingly, it is unnecessary for the Department to maintain through its regulations that only the four-corners can be employed in work zones since the motivation for the initial amendment to four-corners, the *MUTCD*, has been amended to permit the bar arrow panel. Further, it is unnecessary to submit this amendment to rulemaking at this time because of the costs which State and local governments must absorb for implementation of the four-corners, and because there is no increase in risk to traffic in construction zones by using the bar caution display. Failure to immediately adopt this amendment would also be contrary to the public interest because the Department estimates that it will have to expend \$415,000 to convert the Department's arrow panels to the four-corners display and that local municipalities, utilities and private con-

tractors would have to spend approximately \$850 to convert each individual panel. The time and expense of converting arrow panels to the four-corners pattern, or purchasing new panels with this capability cannot be justified since the FHWA is now allowing the use of the bar pattern.

(3) The adoption of the amendment, in the manner provided in this order, is necessary and appropriate for the administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Department, 67 Pa. Code Chapter 203, are amended by amending § 203.83 to read as set forth in Annex A.

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

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

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

BRADLEY L. MALLORY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 2958 (June 22, 1996).)*

**Fiscal Note:** 18-339. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE PROVISIONS**

**ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT**

**CHAPTER 203. WORK ZONE TRAFFIC CONTROL**

**Subchapter F. LIGHTING DEVICES**

**§ 203.83. Arrow panels.**

(a) *Design of arrow panels.*

(1) Arrow panels shall be approved by the Department and listed in Publication 35 which is incorporated by reference—see § 203.6 (relating to availability of Department publications).

(2) At a minimum, each arrow shall be capable of displaying the following message modes:

- (i) Left flashing arrow or left sequential chevron.
- (ii) Right flashing arrow or right sequential chevron.
- (iii) Simultaneous left and right flashing arrows.

(iv) A caution mode, consisting of four lamps arranged in a rectangular pattern, or horizontal pattern of four or more lamps arranged in a straight line or "bar," that will not indicate a direction.

(3) Arrow panels shall have an automatic dimming circuit that is actuated by a photocell at a light level of approximately 5 footcandles to provide a minimum of 50% dimming from the rated lamp voltage.

(b) *Application of arrow panels.*

(1) The application of arrow panels shall comply with the typical figures of this chapter. Normally, arrow panels may be used for lane closures on multilane roadways, at median crossovers, at locations where traffic must make an abrupt change in direction, and at other locations where traffic is required to divert from its normal travel path. Where more than one lane is closed, each lane to be closed should generally have its own device.

(2) When an arrow panel is used but drivers are not required to change lanes, shift laterally, change direction or turn, the caution mode of the arrow panel shall be displayed.

(3) Arrow panels should generally be located as shown on the typical figures of this chapter. The location of arrow panels should be field-adjusted to optimize visibility. The geometrics and conditions at each site where an arrow panel is to be used should be studied to determine the best point to begin the transition or taper and the proper orientation of the panel. For stationary lane closures, the arrow panel should usually be placed on the shoulder at the start of the taper or upstream of the start of the taper. The arrow panel may be placed in the closed lane behind the taper, especially where the shoulder is not of sufficient width to accommodate the arrow panel.

(4) When an arrow panel is required for a long-term operation, it shall be a minimum size of 8 feet wide by 4 feet high. When an arrow panel is required for a short-term operation, it shall be a minimum size of 6 feet wide by 3 feet high when used on a highway with a normal speed limit of 40 mph or more, and 4 feet wide by 2 feet high when used on a highway with a normal speed limit less than 40 mph. On some moving operations with a caravan of work vehicles, more than one arrow panel is often used successively within the same closed lane. The minimum sizes in this paragraph only apply for the first arrow panel that a driver would encounter when approaching the operation from the rear. Other successive panels within the same closed lane may be of a smaller size.

(5) As noted on some of the typical figures of this chapter, a Temporary Arrow Sign (G40-1) may sometimes be used in lieu of an arrow panel for short-term operations. The standard size G40-1 Sign shall be 8 feet wide by 4 feet high, except that a 6-foot wide by 3-foot high size may be used when the sign is mounted on a pickup truck or similar size vehicle, or on a Type III barricade. A Striped Panel Sign (G40-2) shall be placed beneath Temporary Arrow Signs that are mounted on a vehicle. The G40-2 Sign shall be the same size as the G40-1 Sign with which it is being used.

[Pa.B. Doc. No. 96-1090. Filed for public inspection July 5, 1996, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 3040]

### Subsidized Child Day Care Number of Days of Enrollment for Service

#### *Purpose*

The purpose of this statement of policy is to offer direction on the number of days per week that subsidized child day care may be made available to a child when a caretaker is employed or participating in training for fewer than 5 days per week.

#### *Background*

The regulation for the subsidized child care program, § 3040.34(1) (relating to documentation of nonfinancial eligibility), states that the service shall be needed at least 3 days which include at least 20 hours per week to be eligible for the subsidized child day care program. Furthermore, § 3040.34(2) permits an eligible child to receive subsidized child day care services for 5 days, even if service is needed for 3 or 4 days per week.

In many counties, the funding available for the subsidized child day care program is not sufficient to meet the needs of those families who have been determined eligible for the program. Currently, more than 6,455 children Statewide are on a waiting list until funding becomes available.

#### *Discussion*

The Department of Public Welfare (Department) has received information that many eligible families are engaged in employment or training activities for fewer than 5 days per week, meeting only the minimum requirement of 3 days per week; see § 3040.34(1). Many eligibility agents will enroll children of these families in the subsidized child day care program for the full 5 days of service per week, regardless of the caretaker's actual employment or training schedule.

The goal of subsidized child day care service is to enable the income-eligible caretaker to be employed or to receiving training. The Department needs to provide subsidized child day care service to as many children as possible. If a caretaker's employment or training schedule routinely requires participation for only 3 or 4 days in a week, the eligibility agent should take into consideration the caretaker's actual need for subsidized child day care. The eligibility agent is obligated to provide subsidized child day care services only when the caretaker needs it.

If there are large numbers of families waiting for service, the eligibility agent is not obligated to subsidize the cost of child day care services on days that the caretaker is not employed or in training and is available to care for his child.

If a caretaker wants his child to attend the child day care service site on days that the Department is not participating in the cost of child day care, the caretaker shall assume the responsibility of the child care cost for that day.

#### *Effective Date*

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

Comments and questions regarding this statement of policy should be directed to: Chris Wolf, Office of Children, Youth and Families, 4th Floor, Bertolino Building, 1401 N. 7th Street, P. O. Box 2675, Harrisburg, PA 17105-2675.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-BUL-43. No fiscal impact; (8) recommends adoption. This statement of policy announces that the Department will not provide subsidized day care to caretakers on days in which the caretaker is not employed or enrolled in training courses. The cost of child care to those who need fewer than 5 days per week will be reduced and the savings could be used for additional children.

#### Annex A

#### TITLE 55. PUBLIC WELFARE

#### PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

#### Subpart B. ELIGIBILITY FOR SERVICES

#### CHAPTER 3040. SUBSIDIZED CHILD DAY CARE ELIGIBILITY

#### ELIGIBILITY REQUIREMENTS

#### § 3040.34a. Documentation of nonfinancial eligibility—statement of policy.

A caretaker is not entitled to receive subsidized child day care on days which the caretaker is not employed or enrolled in a training program.

[Pa.B. Doc. No. 96-1091. Filed for public inspection July 5, 1996, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 25, 1996.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-25-96	BT Financial Corporation, Johnstown, to acquire 100% of the voting shares of Moxham Bank Corporation, Johnstown	Johnstown	Effective

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-25-96	Johnstown Bank and Trust Company, Johnstown; The Moxham National Bank of Johnstown, Johnstown; and The First National Bank of Garrett, Garrett surviving institution—Johnstown Bank and Trust Company, Johnstown	Johnstown	Effective

*Branches Acquired:*

50 Main Street Conemaugh Cambria County	1231 Scalp Avenue Johnstown Cambria County
407 Main Street Johnstown Cambria County	1291 S. Main Street Greensburg Westmoreland County
585 Goucher Street Johnstown Cambria County	1541 Scalp Avenue Johnstown Cambria County
402 W. Main Street Ligonier Westmoreland County	415 Park Place Windber Somerset County
<i>Johnstown Merger:</i>	
# 1 Ligonier Valley Mini Mall Ligonier Westmoreland County	Jackson Street Garrett Somerset County
540 Central Avenue Johnstown Cambria County	262 East Main Street Somerset Somerset County

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-31-96	Keystone Bank Bethlehem Northampton County	4933 Route 873 Schnecksville Lehigh County (Not located in a Laneco Store as previously listed in Summary # 23.)	Opened

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-14-96	Pennsylvania Savings Bank Philadelphia Philadelphia County	Eleven Penn Center 1835 Market Street Philadelphia Philadelphia County	Opened
6-19-96	Firsttrust Savings Bank Flourtown Montgomery County	New Britain Village Square Shopping Center 4275 County Line Road Chalfont Bucks County	Opened
6-19-96	Jefferson Bank Haverford Montgomery County	1845 Walnut St. Philadelphia Philadelphia County	Approved
6-19-96	The Madison Bank Blue Bell Montgomery County	600 W. Lancaster Ave. Wayne Delaware County	Approved
6-19-96	Northwest Savings Bank Warren Warren County	151 Pittsburgh Rd. Butler Twp. Butler County	Approved
6-24-96	The Drovers & Mechanics Bank York York County	Northeast Intersection of Kreutz Creek Road and East Market St. (Route 462) Hellam Township York County	Approved
6-25-96	Northwest Savings Bank Warren Warren County	117 N. Allegheny St. Bellefonte Centre County	Approved
6-25-96	Jefferson Bank Haverford Montgomery County	580 West Germantown Pike Plymouth Meeting Montgomery County	Approved

**Branch Relocation**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-17-96	First Commonwealth Bank Indiana Indiana County	<i>To:</i> Union Square Shopping Center 2547 W. State St. New Castle Union Township Lawrence County	Effective
		<i>From:</i> 2008 Westgate Plaza New Castle Union Township Lawrence County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-17-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	9 East Main Street Waynesboro Franklin County	Effective
5-29-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	3091 Carlisle Road Dover York County	Effective
6-19-96	The Drovers & Mechanics Bank York York County	2 East Main St. Windsor York County	Approved
6-25-96	The York Bank and Trust Company York York County	1605 E. Market St. York York County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,  
Secretary

[Pa.B. Doc. No. 96-1092. Filed for public inspection July 5, 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 comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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

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

**PA 0012777.** Industrial waste, **Rohm and Haas Company**, 5000 Richmond Street, Philadelphia, PA 19137.

This application is for renewal of an NPDES permit to discharge cooling water from an industry in City of Philadelphia, **Philadelphia County**. This is an existing discharge to Delaware Estuary—Zone 3.

The receiving stream is classified for warm water fish (maintenance only), migratory fish (passage only), industrial water supply, wildlife water supply, boating, fishing and esthetics.

The proposed effluent limits for Outfalls 001, 003 and 007 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			98°
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for the sum of Outfalls 001, 003 and 007 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids (NET)	30	60	75
1,2 Dichloroethane	monitor/report		
4,4' DDD	monitor/report		
4,4' DDE	monitor/report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids (influent)	monitor/report		
(effluent)	monitor/report		
Requirement to submit a toxics reduction evaluation.			
Thermal Requirements.			
Special Test Methods for certain pollutants.			
The EPA waiver is not in effect.			

**PA 0056413. Lower Salford Township Authority**, 57 Main Street, Mainland, PA 19451.

This application is for amendment of an NPDES permit to discharge treated sewage from Mainland Wastewater Treatment Plant in Lower Salford Township, **Montgomery County**. This is an existing discharge to Skippack Creek.

The permit is being amended to delete effluent flow limitations except as they are defined in Chapter 94 as "hydraulic overloads."

**PA 0056880. Industrial waste, Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19055.

This application is for issuance of an NPDES permit to discharge supernatant from secondary clarifiers, twice per year, each discharge approximately 0.478 million gallons in Tullytown Borough, **Bucks County**. This is a new discharge to Delaware River by Franklin Cove.

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 Outfall 003, based on an average flow of 500 gpm are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	75
pH	within limits of 6.0—9.0 standard units at all times	
Total Iron	2.0	5.0
Total Aluminum	4.0	10.0
Total Manganese	1.0	2.5
TRC	.5	1.2

The EPA waiver is in effect.

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

**PA 0001201. Industrial waste, SIC: 3674, Powerex, Inc.**, Hillis Street, Youngwood, PA 15697.

This application is for renewal of an NPDES permit to discharge treated process water, sewage from its Youngwood facility in Youngwood Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters known as Sewickley Creek classified as a 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 McKeesport MWA, located at Youghiogheny River, 29.4 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.198 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 only				
CBOD <sub>5</sub> (5-1 to 10-30)			10	20	
(11-1 to 4-30)			20	40	
Ammonia-Nitrogen (5-1 to 10-30)			3	6	
(11-1 to 4-1)			9	18	
Fecal Coliforms	See Condition No. 3 in Part C of the permit				
TSS			30	60	
TRC			0.5		1.25
pH	6.0—9.0				

Outfall 101: existing discharge to Outfall 001 (0.175 mgd)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			31	60	
Chromium			1.59	3.18	
Oil and Grease			15	30	
Cadmium			0.0083	0.017	
Copper			0.175	0.35	
Lead			0.022	0.044	
Zinc			0.277	0.544	
Silver			0.0015	0.003	
Nickel			0.55	1.1	
Fluoride			17.4	32.0	
Cyanide (T)			0.65	1.2	
TTO				1.37	
pH	6.0—9.0				

The EPA waiver is not in effect.

**PA 0111279.** Industrial waste, SIC: 4941, **Hooversville Borough Municipal Authority**, Main Street, Hooversville, PA 15936.

This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from the Hooversville Borough Water Treatment Plant in Quemahoning Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters unnamed tributary 45611 to Stony Creek classified as cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Saltsburg Municipal Water Works, located over 40 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.008 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)			0.016		0.0216 (15 gpm)
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum			4		8
Manganese			1		2
Total Residual Chlorine (TRC)			0.5		1.0
pH	6.0—9.0				

*Other Conditions:* Special Conditions apply to uncontaminated stormwater runoff and to any existing or proposed chemical additives. Disposal of solids must meet residual waste standards. One year compliance period before TRC limit becomes effective. Outfall 002 has Monitor/Report requirements for above parameters.

The EPA waiver is in effect.

**PA 0035483.** Sewage, **Camp Albryoca**, R. D. 3, Box 93, Meyersdale, PA 15552.

This application is for renewal of an NPDES permit to discharge treated sewage from the Camp Albryoca STP in Greenville Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Piney Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Water Works.

Outfall 001: existing discharge, design flow of .005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	13			26
(11-1 to 4-30)	25			50

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine				
Issue date through 36th month	monitor and report			
37th month through expiration	1.4			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0036609.** Sewage, **Conway Borough Municipal Authority**, 1208 Third Avenue, Conway, PA 15027.

This application is for renewal of an NPDES permit to discharge treated sewage from Conway Borough Municipal Authority Wastewater Treatment Plant in Conway Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, 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 Midland Borough Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.5 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	37.5		50
Suspended Solids	30	45		60
Fecal Coliforms (5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0047228.** Sewage, **Borough of Pennsbury Village**, 1047 Pennsbury Boulevard, Pittsburgh, PA 15205.

This application is for renewal of an NPDES permit to discharge treated sewage from Pennsbury Village STP in Pennsbury Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Campbells Run, 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 West View Municipal Authority.

Outfall 001: existing discharge, design flow of .17 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	37.5		50
Suspended Solids	30	45		60
Total Residual Chlorine				
1st month through 36th month	monitor and report			
37th month through expiration date	1.0			3.3
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			

The EPA waiver is in effect.

**PA 0217336.** Sewage, **Emerald Estates, Inc.**, R. D. 3, Box 255, Ebensburg, PA 15931.

This application is for issuance of an NPDES permit to discharge treated sewage from the Emerald Estates STP in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of South Branch Blacklick Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburgh Borough Water Works on the Conemaugh River.

Outfall 001: new discharge, design flow of 0.05 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.06			0.14
Dissolved Oxygen	not less than 6.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

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

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

*Northeast Regional Office: Regional Water Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.*

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

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

*Crawford County Conservation District, District Manager; 154 Park Ave. Plaza, Meadville, PA 16335, telephone (814) 724-1793.*

**NPDES Permit PAS102302.** Stormwater. **Universal Development**, 1607 Motor Inn Drive, Girard, OH 44420 has applied to discharge stormwater from a construction activity located in Vernon Township, **Crawford County**, to UNT to Van Horne Run.

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

**NPDES Permit PAS10Q117.** Stormwater. **Upper Macungie Township**, 6330 Schantz Road, Breinigsville, PA 18031 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

**NPDES Permit PAS10T068.** Stormwater. **TH Properties**, P. O. Box 159, Franconia, PA 18924 has applied to discharge stormwater from a construction activity located in Franconia Township, **Montgomery County**, to Indian Creek on site.

**NPDES Permit PAS10T069.** Stormwater. **Plymouth Industrial Center**, 839 E. Germantown Pike, Norristown, PA 19401 has applied to discharge stormwater from a construction activity located in Plymouth Township, **Montgomery County**, to Plymouth Creek.

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

**NPDES Permit PAS10W041.** Stormwater. **Waterdam Plaza Associates, LP**, 6000 Waterdam Plaza Drive,

McMurray, PA 15317 has applied to discharge stormwater from a construction activity located in Peters Township, **Washington County**, to UNT to Little Chartiers Creek.

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protests. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

**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.*

**4696411.** Sewerage. **Rick Mars** (251 Andover Road, Glen Moore, PA 19343). Construction of a sewage treatment plant with stream discharge to serve the Mars residence located in Worcester Township, **Montgomery County**.

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

**A. 1396401.** Sewerage. **Schleicher Trailer Park**, R. D. 7, Box 198, Lehighton, PA 18235. Application to construct and operate a sewage treatment plant, sewers and appurtenances, and pump stations, located in East Penn Township, **Carbon County**. Application received in the Regional Office May 24, 1996.

**A. 6496402.** Sewerage. **Orchard Heights Corporation**, P. O. Box 13, Newfoundland, PA 18445. Application to construct and operate a small flow treatment facility with spray irrigation, located in Damascus Township, **Wayne County**. Application received in the Regional Office May 20, 1996.

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

**WQM Permit No. 2596406.** Sewerage. **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA

16505-0158 is for the replacement of three sewage pumps, addition of variable speed drives, installation of permanent emergency source generator, improvements to pump station building and installation of force main discharge and gravity relief sewer.

**WQM Permit No. 4296402.** Sewerage. **Troy Ellsworth**, SRSTP, Box 247, Duke Center, PA 16729. This project is for the construction of a single residence sewage treatment plant in Otto Township, **McKean County**.

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

**A. 6596405.** Sewerage. **Rostraver Township Sewer Authority**, P. O. Box 92, Brownsville, PA 15417-0092. Application for the construction and operation of a sanitary sewer pump station and 1,400 feet of 4-inch diameter force main to serve the Rostraver Square located in Rostraver Township, **Westmoreland 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. 2596502.** Public water supply. **Millcreek Township Water Authority**, P. O. Box 8158, Erie, PA 16505. This proposal involves the construction of a new water booster station located at 3240 Caughey Road. This will replace the existing water booster station in Millcreek Township, **Erie County**.

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

**A. 0396503.** **William E. Altmeyer, Sr.**, Altmeyer Personal Care Home, R. D. 1, Box 136, Kittanning, PA 16201. Deep well supply for a personal care facility, Plumcreek Township, **Armstrong County**.

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

**2406424.** Public water supply. **Sand Springs Bulk Water Supply**, c/o Auto Bus, Edward Deets, P. O. Box 127, Mountaintop, PA 18707. This proposal involves the permitting of a new well which will be the source for a new bulk water hauling fill station. It is located in Butler Township, **Luzerne County**.

**3987503.** Public water supply. **Li'l Wolf Mobile Home Park**, c/o Larry Higgins, 3411 Li'l Wolf Drive, Orefield, PA 18069. Engineer—Bill Erdman, P. E., Keystone Consulting Engineers, 6235 Hamilton Blvd., Wescosville, PA 18106. This proposal involves permitting of an existing system which includes three wells, three 10,000 gallon storage tanks, three system booster pumps and a PVC distribution system. It is located in Whitehall Township, **Lehigh County**.

**3995504.** Public water supply. **KidsPeace-Orchard Hills Campus**, c/o Boris Mandich, P. E., 5300 KidsPeace Drive, Orfield, PA 18069. This proposal involves permitting of two existing wells for incorporation into the KidsPeace PWS system. It is located in North Whitehall Township, **Lehigh County**.

**4095509.** Public water supply. **Hex Acres Water Company**, c/o Dan Tambur, P. O. Box 746, Pittston, PA 18640. This proposal involves the construction of well no. 3 to supplement the existing water supply during periods of



high demand. Treatment consists of chlorination. Engineer—The Architecture & Engineering Group c/o Walter Poplawski, 100 Commerce Boulevard, Wilkes-Barre, PA 18702. It is located in Exeter Township, **Luzerne County**.

#### **Acknowledgment of Notices of Intent to Remediate**

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

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

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

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

**Equimeter, Inc.** Plant No. 1, City of Dubois, Clearfield. Rockwell International Corporation, 2201 Seal Beach Boulevard, P. O. Box 4250, Seal Beach, CA 90740-88250 has submitted a Notice of Intent to Remediate soil contaminated with solvents, heavy metals and lead; groundwater contaminated with solvents; and sediment contaminated with heavy metals and lead. The applicant

proposes to remediate the site to meet the Site-specific standard for soils; the Statewide Health Standard for groundwater; and the Background Standard for sediment. A summary of the Notice of Intent to Remediate was reported to have been published in the *Courier-Express* on June 6, 1996.

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

**Howard Capital Corp.**, City of Philadelphia, **Philadelphia County**. Kevin J. Saville, Dorsey and Whitney LLP, Pillsbury Center South, 220 South Sixth St., Minneapolis, MN 55402-1498, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet special industrial area standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer*, on June 14, 1996.

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

**Progress Park Lot 4**, City of Lebanon, **Lebanon County**. Lebanon County Redevelopment Authority, Lebanon, PA has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead, heavy metals, and base neutral compounds. The applicant proposes to remediate the site to meet the special industrial area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on June 21, 1996.

**Progress Park Lot 5**, City of Lebanon, **Lebanon County**. Lebanon County Redevelopment Authority, Lebanon, PA has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead, heavy metals, and base neutral compounds. The applicant proposes to remediate the site to meet the special industrial area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on June 21, 1996.

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:

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

**Lafarge Corporation**—Lot 3, Northampton Borough, **Northampton County**. Douglas H. Sammak, Project Director with American Resource Consultants, P. O. Box 2227, Doylestown, PA (on behalf of his client, Lafarge Corporation, 4000 Town Center, Suite 2000, Southfield, MI) has submitted a Notice of Intent to Remediate site soils and groundwater suspected of being contaminated with petroleum hydrocarbons, polyaromatic hydrocarbons and lead. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was

simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

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**Need for Additional Municipal Waste Processing or Disposal Capacity**

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Under section 502(d) of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.502(d)), Mercer County has notified the Department of Environmental Protection that additional municipal waste processing and/or additional municipal waste disposal capacity will be required.

Mercer County, PA is seeking proposals from properly licensed facilities for inclusion in Mercer County's revised solid waste plan to accept municipal solid waste from the county. Any interested facility must have and maintain a proper license, agree to accept a specified percentage of Mercer County solid waste, charge and remit an administrative fee, monitor and report the amount of county waste received, and provide figures of present and planned future capacity.

A letter of agreement must be obtained from, then returned completed by July 19, 1996 to Mercer County Solid Waste Authority, 94 East Shenango Street, Sharpsville, PA 16150, telephone (412) 962-5787, fax (412) 962-1525.

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

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

**17-302-019B.** Modification of a no. 2 fuel oil-fired boiler (increase in the allowable annual air contaminant emissions) by **Howes Leather Corporation, Curwensville Division** (P. O. Box 57, Curwensville, PA 16833) in Curwensville Borough, **Clearfield County**.

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

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

**OP-08-0001.** The Department intends to issue an operating permit to **Stroehmann Bakeries Inc.** (901 North Elmer Avenue, Sayre, PA 18840) for the operation of a bread baking oven and associated air cleaning device (a catalytic oxidizer) in Sayre Borough, **Bradford County**.

**17-318-021.** The Department intends to issue an operating permit to **Equimeter, Inc.** (P. O. Box 528, DuBois, PA 15801) for the operation of a surface coating operation at Plant 2 in the City of DuBois, **Clearfield County**.

**8-318-024.** The Department intends to issue an operating permit to **Masonite Corporation** (P. O. Box 311, Towanda, PA 18848) for the operation of a surface coating operation (Coating II) in Wysox Township, **Bradford County**.

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

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

There is a 30-day comment period from this date of publication.

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

Permit: **09-310-055**

Source: Stone Crushing Plant

Company: **Blooming Glen Quarry/Div. of Haines & Kibblehouse**

Location: Hilltown

County: **Bucks**

Permit: **15-399-040**

Source: Mineral Spirits Storage Tank

Company: **Safety-Kleen Corp.**

Location: West Goshen

County: **Chester**

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**Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

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*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: **35-302-094**

Source: Hurst Boiler

Company: **Community Central Energy Company**

Location: City of Scranton

County: **Lackawanna**

Permit: **35-302-098**

Source: Cleaver Brooks 1200hp gas/#20IL

Company: **Community Central Energy Company**

Location: City of Scranton

County: **Lackawanna**

Permit: **35-310-032**

Source: Stone Crush Plant w/Water Sprays

Company: **Simpson Stone Quarry**

Location: Fell Township

County: **Lackawanna**

Permit: **40-310-036**

Source: Stone/Culm Crushing w/Watersprays

Company: **Silverbrook Anthracite Company**

Location: City of Nanticoke

County: **Luzerne**

Permit: **45-303-006A**

Source: Reactivated Batch Asphalt Plant

Company: **Eureka Stone Quarry Incorporated**

Location: Hamilton Township

County: **Monroe**

Permit: **48-313-020A**

Source: Mixers, Hoppers, and Silos

Company: **Polymer Products Company Inc.**

Location: Stockertown Borough

County: **Northampton**

Permit: **48-320-003E**  
 Source: Bind/Stitch/Trim w/Cyclones & Bags  
 Company: **Mack Printing Company**  
 Location: Wilson Borough  
 County: **Northampton**

Permit: **48-329-001A**  
 Source: Natural Gas Compressor Station  
 Company: **Columbia Gas Transmission Corp.**  
 Location: Williams Township  
 County: **Northampton**

Permit: **54-318-014**  
 Source: Metal Furniture Finish w/Filters  
 Company: **Commonwealth of Penna /Correction**  
 Location: Mahanoy Township  
 County: **Schuylkill**

Permit: **54-399-023**  
 Source: N1 Corona Treater w/Ozone Control  
 Company: **Allied-Signal, Incorporated**  
 Location: Norwegian Township  
 County: **Schuylkill**

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### Reasonably Available Control Technology; Public Hearings

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Approval of Reasonably Available Control Technology (RACT) plan for Strick Corporation in Limestone Township, Montour County.

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 truck van chassis manufacturing facility (Danville Facility) owned and operated by Strick Corporation in Limestone Township, Montour 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 operation:

- Continued compliance with the requirements previously established in operating permit #47-399-012A for the cleanup operations existing at the respective facility (restrictions on specific cleanup solvents to be used for specific cleaning activities, restrictions on cleanup solvent usage practices and a 7.5 ton per year volatile organic compound emission limitation).

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 August 12, 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.

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 17701-6448. Comments should be submitted by August 27, 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.

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### 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 Reasonably Available Control Technology.

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

**23-399-023C.** On May 17, 1996, an application was received from **DEL CORA** (100 East 5th Street, P. O. Box 999, Chester, PA 19013) for the installation of a scrubber on a belt filter press to be located in the City of Chester, **Delaware County**.

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### 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.

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*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: **54-302-059**  
 Source: 3-355HP Bryan Gas/Oil Boilers  
 Received: June 11, 1996  
 Company: **U. S. Department of Justice**  
 Location: Minersville Borough  
 County: **Schuylkill**

Permit: **66-328-001A**  
 Source: Gas Turbine / 6 Paper Machines  
 Received: June 1, 1996  
 Company: **Procter & Gamble Paper Products**  
 Location: Washington Township  
 County: **Wyoming**

Permit: **35-318-078**  
 Source: Graphite/Iron Ox Coat w/Scrubbers  
 Received: June 5, 1996  
 Company: **Thomson Consumer Electronics**  
 Location: Dunmore Borough  
 County: **Lackawanna**

Permit: **35-322-005**

Source: Landfill w/Gas Extraction System

Received: June 5, 1996

Company: **Keystone Sanitary Landfill Inc.**

Location: Dunmore Borough

County: **Lackawanna**Permit: **39-313-027C**

Source: Eight (8) ETO Sterilizers/Scrubber

Received: June 1, 1996

Company: **Burron Medical Corporation**

Location: Hanover Township

County: **Lehigh**Permit: **40-309-036**

Source: Glass Melting Furnace w/Scrubber

Received: June 1, 1996

Company: **Schott Glass Technologies Inc.**

Location: Duryea Borough

County: **Luzerne**Permit: **48-307-057**

Source: Heat Treat Furnace (Natural Gas)

Received: June 7, 1996

Company: **Centec Corporation**

Location: City of Bethlehem

County: **Northampton**Permit: **48-315-001A**

Source: 3 Cup Trim Systems w/ Cyclones

Received: June 3, 1996

Company: **James River Paper Company Inc.**

Location: Forks Township

County: **Northampton****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*

**56840107.** Permit renewal, **NSM Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Stonycreek Township, **Somerset County**, affecting 401.4 acres, receiving stream unnamed tributary to Clear Run, Clear Run to Indian Lake, application received June 18, 1996.

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

**56961303.** **Svonavec, Inc.**, (140 West Union St., Somerset, PA 15501), to operate the Milford bituminous deep mine in Milford Township, **Somerset County** for new mine, receiving stream South Glade Creek. Application received May 21, 1996.

**65890701.** **Solstat Coal Company**, (P. O. Box 1231, Mount Pleasant, PA 15666), to renew the permit for the Standard Refuse Disposal Facility in Mount Pleasant Township, **Westmoreland County**, no additional discharge. Application received April 26, 1996.

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

**49910202R.** **Split Vein Coal Company, Inc.**, (R. R. 1, Box 1027, Paxinos, PA 17860), renewal of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 191.0 acres, receiving stream Shamokin Creek. Application received June 17, 1996.

**19961301.** **Burnrite Coal Company**, (325 Mulberry Street, Atlas, PA 17851), commencement, operation and restoration of a Phase II Deep Mine operation in Conyngham Township, **Columbia County**, affecting 3.0 acres, receiving stream North Branch Shamokin Creek. Application received June 12, 1996.

**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. Application received June 18, 1996.

**49663009R2. Mallard Contracting Company, Inc.**, (Lehigh and Poplar Streets, Mt. Carmel, PA 17851), renewal and correction of an existing anthracite surface mine operation in Mt. Carmel Township, **Northumberland County** affecting 1,200.0 acres, receiving stream Shamokin Creek. Application received June 14, 1996.

**13940201C. Rossi Excavating Company**, (9 West 5th Street, Hazleton, PA 18201), correction to an existing coal refuse reprocessing operation to include a preparation plant on site in Banks Township, **Schuylkill County**, affecting 11.5 acres, receiving stream none. Application received June 18, 1996.

**49851603R2. R & N Coal Company**, (R. R. 1, Box 1027, Paxinos, PA 17860), renewal of an existing coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 21.6 acres, receiving stream Shamokin Creek. Application received June 17, 1996.

*Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476.*

**Bond Forfeiture Contract Awarded: No. BF 367-101.1.** Boggs Township, **Armstrong County**, PA. Abandoned Mine Land Reclamation Project, Bill Turner Enterprises, Boggs Township, Armstrong County, PA.

Contractor: ACF Power Corporation; Amount: \$281,699.92; Date of Award: June 17, 1996.

**Bond Forfeiture Contract Awarded: No. BF 366-101.1.** Irwin Township, **Venango County**, PA. Abandoned Mine Land Reclamation Project, H and D Coal Company, Irwin Township, Venango County, PA.

Contractor: ACV Power Corporation; Amount: \$20,222.40; Date of Award: May 15, 1996.

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### Request for Variance

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The Bureau of Deep Mine Safety has received a request for variance from the Canterbury Coal Company. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Glen Ziegler by calling (717) 787-1376.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to James J. Brahosky, Acting Director, Bureau of Deep Mine Safety, P. O. Box 8463, Harrisburg, PA 17105-8463.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701—702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 221(d) of the Bituminous Coal Mine Act, entitled Mine Foreman; Ventilation, requires that in case of accident to a ventilating fan or its machinery, or if the fan stoppage is a planned interruption whereby the ventilation of the mine is interrupted, the mine foreman shall order the power to be disconnected from the affected

portions and withdraw the men immediately from the face areas. In mines employing the use of multiple fans equipped with self-closing doors which operate automatically when the fan is stopped, such action need not be taken provided the minimum requirements are met by other fans of the system. If the fan has been stopped for a period of time in excess of 15 minutes in a gassy mine, and 30 minutes in a nongassy mine, the mine foreman shall order the men withdrawn from the mine. If the mine foreman shall deem it necessary, he may withdraw the men from a gassy mine in less than the said 15 minutes and from a nongassy mine in less than the said 30 minutes. He shall not allow the men to return to their work until ventilation has been restored, and the mine has been thoroughly examined by certified personnel and reported safe. A record shall be made of said examination.

Summary of the request: Canterbury Coal Company requests a waiver of section 221(d) of the Bituminous Coal Mine Act. This waiver will provide accommodations for the evacuation of men from the mine by way of battery powered personnel carriers and/or mantrips.

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

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

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

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

**E23-345.** Encroachment. **Claude DeBotton**, Marple Associates, 1604 Walnut Street, Philadelphia, PA 19103. To modify an existing PA D.O.T. stream enclosure which is a 9-foot by 18-foot reinforced concrete box culvert, 340-foot long, located along Langford Run (CWF-MF) beneath the Blue Route (I-476). The work will consist of a 30-foot extension of this stream enclosure, and construction of approximately 213 linear feet of reinforced concrete retaining wall with a maximum height of 23 feet. This wall will be constructed at the end of this culvert.

Also included in this project will be the placement of fill material in 0.43 acre of adjacent wetlands. The purpose of this project is to construct a new road which will provide a connection between West Chester Pike and Langford Road. The project site is located approximately 1,800 feet southwest of the intersection of West Chester Pike (S. R. 3) and Lawrence Road (Lansdowne, PA Quadrangle N: 18.0 inches; W: 13.0 inches) in Marple Township, **Delaware County**.

**E51-152.** Encroachment. **Army Corp of Engineers**, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390. To repair and restore approximately 1,350 l. f. of existing stone river wall along the Delaware River and the Poquessing Creek at the historic Glen Ford property. The work includes as follows: 1. repair the loose or dislodged wall stones. 2. rebuild destabilized and collapsed sections of the river wall through construction of concrete cantilever retaining walls. 3. install stone riprap bank protection for erosion control. 4. install temporary access road along the Delaware River and Poquessing Creek. The site is located approximately 3,000 feet southeast from the intersection of State Road and Convent Avenue (Beverly, PA-NJ Quadrangle N: 9.4 inches; W: 14.5 inches).

**E09-718.** Encroachment. **Robert Shedaker**, 519 Browns Lane, Croydon, PA 19021. To remove an existing boat ramp and concrete pad located along the Neshaminy Creek (WWF-MF), to maintain 2 feet of fill in the floodway of the Neshaminy Creek; to place and maintain 500 square feet of fill in the vicinity of the existing boat ramp; to maintain a 35 linear foot extension of an existing 42 inch reinforced concrete stream enclosure and associated fill in and along Croydon Run (WWF-MF); to construct and maintain a 60 foot by 30 foot boat ramp and associated grading located along the Neshaminy Creek. This site is situated approximately 900 feet northwest of the intersection of State Road and Browns Lane (Beverly USGS Quadrangle N: 15.8 inches; W: 5.3 inches) in Bristol Township, **Bucks County**.

**E15-515.** Encroachment. **Borough of Phoenixville**, 140 Church Street, Phoenixville, PA 19460. To modify an existing stormwater outfall by removing 24 linear feet of 72-inch RCP, and to construct in its place a concrete flared end outfall structure with 16 linear foot of R-8 riprap lined channel which outfalls to French Creek (TSF) and to install and maintain a 66-inch storm sewer across the 100-year floodway of French Creek, and install a flared end outfall with 16 linear foot of R-8 riprap lined channel along the French Creek streambank adjacent to the existing modified stormwater system. The site is located approximately 1,000 feet from French Creek confluence with the Schuylkill River, (Phoenixville, PA Quadrangle N: 1.75 inches; W: 1.75 inches) in the Borough of Phoenixville, **Chester County**.

**E51-151.** Encroachment. **City of Philadelphia Water Department**, 1101 Market Street, 2nd Floor, ARAMARK Tower, Philadelphia, PA 19107. To remove a partially collapsed 48-inch outfall structure and to construct and maintain a 60-inch reinforced concrete outfall including adjacent cast-in-place headwall and bank stabilization at this location along the Tacony Creek (WWF) located 1,300 feet southeast of the intersection of Rising Sun Avenue and Adams Avenue (Frankford USGS Quadrangle N: 6.6 inches; W: 15.9 inches) in the City and **County of Philadelphia**. This permit will replace Emergency Permit No. EP5196305.

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

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

**E10-239.** Encroachment. **Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066. To place fill in 0.43 acre of four separate jurisdictional wetlands that meet the Prior Converted Farmland criteria for the creation of a community park. The applicant is proposing to use the wetland replacement fund to replace impacted jurisdictional wetlands (0.43 acre). The project is located on the south side of North Boundry Road approximately 5,000 feet east of the intersection of S. R. 0019 and North Boundry Road (Mars, PA Quadrangle N: 18.0 inches; W: 5.0 inches) located in Cranberry Township, **Butler County**.

**E10-240.** Encroachment. **Indspec Chemical Corp.**, 411 Seventh Ave., Suite 300, Pittsburgh, PA 15219. To install and maintain a concrete retaining wall directly in front of an existing deteriorating wooden retaining wall along the south branch of Bear Creek (WWF) within the Indspec Industrial Facility. The retaining wall is on the east side of the south branch of Bear Creek and the length of the wall is 400 linear feet. The minimum height of the retaining wall is approximately 4 feet and the maximum height will be approximately 14 feet. The project is located along the south branch of Bear Creek within the Indspec Industrial Facility approximately 700 feet northeast of the intersection of S. R. 0268 and S. R. 1006 (Parker, PA Quadrangle N: 3.6 inches; W: 12.65 inches) located in Borough of Petrolia, **Butler County**.

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

**E39-314.** Encroachment. **Department of Transportation**, 1713 Lehigh Street, Allentown, PA 18103. To remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge having a span of 100 feet with an underclearance of approximately 9.3 feet on a 70 degree skew across Ontelaunee Creek (CWF). The project, S. R. 0863, Section 01B, is located at the intersection of S. R. 0863 and Ontelaunee Creek approximately 0.1 mile south of S. R. 0863 and S. R. 0143 (New Tripoli, PA Quadrangle N: 8.8 inches; W: 7.7 inches) in Lynn Township, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

**E48-236.** Encroachment. To construct and maintain a channel change having a length of approximately 600 feet in an unnamed tributary to the Lehigh River (CWF). The proposed grass-lined trapezoidal channel will have a minimum depth of 18 inches, a bottom width of 10 feet and 4 to 1 sideslopes. The project is located at the proposed Island Park Estates residential subdivision, just north of the intersection of S. R. 2012 (Island Park Road) and S. R. 2010 (Tumble Creek Road) (Nazareth, PA Quadrangle N: 2.65 inches; W: 1.85 inches) in Williams Township, **Northampton County** (Philadelphia District, Army Corps of Engineers).

**E48-237.** Encroachment. **Filmtech Corporation**, P. O. Box 2005, Easton, PA 18044-2005. To construct and maintain twin 10-foot × 5-foot concrete box culverts in an

unnamed tributary to Bushkill Creek (HQ-CWF) to provide access to the proposed Filmtech Corporation manufacturing facility. The project is located on the north side of S. R. 1002 (Uhler Road), approximately 0.25 mile west of its intersection with S. R. 2025 (Sullivan Trail) (Easton, NJ-PA Quadrangle N: 21.8 inches; W: 16.7 inches) in Forks Township, **Northampton County** (Philadelphia District, Army Corps of Engineers).

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

**E01-167.** Encroachment. **Steve Shriver**, 130 Hanover Street, New Oxford, PA 17350. To abandon 75 L. F. of stream channel and to construct and maintain 35 L. F. of new stream channel and to construct and maintain 30 L. F. of a 6-foot diameter C.M.P. on an unnamed tributary to the South Branch Conewago Creek for a private drive to be located west of Lingg Road approximately 0.5 mile north of Irishtown Road (McSherrystown, PA Quadrangle N: 17.8 inches; W: 7.2 inches) in Oxford Township, **Adams County**.

**E07-256.** Encroachment. **Greenfield Township Municipal Authority**, R. R. 1, Box 948, Claysburg, PA 16625. To construct and maintain the renovation, rehabilitation and expansion of an existing wastewater treatment plant which requires the placement of fill in the floodplain of the Frankstown Branch of the Juniata River and associated wetlands for the purpose of upgrading the facility's treatment capacity located on the east side of Bedford Street at its intersection with S. R. 3008 (Roaring Spring, PA Quadrangle N: 10.9 inches; W: 9.7 inches) in Greenfield Township, **Blair County**.

**E31-131.** Encroachment. **Jackson Township Supervisors**, R. R. 1, Box 389A, Petersburg, PA 16669. To perform maintenance on an existing bridge across Greenlee Run by filling a portion of a scour hole in the channel downstream of the bridge with R-6 riprap; fill a portion of the scour hole under the bridge with Class C concrete and embed R-3 riprap in the top surface of the concrete; underpin and place scour protection concrete at both abutments and place R-6 riprap on the stream banks downstream of the bridge for purposes of highway safety located on Slate Hill Road (T-515) just east of its intersection with Township Road T-530 (McAlevys Fort, PA Quadrangle N: 7.3 inches; W: 10.61 inches) in Jackson Township, **Huntingdon County**.

**E36-618.** Encroachment. **Warwick Township**, P. O. Box 308, Lititz, PA 17543. To remove sediment deposits from approximately 780 L. F. of Santo Domingo Creek, to re-establish and maintain the channel within an 8-foot bottom width, 1-foot depth, within Warwick Linear Park, beginning at East Market Street (Lititz, PA Quadrangle N: 7.5 inches; W: 7.5 inches) in Lititz Borough and Warwick Township, **Lancaster County**.

## ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

### Permits Issued

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

**NPDES Permit No. PA0023256.** Sewerage. **Upper Gwynedd Township Authority**, P. O. Box 1307, North Wales, PA 19454 is authorized to discharge from a facility located in Upper Gwynedd Township, **Montgomery County** into Wissahickon Creek.

**NPDES Permit No. PA0026531.** Sewerage. **Downingtown Area Regional Authority**, P. O. Box 8, 347 North Pottstown Pike, Downingtown, PA 19341 is authorized to discharge from a facility located in East Caln Township, **Chester County** into the east branch Brandywine Creek.

**NPDES Permit No. PA0056367.** Industrial waste. **Tessa, LTD**, 425 Lewis Lane, Ambler, PA 19002 is authorized to discharge from a facility located in Whitmarsh Township, **Montgomery County** to an unnamed tributary to the Schuylkill River.

**NPDES Permit No. PA0056812.** Industrial waste. **YMCA of Pottstown and Upper Perkiomen Valley**, Adams and Jackson Streets, Pottstown, PA 19464 is authorized to discharge from a facility located in Upper Hanover Township, **Montgomery County** to Macoby Creek.

**NPDES Permit No. PA0012815.** Industrial waste. **Sonoco Products Company**, 300 South Brandywine Avenue, Downingtown, PA 19335 is authorized to discharge from a facility located in the Borough of Downingtown, **Chester County** into the east branch of Brandywine Creek.

**NPDES Permit No. PA0055476.** Sewerage. **Township of Birmingham S.A.J. Grace Company, Inc.**, P. O. Box 816, Chadds Ford, PA 19317 is authorized to discharge from a facility located in Birmingham Township, **Delaware County** into an unnamed tributary to Harvey Run.

**NPDES Permit No. PA0056863.** Industrial waste. **Mobil Oil Corporation**, 40 Liberty Boulevard, Malvern, PA 19355 is authorized to discharge from a facility located in Newtown Square Borough, **Delaware County** into an unnamed tributary of Hunter Run.

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

**NPDES Permit No. PA 0041921.** Sewerage. **Holy Sepulcher Parish**, 1304 East Cruikshank Road, Butler, PA

16001 is authorized to discharge from a facility located in Middlesex Township, **Butler County** to an unnamed tributary to Glade Run.

**NPDES Permit No. PA 0103411.** Industrial waste. **Ellwood Quality Steel Company**, 700 Moravia Street, New Castle, PA 16101 is authorized to discharge from a facility located in New Castle, **Lawrence County** to the Shenango River (Outfall 001) and Neshannock Creek (Outfall 002).

**NPDES Permit No. PA 0035581.** Sewage. **Department of Transportation**, McKean County Maintenance

Facility, Transportation and Safety Building, Room 1112, Harrisburg, PA 17120 is authorized to discharge from a facility located in Lafayette Township, **McKean County** to an unnamed tributary to Three Mile Run.

**NPDES Permit No. PA 0037931.** Sewage. **Municipal Authority of the Township of Cambridge**, R. D. 1, Box 53F, Cambridge Springs, PA 16403 is authorized to discharge from a facility located in Cambridge Township, **Crawford County** to an unnamed tributary to French Creek. This notice reflects changes in the draft permit published on May 4, 1996.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine (interim)	XX	XX

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

**NPDES Permit No. PA0004979.** Amendment No. 1. Industrial waste, **Neville Chemical Company**, 2800 Neville Road, Pittsburgh, PA 15225 is authorized to discharge from a facility located at Neville Chemical Company, Neville Township, **Allegheny County**.

**NPDES Permit No. PA0091227.** Industrial waste, **Calgon Carbon Corporation**, 500 Calgon Carbon Drive, Pittsburgh, PA 15230 is authorized to discharge from a facility located at the Neville Island Plant, Neville Township, **Allegheny County** to Ohio River (Back Channel).

**NPDES Permit No. PA0205028.** Amendment No. 1. Industrial waste, **BP Oil Company**, 4850 East 49th Street, Cleveland, OH 44125 is authorized to discharge from a facility located at Greensburg Terminal, Hempfield Township, **Westmoreland County**.

**NPDES Permit No. PA0217018.** Industrial waste, **BP Exploration and Oil, Inc.**, 200 Public Square Building, Cleveland, OH 44114-2375 is authorized to discharge from a facility located at the Former BP Station 07178, PA Facility I. D. No. 02-81373, Monroeville Borough, **Allegheny County** to Piersons Run.

**NPDES Permit No. PA0022292.** Sewage, **Municipal Authority of the Borough of Ebensburg**, 300 West High Street, Ebensburg, PA 15931 is authorized to discharge from a facility located at Ebensburg Wastewater Treatment Plant, Cambria Township, **Cambria County** to Howells Run.

**NPDES Permit No. PA0026581.** Sewage, **Westmoreland-Fayette Municipal Sewage Authority**, P. O. Box 126, Scottdale, PA 15683 is authorized to discharge from a facility located at Scottdale Sewage Treatment Plant, Scottdale Borough, **Westmoreland County**.

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

**NPDES Permit No. PA-0063509.** Industrial waste. **Foster Wheeler Penn Resources, Inc.**, Perryville Corporate Park, Clinton, New Jersey 08809 is authorized to discharge from a facility located in Newport Township to Newport Creek.

**NPDES Permit No. PA-0063533.** Sewerage. **Tobyhanna Township**, State Avenue, P. O. Box 880, Pocono Pines, PA 18360 is authorized to discharge from a facility located in Tobyhanna Township, **Monroe County** to Tobyhanna Creek.

**NPDES General Permit Final Actions**

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

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

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

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

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

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



Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form

and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

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

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG048381	PAG-4	Robert J. & Karen J. Dibble 5671 Gibson Hill Rd. Edinboro, PA 16412	Erie Co. Washington Twp.	Unnamed tributary to Conneauttee Creek	
PAG048380	PAG-4	Terry Sanner 3445 Sandy Lake New Lebanon Rd. Sandy Lake, PA 16145	Mercer Co. Perry Township	Unnamed tributary to Little Shenango River	

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG046107	4	Anthony and Darla Gibbons 206 Stoltz Road Patton, PA 16668	Cambria Co. Clearfield Twp.	UNT to Burgoon Run	8811

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

*Allegheny County Conservation District: District Manager, 875 Greentree Rd., Rm. 208 Acacia Bldg., Pittsburgh, PA 15220, telephone (412) 921-1999.*

*Armstrong County Conservation District: District Manager, Armsdale Admin. Bldg., R. R. 8, Box 294, Kittanning, PA 16201-3428, telephone (412) 548-3425.*

*Bucks County Conservation District: District Manager, 924 Town Center, New Britain, PA 18901, telephone (215) 345-7577.*

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

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

*Cumberland County Conservation District: District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.*

*Dauphin County Conservation District: District Manager, 1451 Peters Mtn. Rd., Dauphin, PA 17018, telephone (717) 921-8100.*

*Erie County Conservation District: District Manager, 12723 Rte. 19, P. O. Box 801, Waterford, PA 16441, telephone (814) 796-4203.*

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

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

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>
PAR10A174	Montour School District 90 Grant St. Coraopolis, PA 15108	Allegheny Co. Kennedy Twp.	UNT to Ohio River

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A175	Kestler and Cipriani 650 Washington Rd. Pittsburgh, PA 15228	Allegheny Co. Bethel Park	Ohio River
PAR10A177	John R. Miller 2901 Autumnwood Dr. Glenshaw, PA 15116	Allegheny Co. Hampton Twp.	Crouse Run
PAR10B011	Dan Heilman R. D. 1, Box 101B Kittanning, PA 16201	Armstrong Co. Kittanning Twp.	Cherry Run
PAR10D260	St. Mary Medical Center Langhorne-Newtown Rd. Langhorne, PA 19047	Bucks Co. Middletown Twp.	Core Crk.
PAR10D249	Freedom Federal Credit 25 Jackson Vlg. Rd. Warminster, PA 18974	Bucks Co. Warminster Twp.	Ltl. Neshaminy
PAR10D252	USX Realty Dev. Corp. 20 Steel Rd. S Morrisville, PA 19067	Bucks Co. Falls Twp.	Delaware River
PAR10D256	Central Bucks School District 67 E. Butler Ave. N. Britain, PA	Bucks Co. Buckingham Twp.	UNT to Lahaska Cr.
PAR10D238	Albert Freidman/Jim Neill 413 Hill Rd. Perkasie, PA 18944	Bucks Co. Nockamixon Twp.	Gallows Run
PAR10E049	Slippery Rock Univ. of PA Keister Rd. Slippery Rock, PA	Butler Co. Slippery Rock Twp.	Slippery Rock Cr.
PAR10E051	Butler Area School District 167 N. Castle Rd. Butler, PA	Butler Co. Center Twp.	Sullivan Run and Connoquen. Crk.
PAR10I309	Greg Sander R. D. 3, Box 170 Palmerton, PA 18071	Carbon Co. Towamensing Twp.	Aquashicola and Pohopoco Crks.
PAR10H100	Farmington Manor 7800 E. Kemper Rd. Cincinnati, OH 45259	Cumberland Co. Shippensburg Boro.	Burd Run
PAR10H101	Remington Dev. Corp. 129 Old Ford Dr. Camp Hill, PA 17011	Cumberland Co. N. Middleton Twp.	Conodoguinet Crk.
PAR10I082	LTC Thomas Banasik 1 Garrison Rd. Annville, PA 17003	Dauphin Co. E. Hanover Twp.	Manada Crk.
PAR10K065	Joe Palermo 3435 W. Lake Rd. Erie, PA	Erie Co. Millcreek Twp.	UNT to Beaver Run
PAR10K066	Erie-Western PA Port Authority 17 W. Dobbins Landing Erie, PA 16507	Erie Co. City of Erie	Presque Isle Bay and Lake Erie
PAR10-O-187	Lester Guyton 624 Owl Hill Rd. Lititz, PA 17543	Lancaster Co. Warwick Twp.	UNT to Lititz Run
PAR10-O-189	Conewago Indus. Park 1600 N. 2nd St. Harrisburg, PA 17552	Lancaster Co. W. Donegal Twp.	Conewago Crk.
PAR10-O-206	Centerville Assocs. 2776 Den-Mil Dr. Lancaster, PA 17601	Lancaster Co. E. Hempfield Twp.	UNT to Swarr Run

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10R089	Luzerne Co. Community College 1333 S. Prospect St. Nanticoke, PA	Luzerne Co. City of Nanticoke	Mun. Storm Sewer

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

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

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater from Construc-

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR104104	Pittsburgh Corning Corp. P. O. Box 39 Port Allegany, PA 16743	Annin Twp. McKean County	Burch Run

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

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483, by any aggrieved person under section 4 of The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

**PAS-10-0013.** Individual NPDES. **Joseph A. Myers**, 160 Ram Drive, Hanover, PA 17331. To implement an Erosion and Sedimentation Control Plan for a residential subdivision known as Allwood Manor on 73.62 acres in Conewago Township, **Adams County**. The project is located at the southern corner of the intersection of Hostetter and Race Horse Roads (McSherrystown, PA Quadrangle N: 7.2 inches; W: 5.9 inches). Drainage will be to the south branch of the Conewago Creek.

**PAS-10-2802.** Individual NPDES. **Texas Eastern Transmission Corporation**, 5444 West Heimer Street, Houston, TX 77056-5310. To implement an Erosion and Sedimentation Control Plan for installations of gas pipelines on 58.4 acres in East Providence Township, Bedford County and Brush Creek Township, **Fulton County**. The project is located beginning at a point 1,700 feet east of Mattie Village (Mench, PA Quadrangle N: 7.78 inches; W: 6.1 inches) and ends at a point just west of Boorman

tion 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.

Road (Breezewood, PA Quadrangle N: 6.4 inches; W: 11.8 inches). Drainage will be to Brush Creek.

**PAS-10-H055.** Individual NPDES. **Hampton Hills Development Company**, 1020 Baltimore Road, Shippenburg, PA 17257. To implement an Erosion and Sedimentation Control Plan for a single family housing development called Hampton Hills on 77.3 acres in Southampton Township, **Cumberland County**. The project is located about 0.6 mile west of Cleversburg Village (Walnut Bottom, PA Quadrangle N: 6 inches; W: 14.7 inches). Drainage will be to Burd Run.

**PAS-10-H057.** Individual NPDES. **Albert C. Kuhn**, P. O. Box 121, Carlisle, PA 17013. To implement an Erosion and Sedimentation Control Plan for a single family housing development called Graystone Acres on 153 acres in West Pennsboro Township, **Cumberland County**. The project is located about 0.8 mile northeast of Mount Rock Village (Plainfield, PA Quadrangle N: 8.35 inches; W: 7.8 inches). Drainage will be to Mount Rock Spring Creek.

**PAS-10-O044.** Individual NPDES. **East Cocalico Developers, Inc.**, P. O. Box 7066, Lancaster, PA 17604. To implement an Erosion and Sedimentation Control Plan for the Turnpike 21 Industrial Park on 133.06 acres in East Cocalico Township, **Lancaster County**. The project is located along the east side of East Muddy Creek Road (S. R. 1059) at the intersection of Lausch Road (Terre Hill, PA Quadrangle N: 15.5 inches; W: 11 inches). Drainage will be to the Little Muddy Creek.

**PAS-10-O054.** Individual NPDES. **Brighton Land Company**, 2130 Marietta Avenue, Lancaster, PA 17603. To implement an Erosion and Sedimentation Control Plan for the Brighton residential and commercial development on 52.1 acres in Manheim Township, **Lancaster County**. The project is located on the southeast corner of the Fruitville Pike and Erbs Quarry Road (Lancaster, PA Quadrangle N: 22.1 inches; W: 12.5 inches). Drainage will be to the tributary of the Little Conestoga Creek.

**PAS-10-Y039.** Individual NPDES. **Cornerstone Development Group, Inc.**, 1090 Stelton Road, Piscataway,

NJ 08854. To implement an Erosion and Sedimentation Control Plan for a residential development to be known as "Leader's Heights Crossings" on 28 acres in York Township, **York County**. The project is located south of

Route 182 approximately 0.5 mile east of I-83 interchange No. 4 (York, PA Quadrangle N: 6.1 inches; W: 9 inches). Drainage will be to Lake Redman.

**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.*

NPDES Permit No.	Applicant Name and Address	County and Municipality	Receiving Stream
PAS10-T058	The Cutler Group 35 Walton Road 5 Sentry Parkway West Blue Bell, PA 19422	Montgomery Twp. Montgomery County	Little Neshaminy Creek

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

NPDES Permit No.	Applicant Name and Address	County and Municipality	Receiving Stream
PAS10E050	H. J. Schneider Construction, Inc. 2080 Ehrman Road Cranberry Township, PA 16066-2204	Cranberry and Jackson Twps. Butler County	Brush and Conoquenessing Crks.
PAS10K004-01	Maleno Developers, Inc. 2236 West 38th Street Erie, PA 16506	Millcreek Twp. Erie County	Unnamed tributary Walnut Creek

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

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

**WQM Permit No. 2596405.** Sewerage, **Robert J. and Karen A. Dibble**, SRSTP, 13041 Capp Road, Edinboro, PA 16412. Construction of Robert J. and Karen A. Dibble SRSTP located in Washington Township, **Erie County**.

**WQM Permit No. 4396405.** Sewerage, **Terry Sanner**, SRSTP, 3445 Sandy Lake-New Labanon Rd., Sandy Lake, PA 16145. Construction of Terry Sanner SRSTP located in Perry Township, **Mercer County**.

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

**Permit No. 6377210.** Amendment No. 1. Industrial waste. **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930. Construction of carbon dioxide gas injection system located in Union Township, **Washington County** to serve the Elrama Power Station Bottom Ash Treatment Ponds.

**Permit No. 1196403.** Sewerage. **Anthony and Darla Gibbons**, 206 Stoltz Road, Patton, PA 16668. Construction of single residence sewage treatment plant located in Clearfield Township, **Cambria County** to serve the Gibbons Residence STP.

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

**Permit No. 0996410.** Sewerage. **Delaware Valley College**, Route 202, Doylestown, PA 18901. Construction of four new technology small flow sewage treatment

plants located in Doylestown Township, **Bucks County** to serve the Research and Development Center at Delaware Valley College.

**Permit No. 2393404.** Amendment No. 2. Sewerage. **Township of Birmingham Sewer Authority**, P. O. Box 816, Chadds Ford, PA 19317 and **J. Grace Company, Inc.**, P. O. Box 91, Chadds Ford, PA 19317. Request approval to amend WQM Permit No. 2393404A1 for the rerate of the sewage treatment plant located in Birmingham Township, **Delaware County** to serve the Ridings of Chadds Ford.

**Permit No. 0996201.** Industrial waste. **G.R.O.W.S., Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. Modification of their wastewater treatment plant located in Falls Township, **Bucks County** to serve G.R.O.W.S. Landfill.

**Permit No. 2396403.** **Concord Township Sewer Authority**, P. O. Box 171, Concordville, PA 19331. Construction and operation of a sanitary sewer lines and pump station located in Concord Township, **Delaware County** to serve Concord Hunt.

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

**Permit No. 5295402.** Sewerage. **Delaware Valley Utilities, Inc.**, 900 Routes 6 and 209, Matamoras, PA 18336. Permit to make sewage treatment plant modifications for expansion of the existing Delaware Valley Utilities STP, which also serves establishments along Routes 6 and 209, located in Westfall Township, **Pike County**.

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

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

**Location: Close Quarters Restaurant**, Kidder Township, **Carbon County**, 1 mile north of the intersection of Route 903 and Lake Harmony Road on the north side of Lake Harmony Road.

**Project Description:** Close Quarters Restaurant, an existing commercial food-service establishment, has an existing onlot sewage system which has malfunctioned in the past. The system was repaired on September 21, 1993, on an interim basis until a treatment facility is constructed. There is another seepage bed onsite which has been abandoned due to malfunctioning. Close Quarters Restaurant will produce an estimated average of 3,000 gallons per day of sanitary sewage (7,500 gallons/day @ 2.5 peak factor). A small flow sewage treatment plant is proposed to be constructed to treat the sewage flows. Flows from the restaurant will be intercepted at the existing grease trap and conveyed to the proposed treatment plant through a 4 inch PVC pipe. The proposed treatment plant will be located on an abandoned seepage bed. Treated effluent will be conveyed across Lake Harmony Road (State Route 1003) and discharged into a tributary of Tunkhannock Creek. A Pennsylvania Department of Transportation Highway Occupancy Permit will be obtained to cross and use the State highway right-of-way. Water supply is provided by an onsite well.

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

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

**Permit No. 6570502-A1.** Public water supply. **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601.

**Type of Facility:** Gibson/Pennsville 54 inch transmission main.

**Consulting Engineer:** Bankson Engineers, Inc., 100 Blue Run Road, P. O. Box 200, Indianola, PA 15051.

**Permit to Operate Issued:** June 12, 1996.

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

**Permits Issued**

**Permit No. 4396502.** Public water supply. **Greystone Country Estates**, 424 Delaware Road, Fredonia, PA 16124. Permit issued for the construction of a new dug well with an ultraviolet purifier and iron filter to serve the Greystone Country Estates facilities in Delaware Township, **Mercer County**.

**Type of Facility:** Personal Care Home Center.

**Consulting Engineer:** Venton L. Lugg, P. E., P.L.S., V. L. Dick Lugg, Surveying, 45 Main Street, Fredonia, PA 16124.

**Permit to Construct Issued:** June 17, 1996.

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**Submission of Final Reports on Attainment of Background and Statewide Health Standards (Sections 302(e)(3) and 303(h)(2))**

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The following final reports were submitted to the Department of Environmental Protection under the Land

Recycling and Environmental Remediation Standards Act, the act of May 19, 1995 (P. L. 4, No. 2).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (the act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final report.

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

**Lafarge Corporation**—Lot 3, Northampton Borough, **Northampton County**. Douglas H. Sammak, Project Director with American Resource Consultants, P. O. Box 2227, Doylestown, PA (on behalf of his client, Lafarge Corporation, 4000 Town Center, Suite 2000, Southfield, MI) has submitted a Final Report concerning the remediation of site soils and groundwater suspected of being contaminated with petroleum hydrocarbons, polyaromatic hydrocarbons and lead. The report is intended to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

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

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*Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.*

**Permit No. 603343(14).** **Wheelabrator Water Technologies Biogro Division**, 180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401. This permit is for the agricultural utilization of municipal sewage sludges from the Upper Saucon, Montgomery County Oaks, Borough of Lansdale, Loysville Municipal Authority, City of Lancaster, the Downingtown Regional Water Pollution Control Center, and the Pennridge Wastewater Treatment Authority, sewage treatment plants on the Buck Run Farm located in East Fallowfield Township and West Marlborough Township, **Chester County**. Permit issued in the Southeast Regional Office on June 10, 1996.

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**Permit Modifications (Form S) Granted to Authorize the Management of a Previously Unpermitted Class of Residual Solid Waste to Municipal and Residual Solid Waste Management Facilities.**

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

**Permit No. 400592. Resource Recovery Facility,** Lancaster County Solid Waste Management Authority, (P. O. Box 4425, Lancaster, PA 17604). Modify permit to accept Form S (Municipal-Like Residual Waste) to facility located in Conoy Township, **Lancaster County**. Permit issued in the Regional Office June 19, 1996.

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**Operating Permits 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.**

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

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **46-317-005E**  
Source: Various Rendering Equipment  
Issued: June 5, 1996  
Company: **Moyer Packing**  
Location: Franconia  
County: **Montgomery**

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**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 127.450 for Reasonably Available Control Technology.**

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

The Department has amended the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **OP-09-0013**  
Source: Municipal Waste Resource Recovery  
Administrative Amendment: May 17, 1996  
Company: **Wheelabrator Falls, Inc.**  
Location: Falls  
County: **Bucks**

Permit: **OP-23-0017A**  
Source: Facility NOx and VOC  
Administrative Amendment: June 3, 1996  
Company: **PECO Energy**  
Location: Eddystone  
County: **Delaware**

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**Operating Permits 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.*

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-302-077**  
Source: Cyclotherm Boiler/Natural Gas  
Company: **Lockheed Martin**  
Location: Archbald Borough  
County: **Lackawanna**

Permit: **35-302-084**  
Source: 300 hp Dunham Bush Boiler/Gas  
Company: **Lockheed Martin**  
Location: Archbald Borough  
County: **Lackawanna**

Permit: **35-318-073**  
Source: Surface Coating Spray Operations  
Company: **Lockheed Martin**  
Location: Archbald Borough  
County: **Lackawanna**

Permit: **40-303-017A**  
Source: Batch Asphalt Plt. Waste Oil & Rap  
Company: **American Asphalt & Paving Company**  
Location: Jackson Township  
County: **Luzerne**

Permit: **40-313-032**  
Source: Storage Tanks  
Company: **Safety-Kleen Corp.**  
Location: Hanover Township  
County: **Luzerne**

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

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

The Department has issued the following air quality plan approval for the specified companies described below:

Permit: **46-399-101**  
Source: Lithographic Printing Press #1009  
Issued: June 4, 1996  
Company: **Brown Printing**  
Location: Upper Hanover  
County: **Montgomery**

Permit: **46-322-008**  
Source: Reciprocating Engine Power Plant  
Issued: June 5, 1996  
Company: **Waste Management Disposal Services of PA**

Location: West Pottsgrove  
County: **Montgomery**

Permit: **23-312-207**  
Source: Storage Tank No. 591  
Issued: June 5, 1996  
Company: **Sun**  
Location: Marcus Hook  
County: **Delaware**

Permit: **46-399-107**  
Source: Fluid Bed Processor  
Issued: June 12, 1996  
Company: **McNeil Consumer Products**  
Location: Whitemarsh  
County: **Montgomery**

Permit: **46-399-111**  
 Source: Fluidized Bed Processor  
 Issued: June 12, 1996  
 Company: **McNeil Consumer Products**  
 Location: 7050 Camp Hill Road  
 County: **Montgomery**

Permit: **09-320-039**  
 Source: Flexographic Printing Press  
 Issued: June 13, 1996  
 Company: **Gilbreth International Corp.**  
 Location: Bensalem  
 County: **Bucks**

Permit: **46-318-044**  
 Source: Paint Spray Booth  
 Issued: June 14, 1996  
 Company: **NASJRB Willow Grove Naval Air Station**  
 Location: Horsham  
 County: **Montgomery**

The Department has extended the following air quality plan approval permits for the specified companies described as follows:

Permit: **46-399-100**  
 Source: Two Jet Fuel Storage Tanks  
 Issued: May 15, 1996  
 Extended: September 15, 1996  
 Company: **Department of the Air Force**  
 Location: Horsham  
 County: **Montgomery**

Permit: **09-320-037**  
 Source: Press 16  
 Issued: May 2, 1996  
 Extended: September 2, 1996  
 Company: **Webcraft Technologies**  
 Location: New Britain  
 County: **Bucks**

Permit: **15-307-024**  
 Source: Slab Caster Cut-Off Torch  
 Issued: May 30, 1996  
 Extended: September 30, 1996  
 Company: **Lukens Steel**  
 Location: Coatesville  
 County: **Chester**

Permit: **46-399-102**  
 Source: Flexographic Press #1  
 Issued: May 28, 1996  
 Extended: September 28, 1996  
 Company: **BG Packaging**  
 Location: Upper Providence  
 County: **Montgomery**

Permit: **23-329-003**  
 Source: 2 Emergency Generators  
 Issued: May 3, 1996  
 Extended: September 3, 1996  
 Company: **Haverford College**  
 Location: Haverford  
 County: **Delaware**

Permit: **46-329-011**  
 Source: Emergency  
 Issued: May 30, 1996  
 Extended: September 30, 1996  
 Company: **Merck & Co., Inc.**  
 Location: Upper Gwynedd  
 County: **Montgomery**

Permit: **46-313-142**  
 Source: 2 PVC Resin Packaging Systems  
 Issued: May 31, 1996  
 Extended: September 30, 1996  
 Company: **Occidental Chemical Corp.**  
 Location: Lower Pottsgrove  
 County: **Montgomery**

Permit: **46-301-266**  
 Source: Pathological Incinerator  
 Issued: June 3, 1996  
 Extended: October 3, 1996  
 Company: **Rhone Poulenc Rorer Pharmaceuticals**  
 Location: Upper Providence  
 County: **Montgomery**

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**Plan approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for a plan approval permit to comply with 25 Pa. Code § 129.91 for Reasonably Available Control Technology.**

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

The Department has issued the following air quality plan approval permit for the construction of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **PA-46-0042A**  
 Source: Union Boiler  
 Issued: June 11, 1996  
 Company: **Simpson Paper**  
 Location: Whitemarsh  
 County: **Montgomery**

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### Coal Applications Issued

**56950108. Fieg Brothers** (R. D. 3, Box 45, Stoystown, PA 15563), commencement, operation and restoration of a bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 127.4 acres, receiving stream unnamed tributaries to Buffalo Creek, application received August 24, 1995, permit issued June 17, 1996.

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

**54900205R. Wheelabrator Culm Services, Inc.**, (Liberty Lane, Hampton, NH 03842), renewal of an existing coal refuse reprocessing operation in Mahanoy

Township, **Schuylkill County** affecting 580.0 acres, receiving stream none. Renewal issued June 18, 1996.

**13890201RC4. Panther Creek Partners**, (R. R. 1, Box 28, Nesquehoning, PA 18240), renewal and correction of an existing anthracite coal refuse reprocessing operation in Nesquehoning Borough, **Carbon County** affecting 428.0 acres, receiving stream First Hollow Run and Nesquehoning Creek. Renewal/correction issued June 18, 1996.

**54851342R2. Little Buck Coal Co.**, (R. R. 4, Box 405, Pine Grove, PA 17963), renewal of an existing underground mine operation in Tremont Township, **Schuylkill County** affecting 5.0 acres, receiving stream none. Renewal issued June 19, 1996.

**49851602R2. Savitski Brothers Coal Company**, (325 Mulberry Street, Atlas, PA 17851), renewal of an existing coal preparation plant operation in Mt. Carmel Township, **Northumberland County** affecting 45.4 acres, receiving stream Shamokin Creek. Renewal issued June 21, 1996.

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

*General Small Noncoal Authorizations Granted*

**40950803. Tom Piatt**, (R. R. 3, Box 159, Hunlock Creek, PA 18621), commencement, operation and restoration of a small quarry operation in Lake Township, **Luzerne County** affecting 1.0 acre, receiving stream none. Authorization granted June 18, 1996.

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

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

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (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).**

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

**E07-253. Encroachment. The Pennsylvania State University**, Physical Plant Building, University Park, PA 16802-1118. To place fill in 0.38 acre of wetlands for the purpose of constructing a new residence hall at the Penn State University—Altoona Campus located at the Altoona Campus along Juniata Gap Road (Altoona, PA Quadrangle N: 10.81 inches; W: 7.4 inches) in Logan Township, **Blair County**.

**E07-254. Encroachment. Sunny Arron Bowser**, R. R. 5, Box 429, Altoona, PA 16601. To maintain a private single span bridge having a span of 25 feet and an underclearance of 14 feet in Mill Run Creek that was repaired under Emergency Permit EP-07-96-03 after the January 19, 1996, flooding located on the south side of Old Mill Run Road about 0.3 mile downstream of the Allegheny Reservoir (Altoona, PA Quadrangle N: 1.13 inches; W: 7.9 inches) in Logan Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-247. Encroachment. Middlesex Township Municipal Authority**, 350 North Middlesex Road, Carlisle, PA 17013-8494. To install and maintain a 12-inch diameter D.I.C.L. pipe across the bed of the Conodoguinet Creek for potable water supply purposes located about 1.2 miles west of Eckles School (Wertzville, PA Quadrangle N: 1.6 inches; W: 15.8 inches) in Middlesex Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E29-069. Encroachment. The Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To extend and maintain an existing 36-inch diameter R.C. pipe by 25 L. F. at the upstream end and to place R-4 rock riprap with a length of 20 L. F. across an unnamed tributary to South Branch Little Aughwick Creek in order to upgrade the roadway condition located at Station 996+50 and about 3,200 feet southwest of Burnt Cabins Village (Burnt Cabins, PA Quadrangle N: 13.48 inches; W: 4.75 inches) in Dublin Township, **Fulton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Permits Issued and Actions on 401 Certification*

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

**E10-233. Encroachment. Eric L. and Kimberly L. Smith**, 726 Ekastown Road, Sarver, PA 16055. To construct and maintain a 400-foot long, 36-inch diameter C. M. pipe stream enclosure and a 600-foot long high flow channel in a tributary to Thorn Creek as part of the construction of a car wash along Dinnerbell Road (S. R. 2007) across from Knoch High School (Saxonburg, PA Quadrangle N: 0.2 inch; W: 11.0 inches) located in Jefferson Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality 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



**EA01-004C0.** Environmental Assessment. **Michael E. Baltzley**, 544 School House Road, Aspers, PA 17304. To construct and maintain a nonjurisdictional dam across a tributary to Conewago Creek (WWF) for the purpose of recreation located approximately 5,000 feet north of the intersection of Schoolhouse Road and State Route 234 (Biglerville, PA Quadrangle N: 15.5 inches; W: 6.6 inches) in Tyrone Township, **Adams County**.

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

**E15-509.** Encroachment. **Consolidated Rail Corporation**, 2001 Market Street, P. O. Box 41412, Philadelphia, PA 19101-1412. To remove a nine span railroad bridge with a steel superstructure, concrete abutments and concrete piers crossing the Schuylkill River (WWF.MF), to restore abutment areas to the river bed elevation and to install, operate, maintain and remove a temporary causeway constructed to facilitate bridge removal. The site is situated approximately 500 feet downstream of the Linfield Road (S. R. 4022) Bridge (Phoenixville USGS Quadrangle N: 14.3 inches; W: 11.2 inches) between East Coventry Township, Chester County and Limerick Township, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E46-737.** Encroachment. **Commissioners of Montgomery County**, County Courthouse, Norristown, PA 19404. To repair and maintain an existing steel bridge with a 76-foot clean span and an underclearance which varies from 7 feet to 11 feet. The work consists of performing the following activities:

1. Placement of concrete to protect and enhance the existing deteriorated south stone masonry abutment;
2. Replacement of the steel deck panels, bracing and end posts;
3. Construction of additional guiderails and replacing portions of the existing guiderail;
4. Place fill in a scour hole with R-5 riprap adjacent to the deteriorated south abutment.

The bridge is located across Park Creek on Cedar Hill Road 1500 feet southwest of the intersection of Cedar Hill and S. R. 463 (Ambler, PA Quadrangle N: 15.9 inches; W: 10.1 inches) in Horsham Township, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-727-A1.** Encroachment. **Department of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To reissue, amend and extend the time limit on Permit No. E02-727 to construct and maintain a single additional support column to pier B5 of the West End Bridge. The new column is designated as Pier B5A, is located in the floodplain of the Ohio River, and is proposed for the purpose of widening S. R. 0019 Section A16 (Pittsburgh West PA Quadrangle N: 13.4 inches; W: 3.6 inches) in the City of Pittsburgh, **Allegheny County**.

**E02-1142.** Encroachment. **Borough of Elizabeth**, 206 Third St., Elizabeth, PA 15037. To remove the existing structure (Polk Street Pedestrian Bridge) and to construct and maintain a bridge having a span of 62.5 feet with an

underclearance of 10.0 feet across Fallen Timber Run to provide pedestrian access from Polk Street to a paved parking lot. The project is located on the west side of Polk Street, approximately 450 feet north from the intersection of Polk Street and Oak Street (Glassport, PA Quadrangle N: 4.2 inches; W: 1.3 inches) in Elizabeth Borough, **Allegheny County**.

**E02-1146.** Encroachment. **Amy E. Peters**, R. R. 2, Box 140, Tarentum, PA 15084-9608. To construct and maintain a bridge having a normal span of 40 feet and a minimal underclearance of 8.58 feet across a tributary to Bull Creek, to provide access to a proposed home. The bridge will be located adjacent to Millerstown/Culmerville Road (S. R. 1028) approximately 1,400 feet west from the intersection of Thompson Road and Millerstown/Culmerville Road (S. R. 1028) (Curtisville, PA Quadrangle N: 4.2 inches; W: 7.4 inches) in Fawn Township, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E11-245.** Encroachment. **Cambria County Commissioners**, P. O. Box 260, Ebensburg, PA 15031. To remove the existing structure and to construct and maintain a bridge having a normal span of 46.15 feet and an underclearance of 6.58 feet located approximately 40 feet downstream from the existing structure across the north branch of Little Conemaugh River and a temporary culvert consisting of nine 24-inch C.M. pipes in the North Branch of said river for the purpose of constructing the new bridge. The entire project fills a de minimus area of wetlands less than or equal to 0.05 acre. The project is located on Township Road (T-416) 1.4 miles south of its intersection with S. R. 2014 (Ebensburg, PA Quadrangle N: 13.0 inches; W: 8.6 inches) in Munster Township, **Cambria County**.

**E30-166.** Encroachment. **Mon Valley Energy Limited Partnership**, 330 Town Ctr. Dr., Fairlane Ctr. S, Ste. 1000, Dearborn, MI 48126-2712. To construct and maintain an aerial transmission line (138kv) from a new cogeneration facility across Dunkard Creek located near its mouth with the Monongahela River (Masontown, PA Quadrangle N: 2.6 inches; W: 8.7 inches) in Monongahela and Dunkard Townships, **Greene County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E40-429.** Encroachment. **Scott R. Luchi**, Generation II, P. O. Box 124, Conyngham, PA 18219. To construct and maintain (1) a driveway crossing of wetlands, having a length of approximately 250 feet, and (2) a road crossing of a tributary to Nescopeck Creek and adjacent wetlands, consisting of twin 42-inch x 29-inch CMP arch culverts, for the purpose of providing access to nine single-family lots in the St. John's Estates residential subdivision. The project includes the placement of fill in 0.20 acre of wetlands associated with the roadway construction. The project is located approximately 1.0 mile southeast of the S. R. 0080/S. R. 0081 Interchange (Sybertsville, PA Quadrangle N: 6.0 inches; W: 0.6 inch) in Butler Township, **Luzerne County**. The permittee is required to provide 0.20 acre of replacement wetlands.

**E58-208.** Encroachment. **Bart-Rich Enterprises, Inc.**, 1 Technology Place, East Syracuse, NY 13057. To place fill in 0.97 acre of wetlands to construct parking facilities for a proposed Burger King Restaurant. This project is located at the intersection of S. R. 0171 and U. S. Route 11 (Great Bend, PA-NY Quadrangle N: 16.7 inches; W: 15.6 inches) in Great Bend Township,

**Susquehanna County.** The permittee is required to provide 0.97 acre of replacement wetlands. Issuance of this permit also constitutes approval of an environmental assessment for a nonjurisdictional dam proposed at the wetlands replacement site.

[Pa.B. Doc. No. 96-1093. Filed for public inspection July 5, 1996, 9:00 a.m.]

### History Code Policy, Procedures and Forms

Act 70 of 1995 amended the History Code. In response, the Department of Environmental Protection (DEP) revised its technical guidance. The revised document was reviewed by the DEP staff, the Historical and Museum Commission (HMC) and the public. DEP is now distributing the final version of this technical guidance document (DER ID: 012-0700-001—Implementation of the History Code: Policy and Procedures for Applicants for DEP Permits and Plan Approvals). The document includes an updated List of Exemptions, the Cultural Resource Notice form, instructions and checklist and a flow chart of the time frames for HMC's review.

Many applicants for DEP permits will be conducting activities which involve earth disturbance and could damage important archaeological resources at the site of their planned activity. DEP requires its permit and plan approval applicants to notify HMC of their planned activity.

The changes to the History Code represent an improvement for most permit applicants. HMC may require surveys, but only where the site is significant (not for high probability areas or known sites for which the significance is not known). In most cases, HMC pays for the surveys. (However, there are four exceptions when HMC does not pay for the surveys. These are: projects of State agencies and instrumentalities, projects on State land, projects of publicly regulated utilities and surveys and investigations required under Federal law.) HMC has a strict time frame for making determinations and conducting its surveys and field investigations.

Finally, clear limits are given to the authority of HMC, DEP and the applicant. HMC cannot delay, deny, condition or limit permits which would otherwise be issued by a State agency. HMC must get the consent of the property owner to conduct its survey. DEP cannot stop processing a permit or deny a permit solely because of the possible or actual presence of archaeological resources. The applicant cannot utilize a permit in any manner that would impair or interfere with the performance of an archaeological survey or field investigation.

To order a copy of the document, please call Elwyn, Inc. at (800) 804-4020 when calling within Pennsylvania or (610) 891-2183 when calling outside Pennsylvania. The Policy and Procedures portion of the document (but not the forms) will be placed on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center, Final Published Documents.

Persons who have any questions should contact Nina Huizinga at (717) 783-8727.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 96-1094. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Mining and Reclamation Advisory Board; Meeting Notice

The Mining and Reclamation Advisory Board will meet July 18, 1996, at 10 a.m. in the 6th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg. This meeting had tentatively been scheduled for July 5, 1996.

Questions concerning the agenda can be directed to Rodney Kelley at (717) 783-5338 or e-mail to [Kelley.Rodney@a1.dep.state.pa.us](mailto:Kelley.Rodney@a1.dep.state.pa.us). The agenda for this meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Rodney Kelley directly at (717) 783-5338 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. 96-1095. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Plan Approval and Operating Permit Exemptions

Under the authority contained in 25 Pa. Code § 127.14, the Department of Environmental Protection (Department) may determine sources or classes of sources which may be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127. Notice is hereby provided that, in accordance with § 127.14(d), the listing of these determinations is being revised and that a draft is now available. After a 30-day comment period the listings will be revised as appropriate and be published in final form in the *Pennsylvania Bulletin*.

The listing is being revised by the addition of a list of physical changes qualifying for exemption under § 127.14(a)(9).

Additionally, criteria has been added for the exemption of facilities previously grandfathered from operating permit requirements. Revisions to the Air Pollution Control Act and 25 Pa. Code Chapter 127, requires the submission of operating permit applications for previously grandfathered sources by November 1, 1996.

Finally, the listings will include insignificant activities that need not be described in either a Title V or State-only operating permit application.

A complete copy of the Plan Approval and Operating Permit Exemption Listings may be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality Control, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, telephone (717) 787-4325 or by e-mail to [Maneval.Kimberly@a1.dep.state.pa.us](mailto:Maneval.Kimberly@a1.dep.state.pa.us). TDD users may telephone the Department through the AT&T Relay Service, 1 (800) 654-5984. Internet users can access a copy of the exemption listing at <http://www.dep.state.pa.us> (choose Public Participation Center/Proposals Open for Comment).

The Department requests written comments on the proposed revisions to the permit exemption listings. Interested persons may submit written comments, sug-

gestions or objections to John F. Slade, Chief, Division of Permits, Bureau of Air Quality Control, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325 or e-mail to Slade.John@a1.dep.state.pa.us. Public comments must be submitted to the Department within 30 days of the date of this notice in the *Pennsylvania Bulletin*. Comments received by facsimile will not be accepted.

### PLAN APPROVAL AND OPERATING PERMIT EXEMPTION LISTINGS

#### *Listing of Plan Approval Exemptions*

Section 127.14(a) of Chapter 127 of the Rules and Regulations of the Department of Environmental Protection (25 Pa. Code § 127.14(a)) provides that approval is not required for the construction, modification, reactivation or installation of the following:

1. Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.
2. Combustion units rated at 2.5 million or less Btus per hour of heat input.
3. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by a public utility or by commercial fuel oils which are No. 2 or lighter-viscosity less than or equal to 5.82 C St—and which meet the sulfur content requirements of § 123.22 (relating to combustion units). Combustion units converting to fuel oils which are No. 3 or heavier-viscosity greater than 5.82 C St or contain sulfur in excess of the requirements of § 123.22 require approval. For the purpose of this section, commercial fuel oil shall be virgin oil which contains no reprocessed, recycled or waste material.
4. Sources used in residential premises designed to house four or less families.
5. Space heaters which heat by direct heat transfer.
6. Mobile sources.
7. Laboratory equipment used exclusively for chemical or physical analyses.
8. Other sources and classes of sources determined to be of minor significance by the Department.

The following is a list of those sources and classes of sources determined in accordance with § 127.14(a)(8) to be exempt from the Plan Approval requirements of 25 Pa. Code §§ 127.11 and 127.12. Note that certain exceptions and qualifications regarding this list are contained in the discussion that follows the list.

1. Incinerators with rated capacities less than 75 lb. per hour burning a municipal or residual waste as defined by the Bureau of Land Recycling and Waste Management.
2. Shot blast and sand blasting units with appropriately designed fabric collectors, cartridge collectors or scrubbers manufactured as an integral part of the design and which have exhaust volumes equal to or smaller than 5,000 scfm.
3. Coal handling facilities processing less than 200 tons per day. (Thermal coal dryers and pneumatic coal cleaners remain subject to the requirements of § 127.11)
4. Combustion turbines rated at less than 1,000 horsepower or 10.7 gigajoules per hour.

5. Natural gas-fired heat treating furnaces with less than  $10 \times 10^6$  Btus per hour heat input (fuel burning emissions only).

6. Steam aspirated vacuum degassing of molten steel.

7. Wet sand and gravel operations (screening only) and dry sand and gravel operations with a capacity of less than 150 tons per hour of unconsolidated materials.

8. Concrete batch plants and associated storage vessels which are equipped with appropriately designed fabric collectors.

9. Bulk material storage bins, except those associated with a production facility with total actual facility particulate emissions greater than 10 tons per year.

10. Storage vessels for volatile organic compounds [which are not hazardous air pollutants (HAPs)] which have capacities less than 40 m<sup>3</sup> (10,000 gallons) based on vessel dimensions, unless subject to § 129.59 (bulk gasoline terminals) or § 129.60(b) and (c) (bulk gasoline plants).

11. Storage vessels containing non-VOC or nonhazardous air pollutant materials and compounds.

12. Diesel fuel, Nos. 2, 4 and 6 fuel oils, or kerosene and jet fuel storage and dispensing facilities.

13. Covered wastewater transfer systems such as covered junction boxes, sumps, tanks at industrial sites.

14. Plastic bead or pellet milling, screening and storage operations (does not include handling and storage of resin powders).

15. Plastic parts casting ovens and injection molding processes.

16. Tire buffing.

17. Paper trimmers/binders.

18. Vocational education shops. Chemistry laboratories at schools and colleges.

19. Laboratory equipment used for kinetic studies, mass/energy transport studies, or laboratory scale chemical synthesis.

20. Research and development activities with hourly emission rates:

- i. less than 6 pounds/hour of CO;
- ii. less than 0.034 pound/hour of lead; and
- iii. less than 3 pounds/hours of PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub> or VOC.
- iv. less than 1 pound/hour of a HAP.

21. Woodworking facilities such as sawmills and pallet mills which process green wood; or, small woodworking facilities processing kiln-dried wood or wood products (flakeboard, particleboard, and the like) associated with pattern shops, retail lumber yards, shipping and packing departments, and the like; or, woodworking facilities of any size processing kiln-dried wood or wood products which are equipped with appropriately designed fabric collectors.

This exemption does not apply to woodworking facilities processing wood which has been treated with a wood preservative of any kind. The term "woodworking facilities" refers only to operations in which wood or a wood product is sawed, sanded, planed or similarly shaped or reshaped. The term does not include such activities as painting, finishing, hardboard manufacturing, plywood manufacturing, and the like.

22. Smokehouses.
23. Slaughterhouses (rendering cookers remain subject to the requirements of § 127.11).
24. Restaurant operations.
25. Cold degreasers, except those emitting more than 1 ton per year of a HAP or 2.5 tons per year of a combination of HAPs. These units are still subject to § 129.63(a).
26. Vapor degreasers with cross sectional areas at the liquid-vapor interface, equal to or less than 10 square feet, except those emitting more than 1 ton per year of a HAP or 2.5 tons per year of a combination of HAPs.
27. Detergent washing of metal parts, except those using VOCs or HAPs.
28. Uncontrolled surface coating sources of the type addressed in Table I of § 129.52 which have not had actual emissions of VOCs (except those emitting more than 1 ton per year of a HAP or 2.5 tons per year of a combination of HAPs) in excess of 3 pounds per hours, 15 pounds per day, or 2.7 tons per year during any calendar year since January 1, 1987, provided total plant emissions are less than 25 tons per year. For plants emitting equal to or greater than 25 tons per year, sources emitting equal to or less than 1 ton per year are exempt.
29. Sources of uncontrolled VOC emissions (except those emitting more than 1 ton per year of a HAP or 2.5 tons per year of a combination of HAPs, or those of the type subject to § 129.52, or addressed elsewhere in this listing), and:
- i. are located in Bucks, Chester, Delaware, Montgomery or Philadelphia Counties and have actual emissions less than 3 lb. per hour, 15 lb. per day, and 2.7 tons per year; or,
  - ii. are located in counties other than those listed in i) above and have actual emissions less than the amounts shown in the following table:
- | <i>Facility (Plant) Size</i> | <i>New Source Exemption</i> |
|------------------------------|-----------------------------|
| ≤25 TPY                      | ≤8 TPY                      |
| >25 TPY                      | <1 TPY                      |
30. Dry-cleaning facilities which are not subject to § 129.70, NSPS, MACT (area MACT sources are currently deferred from plan approval and operating permit requirements), PSD or NSR requirements.
31. Retail gasoline stations.
32. Sources of particulate matter (not subject to NESHAPs, NSPS, PSD or emission offset requirements, nor which emit lead or HAPs) which are controlled by a baghouse, have an emission rate which meets the limits of Chapter 123, and are exhausted indoors and cannot be bypassed to exhaust to the outdoor atmosphere.
33. Sources emitting inert gases only, such as argon, helium, krypton, neon and xenon; pure constituents of air such as nitrogen, oxygen or carbon dioxide; or, methane or ethane.
34. Any source qualifying under § 127.449 as a de minimis emission increase.
35. Any source granted an exemption by the Department through the execution of a Request for Determination of Requirement for Plan Approval Application form.

### *Special Exclusion from Exemption*

A. This notice shall not be construed to exempt facilities which include multiple sources of air contaminants, even if each source is within a class in the above list.

B. The addition of sources that would subject the facility to major source New Source Review or Prevention of Significant Deterioration requirements, Title V or Reasonably Available Control Technology are not to be exempted from plan approval requirements, even if such sources are within a class in the above list.

These determinations do not exempt the above-listed sources from compliance with the emission limitations, work practice and other applicable requirements contained in 25 Pa. Code Chapters 121—124, 127, 129 and 135. Although a source may be exempt from the plan approval and operating permit requirements of 25 Pa. Code Chapter 127, the source is subject to all other applicable air quality regulations. For example, combustion units exempt from the requirements of Chapter 127 are not exempt from the opacity limitations of § 123.41 or the emission limitations of § 123.22. Storage vessels for organic compounds with capacities between 2,000 gallons to 40,000 gallons, not subject to the requirements of Chapter 127, must install pressure relief valves in accordance with the requirements of § 129.57. (Note: Storage vessels in this size range would also not be subject to the requirements of §§ 129.59 and 129.60.)

If the Department determines that any source within the above list is causing air pollution in violation of section 8 of the Air Pollution Control Act (35 P. S. § 4008) or 25 Pa. Code § 121.7, the Department may order the installation of additional air cleaning devices. In such cases, plan approvals and operating permits may be required.

Requests for exemptions from the plan approval requirements of Chapter 127 for multiple source facilities must be considered on a case-by-case basis.

As noted in item (35) of the list, additional exemptions, when appropriate, may be obtained through the submission of a completed Request for Determination of Requirement for Plan Approval Application form. These forms are available from any Air Quality office.

### *Physical Changes Qualifying for Exemption Under § 127.14(a)(9)*

In accordance with § 127.14(a)(9), the Department has determined that the following physical changes qualify for plan approval exemption if the change: a) would not violate the terms of an operating permit, the Air Pollution Control Act, the Clean Air Act or the regulations adopted under them; b) would not result in emission increases above the allowable in the operating permit; and, c) would not result in an increased ambient air quality impact for an air contaminant. These changes may be made without notification to the Department. Caution: Do not read the following list without consideration of the preceding qualifiers.

1. Changes in the supplier or formulation of similar raw materials, fuels, paints and other coatings which do not effect emissions or which meet all applicable standards and limitations.
2. Changes in product formulations that do not affect air emissions.
3. Changes that result in different speciation of pollutants but fall within permit limitations.
4. Changes in the method of raw material addition.

5. Changes in the method of product packaging.
6. Changes in temperature, pressure or other operating parameters which do not adversely affect air cleaning devices performance or air emissions.
7. Additions of or changes to sampling connections used exclusively to withdraw materials for testing and analysis including air contaminant detection and vent lines.
8. Changes to paint drying oven length designed to alter curing time, so long as capture efficiencies of control equipment are not altered.
9. Routine maintenance, inspection and cleaning of storage tanks and process vessels.
10. Changing water sources to air cleaning devices when there is no affect on performance or air emissions.
11. Moving a source from one building to another building at the same facility with no change in operation or controls.
12. Installation of an air cleaning device that is not installed to comply with regulatory requirements and will not be used to generate emission reduction credits.
13. Repairing, replacing, upgrading, maintaining or installing pollution control device instrumentation or component equipment including pumps, blowers, burners, filters, filter bags, devices for measuring pressure drop across an air cleaning device or a filter breakage detector for a baghouse, provided such changes would not violate an operating permit term or condition.
14. Installing a fume hood or vent system for industrial hygiene purposes or in a laboratory.
15. The temporary (no longer than 6 months) replacement in kind of a source that has experienced an emergency breakdown.

In accordance with section 127.14(c) additional physical changes may be determined to be of minor significance and not subject to plan approval requirements through the following procedure.

A. If the changes do not involve the installation of equipment, the changes may be made within 7 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 7-day period.

B. If the changes involve the installation of equipment, the changes may be made within 15 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 15-day period.

C. If the change would violate the terms of an operating permit the plan approval exemption may be processed contemporaneously with the minor operating permit modification under the procedures described in section 127.462.

#### *Exemption Criteria for Operating Permits*

A Title V operating permit is needed by all facilities which have the potential to emit (PTE) exceeding the levels described in the definition of "Title V facility." A State-only operating permit is needed by any facility containing sources previously issued plan approvals and permits. A State-only operating permit is also needed for existing nonpermitted facilities (for example, grandfathered facilities) which do not have a potential to emit (PTE) which exceeds the Title V facility thresholds,

but which has actual emissions equal to or exceeding the facility levels summarized below.

#### *State-Only Operating Permit Facility Exemptions for Grandfathered Facilities*

<i>Pollutant</i>	<i>PTE</i>	<i>Actual Emission Rate</i>
CO	100 TPY	20 TPY
NO <sub>x</sub>	100 TPY	10 TPY
SO <sub>x</sub>	100 TPY	8 TPY
PM <sub>10</sub>	100 TPY	3 TPY
VOCs	50 TPY	8 TPY
Single HAP	10 TPY	1 TPY
Multiple HAPs	25 TPY	2.5 TPY

*Exceptions:* Sources subject to MACT requirements are not exempted from operating permit requirements. However, the permitting of MACT area sources will be deferred at this time. MACT area sources include nonmajor facilities containing: perchloroethylene dry cleaning, halogenated solvent cleaning, ethylene oxide commercial sterilization and fumigation operations, hard and decorative chromium electroplating and chromium anodizing tanks.

#### *Source Category and Insignificant Activities Exemptions*

At present there are only two permanently exempted source categories. These categories include residential wood stoves and asbestos demolition/renovation sites. (Ref. Section 127.504(d))

Insignificant activities are those located within a facility which do not create air pollution in significant amounts. These insignificant activities need not be described in a Title V or State-only operating permit application. Certain of these listed activities include qualifying statements intended to exclude many similar activities.

1. Combustion emissions from propulsion of mobile sources. The term "mobile" means it is capable of moving by its own power. The term does not include a source mounted on a vehicle, whether the mounting is permanent or temporary, which source is not used to supply power to the vehicle. Examples might include lawn mowers, tow and life vehicles, and the like.

2. Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the act.

3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process.

4. Portable space heaters.

5. Electrically heated furnaces, ovens and heaters, and other electrically operated equipment from which no emissions of air contaminants occur.

6. Noncommercial food preparation.

7. Use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.

8. Any equipment, machine or device from which emission of air contaminant does not occur.

9. Janitorial services and consumer use of janitorial products.

10. Internal combustion engines used for landscaping purposes.

11. Garbage compactors and waste barrels.

12. Laundry activities, except for dry-cleaning and steam boilers.

13. Bathroom/toilet vent emissions.

14. Emergency (backup) electrical generators at residential locations.

15. Tobacco smoking rooms and areas.

16. Blacksmith forges.

17. Plant maintenance and upkeep activities (for example, grounds-keeping, general repairs, cleaning, painting, welding, plumbing, retarring roofs, installing insulation and paving parking lots) provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification.<sup>1</sup>

18. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or de-greasing (solvent metal cleaning) activities, and not otherwise triggering a permit modification.

19. Portable electrical generators that can be moved by hand from one location to another<sup>2</sup>.

20. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning or machining wood, metal or plastic.

21. Brazing, soldering and welding equipment, and cutting torches related to maintenance and construction activities that do not result in emission of HAP metals.<sup>3</sup>

22. Air compressors and pneumatically operated equipment, including hand tools.

23. Batteries and battery charging stations, except at battery manufacturing plants.

24. Storage tanks, vessels and containers holding or storing liquid substances that will not emit any VOC or HAP.<sup>4</sup>

25. Propane or natural gas tanks and containers.

26. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

27. Equipment used to mix and package, soaps, vegetable oil, grease, animal fat and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

28. Drop hammers or hydraulic presses for forging or metalworking.

29. Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators and electrical power generating equipment.

30. Vents from continuous emissions monitors and other analyzers.

31. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

32. Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation.

33. Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit VOC or HAP.

34. CO<sub>2</sub> lasers, used only on metals and other materials which do not emit HAP in the process.

35. Consumer use of paper trimmers/binders.

36. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.

37. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

38. Laser trimmers using dust collection to prevent fugitive emissions.

39. Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume hoods or vents.<sup>5</sup>

40. Sources emitting inert gases only, such as argon, helium, krypton, neon and xenon; pure constituents or air such as nitrogen, oxygen or carbon dioxide; or the organic aliphatic hydrocarbon gases methane and ethane.

41. Routine calibration and maintenance of laboratory equipment or other analytical instruments.

42. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

43. Hydraulic and hydrostatic testing equipment.

44. Environmental chambers not using hazardous air pollutant (HAP) gasses.

45. Shock chambers.

46. Humidity chambers.

47. Solar simulators.

48. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

49. Process water filtration systems and demineralizers, but not including air stripper.

50. Demineralized water tanks and demineralizer vents.

51. Boiler water treatment operations, not including cooling towers.

52. Oxygen scavenging (de-aeration) of water.

53. Ozone generators.

54. Fire suppression systems and activities involved in fire protection training, first aid or emergency medical training.

55. Emergency road flares.

56. Steam vents and safety relief valves.

57. Steam leaks.

58. Steam cleaning operations.

59. Steam sterilizers.

<sup>1</sup>Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit.

<sup>2</sup>"Moved by hand" means that it can be moved without the assistance of any motorized or nonmotorized vehicle, conveyance or device.

<sup>3</sup>Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production level thresholds. Brazing, soldering, welding and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.

<sup>4</sup>Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids should be based on size limits such as storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

<sup>5</sup>Many lab fume hoods or vents might qualify for treatment as insignificant (depending on the applicable SIP) or be grouped together for purposes of description.

If an applicant conducts an activity that is believed insignificant but not covered by this listing, the applicant may list the activity in an operating permit application and provide a justification for listing the activity as insignificant. If the Department accepts the applicants justification then no further information will be required on the activity. If the Department rejects the justification then operating permit information will have to be supplied for the activity.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1096. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Regulatory Basics Initiative; Schedule for Amending Existing Regulations

The Department of Environmental Protection (DEP) has developed a schedule for the development of new rulemakings as part of the DEP's Regulatory Basics Initiative.

The Regulatory Basics Initiative was announced in August of 1995 as an overall review of the Department's regulations and policies. The Department solicited public comments in August of 1995 by giving the regulated community, local governments, environmental interests and the general public the opportunity to identify specific regulations and guidance which are either more stringent than Federal standards; serve as barriers to innovation; are obsolete or unnecessary, or which impose costs beyond reasonable environmental benefits; and serve as barriers to adopting new environmental technologies, recycling and pollution prevention.

This schedule contains a listing, by Bureau, of the rulemaking packages which will be proposed as a result of this Initiative. Each rulemaking contains a summary of the proposal and anticipated dates for first drafts, advisory committee review, and EQB consideration of the proposed rulemaking. A chronological list of all rulemakings which are anticipated for submission to the EQB in 1996 and 1997 is contained at the beginning of this report.

Copies of this schedule are available on the Department's Web Site at <http://www.dep.state.pa.us> (choose Public Participation Center/Hot Topics/Regulatory Basics Initiative) or from Barbara Sexton at (717) 783-1303 or e-mail [Sexton.Barbara@a1.dep.state.pa.us](mailto:Sexton.Barbara@a1.dep.state.pa.us).

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1097. Filed for public inspection July 5, 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 948-41.** Construction of the Keystone Building, Site of the Existing Transportation and Safety

Building, Harrisburg, Dauphin County, PA. Construction cost: \$101,000,000. The scope of work includes, but is not limited to, demolition of the existing Transportation and Safety Building and design and construction administration of a new office building on the existing site. The new building will include subterranean parking for 500 vehicles and provide flexible, intelligent office space for several State Agencies and will include special features such as a heliport, state-of-the-art Commonwealth Commerce Resource Center and Pennsylvania Emergency Management Agency (PEMA) Central Administration and Command Center. As part of the Historic Capitol Complex, the building must compliment, in a timeless manner, the majesty of the Capitol Complex. The Department intends to contract separately for Environmental Consultant Services for removal of hazardous material from the existing building prior to demolition, and to contract separately for Construction Management Services. The Construction Manager will be responsible for scheduling and administering work during design and construction phases. The entire project, from abatement of hazardous material to completion of the new office building, is scheduled for a 49½ month period. *Note:* The design professional cannot be a party to the Construction Management or Environmental Consultant contracts.

**Project No. DGS 964-24.** New Armory, Indiana County Armory, Indiana, Indiana County, PA. Construction cost: State Funds of \$725,000 and Federal Funds of \$1,629,187. The scope of work includes, but is not limited to, construction of an approximately 22,000 gross sq.ft., 100 person armory with offices, drill hall, classrooms, locker rooms/showers, kitchen, toilets, storage, arms vault and indoor rifle range. Also included will be off street parking, enclosed military vehicle parking, wash platform and access road.

### Requirements and Information

#### *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 letterhead, 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 firm 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, August 2, 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 terms 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. 96-1098. Filed for public inspection July 5, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Philadelphia County Reference No. 08430AG2002

The Department of Transportation will retain an engineering firm to perform final design for S. R. 0095, Section RES, a portion of Interstate Route 95, from Allegheny Avenue to Academy Road in the City of Philadelphia. Proposed construction involves reconstruction of eight bridges including: bridge substructure rehabilitation and modifications, bridge superstructure rehabilitation and modifications, bridge deck slab demolition and reconstruction; roadway reconstruction; replacing deficient roadway signs, sign structures, lighting and drainage; and landscaping. Approximate construction length is 11.0km (6.85 miles). The estimated construction cost is \$115 million.

The selected firm will be required to provide the following engineering and design services: surveys; environmental clearance; structure design, including type, size and location; roadway design; pavement design; preparation of cross-sections; soils and geological investigations; erosion and sedimentation control plans; highway lighting design; right-of-way investigation; preparation of traffic control plans, pavement marking and signing; utility investigation and coordination; coordination with municipal officials and other agencies; preparation of preliminary and final plans, specifications, and estimates. The above design documents will be performed in metric (SI) units.

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 project.

Technical questions concerning the requirements for this project should be directed to Harvey S. Knauer, District 6-0, at (610) 964-6537.

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. 96-1099. Filed for public inspection July 5, 1996, 9:00 a.m.]

# ENVIRONMENTAL QUALITY BOARD

## Area Unsuitable for Coal Mining

### Fayette and Westmoreland Counties

The Environmental Quality Board (Board) approved the Department of Environmental Protection's final recommendation not to designate the Indian Creek petition area as unsuitable for surface coal mining activities. This recommendation was based on a technical study and evaluation of public comments.

A petition submitted by Beverly Braverman, representing the Mountain Watershed Association, asked that a 10,000-acre portion of the Indian Creek watershed, located in Saltlick Township, Fayette County, and Donegal Township and Donegal Borough, Westmoreland County, receive the designation. The petition asserted that reclamation of surface and underground mining is not technologically and economically feasible because previous mining has resulted in acid mine drainage that has degraded the surface and groundwater. The petition also asserted that further mining would adversely affect aquatic resources, recreational and natural areas and historic buildings and would degrade or diminish public and private water supplies, springs and aquifers.

The Department's review concluded that while there is strong potential that underground mining would cause an acid mine drainage problem, sufficient data is not available to state with certainty that mining within certain portions of the petition area would result in such damage.

Notice of the Department's proposed recommendation not to designate the area was published at 25 Pa.B. 4270 (October 7, 1995) with a 30-day public comment period. Copies of the final recommendation, which includes the technical study and comment and response documents

addressing comments received on the petition and those addressing the proposed recommendation, are available from Mick McCommons, Bureau of Mining and Reclamation, 2nd Floor, Executive House, P. O. Box 8641, Harrisburg, PA 17105-8461, telephone (717) 787-4761, or through e-mail to McCommons.Mick@a1.dep.state.pa.us.

JAMES M. SEIF,  
*Chairperson*

[Pa.B. Doc. No. 96-1100. Filed for public inspection July 5, 1996, 9:00 a.m.]

## Watershed Redesignation; Corrections

The Department of Environmental Protection has discovered typographical errors and omissions in the text of the Index of Designated Watersheds as deposited by the Dept. and published at 26 Pa.B. 2659 (June 1, 1996). The list was published as a result of a recent amendment which was approved by the Environmental Quality Board on April 16, 1996. The corrected text appears below, with ellipses referring to text that is unchanged.

### INDEX OF DESIGNATED WATERSHEDS

#### (STORMWATER MANAGEMENT)

- \* \* \* \* \*
- POTOMAC River BASIN
- \* \* \* \* \*
- POTOMAC River (From Somerset County to Adams County along Maryland State Line)
- \* \* \* \* \*
- 7. Cove Creek
- \* \* \* \* \*
- OHIO River BASIN
- \* \* \* \* \*
- CLARION River (From McKean County to Confluence with Allegheny River)
- \* \* \* \* \*
- 40. Toms, Cather, Maxwell, Blyson and McCanna Runs
- \* \* \* \* \*
- BEAVER River (From Ohio State Line to Confluence with Ohio River)
- \* \* \* \* \*
- 104. Sullivan Run
- \* \* \* \* \*
- SUSQUEHANNA River BASIN
- \* \* \* \* \*
- SUSQUEHANNA River (From Susquehanna County to Bradford County along New York State Line)
- \* \* \* \* \*
- 11. Wappesening Creek
- \* \* \* \* \*
- JUNIATA River (From Centre County to Confluence with Susquehanna River)
- 89. South Bald Eagle Creek
- 90. Spruce Creek
- 91. Little Juniata River
- 92. Beaverdam Branch Juniata River
- 93. Frankstown Branch Juniata River

- 94. Shaver Creek
- 95. Muddy Creek
- 96. Crooked Creek
- 97. Standing Stone Creek
- 98. Shawnee Creek
- 99. Shobers Run
- 100. Bobs Creek
- 101. Dunning Creek
- 102. Cove Creek
- 103. Snakespring Valley Run
- 104. Clear Creek
- 105. Shaffer Creek
- 106. Brush Creek
- 107. Sandy/Sixmile Runs
- 108. Yellow Creek
- 109. Shoup Run
- 110. Great Trough Creek
- 111. Raystown Branch Juniata River
- 112. Mill Creek
- 113. Wooden Bridge Creek
- 114. Sideling Hill Creek
- 115. Three Spring Creek
- 116. Blacklog Creek
- 117. Aughwich Creek
- 118. Laurel Creek
- 119. Honey Creek
- 120. Kishacoquillas Creek
- 121. Jacks Creek
- 122. East Licking Creek
- 123. Tuscarora Creek
- 124. Little Buffalo/Buffalo Creeks
- 125. Juniata River

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DELAWARE River BASIN

\* \* \* \* \*

SCHUYLKILL RIVER (From Carbon County to Confluence with Delaware River)

\* \* \* \* \*

45. French Creek

\* \* \* \* \*

BEDFORD COUNTY

\* \* \* \* \*

9. Cove Creek

\* \* \* \* \*

BRADFORD COUNTY

\* \* \* \* \*

3. Wysox Creek

\* \* \* \* \*

CHESTER COUNTY

\* \* \* \* \*

4. French Creek

\* \* \* \* \*

DAUPHIN COUNTY

\* \* \* \* \*

3. Wiconisco Creek

\* \* \* \* \*

FULTON COUNTY

1. Cove Creek

\* \* \* \* \*

INDIANA COUNTY

- 1. Two Lick Creek
- 2. Cherry Run
- 3. Yellow Creek
- 4. Blacklick Creek
- 5. Crooked Creek
- 6. Conemaugh River
- 7. L. Mahoning Creek
- 8. Aultman/Stuart Runs
- 9. Canoe Creek
- 10. Blacklegs Creek
- 11. Plum Creek
- 12. W. Br. Susquehanna River
- 13. Mahoning Creek
- 14. Cowanshannock Creek

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LACKAWANNA COUNTY

\* \* \* \* \*

4. Wallenpaupack Creek

\* \* \* \* \*

LAWRENCE COUNTY

\* \* \* \* \*

5. Connoquenessing Creek

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LYCOMING COUNTY

\* \* \* \* \*

10. Young Womans Creek

\* \* \* \* \*

NORTHAMPTON COUNTY

\* \* \* \* \*

6. Catasauqua Creek

\* \* \* \* \*

NORTHUMBERLAND COUNTY

1. Limestone Run

\* \* \* \* \*

4. Shamokin Creek

5. Mahanoy Creek

\* \* \* \* \*

PHILADELPHIA COUNTY

\* \* \* \* \*

5. Wissahickon Creek

\* \* \* \* \*

SCHUYLKILL COUNTY

\* \* \* \* \*

10. Nesquehoning Creek

11. Nescopeck

\* \* \* \* \*

SUSQUEHANNA COUNTY

\* \* \* \* \*

4. Starrucca/Cascade Creeks

\* \* \* \* \*

8. North Branch Wyalusing

\* \* \* \* \*

WARREN COUNTY

- 1. Conewango Creek
- 2. Brokenstraw Creek
- 3. Allegheny River
- 4. Oil Creek
- 5. Tionesta Creek

WASHINGTON COUNTY

- 1. Chartiers Creek
- 2. Tenmile Creek
- 3. Pigeon Creek
- 4. Pike Run
- 5. Peters Run
- 6. Monongahela River
- 7. Raccoon Creek
- 8. Ohio River

- 9. Robinson Run
- 10. Cross Creek
- 11. Wheeling Creek

WAYNE COUNTY

\* \* \* \* \*

YORK COUNTY

\* \* \* \* \*

- 6. Conewago Creek

\* \* \* \* \*

JAMES M. SEIF,  
*Chairperson*

[Pa.B. Doc. No. 96-1101. Filed for public inspection July 5, 1996, 9:00 a.m.]

# GOVERNOR'S OFFICE

## Regulatory Agenda

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the first publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
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**ADMINISTRATION**

No regulations being developed or considered at this date.

**AGING**

No regulations being developed or considered at this date.

**AGRICULTURE**

Tuberculosis/Brucellosis 7 PA.Code Chapters 3, 5, 7, 8, 9	November 1996, as proposed.	This regulation would delete certain tuberculosis and brucellosis testing and documentation requirements currently imposed upon owners or transporters of cattle, goats and bison. Elimination of these diseases in the Commonwealth has reduced the necessity of testing. This regulation will facilitate intrastate commerce of these animals, and will allow the Department to redirect its resources more efficiently. Section 1702 of the Administrative Code of 1929 (71 P.S. § 442) comprises the statutory basis for the regulation.	Dr. Phillip DeBok (717) 783-8300
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Agricultural Conservation Easement Purchase Program 7 PA.Code Chapter 138e	December 30, 1997, as proposed.	The regulation will address agricultural conservation easement appraisal standards, minimum criteria for easement purchases, procedures by which counties assign a numerical ranking to applicant farmland owners, subdivision procedures and requirements for land under easement and procedures by which individual county easement purchase programs may be recertified by the State Agricultural Land Preservation Board.	Raymond Pickering (717) 783-3167
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Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
"Clean and Green" Regulations 7 Pa. Code Chapter 137	April 1998, as proposed.	County Assessors have primary enforcement authority under the "Clean and Green" Act (72 P.S. §§ 5490.1-5490.13), and favor a revision of current regulations to promote uniform and consistent interpretation and enforcement of the Act statewide. The current regulations have not been revised in 15 years. The Pennsylvania Farmland and Forest Land Assessment Act of 1974, known commonly as the "Clean and Green" Act (72 P.S. §§ 5490.1-5490.13) is the statutory basis for the regulation.	Raymond Pickering (717) 783-3167
Deletion of "Grade AA" Milk Standards 7 Pa. Code Chapter 59	December 1996, as proposed.	This regulation is needed to keep Pennsylvania-produced "Grade A" milk competitive in interstate commerce. This regulation would delete the provisions of 7 Pa. Code Chapter 59 that allow milk to be sold as "Grade AA" milk. The National Council of Interstate Milk Shippers ("NCIMS"), of which Pennsylvania is a member, has determined that this "Grade AA" standard violates the interstate agreement pursuant to which "Grade A" milk moves unimpeded in interstate commerce. NCIMS member states may impose testing and inspection requirements on Pennsylvania-produced "Grade A" milk if the "Grade AA" standards are not eliminated.	James Dell (717) 787-4316
Consolidation/Update of Retail Food Store Regulations	December 1997, as proposed.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P.S. § 20.1-20.18) is the statutory basis for this regulation.	Charles Radle (717) 772-3234
Maple Products	June 1998, as proposed.	This regulation is required by the Maple Products Act (3 Pa. C.S. §§ 6101-6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Charles Radle (717) 772-3234
Harness racing commission	September 1998, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186-190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Richard Sharbaugh (717) 787-5196
Horse racing commission.	No publication anticipated in next 12 months.	This commission plans an update of its regulatory authority (at 58 Pa. Code Chapters 161, 163, 165, 167, 171 and 173), for the same general reasons and on the basis of the same statutory authority cited by the Harness Racing Commission, above.	Ben Nolt (717) 787-1942

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Bureau of Market Development. Standards for Grading Veal Calves.	June 1997, as proposed.	The regulation would bring the Commonwealth's standards for grading veal calves into conformity with USDA standards. The regulation would amend current regulatory authority at 7 Pa. Code Chapter 101 by deleting standards for grading veal calves and adopting USDA standards by reference.	Richard McDonald (717) 787-5319
Plant Industry Regulations			
Land application of soil & groundwater contaminated with agricultural chemicals.	January 1998, as proposed.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P.S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands.	David Bingaman (717) 787-4843
Farm Safety and Occupational Health Grant Program.	February 1997, as proposed.	This regulation is needed to replace an existing statement of policy published in the March 16, 1996 Pa. Bulletin. This regulation would formalize the statement of policy by which the Farm Safety and Occupational Health Grant Program operates. The Program awards grants to fund projects to increase the knowledge and awareness of farm safety measures and occupational health issues among the Commonwealth's rural youth.	John Tacosky (717) 787-4843
Fruit Tree Improvement Program.	December 1997, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/ insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 787-5609
Certification of Virus-Tested Geraniums.	September 1997, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 PA.Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically- important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 787-5609

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Noxious Weeds	September 1996, as final.	This regulation is necessary to remove <i>Chichorium intybus</i> ("Chicory"), a valuable forage crop for cattle, from the noxious weed control list and to add <i>Lythrum salicaria</i> ("Purple loosestrife"), a nonindigenous wetland plant, to that list. This regulation was published in proposed form at 26 Pa. Bulletin 1558 (April 6, 1996). The regulation will allow the Secretary to address the problems caused by purple loosestrife, a nonindigenous wetland plant that clogs waterways and crowds out native plant and animal species.	Lyle Forer (717) 772-5203
<b><i>BANKING</i></b>			
Pawnbroker License Act regulations	October 1996, as proposed.	The amendments to the Pawnbroker License Act require that the Department hold a hearing regarding all initial pawnbroker applications, add grounds pursuant to which an application may be rejected, require newspaper publication of notice of renewal applications, permit charges to cover reporting relating to any pledge required by any governmental unit. The amendments also require that regulations shall include minimum start-up and operating capital requirements, annual report filing requirements, and any other financial record keeping requirements. The regulations for capital requirements are required by statute. The major additional regulations needed would establish and announce the procedure and requirements related to initial pawnbroker application hearings.	Reginald Evans (717) 787-1471
Credit Services Act regulations	October 1996, as proposed.	Section 8 of the Act, 73 P.S. § 2188, provides that loan brokers shall be registered with the Department of Banking pursuant to regulations promulgated by the Department. The annual registration fee is \$300. The regulations are required by the statute in order to establish and announce the regulatory registration procedure applicable to loan brokers.	Reginald Evans (717) 787-1471
Secondary Mortgage Loan Act regulations.	No publication anticipated in next six months.	The Secondary Mortgage Loan Act ("SMLA"), 7 P.S. § 6601 <i>et seq.</i> , was passed in 1980 and most recently amended by Act 15 of 1995. The Department is evaluating the need for regulatory guidance to be provided to second mortgage residential lenders and brokers under the SMLA.	Reginald Evans (717) 787-1471
"Incidental Powers" regulations under the Banking Code of 1965.	No publication anticipated in next six months.	Section 315(i) of Banking Code of 1965, as amended ("Banking Code"), 7 P.S. § 315(i), provides Pennsylvania state-chartered banks with "all powers incidental to the conduct of banking business." Section 103(b) of the Banking Code, 7 P.S. § 103(b), provides authority for the Department to promulgate regulations. Due to numerous developments in the banking industry, the Department is evaluating the need for regulatory guidance to be provided to the banking industry that would list incidental powers and provide the ability to apply to the Department for determinations of possible additional incidental powers.	Reginald Evans (717) 787-1471

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
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**BOARD OF PARDONS**

Board Operating Procedure 37 PA Code, Chapter 8	April 1, 1997, as proposed.	The regulations are being reviewed and revised to comply with Acts of 1995, Special Session 1, Nos. 15 & 16, and to reflect the current practices of the Board in regulation.	Nelson Zullinger (717) 787-2596
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**BUDGET**

No regulations being developed or considered at this date.

**COMMERCE**

Financing Provider Certification	Spring 1997, as proposed.	This regulation will establish a uniform process of certification and decertification for providers who assist the Department of Commerce in the packaging and delivery of low interest loan financing programs to the business community	Jill B. Busch (717) 783-8452
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Tax Increment Financing	Spring 1997, as proposed.	This regulation will clarify certain provisions of the Tax Increment Financing Act (the "Act"), harmonize certain inconsistent provisions of the act, and provide additional certainty to prospective issuers under the act, all with the objective and intent of enhancing the utility of the act as a viable additional and alternative means to finance public facilities and residential, commercial and industrial development and revitalization, which is the declared purpose of the act.	Jill B. Busch (717) 783-8452
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Private Activity Bonds	Spring 1997, as proposed.	This regulation will permit the Department of Commerce to publish as a notice in the <u>PA Bulletin</u> the annual allocation of the state ceiling on the aggregate amount of private activity bonds that may be issued in each calendar year by or on behalf of the Commonwealth and its political subdivisions.	Jill B. Busch (717) 783-8452
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**COMMUNITY AFFAIRS**

No regulations being developed or considered at this date.

**CONSERVATION & NATURAL RESOURCES**

Conservation of Native Wild Plants	February 1997, as proposed.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Daniel A. Devlin (717) 787-3444
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State Forest Rules and Regulations	October 1996, as proposed.	This proposal is an update of existing regulations regarding conduct on State Forest land. The legal basis for these regulations is Section 301 of Act 18 of 1995. This update also includes changes to improve compliance where roads are closed to vehicular access, to provide for better protection of designated hiking trails, and to establish special activity agreements for commercial use of state forest roads.	Warren A. Ely (717) 787-2014
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**CORRECTIONS**

Motivational Boot Camp Act 61 P.S. Section 1221 et seq.	August 1996, as proposed.	The regulations will address boot camp administration, establishment of selection committees, inmate selection criteria, programming and supervision, inmate discipline and staff training.	Mary Beth Marschik (717)
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Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
<b><i>EDUCATION</i></b>			
Pupil Personnel Services Pupil Attendance Students 22 PA.Code, Chapters 7, 11, 12	July 1996, as proposed.	These proposed revisions to existing chapters of regulations are necessary to align provisions of Chapter 12 in compliance with recently-enacted legislation and court decisions; to accurately reflect current practices; delete nonregulatory language; and eliminate non-regulatory provisions. These regulations are promulgated under authority of the Public School Code of 1949 (P.L. 30, No. 14) Article XXVI-B, Sections 26-2601-B-26-2606-B.	Peter Garland (717) 787-3787
Special Education Services and Programs 22 PA.Code, Chapter 14	September 1997, as proposed	These regulations are necessary to establish procedures for the identification of students who are in need of special education services and programs and to set forth requirements and procedures for the delivery of those services and programs. The review of these current regulations will focus on current federal and state law regarding special education services and programs to ensure compliance, consistent and accurate terminology and application of existing provisions.	Peter Garland (717) 787-3787
School Buildings 22 PA.Code, Chapter 21	July 1996, as proposed.	These regulations are necessary to provide uniform standards and procedures for seeking Departmental approval in school building projects. The proposed revisions are necessary to provide clarification and to reflect current practice. These revisions are proposed under authority of the Public School Code of 1949 (P.L.30, No.14) Article XXVI-B, §§ 26-2601-B--26-2606-B.	Peter Garland (717) 787-3787
Higher Education General Provisions Branch Campuses for State-Supported Institutions Foreign Corporation Standards Institutional Approval Program Approval 22 PA.Code Chapters 31, 34, 36, 40, 42	Chapters 31, 36, 40 - August 1996, as proposed.  Chapters 34, 42 - November 1996, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Current review and revision are necessary to ensure that the regulations are consistent with current practice and terminology. Specific revisions to Chapters 31 and 40 are necessary to clarify the Secretary of Education's authority over matters of program expansion by institutions of higher education. These regulations are promulgated under authority of the Public School Code of 1949 (P.L. 30, No.14), Article XXVI-B, §§ 26-2601-B--26-2606-B.	Peter Garland (717) 787-3878

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Extended School Year Services 22 Pa. Code, Chapter 14, §§ 14.1, 14.34 & Chapter 342, § 342.34	August 1996, as proposed.	These revisions are proposed under authority of the Public School Code of 1949 (P.L. 30, No. 14) Article XXVI-B, §§ 26-2601-B--26-2606-B. These amendments are necessary to ensure that Commonwealth regulations and standards are consistent with federal law and judicial decisions affecting extended school year services for eligible students and to provide guidance to local education agencies when determining whether or not eligible students under Chapter 14 are entitled to extended school year services. These regulations and standards are promulgated under authority of the Public School Code of 1949 (P.L. 30, No. 14) Article XXVI-B, §§ 26-2601-B--26-2606-B. Additional legal basis is found in 20 U.S.C. Section 1400 et seq. known as the Individuals with Disabilities Education Act, and implementing regulations at 34 CFR Part 300.	William Penn (717) 783-2311
Certification of Professional Personnel 22 Pa. Code, Chapter 49	October 1996, as proposed.	These regulations and revisions are necessary to ensure that those individuals preparing to be teachers receive a quality education and are competent to teach in the disciplines and areas for which they are certified. These regulations are promulgated under authority of the Public School Code of 1949 (P.L. 30, No. 14) Article XXVI-B, Sections 26-2601-B--26-2606-B.	Peter Garland (717) 787-3878
Private Driver Training Schools 22 PA.Code, Chapter 101	July 1996, as proposed.	These regulations provide an updated set of rules and regulations for private driver training schools. The current regulations were adopted in 1970.	Robert Roush (717) 783-6595
Grants for Public Library Facilities 22 PA.Code, Chapter 142	September 7, 1996, as proposed.	These regulations are required by the Keystone Recreation, Park and Conservation Fund Act of 1993 (32 P.S. §§ 2011-2024).	Barbara Cole (717) 783-5722
22 PA.Code, Chapter 335	August 1996, as final.	24 P.S. § 19-1913-A9(b)(1.2), which states in part that "The Secretary of Education, in consultation with the community colleges, shall promulgate standards for credit courses and for noncredit courses that will be eligible for Commonwealth reimbursement. The standards shall specifically exclude from eligibility for reimbursement any course or program in avocational or recretarional pursuits."	Barbara Senior (717) 787-4313

***EMERGENCY MANAGEMENT AGENCY***

No regulations being developed or considered at this date.

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
<b>ENVIRONMENTAL PROTECTION</b>			
Special Protection Waters (Antidegradation) Program Clean Streams Law	August 1996, as proposed.	The proposal is being developed to streamline and improve the existing program and to address EPA disapproval issues. The Department has been utilizing a regulatory negotiation (Reg Neg) process to develop program changes; however, expediting the regulation changes has been given a high priority as a result of a Federal Court order that EPA promulgate Federal regulations to correct program disapproval issues. The Reg Neg Group includes representatives of conservation groups, the regulated community, public interest groups and government. The Department will continue to utilize the Reg Neg Group for input as the final rulemaking is developed. The Air and Water Quality Technical Advisory Committee (AWQTAC) has been briefed periodically on the status of the Reg Neg process and this proposal.	Carol Young, 717-787-9637
Stream Redesignation - French Creek, et al. Clean Streams Law	December 1996, as proposed.	This proposal evaluates 18 water bodies in 18 counties for addition, deletion or modification to the Special Protection use designations or for addition of use designations for streams which were not previously listed in Chapter 93. The changes will allow wastewater treatment requirements for dischargers to be consistent with water uses actually or potentially supportable by these streams. French Creek (Chester County), Sutton Creek (Luzerne County), Cedar Run and Slate Run (Lycoming and Tioga Counties), Cove Creek (Bedford County), and Trout Run (York County) were evaluated as a result of petitions submitted to the Environmental Quality Board (EQB).	Tom Barron, 717-787-9637
Storage Tank Technical Standards Storage Tank and Spill Prevention Act	February 1997, as final.	This proposal consists of definitional changes, the removal of language adopting the Federal underground storage tank regulations which are proposed to be codified in new Subchapter E, adoption by reference of the Federal regulations relating to lender liability, and the creation of new subchapters to establish a permitting program for storage tanks as well as separate technical and operational standards for aboveground storage tanks. The EQB adopted the proposed rulemaking in April 1996; it was published in the <i>Pennsylvania Bulletin</i> on June 29 with a 60-day public comment period closing August 28. A public hearing is scheduled for August 7 in Harrisburg. The Storage Tank Advisory Committee (STAC) participated in the development of this rulemaking.	Karl Sheaffer, 717-772-5800
Corrections to Drainage Lists Clean Streams Law	Adopted as proposed rulemaking in June 1996	This proposal contains corrections to several stream listings found in Chapter 93 in response to requests from DEP regional staff, the Pennsylvania Fish and Boat Commission, and the general public. These nonsubstantive, corrective amendments address all or portions of streams found in 14 of the 26 drainage lists.	Tom Barron, 717-787-9637

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Chapters 16 and 93 - Modifications to Water Quality Standards Clean Streams Law	February 1997, as proposed.	These revisions will address several of the principles of the Regulatory Basics Initiative and Executive Order 1996-1 and will incorporate changes needed to implement the Federal Great Lakes Water Quality Initiative (GLI). The AWQTAC and interested stakeholders in the Great Lakes Basin (for those revisions prepared to implement the GLI) will be consulted in the development of this rulemaking.	Edward Brezina, 717-787-9637
Chapters 91, 92, 94, 95, 97 and 101 - Modifications to NPDES Program Rules, Water Quality Management Permitting Rules and General Water Quality Management Provisions Clean Streams Law	February 1997, as proposed.	These revisions will address all of the principles of the Regulatory Basics Initiative and incorporate changes needed to implement the GLI. The AWQTAC and interested stakeholders in the Great Lakes Basin (for those revisions prepared to implement the GLI) will be consulted in the development of this rulemaking.	Edward Brezina, 717-787-9637
Chapter 103, Municipal Financial Assistance Clean Streams Law, Act 339	December 1996, as proposed.	These revisions will eliminate obsolete provisions relating to the Federal sewerage construction grants program due to the phase-out of the Federal program, update portions of the provisions implementing the Act 339 sewage treatment works subsidy program, and update regulations relating to the use of Land and Water Conservation Act funds for municipal sewage needs. There is currently no advisory committee established to review these funding programs.	Tony Maisano, 717-787-6744
Storage Tanks Certification Program Storage Tank and Spill Prevention Act	July 1996, as final.	The proposal amends the certification program for installers and inspectors of storage tanks. The changes represent corrections and additions that are necessary to improve the existing regulations based on the Department's experience in administering this program over the past three years. The STAC has assisted in the development of this final rulemaking.	Karl Sheaffer, 717-772-5800
Sewage Amendments - Planning, Permitting and Disposal Facilities Act 149 amendments to the Pa. Sewage Facilities Act (Act 537)	Adopted as final rulemaking in June 1996	The first of two rulemakings to implement Act 149 amendments, this rulemaking addresses the ten-acre permit exemption and a process to resolve disputes involving mottled soils, as well as other provisions. The Sewage Advisory Committee (SAC) was involved in the development of this rulemaking.	Milt Lauch, 717-787-3481
Act 149 Sewage Facilities Amendments Act 149 amendments to the Sewage Facilities Act (Act 537)	December 1996, as final	The second of two rulemakings to address Act 149 amendments, this proposal offers local agencies incentives by increasing reimbursement for qualifying municipalities to administer on-lot system permitting programs and delegating the new land development planning program to local agencies. The proposal includes several exemptions and waivers from current requirements and makes numerous changes to local agency permitting procedures. Six public hearings were held throughout Pennsylvania during the 60-day public comment period which closed May 29. The SAC has been involved in the development of this rulemaking.	Milt Lauch, 717-787-3481

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Stream Redesignations - Kettle Creek, et al. Clean Streams Law	August 1996, as final	This proposal will upgrade several streams in Clinton, Centre, Dauphin, Blair and McKean Counties to High Quality or Exceptional Value status. None of the streams were studied as a result of a petition.	Tom Barron, 717-787-9637
Stream Redesignations - Tincum Creek, et al. Clean Streams Law	September 1996, as final	Eleven streams were studied in this proposal. Five streams--Tincum, Unami, Pine, Sideling Hill, and Lofty Creeks--were studied as a result of petitions. With the exception of Lofty Creek, which was recommended to retain its current designation of Cold Water Fishes, all streams would be provided Special Protection status.	Tom Barron, 717-787-9637
Chapter 102, Erosion Control Clean Streams Law	March 1997, as proposed.	This proposal will include minor revisions such as eliminating obsolete terms, simplifying technical requirements for control facilities, updating and clarifying permit requirements to reflect current Federal NPDES permit requirements for construction activities, revising requirements that may be interpreted as more restrictive than Federal requirements, and establishing a minimum area of disturbance to require the development of an erosion and sedimentation control plan. The AWQTAC and the Agricultural Advisory Board (AAB) will review drafts of the proposed rulemaking.	Michael Sherman, 717-783-7577
Chapter 105, Dam Safety and Waterway Management Clean Streams Law	April 1997, as proposed.	Revisions will be proposed to increase the number of minor projects eligible for permit waivers; create a permit-by-rule for minor impact projects which would be similar to and in some cases replace general permit categories; revise the definition of "small project" to include minor wetland encroachments and expand the small projects concept by establishing discretion to waive permits, specific regulatory requirements, and specific documentation on a case-by-case basis; establish a "field permit" to facilitate issuing permit decisions during site visits; simplify the application fee schedule; and simplify the administration and clarity of the Chapter 105 and 106 programs by deleting Chapter 106 and incorporating the public flood plain permitting requirements of Chapter 105, thus consolidating rules and procedures for stream channels, floodways and floodplains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) and the AAB will review drafts of the proposal.	Mike Conway, 717-783-7917
Chapter 171, Schools Administrative Code of 1929	November 1996, as proposed.	The Department proposes to eliminate these regulations concerning general sanitation at private and public schools because of the transfers of the Eating and Drinking Program to the Department of Agriculture and the Bathing Place Program to the Department of Health. Other basic sanitation requirements such as adequate sewage disposal, safe drinking water and proper solid waste disposal are provided by existing programs in DEP. This does not require advisory committee review. The Department is working with the Departments of Health, Education and Agriculture prior to rescinding these regulations.	Joseph Hoffman, 717-787-5017

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Land Recycling and Environmental Remediation Standards The Land Recycling and Environmental Remediation Standards Act	July 1996, as proposed.	The Land Recycling and Remediation Standards Act (Act 2 of 1995) requires the adoption of statewide health standards, appropriate mathematically valid statistical tests to define compliance with the Act, and other regulations necessary to implement the Act. The regulations will provide clear direction concerning the cleanup standards required to be met to those undertaking the cleanup of a contaminated site. The regulations will establish the test used to demonstrate compliance with these cleanup standards. The regulations will also encourage the voluntary cleanup of contaminated sites that can be reused for industrial purposes rather than siting industrial activity on land which has not previously been used for those purposes. The Cleanup Standards Scientific Advisory Board (CSSAB), created by the Act, has assisted in the development of this proposal.	Tom Fidler, 717-783-7509
Universal Waste Rule Solid Waste Management Act	Adopted as proposed rulemaking in April 1996	This proposal adopts the Federal provisions to streamline the hazardous waste regulations to make it easier for consumers and businesses to recycle batteries, certain pesticides and mercury thermostats, while ensuring their safe collection, recycling, handling and treatment; provides a petition process to add wastes that could be regulated in a like manner; and allows universal waste handlers to receive off-site hazardous waste and still qualify for a permit-by-rule status. The proposed rulemaking was adopted by the EQB in April 1996. The proposal is currently under review by the Office of Attorney General. Following approval, it will be published in the <i>Pennsylvania Bulletin</i> with a 60-day public comment period. No public meetings or hearings have been scheduled. The SWAC reviewed the draft proposed rulemaking and will review the draft final rulemaking in November 1996.	Leon Kuchinski, 717-787-6239
Marking of Infectious Waste Containers Infectious and Chemotherapeutic Waste Disposal Act, Solid Waste Management Act	Adopted as proposed rulemaking in April 1996	This proposal provides for the substitution of rigid containers in colors other than yellow or red for the shipping of infectious or chemotherapeutic wastes, provided certain marking and labeling requirements are met. Pennsylvania regulations are currently more stringent than the Federal government requirements in this regard. The EQB adopted this proposed rulemaking in April 1996; it was published in the <i>Pennsylvania Bulletin</i> on June 15 with a 30-day public comment period closing July 15. No public meetings or hearings have been scheduled. The SWAC reviewed the draft proposed rulemaking and will review the draft final rulemaking in November 1996.	Ron Hassinger, 717-787-7381

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Chapters 270-299, Municipal and Residual Waste Amendments - Reporting Requirements Solid Waste Management Act	December 1996, as proposed.	This proposal will contain revisions to the reporting requirements of the municipal and residual waste regulations as identified by the Department's Reporting Requirements Study, including elimination of 16 reporting forms by relying on information already contained in the files, other reports, or onsite facility operational reports; providing for the electronic transfer of data; deleting notary certification requirements for waste reports; and eliminating unnecessary information from existing reports. The overall volume of reporting forms is expected to be reduced by 50 percent. The SWAC will review the draft proposal in September 1996.	Bill Pounds, 717-787-7564
Chapter 272, Municipal Waste Amendments - Recycling and Planning Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101)	March 1997, as proposed.	These revisions implement changes developed as a result of the Act 101 Municipal Waste Stakeholders Group recommendations to DEP. Content of the rulemaking will be dependent upon review by the SWAC and possible reauthorization of Act 101. Changes will affect the recycling and planning provisions of the municipal waste regulations.	Keith Kerns, 717-787-7382
Chapters 260-270 - Hazardous Waste Amendments #6 Solid Waste Management Act	March 1997, as proposed.	These amendments revise areas where state regulations are more stringent than Federal requirements, including alternate concentration levels for hazardous constituents; interim status requirements; financial assurance requirements; addition of the precious metals reclamation exclusion; and changes to the research, development and demonstration permit requirements. The proposal will also streamline permit requirements for mobile treatment/processing facilities which recycle or reclaim wastes on site; and adopt a variance provision for hazardous waste to allow for deviation of construction requirements where it can be demonstrated by the facility that alternate construction will be protective of the environment. The proposal also revises and consolidates the hazardous and residual waste used oil regulations into one chapter. The SWAC will review the draft proposed rulemaking in January 1997.	Leon Kuchinski, 717-787-6239
Municipal and Residual Waste/Sewage Sludge Solid Waste Management Act	September 1996, as final.	This proposal modifies the biosolids program to be more consistent with the Federal 503 program; authorizes the use of general permits for municipal waste processing and beneficial use, including the land application of biosolids; and modifies requirements for the beneficial use of coal ash. The proposal also amends the residual waste regulations to provide consistency in the implementation of general permits between the two programs. The SWAC has been involved in the development of this final rulemaking.	Bill Pounds, 717-787-7564

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Hazardous Waste Amendments (PK-5) Solid Waste Management Act	July 1996, as final.	These amendments clarify the terms "coproduct" and "product" as they relate to the reuse of waste; reduce the reporting requirements for generators and operators of treatment, storage or disposal facilities; adopt the Federal biennial report system and eliminate the state quarterly reports; adopt the Federal standards for conditionally exempt small quantity generators; clarify the term "RCRA empty" as it relates to containers; increase the allowable in-transit storage time from 5 to 10 days at approved facilities; update the category of exclusions to be consistent with EPA; provide for permits by rule for treatment by generators and storage prior to onsite reclamation; provide a rebuttable presumption for waste oil with >1,000 ppm halogens; adopt Federal standards for drip pads, containment buildings and secondary containment at generator facilities; allow for the use of a generic Module 1 waste analysis report for similar wastes and allow for satellite accumulation at generator facilities. The SWAC has been involved in the development of this final rulemaking.	Leon Kuchinski, 717-787-6239
NOx Emission Reduction Requirements Air Pollution Control Act	February 1997, as proposed.	This proposal implements a nitrogen oxides (NOx) emissions budget program consistent with the Ozone Transport Commission's (OTC) Memorandum of Understanding (MOU) on Phase II NOx reductions for the 12 Northeast Ozone Transport Region (OTR) states and the District of Columbia. This regulation will require reductions in ozone season NOx emissions from fossil-fired utility and large industrial combustion facilities in Pennsylvania in order to achieve the health-based National Ambient Air Quality Standard (NAAQS) for ozone. DEP has been working with the Air Subcommittee of AWQTAC in the development of this regulation.	Dean VanOrden, 717-787-4310
Open Market Trading Program for VOCs and NOx Air Pollution Control Act	July 1997, as proposed.	This regulation will allow sources emitting volatile organic compounds (VOCs) and oxides of nitrogen (NOx) to trade emissions reductions among sources in order to achieve emission reduction requirements. The trading program approach will reduce the overall costs of meeting the public health and environmental goals of the NAAQS for ozone. The open market trading program will be developed with input from a stakeholders group, AWQTAC, CAC, and SBCAC in January 1997.	Dean VanOrden, 717-787-4310
Clean Fuel Fleets Air Pollution Control Act	August 1996, as proposed (withdrawal).	A Clean Fuel Fleet Program was mandated by the Clean Air Act for southeast Pennsylvania; however, EPA has determined that the requirement is no longer applicable because the pending national low-emission vehicle program can be substituted for the clean fuel fleet requirement. Therefore, the Department will withdraw the proposed rulemaking which the EQB approved in August 1994.	Arleen Shulman 717-772-3926



Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Chapter 139, Sampling and Testing Air Pollution Control Act	June 1997, as proposed.	This amendment will revise the regulations related to sampling and testing for particulate matter to make those regulations consistent with applicable Federal requirements for sampling and reporting of particulate matter emissions. The AWQTAC will review the proposal in December 1996.	Tim Brooks, 717-783-9271
Strategy for Ozone Attainment Air Pollution Control Act	Spring 1997, as proposed.	DEP formed stakeholder groups to assist the Department in selecting air quality control strategies to address ozone nonattainment in the Pittsburgh and Philadelphia areas. When the nature of the ozone nonattainment problem has been identified, the stakeholders will evaluate control strategies to address and resolve the problem. The stakeholders will choose from among the list of available control strategies based on the needs of the local area. Once the control strategies are chosen, the Department will need to incorporate those strategies into the State Implementation Plan (SIP). Depending on the control strategies selected, the Department may need to develop implementing regulations. It is expected that the Pittsburgh area will propose strategies which may result in draft regulations in early 1997. The Department will develop the proposed SIP with input from both the AWQTAC and CAC, and involve the SBCAC if the control strategies have an impact on small businesses.	Wick Havens, 717-787-4310
Alternative Emission Reduction Limitations ("Bubbles") Air Pollution Control Act	July 1997, as proposed.	The regulatory provisions in Chapter 128 will delete obsolete provisions that apply to sources that are no longer in operation. The AWQTAC will review the proposal in January 1997.	Scott Kepner, 717-787-1663
Dry Cleaning Facilities Air Pollution Control Act	May 1997, as proposed	The EPA recently determined that the emissions from certain dry cleaning facilities do not contribute to the formation of ozone. As a result, the Department proposes to delete the regulations restricting emissions of these compounds from dry cleaning facilities. Drafts of the proposal will be submitted to AWQTAC, CAC and SBCAC in January 1997.	Scott Kepner, 717-787-1663
Continuous Emission Monitoring (CEM) Data Availability Air Pollution Control Act	June 1997, as proposed.	The regulatory requirements for sulfur dioxide (SO <sub>2</sub> ) and the oxides of nitrogen (NO <sub>x</sub> ) will be modified to recognize advances in technology and practical experience in implementing the current requirements. Drafts of the proposal will be submitted to the AWQTAC, CAC and SBCAC in September 1996.	Donald Kerstetter, 717-772-3362
Chapter 121 - Definitional Changes Air Pollution Control Act	February 1997, as proposed.	These amendments will revise the definitions of "modification," "responsible official," and "secondary emissions" for consistency with Federal definitions. Drafts of the proposal will be submitted to AWQTAC, CAC and SBCAC in September 1996.	Douglas Leshner, 717-787-4325
Air Pollution Episodes Air Pollution Control Act	February 1997, as proposed.	This revision will either delete the requirements for standby plans for air pollution episodes or require the preparation and submission of plans only upon a determination of necessity. Drafts of the proposal will be submitted to AWQTAC, CAC and SBCAC in September 1996.	Krishnan Ramanurthy, 717-787-9256

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
National Standards of Performance for New Stationary Sources (NSPS) Air Pollution Control Act	February 1997, as proposed.	This revision will incorporate by reference guidelines established by the EPA for existing sources of air pollution. Drafts of the proposal will be submitted to the AWQTAC, CAC and SBCAC in September 1996.	Krishnan Ramamurthy, 717-787-9256
Ambient Air Quality Standards (AAQS) Air Pollution Control Act	March 1997, as proposed.	This regulation will delete the state-only ambient air quality standards for settled particulate, sulfates, fluorides, and hydrogen sulfide, making the state program consistent with applicable Federal requirements. Beryllium is the only substance included in Section 131.3 for which a Federal standard exists. The state standard for beryllium will be retained because of its extreme toxicity. In addition, the sampling and analysis procedures for these standards will be deleted. Drafts of the proposal will be submitted to the AWQTAC and CAC in September 1996.	Michael Zuvich, 717-787-6548
New Source Review Air Pollution Control Act	December 1996, as proposed.	The Department's existing new source review regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits. The Department may propose a separate rulemaking package regarding emission reduction credits. In addition, the Department will incorporate proposed changes in the Federal new source review requirements as necessary. Drafts of the proposal will be submitted to the AWQTAC, CAC, and SBCAC in October 1996.	Douglas Leshner 717-772-3375
Conformity of General Federal Activities Air Pollution Control Act	August 1996, as final.	This proposal adopts EPA's General Conformity rule by reference. Under this Federal rule, departments, agencies, or instrumentalities of the Federal Government are not permitted to engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable State Implementation Plan (SIP). The intent of integrating Federal actions with air quality planning is to protect the integrity of the Commonwealth's SIP by helping to ensure that SIP growth projections are not exceeded, emission reductions progress targets are achieved, and air quality attainment and maintenance efforts are not undermined. The AWQTAC was briefed on the draft final rulemaking.	Dean VanOrden, 717-787-4310
Chapter 240, Radon Certification Radon Certification Act	Fall 1997, as proposed.	DEP is currently conducting workshops attended by selected individuals from the Pennsylvania certified radon community to discuss possible amendments to the current regulations which appear to be of concern to the regulated community and which do not fully address new technologies that were developed since the effective date of the 1991 radon certification regulations in Chapter 240. Draft regulations are anticipated to be developed by December 31, 1996.	William Dornsife, 717-787-2480

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Radiological Health (Chapters 216, 218, 221, 223, 227, 228) Radiation Protection Act	March 1997, as proposed.	The Department is developing amendments to its radiological health regulations which were last revised in 1983. The amendments will address technological advances, mostly in the medical profession, which have occurred since that time. Issues to be addressed include new diagnosis and treatment methods, new Federal regulations relating to industrial radiography, and particle accelerators which have changed in design and function. The amendments will offer increased protection to both employees and patients for medical diagnosis and treatment applications and address health and safety concerns, including the reduction in unnecessary exposure to patients and employees/operators. The Department will consult with its newly-established Radiation Protection Advisory Committee to solicit input on draft regulations.	Stuart Levin, 717-787-3720
Water Supply Protection/Replacement (Mining) Surface Mining Conservation and Reclamation Act	February 1997, as proposed.	This proposal would implement certain provisions of the 1992 amendments (Act 173) to the Pennsylvania Surface Mining Conservation and Reclamation Act, and reflect certain Environmental Hearing Board and Commonwealth Court decisions relative to restoration or replacement of water supplies impacted by surface coal mining operations. There are also minor amendments to alternative revegetation standards for re-mining of areas previously disturbed by mining. The MRAB will be involved in the development of these regulations.	Evan Shuster, 717-787-7846
Chapter 86, Subchapter F - Bonding and Insurance Requirements Surface Mining Conservation and Reclamation Act, Clean Streams Law, Bituminous Mine Subsidence and Land Conservation Act, Coal Refuse Disposal Act	October 1996, as proposed.	Various sections are being revised to address regulations which lack clarity and those which are more stringent than federal requirements and, consequently, may hamper the Pennsylvania coal industry's ability to compete effectively. Changes will involve self-bonding, procedures for release of bonds and bond forfeiture.	Evan Shuster, 717-787-7846
Chapter 86, Subchapter G - Civil Penalties for Coal Mining Activities Surface Mining Conservation and Reclamation Act, Clean Streams Law, Bituminous Mine Subsidence and Land Conservation Act, Coal Refuse Disposal Act	October 1996, as proposed.	These amendments will involve the calculation of civil penalties, procedures for assessing and appealing civil penalties, and individual civil penalties. Civil penalty amounts under the existing regulations may be greater than would be calculated in accordance with the Federal regulations, and the procedures for dealing with civil penalties are more stringent than Federal requirements. The amendments will ensure that the regulations are not more stringent than the Federal regulations.	Evan Shuster, 717-787-7846
Chapters 209 (Coal Mines), 210 (Use of Explosives) and 211 (Storage, Handling and Use of Explosives) Surface Mining Conservation and Reclamation Act, Explosives Act	October 1996, as proposed.	These amendments are necessary to update the antiquated explosives program and will involve licensing requirements, performance standards, and enforcement and civil penalties. Legislation, which is currently pending in the General Assembly, is necessary to authorize these changes. There is no formal advisory board to review this program. DEP may solicit informal advice from several industry organizations.	Michael Getto, - 717-787-7846

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Chapter 86, Subchapter K - Mine Operator's License Surface Mining Conservation and Reclamation Act	November 1996, as proposed.	These amendments are necessary to reflect Act 43 of 1996 amendments to Pennsylvania SMCRA with regard to licensing of underground coal mine operators.	Evan Shuster, 717-787-7846
Chapter 89 - Underground Mining of Coal and Coal Preparation Facilities Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act, Bituminous Mine Subsidence and Land Conservation Act	October 1996, as proposed.	Various sections of Chapter 89 are obsolete and will be addressed along with amendments which are necessary to bring Pennsylvania's program into conformance with 1994 amendments to Pennsylvania law (Act 54) and 1995 amendments to Federal regulations. These changes involve subsidence damage and water loss due to underground bituminous coal mining. These changes do not fall within the purview of the MRAB; therefore, no advisory committee review is anticipated.	Harold Miller, 717-783-8845
Chapter 77 - Noncoal Mining Noncoal Surface Mining Conservation and Reclamation Act	December 1996, as proposed.	These amendments will clarify the standards for exemption from preblast surveys, delete obsolete regulations, and provide less prescriptive regulations for bond releases, hydrologic and geologic information, treatment facilities and sediment controls. The proposal will also simplify exploration requirements, bond adjustments and forfeitures, and clarify public notice requirements on permit revisions and setback waivers. These changes do not fall within the purview of the MRAB; therefore, no advisory committee review is anticipated.	Thomas Whitcomb, 717-783-8845
Chapter 86, Subchapter C - Small Operator Assistance Program Surface Mining Conservation and Reclamation Act	January 1997, as proposed.	These amendments are necessary to provide clarification of program requirements and eliminate redundant language in this section.	Mick McCommons, 717-787-4761
Chapter 86, Subchapter D - Areas Unsuitable for Mining Surface Mining Conservation and Reclamation Act, Coal Refuse Disposal Control Act, Clean Streams Law	January 1997, as proposed.	These amendments are necessary to provide clarification and ensure efficient processing of requests for designation of areas as unsuitable for mining.	Mick McCommons, 717-787-4761
Chapters 86-90, Coal Mine Permitting and Performance Standards Surface Mining Conservation and Reclamation Act, Clean Streams Law	January 1997, as proposed.	These amendments are necessary to address requirements which may be placing undue restrictions on the Pennsylvania coal mining industry and which may be hampering the industry's ability to compete effectively with coal mining in other states. In all chapters, the amendments involve information requirements for permits and performance standards. Specifically, the amendments will clarify requirements relating to casing and sealing drill holes, administrative requirements relating to coal exploration and regrading, and minimize fish and wildlife impacts.	Nevin Strock, 717-783-8845

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Shade Township (Somerset County) Unsuitable for Mining Designation Request Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act	October 1996, as proposed.	A petition (#56959901) was received to designate a 565-acre portion of Shade Township (Somerset County) as unsuitable for surface coal mining operations. The basis for the petition is that surface and underground mining could result in the degradation or loss of surface and ground water resources, including aquifers and aquifer recharge areas. A public hearing on the petition is scheduled for July 10, 1996, in Central City, Pa. The Department will complete a technical study of the petition area and make a recommendation on whether to designate this area as unsuitable for coal mining. If a designation is proposed, the Department will prepare a proposed rulemaking for the designation. The MRAB will review the Department's recommendation prior to EQB action.	Mick McCommons, 717-787-4761
Chapter 86, Subchapter D - Procedures for Designating Areas Unsuitable for Mining Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Act	August 1996, as final.	The amendments correct typographical errors and clarify ambiguous language concerning the term "surface mining activities" which are prohibited within designated areas through the petition process. The MRAB recommended approval of the draft final rulemaking	Mick McCommons, 717-787-4761
Designation of Area Unsuitable for Coal Mining - Squaw Run Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act	August 1996, as final.	This proposal will designate a 450-acre tract of land in Slippery Rock and Wayne Townships, Lawrence County, as unsuitable for surface coal mining activities. The designation will provide protection of surface water and ground water quality and quantity where on-lot wells are used for domestic water supplies. The amendments are necessary to ensure compliance with state and Federal laws. This action was initiated through the petition process. A public hearing was held on March 16, 1994, in Elwood City. The MRAB recommended approval of the draft final rulemaking.	Mick McCommons, 717-787-4761
Post-Mining Discharges/Licensing and Bonding Surface Mining Conservation and Reclamation Act	October 1996, as final.	These amendments implement the 1992 amendments to Act 173 relative to the licensing of coal mine operators, bonding requirements and post-mining discharges. The proposal also updates the insurance requirements and revises license fees based on the tons of coal mined as required by the Act. The MRAB will review the draft final rulemaking.	Peter Slack, 717-787-5103
Chapters 78 (Oil and Gas Wells), 79 (Well Drilling and Use) and 80 (Gas Well Classification) Oil and Gas Act, Clean Streams Law, Solid Waste Management Act	March 1997, as proposed.	These amendments are being initiated to repeal obsolete provisions relating to gas well classification, clarify certain provisions, and to make other provisions less prescriptive. The Oil and Gas Technical Advisory Board (TAB) will be involved in developing these amendments.	James Erb, 717-772-2199
<b>GENERAL SERVICES</b>			
Instructions to Bidders 4 Pa. Code, Chapter 61	August 1996, as proposed.	This Chapter has been rendered obsolete by contract documents and will be nominated for repeal.	Merle H. Ryan (717) 787-7095
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	August 1996, as proposed	This Chapter has been rendered obsolete by contract documents and will be nominated for repeal.	Merle H. Ryan (717) 787-7095

## NOTICES

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Emergency Construction Repairs 4 Pa. Code, Chapter 67	August 1996, as proposed.	The regulation will be amended to more accurately reflect present practice and to delete obsolete contract provisions.	Merle H. Ryan (717) 787-7095
Exercise of First Amendment Rights on Commonwealth Property 4 Pa. Code, Chapter 85	September 1996, as proposed.	The exercise of first amendment rights on Commonwealth property is an issue of great sensitivity. On the basis of recent occurrences on Commonwealth property, the Department feels the need to thoroughly review this Chapter with a view towards a uniform policy which does not infringe on the exercise of first amendment rights, but which establishes a uniform approach to regulating the site and nature of activities.	Gary F. Ankabrandt (717) 783-1982
Use of the Forum Building 4 Pa. Code, Chapter 87	September 1996, as proposed.	The Department is evaluating the merits of revising this Chapter. Serious consideration is being given to expanding this Chapter to cover use of all Commonwealth buildings and the Department is considering the possibility of combining it with Chapter 85.	Gary F. Ankabrandt (717) 783-1982
<b>HEALTH</b>			
Procedural Rules for the Health Policy Board	December 1996, as proposed.	The regulations will set forth the rules of procedure for bringing appeals before the Board pursuant to Act 10 of 1996, which transfers the appellate review function for the Health Care Facilities Act to the Health Policy Board.	James Steele, Esq. (717) 783-2500
Emergency Medical Systems 28 PA Code § 1001	September 1, 1996, as proposed.	The proposed amendments to the current regulations for the operation of the Emergency Medical System in the Commonwealth are pursuant to the Emergency Medical Services Act, 35 P.S. § 6921 to 6938.	Earl Gettinger (717) 783-3865
Head Injury Program 28 PA Code Chapter 4	September 1, 1996, as proposed.	This regulation is needed to administer the Health Injury Program as required by the Emergency Medical Services Act of 1985, 35 P.S. § 6921.	Elaine Terrell (717) 772-4959
Newborn Screening 28 PA Code Chapter 28	July 1997, as proposed.	This regulation would add the additional screening test for galactosemia, a metabolic condition that causes severe mental retardation and other serious health problems in children.	Mary Little (717) 787-7192
Dental Laboratory Rules	September 1, 1996, as proposed.	This new regulation is needed to establish standards for operation of laboratories in dental offices as required by the Controlled Substances, Drug Device and Cosmetic Act.	Charles Ludwig, DDS (717) 783-1760
Communicable Diseases 28 PA Code Chapter 27	July 1997, as proposed.	The amendments to existing regulations would be consistent with current public health practices for the control of communicable and other reportable conditions. Current regulations have not been updated since 1987.	Joel Hersh (717) 783-4677

**HOUSING FINANCE AGENCY**

No regulations being developed or considered at this date.

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
Pennsylvania Infrastructure Investment Authority Financial Assistance 25 Pa Code Chapter 963  Water Pollution Control Revolving Fund Chapter 965	November 1996, as final.	The amendments establish the Water Pollution Control Revolving Fund ("WPCRF") in accordance with the federal requirements set forth in the Water Quality Act of 1987 (33 U.S.C.A. §§ 1251-1387). This fund is a revolving loan fund used for the construction of environmental infrastructure. Currently, the WPCRF program is operating without regulations and the need for regulations on eligibility and administration are evident. These amendments are a collaborative effort of the Department of Environmental Protection ("DEP"), the U.S. Environmental Protection Agency ("EPA") and PENNVEST. The grant of authority to issue these regulations is set forth in Sections 5(c) and 6(4), (6) of the Pennsylvania Infrastructure Investment Authority Act 35 P.S. § 751.5(c)(2) and 751.6(4) and (6).	Brion Johnson (717) 783-6798
Individual On-Lot Sewage Disposal System Program 25 Pa Code Chapter 967	November 1996, as proposed.	The aforementioned proposed regulations set forth the terms and conditions for financial assistance from the Individual On Lot Sewage System Program ("Program"). This Program affords citizens of the Commonwealth a means to finance and comply with environmental sewage disposal regulations in rural areas where households are not and will not be served by a centralized sewage disposal system. The regulations are necessary to instruct the individual homeowners on how to apply for assistance, on funding eligibility criteria and on how the Program is administered. PENNVEST, the DEP, the EPA and the Pennsylvania Housing Agency the The grant of authority to issue these regulations is set forth in Section 6(4)(i) of the Pennsylvania Infrastructure Investment Authority Act 35 P.S. § 751.6(4)(i).	Brion Johnson (717) 783-6798

**INSPECTOR GENERAL**

No regulations being developed or considered at this date.

**INSURANCE**

No-Fault Motor Vehicle Insurance, #11-136	October 1996, as proposed.	Repeal of 31 Pa. Code, Chapter 66, obsolete regulations relating to no-fault automobile insurance. The No-Fault Automobile Insurance Law was repealed in 1984.	Helfried LeBlanc 717-787-6174
Stock Ownership Statements, #11-137	December 1996, as proposed.	Repeal of 31 Pa. Code, Chapter 21. The regulations provide guidelines for filing statements with the Insurance Department relating to stock ownership by insurance companies. The authorizing statute (40 P.S. § 422.1) was enacted in 1965 and is no longer useful or necessary. The purpose and intent of the statute has been superseded by the Pennsylvania Securities Law (70 P.S. §§ 1-609) enacted in 1972 and the Insurance Holding Company Law (41 P.S. §§ 991.1401-1413) most recently amended in 1992.	Will Smith 717-787-2735

## NOTICES

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Notice of Increase in Premium, #11-130	December 1996, as proposed.	This proposed regulation revises 31 Pa. Code, Chapter 113, to make the current regulations consistent with 1995 amendments to Act 86 of 1986. Act 86 governs the termination of commercial property and casualty insurance policies. The amendments, in Act 10 of 1995, reduce the period for advance notice of policy termination from 60 to 30 days and eliminate the requirement that companies provide insureds with notice of estimated increases in premium. The proposed revisions to Chapter 113 reflect these statutory changes. Chapter 113 is also being amended to clarify various other provisions of Act 86 .	Helfried LeBlanc 717-787-6174
Producer Licensing, #11-134	December 1996, as proposed	This proposal amends 31 Pa. Code, Chapter 37, Agent Certificates of Qualification and Broker Licenses. The proposal amends the method for determining anniversary and renewal dates for insurance agent and broker licenses. Anniversary and renewal dates are currently determined using an agent's or broker's date of birth. The amendment establishes the anniversary and renewal dates on the date of the original license. In the past, the Department has returned up to 70% of the applications received because the application fee was not properly pro-rated to the applicant's birth date.	Peter Salvatore 717-783-2181
Disclosure of Material Transactions, #11-132	December 1996, as proposed	The regulation proposes to adopt 31 Pa. Code, Chapter 27. Under § 320 of The Insurance Company Law of 1921 (40 P.S. § 443), insurers transacting business in the Commonwealth are required to file financial statements with the Department on an annual basis, and the Department has the discretion to require additional statements as necessary. The proposed regulation requires domestic insurers to file interim statements of specific transactions which may have an effect on the financial condition of the company. The general types of transactions required to be filed are acquisitions and disposition of assets that are non-recurring and not in the ordinary course of business, and nonrenewals, cancellations or revisions of reinsurance agreements. The regulation is required for continued accreditation by the National Association of Insurance Commissioners (NAIC).	Stephen Johnson 717-783-4312



Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Credit for Reinsurance, #11-135	December 1996, as proposed.	This regulation proposes to adopt 31 Pa. Code, Chapter 163, Requirements for Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers. Reinsurance is an agreement where risk of loss assumed by an insurer (the ceding insurer) is transferred to an assuming insurer or reinsurer. When a reinsurer is not licensed by the Department or is not included on the Department's list of qualified reinsurers, the obligations of the reinsurer must be secured in order for the ceding insurer to take credit for the reinsurance in its financial statements. The proposed regulation provides both ceding insurers and reinsurers with formal guidelines for what constitutes forms of security acceptable to the Department. This regulation is required to maintain NAIC accreditation.	Stephen Johnson 717-783-4312
Underground Storage Tank Indemnification Fund - Commercial Heating Oil Tanks, #11-128	December 1996, as proposed.	Act 16 of 1995 exempts Commercial Heating Oil Tanks (CHOT) owners from mandatory coverage by the Underground Storage Tank Indemnification Fund and provides for optional coverage. The regulation sets forth criteria and procedures for opting-in to coverage.	Ronald A. Gallagher 717-783-8093
Medical Malpractice Insurance	December 1996, as proposed.	The proposed regulation would govern medical malpractice insurance to prohibit the discounting of medical malpractice insurance premiums and retroactive premium calculation. This regulation may be needed to prevent the erosion of the revenue stream of the Professional Liability Medical Catastrophe Loss Fund. The CAT Fund's revenue are based upon premiums; thus, discounting and retroactive premium plans cause fluctuation and uncertainty in the revenue of the CAT Fund.	Gregory Martino 717-783-5079
Peer Review Organizations	December 1996, as proposed.	Act 6 of 1990 amended 75 Pa. C.S., Chapter 17 (relating to the Motor Vehicle Financial Responsibility Law). Act 6 contains provisions for peer review of medical treatments provided to victims of automobile accidents. In December 1991, the Insurance Department promulgated regulations (31 Pa. Code, Chapter 69) establishing a process for the peer review of medical treatments to guide insurers, medical practitioners, claimants and peer review organizations (PROs). Currently, many PROs have been approved by the Department, but are not conducting any business in the Commonwealth. It is a burden on the Commonwealth to maintain records regarding these inactive companies. Amendments to 31 Pa. Code, Chapter 69, would require PROs to demonstrate activity in the Commonwealth to maintain the status of an approved PRO.	Helfried LeBlanc 717-787-6174
Underground Storage Tank Indemnification Fund - Claims Regulation	December 1996, as proposed.	The proposed regulation would establish requirements for underground storage tank owners to file claims with the Underground Storage Tank Indemnification Fund. The regulation would require that underground storage tank owners be in compliance with certain leak detection standards in order to obtain coverage from the Fund	Ronald Gallagher 717-783-8093

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Credit Insurance	December 1996, as proposed.	The current credit insurance regulations, 31 Pa. Code, Chapters 71 and 73, relate specifically to credit life and accident and health insurance. Because legislation passed in July 1994 expanded the Insurance Department's regulatory authority over credit unemployment insurance, the current credit insurance regulations will be expanded to include credit unemployment insurance. Additionally, the regulations will be revised to provide for less burdensome rating and rate deviation procedures, for new prima facie rates, and to incorporate and update numerous current credit insurance "breast pocket" notices and guidelines.	Gregory Martino (717) 787-5079

**LABOR AND INDUSTRY**

Employe Provisions Retirement Pensions & Annuities 34 PA.Code § 65.101-107	Spring 1997, as proposed.	The regulations in this subpart are being replaced in order to bring them into conformity with the U.S. Department of Labor's (USDOL) interpretation of Section 3304(a)(15) of the Federal Unemployment Tax Act. The proposed regulations will accomplish several purposes: 1) Remove the \$40 per week floor on the portion of pensions which may be deducted in § 65.101. 2) Provide clarification regarding those retirement pensions which are deductible. 3) Remove the regulation which provides for the non-deductibility of periodic payments made because an individual is permanently and involuntarily separated from employment prior to retirement age.	Pete Cope (717) 787-3547
Referees' Rules Workmen's Compensation Appeal Board Rules	No promulgation anticipated in the next 12 months.	Revising/updating rules of procedures for use before Workers' Compensation Judges and Workmen's Compensation Appeal Board.	Thomas Kuzma (717) 783-4467
Act 44 Implementation 34 Pa. Code Chapter 129	Spring 1997, as proposed.	Regulations dealing with: (a) work-place safety committee certification; (b) evaluation of accident/illness prevention services and programs of insurers and self-insureds; (c) qualifications of accident/illness prevention service providers.	Len Negley (717) 772-1917
Workers' Compensation 34 Pa. Code Chapter 125	Spring 1997, as proposed.	Amending current regulations to permit group self-insurance funds to use individual loss cost multipliers to recoup operating expenses and to allow the establishment of one board of trustees to govern the operation of general funds. This regulation is being done in response to comments from the employer community.	George Knehr (717) 783-4476
General Requirements 34 Pa. Code, Part VI, Chapter 101 Telephone Hearings Subchapter E - §§ 1107.127 - 101.133	August 1996, as final	The former regulations governing hearings conducted via telephone sunsetted on April 8, 1994, although telephone hearings continue to be conducted with the consent of all parties. The Commonwealth Court held in <u>Knisley v. Unemployment Compensation Board of Review</u> , 93 Pa. Cmwlth. 519, 501 A.2d 1180 (1985), that absent promulgated regulations which safeguard the minimum due process rights of parties and also ensure that all hearings are conducted uniformly, evidence obtained via telephone, if properly objected to, will be stricken from the record.	Carol Shaffner (717) 787-5122

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Elevators and Lifting Devices	Late 1996 or early 1997, as proposed.	The new regulation will amend the current standards to include American National Standards Institute/American Society of Mechanical Engineers A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards. These new standards will provide greater public safety. Act of May 2, 1929, P.L. 1518, No. 452, 35 P.S. § 1341. HB1128 (Uniform Construction Code) would repeal this Act. The Building Officials and Code Administrators National Building Code would apply.	James Varhola (717) 787-3329
Underground Storage Facilities	January 1997, as proposed.	This regulation will address requirements for natural or man-made caverns used for LPG storage. Regulations are mandated by the "Underground Storage Act."	James Varhola (717) 787-3329
Dry Cleaning	January 1997, as proposed.	This regulation is to regulate the construction, operation and maintenance of dry cleaning plants. Regulations are mandated by the H.B. 1128 (Uniform Construction Code) would repeal this Act.	Edward Leister (717) 787-3323
Lead-Based Paint Occupations Accreditation and Certification	January 1997, as final.	This regulation sets up the Department's lead-based paint accreditation of training providers and the worker certification program. It is based on the Environmental Protection Agency's model plan. Act of July 6, 1995, P.L. 291, No. 44, 35 P.S. § 5901, <i>et seq.</i>	Sharon Lawson (717) 772-3396
Asbestos Occupations Accreditation and Certification	July 1996, as proposed.	This regulation established the Department's worker certification and training provider accreditation program. It also sets up training course requirements. It is based on the Environmental Protection Agency's model plan.	Sharon Lawson (717) 772-3396

**MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND**

Payment and Collection of Fund Surcharge 31 PA.Code §§ 242.1 <i>et. seq.</i>	August 1997, as proposed.	This regulations will further clarify the basis upon which the Medical Professional Liability Catastrophe Loss Fund's surcharge is to be paid. The regulation will be consistent with the statute as it relates to the procedure for levying, payment and collection of the surcharge, and the date on which it is to be remitted to the Fund. Statutory authority 40 P.S. §§ 1301.701 <i>et. seq.</i>	Arthur McNulty 717-783-3770
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**MILITARY AND VETERANS AFFAIRS**

No regulations being developed or considered at this date.

**PROBATION AND PAROLE**

No regulations being developed or considered at this date.

**PUBLIC WELFARE**

Subsidized child day care	July 1996, as proposed.	This regulation adds in-home care as a child care service option to a family eligible for the subsidized child day care program. This amendment is mandated by the child care and development block grant (CCDBG) and the at-risk block grant and applies to all subsidized day care funding sources.	Tom Vracarich (717) 783-2209
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## NOTICES

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Child protective services law	December 1996, as proposed.	This regulation incorporates the amendments to the child protective services law as a result of act 151 of 1994 and act 10 (ss1) of 1995. The major changes are: provisions for investigating reports of suspected sexual abuse or exploitation or serious bodily injury by a school employee against a student; screening applicants for employment in schools against childline files to determine whether or not their names are on file as an abuser; and reports of neglect.	Tom Vracarich (717) 783-2209
Medical assistance estate recovery	December 1996, as final omitted.	This regulation will codify the department's collection practices to recover correctly paid ma from the estates of certain deceased recipients age 55 or older who receive Medical Assistance for nursing facility care (includes Intermediate Care Facilities/Mental Retardation and Intermediate Care Facilities/Other Related Conditions), home and community based services, and related hospital prescription drug services. Changes effective August 15, 1994 and are the result of OBRA' 93 and Act 49.	Tom Vracarich (717) 783-2209
OBRA 90: Supplemental Security Income-related MA income/resource	No publication anticipated in next six months	This final omitted regulation codifies seven changes resulting from OBRA 90 that effect the SSI program and therefore the SSI-related program in the areas of income and resources. OBRA 90 also provides a mandatory change to the posteligibility requirements for institutionalized MA eligibles who will have their VA pension reduced to \$90 but that will now not be counted in determining cost of care. Thus, SSI and MA recipients will be positively impacted. The reduction that veterans will contribute toward cost of care will increase federal/state costs but will not affect service delivery. This Regulation will be reviewed by the executive policy committee (EPC) which includes representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Disclosure of social security number	September 1996, as proposed.	This regulation incorporates federal requirements that applicants for and recipients of benefits administered by the department of public welfare are required to disclose or apply for a social security number as a condition of eligibility. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Continuation of Medical Assistance throughout pregnancy.	September 1996, as final omitted.	This regulation codifies the provision that Medical Assistance coverage will be continued for pregnant women throughout their pregnancy and postpartum period, regardless of changes in family income that occur after the authorization of MA or cash assistance. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Lump sum payments	September 1996, as proposed.	This proposed regulation will require that any balance remaining of a lump sum that has been treated as income in the calendar month of receipt for the Medical Assistance eligibility determination is treated as a resource in subsequent months. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Veterans Affairs Aid and Attendance	August 1996, as final omitted.	This regulation codifies the provision that the VA aid and attendance benefit received by a MA recipient in a nursing facility are not counted as income when determining the amount of income they are expected to pay toward the cost of care. This regulation will be reviewed by the executive policy committee (EPC) which includes representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Emergency Assistance Program	No publication anticipated in next six months.	This proposed regulation provides for the expansion of the emergency shelter assistance (ESA) component for individuals under age 21 and families with children under age 21. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Exclusion of Resources-Medical Assistance children	September 1996, as final omitted.	This regulation codifies the provision that resources are excluded in the Medical Assistance eligibility determination process for supplemental security income (SSI) related and general assistance (GA) related persons under 21 years of age and for aid to families with dependent children (AFDC) related and GA-related families with children under 21 years of age. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Community work experience program (CWEP)	August 1996, as final.	These final regulations revise the community work experience program to incorporate requirements of the federal jobs program. The revisions clarify who may be assigned and the priority and factors to be considered in making community work experience program assignments, define responsibilities of county assistance offices and project operators regarding participation expenses and program requirements, and provide for grievance rights for cwep recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation package. This regulation will be reviewed by the executive policy committee (EPC) as noted above.	Tom Vracarich (717) 783-2209
AFDC-U participation	October 1996, as final omitted.	This regulation codifies federally-mandated participation requirements for unemployed parents and defines the participation requirements. This regulation will be reviewed by the executive policy committee (EPC) as noted above.	Tom Vracarich (717) 783-2209

## NOTICES

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
General Assistance Restructure - Act 1994-49	October 1996, as final omitted.	This regulation incorporates provisions of Act 49 including acceptance of written verification of medical disability for chronically needy non-financial eligibility determination; 60-day residency requirement; savings designated for educational purposes; and certain medical services which are no longer compensable expenses. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Elimination of PACE requirement	September 1996, as final omitted.	This regulation codifies the elimination of the income deduction for the PACE program as required by Title XIX. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Change in guardian income deduction	No publication anticipated in next six months.	This regulation provides for a limited income deduction for court-ordered guardian and other fiduciary fees in the Medical Assistance posteligibility determination process for institutionalized patients. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Correction of underpayments	No publication anticipated in next six months.	This regulation codifies policies regarding correction of underpayments to former as well as current recipients of Aid to Families with Dependent Children and General Assistance cash assistance benefits. This regulation will be reviewed by the executive policy committee (EPC) which includes representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Organ transplants	No publication anticipated in next six months.	This regulation codifies an OBRA '93 requirement that organ transplants are not considered an emergency medical service. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Minor parent	October 1996, as final omitted.	This regulation incorporates Act 20 revisions to the Aid to Families with Dependent Children and General Assistance general eligibility requirements by adding a condition that, to receive cash assistance, certain minor parents who are applicants or recipients and the dependent children in the minor parent's care, must reside in the home of a parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement, unless one of several exceptions is met. Act 35 expanded this provision to include the AFDC-related category of categorically needy- nonmoney payment medical assistance. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Elimination of transitionally needy component of general assistance program	October 1996, as final omitted.	This regulation codifies the elimination of cash assistance payments to persons in the GA-Transitional Needy ("TN") category. References to both the TN and chronically needy (CN) components are deleted since there is no longer a need to differentiate between GA program requirements. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Real property liens	December 1996, as proposed.	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Criminal history	October 1996, as final omitted.	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs, and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Act 1996-35 - General eligibility changes	October 1996, as final omitted.	This regulation codifies statutory changes to eligibility conditions for General Assistance benefits, including the following: expanding the eligibility determination period to 30 days; establishing a 12-month period of residency; imposing ineligibility periods based on welfare fraud convictions; limiting Medically Needy Only/Medical Assistance ("MNO/MA") eligibility to certain groups; revising the methodology used to determine eligibility for retroactive MNO/MA; and imposing a 90-day residency requirement. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Act 1996-35 - Provisions Effective 10-1-96 or upon approval of federal Waiver.	October 1996, as final omitted.	This regulation incorporates provisions including establishing reset; requiring applicants and recipients to enter into an agreement of mutual responsibility with the department; and establishing a two-tier benefit level based on residency. Act 35 provisions applicable to the AFDC program may not be implemented until federal approval is received. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Act 1996-35 - Child Support Cooperation	October 1996, as final omitted.	This regulation codifies provisions to further define Title IV-D cooperation requirements and procedures for AFDC, General Assistance, and Medical Assistance applicants/recipients. Provisions require federal waiver. This regulation will be reviewed by the executive policy committee (EPC), as noted above..	Tom Vracarich (717) 783-2209
Act 1996-35 - Community Service	August 1996, as proposed.	This proposed regulation would provide that a person who verifies they are actively engaged in volunteer community services for 100 hours per month can qualify for MNO-MA benefits if otherwise eligible. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Veterans Affairs pension to surviving spouse in a nursing facility	No publication anticipated in next six months.	This final omitted regulation codifies the exclusion of the aid and attendance benefits of a reduced Veterans Affairs pensions to veterans and to the surviving spouses of veterans similarly situated, having no dependents and in a medicaid-funded nursing facility. This regulation will be reviewed by the executive policy committee (EPC), as noted above.	Tom Vracarich (717) 783-2209
Medical support rights	November 1996, as final omitted.	This regulation will require Medical Assistance applicants/ recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by the executive policy committee (EPC) which includes representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Annuity rule	No publication anticipated in next six months.	This final omit regulation codified the provision that in addition to the current provision permitting the institutionalized spouse to provide part of his monthly income to the community spouse whose income is below the minimum monthly maintenance needs allowance, either the institutionalized or community spouse may file an appeal and seek an administrative order permitting the protection of additional resources to enable the community spouse to purchase an annuity that will generate sufficient income to bring her income up to the minimum monthly maintenance needs allowance. This regulation will be reviewed by the executive policy committee (EPC) which includes representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Early and Periodic Screening Diagnosis Treatment (EPSDT)	December 1996, as final omitted.	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance (Medical Assistance) State Plan. This regulation will be reviewed by the medical assistance advisory committee (MAAC) which includes representatives of professional provider associations, providers, the health law project, the welfare rights organization, consumers, and client advocacy groups.	Tom Vracarich (717) 783-2209
Clozapine support services	August 1996, as final omitted.	This regulation codifies coverage for psychiatrists, outpatient psychiatric clinics and psychiatric partial hospital facilities for support services provided to MA recipients receiving clozapine. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Medical Assistance case management services	December 1996, as final omitted.	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209



Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
General Assistance restructure - Act 1994-49	September 1996, as final omitted.	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; medical supplies and equipment except as prescribed for family planning or with home health agency service; and prescription drugs except legend birth control drugs. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Prior authorization	September 1996, as final omitted.	This final regulation adds a prior authorization requirement for home health services, psychiatric partial hospitalization and multisource brand name drugs identified by the department as having equivalent generic drug products available for substitution. This regulation will be reviewed by the MAAC, as noted above..	Tom Vracarich (717) 783-2209
Discontinue coverage - infertility	September 1996, as final omitted.	This final regulation codifies Act 1994-49 provisions that discontinues payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Chapter 1181 Nursing Facilities Intergovernmental Transfer	August 1996, as final omitted.	This final regulation implements an intergovernmental transfer agreement. The agreement provides disproportionate share payments to qualifying county nursing facilities and provides a 2% increase in the net operating interim per diem rates for nursing facilities operating below applicable ceilings. Provisions contained in the regulation are a result of negotiations with the county commissioners association and have been reviewed with the long term care subcommittee of the medical assistance advisory committee.	Tom Vracarich (717) 783-2209
Residential treatment facilities (RTF) for mental health services	December 1996, as final omitted.	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Chapter 1187 Nursing Facilities Intergovernmental Transfer	No publication anticipated in next six months.	This final regulation codifies the current inter-governmental transfer agreement for nursing facilities reimbursed under case mix regulations. The provisions include transition rates for general nursing facilities and enhanced transition rates for county nursing facilities. Provisions contained in the regulation are a result of negotiations with the County Commissioners Association and have been reviewed with the long term care subcommittee of the MAAC.	Tom Vracarich (717) 783-2209

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Pharmaceutical services drug coverage	September 1996, as final omitted.	This regulation provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
\$150 deductible for General Assistance recipients	October 1996, as final omitted.	This regulation implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Medical assistance transportation program	December 1996, as final.	This regulation amends Chapter 2070, eligibility for services funded through the public assistance transportation block grant, to reflect current practices and to rename it as Chapter 2070, eligibility for services funded through the medical assistance transportation program. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
<b>REVENUE</b>			
Books, Publications and Advertising Materials 61 Pa. Code § 31.29	September 1996, as proposed.	The Department is amending § 31.29 (relating to books, printed matter and advertising materials) in response to statutory changes and inquiries from the public.	Douglas A. Berguson 717-787-1382
Building Maintenance or Building Cleaning Services 61 Pa. Code §§ 55.7 and 60.1	July 1996, as proposed.	This regulation sets forth the Department's interpretation of 72 P.S. §§ 7201(k)(14), (o)(12) and (aa) and 7204(51) relating to the taxation of building maintenance or building cleaning services. Currently the Department's interpretation is set forth as a pronouncement and codified at § 60.1 (relating to building maintenance or building cleaning services). The Department has concluded that its policy relating to this service should be set forth as a regulation. Therefore, in addition to proposing to add § 55.7 (relating to building maintenance or building cleaning services), the Department is also proposing to delete the pronouncement set forth at § 60.1.	Douglas A. Berguson 717-787-1382
Cigarette Tax 61 Pa. Code, Article III	November 1996, as proposed.	This regulation is a comprehensive amendment to the cigarette tax regulations set forth in Title 61, Article III. Cigarette and Beverage Taxes.	Douglas A. Berguson 717-787-1382
Compensation; Allowable Deductions From Gross Compensation and Deferred Compensation Arrangements 61 Pa. Code §§ 101.6, 101.6a and 101.6b	October 1996, as proposed.	The Department is amending §§ 101.6 and adding 101.6a and 101.6b to set forth its interpretation of current case law and current policy in the areas of compensation; commonly recognized old age or retirement benefits; reimbursements of business expenses; and guaranteed payments.	Douglas A. Berguson 717-787-1382

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Computer Services	November 1996, as proposed.	This regulation sets forth the Department's interpretation of 72 P.S. §§ 7201(k)(16), (o)(14), (dd) - (ii) and 7204(52) relating to the taxation of computer services. Currently the Department's interpretation is set forth as a pronouncement and codified at 61 Pa. Code § 60.13 (relating to computer services). The Department has concluded that its policy relating to this service should be set forth as a regulation. Therefore, in addition to proposing to add a regulatory section relating to computer services, the Department is also proposing to delete the pronouncement set forth at § 60.13.	Douglas A. Berguson 717-787-1382
Credits Against Tax; Estimated Tax 61 Pa. Code §§ 111.2 - 111.5, 115.1 - 115.5, 115.8, 115.9 and 115.11 - 115.12	November 1996, as proposed.	This regulation sets forth the Department's policy relating to taxes for which credit is not allowed; other conditions for allowance of the credit for taxes paid to other states; limitations on the amount of the credit for taxes paid to other states; proof requirements; jointly paid estimated tax; and application of overpayments of estimated tax. This regulation is necessary to delete obsolete text; add language consistent with statutory changes; and provide additional guidance in areas that have been subject to questions from the public.	Douglas A. Berguson 717-787-1382
Definitions; Net Profits and Regulated Investment Companies 61 Pa. Code §§ 101.1, 103.12 and 155.30	October 1996, as proposed.	Section 101.1 (relating to definitions) is being amended by replacing the existing definitions of "employee" and "employer" with new definitions consistent with the requirements of 72 P.S. § 7301(g) and (h). The definition of "income" is being expanded to implement the provisions of 72 P.S. § 7602(f)(2)(A) and reflect recent holdings in <u>Morgan v. Commonwealth</u> , 42 Pa. Commonwealth Ct. 557, 400 A.2d 1384 (1979) and <u>Wettach v. Commonwealth</u> , 153 Pa. Commonwealth Ct. 293, 620 A.2d 730 (1993). Section 103.12 (relating to net profits) is also being amended to reflect <u>Morgan</u> and <u>Wettach</u> . The definition of "personal income tax income" set forth in § 155.30(b)(4) (relating to regulated investment companies) is being amended to provide that the term means income computed in the same manner and on the same basis as the income of an individual under Article V. Personal Income Tax.	Douglas A. Berguson 717-787-1382
Disclaimers of Nonprobate Taxable Assets 61 Pa. Code § 93.81	October 1996, as proposed.	The regulation sets forth specific conditions that must be met in order for a disclaimer executed in regard to nonprobate taxable assets and nontrust assets of resident decedents to be valid for Pennsylvania inheritance tax purposes. Based on the decision and order received from the Commonwealth Court <u>In Re Estate of Bernecker</u> , 654 A.2d 246 (Pa. Commonwealth 1995), the Department is revising its policy on the effectiveness of disclaimers of nonprobate taxable assets for Pennsylvania inheritance tax purposes.	Douglas A. Berguson 717-787-1382

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Duplicating 61 Pa. Code § 31.22	September 1996, as proposed.	The regulation adds language addressing duplication of documents provided by the customer; details the treatment of duplication of documents not provided by the customer; and explains that when the document being duplicated is provided by the vendor in the ordinary course of business, the charge for copies is taxable unless the document is an official document. In addition, the regulation also explains that vendors may claim the resale exemption on purchases of tangible personal property, such as toner or paper, that is transferred to the customer in connection with the sale of a duplicated document.	Douglas A. Berguson, 717-787-1382
Electronic Funds Transfer 61 Pa. Code § 5.3	September 1996, as final-omitted.	This regulation amends § 5.3 (relating to payments required to be paid by electronic funds transfer) to update the address for remitting an electronic funds transfer payment in person or by courier.	Douglas A. Berguson, 717-787-1382
Further Examination of Books and Records 61 Pa. Code §§ 6.22, 8a.1 and 35.1	October 1996, as final.	This regulation interprets section 2915-A of the act of June 30, 1995 (P.L. 139, No. 21) (Act 21) by adding § 8a.1 (relating to further examination of books and records). It also deletes § 6.22 (relating to further examination of books and records) because the section will not be necessary upon final publication of § 8a.1. To avoid confusion, § 35.1 (relating to tax examinations and assessments) is being amended to delete language that is similar in nature to § 8a.1. Section 2910-A of Act 21 required the Department to develop regulations to implement the provisions of Article XXIX-A, Tax Amnesty Program, of which section 2915-A, further examination of books and records, is a part.	Douglas A. Berguson, 717-787-1382
Lawn Care Services 61 Pa. Code §§ 55.6 and 60.2	November 1996, as final.	This regulation sets forth the Department's interpretation of 72 P.S. §§ 7201(k)(17), (o)(15) and (j) relating to the taxation of lawn care services. Currently the Department's interpretation is set forth as a pronouncement and codified at 61 Pa. Code § 60.2 (relating to lawn care services). Department has concluded that its policy relating to this service should be set forth as a regulation. Therefore, in addition to proposing to add § 55.6 (relating to lawn care services), the Department is also proposing to delete the pronouncement set forth at § 60.2.	Douglas A. Berguson, 717-787-1382

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Local Tax 61 Pa. Code §§ 60.16, and 95.1 - 95.303	October 1996, as proposed.	This regulation sets forth the Department's interpretation of sections 501-509 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (53 P.S. §§ 12720.501 - 12720.509), sections 3150-B - 3157-B of the Second Class County Code (16 P.S. §§ 6150-B - 6157-B) and section 201-A of the Tax Reform Code of 1971 (72 P.S. § 7201-A). Currently the Department's interpretation is set forth as a pronouncement and codified at 61 Pa. Code § 60.16 (relating to local sales, use and hotel occupancy tax). The Department has concluded that its policy relating to local sales, use and hotel occupancy tax should be set forth as a regulation. Therefore, In addition to proposing to add Chapter 95. Local Tax, the Department is also proposing to delete the pronouncement set forth at § 60.16.	Douglas A. Berguson, 717-787-1382
Passenger Car Rental Tax 61 Pa. Code §§ 9.14 and 47.20	January 1997, as final.	This regulation sets forth the Department's interpretation of Article XVI-A Passenger Car Rental Tax (72 P.S. §§ 8601-A - 8604-A). Currently the Department's interpretation is set forth as a pronouncement and codified at § 9.14 (relating to passenger car rental tax). The Department has concluded that its policy relating to Article XVI-A should be set forth as a regulation. Therefore, In addition to proposing to add § 47.20 (relating to passenger car rental tax), the Department is also proposing to delete the pronouncement set forth at § 9.14.	Douglas A. Berguson, 717-787-1382
Public Transportation Assistance Fund Taxes and Fees 61 Pa. Code §§ 9.4 and 47.19	June 1996, as proposed.	This regulation sets forth the Department's interpretation of 72 P.S. § 9301 relating to public transportation assistance fund taxes and fees. Currently the Department's interpretation is set forth as a pronouncement and codified at § 9.4 (relating to public transportation assistance fund taxes and fees). The Department has concluded that its policy relating to public transportation assistance fund taxes and fees should be set forth as a regulation. Therefore, In addition to proposing to add § 47.19 (relating to public transportation assistance fund taxes and fees), the Department is also proposing to delete the pronouncement set forth at § 9.4.	Douglas A. Berguson, 717-787-1382
Return of Information as to Payment In Excess of \$10 61 Pa. Code § 117.18	September 1996, as proposed.	This regulation amends § 117.18 (relating to return of information as to payment In excess of \$10) to clarify how a Pennsylvania information return may be made by a regulated investment company. In March, 1996, the Department adopted a final-form regulation that amended § 117.18 In addition to other personal income tax regulatory sections. During the final stages of the adoption process, a comment was made regarding the information return made by a regulated investment company. To avoid delay In adoption of the entire regulatory package, the Department agreed to amend the section In a separate regulation.	Douglas A. Berguson, 717-787-1382

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Telecommunications Service 61 Pa. Code §§ 31.1, 31.24, 48.1 and 55.8	October 1996, as proposed.	This regulation sets forth the Department's interpretation of the 1991 statutory changes set forth in section 201(m), 202(c) and 204(5) of the Tax Reform Code of 1971 (72 P.S. §§ 7201(m), 7202(c) and 7204(5)) regarding telephone, telegraph and telecommunications services.	Douglas A. Berguson, 717-787-1382
Sales and Use Tax Amendments 61 Pa. Code §§ 7.3, 7.6, 31.4, 31.5, 31.7, 31.26, 32.1 - 32.5, 32.21, 32.22, 32.31 - 32.37, 33.1, 33.2, 33.4, 42.1, 42.3, 44.2, 45.1, 46.9, 47.18 and 58.13	October 1996, as proposed.	The Department is proposing numerous amendments to the Pennsylvania Code, Title 61. This regulatory package is the result, in part, of a comprehensive review of sales and use tax regulations in light of legislative changes from 1991 to the present.	Douglas A. Berguson, 717-787-1382
<b>STATE</b>			
Bureau of Charitable Organizations	Fall 1996, as proposed.	The Department proposes to repeal obsolete existing regulations codified at 49 Pa. Code Chapter 51.1 <i>et seq.</i> The regulations were initially promulgated under earlier statutes which were repealed by the Solicitation of Funds for Charitable Purposes Act (10 P.S. § 162.1 <i>et seq.</i> ).	Karl Emerson (717) 783-1720
Bureau of Commissions, Elections and Legislation	Fall 1996, as proposed.	The Department proposes to repeal 4 Pa. Code Chapter 182.1 relating to the Statewide Central Registry Feasibility Study. The regulation is obsolete because the study was mandated to be completed by July 1, 1996 pursuant to Section 301 of the Pennsylvania Voter Registration Act (25 P.S. § 961.301). The Department proposes comprehensive revisions to the Bureau's regulations found at 4 Pa. Code Chapters 171-181. The purpose will be to eliminate obsolete regulations and reflect recent statutory changes including the provisions relating to the Pennsylvania Voter Registration Act. The amendments will be proposed pursuant to the Pennsylvania Voter Registration Act (25 P.S. § 961.301), and the Pennsylvania Election Code (25 P.S. § 2601 <i>et seq.</i> ).	Richard Filling, (717) 787-5280
State Athletic Commission	Fall 1996, as proposed.	The State Athletic Commission (SAC) proposes to amend 58 Pa. Code Chapter 21 to require that professional boxers and kickboxers submit, as part of their annual application for licensure, a report from a licensed medical laboratory that the applicant has tested negative for HIV. The SAC also proposes to amend 58 Pa. Code Chapters 3 and 5 to: 1) clarify that the senior SAC official administering a professional boxing event has control of the space and seating adjacent to the ring, and 2) establish SAC credentials that would give a predetermined number of individuals admission to professional boxing events. The SAC will also consider omnibus revisions to 58 Pa. Code, Part I to bring the SAC's regulations into compliance with both the revisions to the Pennsylvania Athletic Code as well as changes in the SAC's procedures. The regulations will be promulgated pursuant to the Pennsylvania Athletic Code (5 Pa. C.S.A. § 101 <i>et seq.</i> ).	Greg Sirb (717) 787-5720

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Navigation Commission for the Delaware River and Its Navigable Tributaries	Summer 1996, as proposed.	The Navigation Commission will propose comprehensive revisions to 13 Pa. Code Chapters 201 - 209 to enhance navigational safety, eliminate obsolete regulations and to reflect statutory changes pursuant to 55 P.S. § 31 and 71 P.S. § 670.2(4).	Brian Gottlieb, (717) 787-6458
State Board of Auctioneer Examiners			
Absolute Auctions - 49 Pa. Code § 1.41.	January 1997, as proposed.	The proposal would identify those auctions in which the term "absolute auction" (an auction of sale to the highest bidder without any reserve limitation or conditions) may be used in auctioneer advertising and when conducting an auction. The regulation will protect the consumer at auctions by making false or deceptive advertising or auctioneering grounds for discipline. The Board has authority to regulate the conduct of licensed auctioneers under Section 32 of the Auctioneer and Auction Licensing Act, Act of December 22, 1983, P.L. 327, 63 P.S. § 734.32.	Linda Dinger (717) 783-3397.
Approved Course of Study - 49 Pa. Code § 11.11	March 1997, as proposed.	The proposal would establish standards for school course practicum work in auctioneering. The regulation will permit the Board to verify the minimum level of education the Board believes necessary for licensure. Legal authority for the regulation is Section 32, 63 P.S. § 34.32.	
Sponsorship of Apprentices - 49 Pa. Code § 1.31.	March 1997, as proposed.	The proposal would require that sponsors provide minimum training of apprentices and document supervision of apprentices whom they employ. The regulation is needed to provide objective standards for sponsors to follow in training and supervising apprentices whom they employ and whose apprenticeship qualifies them for licensure. Legal authority for the regulation is Section 32, 63 P.S. § 734.32.	Linda Dinger (717) 783-3397.
State Board of Barber Examiners 49 Pa. Code Chapter 3.	Fall 1998, as proposed.	Revision of all regulations. Updating all regulations and deleting antiquated provisions. 63 P.S. § 566.4 (b).	Kathleen Davis (717) 783-3402
State Board of Chiropractic			
Child Abuse Reporting - 49 Pa. Code §§ 5.1; 5.91-5.96.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise chiropractors of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311, make reporting requirements a standard of professional conduct, and inform chiropractors that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Deborah Orwan (717) 783-7156

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Sexual Misconduct - 49 Pa. Code § 5.54.	January 1997, as proposed.	The Board intends to propose regulations identifying those acts and conduct which the Board finds inimical to the welfare of the patient. Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that standards of conduct are needed to notify licensees of acts which the Board deems unprofessional conduct. The Board has authority to adopt regulations necessary to carry out the act under Section 302(3) of the Chiropractic Practice Act, Act of December 16, 1986, P.L. 1646, <u>as amended</u> , 63 P.S. § 625.302(3).	
Peer Review 49 Pa. Code § 5.55.	January 1997, as proposed.	The proposal would regulate standards for review of chiropractic treatment. The proposal would assure that when chiropractic diagnosis and treatment are subject to utilization review by chiropractors, appropriate standards will be employed. The statutory authority for the regulation is Section 302(3) of the Act, 63 P.S. § 625.302(3).	
Examination and Business Practices 49 Pa. Code § 5.15, §§ 5.31, 5.32.	March 1997, as proposed.	Examinations In chiropractic techniques and jurisprudence will be adopted and fees established. The regulations In professional advertising and business aspects of chiropractic practice will be amended to delete unnecessary restrictions. Under Section 502, 63 P.S. § 625.502, professional testing services must prepare and administer all licensure examinations. The regulations In professional and business aspects of chiropractic practice will be amended to delete unnecessary restrictions under Section 302(3), 63 P.S. § 625.302(6).	
State Board of Cosmetology Disinfection, Equipment and Supplies 49 Pa. Code §§ 7.71, 7.71a, 7.71b, 7.114; and 7.105.	December 1996, as proposed.	These regulations update necessary equipment which is required to be available and In use In cosmetology shops. The regulations establish minimum safety sanitation requirements In cosmetology shops under Section 11 of the Act of May 3, 1933, P.L. 242, <u>as amended</u> , 63 P.S. § 517.	Sara Sulpizio (717) 783-7130
State Architects Licensure Board Examinations 49 Pa. Code § 9.41, 9.111, 9.112, 9.113.	December 1996, as proposed.	The revision will adopt computer adaptive testing for examination candidates. The National Council of Architect Registration Boards will make computer adaptive tests available to candidates In 1997. Fee and application procedures regulations will be revised to adopt the new costs and examination dates. Legal Authority: Section 6(d) of the Architects Licensure Law, Act of December 14, 1982, P.L. 1227, 63 P.S. § 34.6(d).	Kathleen Davis (717) 783-3398



Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
General Revisions 49 Pa. Code §§ 9.1 -9.211.	January 1997, as proposed.	The amendments will delete unnecessary and outmoded provisions and revise language concerning requirements for licensure, professional conduct and board procedures. The regulations provide necessary guidance to applicants for licensure In Pennsylvania and will notify licensees of disciplinary process and procedures. Legal authority: Section 6(a) of the Law, 63 P.S. § 34.6(a).	
State Board of Accountancy			
Continuing Education Program Sponsors 49 Pa. Code §§ 11.1, 11.4, 11.64, 11.65, 11.66, 11.70-11.73, 11.80.	January 1997, as proposed.	The regulations will require program sponsors to biennially renew and authorize the Board to conduct audits of programs. The regulations assure that continuing education programs meet licensure renewal needs under Section 9.3(10) of the C.P.A. Law, Act of May 26, 1947, P.L. 318, <u>as amended</u> , 63 P.S. § 9.3(10).	Dorna Thorpe (717) 783-1404.
State Board of Funeral Directors			
Child Abuse Reporting 49 Pa. Code §§ 13.301-13.307.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise funeral directors of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform funeral directors that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Kathleen Davis (717) 783-3397.
Examinations 49 Pa. Code §§ 13.71, 13.72.	October 1997, as proposed.	Intern training requirement for applicants will be revised to allow applicants to take the exam prior to completion of training. The regulation is needed to allow applicants for licensure the flexibility to qualify for and take the licensure exam and obtain training In a funeral establishment. Legal authority: Section 3(d) and (f) of the Funeral Director Law, Act of January 14, 1952, P.L. (1951) 1898), <u>as amended</u> , 63 P.S. § 279.3(d), (f).	
Disposition of Bodies - 49 Pa. Code § 13.184, 13.212.	November 1997, as proposed.	These amendments will require the prompt disposition of bodies, expressly prohibit the retention of a body because of a fee dispute and delete the 24 hour waiting period for cremations. The amendments are needed to ensure that funeral directors' services meet the wishes of the family. Legal authority: Section 16(a) of the Law, 63 P.S. § 479.16(a).	
State Board of Landscape Architects			
Continuing Education - 49 Pa. Code § 15.71-15.83.	September 1996, as proposed.	The amendments establish procedures and standards for continuing education as a condition of biennial renewal. The Board is required to adopt regulations establishing requirements of continuing education as a condition for renewal of a license under Section 9.1 of the Landscape Architects' Registration Law, Act of January 24, 1966, P.L. (1965) 1527, added by the Act of December 7, 1994, P.L. 774, 63 P.S. § 909.1	Dorna Thorpe, (717) 783-3397
State Board of Medicine			

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Child Abuse Reporting 49 Pa. Code §§ 16.101-16.107.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise Board regulated practitioners of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Cindy Warner (717) 783-1400.
Respiratory Care Practitioners - 49 Pa. Code, Chapter 18.	February 1997, as final.	These regulations were published as proposed rulemaking on February 24, 1996. The regulations define the process and procedures for persons who wish to become certified by the Board as respiratory care practitioners. Section 13a of the Medical Practice Act, 63 P.S. § 422.13a, enacted In 1993 requires the Board to establish standards and criteria for certification of respiratory care practitioners.	
Sexual Misconduct - 49 Pa. Code, Chapter 16.	January 1997, as proposed.	The Board intends to propose regulations identifying those acts and conduct which the Board finds inimical to the welfare of the patient. Through the monitoring of its disciplinary process, including the consumer complaints and disciplinary actions, the Board believes that standards of conduct are needed to notify licensees of acts which the Board deems unprofessional and which would form the basis for policy and disciplinary measures In regulating the profession. The Board has authority to adopt regulations necessary to carry out the act under Section 8 of the Medical Practice Act, 63 P.S. § 422.8.	
Complaint Process - 49 Pa. Code § 16.62.	No publication anticipated In next six months.	Regulations which now provide for recommendation by the Board prosecutor to the Board on the disposition of complaints will be deleted. The regulations were declared invalid In <i>Lyness v. State Board of Medicine</i> , 605 A.2d 1204 (1992). The Board has authority to repeal these regulations under Section 8 of the Medical Practice Act of 1985, Act of December 20, 1985, P.L. 457, <u>as amended</u> , 63 P.S. § 422.8.	
Certified Registered Nurse Practitioners (CRNPs) 49 Pa. Code § 18.21.	No publication anticipated in next six months.	The Board intends to collaborate with the State Board of Nursing to jointly promulgate standards and criteria by which CRNPs could write prescriptions for medical therapeutic measures. Provide for prescriptive authority of the CRNP in the Commonwealth under Section 15 of the Medical Practice Act, 63 P.S. § 422.15.	Cindy Warner (717) 783-1400.
Requirements for approval of training programs for Certified Registered Nurse Practitioners (CRNP) - 49 Pa. Code § 18.41.	Summer 1997, as proposed.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Nurse Board under Section 15(b) of the Medical Practice Act, 63 P.S. § 422.15(b).	

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Sympathomimetic Amines - 49 Pa. Code § 16.96.	No publication anticipated in next six months.	The regulations regulate the prescription, administration and dispensing of sympathomimetic amines by medical doctors. Existing regulations were sunsetted January 17, 1992. The Board intends to continue the regulations under the authority of Sections 8 and 41(8)(ii) of the Medical Practice Act, 63 P.S. §§ 422.8 and 422.41(8)(ii).	
State Board of Vehicle Manufacturers, Dealers and Salespersons General Provisions, Licensure, Facility requirements 49 Pa. Code §§ 19.1-19.23	December 1997, as proposed.	The Board intends to revise all of its regulations to delete outdated provisions and take into account industry-wide changes in business practices. The amendments are needed to conform to changes in the 1996 amendments to the Board of Vehicles Act or conform to industry standards. The Board has authority to promulgate regulations under Section 4(9) of the Board of Vehicles Act, Act of December 22, 1983, as amended, 63 P.S. § 818.4(9).	Teresa Woodall (717) 783-1697
State Board of Nursing Child Abuse Reporting 49 Pa. Code §§ 21.501-21.507.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise RNs, LPNs, and CRNPs of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311, make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Ann Steffanic (717) 783-7142
Requirements for approval of training programs for Certified Registered Nurse Practitioners (CRNP) 49 Pa. Code § 21.271.	Summer 1997, as proposed.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations authorized under Section 6.1 of the Professional Nursing Law, 63 P.S. § 216.1, will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Medical Board under Section 2(1) of the Law, 63 P.S. § 212(1).	
Responsibilities of the Registered Nurse and Licensed Practical Nurse - 49 Pa. Code §§ 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.145.	Summer 1997, as proposed.	These regulations would confirm the registered nurse's authority to accept verbal orders and authorize licensed practical nurses to accept verbal orders for medical and therapeutic regimens, update, clarify and delete unnecessary language pertaining to the functions of registered nurses and authorize licensed practical nurses as well as registered nurses to administer drugs. The regulation of the practice of nursing and licensed practical nursing by the Board is authorized under Section 2.1(k) of the Professional Nursing Law, 63 P.S. § 212.1(k) and Section 17.6 of the Practical Nurse Law, 63 P.S. § 667.6.	

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
RN general revisions 49 Pa. Code §§ 21.1 - 21.126.	Summer 1997, as proposed.	These regulations will update or delete outdated provisions pertaining to registered nurses. It would also consolidate all regulatory provisions pertaining to registered nurse education programs. Revisions to the regulations are authorized by Section 2.1(k) of the Professional Nursing Law, 63 P.S. § 212.1(k).	
LPN general revisions 49 Pa. Code §§ 21.141 - 21.234.	Spring 1998, as proposed.	These regulations will update or delete outdated provisions pertaining to licensed practical nurses. It would also consolidate all regulatory provisions pertaining to practical nurse education programs. Revisions to the Practical Nurse Law are authorized under Section 17.6, 63 P.S. § 667.6.	Ann Steffanic (717) 783-7142
CRNP prescriptive privileges 49 Pa. Code §§ 21.151 - 21.351.	Summer 1997, as proposed.	These regulations, to be promulgated by both the State Board of Medicine and the State Board of Nursing, would authorize CRNPs to prescribe medications in cooperation with a licensed physician. These regulations, authorized under Section 2 and 2.1 under the Professional Nursing Law, 63 P.S. §§ 212 and 212.1(k), and Section 15 of the Medical Practice Act of 1985, 63 P.S. § 422.15, will clarify and update current, ambiguous provisions regarding CRNP's prescriptive authority.	
Delegation 49 Pa. Code § 21.14 and 21.18.	Summer 1998, as proposed.	The Board plans to develop amendments permitting registered nurses to delegate administration of medications and other functions to unlicensed assistive personnel. These regulations, authorized under Section 2.1(k) of the Professional Nursing Law, 63 P.S. § 212.1(k), will promote the delivery of health care by establishing parameters under which nurses may safely allow assistants to administer medications.	
Sexual Misconduct 49 Pa. Code §§ 21.18 and 21.148.	January 1997, as proposed.	The Board intends to propose regulations identifying those acts and conduct which the Board finds inimical to the welfare of the patient. Through the monitoring of its disciplinary process, including the consumer complaints and disciplinary actions, the Board believes that standards of conduct are needed to notify licensees of acts which the Board deems unprofessional and which would form the basis for policy and disciplinary measures in regulating the profession. The Board has authority to adopt regulations necessary to carry out the act under Section 2.1(k) of the Professional Nursing Law, 63 P.S. § 212.1(k).	
State Board of Optometry Child Abuse Reporting 49 Pa. Code §§ 23.1; 23.111-23.116.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise optometrists of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	<b>Deborah Orwan</b> <b>(717) 783-7134</b>

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Sexual Misconduct 49 Pa. Code Chapter 23.	January 1997, as proposed.	The Board intends to propose regulations identifying those acts and conduct which the Board finds inimical to the welfare of the patient. Through the monitoring of its disciplinary process, including the consumer complaints and disciplinary actions, the Board believes that standards of conduct are needed to notify licensees of acts which the Board deems unprofessional and which would form the basis for policy and disciplinary measures in regulating the profession. The Board has authority to adopt regulations necessary to carry out the act under Section 3(a)(14) of the Optometric Practice and Licensure Act, Act of June 6, 1980, P.L. 197, <u>as amended</u> , 63 P.S. § 244.3(a)(14).	
General Revisions 49 Pa. Code Chapter 23	June 1997, as proposed.	The Board proposes to revise regulations concerning fee sharing, corporate and fictitious name practice, specialty advertising and reciprocity. The Board intends to remove regulations which unduly burden optometrist in the business structure of practices and in procedures related to reciprocal licensure, as well as to clarify the parameters of specialty advertising; Statutory authority: Section 3(a)(14) of the Optometric Practice and Licensure Act, Act of June 6, 1980, P.L. 197, <u>as amended</u> , 63 P.S. § 244.3(a)(14).	
State Board of Osteopathic Medicine	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise osteopathic physicians, physician assistants and certified respiratory care therapists of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Gina Bittner (717) 783-4858
Respiratory Care Practitioners 49 Pa. Code §§ 25.292-25.295	September 1996, as final.	The final regulations will provide for the process and procedures for applicants for registration as certified respiratory care practitioners. Sections 10.1(c) and 10.2 of the Osteopathic Medical Practice Act (OMPA), 63 P.S. §§ 271.10a(c) and 271.10(b), require the Board to issue certificates and temporary permits to individuals meeting the qualifications set forth in the OMPA to practice or offer to practice respiratory care in the Commonwealth. Section 10.1(c) also authorizes the Board to establish procedures for application, credentials verification, examination, certification and fees. These regulations establish the procedures.	

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Renewal Fees 49 Pa. Code § 25.231.	September 1996, as final.	The Board will adopt final regulations which establish a new biennial fee commencing with the November, 1996-98 renewal cycle. Section 13.1 of the OMPA, 63 P.S. § 271.13a requires the Board to fix fees by regulation to meet expenditures over a 2-year period and to increase fees to meet or exceed projected expenditures. The Board proposed an increase in fees to avoid a deficit beginning in FY 1997-98.	
Sexual Misconduct 49 Pa. Code, Chapter 25	January 1997, as proposed.	The Board intends to propose regulations identifying those acts and conduct which the Board finds inimical to the welfare of the patient. Through the monitoring of its disciplinary process, including the consumer complaints and disciplinary actions, the Board believes that standards of conduct are needed to notify licensees of acts which the Board deems unprofessional and which would form the basis for policy and disciplinary measures in regulating the profession. The Board has authority to adopt regulations necessary to carry out the act under Section 16 of the Osteopathic Medical Practice Act, 63 P.S. § 271.16.	Gina Bittner (717) 783-4858
State Board of Pharmacy General Revisions 49 Pa. Code Chapter 27.	January 1997, as final.	The Board proposes to delete outdated and redundant regulations and to clarify language in others. The proposal is needed to eliminate outdated and redundant language, conform the regulations to reflect changes in state and federal law and clarify practice parameters and standards. Sections 3(f), 4(j), 6(k)(1) and (9) of the Pharmacy Act, Act of September 27, 1961, P.L. 1700, as amended, 63 P.S. §§ 390-3(f), 390-4(j), 390-6(k)(1) and 390-6(k)(9), authorize the promulgation of these amendments.	W. Richard Marshman (717) 783-715
Facsimile Machines 49 Pa. Code §§ 27.1 and 27.19.	January, 1997, as final.	The amendments would authorize pharmacists to accept prescriptions via facsimile transmissions. The amendment is designed to conform to Federal Drug Enforcement Administration amendments providing for transmission of controlled substance prescriptions between prescriber and dispenser via facsimile machine. The amendments are authorized under sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, Act of September 27, 1961, P.L. 1700, as amended, 63 P.S. §§ 390-4(j) and 390-6(k)(1) and (9).	
State Board of Podiatry Child Abuse Reporting 49 Pa. Code §§ 29.91-29.97.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise podiatrists of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Gina Bittner (717) 783-4858

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Sexual Misconduct 49 Pa. Code, Chapter 29.	January 1997, as proposed.	The Board intends to propose regulations identifying those acts and conduct which the Board finds inimical to the welfare of the patient. Through the monitoring of its disciplinary process, including the consumer complaints and disciplinary actions, the Board believes that standards of conduct are needed to notify licensees of acts which the Board deems unprofessional and which would form the basis for policy and disciplinary measures in regulating the profession. The Board has authority to adopt regulations necessary to carry out the act under Section 16(a)(3) of the Podiatry Practice Act, Act of March 2, 1956, P.L. (1955) 1206, 63 P.S. § 42.16(a)(3).	
State Board of Veterinary Medicine  General Information 49 Pa. Code §§ 31.3, 31.11-31.13, 31.15 and 31.16.	September 1996, as final.	These final form regulations provided procedures for applicants for examinations, temporary permits, licensure renewal, continuing education and approved providers of continuing education courses. The regulations provide necessary guidance to applicants and licensees. Section 5(1) of the Veterinary Medical Practice Act, Act of December 27, 1974, P.L. 995, <u>as amended</u> , 63 P.S. § 485.5(1).	Robert Kline (717) 783-1389
Veterinary establishments & mobile clinics, Rules of Professional Conduct 49 Pa. Code §§ 31.1, 31.21, 31.25, and 31.26.	Summer 1996, as final.	These final form regulations establish minimum standards for veterinary establishments and mobile clinics, and rules of professional conduct for veterinarians to address the veterinarian/ client/patient relationship. The regulations establish minimum standards for animal hospitals and clinics, mobile clinics and use of drugs as an ethical principle. Legal authority is Section 5(1), (2), 63 P.S. §§ 485.5(1) and (2).	
Rules of Professional Conduct 49 Pa. Code § 31.21.	Winter 1997, as proposed.	The proposal would regulate advertising emergency services and requirements to terminate the veterinarian/client relationship. The Board is authorized to establish standards of professional conduct under Section 5(2) of the Act, 63 P.S. § 485.5(2).	
State Board of Dentistry  Child Abuse Reporting 49 Pa. Code §§ 33.1; 33.250-33.255.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise Board regulated practitioners of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	June Barner (717) 783-7162

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Fees 49 Pa. Code § 33.3.	Winter 1997, as proposed.	The regulations will establish temporary and certification fees for expanded function dental assistants (EFDAs) and increase application fees for dentists and dental hygienists. The Dental Law requires the Board to issue temporary permits and certificates for EFDAs and collect a fee for those documents, 63 P.S. §§ 122(d.1) and 130h. In addition, the Law requires the Board to collect the costs associated with the review of applications.	
Sexual misconduct 49 Pa. Code, Chapter 33.	Winter, 1997, as proposed.	The regulation removes Section 33.211(5) of the regulations from the unprofessional conduct section and will establish a separate provision relating to sexual misconduct. Reports of sexual misconduct by health care practitioners are on the rise. This regulation will provide licensees with guidance in this area, as authorized under Section 3(o) of the Dental Law, Act of May 1, 1933, P.L. <u>as amended</u> , 63 P.S. § 122(o).	
Advertising 49 Pa. Code § 33.203(b)(4).	Summer/Fall, 1997, as proposed.	The regulation will add a provision to the advertising regulations regarding the advertising of dental referral services. Section 4.1(a)(10) of the Dental Law prohibits false, misleading or deceptive advertising. The Board believes that the failure to advise patients that a dentist pays a fee for participation in a dental referral service falls within that prohibition and should be included in Section 33.203(b) of the regulations.	June Barner (717) 783-7162
Expanded Function Dental Assistants 49 Pa. Code, Chapter 33.	1997, as proposed.	The regulations will add EFDAs to the appropriate sections of the dental regulations including general provisions and minimum standards of conduct and practice. In December 1994, the Dental Law was amended to authorize the certification of expanded function dental assistants (EFDAs). As a result, many provisions need to be amended to add EFDAs.	
State Real Estate Commission  Cemetery Companies and Cemeteries 49 Pa. Code §§ 35.401-35.403.	Winter 1997, as proposed.	These regulations would impose responsibilities on cemetery companies to account for funds and maintain cemetery property. The Commission currently has no regulations that apprise cemetery companies of how the Commission interprets their duties and obligations under 9 Pa. C.S. § 101 <u>et seq.</u> (relating to burial grounds) and the Real Estate Licensing and Registration Act, 63 P.S. § 455.101 <u>et seq.</u> The Commission's proposal would establish minimum standards for a cemetery company's operation of a cemetery; would identify permissible uses of income from a cemetery company's permanent lot care fund; and would clarify the Commission's authority to take disciplinary action against a cemetery company that behaves incompetently, dishonestly or in bad faith with regard to any aspect of a cemetery's operation. Statutory Authority: 63 P.S. § 455.404; 9 Pa. C.S. § 312.	Melissa Wilson (717) 783-3658



Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Disclosure to Buyer/Seller at Initial Interview 49 Pa. Code § 35.284.	Winter 1997, as proposed.	These regulations state disclosures the real estate licensee must make to potential clients. The Commission's proposal fulfills a legislative mandate in the Real Estate Licensing and Registration Act at 63 P.S. § 455.608 that requires the Commission to develop regulations setting forth the manner and method by which a real estate licensee makes required disclosures about agency and other matters to a prospective buyer or prospective seller at the initial interview. Statutory Authority: 63 P.S. §§ 455.404 and 455.608.	
State Board of Certified Real Estate Appraisers Definitions 49 Pa. Code § 36.1.	Winter 1997, as proposed.	The Board plans to define the term "evaluation". The regulations will parallel the meaning of the term as used by institutions regulated by and under the rules and published guidelines of the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (FRS), the Federal Deposit Insurance Corporation (FDIC) and the Office of Thrift Supervision (OTS); Statutory authority: 63 P.S. § 457.5(2).	Shirley Klinger (717) 783-4866
Fees 49 Pa. Code § 36.6.	Summer 1996, as proposed.	A proposal which would delete the existing reapplication fee of \$35. Under a new application review process (also under development), the fee is no longer applicable; Statutory authority: 63 P.S. § 458.3.	
Residential real estate appraiser/ General real estate appraiser 49 Pa. Code §§ 36.11 and 36.12.	Winter 1997, as proposed.	A proposal which would add language to existing sections 36.11 and 36.12 to require certified real estate appraisers under whose supervision an applicant for certification gains appraisal experience, to cooperate with the applicant in submitting to the Board designated copies of appraisal reports in which the applicant participated and/or signed the appraisal report as an "assistant to the certified real estate appraiser". The amendment is intended to streamline the application process; Statutory authority: 63 P.S. §§ 457.5(1) and (2).	
Experience Options 49 Pa. Code §§ 36.13.	Winter 1997, as proposed.	The proposal would identify acceptable certification of experience, application processes and supervisor duties for applicants for licensure. The amendment is intended to streamline the application process; Statutory authority: 63 P.S. § 457.5(2).	
Scope of Practice/Definitions 49 Pa. Code §§ 36.201, 36.202.	Summer 1996, as proposed.	Currently under development is a regulation which adds a scope of practice section for certified Pennsylvania evaluators and defines "ad valorem taxation purposes" and "real estate tax assessment," within the context of the Assessors Certification Act, 63 P.S. §§ 458.2 and 458.8(a). The regulation is necessary to clarify that assessors and evaluation company personnel who receive certification from the Board as Pennsylvania evaluators may perform appraisals of real property only in limited circumstances, i.e., tax assessment/governmental purposes. Statutory authority: 63 P.S. § 458.3.	Shirley Klinger (717) 783-4866

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Application Process 49 Pa. Code § 36.203.	Summer 1996, as proposed.	Currently under development is a regulation which clarifies how long an approved application for the certified Pennsylvania evaluator examination is valid, and how long an applicant (whose application has been disapproved) has to correct the deficiencies. The regulation is proposed under 63 P.S. § 458.3.	
Standards of Professional Conduct 49 Pa. Code § 36.281.	Fall, 1996, as proposed..	Currently under development is a regulation which sets forth the Standards of Professional Conduct for Certification for certified Pennsylvania evaluators practicing in the Commonwealth. The regulation is necessitated by section 7(a)(6) of the Assessors Certification Act which empowers the Board to discipline certificate holders who violate any of the standards of professional conduct for real property assessment as adopted by the Board by regulation. Statutory authority: 63 P.S. §§ 458.3 and 458.7(a)(6).	
State Registration Board for Professional Engineers, Land Surveyors and Geologists  General Revisions 49 Pa. Code §§ 37.1, 37.18, 37.36-37.37, 37.58-37.59, 37.81-37.83.	Fall 1996, as proposed.	The regulations add provisions regarding geology and the licensure of geologists to the Board's existing regulations governing engineers and land surveyors. On December 16, 1992, the Engineer, Land Surveyor and Geologist Registration Law was amended to add the licensure of geologists. The proposed regulations will make similar additions to the regulations in accordance with the Engineer, Land Surveyor and Geologist Registration Law under Section 4(e), 63 P.S. § 151(e).	Shirley Klinger (717) 783-7049
State Board of Examiners of Nursing Home Administrators  Experience and Education requirements 49 Pa. Code § 39.5.	1997, as proposed.	The regulation will amend and clarify education and experience requirements for licensure. Section 6 of the Nursing Home Administrators Law, 63 P.S. § 1106, specifies the qualifications for admission to examination. The education and experience regulations at Section 39.5 have not been reviewed or clarified since 1991. The amendments will remove outdated and confusing provisions.	Cheryl Lyne (717) 783-7155
Temporary Permits 49 Pa. Code § 39.17.	1997, as proposed.	The regulation will amend and clarify the requirements for temporary permits. Section 14 of the Nursing Home Administrators Law, 63 P.S. § 1114, authorizes the Board to issue temporary permits. The revisions will update and clarify the existing statement of policy.	
General Revisions 49 Pa. Code §§ 39.1-39.91.	1997, as proposed.	These regulations will amend, update and delete outdated provisions in areas including definitions, subject matter for examinations, approval of programs of study, licensure renewal. The Board's regulations have not been reviewed or updated since 1992. These revisions will update, clarify and delete outdated and unnecessary provisions as authorized under Sections 4 and 9 of the Law, 63 P.S. §§ 1104 and 1109.	

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
State Board of Physical Therapy Child Abuse Reporting 49 Pa. Code §§ 40.201-40.207.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise physical therapists, physical therapist assistants or certified athletic trainers of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Robert Kline (717) 783-7134
Physical Therapists 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21-40.24.	Fall 1996, as proposed.	Regulations correct and revise existing regulations regarding physical therapists. Proposed under Section 3(a) of the Physical Therapy Practice Act, 63 P.S. § 1303(a).	
Athletic Trainers 49 Pa. Code §§ 40.72, 40.75, 40.81-40.84, 40.86 40.87, 40.88, 40.101 and 40.102.	Summer 1996, as final.	Regulations define athletic trainers in relation to athletes, cease issuing new Class B. certificates and require the completion of a Board-approved educational program which is accredited by a nationally recognized accrediting agency for athletic training. The proposal is authorized under Sections 3(a) and 10.2 of the Physical Therapy Practice Act, 63 P.S. §§ 1303(a) and 1310.2.	
Physical Therapist Examination Fees 49 Pa. Code § 40.5.	Summer 1996, as final.	Regulations would increase the examination fee by \$15. The increase is attributable to the adoption of computer based testing. The regulations are authorized under Section 8 of the Physical Therapy Practice Act, 63 P.S. § 1308.	
Sexual misconduct 49 Pa. Code, Chapter 40.	January 1997, as proposed.	The Board intends to propose regulations identifying those acts and conduct which the Board finds inimical to the welfare of the patient. Through the monitoring of its disciplinary process, including the consumer complaints and disciplinary actions, the Board believes that standards of conduct are needed to notify licensees of acts which the Board deems unprofessional and which would form the basis for policy and disciplinary measures in regulating the profession. The Board has authority to adopt regulations necessary to carry out the act under Sections 3, 5 and 10 of the Act, 63 P.S. § 1303, 1305 and 1310.	
State Board of Psychology Child Abuse Reporting 49 Pa. Code §§ 41.1; 41.71-41.76.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise psychologists of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Cheryl Lyne (717) 783-7155

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Private practice by certified school psychologists 49 Pa. Code § 41.56.	Winter 1997, as proposed.	This regulation governs the conditions under which school psychologists may engage in private practice. The Board plans to define the term "employed" within the context of Chapter 41; Statutory authority: 63 P.S. § 1203.2(2).	
Definitions 49 Pa. Code § 41.1.	Winter 1997, as proposed.	The regulations would update terms to reflect current accreditation entities. The term "Accredited college or university" should be amended to reflect the new name for the "Council on Postsecondary Accreditation (COPA)" which is the "Commission on Recognition of Postsecondary Accreditation (CORPA);" Statutory authority: 63 P.S. § 1203.2(2).	
Postdoctoral Experience 49 Pa. Code § 41.31(c)(1)(ii)(E).	Winter 1997, as proposed.	The regulation establishes necessary experience for licensure. The Board plans to clarify its intent that an individual working two jobs need only meet with his/her respective supervisors one hour per week to satisfy the two hours/week requirement of this paragraph; Statutory authority: 63 P.S. § 1203.2(2).	
Licensure of master's degree candidates - 49 Pa. Code § 41.54.	Winter 1997 as proposed.	This regulation pertains to licenses issued prior to January 1, 1996. The Board plans to repeal this section, since the Board no longer issues licenses to Master's degree candidates; Statutory authority: 63 P.S. § 1203.2(2).	
Professional records 49 Pa. Code § 41.57.	Winter 1997 as proposed.	This regulation establishes minimum requirements for records which psychologists must maintain. The Board plans to add language to its existing regulation to address a psychologist's responsibility to release information to clients and to charge for reasonable costs of copying; Statutory authority: 63 P.S. § 1203.2(2).	Cheryl Lyne (717) 783-7155
Standards for the employment and supervision of unlicensed persons with graduate training in psychology 49 Pa. Code § 41.58(9).	Winter 1997, as proposed.	The regulations establish minimum levels of supervision of unlicensed persons who provide psychological services under the direction of a licensed psychologist. The Board wishes to clarify the meaning of this regulation so that it is not misinterpreted in an overly restricted fashion; Statutory authority: 63 P.S. § 1203.2(2).	
Continuing education 49 Pa. Code § 41.59.	Winter 1996, as proposed.	These regulations establish criteria and requirements of minimum continuing education hours for biennial license renewal. The Board is currently proposing amendments to its continuing education regulations to give psychologists more flexibility in their choice of continuing education programs and to expand the opportunities for meeting the requisite contact hours for continuing education credit; Statutory authority: 63 P.S. § 1203.2(2).	
Code of ethics 49 Pa. Code § 41.61.	January 1997, as proposed.	The Board plans a comprehensive amendment to its Code of Ethics in order to bring the Code up to date with the American Psychological Association's Ethical Standards. The Board is required to adopt regulations regarding standards of professional practice and a code of ethics under Section 3.2 of the Psychology Practice Act, Act of March 23, 1972, as amended, 63 P.S. § 1203(2).	

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
State Board of Occupational Therapy Education and Licensure  Child Abuse Reporting 49 Pa. Code §§ 42.41-42.47.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise occupational therapists or occupational therapist assistants of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Clara Flinchum (717) 783-1389
Commissioner of Professional and Occupational Affairs  Schedule of Civil Penalties Act 48 - 49 Pa. Code §§ 43.1-43.11.	Must be published by 10-21-97.	To adopt a schedule of civil penalties, guidelines for their imposition and procedures for appeal for persons operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit. Commissioner is required to promulgate regulations setting forth a schedule of penalties, guides and procedures. Schedule adopted applies to the conduct or operation of a business or facility licensed by a licensing board of the Bureau.	Gerard Mackarevich (717) 783-7200
State Board of Examiners in Speech-Language and Hearing  Child Abuse Reporting 49 Pa. Code §§ 45.401-45.407.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise licensees of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Clara Flinchum 783-7156
State Board of Social Work Examiners  Child Abuse Reporting 49 Pa. Code §§ 47.51-47.57.	September 1996, as final.	Regulations published as proposed rulemaking on March 9, 1996, advise licensed social workers of the reporting requirements under the Child Protective Services Law, 23 Pa. C.S. § 6311; make reporting requirements a standard of professional conduct and inform Board regulated practitioners that the reporting requirement supersedes any other professional or ethical standard. The regulations are required by the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2).	Clara Flinchum (717) 783-1389

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Unprofessional Conduct 49 Pa. Code § 40.51.		Proposed Annex drafted and adopted. Public comment required under Executive Order 1996-1. The Board has authority to adopt regulations establishing standards of professional practice and conduct under Section 6(2) of the Social Workers' Practice Act, Act of July 9, 1987, P.L. 220, 63 P.S. § 1906(2).	
Sexual Misconduct 49 Pa. Code Chapter 47. P.S. § 1906(2).	January 1997, as proposed.	The Board intends to propose regulations identifying those acts and conduct which the Board finds inimical to the welfare of the patient. Through the monitoring of its disciplinary process, including the consumer complaints and disciplinary actions, the Board believes that standards of conduct are needed to notify licensees of acts which the Board deems unprofessional and which would form the basis for policy and disciplinary measures in regulating the profession. The Board has authority to adopt regulations establishing standards of professional practice and conduct under Section 6(2) of the Social Workers' Practice Act, Act of July 9, 1987, P.L. 220, 63	
<b>STATE POLICE</b>			
Firearm Regulations Standards for licensed retail dealers Chapter 31	September 1996, as proposed.	The provisions of this chapter will set forth regulations for the storage of firearms, rifles, and shotguns by licensed retail dealers in the event a clear and present danger to public safety is found to exist by the Commissioner of the State Police within this Commonwealth during the hours when licensed retail dealers are closed for business. The provisions of this chapter will apply to all licensed retail dealers and their designated employees.	Corporal Albert Picca 717-783-5598
Procedures & Specifications for firearm record forms Chapter 33	September 1996, as proposed.	The State Police will promulgate rules and regulations, and in the manner provided by law, the responsibility to administer and enforce these rules and regulations, and the provisions of the Uniform Firearms Act in order to ensure the identity, confidentiality, and security of all records and data pursuant thereto.-	
Procedures for the receipt and processing of DNA samples for the state DNA database. Chapter 58	September 1996, as proposed.	This chapter will set forth policy and procedures for the collection, submission, preservation, analysis, and dissemination of information or records relating to DNA samples from individuals convicted of a felony sex or other specified offenses.	Corporal Albert Picca 717-783-5598
<b>TRANSPORTATION</b>			
Emission Inspection Program Chapter 177	December 1996, as proposed.	Amendments needed to implement enhanced decentralized emission inspection program.	Peter Gertz (717) 783-5842
Enhanced Emission Inspection Chapter 178	December 1996, as proposed	Repeal needed. Will be replaced by Chapter 177.	Peter Gertz (717) 783-5842
Temporary Registration Cards and Plates Chapter 43	February 1997, as proposed.	Proposed amendments based on concerns identified by Dealer Industry/Department efforts. Revises sanctioning requirements for Dealers, making sanctions more equitable.	Linley Oberman (717) 787-2780

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	February 1997, as proposed.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns.	Linley Oberman (717) 787-2780
School Buses and School Vehicles Chapter 171	August 1996, as proposed.	Reflects revisions Coalition of States agreed to adopt based on Federal recommendations	Carol Freeland (717) 783-6823
Vehicle Equipment and Inspection Chapter 175	December 1996, as proposed.	Amendments are required due to changes in PA Vehicle Code and Federal equipment regulations.	John Munafò (717) 783-6823
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers Chapter 83	June 1997, as proposed.	Creates waivers for drivers, with medical conditions, which pose no significant danger to driving. Under current regulations drivers with these conditions would have license recalled. Allows drivers to maintain mobility. Adds low vision requirements making additional drivers eligible for licensure.	Anne Titler (717) 783-6246
Liquid Fuels Tax Chapter 449	December 1996, as proposed.	Due to changes in municipal codes and to ease requirements for municipalities to receive funds.	Mitzi Westover (717) 783-5315
School Bus Drivers Chapter 71	June 1997, as proposed.	Creates waivers for school bus drivers, with medical conditions, which pose no significant danger to driving. Under current regulations drivers with these conditions would have license recalled.	Anne Titler (717) 783-6246
Mechanical, Electrical and Electronic Speed-Timing Devices Chapter 105	July 1996, as proposed.	Amendments reflect updates (periodically required) to ensure speed timing devices used by law enforcement officials conform to State and Federal requirements.	Mary Sheriff (717) 783-6676
Work Zone Traffic Control Devices Modify Chapter 203	June 22, 1996, as final omitted.	In an effort to allow more flexibility, revise the existing regulation to comply with a recent change in the Federal Highway Administration's Manual on Uniform Traffic Control Devices which now allows the use of the horizontal "bar" caution mode in addition to the four-corner caution mode.	R. J. Sesny, P.E., (717) 783-6080
Official Traffic Control Devices Chapter 211	January 1997, as proposed.	The Federal Highway Administration maintains a Manual on Uniform Traffic Control Devices (MUTCD) for all states to follow. Section 6121 of Pennsylvania's Vehicle Code also mandates the Department to publish a manual consistent with the Vehicle Code and conforming to the MUTCD. The Department is planning to adopt the MUTCD by regulation, adding to and deleting from the federal manual as necessary to meet specific legal requirements and unique Pennsylvania needs. The new regulation would probably be called Chapter 211, and would replace current Chapters 201, 203 and 211 of Title 67 of the Pa. Code. The Department also anticipates publishing several non-regulatory public documents conforming to the federal manual as modified by regulation to provide additional guidance for engineering and traffic studies, work zone traffic control, official traffic signs, pavement markings, traffic signals, etc.	A. H. Breneman, (717) 787-3620

Regulation Being Considered	Proposed Date for Promulgation	Need and Legal Basis for Action	Agency Contact
Access to and Occupancy of Highways by Driveways and Local Roads Chapter 441	Fall 1996, as proposed.	Make extensive changes in the existing regulation to allow structures and drainage pipes in the roadway, identify the proper minimum sight distance, provide guidance on the preparation of impact studies for major developments, expand requirements for indemnification, and establish a written appeal process.	W. L. Knerr (717) 787-5367

[Pa.B. Doc. No. 96-1102. Filed for public inspection July 5, 1996, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Notice

The following meetings of the Health Care Cost Containment Council have been scheduled: Wednesday, July 10, 1996, Data Systems Review Committee, 1 p.m.; Thursday, July 11, 1996, Council Meeting 11 a.m. The meeting on the 11th is the Council's 10th anniversary meeting and limited business items will be addressed. The focus of the meeting will be on achievements and highlights of the last 10 years. The meetings will be held at the Pennsylvania Chamber of Business and Industry, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101. The meetings are open to the public. Persons who need accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

ERNEST J. SESSA,  
*Executive Director*

[Pa.B. Doc. No. 96-1103. Filed for public inspection July 5, 1996, 9:00 a.m.]

## HUMAN RELATIONS COMMISSION

### Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P. L. 744, No. 222) hereby announces the publication of the Stipulations of Fact, Findings of Fact, Conclusions of Law, Final Decision and Order, made after a Public Hearing under section 9(e)—(g) of the act, in the following cases:

*Dorothy Di Pasquale and The Estate of M. Jane Hansen v. Johnson Matthey, Inc.*; Doc. Nos. E46060 and E46062; (Pennsylvania Human Relations Commission, June 25, 1996) Alleged disability-based lay-off and refusal to recall; Ruling for Complainants, 8-0 decision, 46 pages.

*Estate of Joseph Ponas v. United Brotherhood of Carpenters & Joiners of America, Local 261*; Doc. No. E61335A; (Pennsylvania Human Relations Commission, June 25, 1996) Alleged age discrimination, denied work referral; Ruling for Complainant, 8-0 decision, 24 pages.

The final orders in the above-listed cases are subject to appeal to Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinions listed in this notice may be obtained by mailing a request indicating the opinions desired, accompanied by a check or money order in the amount of 10¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 96-1104. Filed for public inspection July 5, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, June 20, 1996, and took the following actions:

#### *Regulations Approved:*

Department of Agriculture # 2-99: Enforcement of Marketing Programs; Potato Research Program (amends 7 Pa. Code Chapter 104.11)

State Board of Private Licensed Schools # 6-253: Private Licensed Schools (amends 22 Pa. Code Chapter 73)

#### *Regulations Deemed Approved under Section 5 (B.3) of the Regulatory Review Act:*

Department of Agriculture # 2-101: Milk Sanitation (amends 7 Pa. Code Chapter 59) (*Editor's Note:* For the text of the regulations pertaining to this order, see 26 Pa.B. 3129.)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; John F. Mizner; Irvin G. Zimmerman, dissenting

Public meeting held  
June 20, 1996



*Department of Agriculture—Enforcement of Marketing Programs; Potato Research Program; Doc. No. 2-99*

### Order

On September 5, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Agriculture). This rulemaking would replace 7 Pa. Code § 104.11 with 7 Pa. Code §§ 104.12—104.18. The authority for this regulation is section 11 of the Agricultural Commodities Marketing Act of 1968 (act) (3 P. S. § 1011). The proposed regulation was published in the September 16, 1995 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 21, 1996.

The act (3 P. S. §§ 1001—1013) allows the producers of a particular agricultural commodity to establish a marketing program. To start such a program, a majority of affected producers, who also must represent a majority by volume of the commodity's production, must vote to establish the program by a referendum. Under the act, the Pennsylvania Potato Research Program (Program) was established in 1987. As a result of a referendum amendment to the Program in 1993, the Program is funded through collection of a \$4-per-acre producer charge from those potato producers who plant 5 or more acres of potatoes in a calendar year for sale or marketing.

The primary purpose of this regulation is to set forth the responsibilities of producers and sales agents in verifying that the appropriate producer charges are collected. Producers are required to file an annual statement with the Program that report the number of acres of potatoes planted that are subject to the producer charge. Producers must pay the producer charge on an annual basis.

Sales agents are responsible for retaining records related to potato sales transactions for at least 2 years. The regulation defines "sales agent" as follows:

A processor, a producer or a person who purchases, handles, receives, sells or contracts to sell potatoes originating from a producer. A producer may be a sales agent with respect to potatoes of his own production.

Upon receipt of a written demand from the Program, a sales agent is responsible for producing information requested by the Program. The type of information requested by the Program is specified in the regulation.

Section 104.18 sets forth the provisions for calculation of the minimum producer charge. The formula uses the minimum weight of potatoes produced by an affected producer and the average per-acre yield figure provided by the Pennsylvania Agricultural Statistics Service. The Program will use information from both sales agents and producers to determine the minimum weight of potatoes produced.

Agriculture does not believe that this regulation will measurably increase the costs imposed upon potato growers and sales agents. The records required by this regulation are identical to those records which these parties would ordinarily maintain in the course of their respective businesses.

On November 3, 1995, the House Agriculture and Rural Affairs Committee (House Committee) voted unanimously to approve the proposed version of this regulation. Representative Raymond Bunt, Jr., Chairperson of the House Committee, also offered two comments.

We have reviewed this regulation and find it to be in the public interest. Agriculture responded to both questions submitted by the House Committee. First, it deleted the word "Irish" from the regulation's definition of "potatoes." In considering the House Committee's questions concerning the use of the word "Irish," Agriculture acknowledged that the proposed definition may have caused confusion or have been less inclusive than intended. In response to the House Committee's request for an explanation for using acres planted rather than actual potato yields to calculate the producer charges, Agriculture noted that the \$4-per-acre charge on all potatoes planted assessment was approved by a majority of affected planters in a 1993 referendum. Agriculture is bound by the act to enforce this assessment system. On the House Committee's question regarding enforcement, Agriculture stated the Program will conduct random spot-audits of producers under sections 104.16 and 104.17 of this proposed regulation. It added:

It is expected that in the vast majority of cases, though, the Program will only calculate a minimum producer charge in accordance with § 104.18 when it has evidence that a particular producer's potato production outstrips the average county per-acre yield figures—thereby suggesting the producer underreported the acreage from which the potatoes were produced.

Finally, Agriculture corrected a typographical error in a reference to another regulation in section 104.17(f) of the proposed regulation.

*Therefore, It Is Ordered That:*

1. Regulation No. 2-99 from the Department of Agriculture, as submitted to the Commission on May 21, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson—Dissenting; John F. Mizner; Irvin G. Zimmerman

Public meeting held  
June 20, 1996

*State Board of Private Licensed Schools—Private Licensed Schools; Doc. No. 6-253*

### Order

On October 6, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Private Licensed Schools (Board). This rulemaking would amend certain sections of 22 Pa. Code Chapter 73. The authority for this rulemaking is section 4 of the Private Licensed Schools Act (act) (24 P. S. § 6504). The act (24 P. S. § 6501 et seq.), inter alia, defines and provides for the licensing and regulation of private schools, and establishes and empowers the Board to perform its functions. The proposed regulation was published in the *Pennsylvania Bulletin* on October 22, 1994, with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 22, 1996.

These rulemaking amendments are designed to separate the Board's prosecutorial and adjudicatory functions. Its revisions also more clearly specify the types of schools/occupations that are subject to the Board's licensure requirements and those that qualify from exemption from licensure.

In response to the court case of *Lyness v. Commonwealth State Board of Medicine*, 605 A.2d 1204 (1992), the Board proposed to retain its adjudicative functions but transfer its prosecutorial and investigative ones (under sections 73.183a and 73.185) to a new Review and Recommendation Panel. It will consist of three Board members, one of whom is a public member, who direct the Board's staff in performing prosecutorial functions involving enforcement actions against schools.

If a violation of the act or the Board's regulation is found, a complaint will issue and a hearing will be held before a Hearing Panel. A "Hearing Panel" is defined as three members, one of whom is a public member, who preside over hearings requested by schools to contest enforcement actions and to submit proposed findings and recommendations to the full Board for its adjudication.

The Board added the provision to include a public member (for example, a person with no current affiliation to private licensed schools), on both types of panels at the recommendation of the Senate Education Committee made during the proposed rulemaking phase. The purpose is to promote balance and consumer protection in the activities of each Panel. Several other sections, notably a new section 73.183a, and sections 73.184, 73.185, 73.186, 73.188 and 73.192 are revised to conform with these major procedural changes.

The immediate catalyst for this rulemaking was the decision of the Commonwealth Court in *Blanco v. State Board of Private Licensed Schools*, 631 A.2d 1076 (1993) (*Blanco*), which directed the Board to promulgate additional regulations further clarifying which entities and occupations are exempt from licensure.

The Board proposed to amend section 73.41 to provide that any school which trains or educates individuals so that they may pursue an occupation or career which is listed in the *Dictionary of Occupational Titles* (1991 edition) must obtain a license under the act and the Board's regulation before operating, advertising or enrolling students, unless the school is specifically exempt from licensure under section 73.42. For improved flexibility, the Board added the words "as amended or supplemented" to the reference to the *Dictionary of Occupational Titles* (1991 edition) in the final-form regulation in response to one of the recommendations we suggested in our Comments on the proposed version of this rulemaking. The Board also added an exemption in the final-form regulation for individual classes or short courses offered by an entity which are ancillary to the sale, lease, or use of a product, as distinguished from those which provide training to pursue an occupation or career.

The Board proposed a new section 73.42, which defines the various categories of schools which are exempt from licensure. It also interprets the statutory term "public and other service occupations," so that regulated entities will know or be able to determine whether they must be licensed by the Board before operating. Section 73.42(3) addresses what constitutes "a school providing training in public service or other service occupation," but it has no provision exempting hospital-based allied health education programs. During the proposed rulemaking phase, the House and Senate Education Committees submitted comments opposing the Board's failure to provide such an exemption. The Board's interpretation also generated opposition from the Hospital Association of Pennsylvania (HAP), its counsel, and hospital-based or affiliated schools. Letters from a few other commentators raised

additional questions or suggested amendments. Our Comments also included various recommendations for the final-form regulation.

After carefully considering commentators' comments, the Board further revised the text of the controversial section 73.42(3) to closely track the language of the act by limiting "public service occupations" to "ambulance personnel, emergency medical technicians, fire fighters, police, school bus drivers and school crossing guards." The Board exempted ambulance personnel and emergency medical technicians because the Department of Health (Health) provides or oversees educational training as part of accrediting those occupations. The final-form regulation continued to exclude allied health occupations and hospital-based education programs from the list of exempted occupations since Health does not provide the educational oversight for such programs that it does for ambulance personnel and emergency medical technicians. Persons exempted under the final-form regulation for being in "other service occupations" are limited to maids, butlers and chauffeurs, barber schools or a school of cosmetology.

The Board stated in its preamble narrative to this rulemaking that it did not add allied health occupations or other health service occupations providing a public benefit to the list of exempted occupations because it believes such general exemptions are contrary to the intent of the statute. The Board noted that training in health care service occupations is also provided by proprietary schools in addition to hospital-affiliated training programs.

On June 6, 1996, the House Education Committee voted to approve the final-form regulation. However, its Chairperson, Representative Jess Stairs, noted in his letter to the Commission that the Committee "continues to question the appropriateness of including hospital-based schools of education within the regulations governing the licensing authority of the State Board of Private Licensed Schools. Representative Stairs stated that the House Committee intends to move expeditiously on House Bill No. 2680, which would amend the Private Licensed Schools Act (Act 174 of 1986) to exempt hospital-based schools from Board licensure.

Senator James J. Rhoades, Chairperson of the Senate Education Committee, sent a letter to the Commission dated June 6, 1996. In it he stated reasons why the Senate Committee believed that the portion of the regulation which would require hospital-based schools to be licensed by the Board is not, under the Regulatory Review Act, in the public interest. The Board's Chairperson, Wayne Zanardelli, responded to Senator Rhoades in a letter dated June 10, 1996.

In connection with the final-form regulation, the standing committees received a letter opposing the regulation from HAP and many letters of opposition from hospital-based schools and affiliated individuals. The letters and petitions asserted that such programs are already regulated by the Departments of Health and State; they urged that the regulation exempt hospital-based education programs from licensure by the Board.

The Board asserts that the only fiscal impact of this rulemaking will be upon those entities that will be faced with becoming licensed as a result of the Board defining the categories of licensure. If this rulemaking is approved, each previously unlicensed entity will have to pay the \$1,500 initial application fee and the one time site inspection user fee of \$250. Approximately 75 to 80

hospital-based programs will be affected, representing a total cost of approximately \$140,000. After 1 year of operation, renewal fees will occur biennially (at a cost of \$750 annually) and on a graduated scale based on gross tuition revenue. HAP and its counsel believe that the \$140,000 aggregate cost cited by the Board is the minimal up-front cost and that all costs related to licensure will drive the total price tag up to the \$350,000—\$500,00 range.

We have reviewed this regulation and find it to be in the public interest. The Board has the authority under the act to adopt and promulgate an appropriate regulation and, indeed, has been directed to do so by the Commonwealth Court in the aforementioned *Blanco* decision. The Board has exercised its discretion reasonably in this rulemaking, we believe, because the Board lacks the clear authority under the current language of the act to provide a specific, limited exemption for hospital-based schools of allied health.

Even if the total cost impact of licensing is nearer to the Board's estimate than HAP's, we agree with the concerns about over-regulation raised by Senator Rhoades and other commentators. Hospital-based schools are already regulated by other government entities, both State and Federal, and requiring them to also be licensed by the Board is unnecessarily duplicative and not in the public interest. However, only the General Assembly, not the Board, can provide the authority to exempt these schools.

The House Education Committee, in approving this rulemaking, acknowledged the limitation of the Board's current authority under the act with the introduction of House Bill No. 2680 (Session of 1996). That legislation would provide an additional exemption from Board licensure for a school operated by a hospital licensed under the act of July 19, 1979 (P. L. 130, No. 48), known as the Health Care Facilities Act, and which is accredited by a regional or national accreditation agency. We applaud this action of the House Education Committee and recommend the General Assembly give the bill prompt consideration.

*Therefore, It Is Ordered That:*

1. Regulation No. 6-253 from the State Board of Private Licensed Schools, as submitted to the Commission on May 22, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; John F. Mizner; Irvin G. Zimmerman

Public meeting held  
June 20, 1996

*Department of Agriculture—Milk Sanitation; Doc. No. 2-101*

### Order

On November 20, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking would amend 7 Pa. Code Chapter 59 by extending the "sell by" date posted on containers of pasteurized milk by 2 days. The amendments are proposed under the authority of the act of July 2, 1935 (act) (31 P. S. §§ 645—660f) which authorizes the Department to regulate the production, processing, storage and pack-

aging of milk to safeguard human health. The proposed regulation was published in the December 2, 1995 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 21, 1996.

Currently, milk processors are required to stamp milk containers with a "sell by" date that does not exceed 12 days from midnight of the day the milk was pasteurized. This market-driven change will extend that 12-day limit to 14 days. Milk processors in contiguous states (New York, New Jersey, Maryland, Delaware and Ohio) may establish a "sell by" date which is predicated upon individual processors submitting shelf-life studies to state regulators indicating the date by which they may sell their milk with acceptable levels of bacteria. Milk processed in Ohio, New Jersey and New York typically has "sell by" dates of 16 days.

The present 12-day maximum "sell by" date has placed Pennsylvania milk processors at a disadvantage when attempting to compete in these markets. Pennsylvania milk processing plants are forced to apply different "sell by" dates to their milk containers based upon the market in which the milk is to be sold which means that they are also required to keep two inventories which is both costly and burdensome. The proposed 14-day "sell by" date is a compromise that will enable Pennsylvania milk processors to remain more competitive in other states.

Pennsylvania State University's Department of Food Science conducted five separate studies between June of 1992 and October of 1994 to observe the keeping quality of milk over time. Milk samples were maintained at a temperature of 45° Fahrenheit for a period of 10 to 14 days. The studies determined that milk kept for up to 14 days after being pasteurized did not pose any increased risk to human health. Indeed, if proper storage conditions are maintained, (that is, a temperature of 45° Fahrenheit) pasteurized milk has a maximum shelf life of around 21 days.

The Department notes that the milk "sell by" date controls the time within which the milk may be sold rather than the time within which the milk may be consumed. Under both the current 12-day and proposed 14-day maximum "sell by" dates, it is the milk purchaser who ultimately determines the point beyond which bacterial growth adversely affects the quality of the milk. If the milk is properly refrigerated, this point should extend well beyond the proposed 14-day maximum "sell by" date.

In addition to the 2-day extension, the regulation also clarifies that the "sell by" date requirement is applicable to containers of pasteurized milk at food establishments and retail food stores. The Food Act (31 P. S. §§ 20.1—20.18) recently established the requirements that "food establishments" register with the Department and defines the terms "food establishment" and "retail food store." Therefore, the Department has incorporated these definitions verbatim from the Food Act to add greater clarity to the provisions relating to milk.

The final-form regulation contains no changes from the proposed regulation. We did not file any comments on the proposed regulation. Furthermore, we did not receive any negative recommendations on the final-form regulation from either the House or Senate Agriculture and Rural Affairs Committees.

*Therefore:*

The Commission will notify the Legislative Reference Bureau that Regulation No. 2-101 from the Department of Agriculture, as submitted to the Commission on May

21, 1996, was deemed approved under section 5(b.3) of the Regulatory Review Act (71 P. S. § 745.5(b.3)) on June 11, 1996.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1105. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulation for review. The regulation will be considered within 30 days of its 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 a regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-265	Environmental Quality Board Coal Mining	6/20/96
106-2	Environmental Hearing Board Practice and Procedure	6/26/96

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1106. Filed for public inspection July 5, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for Approval of a Recapitalization of a Domestic Stock Insurance Company

The Pennsylvania Patriot Insurance Company, a Pennsylvania stock casualty insurance company, has submitted a Plan of Recapitalization, whereby it proposes to reduce the stated capital of the company. The initial filing was received on June 19, 1996, and was made under requirement set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 21205 et. seq. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this recapitalization 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, Insurance Company 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. 96-1107. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Application for Approval of a Liquidating Dividend and Voluntary Dissolution

Spectrum General Insurance Company, a domestic stock casualty insurance company, has submitted an application for approval of a liquidating dividend in order to voluntarily dissolve its charter. The initial filing was received on June 21, 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 the dividend and 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, Insurance Company Licensing Specialist, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1108. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Insurance Department Per Diem Charges for Financial Examinations of Insurance Companies

Under the authority contained in section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4, an updated schedule of per diem charges for financial examinations conducted by the Insurance Department is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$197 per day
Examiner 1	\$256 per day
Examiner 2	\$313 per day
Examiner 3	\$395 per day
Exam Manager	\$419 per day

As prescribed in 31 Pa. Code § 12.4(c), the Insurance Department will calculate the bill per diem charges for examination costs in 1/2 hour units.

This schedule is effective July 1, 1996.

This document supersedes the notice published at 25 Pa.B. 2658 (July 1, 1995), and shall remain in effect until

a subsequent notice is published in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1109. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Renique Irvin, et. al.; Hearing

*Renique Irvin, et. al.; PA Assigned Risk Plan; Doc. No. PH96-05-028*

Under the Pennsylvania Assigned Risk Plan, section 19, that was adopted by the Insurance Commissioner under 75 Pa.C.S. § 1741, notice is hereby given that Renique Irvin has requested a hearing on the determination by the Pennsylvania Assigned Risk Plan Governing Committee of the termination of the above-captioned automobile insurance policy.

The hearing will be held on August 7, 1996, at 9 a.m. in Hearing Room 200, Capital Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. 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 procedure). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code §§ 31.1—35.193, 35.225—35.251 (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is given.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1110. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Requirement to File Loss Cost Statistical Data for Workers' Compensation Insurers

On June 24, 1996, Governor Tom Ridge signed into law Senate Bill 801, which reforms the workers' compensation laws in Pennsylvania. Now known as Act 57, this law includes a requirement that all insurers writing workers' compensation insurance in the Commonwealth shall file certain loss data with the Pennsylvania Compensation Rating Bureau (PCRB) and Coal Mine Compensation Rating Bureau (CMCRB). Act 57 mandates that this information be filed with the PCRB and CMCRB no later than September 7, 1996. A failure to file timely and accurate data will result in appropriate enforcement action by the Insurance Department. The Insurance Commissioner is authorized to levy a fine of \$1,000 for every day that an insurer does not provide the required data.

Companies reporting to the PCRB should provide the following:

1. 1995 Schedule W data;
2. Unit Statistical Plan Reports—through policy year 1993;

3. Financial data for policy years up to 1994, including experience through Dec. 31, 1995.

Companies reporting to the CMCRB should provide the following:

1. Unit Statistical Plan Reports, valued as of April 30, 1996, for calendar accident year 1995.

Insurance companies are urged to take all necessary steps to comply with this law.

Questions should be directed to Randy Rohrbaugh, Director, Property and Casualty Bureau, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1111. Filed for public inspection July 5, 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 Elizabeth Flegal; file no. 96-223-32533; State Auto Insurance Companies; doc. no. PH96-06-048; August 7, 1996, at 1 p.m.;

Appeal of Charles and Marsyl Kaufman; file no. 96-265-32977; Pennland Insurance Company; doc. no. PH96-06-041; August 7, 1996, at 2 p.m.;

Appeal of Edward and Donna Bevan; file no. 96-121-03551; Maryland Casualty Insurance Company; doc. no. P96-06-044; August 7, 1996, at 3 p.m.;

Appeal of Jacqueline Romeo; file no. 96-280-32715; ITT Hartford Insurance Group; doc. no. PH96-06-042; August 8, 1996, at 9 a.m.;

Appeal of Gibson and Sandra Smith; file no. 96-124-02985; Standard Fire Insurance Company; doc. no. P96-06-025; August 8, 1996, at 10 a.m.;

Appeal of Raymond Fonner; file no. 96-308-71311; Liberty Mutual Insurance Company; doc. no. PI96-06-026; August 8, 1996, at 2 p.m.;

Appeal of Thomas McCardle; file no. 96-280-33201; Liberty Mutual Insurance Company; doc. no. PH96-06-033; August 8, 1996, at 3 p.m.;

Appeal of Linda Stefursky; file no. 96-121-03543; State Farm Mutual Insurance Company; doc. no. P96-06-037; August 14, 1996, at 1 p.m.;

Appeal of Michael Sorkin; file no. 96-280-33438; Liberty Mutual Insurance Company; doc. no. PH96-06-031; August 22, 1996, at 1 p.m.;

Appeal of Eric and Freda Lender; file no. 96-121-03722; Erie Insurance Company; doc. no. P96-06-046; September 3, 1996, at 10 a.m.;

Appeal of William Langan; file no. 96-188-03743; Erie Insurance Company; doc. no. P96-06-045; September 3, 1996, at 11 a.m.;

Appeal of Brenda L. Jones; file no. 96-308-71436; Flagship City Insurance Company; doc. no. PI96-06-027; September 3, 1996, at 3 p.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 participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1112. Filed for public inspection July 5, 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 Allstate Insurance Company; file no. 96-280-32834; Daniel E. Davis; doc. no. PH96-06-028; August 8, 1996, at 11 a.m.;

Appeal of Erie Insurance Company; file no. 95-121-03814; Belinda G. Coble; doc. no. P96-06-043; September 3, 1996, at 1 p.m.;

Appeal of Erie Insurance Company; file no. 96-223-33001; Stephen Strokecker; doc. no. PH96-06-029; September 3, 1996, at 2 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 General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues pre-

sented 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) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1113. Filed for public inspection July 5, 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 William E. Gibbons, file no. 96-267-32850; Philadelphia Contributionship; doc. no. PH96-06-030; August 8, 1996, at 1 p.m.;

Appeal of Judith and Mark Broody; file no. 96-121-03493; Erie Insurance Exchange; doc. no. P96-06-047; September 3, 1996, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1114. Filed for public inspection July 5, 1996, 9:00 a.m.]

### State Farm Fire and Casualty Company; State Farm General Insurance Company; Homeowners Insurance Rate Filing

On June 17, 1996, the Insurance Department received from State Farm Fire and Casualty Company and State Farm General Insurance Company a filing for a rate level change for homeowners insurance.

The companies request an overall 5.0% increase, amounting to \$8,700,000 annually, to be effective September 15, 1996.

Unless formal administrative action is taken prior to August 16, 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 Anstead, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-1115. Filed for public inspection July 5, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, Wine & Spirits Shoppe #5101, 135 W. Cheltenham Avenue, Philadelphia, PA 19144-3301.

*Lease Expiration:* August 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space in Philadelphia, an area bounded by: north of Cheltenham Avenue, south of Washington Lane, east of Wayne Avenue, west of Germantown Avenue.

*Proposals due:* August 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5110, 263 S. 60th Street, Philadelphia, PA 19139-3846.

*Lease Expiration:* July 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in Philadelphia, an area bounded by: north of Baltimore Avenue, south of Chestnut Street, east of Cobbs Creek Pkwy., west of 52nd Street.

*Proposals due:* August 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5135, 5101 Lancaster Avenue, Philadelphia, PA 19131-4627.

*Lease Expiration:* May 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in Philadelphia, an area bounded by: north of Girard Avenue, south of Parkside Avenue, east of 53rd Street, west of Belmont Avenue.

*Proposals due:* August 2, 1996 at 12 noon.

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5145, 5917 Torresdale Avenue, Philadelphia, PA 19135-4126.

*Lease Expiration:* August 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in Philadelphia, an area bounded by: north of Pratt Street, south of Levick Street, east of Frankford Avenue, west of I-95.

*Proposals due:* August 2, 1996 at 12 noon.

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5179, 6151 Ridge Avenue, Philadelphia, PA 19128-2627.

*Lease Expiration:* 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 in Philadelphia, an area bounded by: north of Main Street, south of Henry Avenue, east of Fountain Street, west of Lincoln Drive.

*Proposals due:* August 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5183, 3601 N. 22nd Street, Philadelphia, PA 19140-3810

*Lease Expiration:* February 28, 1998

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 in Philadelphia, an area bounded by: north of Lehigh Avenue, south of Hunting Park Avenue, east of Fox Street, west of Broad Street.

*Proposals due:* August 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5190, 7161 Ogontz Avenue, Philadelphia, PA 19138-2040.

*Lease Expiration:* October 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in Philadelphia, an area bounded by: north of Stenton Avenue, south of Cheltenham Avenue, east of Washington Lane, west of Broad Street.

*Proposals due:* August 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5196, 6433 Castor Avenue, Philadelphia, PA 19149-2738.

*Lease Expiration:* September 30, 1998

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 in Philadelphia, an area bounded by: north of Devereaux Avenue, south of Cottman Avenue, east of Oxford Avenue, west of Roosevelt Blvd.

*Proposals due:* August 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Allegheny County, Wine & Spirits Shoppe #9211, Village Square, 4000 Oxford Place, Bethel Park, PA 15102-1822.

*Lease Expiration Date:* February 28, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 9,000 to 10,000 net useable square feet of new or existing retail commercial space in a shopping center environment located on Route 19 within 1 mile of the intersection of Fort Couch Road.

*Proposals Due:* July 26, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph J. Molhoek, (412) 565-5130

JOHN E. JONES, III  
*Chairperson*

[Pa.B. Doc. No. 96-1116. Filed for public inspection July 5, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

Mary Cameron v. PECO Energy Company; Doc. No. C-00957475

A copy of the initial Decision of Administrative Law Judge George M. Kashi in the above-captioned matter was issued and mailed by certified mail on May 15, 1996. Service was effected by this means on all parties but Mary Cameron. Service of the Initial Decision on Mary Cameron was then attempted by regular mail on May 23, 1996, but was returned by the Post office "unclaimed" on June 3, 1996. Service by publication is hereby effected upon Mary Cameron under the provisions of 52 Pa. Code § 1.53(c).

If you do not agree with any part of this decision, you may send written comments (called *Exceptions*) to the Commission. Specifically, an original and nine copies of your signed exceptions must be filed with the Secretary of the Commission in Room B-20, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA or mailed to P. O. Box 3265, Harrisburg, PA 17105-3265, within 20 days of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U. S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code § 1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code § 1.11(a)(2), (b)). If the exceptions are sent by mail, please use the address shown at the top of this letter. A copy of the exceptions must also be served on each party of record. 52 Pa. Code § 1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within 10 days of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code §§ 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party)—(protestant, complainant, staff, etc.)."

If no exceptions are received within 20 days, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

JOHN G. ALFORD,  
*Secretary*

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Mary Cameron :  
 :  
 v. : Docket No. C-00957475  
 :  
 PECO Energy Company :

INITIAL DECISION FROM THE BENCH

Before George M. Kashi  
 Administrative Law Judge

This complaint was filed by Mary Cameron (Customer) against PECO Energy Company (Utility). It is an appeal



from a BCS decision concerning ability to pay utility bills. An answer was filed and a hearing was held on May 6, 1996. Utility appeared at the hearing represented by counsel and one witness. Customer, after being provided notice, failed to appear; did not request a continuance nor explain the failure to appear. Utility presented evidence of the customer's payment history, the outstanding arrearage and the BCS decision. Utility also provided evidence that the account was finaled on April 2, 1996, and Customer moved. Counsel then moved to dismiss the complaint.

We will grant the motion and dismiss the complaint, with prejudice, for failure to appear at the hearing. Additionally, we accept the BCS result. Finally, we are adding a lump sum payment requiring customer to make up the payments she failed to make in accord with the BCS schedule.

*Therefore, It Is Ordered:*

1. That the formal complaint filed by Mary Cameron (Customer) against PECO Energy Company (Utility) at Docket No. C-00957475 be and is hereby dismissed with prejudice for Customer's failure to appear at hearing and the Secretary shall mark the Docket closed.

2. That Customer is hereby directed to pay PECO Energy Company \$665.00 within thirty (30) days from the date of entry of this order.

3. That Customer is hereby directed to pay by the due dates stated in Customer's current budget utility bills, the additional amount of \$10 each month on Customer's finaled overdue Utility balance, at 1115 Dorian Ct., Apt. #3, Chester, PA, of \$1,875.96 until the finaled overdue utility balance is fully paid.

[Pa.B. Doc. No. 96-1117. Filed for public inspection July 5, 1996, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 29, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Application of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-00092905, Folder 2, Am-A. Crossman's Van & Storage Co., Inc.** (7138 Chew Avenue, Philadelphia, Philadelphia County, PA 19105), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown, and Morrisville, but not including such places; *so as to permit* the

transportation of household goods in use (1) as a Class B carrier, between points in the city and county of Philadelphia; (2) as a Class D carrier, from points in the city and county of Philadelphia to other points in Pennsylvania; (3) as a Class D carrier, from points in the city and county of Philadelphia to points within 25 miles by the usually traveled highways or the Philadelphia City Hall, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00106621 to Robert W. R. Springer, Jr., t/d/b/a W. W. Springer & Son, subject to the same limitations and conditions. Application for temporary authority was also filed at A-00092905, F.2, Am-A, for the rights as stated above.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00113157. Mary Lewis** (R. R. 1, Box 193-E, Carmichaels, Greene County, PA 15320)—persons in limousine service, between points in the counties of Greene, Fayette and Washington, and from points in said counties, to points in Pennsylvania and return. *Attorney:* Gregory Hook, 189 West High Street, Waynesburg, PA 15370.

**A-00113162. Hooper's Inc.** (2561 North Sixth Street, Harrisburg, Dauphin County, PA 17110), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the city of Harrisburg, Dauphin County, to the following State Correctional Institutions: Albion, Erie County, Cambridge Springs, Crawford County, Camp Hill, Cumberland County, Coal Township, Northumberland County, Dallas, Luzerne County, Frackville, Schuylkill County, Graterford, Montgomery County, Greene, Greene County, Greensburg, Westmoreland County, Houtzdale, Clearfield County, Huntingdon, Huntingdon County, Laurel Highlands, Somerset County, Mahanoy, Schuylkill County, Mercer, Mercer County, Muncy, Lycoming County, Pittsburgh, Allegheny County, Retreat, Luzerne County, Rockview, Centre County, Smithfield, Huntingdon County, Somerset, Somerset County, Waymart, Wayne County, and Waynesburg, Greene County, and the Motivational Boot Camp at Quehanna, Clearfield County and return.

**A-00113168. Jeannette E.M.S., Inc.**, a corporation of the Commonwealth of Pennsylvania (225 South 6th Street, Jeannette, Westmoreland County, PA 15644)—persons in paratransit service, in vehicles equipped with side opening doors, ramps or lifts, to and from medical appointments in the county of Westmoreland, and from points in the county of Westmoreland to points in Pennsylvania and return. *Attorney:* Thomas Plaitano, 353 West Main Street, Mt. Pleasant, PA 15666.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00112393, Folder 2. Road Runner Taxi, Inc.** (Route 196, Sterling Road, Tobyhanna, Monroe County, PA 18466), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in the township of Tobyhanna, Monroe County, and within an airline distance of 5 statute miles of the limits of the township of Tobyhanna; subject to the following condition: that no right, power or privilege is granted to provide service in the townships of Paradise and Pocono, other than Pocono

Manor in Pocono Township; which is to be a transfer of the rights authorized under the certificate issued at A-00108363, F.2, to Eugene J. Robinson, t/d/b/a G&N Airport Transportation, subject to the same limitations and conditions. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110.

**A-00113169. ABC Limousine Service, Inc.** (677 Hollow Horn Road, Ottsville, Bucks County, PA 18942), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in Bucks County located north of the southern boundaries of the townships of Warrington, New Britain and Plumstead, and from points in said territory to points in Pennsylvania and return; subject to the following condition: that no right, power or privilege is granted to transport persons from Bucks County to the county of Delaware, except that this restriction shall not apply to any transportation to the Philadelphia International Airport which is partially located in the county of Delaware; which is to be a transfer of the right authorized to Supreme Limousine LTD., under the certificate issued at A-00108114, subject to the same limitations and condition. *Attorney:* Richard D. Magee, Jr., P. O. Box 885, Doylestown, PA 18901-0885.

**Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before July 22, 1996.

- A-00113163 Prostar Logistics, Inc.  
1321 Foster Avenue, Nashville, TN  
37210
- A-00113164 Worley & OBetz, Inc.  
P. O. Box 429, 95 White Oak Road,  
Manheim, PA 17545
- A-00113165 Fleet Acquisition Corporation  
102 Pickering Way, Exton, PA 19341-  
0200; Norman R. Garvin, Scopelitis,  
Garvin, Light & Hanson, 1777 Market  
Tower, 10 West Market Street, Indian-  
apolis, IN 46204-2971
- A-00113166 Benjamin D. Stacy, t/d/b/a Benjamin  
Trucking  
722 Main Street, Limestone, NY 14753
- A-00113167 Fred Moore  
204 Green Cove Road, Avella, PA 15312
- A-00113171 Frenz Petroleum Corporation  
P. O. Box 711, 2318 West State Street,  
New Castle, PA 16101; John A. Pillar,  
1106 Frick Building, Pittsburgh, PA  
15219
- A-00113172 Michael Sean Caldwell  
1119 Route 588, Fombell, PA 16123
- A-00113173 Eric A. Shoemaker, t/d/b/a Shoemaker  
Hauling  
380 Indian Run Road, Glenmore, PA  
19343
- A-00113174 John L. Shaffer, t/d/b/a J & S Express  
R. D. 3, Box 364, Punxsutawney, PA  
15767; Dwight L. Koerber, Jr., P. O. Box  
1320, Clearfield, PA 16830

- A-00113175 Arnold L. Barris Trucking, Inc.  
3500 Sharon Road, West Middlesex, PA  
16159; David H. Radcliff, 2216 Walnut  
Street, Harrisburg, PA 17103
- A-00113176 Paul D. Akers, t/d/b/a Paul D. Akers  
Trucking  
324 North Second Street, McCon-  
nellsburg, PA 17233
- A-00113177 Joseph L. Kramer, t/d/b/a Joe Kramer  
Hauling  
2054 Old Route 100, Bechtelsville, PA  
19505
- A-00113178 Market Transportation Services, Inc.  
3505 Silverside Road, 208M Plaza,  
Wilmington, DE 19810; Michael Mar-  
rone, 1001 G Street, N.W., Suite 500  
West, Washington, DC 2001
- A-00113179 Timothy M. Junod, t/d/b/a Junod Trucking  
R. D. 1, Box 682, Mahaffey, PA 15757
- A-00113180 Robert J. Chaya, t/d/b/a R C Trucking  
73 North Vine Street, Hazleton, PA  
18201
- A-00113181 James W. & James, Johnny W. Welty,  
t/d/b/a J & J Transportation Services  
403 East Maple Street, Scott City, MO  
63780
- A-00113182 Montana Enterprises, Inc.  
R. R. 8, Box 8266, Moscow, PA 18444
- A-00113183 Douglas E. Brace, t/d/b/a Doug Brace  
Trucking  
1658 Lane Road, Waterford, PA 16441

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1118. Filed for public inspection July 5, 1996, 9:00 a.m.]

**Sewage Service  
Without Hearing**

**A-230174 F2001. Borough of Huntingdon.** Application of the Borough of Huntingdon, Huntingdon County, PA, for approval under section 1102(A)(2) of the Public Utility Code of the abandonment of the Borough's provision of sewage service to the public outside of Municipal Boundaries of the Borough.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 22, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicants:* Jan P. Paden, James H. Cawley, J. Bruce Walter, Rhoads and Sinon, One South Market Square, Twelfth Floor, P. O. Box 1146, Harrisburg, PA 17108-1146.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1119. Filed for public inspection July 5, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210039 F2000. Philadelphia Suburban Water Company and Cherry Water Company.** Application of Philadelphia Suburban Water Company and Cherry Water Company for the abandonment by Cherry Water Company of water service to the public in its current service territory which is located in a portion of Upper Providence Township, Montgomery County, PA, known as the Perkiomen Woods Development.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 22, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicants:* Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010; Louis J. Sinatra, Esquire, Lesser and Kaplan, P.C., Cherry Water Company, 640 Six Sentry Parkway, P. O. Box 1115, Blue Bell, PA 19422-0757.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1120. Filed for public inspection July 5, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-212370 F0025. Philadelphia Suburban Water Company and Cherry Water Company.** Application of Philadelphia Suburban Water Company and Cherry Water Company for approval of the transfer, by sale, of the water system assets of Cherry Water Company to Philadelphia Suburban Water Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 22, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicants:* Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010; Louis J. Sinatra, Esquire, Lesser and Kaplan, P. C., Cherry Water Company, 640 Six Sentry Parkway, P. O. Box 1115, Blue Bell, PA 19422-0757.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1121. Filed for public inspection July 5, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-212370 F0026. Philadelphia Suburban Water Company and Cherry Water Company.** Application of Philadelphia Suburban Water Company and Cherry Water Company for approval of the right of Philadelphia Suburban Water Company to furnish water service to the public in the service area of Cherry Water Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 22, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicants:* Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010; Louis J. Sinatra, Esquire, Lesser and Kaplan, P.C., Cherry Water Company, 640 Six Sentry Parkway, P. O. Box 1115, Blue Bell, PA 19422-0757.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1122. Filed for public inspection July 5, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210014 F2000. Walnut Bank Water Company.** Application of the Walnut Bank Water Company for approval of abandonment by Walnut Bank Water Company of all water service to customers in the Walnut Bank Farms Subdivision.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 22, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Samuel G. Moyer, Esquire, Power, Bowen and Valimont, Counsel for Walnut Bank Water Company, 64 North Main Street, P. O. Box 580, Sellersville, PA 18960-0580.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1123. Filed for public inspection July 5, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210014 F0003. Walnut Bank Water Company, Richland Township and Richland Township Water Authority.** Application of the Walnut Bank Water Company, Richland Township and Richland Township Water Authority, for approval of the sale of Walnut Bank Water Company to Richland Township, of all the property and rights of Walnut Bank Water Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 22, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Samuel G. Moyer, Esquire, Power, Bowen and Valimont, Counsel for Walnut Bank Water Company, 64 North Main Street, P. O. Box 580, Sellersville, PA 18960-0580; William J. McCarthy, III, Esquire, B. Lincoln Treadwell, Jr., Esquire, Counsel for

Richland Township and Richland Township Water Authority, 825 North Twelfth Street, Allentown, PA 18102-1318.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1124. Filed for public inspection July 5, 1996, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Request for Proposal; Small Business Subordinated Loan Fund for the Pennsylvania State Employees' Retirement System

The State Employees' Retirement Board is soliciting proposals for an advisor to manage and administer a small business subordinated loan fund on behalf of the Pennsylvania State Employees' Retirement System.

All proposals must be submitted in five copies to Diane Sterthous, Director of Fixed Income Investments, SERS, 30 N. Third Street, P. O. Box 1147, Harrisburg, PA 17108-1147. Proposals must be received at this address no later than 1 p.m., on August 6, 1996. The price portion of the proposal must be bound and sealed separately. Late proposals will not be considered, regardless of the reason.

A preproposal conference will be held on July 22, 1996. Prospective bidders are invited to submit questions for the preproposal conference before developing proposals. It will be held at SERS' offices, on the fifth floor of 30 N. Third Street, Harrisburg at 1 p.m. Because of limited facilities, only one representative per vendor will be permitted to attend this conference. The purpose of the conference is to clarify any points in the request for proposal which may not have been understood. Attendance is for clarification purposes only and is not mandatory. Please submit any pertinent questions in written form, 2 days prior to the preproposal conference. All prospective bidders will be provided with answers to the questions submitted, in writing, within 1 week after the preproposal conference date.

Interested parties may write to Diane Sterthous, Director of Fixed Income Investments, at the above referenced address or telephone (717) 783-9705 to obtain a copy of this Request for Proposal. Late proposals will not be considered regardless of any reason.

JOHN BROSIUS,  
*Executive Director*

[Pa.B. Doc. No. 96-1125. Filed for public inspection July 5, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 86-021-R405-C.** Improvement of facilities Blue Mountain Plaza.

*Bid Opening:* August 6, 1996, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to public inspection at the Administration Building. Copies may be purchased upon payment of \$75 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

A prebid meeting is scheduled for 10 a.m., on July 9, 1996, at the Turnpike Commission's Eastern Regional Office located at M. P. 330.2 Eastbound.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1126. Filed for public inspection July 5, 1996, 9:00 a.m.]

### Request for Bids

The Turnpike Commission is requesting a sealed bid for:

3/4 Ton Passenger-Type Van (First Responder)

Open Date: 7-22-96 at 11 a.m.

Bids will be received by the Director of Purchases 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. 96-1127. Filed for public inspection July 5, 1996, 9:00 a.m.]

# FEDERAL SURPLUS PROPERTY PROGRAM

## DEPARTMENT OF GENERAL SERVICES

### INVENTORY AND INFORMATION

The Department of General Services, Bureau of Supplies and Surplus Operations oversees the Federal Surplus Property Program within the Commonwealth of Pennsylvania in accordance with the Federal Property and Administrative Services Act of June 30, 1949, 63 Stat. 377 as amended. Personal property is made available on an equitable basis to our State Agency for allocation to eligible organizations at minimal service charges. Available property can include office equipment and furniture, clothing, hand tools, hardware, light machinery, heavy equipment and much more. Some of the equipment is new, while some may require repair, but all of the property is useful, and is available to your organization at a fraction of the cost of buying retail. Most nonprofit, tax-exempt organizations, such as municipalities, schools, emergency management agencies, day care centers and other public service organizations are eligible and have saved thousands of dollars annually through the use of federal surplus property.

All federal surplus property is donated on a first-come, first-served basis to eligible nonprofit organizations within the Commonwealth. A nominal cost is incurred by the participants in the form of a service charge to cover the state's cost of administering the program. Questions about the availability of items or about your organization's ability to participate in the Federal Surplus Property Program should be directed to: The Department of General Services, Bureau of Supplies and Surplus Operations, Federal Surplus Property Program, P. O. Box 1365, 2221 Forster Street, Harrisburg, PA 17105, or call TOLL-FREE 1-800-235-1555.

### VEHICLES AND HEAVY EQUIPMENT

*Truck.* Mfg. Dodge, pick-up, 4x4, 1976 and 1977, 318, v-8, 8,000 gvw, automatic. Several available, conditions vary, \$250.00—\$1,200.00 ea.

*Car.* Mfg. GMC, Pontiac, Bonneville, 4 door sedan, 4.1 liter, v-6, automatic, 95,838 miles. Only 1 available, good condition, stock number 2310-96-0118-001, \$525.00 ea.

*Ambulance.* Mfg. Chrysler Corporation, Dodge, 4x4, w20, 1977, 318, v-8, automatic, 8,000 lb. gvw. Only 2 available, good condition, \$1,125.00 ea.

*Forklift.* Mfg. Hyster, gas, 4,000 lb. capacity, Model 540C-P, 1971. Only 1 available, fair condition, stock number 3930-96-0235-016, \$562.50 ea.

*Forklift.* Mfg. Athey Products Corporation, 6,000 lb. capacity, 1972, diesel engine, 832 hours. Only 1 available, good condition, stock number 3930-96-0132-005, \$1,750.00 ea.

*Truck.* Mfg. Chevy, Blazer, 4x4, 1984 and 1985, 6.2 liter, v-8, diesel, automatic. Several available, conditions vary, \$2,400.00—\$3,000.00 ea.

*Truck.* Mfg. Chevy, pick-up, 4x4, 1984 and 1985, 6.2 liter, v-8, diesel, automatic. Several available, good condition, \$3,500.00 ea.

*Crane.* Mfg. Baldwin, Lima, Hamilton Corporation, 4 wheel, 5 ton capacity, 6 cylinder, gas. Only 1 available, good condition, stock number 3810-96-0499-002, \$3,500.00 ea.

### BUILDING MATERIALS

*Insulation.* Mfg. Certainteed MFC, fiberglass, board, 36" width x 100" length x 1" thick, 300 sq. ft./roll, sold by the roll. Limited quantities available, NEW, stock number 5640-96-0295-015, \$22.00 ea.

*Sheet.* Mfg. unknown, aluminum, 4' x 12' x .040". Limited quantities available, NEW, stock number 9535-95-0207-023, \$8.75 ea.

*Sheet.* Mfg. unknown, steel, 4' x 8'. Limited quantities available, good condition, 9515-95-0207-001, \$2.50 ea.

*Sheet.* Mfg. unknown, steel, 4' x 8' x 3/8". Limited quantities available, NEW, stock number 9515-96-0070-001, \$25.00 ea.

### BUSINESS AND RESIDENTIAL FURNISHINGS

*Cabinet.* Mfg. varies, file, 2, 4 and 5 drawer. Plenty available, good condition, \$20.00—\$60.00 ea.

*Partition.* Mfg. unknown, fabric, various sizes. Plenty available, good condition, \$2.50 ea.

*Chair.* Mfg. varies, rotary, with arms, fabric seat and back. Plenty available, good condition, \$10.00—\$18.00 ea.

*Desk.* Mfg. unknown, single pedestal, wood, 4 drawer, 48" wide x 18" deep. Plenty available, good condition, stock number 7105-96-2010-001.

*Table.* Mfg. Hon Industries, printer, wood, 36" x 32" x 32" high. Limited quantities available, NEW, stock number 7110-96-0351-093, \$50.00 ea.

### CLOTHING, TEXTILES AND PERSONAL ITEMS

*Boot.* Mfg. McRae Industries, Inc., combat, various sizes, black, sold by the pair. Plenty available, NEW, stock number 8430-00-0005-001, \$12.00 ea.

*Boot.* Mfg. Bata Choe Company, Inc., cold weather, insulated, rubber, black, for wet/cold use, sold by the pair. Plenty available, NEW, stock number 8430-00-0003-001, \$12.00 ea.

*Overshoe.* Mfg. unknown, boot, combat, vinyl, slip resistant, size 8, green, sold by the pair. Plenty available, NEW, stock number 8430-95-0090-007, \$.50 ea.

*Jacket.* Mfg. Alpha Industries, cold weather, 100% aramide, medium-long. Plenty available, NEW, stock number 8415-95-0663-008, \$12.50 ea.

*Coverall.* Mfg. Lite Industries, Inc., submarine deck exposure, medium 38-40, with hood. Plenty available, NEW, stock number 8415-93-0563-035, \$6.95 ea.

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**ELECTRICAL AND ELECTRONICS**


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*Wire.* Mfg. Cerro Wire & Cable Company, electrical, size 14, solid, 500'/roll, sold by the roll. Plenty available, stock number 6145-96-0111-006, \$2.50 ea.

*Light.* Mfg. General Electric, indoor spotlight, R-20, 30 watt, replacement, for track and recessed lighting, 6 lights/box, sold by the box. Plenty available, NEW, stock number 6240-95-0487-006, \$.63 ea.

*Power Supply.* Mfg. Lambda Electronics, regulated, Model, LK 341 A FM, 0-20 volt output. Only 1 available, good condition, stock number 6130-96-0179-001, \$75.00 ea.

*Inverter.* Mfg. Vanner Inc., Model SPOO112, input voltage, 20-30 VDC, output voltage 120 volt AL. Limited quantities available, NEW, stock number 6130-95-0648-004, \$12.50 ea.

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**OFFICE MACHINES AND SUPPLIES**


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*Highlighter.* Mfg. Sanford, pink, "Major Accent", 12 markers/box, sold by the box. Limited quantities available, NEW, stock number 7510-96-0252-035, \$1.50 ea.

*Folder.* Mfg. SCM Office Supplies, Inc., hanging, 1/5 cut, legal size, 25 tabs with inserts, 25 folders/box, sold by the box. Plenty available, NEW, stock number 7530-96-0146-010, \$2.50 ea.

*Fluid.* Mfg. LHB Industries, correction, opaque white, hydrocarbon solvent base, 12 bottles/pack, sold by the pack. Limited quantities available, NEW, stock number 7510-96-0124-007, \$1.25 ea.

*Envelopes.* Mfg. Union Envelope Company, plain, 12" x 16", manila, 500 envelopes/box, sold by the box. Plenty available, NEW, stock number 7530-96-0198-001, \$3.00 ea.

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**OILS, PAINTS AND CHEMICALS**


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*Cement.* Mfg. Bennet Industries, Corp., refractory, "Heat Stop", used for repairs to firebrick and masonry in fireplaces, woodstoves, kilns, furnaces and flues, 3.5 gallons/can, sold by the can. Plenty available, NEW, stock number 5680-95-0398-006, \$2.50 ea.

*Paint.* Mfg. Pratt & Lambert, latex satin, interior, aqua, acrylic, spatterless, resists staining and soil, fast drying, water clean up, 1 gallon/can, sold by the can. Plenty available, NEW, stock number 8010-96-0120-001, \$1.25 ea.

*Paint.* Mfg. Glidden, latex, semi-gloss, 3787 interior tint base or 3718 pastel tint base, 1 quart/can, sold by the can. Plenty available, NEW, stock number 8010-96-0014-001, \$.63 ea.

*Enamel.* Mfg. Duron, Inc., gloss, medium, gray, alkyd urethane modified, 5 gallons/can, sold by the can. Plenty available, NEW, stock number 8010-95-0666-001, \$15.00 ea.

*Grease.* Mfg. Sowesco, auto and artillery, 40 lb/can, sold by the can. Plenty available, NEW, stock number 9150-96-0391-002, \$15.00 ea.

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**PLUMBING/HEATING/AIR  
CONDITIONING EQUIPMENT**


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*Blower.* Mfg. Lau Industries, belt driven, 12" x 15" outlet. Limited quantities available, NEW, stock number 4140-96-0062-013, \$30.00 ea.

*Pipe.* Mfg. unknown, pvc, 3", schedule 80, 20' lengths, sold by the length. Plenty available, NEW, \$10.00 ea.

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**VEHICLE PARTS AND ACCESSORIES**


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*Tire.* Mfg. varies, 10:00 x 20, newly recapped. Plenty available, like new, stock number 2610-95-0661-004, \$56.25 ea.

*Tube.* Mfg. RMA, tire, 875/9.50-16.5, TR-15, cw valve. Limited quantities available, NEW, stock number 2610-96-0189-002, \$5.00 ea.

*Engine.* Mfg. Caterpillar, diesel, 6 cylinder, Model 336, new or rebuilt. Only 1 available, very good condition, stock number 2815-96-0205-004, \$3,000.00.

*Tire.* Mfg. varies, 11:00 x 22.5, radial. Plenty available, NEW, stock number 2610-96-0357-003, \$56.25 ea.

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**MISCELLANEOUS**


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*Battery.* Mfg. Eveready, Size D, Energizer, 12 batteries/pack, sold by the pack. Plenty available, NEW, stock number 6135-96-0050-001, \$7.00 ea.

*Lightstick.* Mfg. Chemical Device Corporation, 15", 12 hour green, 20 sticks/box, sold by the box. Plenty available, NEW, stock number 6260-96-0137-004, \$11.25 ea.

*Cleaner.* Mfg. American Kleener Mfg. Company, steam pressure jet, skid mounted, 208 volt, single phase, uses grade 1 or 2 diesel fuel, 89 hours, 200 to 450 psig. Several similar units available, good condition, \$50.00—\$750.00 ea.

*Post.* Mfg. unknown, fence, 8', steel. Plenty available, NEW, stock number 5660-0035-003, \$2.00 ea.

*Extinguisher.* Mfg. General Fire Extinguisher Corporation, carbon dioxide, Model 15 RH, B&C Type, fires. Plenty available, good condition, stock number 4210-96-0295-018, \$18.75 ea.

*Tea.* Mfg. unknown, pvc, 3", schedule 40. Plenty available, NEW, stock number 4730-95-0498-004, \$.50 ea.

CARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 96-1128. Filed for public inspection July 5, 1996, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

- ① Service Code  
Identification Number
- ② Commodity/Supply or  
Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract  
Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

⑥ Duration

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET THAT COMPETITIVE EDGE—FOR FREE!**

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**

**Commodities**

**PR-1106156** Data processing and computer equipment and supplies—1 each; chemistry system, opera, no substitute; for serum, plasma, urine: 24 hour random access, 420 tests/hour; up to 255 methods stored in memory; sample volume 2.0µl to 35µl/test; 27 on-board reagents. Universal instrument workstation utilizing Microsoft Windows software.

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**PR-1049156** Hospital equipment and supplies—6 each; Electrocautery—electrosurgical unit—Bovie Model X-10 or equal.

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**PR-8205410** Office supplies—5,000 each; document transporter box (2 piece). Top lid material—clear. .040 PVC molded bottom tray material—clear. .040 petg molded. Top lid must fit over bottom tray to form closed document transporter box.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**PR-1092356** Office supplies—various amounts; reinforced end tab file folders, color stripe: orange.

**Department:** Environmental Protection  
**Location:** Meadville, Crawford County, PA 16335-3481  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**PR-1132076** Paper and printing—various amounts; continuing education registration form w/appropriate accessories.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA 17108-0090  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**PR-1125116** Paper and printing equipment and supplies—1,200 m; milk cartons, one half (1/2) pint (1,200,000 each) with tucked bottoms.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA 16654-1112  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**PR-1105156** Photographic equipment and supplies—1 lot; Olympus photo system and dwg attachment. (No substitute); Olympus b-max 40 microscope. (No substitute); Olympus 35mm camera system, pm20. (No substitute).

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**PR-1128226** Promotional and public relations materials—3 each; exposure portable exhibits.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, Dauphin County, PA 17106-7000  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**PR-8503200** Safety equipment and supplies—250 each; light bar, safety.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705



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# SERVICES

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## Agricultural Services—02

**C121250** Services required for the marking, measuring and tallying of trees to prepare for timber sales in the following Forest Districts: District 3 Blain, District 5 Huntingdon, District 12 South Williamsport, District 13 Emporium and District 14 Coudersport. Each District will be bid as an individual contract.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, various locations as listed above  
**Duration:** Through June 30, 1997  
**Contact:** Janet Wotring, (717) 783-3309

**030-0275** Tree trimming and removal on 0.63 mile of S. R. 45 in Montour County. Job involves tree removal and trimming to specified cut widths. Contractor to provide all equipment, labor, material, and traffic control necessary to complete contract according to Bid Specifications. Job to be bid on per mile basis, payments to be made on lump sum basis.

**Department:** Transportation  
**Location:** Montour County  
**Duration:** 3 months  
**Contact:** M. D. Maurer, (717) 368-4224

**030-0276** Tree trimming and removal on 2.19 miles of S. R. 235 in Union County. Job involves tree removal and trimming to specified cut widths. Contractor to provide all equipment, labor, material, and traffic control necessary to complete contract according to Bid Specifications. Job to be bid on per mile basis, payments to be made on lump sum basis.

**Department:** Transportation  
**Location:** Union County  
**Duration:** 5 months  
**Contact:** M. D. Maurer, (717) 368-4224

**030-0277** Tree trimming and removal on 6.12 miles of S. R. 220 in Bradford County. Job involves tree removal and trimming to specified cut widths. Contractor to provide all equipment, labor, material, and traffic control necessary to complete contract according to Bid Specifications. Job to be bid on per mile basis, payments to be made on lump sum basis.

**Department:** Transportation  
**Location:** Bradford County  
**Duration:** 5 months  
**Contact:** M. D. Maurer, (717) 368-4224

## Computer Related Services—08

**SP315645** Provide record storage and destruction of closed PCAO and LIHEAP records for the Philadelphia County Assistance Office. (This will include twenty-two (22) Philadelphia County Assistance Offices and Headquarters Offices). Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 1400 Spring Garden Street, Room 701, Philadelphia, PA 19130  
**Duration:** 12-01-96—11-30-98  
**Contact:** Lori Vessella, (717) 783-9281

## Construction Maintenance—09

**Contract No. FDC-010-52** Demolition of existing bridge (steel I-beam, steel grid deck and masonry abutments); construction of new bridge (prestressed concrete beams, reinforced concrete deck, abutments and wingwalls). All work is located in the Northwest corner of Clinton County near the village of Hammersley Fork.

**Department:** Conservation and Natural Resources  
**Location:** Leidy Township, Clinton County, PA  
**Duration:** Complete all work by September 30, 1997  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-010-71** Demolition of existing bridge (steel I-beams, steel grid decking and masonry abutments), construction of a precast reinforced concrete box culvert, reinforced concrete wingwalls and rock aprons. All work is located approximately 8 miles north of the Village of Snowshoe.

**Department:** Conservation and Natural Resources  
**Location:** Burnside Township, Clinton County, PA  
**Duration:** Complete all work by June 30, 1997  
**Contact:** Construction Management, (717) 787-5055

**080909** Potter County, SR 3004(A02); Columbia County, SR 11(34S); Sullivan County, SR 1012(002) and 1002(008); Lackawanna County, SR 6(221); Bucks County, SR 4089(43M); Bucks County, Group 6-96-EC5; Chester County, Kings Row Road Covered Bridge; Philadelphia County, Group 6-96-ST26; Bedford County, SR 2002(001); Bedford County, Access Road; Allegheny County, SR 19(A18 and A10); Chester County, Group 6-96-SP2.

**Department:** Transportation  
**Location:** Districts 2, 3, 4, 6, 9, 11  
**Duration:** FY 1995/1996  
**Contact:** V. C. Shah, P.E., (717) 787-5914

## Engineering Services and Consultation—14

**Project No. 95-22** "Advanced Traveler Information Service (ATIS)". The objective of this project is to satisfy the need for a partnership to develop and operate an ATIS for the greater Philadelphia region. Detailed requirements and an RFP are available upon request. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Greater Philadelphia Region  
**Duration:** 36 months  
**Contact:** Dorothy Irvin, (717) 787-7997

**Project No. 95-38** "Bridge Scour Evaluation Training". The objective of this project is to update the existing Bridge Scour Evaluation Training course and offer up to 2 training courses every 12 months. Detailed requirements and an RFP are available upon request. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA 17101  
**Duration:** 60 months  
**Contact:** Dorothy Irvin, (717) 787-7997

**08430AG2002** To perform final design for S. R. 0095, Section RES, from Allegheny Avenue to Academy Road in the City of Philadelphia.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Environmental Maintenance Services—15**

**OSM PA (817)107.5** On-call Exploratory Rotary Drilling Investigation in the Bituminous Coal Region. Involves an estimated seven work sites, 750 L. F. of drilling and casing 8 inch boreholes and 5,500 L. F. of 6 inch boreholes. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19.04 million for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** 35 counties comprising the Bituminous Coal Region  
**Duration:** 365 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**BOGM 96-3** Clean-out and plug three Abandoned Oil Wells estimated to be 1500 feet in total depth.

**Department:** Environmental Protection  
**Location:** Rouseville Township, Venango County  
**Duration:** 90 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**Food—19**

**6797** Meat and meat products.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** September 1996  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**Heating, Ventilation, Air Conditioning—22**

**Project No. 750** This project is located at 447 Airport Road, Johnstown, PA. It involves the installation of two new water service lines. Each of the two buildings will be metered separately. The motor vehicle maintenance building will have a new 1" water service line, a new meter and meter pit installed. The existing meter will be removed. The administrative building will have a new private, fire hydrant installed, a new 2" water service line, a new meter and new meter pit installed; the old existing fire hydrant will be removed.

**Department:** Military and Veterans Affairs  
**Location:** Armory OMS, 447 Airport Road, Johnstown, Cambria County, PA  
**Duration:** 15 July 95—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**040069** Operation and maintenance of wastewater plant at Rest Area on I-80. Operation and maintenance of water system at rest area on I-80 and at two rest areas on I-81. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8:00 a.m. to 3:00 p.m.

**Department:** Transportation  
**Location:** District 4-0, Luzerne County (0430)  
**Duration:** December 1, 1996 through November 30, 1997  
**Contact:** Martha Spaide, (717) 963-4048

**Project No. 800** On-call air conditioning.  
**Department:** Military and Veterans Affairs  
**Location:** PA Air National Guard, Willow Grove Naval Air Station, Willow Grove, PA  
**Duration:** 1 October 96—30 September 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 801** On-call heating.  
**Department:** Military and Veterans Affairs  
**Location:** PA Air National Guard, Willow Grove Naval Air Station, Willow Grove, PA  
**Duration:** 1 October 96—30 September 99  
**Contact:** Emma Schroff, (717) 861-8518

**Janitorial Services—23**

**JC-26-96** Janitorial services—cleaning of 5,600 square feet of office space to include daily, weekly and monthly duties. This is a REBID.

**Department:** Labor and Industry  
**Location:** Huntingdon Job Center, 54 Pennsylvania Avenue, Huntingdon, Huntingdon County, PA 16652  
**Duration:** 10/01/96—09/30/98  
**Contact:** Ronald S. Thomas, Manager, Huntingdon Job Center, (814) 643-1530

**Lodging/Meeting Facilities—27**

**IFB95-07-32** The Bureau of HIV/AIDS will be convening approximately four (4) meetings in calendar year 1996 and approximately nine (9) meetings in calendar year 1997 for the HIV Prevention Community Planning Committee. The participants on this Statewide advisory group will require meals and a meeting facility located in the greater Harrisburg area.

**Department:** Health  
**Location:** Greater Harrisburg Area  
**Duration:** August, 1996—December, 1997  
**Contact:** Darlene Moore, (717) 783-0572

**X97732** Provide meeting facilities for the Department of Environmental Protection's Pollution Prevention Conference and Governor's Awards for Environmental Excellence for approximately 275 attendees.

**Department:** Environmental Protection  
**Location:** Within a 50 mile radius of downtown Harrisburg Capitol Complex  
**Duration:** October 1, 1996—December 31, 1996 (with option to renew)  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1-800-654-5984

**Medical Services—29**

**SP 208742** Medical treatment and care for our 340+ residential students at SSV. This service is required when students are on campus (mid August through the first week in June). Services include, but are not limited to, providing daily "sick-call" visits to campus (Monday—Friday, Saturday only if necessary); providing physical examinations, particularly for athletics; performs minor surgeries and providing on-call service to provide assistance to our registered nurses concerning medical care, if necessary. Contract will have a four-year option to renew by mutual agreement.

**Department:** Education  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Road, Scotland, PA 17254-0900  
**Duration:** August 15, 1996—June 30, 1997, four-year option to renew  
**Contact:** Mary Jane Diffenbacher, (717) 264-7187, ext. 715

**SP-565** Panoramic x-ray (dental) for the Hollidaysburg Veterans Home residents on an as-needed basis.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** 01 August 96 through 30 June 98  
**Contact:** Nancy B. Keith, (814) 696-5210

**Inquiry No. 7327** Psychiatric services.

**Department:** Public Welfare  
**Location:** Danville State Hospital, Danville, PA 17821-0700  
**Duration:** 1/1/97—12/31/98  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**SSSD96-011** Provide approximately 2,000 hours of physical therapy for the students at the Scranton State School for the Deaf.

**Department:** Education  
**Location:** Scranton State School for the Deaf, 1800 N. Washington Avenue, Scranton, PA 18509  
**Duration:** September 1, 1996 to June 30, 1998  
**Contact:** Sharon Hafner, (717) 963-4541

**Property Maintenance—33**

**CU-9701** Project consists of abatement of asbestos containing material in floor tile, acoustic ceiling materials; pipe insulation, repairs to floor tile, drop ceilings, cleaning and sealing of water damaged concrete and stone, repairs to plaster walls and ceiling, replacement of carpeting and repairs to auditorium lighting in Carver Science Center. Pre-bid conference has been scheduled for Monday, July 29, 1996 at 10:00 a.m. in the Hilton-Jones Maintenance Center. Bid date, Monday, August 19, 1996 at 10:00 a.m. Contact the office listed below to obtain complete details and specifications.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319-0200  
**Duration:** 60 days  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

**SU-602** Project title: Old Main Drive Repave. Provide all labor, superintendence, materials, tools and equipment and perform all work necessary to complete construction, paving and repair of Old Main Drive and sidewalk, subject to approval of Shippensburg University. Bids will be due 7/26/96, 4:00 p.m.; bids will open 2:00 p.m. 7/29/96. A pre-bid meeting will be held 10:00 a.m. 7/16/96, Old Main Room 203A, Shippensburg University. To request an invitation to bid, write or FAX (717) 530-4004 a request to the point of contact.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, Cumberland County, PA  
**Duration:** 30 calendar days after notice to proceed  
**Contact:** Edna Fenton, Contract Administrator, (717) 532-1121

**Inquiry No. 8812** Repair and resurface pool; size 30' x 60' depths; shallow end 1' 16", deep end 4'. Sandblast pool paint, seal all junctures of all pool plumbing and fixtures, seal all structural cracks, apply Fibre Tech laminate and apply finish coat, apply slip resistance to steps.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Selinsgrove, Snyder County, PA 17870  
**Duration:** September 1, 1996 to June 30, 1997  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Project No. DGS A 951-48** Project title: Renovations to Dormitory Bathrooms. Brief description: complete renovations to ten (10) existing dormitory bathrooms into shower areas for the handicapped. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, July 24, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA  
**Duration:** 210 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**CL-461** Clarion University is soliciting bids from contractors to provide all labor and equipment to install all exterior brick and stone headers and sills at window openings for building to be constructed by University personnel. Materials will be furnished by the University. Site visit by appointment only. Bids due and opened: July 25 at 1:30 p.m. Bid package available by calling contact below.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, Clarion County, PA  
**Duration:** 60 days from notice to proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 764-3956

**Real Estate Services—35**

**910A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 18,623 useable square feet of new or existing office space in Harrisburg, Dauphin County, PA, with minimum parking for fifty (50) vehicles, within a minimum of five (5) miles and a maximum of twenty (20) miles from the Harrisburg State Hospital. Proposals due: August 5, 1996. Solicitation No.: 092289.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or Cynthia T. Lentz, (717) 787-4394

**911A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 2,068 useable square feet of new or existing office space. Property offered must be within a three (3) mile radius of the intersection of I-81 and Progress Avenue, with minimum parking for twenty (20) vehicles. Proposals due: August 12, 1996. Solicitation No.: 092299.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or John Hocker, (717) 787-4394

**Sanitation—36**

**HUN-301** Services needed to flush and clean out approximately 2600 ft of 8" and 10" diameter sanitary sewage lines at the State Correctional Institution at Huntingdon. Contractor to provide equipment and crew needed to clean the sewage line by high-pressure water or other mechanical means to achieve desired results.

**Department:** Corrections  
**Location:** State Correctional Institution, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** 09/01/96 to 06/30/99  
**Contact:** Gloria Morder, (814) 643-2400

**Security Services—37**

**AE-4051** Installation of security fence. Fax (717) 787-0462.

**Department:** Transportation  
**Location:** PennDOT Stockpile No. 05, located 2.5 miles west of Abbottstown off U. S. 30, Thomasville, York County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001

**Miscellaneous—39**

**CHA-0050** Contractor to provide supervision of Jumah Services for the Islamic inmates at the State Correctional Institution at Albion. Duration of services is anticipated to be approximately 3 hours per week beginning January 1, 1997 through June 30, 1998.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** 1-1-97 through 6-30-98  
**Contact:** Lesley S. Hill, Purchasing Agent II, (814) 756-5778

[Pa.B. Doc. No. 96-1129. Filed for public inspection July 5, 1996, 9:00 a.m.]

**Vehicle, Heavy Equipment and Powered Machinery Services—38**

**060** Trucks with plow, chemical spreader and operator. GVW minimum 30000 to 73,280 GVW. Loaders—with operator 1 1/2 cubic yard minimum. Graders—with operator—minimum 18,000. Snow blower with operator.

**Department:** Transportation  
**Location:** District 6-0, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties  
**Duration:** 11/01/96 to 4/30/99  
**Contact:** John K. Mullen, District Equipment Manager, (610) 964-6507

**1996-WER** Rental of winter equipment including trucks with plows and spreaders, graders, front end loaders, snow blowers, and other emergency equipment. Equipment is to be used in Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties  
**Duration:** November 1, 1996 to April 30, 1999  
**Contact:** Dennis Giordano, (717) 963-3071

**1250-96-001** (5) Five tandem axle trucks with plow and spreader. (2) Two graders 28,000 GVW or greater. 3 year contract, winter equipment, Westmoreland County.

**Department:** Transportation  
**Location:** District 12-0, Westmoreland County 12-5  
**Duration:** 11-1-96 to 4-30-97; 11-1-97 to 4-30-98; 11-1-98 to 4-30-99  
**Contact:** Liberty Hill, (412) 439-7361

**014-037** Vendor to repair accident damaged 1993 L900 Ford Tandem. Equipment is to be restored back to original condition prior to the accident. Equipment Number 388-8070. Equipment must be viewed by vendor on Department premises prior to submitting bid for repairs. The location of the equipment is at 215 North Maple Street, Mercer, PA 16137. Repairs are to be completed within 90 days after receipt of successful bid award.

**Department:** Transportation  
**Location:** North and Maple Streets, Mercer, PA 16137  
**Duration:** Within 90 days after receipt of award  
**Contact:** Harold E. Miller, (412) 662-5351

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
0015-05	07/01/96	Digital Ink	265,537.25
0046-03	07/01/96	K-B Offset Printing, Inc.	8,995.00
0048-03	07/01/96	Moore Bus. Forms and Systems Div.	11,000.00
0048-03	07/01/96	Colony Papers, Inc.	14,000.00
0048-03	07/01/96	Data Docu- ments, Inc.	12,000.00
0048-03	07/01/96	Globe Ticket Co.	13,000.00
0059-01	07/01/96	Digital Ink	453,342.50
1048116-01	06/21/96	Can Corpora- tion of America	26,574.00
1977385-01	06/25/96	Philadelphia Turf Co.	14,808.00
2170355-01-1	06/21/96	Phillips Ford Sales	22,506.00
2299205-01	06/25/96	Clarklift Ser- vice, Inc.	13,279.95
2309385-01	06/20/96	Dugan Tractor, Inc.	7,738.00
2350355-01	06/20/96	Gould Instru- ment Sys- tems	27,204.60
2423385-01	06/20/96	Power Pro Equipment	14,544.00
2441135-01	06/20/96	Power Pro Equipment	14,500.00
2530725-01	06/20/96	Macro Com- puter Prod- ucts, Inc.	89,750.00
2550-09	07/01/96	Sutliff Chevrolet Co.	50,000.00
2551155-01	06/20/96	Universal Medical Ser- vices, Inc.	70,891.00
2570155-01	06/21/96	Allentown Caging Equipment, Inc.	51,160.00
2572155-01	06/20/96	Lab Products, Inc.	26,250.00
2614225-01	06/25/96	Glenn O. Hawbaker, Inc.	11,303.00
2646075-01	06/20/96	Spectrum Pool Products	41,454.00

Requisition or Contract #	Awarded On	To	In the Amount Of
2661215-01	06/25/96	NRG Building Services, Inc.	230,000.00
2805-01	07/01/96	Plasterer Equipment Co., Inc.	25,000.00
2805-01	07/01/96	Common- wealth Int'l. Truck, Inc.	25,000.00
2805-01	07/01/96	Sunbury Mo- tor Co.	50,000.00
3830-01	06/26/96	Kennametal, Inc.	6,065.50
3830-01	06/26/96	Winter Equip- ment Co., Inc.	26,934.00
3830-01	06/26/96	Valk Manufac- turing Co.	1,471,018.95
8231080-01	06/20/96	Custom Trailer, Inc.	9,944.00
8920-06	06/25/96	Lance, Inc.	10,000.00
8920-06	06/25/96	Kellogg Sales Company	25,000.00
8920-06	06/25/96	Karetas Foods, Inc.	10,000.00
8920-06	06/25/96	Deaktor/Sysco Food Service Co.	25,000.00
8920-06	06/25/96	Shane Meat Co.	10,000.00
8920-06	06/25/96	Keebler Co.	25,000.00
8920-06	06/25/96	Bernard Food Industries, Inc.	10,000.00
8920-06	06/25/96	Weis Food Ser- vice	25,000.00
8920-06	06/25/96	Feeser's, Inc.	25,000.00
8920-06	06/25/96	Alliant Food Service, Inc./ Philadelphia	25,000.00
8920-06	06/25/96	Sysco Food Services of Central PA, Inc.	25,000.00
8920-06	06/25/96	Alliant Food Service/ Freedom, PA	25,000.00
8920-06	06/25/96	Tova Indus- tries, Inc.	10,000.00
9905-08	07/01/96	Eastern Metal Elmira, Inc.	184,292.05

[Pa.B. Doc. No. 96-1130. Filed for public inspection July 5, 1996, 9:00 a.m.]