

PENNSYLVANIA BULLETIN

Volume 26
Saturday, October 12, 1996 • Harrisburg, Pa.
Number 41
Pages 4883—4974

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

No. 263, October 1996

PENNSYLVANIA

BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

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

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

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

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ISBN 0-8182-0004-9

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

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

List of Pa. Code Chapters Affected

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1910 AND 1920]

Amendment to Explanatory Comments

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

The following is to be added to the existing explanatory comment.

Explanatory Comment—Rule 1910.10

Pursuant to Rule 1910.10, the following counties have certified to the Domestic Relations Committee that their support proceedings are conducted in accordance with the rule specified below.

Adams	1910.11
Allegheny	1910.12
Armstrong	1910.11
Beaver	1910.11
Bedford	1910.11
Berks	1910.12
Blair	1910.11
Bradford	1910.12
Bucks	1910.11
Butler	1910.11
Cambria	1910.12
Cameron	1910.11
Carbon	1910.12
Centre	1910.11
Chester	1910.12
Clarion	1910.12
Clearfield	1910.11
Clinton	1910.11
Columbia	1910.12
Crawford	1910.11
Cumberland	1910.11
Dauphin	1910.11
Delaware	1910.11
Elk	1910.12
Erie	1910.11
Fayette	1910.11
Forest	1910.12
Franklin	1910.11
Fulton	1910.11
Greene	1910.12
Huntingdon	1910.11
Indiana	1910.11
Jefferson	1910.11
Juniata	1910.11
Lackawanna	1910.12
Lancaster	1910.11
Lawrence	1910.11
Lebanon	1910.12
Lehigh	1910.11
Luzerne	1910.12
Lycoming	1910.12
McKean	1910.12
Mercer	1910.11

Adams	1910.11
Mifflin	1910.11
Monroe	1910.12
Montgomery	1910.11
Montour	1910.12
Northampton	1910.11
Northumberland	1910.11
Perry	1910.11
Philadelphia	1910.12
Pike	1910.11
Potter	1910.11
Schuylkill	1910.12
Snyder	1910.11
Somerset	1910.11
Sullivan	1910.11
Susquehanna	1910.12
Tioga	1910.12
Union	1910.11
Venango	1910.12
Warren	1910.12
Washington	1910.12
Wayne	1910.11
Westmoreland	1910.12
Wyoming	1910.11
York	1910.11

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

The following is to be added to the existing explanatory comment.

Explanatory Comment—Rule 1920.55-1

Pursuant to Rule 1920.55-1, the following counties have certified to the Domestic Relations Committee that divorce proceedings referred to a master are conducted in accordance with the rule specified below.

Adams	1920.55-2
Allegheny	1920.55-2
Armstrong	1920.55-2
Beaver	1920.55-2
Bedford	no masters
Berks	1920.55-2
Blair	1920.55-2
Bradford	1920.55-2
Bucks	Both
Butler	1920.55-2
Cambria	1920.55-2
Cameron	1920.55-2
Carbon	1920.55-2
Centre	1920.55-2
Chester	1920.55-2
Clarion	1920.55-2
Clearfield	1920.55-2
Clinton	no masters
Columbia	1920.55-2
Crawford	1920.55-2
Cumberland	1920.55-2
Dauphin	1920.55-2
Delaware	1920.55-3
Elk	1920.55-2
Erie	1920.55-2
Fayette	1920.55-2
Forest	1920.55-2
Franklin	1920.55-2
Fulton	1920.55-2
Greene	1920.55-2
Huntingdon	no masters
Indiana	1920.55-2
Jefferson	1920.55-2
Juniata	1920.55-2
Lackawanna	1920.55-2
Lancaster	1920.55-2
Lawrence	1920.55-2
Lebanon	1920.55-2

rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, no later than Friday, November 8, 1996.

By the Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

**PART IV. PROCEDURES IN SUMMARY CASES
WHEN DEFENDANT IS ARRESTED WITHOUT
WARRANT**

Rule 71. Procedure Following Arrest Without Warrant.

* * * * *

(c) When the defendant has not been released from custody under paragraph (b), the defendant shall be taken without unnecessary delay before the issuing authority where a citation shall be filed against the defendant. The defendant shall be given an immediate trial unless:

(1) the Commonwealth is not ready to proceed, or the defendant requests a postponement **or is not capable of proceeding**, and in [**either event**] **any of these circumstances** the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial [,]; or

(2) the defendant's criminal record must be ascertained before trial as specifically required by statute for purposes of grading the offense charged, in which event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial, which shall be after the issuing authority's receipt of the required information.

Official Note: Adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended August 9, 1994, effective January 1, 1995; **amended** , **effective**

Comment

[**This rule replaces previous Rule 62.**]

* * * * *

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Report explaining the , 1996 amendments to paragraph (c)(1) published at 26 Pa.B. 4893 (October 12, 1996).

REPORT

Proposed Amendments to Pa.R.Crim.P. 71:

Procedure Following Arrest Without Warrant

The Committee has received correspondence inquiring whether under the immediate trial requirement of paragraph (c) of Rule 71 (Procedure Following Arrest Without Warrant) an issuing authority is permitted to delay the trial in situations in which the defendant is not capable of proceeding, such as when an individual is arrested for public drunkenness and is too intoxicated to understand the nature of the proceedings. The correspondents also questioned whether the rules permit an issuing authority to detain a defendant who was unable to deposit collateral.

The Committee agreed that summary trials should not be held in cases in which a defendant is not capable of proceeding. We also recognized that the wording of Rule 71(c)(1) and (2) could be construed as requiring an immediate trial except in the three situations enumerated in paragraphs (c)(1) and (c)(2). In view of this conclusion, the Committee is proposing an amendment to paragraph (c)(1) that would add to the list of the exceptions to the immediate trial requirement the situation in which the defendant is not capable of proceeding. Paragraph (c)(1) would also be amended to make it clear that, in any of the situations enumerated in the paragraph, the defendant must be given the opportunity to deposit collateral for his or her appearance at trial.

The Committee considered the question about collateral, and reviewed the rule history. As explained in the Committee's Report describing the amendments to Chapter 50 of the Criminal Rules in which the term "collateral" was proposed, the term "collateral" replaced the terms "bail" and "security" in summary cases because it conveyed the dual purpose of the amount of money that is deposited. The dual purpose was described as follows:

First, the amount posted is used as bail to secure the defendant's appearance at the summary trial. Second, the amount posted is used as security when it is forfeited after conviction to satisfy any fine and costs. 13 Pa.B. 2948, 2963 (10/1/93).¹ See also Rule 81 (Collateral).

In view of the rule history, which makes it clear that the replacement of the terms "bail" and "security" in the summary case rules with the term "collateral" was not intended to change existing practice, and agreeing that it is well-established in practice that a defendant may be detained until he or she deposits the amount of money set to insure appearance, the Committee agreed that there is no need for further clarification in the summary case rules.

[Pa.B. Doc. No. 96-1701. Filed for public inspection October 11, 1996, 9:00 a.m.]

¹ The Report further explains that "the bail principles of ROR or percentage bail should be applicable in summary cases; otherwise a defendant, particularly an indigent, could be penalized or denied a hearing because he or she cannot pay the full amount of the fine and costs as security." 13 Pa.B. 2948, 2963 (10/1/93).

PART I. GENERAL
[234 PA. CODE CH. 100]

Order Approving Comment Revisions to Rules 102 and 182: Procedure in Court Cases; Conditions of the Program; No. 212; Doc. No. 2

Order

Per Curiam:

Now, this 26th day of September, 1996, upon the recommendation of the Criminal Procedural Rules Committee, 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 the revised *Comments* to Rules of Criminal Procedure 102 and 182 are approved, as follows.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 100. PROCEDURE IN COURT CASES

PART I. INSTITUTING PROCEEDINGS

Rule 102. Procedure in Court Cases Initiated by Arrest Without Warrant.

* * * * *

Official Note: Original Rule 118 and 118(a), adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 118 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 130 September 18, 1973, effective January 1, 1974; amended December 14, 1979, effective April 1, 1980; amended April 24, 1981, effective July 1, 1981; amended January 28, 1983, effective July 1, 1983; *Comment* revised July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 102 and amended August 9, 1994, effective January 1, 1995; ***Comment* revised September 26, 1996, effective immediately.**

Comment

Paragraph (a) requires that the defendant receive a prompt preliminary arraignment. *See* Rule 140 (Preliminary Arraignment).

Paragraph (a) is intended to permit closed circuit television preliminary arraignments.

Paragraph (b) provides an exception to the requirement that a defendant be afforded a preliminary arraignment after a warrantless arrest. It permits an arresting officer, in specified circumstances, to release a defendant rather than take the defendant before an issuing authority for preliminary arraignment. Prior to 1994, this exception applied to all DUI cases, but in other cases was only available at the election of individual judicial districts. With the 1994 amendments, the exception is now an option available to arresting officers Statewide and may not be prohibited by local rule.

Pursuant to paragraph (b), the police will either promptly arrange for the defendant's release or, if it is necessary to detain the defendant, provide a preliminary arraignment. Prompt release allows, of course, for the administration of any sobriety tests pursuant to the

Vehicle Code, 75 Pa.C.S. § 1547, and for the completion of any post-arrest procedures authorized by law.

With respect to "necessary" delay, see, e.g., *Commonwealth v. Williams*, [484 Pa. 590,] 400 A.2d 1258 (Pa. 1979).

Appropriate circumstances for following the procedure under paragraph (b) may vary. Among the factors that may be taken into account are whether the defendant resides in the Commonwealth, and whether he or she can safely be released without danger to self or others.

By statute, when a police officer has arrested a defendant in a domestic violence case, the defendant may not be released but must be brought before the issuing authority for preliminary arraignment. See 18 Pa.C.S. § 2711. See also 23 Pa.C.S. § 6113(c) of the Protection from Abuse Act.

With reference to provisions of paragraph (c) relating to the issuance of a summons, see also Part IIIA of this Chapter, Summons Procedures.

[Paragraph (a) is intended to permit closed circuit television preliminary arraignments.]

For procedures in summary cases initiated by an arrest without warrant, see Rule 71.

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Report explaining the September 26, 1996 Comment revision published with the Court's Order at 26 Pa.B. 4895 (October 12, 1996).

**PART VII. ACCELERATED REHABILITATIVE
DISPOSITION
COURT CASES**

Rule 182. Conditions of the Program.

* * * * *

Official Note: Approved May 24, 1972, effective immediately; amended January 28, 1983, effective February 1, 1983; *Comment* revised April 10, 1989, effective July 1, 1989; ***Comment* revised September 26, 1996, effective immediately.**

Comment

[The 1983 amendment clarifies] Paragraph (a) makes it clear that reasonable charges for the expense of administering the program may be imposed on defendants. It is intended that these charges may be imposed on those admitted into the program and that no separate fees be required for application for admission into the program.

The practice has been to permit qualified individuals who are indigent to participate in the ARD program without payment of costs or charges. The 1983 amendment is not intended to change this practice; rather, it is intended that such practice will continue.

Concerning restitution, see 42 Pa.C.S. § 9782 (Collection of restitution, reparation, fees, costs, fines, and penalties).

A defendant may be required to accept conditions of the program as provided by statute. See, e.g., [**Vehicle Code § 3731(e)(6),**] 75 Pa.C.S. § 3731(e)(6) [**(Supp. 1989)**].

Explanatory Reports:

Report explaining the September 26, 1996 Comment revision published with the Court's Order at 26 Pa.B. 4895 (October 12, 1996).

FINAL REPORT*Revision of Comments to Rules 102 and 182*

On September 26, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court approved *Comment* revisions to Rules 102 (Procedure in Court Cases Initiated by Arrest Without Warrant) and 182 (Conditions of the [ARD] Program) to reference statutes concerning domestic violence cases and restitution. This *Final Report* explains the revisions.

A. Warrantless Arrests in Domestic Violence Cases: Revision of Comment to Rule 102 (Procedure in Court Cases Initiated by Arrest Without Warrant) to Include a Citation to 18 Pa.C.S. § 2711 and 23 Pa.C.S. § 6113.

The Committee has discussed the issue of warrantless arrests in domestic violence cases on numerous occasions since the enactment of 18 Pa.C.S. § 2711 (Probable cause arrests in domestic violence cases) and 23 Pa.C.S. § 6113 (Arrest for violation of order). Most recently, the Committee reexamined the statutory mandates to determine whether 18 Pa.C.S. § 2711 or 23 Pa.C.S. § 6113 was in conflict with Rule 102 (Procedure in Court Cases Initiated by Arrest Without Warrant), and if so, whether the Committee should recommend that the Court suspend the statutes.

Under 23 Pa.C.S. § 6113(c), a police officer who arrests a defendant for violating a Protection from Abuse order is required to take the defendant before the judge who issued the order, or, if the judge is unavailable, to a designated alternative issuing authority or hearing officer. 23 Pa.C.S. § 6113(c). When a defendant is arrested pursuant to 18 Pa.C.S. § 2711, the arresting officer may not release the defendant from custody, but must take the defendant before the issuing authority for preliminary arraignment and a bail determination. 18 Pa.C.S. § 2711(c)(1), (2).

23 Pa.C.S. § 6113 and 18 Pa.C.S. § 2711, which prohibit the release of a defendant after arrest and therefore remove all police discretion in domestic violence cases, appear to conflict with Pa.R.Crim.P. 102(b), which gives the arresting officer the discretion to release a defendant from custody if certain criteria are met. Pa.R.Crim.P. 102(b)(1)—(5). In view of this apparent conflict, we were especially concerned that the coexistence of Rule 102(b) and the statutes, without explanation, would send a mixed message to police officers dealing with situations that are at best difficult. The Committee therefore has revised the *Comment* to Rule 102 to reference the statutory requirements for warrantless arrests in domestic violence cases, as follows:

By statute, when a police officer has arrested a defendant in a domestic violence case, the defendant may not be released but must be brought before the issuing authority for preliminary arraignment. See 18 Pa.C.S. § 2711. See also 23 Pa.C.S. § 6113(c) of the Protection from Abuse Act.

B. Restitution in ARD Cases: Revision of Rule 182 *Comment* to Include a Citation to 42 Pa.C.S. § 9728.

The issue of restitution in ARD cases arose as a result of correspondence which suggested that the two-year limit on ARD programs in Rule 182(b) should be extended so

that cases involving large amounts of restitution would qualify. In particular, correspondents observed that in some counties, ARD programs were being extended in order to insure collection of restitution.

After conducting a Statewide survey of District Attorneys and Public Defenders on whether the two-year limit for ARD programs should be extended, the Committee agreed with the majority of the respondents that there was no compelling need to extend the two-year period. The consensus was that extending the ARD period would not, as some respondents had argued, increase the number of cases diverted, because District Attorneys would not change their policies on what types of cases or defendants qualify for ARD. Furthermore, the Committee felt that extending the ARD probationary period so that cases involving large amounts of restitution would qualify—an argument raised by more than one correspondent—was unnecessary because 42 Pa.C.S. § 9728 permits the collection of restitution after the probationary period ends. We are aware, however, that some judges and lawyers have questioned whether section 9728 applies to ARD cases. To clarify this issue, we have added a citation to § 9728 to the Rule 182 *Comment*.

[Pa.B. Doc. No. 96-1702. Filed for public inspection October 11, 1996, 9:00 a.m.]

PART I. GENERAL**[234 PA. CODE CH. 100]****Proposed Amendments to Rule 149: Guilty Pleas Before District Justices in Court Cases****Introduction**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 149 (Pleas of Guilty Before Issuing Authority in Court Cases). The amendment would make it clear that once the district justice accepts a guilty plea in a court case pursuant to Rule 149 and imposes sentence, the case must be forwarded to the court of common pleas for all further proceedings, including the collection of restitution, fines, and costs; supervision of probation; and revocation proceedings. The following explanatory *Report* highlights the Committee's considerations in formulating this proposal.

Please note that the Committee's *Report* 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 explanatory *Reports*.

The text of the proposed amendments precedes the *Report*.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, no later than Friday, November 8, 1996.

By the Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 100. PROCEDURE IN COURT CASES

PART IV. PROCEEDINGS BEFORE ISSUING AUTHORITIES

Rule 149. Pleas of Guilty Before [Issuing Authority] District Justice in Court Cases.

(a) In a court case in which [an issuing authority] a district justice is specifically empowered by statute to exercise jurisdiction, a defendant may plead guilty before an issuing authority at any time up to the completion of the preliminary hearing or the waiver thereof.

(b) The [issuing authority] district justice may refuse to accept a plea of guilty, and the [issuing authority] district justice shall not accept such plea unless there has been a determination, after inquiry of the defendant, that the plea is voluntarily and understandingly tendered.

(c) The plea shall be in writing,

(1) [Signed] signed by the defendant, with a representation by the defendant that the plea is entered knowingly, voluntarily, and intelligently; and

(2) [Signed] signed by the [issuing authority] district justice, with a certification that the plea was accepted after a full inquiry of the defendant, and that the plea was made knowingly, voluntarily, and intelligently.

(d) A defendant who enters a plea of guilty under this rule may, within [ten () 10 ()] days after sentence, change the plea to not guilty by so notifying the [issuing authority] district justice in writing. In such event, the [issuing authority] district justice shall vacate the plea and judgment of sentence, and the case shall proceed in accordance with Rule 146, as though the defendant had been held for court.

(e) [Judgment] Ten days after the acceptance of the guilty plea and the imposition of sentence, the district justice shall certify the judgment [on a plea of guilty entered under this rule must be certified], and shall forward the case to the clerk of courts of the judicial district [within ten (10) days of disposition.] for further proceedings.

Official Note: Adopted June 30, 1977, effective September 1, 1977; Comment revised January 28, 1983, effective July 1, 1983; amended November 9, 1984, effective January 2, 1985; amended _____, 1996, effective _____.

Comment

In certain cases, provisions for taking a plea of guilty in what would ordinarily be a court case within the jurisdiction of the court of common pleas have been placed within the jurisdiction of [issuing authorities] district justices. This rule [was initially adopted] provides the procedures to implement [procedures for such] this expanded [issuing authority] jurisdiction of district justices to accept pleas of guilty under certain circumstances in certain specified third degree misdemeanors [, pursuant to the Act of July 15, 1976, P. L. 1014, No.

204 §§ 303, 304, 42 P. S. §§ 2303, 2304. This Act has now been replaced by Section 1515(a)(5) and (6) of the]. See Judicial Code, 42 Pa.C.S. § 1515(a)(5), (6) (1981).

This rule applies whenever [an issuing authority] a district justice has jurisdiction to accept a plea of guilty in a court case.

Under paragraph (a), it is intended that a defendant may plead guilty at the completion of the preliminary hearing or at any time prior thereto.

Prior to accepting a plea of guilty under this rule, it is suggested that the [issuing authority] district justice consult with the attorney for the Commonwealth concerning the case, with regard to the defendant's possible eligibility for A.R.D. or other types of diversion, and concerning possible related offenses which might be charged in the same complaint. See *Commonwealth v. Campana*, [452 Pa. 233,] 304 A.2d 432 (Pa. 1973). [The issuing authority should, in any event, determine before accepting the plea whether any other related offenses exist which might affect jurisdiction.]

Before accepting a plea,

(a) [the] The [issuing authority] district justice should [also] be satisfied of jurisdiction to accept the plea, and should determine whether any other related offenses exist which might affect jurisdiction.

(b) The district justice should be satisfied that the defendant is eligible under the law to plead guilty before [an issuing authority] a district justice, and, when relevant, should check [. This may include, for example, a check of] the defendant's prior record and [inquiry] inquire into the amount of damages [, where relevant].

(c) The district justice should advise the defendant of the right to counsel. For purposes of appointment of counsel, these cases should be treated as court cases, and the Rule 316 (Assignment of Counsel) procedures should be followed.

(d) The district justice should advise the defendant that, if the defendant wants to change the plea to not guilty, the defendant, within 10 days after imposition of sentence, must notify the district justice who accepted the plea of this decision in writing.

(e) The [issuing authority] district justice should make a searching inquiry into the voluntariness of the defendant's plea. A colloquy similar to that suggested in Rule 319 should be conducted to determine the voluntariness of the plea. At a minimum, the [issuing authority] district justice should ask questions to elicit the following information:

(1) That the defendant understands the nature of the charges pursuant to which the plea is entered.

(2) That there is a factual basis for the plea.

(3) That the defendant understands that he or she is waiving the right to trial by jury.

(4) That the defendant understands that he or she is presumed innocent until [he is] found guilty.

(5) That the defendant is aware of the permissible range of sentences and/or fines for the offenses charged.

(6) That the defendant is aware that the [**issuing authority**] **district justice** is not bound by the terms of any plea agreement tendered unless the [**issuing authority**] **district justice** accepts such agreement.

(7) That the defendant understands that the plea precludes consideration for A.R.D. or other diversionary programs.

See Rule 319 and the Comment thereto for further elaboration of the required colloquy. See also *Commonwealth v. Minor*, [**467 Pa. 230,**] 356 A.2d [**246**] **346** (Pa. 1976), **overruled on other grounds in *Commonwealth v. Minarik*, 427 A.2d 623, 627 (Pa. 1981); *Commonwealth v. Ingram*, [455 Pa. 198,] 316 A.2d 77 (Pa. 1974); *Commonwealth v. Martin*, [455 Pa. 49,] 282 A.2d 241 (Pa. 1971).**

[Before accepting the plea, the issuing authority should advise the defendant of the right to counsel. For purposes of appointment of counsel, these cases should be treated as court cases, and the Rule 318 (Assignment of Counsel) procedure should be followed. The defendant should also be advised, at the time the plea is taken, that any attempt to change the plea to not guilty must be made before the issuing authority within ten (10) days of imposition of sentence.]

While the rule continues to require a written plea incorporating the contents specified in paragraph (c), the form of plea was deleted in 1985 because it is no longer necessary to control the specific form of written plea by rule.

Paragraph (c) does not preclude verbatim transcription of the colloquy and plea.

[Under paragraph (a), it is intended that a defendant may plead guilty at the completion of the preliminary hearing or at any time prior thereto.]

At the time of sentencing, or at any time within the 10-day period before transmitting the case to the clerk of courts pursuant to paragraph (e), the district justice may accept payment of, or may establish a payment schedule for installment payments of, restitution, fines, and costs.

If a plea is not entered pursuant to this rule, the papers must be transmitted to the clerk of [**court**] **courts** of the judicial district in accordance with Rule 146. After the time set forth in paragraph (a) for acceptance of the plea of guilty has expired, the [**issuing authority**] **district justice** no longer has jurisdiction to accept a plea. **[Once the case is transmitted in accordance with Rule 146, the court of common pleas has exclusive jurisdiction over the case and any plea incident thereto.]**

Regardless of whether a plea stands or is timely changed to not guilty by the defendant, the [**issuing authority**] **district justice** must transmit the transcript and all supporting documents to the appropriate court, in accordance with Rule 146.

Once the case is forwarded as provided in this rule and in Rule 146, the court of common pleas has exclusive jurisdiction over the case and any plea incident thereto. The case would thereafter proceed in the same manner as any other court case, which would include, for example, the collection of resti-

tution, fines, and costs; the establishment of time payments; and the supervision of probation in those cases in which the district justice has accepted a guilty plea and imposed sentence.

Committee Explanatory Reports:

Report explaining the _____, 1996 amendments published at 26 Pa.B. 4897 (October 12, 1996).

REPORT

Proposed Amendments to Pa.R.Crim.P. 149: Guilty Pleas Before District Justices in Court Cases

Introduction

The Committee received correspondence from State Court Administrator Nancy Sobolevitch and others requesting clarification of the Rule 149 (Pleas of Guilty Before Issuing Authority in Court Cases) procedures following the acceptance of a guilty plea and imposition of sentence. Specifically, the correspondents questioned whether fines, costs and restitution imposed by the district justice are to be collected by the district justice or the court of common pleas. Apparently, the Statewide practice is not uniform, with some district justices retaining the case until all the restitution, fines and costs are collected, and other district justices forwarding the entire case to the court of common pleas for collection.

The Committee reviewed the history of Rule 149. We found that it had been the intention of the Committee when it proposed Rule 149 in 1977 that, because the pleas being accepted are court cases, once the plea process is completed, the record should be forwarded to the court of common pleas. This intention is reflected in the language of paragraph (e) which provides that:

Judgment on a plea of guilty entered under this rule must be certified to the clerk of courts of the judicial district within ten (10) days of disposition.

Although the rule clearly provides that the cases are to be forwarded to the court of common pleas, and this was intended to mean all further proceedings would be in the court of common pleas, the Committee reviewed the comments from the correspondents who suggested that the case remain with the district justice, and considered whether the suggested benefits to the criminal justice system of this procedure were enough to merit changing the present procedure. We concluded that the procedure should not be changed. However, recognizing the lack of Statewide uniformity and the obvious confusion about the intended procedure, the Committee agreed that Rule 149 and the Comment should be amended to more clearly provide that once the district justice accepts the guilty plea and imposes sentence, the case should be forwarded to the court of common pleas where all further proceedings are to occur. "Further proceedings" would include the collection of restitution, fines, and costs; supervision of probation; and revocation proceedings.

Finally, the Committee agreed that the rule should clear up another area of confusion—the district justice's authority to act while the case remains within the district justice's jurisdiction, i.e., during the 10-day period within which the defendant may withdraw the plea. Although we thought the rule was clear that the district justice has the authority to accept payment of, or to establish a payment schedule for installment payments of, any restitution and the fines and costs, we concluded that a paragraph in the Comment underscoring this authority would be helpful.

Discussion of the Rule 149 Amendments

1. Paragraph (e) would be amended in several ways. First, "shall forward the case" and "for further proceedings" would be added to make it clear that the case must be forwarded to the court of common pleas and that all further proceedings are to occur in the court of common pleas. The last paragraph of the Comment would be revised to explain that once the case is forwarded, it is to be treated in the same manner as any other court case, and includes examples of what might occur in these cases, such as collection of restitution, fines, and costs; establishment of payment schedules; or supervision of probation.

Second, by beginning the paragraph with "ten days after the acceptance of the guilty plea and the imposition of sentence, the district justice shall certify that..." the amendments more accurately convey that the case does not get forwarded until after the tenth day after imposition of sentence. The Committee agreed that this clarification was necessary to reduce the likelihood that a case would be forwarded before the expiration of the defendant's 10-day grace period.

2. The term "issuing authority" would be changed to "district justice" throughout the rule and Comment to make the rule consistent with 42 Pa.C.S. § 1515, which applies only to district justices, and provides for the acceptance of guilty pleas in certain third degree misdemeanors and other cases.

3. The Comment would be reorganized and revised to further clarify the Rule 149 procedures and the general requirements concerning acceptance of guilty pleas in court cases. It would also include a paragraph explaining that at the time of sentencing or during the 10-day period before a case is forwarded to the court of common pleas, the district justice may accept payment of restitution, fines, and costs, or establish a payment schedule.

[Pa.B. Doc. No. 96-1703. Filed for public inspection October 11, 1996, 9:00 a.m.]

PART I. GENERAL

[234 PA. CODE CH. 1400]

Order Amending Rule 1409 and Approving Comment Revisions to Rules 1405 and 1410: Sentencing; No. 213; Doc. No. 2

Order

Per Curiam:

Now, this 26th day of September, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been published in the *Pennsylvania Bulletin* (24 Pa.B. 6137 *et seq.* and 25 Pa.B. 3236 *et seq.*), and in the *Atlantic Reporter* (Second Series Advance Sheets Vol. 649 and Vols. 660-661) before adoption, 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:

- 1) Rule of Criminal Procedure 1409 is amended; and
- 2) The Comments to Rules of Criminal Procedure 1405 and 1410 are approved, as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 1997.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1400. SENTENCING

Rule 1405. Procedure at Time of Sentencing.

* * * * *

Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. **Comment revised September 26, 1996, effective January 1, 1997.**

Comment

This rule is derived in part from previous Rule 1405.

The rule is intended to promote prompt and fair sentencing procedures by providing reasonable time limits for those procedures, and by requiring that the defendant be fully informed of his or her post-sentence rights and the procedural requirements which must be met to preserve those rights.

Rule 1409 (Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition) governs sentencing procedures after a revocation of probation, intermediate punishment, or parole.

* * * * *

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the 1995 amendment to paragraph C(3) published with the Court's Order at 25 Pa.B. 236 (January 21, 1995).

Final Report explaining the September 13, 1995 amendments concerning bail published with the Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the December 22, 1995 *Comment* revision on restitution published with the Court's Order at 26 Pa.B. 14 (January 6, 1996).

Final Report explaining the September 26, 1996 Comment revision on Rule 1409 procedures published with the Court's Order at 26 Pa.B. 4900 (October 12, 1996).

Rule 1409. Violation of Probation, **Intermediate Punishment**, or Parole: Hearing and Disposition.

(A) A written request for revocation shall be filed with the clerk of courts.

(B) Whenever a defendant has been [placed on] sentenced to probation or intermediate punishment, or placed on parole, the judge shall not revoke such probation, intermediate punishment, or parole as allowed by law unless there has been:

(1) a hearing held as speedily as possible at which the defendant is present and represented by counsel; and

(2) [there has been] a finding of record that the defendant violated a condition of probation, intermediate punishment, or parole. [In the event that probation is revoked and sentence is reimposed, the judge shall comply with the pertinent provisions of Rule 1405.]

(C) Sentencing Procedures

(1) At the time of sentencing, the judge shall afford the defendant the opportunity to make a statement in his or her behalf and shall afford counsel for both parties the opportunity to present information and argument relative to sentencing.

(2) The judge shall state on the record the reasons for the sentence imposed.

(3) The judge shall advise the defendant on the record:

(a) of the right to file a motion to modify sentence and to appeal, of the time within which the defendant must exercise those rights, and of the right to assistance of counsel in the preparation of the motion and appeal; and

(b) of the rights, if the defendant is indigent, to proceed in forma pauperis and to proceed with assigned counsel as provided in Rule 316.

(4) The judge shall require that a record of the sentencing proceeding be made and preserved so that it can be transcribed as needed. The record shall include:

(a) the record of any stipulation made at a pre-sentence conference; and

(b) a verbatim account of the entire sentencing proceeding.

(D) Motion to Modify Sentence

A motion to modify a sentence imposed after a revocation shall be filed within 10 days of the date of imposition.

Official Note: Adopted July 23, 1973, effective 90 days hence; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment revised November 1, 1991, effective January 1, 1992; amended September 26, 1996, effective January 1, 1997.

Comment

This rule addresses Gagnon II revocation hearings only, and not the procedures for determining probable cause (Gagnon I). See *Gagnon v. Scarpelli*, 411 U. S. 778 (1973).

Paragraph (A) requires that the Gagnon II proceeding be initiated by a written request for revocation filed with the clerk of courts.

The judge may not revoke probation or parole on arrest alone, but only upon a finding of a violation thereof after a hearing, as provided in this rule. However, the judge need not wait for disposition of new criminal charges to

hold such hearing. See *Commonwealth v. Kates*, [452 Pa. 102,] 305 A.2d 701 (Pa. 1973).

This rule does not govern parole cases under the jurisdiction of the Pennsylvania Board of Probation and Parole, but applies only to the defendants who can be paroled by a judge. See [Act of June 11, 1911, P. L. 1059, § 1, as amended by the Acts of May 5, 1921, P. L. 379, § 1, and May 11, 1923, P. L. 204, § 1,] 61 P. S. § 314. See also *Georgevich v. Court of Common Pleas of Allegheny County*, [510 Pa. 285,] 507 A.2d 812 (Pa. 1986).

This rule was amended in 1996 to include sentences of intermediate punishment. See 42 Pa.C.S. §§ 9763 and 9773.

Paragraphs (C) and (D), also added in 1996, provide greater flexibility in revocation cases than is permitted under Rules 1405 and 1410.

Committee Explanatory Reports:

Report explaining the January 1, 1992 amendments published at 21 Pa.B. 2246 (May 11, 1990); Supplemental Report published with the Court's Order at 21 Pa.B. 5329 (November 16, 1991).

Final Report explaining the September 26, 1996 amendments published with the Court's Order at 26 Pa.B. 4900 (October 12, 1996).

Rule 1410. Post-Sentence Procedures; Appeal.

* * * * *

Official Note: Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996. **Comment revised September 26, 1996, effective January 1, 1997.**

Comment

This rule is derived from previous Rules 321, 1123, and 1410. See also Rules 1122, 1124, and 1125.

* * * * *

Disposition

Under subsection B(3), once the defendant makes a timely written post-sentence motion, the judge retains jurisdiction for the duration of the disposition period. It is not necessary for the judge to vacate the sentence imposed.

* * * * *

If the motion is denied by operation of law, subsection B(3)(c) requires that the clerk of courts enter an order denying the motion on behalf of the court and immediately notify the attorney for the Commonwealth, the defendant(s), and defense counsel that the motion has been denied. This notice is intended to protect the defendant's right to appeal. The clerk of courts must also comply with the notice and docketing requirements of Rule 9024.

The disposition of a motion to modify a sentence imposed after a revocation hearing is governed by Rule 1409 (Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition).

* * * * *

Miscellaneous

When the defendant is represented by new counsel on the post-sentence motion, the defendant must raise any claim that prior counsel was ineffective, and the court must consider and decide the claim. Furthermore, unless the existing record is adequate for a determination of the claim, the judge must hold an evidentiary hearing. See *Commonwealth v. Hubbard*, 372 A.2d 687 (Pa. 1977); *Commonwealth v. Dancer*, 331 A.2d 435 (Pa. 1975). For procedures governing the appearance and withdrawal of counsel, see Rule 302.

Under subsection B(1)(a), the grounds for the post-sentence motion should be stated with particularity. Motions alleging insufficient evidence, for example, must specify in what way the evidence was insufficient, and motions alleging that the verdict was against the weight of the evidence must specify why the verdict was against the weight of the evidence.

Because the post-sentence motion is optional, the failure to raise an issue with sufficient particularity in the post-sentence motion will not constitute a waiver of the issue on appeal as long as the issue was preserved before or during trial. See subsection B(1)(c).

Under [**paragraph**] subsection B(1)(a)(ii), a challenge to the sufficiency of the evidence would be made in a motion for judgment of acquittal. See Rule 1124.

* * * * *

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the December 17, 1993 amendments published with the Court's Order at 24 Pa.B. 334 (January 15, 1994).

Final Report explaining the September 13, 1995 amendments concerning bail published with the Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the September, 1996 Comment revision on Rule 1409 procedures published at 26 Pa.B. 4900 (October 12, 1996).

FINAL REPORT

Amendments to Rule 1409: Procedures after Violation of Probation, Intermediate Punishment, or Parole; Correlative Comment Revisions to Rules 1405 and 1410

On September 26, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court amended Rule 1409 (1) to incorporate intermediate punishment, (2) to provide a clear procedure for initiating Gagnon II proceedings, and (3) to clearly distinguish sentence-related procedures after a revocation from sentencing under Rule 1405 and challenges to sentence under Rule 1410. The Court also approved Comment revisions to Rule 1405 (Procedures at Time of Sentencing) and Rule 1410 (Post-Sentence Procedures; Appeal) cross-referencing Rule 1409 sentencing procedures.

I. Procedures for Initiating a Gagnon II Hearing

The Committee began its reexamination of Rule 1409 in response to questions that arose during the Court's

project on the automation of the criminal division of the courts of common pleas. One of the matters brought to our attention was the problem created by the absence of a consistent Statewide procedure for notifying clerks of courts that a Gagnon II revocation hearing will take place. Because a Gagnon II hearing may result in the revocation of parole, or, if probation is revoked, in a sentence of imprisonment, it is imperative that clerks of courts be given advance notice of a possible change in a defendant's sentence or custodial status. For this reason, the Committee agreed that Rule 1409 should be amended to require that a request for revocation be filed with the clerk of courts. See new paragraph (A).

As part of our review of the Rule 1409 procedures, we also surveyed the various practices Statewide for Gagnon I probable cause determinations. Although some counties have more formal Gagnon I proceedings than others, the Committee has concluded that the variations in local practice are justified, and we see no need for the Court to require uniform Gagnon I procedures at this time. As a cautionary measure, however, we have added a paragraph to the Comment to make it clear that Rule 1409 applies only to Gagnon II proceedings. Finally, we have also included a citation to the United States Supreme Court decision establishing the requirements for the two-step "Gagnon" process, *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

II. Sentencing Procedures after a Revocation Hearing

Although the Committee received no correspondence in response to the original explanatory Report published on this proposal, related matters were brought to our attention while we were in the process of preparing the proposal for submission to the Court. In particular, the Committee was asked whether the rules governing sentencing generally, Pa.R.Crim.P. 1405, and challenges to sentences, Pa.R.Crim.P. 1410, apply to sentences imposed after a revocation. We reviewed the Committee history on Rules 1405 and 1410, and found that revocation procedures had not been discussed.

Prior to the current amendments, the text of current Rule 1409 stated, in part, that whenever "probation is revoked and sentence is reimposed, the judge shall comply with the pertinent provisions of Rule 1405." This Rule 1405 reference predates the 1993 adoption of present Rule 1405, and gave rise to the central issue leading to the need for additional amendments to the Rule 1409 proposal: should the "post-sentence" procedures which apply after a conviction or entry of a plea of guilty apply to revocation cases?

Two procedures arguably could apply to sentencing after a revocation—the 60-day time limit for sentencing imposed by present Rule 1405, and the Rule 1410 time limits for the disposition of a motion to modify sentence. As explained below, we concluded that neither of these time limits should be mandated in revocation cases, and the proposed changes are intended to make this clear.

Rule 1405.A(1) reads:

Except as provided by Rule 1403.B, sentence in a court case shall ordinarily be imposed within 60 days of conviction or the entry of a plea of guilty or nolo contendere.

This 60-day time limit was specifically developed to expedite sentencing for cases in a post-verdict posture. See the Final Report published with the Court's Order adopting Rules 1405 and 1410 at 23 Pa.B. 1699 (April 10,

1993). The Committee believes, however, that different considerations come into play when a defendant awaits sentencing after a probation, parole, or intermediate punishment revocation. Often, for example, the sentencing judge may agree to delay imposition of sentence in order to give a defendant the opportunity, aided by the pending possibility of a much more severe sentence, to complete a drug program or to comply with a restitution order. For this reason, we agreed that the rules should not impose a limit on the time period during which sentencing must occur in revocation cases.

Rule 1410 imposes absolute time limits on the disposition of all post-sentence motions, including sentencing challenges. Because the Committee concluded that the primary impetus for the time limits on a post-sentence motion—chronic, unnecessary delay between conviction, resolution of post-verdict motions, and sentencing—was not an issue in a revocation context, and because there were advantages to permitting greater flexibility, as described above, the Committee agreed that time limits were unnecessary for disposition of challenges to sentences imposed after a revocation hearing.

To underscore the difference between Rule 1409 procedures and the time limits imposed by Rule 1405 and 1410, two new paragraphs have been added to Rule 1409 specifically addressing sentencing hearing procedures (paragraph (C)), and challenges to sentences (paragraph (D)), in a revocation context. Correlative revisions to the Comments to Rules 1405 and 1410 alert the bench and bar to these separate procedures.

III. *Intermediate Punishment*

Finally, Rule 1409 has been amended to incorporate intermediate punishment because, for revocation and resentencing purposes, intermediate punishment is analogous to a sentence of probation. See 42 Pa.C.S. §§ 9763 and 9773.

IV. *Summary of Rule Changes*

Because the amendments to Rule 1409 constitute a considerable expansion of the present rule, we have organized the text into separate paragraphs.

1. New paragraph (A) contains the requirement that a written request for revocation be filed with the clerk of courts.

2. New paragraph (B) retains much of the text of the present rule, and adds intermediate punishment as a sentence covered by the rule.

3. New paragraph (C) contains the procedures at the time of sentencing on the revocation. There are no time limits within which sentencing must take place.

4. New paragraph (D) covers motions to modify sentence in a revocation context. This provision requires that challenges to sentence be raised within 10 days of the date of imposition, but does not impose a time limit for disposition of such motions. The Comment to this provision distinguishes motions to modify sentence in a revocation case from challenges to sentence under Rule 1410. The Comment also contains an extensive cautionary discussion on the preservation of sentencing issues in light of *Commonwealth v. Jarvis*, 663 A.2d 790, 791-2, n. 4 (Pa. Super. 1995).

5. The Rule 1409 Comment also cautions that Rules 1405 and 1410 do not apply to revocation cases. The Comments to Rules 1405 and 1410 have been revised to include cross-references which make it clear that Rule 1409 governs sentencing and challenges to sentences in revocation cases.

[Pa.B. Doc. No. 96-1704. Filed for public inspection October 11, 1996, 9:00 a.m.]

Title 25—LOCAL COURT RULES

COLUMBIA AND MONTOUR COUNTIES

Amendments to Local Court Rules; No: 96MV1

Order

And Now, this 30th day of September, 1996, the following amendments to the Local Rules of the Court of Common Pleas of Columbia and Montour Counties, 26th Judicial District are hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d).

By the Court

GAILEY C. KELLER,
President Judge

1. L. R. 6.05 is rescinded in its entirety and replaced with the following:

L. R. No. 6.05. Non-Compliance with Prior Order of Support.

A. All procedures for non-compliance are to be pursuant to the alternate procedures of Pa.R.C.P. No. 1910.21-5.

B. A Permanent Hearing Officer shall have jurisdiction to initially hear all cases in which the Domestic Relations Offices of Columbia or Montour County, as applicable, find non-compliance with any prior support Order.

C. At such hearing, testimony and evidence shall be received and a stenographic record of the testimony shall be made.

D. Following such hearing, the Permanent Hearing Officer shall make an appropriate Recommendation to the Court, which recommendation may include, but is not limited to, a recommendation of a finding of contempt.

E. In the event the Permanent Hearing Officer makes a recommendation for a finding of contempt, the matter shall be promptly scheduled by the Domestic Relations Section and the Court Administrator for disposition before the Court of Common Pleas. In the event of any other recommendation by the Permanent Hearing Officer, the parties shall have the right to file Exceptions to the Permanent Hearing Officer's recommendations within ten (10) days after the date of the Permanent Hearing Officer's Report. If no Exceptions are filed within such period, the Court shall review the Report and enter an appropriate final Order. Exceptions shall be stated with particularity.

F. In all non-compliance cases, the Court shall have the final authority to make a determination as to the appropriateness of any finding of contempt or any sanction against any individual found to be in a state of non-compliance with any prior Order regarding support.

2. L. R. 8.01(b) is rescinded in its entirety and replaced with the following:

L. R. No. 8.01. Accounts.

B. All accounts advertised in accordance with Subsection A, shall be presented to the Court by the Clerk for confirmation *nisi* and approval of the Statement of Proposed Distribution contained therein. If no objections are filed thereto within ten (10) days of the confirmation *nisi* the Clerk shall confirm absolutely the account and approval of the Statement of Proposed Distribution.

3. L. R. 9.01(d) is rescinded in its entirety and replaced with the following:

L. R. No. 9.01. Auditors.

D. If Exceptions are filed to a report of an Auditor, simultaneously therewith, the party filing said Exceptions shall file a Praecipe for Argument.

4. L. R. 10.01(d) is rescinded in its entirety and replaced with the following:

L. R. No. 10.01. Adoptions.

D. No such additional filing fee will be required when the intermediary is a public or voluntary child care agency other than Columbia County or Montour County Office of Children and Youth Services in which case the investigative report will be prepared by the child care agency as intermediary.

5. L. R. 12.4006 is rescinded in its entirety and replaced with the following:

L. R. No. 12.4000. Bail.

A. Real Estate

Real Estate shall not be accepted as surety for bail unless accompanied by:

1. A certification by an attorney licensed to practice in this Commonwealth stating the ownership of the real estate so offered and all liens against the same; and

2. An appraisal or opinion letter (at the discretion of the Court or issuing authority) of the real estate made within thirty (30) days of the bail motion by a licensed real estate broker or appraiser; and

3. All record owners of the real estate must execute the appropriate surety documents.

B. Administrative Fee

In all court cases where an amount of bail is set for release, a non-refundable administrative fee of twenty-five dollars (\$25.00) shall be paid to the Clerk of Court of the respective county where trial will be held. The administrative fee shall be considered as earned at the time of bail undertaking is executed.

C. Confession of Judgment Waiver

The issuing authority of the Clerk of Court of the respective court where trial will be held, as the case may be, shall cause a Confession of Judgment Waiver, in such form as is directed by the Court, to be executed in all cases where bail is being provided. Such form shall be executed by the defendant and such other parties as are acting as sureties.

D. Non-Appearance Before District Justice

In all cases where there has been a non-appearance before a District Justice and a bail bond has been executed, the bail bond shall be immediately transmitted

to the appropriate Clerk of Court along with a written statement of the details concerning the defendant's non-appearance.

E. Discharge

When the conditions of a bail bond have been performed and the defendant has made all required appearances in the case, the Clerk of Court shall return to the person posting bail, unless the Court orders otherwise, the entire amount of the cash bail deposited, less any administrative costs. In the event a Judgment has been entered on any bail bond, upon receiving an Order that the defendant has been discharged from all obligations, the Clerk of Court shall, upon payment of the appropriate administrative, filing and satisfaction fees, mark the Judgment satisfied on the record.

6. L. R. 12.1410(a) is rescinded in its entirety and replaced with the following:

L. R. No. 12.1410. Post-Verdict Procedures.

A. Trial counsel shall continue to have an obligation to represent the Defendant through sentencing and post sentence motion unless permission for leave to withdraw as counsel has been granted by the Court. Trial counsel shall also be required to brief and argue any post sentence motions (if the Court directs briefing and argument), unless succeeding counsel has entered an appearance or permission to withdraw has been granted by the Court.

[Pa.B. Doc. No. 96-1705. Filed for public inspection October 11, 1996, 9:00 a.m.]

DELAWARE COUNTY

Judge Pro Tempore Program; Misc. Doc. No. 82-7677

Order

And Now, to wit, this 25th day of September, 1996, due to the dire conditions which have resulted from the current overwhelming caseload of both civil and criminal cases that face the judges of this Court,

It is hereby *Ordered* and *Decreed* for all that a Judge Pro Tempore Program is established in this judicial district utilizing the volunteer services of experienced family law lawyers who have been or will be designated by the Court to preside as "Judges Pro Tempore."

It is further *Ordered* and *Decreed* that the following procedures and qualifications will be followed with regard to this Program:

1. *Duties and Responsibilities of Judges Pro Tempore.* The Delaware County Bar Association, with the approval of the Court, will determine the names and number of Judges Pro Tem and the number of cases to be assigned to each Judge Pro Tem once the group of cases is identified by the Court Administrator.

Said designated judges may hear evidence, conduct conferences and hearings and may, thereafter, make appropriate recommendations to this Court for the entry of necessary orders.

2. *Implementation of Program.* The Program is initially intended to exist from June of 1996 through December of 1997. The scope of the Program will be "new" equitable

distribution cases and custody cases which have been conciliated and assigned to a judge awaiting pre-trial conference.

Each case chosen for this Program will be individually assigned by Court Order. The Judge signing the Order in custody cases is to be considered the assigned Judge. Each Judge Pro Tem will thereafter be responsible for obtaining the Court file from OJS and signing for the file. The parties shall provide a copy of all subsequent pleadings to the Judge Pro Tem after assignment.

The cases assigned to the Program have been screened generally for conflicts. If a conflict arises after a file has been assigned, the Judge Pro Tem is to contact the Office of the Court Administrator and return the file to OJS.

3. *Custody Cases.* Once the Judge Pro Tem has obtained the file, the Judge Pro Tem is to schedule a conference at the time and place of his/her choosing. The Judge Pro Tem will either make a recommendation or have the parties agree to a temporary order, which stipulation/temporary order will be forwarded to the Office of the Court Administrator for referral to the assigned Judge. Should the case be returned without an agreement, the Judge Pro Tem should posture the case so that it is "trial ready."

4. *Equitable Distribution.* The Judge Pro Tem will schedule an initial management/discovery conference. At the time of scheduling, a pretrial statement form is to be sent to and completed by the parties. A management order is to be completed and forwarded to the Court Administrator for referral to a judge, a copy of which is to be provided to the attorneys for the parties.

The Judge Pro Tem will schedule a pretrial conference and/or hearing, after which the Judge Pro Tem shall complete and submit a recommendation to the Office of the Court Administrator for referral to a judge. All agreements, stipulations or settlements are to be documented, filed of record and forwarded to the Court Administrator. The Court Administrator will thereafter refer the matter to a judge who will file the signed original with the Office of Judicial Support.

5. *Motions.* Emergency matters are to be brought to the attention of the assigned judge, who may choose to return the matter to the Judge Pro Tem for mediation. All motions are to be decided by the Court or Equitable Distribution Masters. Equitable Distribution Masters may refer the matter to a Judge Pro Tem.

6. *Special Relief.* Any issue of special relief may be heard by the assigned Judge Pro Tem upon stipulation of the parties. The parties should notify the court at the time of filing of such a stipulation. In the absence of such a stipulation, the matter shall be heard by a trial judge.

7. *Noncompliance.* Failure to comply with the Court's order regarding the aforementioned will result in a recommendation by the Judge Pro Tem for a hearing before the assigned judge. The assigned judge will review the case and determine whether or not a hearing should be scheduled and/or sanctions need be imposed.

8. *Changes in Procedure.* The procedure set forth herein may be changed from time to time by notice appearing in the *Delaware County Legal Journal*.

9. *Effective date.* The within procedure will become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.C.P. No. 239, the original Order shall be filed with the Office of Judicial Support and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedure Rules Committee. Copies of the Order will also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, and the *Delaware County Legal Journal*.

By the Court

A. LEO SERENI,
President Judge

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

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

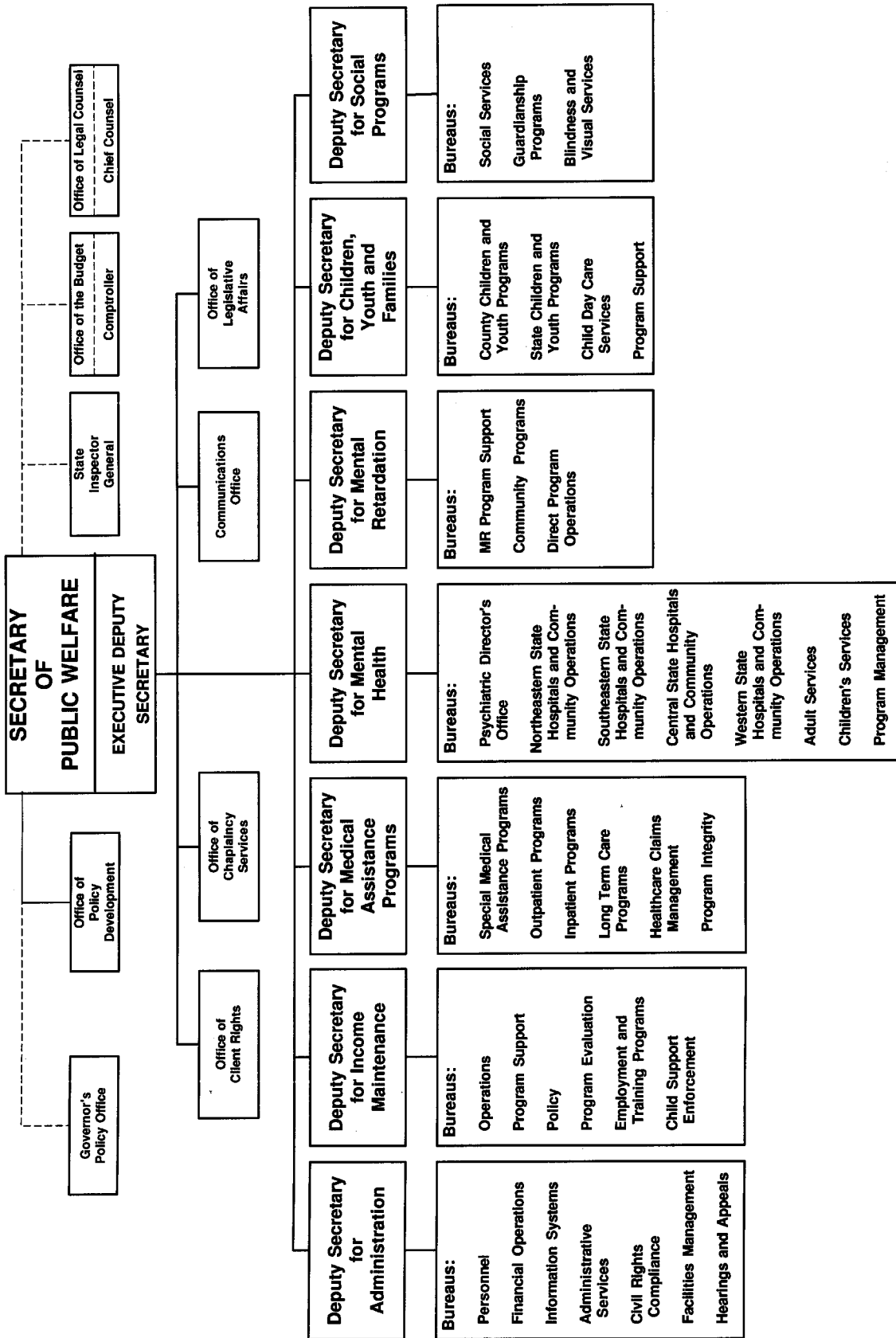
The Executive Board approved a reorganization of the Department of Public Welfare effective September 27, 1996.

The organization chart at 26 Pa.B. 4905 (October 12, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 96-1707. Filed for public inspection October 11, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE



DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 86]

Use of the Public Areas of the Capitol Complex

The Department of General Services (Department) adopts Chapter 86 (relating to use of the public areas of the Capitol Complex—statement of policy) as a statement of policy announcing policies and procedures relating generally to the use of the buildings and grounds of the Capitol Complex, including specifically the public areas of the Capitol Building and its grounds.

Sections 2402 and 2416 of The Administrative Code of 1929 (71 P. S. §§ 632 and 646) require the Department, including the Capitol Police, “to control and supervise the State Capitol building, and the public grounds and buildings connected with the State Capitol”; to “clean[] , care, . . . preserv[e and protect] the Capitol grounds and buildings. . . and the furnishings therein”; and “to preserve [and enforce] good order in the Capitol grounds and buildings. . . .” See 71 P. S. §§ 632 and 646 (relating to grounds, buildings and monuments in general and to Capitol Police, Commonwealth Property Police and Campus Police). This statement of policy is, in part, a written compilation of the policies, practices and procedures established or followed by the Department and the Capitol Police over the years in their performance of their statutory duties. The statement of policy is also, in part, the announcement of the Department’s establishment, alteration or refinement of other policies and procedures based upon the Department’s experiences in managing the Capitol Complex and its judgment as to the manner in which best to perform those duties.

In the judgment of the Secretary of General Services (Secretary), publication of this written statement of policy will most appropriately and efficiently inform the public as to the manner in which the Department, including the Capitol Police, intends to perform its statutory duties. This statement of policy does not constitute a rule or regulation, does not have the force and effect of law and is not intended to circumscribe any administrative discretion afforded the Department under The Administrative Code of 1929 or any other law, or under any rule or regulation. Specifically, the statement of policy does not supplant in any manner existing Department regulations relating to Commonwealth buildings and grounds, for example, Chapter 85 (relating to exercise of First Amendment rights on Commonwealth property) and Chapter 87 (relating to use of the Forum). Also, the statement of policy is intended to supplement, and not to supplant, any applicable management directives issued by direction of the Secretary under §§ 1.1—1.5 (relating to the Directives Management System).

Contact Person

For information regarding this statement of policy, please contact Gregory C. Santoro, Chief Counsel of the Department of General Services, at Office of Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17125, or at (717) 787-5599.

Effective Date

This statement of policy is effective immediately upon any person who has actual knowledge of its contents. The statement of policy is effective as to all persons and organizations upon publication in the *Pennsylvania Bulletin*.

GARY E. CROWELL,
Secretary

(*Editor’s Note:* The regulations of the Department, 4 Pa. Code, are amended by adding a statement of policy at §§ 86.1—86.6 to read as set forth in Annex A.)

Fiscal Note: 99-6. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart F. COMMONWEALTH BUILDINGS

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

Sec.	
86.1.	Introduction.
86.2.	Definitions.
86.3.	Policy governing the public areas of the Capitol Complex.
86.4.	Policy governing the interior public areas of the Capitol Complex.
86.5.	Policy governing the exterior public areas of the Capitol Complex.
86.6.	Scheduling events and exhibits.

§ 86.1. Introduction.

(a) The public areas of the Pennsylvania State Capitol Building and the Capitol Complex are under the jurisdiction of the Department. The public areas of the Capitol include the Rotunda and its balconies; the main corridors; the grand staircase; the ground floor entrances; the cafeteria, when open; the East Wing Rotunda and its balconies; the first floor exterior porches and staircases; all exterior building surfaces; and the Capitol grounds, defined as the property on which the Capitol building is situated. The Capitol Complex consists of that property which is delineated on the map in Appendix A. The public areas of the buildings within the Capitol Complex include the lobbies, elevators and common areas.

(b) The public areas of the Capitol Complex must be maintained as intact, attractive, safe and readily available to the thousands of individuals who visit and work there. The Capitol Complex also must be available to individuals who wish to exercise their constitutional rights to assemble and to communicate their views to government officials and the public.

(c) The policies and procedures in this chapter will be followed by the Department in its administration, operation and preservation of the public areas of the Capitol Complex. At no time will the application or administration of these policies and procedures be influenced or affected by considerations of age, sex, race, national origin, handicap, religion, partisan politics or the content of any written or oral communication or other expressive activity. Nothing in this chapter should be construed or applied in a manner that is inconsistent with Chapter 85 (relating to exercise of First Amendment rights on Commonwealth property), which is incorporated herein and made a part hereof.

§ 86.2. Definitions.

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

Camping—Use of a temporary or mobile structure for living accommodation activities such as sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or bathing, or washing clothing, or making any fire, or using any tent or other structure for sleeping, or doing any digging or earth breaking, or carrying on

cooking activities. These activities constitute camping, regardless of the intent of the participants or the nature of any other activities in which they may also be engaging, when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the areas as living or sleeping accommodations.

Capitol—The Pennsylvania State Capitol Building. Unless otherwise specified, the term includes the building (including the East Wing and garage facility) and its grounds.

Capitol Complex—That property and buildings as delineated on the map in Appendix A, including, but not limited to, the Pennsylvania State Capitol Building.

Capitol security—Capitol Police and other police or security officers as may be supplemented at the discretion of the Secretary.

Department—The Department of General Services of the Commonwealth, including the Capitol Police.

Event—A performance, ceremony, presentation, meeting, rally or reception held in public areas.

Exhibit—Any display of artwork, including, but not limited to, paintings, sculptures, arts and crafts, and photographs; public service and educational presentations; and historical displays.

Rally—A gathering of people for the purpose of actively promoting a cause.

Secretary—The Secretary of General Services or a designee.

§ 86.3. Policy governing the public areas of the Capitol Complex.

In its administration, operation and preservation of the Capitol Complex, the policy of the Department relating to the public use of all public areas of the Capitol Complex will be as stated in this section. For Department policy relating specifically to the interior or exterior public areas of the Capitol Complex, see §§ 86.4 and 86.5 (relating to policy governing the interior public areas of the Capitol Complex; and policy governing the exterior public areas of the Capitol Complex).

(1) *Discrimination.* A public event or exhibit that discriminates on the basis of race, national origin, religion, sex, age, handicap, partisan politics or the content of any written or oral communication or other expressive activity will not be permitted.

(2) *Interference with Commonwealth business.* A public event or exhibit within the Capitol Complex may not interfere with a Legislative session or the conduct of public business by agencies of the Commonwealth. An event or exhibit may not threaten the safety and well-being of the individuals conducting the work of the General Assembly or Commonwealth agencies.

(3) *Emergencies.* In case of fire, bomb threat, utility malfunction, structural failure or other unforeseen emergency or threat endangering public safety or health, the Secretary may delay or postpone any scheduled event until the emergency or threat is over, and until the event can be rescheduled.

(4) *Scheduling.* Subject to the provisions of Chapter 85 (relating to exercise of First Amendment rights on Commonwealth property), use of the Capitol by an individual or organization for an event or exhibit is authorized only if the event or exhibit has been scheduled with the

Secretary in accordance with the procedures in § 86.6 (relating to scheduling events and exhibits).

(5) *Responsibilities of users of the Capitol Complex.* Individuals or organizations are responsible for returning the areas used in conducting their events or exhibits to their original condition. Individuals or organizations are responsible for any vandalism, damage, breakage, loss or other destruction to the Capitol Complex caused by that individual or organization. The Department will assess individuals or organizations for damages incurred. The cost of the repair will include the costs for the services of specialists in relevant historical restoration skills as determined by the Secretary.

(6) *Obligation to the Commonwealth to indemnify and hold harmless.* Individuals and organizations using the Capitol Complex will be required by the Department to indemnify and hold harmless the Commonwealth, its departments, agents and employees, from and against all suits, damages, claims or other liabilities due to personal injury or death, damage to or loss of property to the Commonwealth or to others, or for any other injury or damage arising out of or resulting from the use of the Capitol Complex.

(7) *Food and beverages.* Food and beverages may be served at an approved event or exhibit only with the approval of the Secretary. A request for permission to serve food and beverages shall be submitted in writing before the scheduled event or exhibit and shall conform to the following:

(i) A description of the type of food and beverages to be served, the desired service area and the identification of the caterer, if applicable, shall be provided.

(ii) The applicant shall agree to assume full responsibility for the preparation, service and consumption of the food and beverages provided during the event or exhibit.

(iii) The applicant shall assure that the food and beverage service will not cause physical damage to the building or grounds.

(iv) Alcoholic beverages may not be served or consumed in a public area within the Capitol Complex, except with the express permission of the Secretary.

(8) *Exhibits.* The Department will allow exhibits subject to the following conditions:

(i) The Commonwealth is not responsible for damage to or loss or theft of exhibits during the period of their installation, display or removal. Unless otherwise approved by the Secretary, special security required for an exhibit shall be provided by the exhibit's sponsor.

(ii) Exhibitors shall bear the cost of assembling, mounting, displaying and removing exhibits and of cleaning and restoring the exhibit space to its original condition under the supervision of the Secretary.

(iii) Displays shall be freestanding. Exhibits may not hang from walls or ceilings or be affixed to doors, windows, railings or other building surfaces (except for standing on the floor). Exhibits may not hang or be affixed to trees, shrubbery or other plantings, statuary, monuments, fences, light fixtures, light wells or the exterior surfaces of buildings. These items shall be removed at the expense of the person or organization responsible for the improper placement, and damages caused by the placement or removal will be assessed against the persons or organizations responsible.

(iv) Exhibits shall contain a disclaimer stating that the display is not owned, maintained, promoted, supported by or associated with the Commonwealth.

(v) Exhibits may be scheduled for display for up to 14 calendar days, subject to availability of time and space.

(vi) Requests for exhibit space shall include a clear layout, scale drawing or sketch of the proposed exhibit, preferably as it will be displayed. The dimensions of the space required should be indicated, as well as the manner in which the exhibit will be mounted or displayed.

(9) *Certain signs and other displays prohibited.* No item or material with the potential to cause property damage may be used. The posting or affixing of signs, announcements or other documents on an exterior or interior wall, ceiling, floor, door, window or other surface of public areas not designed for that purpose is prohibited. Stickers, labels, tape or other adhesive material that might leave a residue or otherwise damage interior or exterior surfaces, including porches, stairs, statuary, monuments, light wells, fences and trees, are also prohibited. Tacks, nails, staples or other attachments may not be used. No item may be leaned against or tied to exterior or interior walls, pillars, portraits, furnishings, staircases or other features of any building. Items described in this paragraph will be removed at the expense of the person or organization responsible for the improper placement, and damages caused by the placement or removal will be assessed against the persons or organizations responsible.

(10) *Removal of signs and other displays.* Items or materials shall be removed promptly after an exhibit or event.

(11) *Equipment.* The Department has limited equipment (for example, public address system, chairs, tables, podium, and the like) for use at exhibits or events. Arrangements may be made for this equipment upon payment of reasonable charges, if available; otherwise desired equipment shall be provided by the individuals or organization sponsoring the event or exhibit. If equipment is required, an applicant should contact the Secretary to discuss availability of equipment and its intended use, and to place a reservation. Requests for equipment should be made at least 1 week in advance of the event or exhibit. Individuals or organizations using this equipment will be held responsible by the Department for damage to or loss to the equipment.

(12) *Audio and sound amplifying equipment.* No audio or sound amplifying equipment may be used the sound level of which interferes with any Legislative session or the conduct of public business by the General Assembly or Commonwealth agencies.

(13) *Fees and other charges.* The Department may charge fees for the use of equipment, power and labor to set up, operate and remove equipment, clean up and for other appropriate requirements.

(14) *Commonwealth property.* No person may remove Commonwealth property from the Capitol Complex except as permitted in the normal course of business, unless the removal has been previously authorized in writing by the Secretary.

(15) *Security.* To enhance security and public safety, Capitol Security may inspect packages, briefcases, structures and other items brought into the Capitol Complex. Proper identification of employes and other visitors may be demanded at any time after normal working hours. If the facility is closed during an emergency, access may be denied for the duration of the emergency. Employes or other persons may be required to sign a registration sheet after normal working hours or when the building is closed.

(16) *Removal of persons.* A person who refuses to adhere to the policy of the Department will be subject to immediate removal from the building or grounds, or both, by Capitol security as authorized by section 2416 of The Administrative Code of 1929 (71 P. S. § 646). Nothing contained in this paragraph will be construed as limiting prosecution under an existing or future law.

§ 86.4. Policy governing the interior public areas of the Capitol Complex.

In its administration, operation and preservation of the Capitol Complex, the policy of the Department relating to the public use of the interior public areas of the Capitol Complex will be as stated in this section.

(1) *Hours of operation.* Except as provided by paragraph (2), Capitol visiting hours for the public are from 6 a.m. to 6 p.m. daily, except Saturdays, Sundays and State holidays. The Rotunda will be accessible to the public on Saturdays, Sundays and State holidays between 9 a.m. and 4 p.m. When either house of the General Assembly or a Legislative committee is in session prior to 6 a.m. or after 6 p.m., or on Saturday, Sunday or a State holiday, the Capitol will be open to the public with the commencement of the session and closed 2 hours after adjournment of the Senate, House of Representatives or Legislative committee. Public hours of operation for the other buildings within the Capitol Complex will be posted.

(2) *Special events after public hours.* In accordance with § 86.6 (relating to scheduling events and exhibits), the Secretary may schedule special events to occur between the hours of 6 p.m. and 12 a.m. on weekdays and between the hours of 4 p.m. and 12 a.m. on weekends and Commonwealth holidays. Special events sponsored and conducted by an official or agency of the Commonwealth, including the General Assembly, for official governmental purposes may be open to the public in the discretion of the Commonwealth official or agency and the Secretary. A special event sponsored or conducted by a person or entity which is not an official or agency of the Commonwealth or which is not for official government purposes will not be open to the public. The Secretary will prescribe the conditions applicable to events scheduled after visiting hours.

(3) *Emergencies.* In case of fire, bomb threat, utility malfunction, structural failure or other unforeseen emergency or threat endangering public safety or health, the Secretary or Capitol Security may lock a building at any time and require that the entrances be used only as a means of egress. No person may enter or attempt to enter through an entrance which is closed due to emergency conditions until the emergency is over.

(4) *Smoking.* Smoking may be permitted in specifically designated areas.

(5) *Alcoholic beverages.* Alcoholic beverages may not be served or consumed in any public area within the Capitol Complex, except with the express permission of the Secretary.

(6) *Ingress and egress.* An event or exhibit may not obstruct entrances or block traffic flow through the building.

(7) *Furnishings.* Moving furnishings, such as furniture, lighting and paintings, by the organizers, conductors or participants at an event or exhibit is not permitted without the permission of the Secretary.

(8) *Movement of furniture.* Tables, displays, chairs or other items may not be dragged or rolled on the floors of the Rotunda and the East Wing Rotunda.

(9) *Commercial activities.* No individual or organization may engage in commercial, retail or business activities, whether for profit or nonprofit purposes, including sales, negotiations, the taking of orders and the displaying of wares, without the express written permission of the Secretary.

(10) *Certain signs prohibited.* Due to the constricted space and crowded conditions which often prevail inside the public areas of the buildings within the Capitol Complex, signs on hand-sticks are a safety hazard to visitors and occupants. They are not allowed.

(11) *Balloons.* Helium balloons are not allowed in public areas of the buildings within the Capitol Complex.

(12) *Food and beverages.* Food and beverages may not be served in the public areas inside the buildings within the Capitol Complex without the approval of the Secretary. See § 86.3(7) (relating to food and beverages). Food and beverages may be consumed only in the area approved for an event or exhibit, or in the cafeteria area.

(13) *Animals.* Except as may be required in the course of State business, animals are not allowed in the public areas inside the buildings within the Capitol Complex. Guide dogs, however, may be used when necessary to assist persons with disabilities in the buildings within the Capitol Complex. The owner or person having the animal under his control is responsible for the animal.

(14) *Additional policies for events and exhibits.* Requests to hold an exhibit or event in the public areas inside the buildings of the Capitol Complex will be scheduled on a first-come, first-served basis and meet the following criteria:

(i) Exhibits and events may not obstruct entrances, interrupt traffic flow through the building or disrupt Legislative sessions or the normal conduct of public business in the building.

(ii) Mounted materials, whether items of display or information related to displays, shall be secured to tripods, display panels or other freestanding devices. Panels, tripods and the like, when provided by the exhibitor, shall meet the approval of the Secretary.

(15) *Capacity.* The maximum capacity for each public area will be strictly enforced.

(16) *Camping and sleeping prohibited.* Camping or sleeping overnight in public areas of the Capitol or other buildings within the Capitol Complex is not allowed.

§ 86.5. Policy governing the exterior public areas of the Capitol Complex.

In its administration, operation and preservation of the Capitol Complex, the policy of the Department relating to the public use of the exterior public areas of the Capitol Complex will be as stated in this section.

(1) *Hours.* To maintain the security, safety and aesthetic appearance of the Capitol, Capitol grounds and the Capitol Complex, and to provide for regular maintenance, improvements or alterations, scheduled events or exhibits on the Capitol grounds shall occur only between the hours of 6 a.m. and 8 p.m. on a daily basis, and may not block any entrance or exit of the building or impede free access to the building by its occupants, the public or emergency apparatus. When either house of the Legislature or a Legislative committee is in session prior to 6 a.m. or after 8 p.m., the grounds shall be open with the commencement of the session and closed 2 hours after adjournment of the Senate, House of Representatives or Legislative committee.

(2) *Damage to Commonwealth property.* Defacing or damaging in any manner the Capitol grounds, including (without limitation) trees, shrubbery, flowers, lawns, sidewalks, fences, lighting fixtures, light wells, fire hydrants, benches, statues, monuments, plaques and subterranean features that are necessary for the maintenance and operation of the Capitol (such as lawn sprinkler systems, sewer and water mains, electrical conduit, and the like), or any other feature is not allowed. Likewise, defacing or damaging the exterior walls and surfaces of the building, including the entrances, porches and staircases, is not allowed.

(3) *Limitations applicable to certain Commonwealth property.* Stepping or climbing upon statues, monuments, fences, lighting fixtures, light wells, trees or parts of the buildings and grounds within the Capitol Complex not intended for these purposes is not allowed.

(4) *Demonstrations and leafleting.* Picketing, demonstrations and the distribution of literature may not impede or interfere with Commonwealth business or public access to and use of the buildings within the Capitol Complex. To inform individuals and organizations of the procedures for the use of public areas of the buildings within the Capitol Complex and grounds, it is recommended, but not required, that individuals and organizations desiring to distribute literature on the Capitol Complex grounds inform the Secretary of the date and time of the planned activity. To ensure the unimpeded conduct of public business, unobstructed access to the buildings within the Capitol Complex for occupants and the public, and to maintain the Capitol grounds, the Secretary may designate specific areas of the grounds for picketing and the distribution of literature. The Secretary's criteria for making designations will apply equally to all activities regardless of the content of any communications. Individuals distributing literature shall remove all discarded items from the grounds at the conclusion of their activity.

(5) *Driving stakes or other items into the ground prohibited.* Due to the presence of underground utility, electrical and drainage lines, signs or banners may not be driven into the ground, nor may they be supported in or by any tree, monument or other structure affixed to the Capitol grounds, except as authorized by the Secretary. Signs (excluding disclaimer signs required under § 86.3(8)(iv) (relating to policy governing the public areas of the Capitol Complex) or banners supported by freestanding devices) may not be left unattended, that is, an individual shall be stationed within 2 feet of a freestanding sign or banner at all times to prevent damage to the grounds, injury to individuals, and for security reasons.

(6) *Equipment and structures.* Equipment or structures of any kind that are placed on the Capitol grounds in connection with an event or exhibit shall be entirely removed at the conclusion of the event or exhibit, or no later than the time limitations set forth in paragraph (1).

(7) *Alcoholic beverages.* Alcoholic beverages may not be served or consumed in any public area within the Capitol Complex, except with the express permission of the Secretary.

(8) *Camping or sleeping.* Camping or sleeping overnight on grounds within the Capitol Complex is not allowed.

(9) *Structures.*

(i) To maintain the security, safety and aesthetic appearance of the buildings within the Capitol Complex and the Capitol grounds, and to provide for regular maintenance

nance, improvements or alterations, structures erected by an organization (whether for shelter or for any other purpose), as part of a scheduled event or exhibit, shall be removed from the grounds by the time set forth in paragraph (1).

(ii) The size, number and location of structures erected for shelter will be determined by the Secretary based on the physical condition of the grounds and the expected size and nature of the event or exhibit. The Secretary's determination will be stated in writing to the organization scheduling the event or exhibit. Structures erected for the purpose of shelter, such as tents for first aid or lost children, may not be used for habitation.

(iii) Structures for a scheduled event or exhibit, for purposes other than shelter, shall be limited in number to one and in size to 3 feet x 3 feet x 3 feet, and may not be capable of habitation. The Secretary will designate specified areas of the Capitol grounds for the location of structures of this kind. The Secretary's criteria for determining location will apply equally to all structures.

(10) *Vehicles.* Vehicles are not allowed on the Capitol grounds, except in areas designated for vehicular use or by permission of the Secretary.

§ 86.6. Scheduling events and exhibits.

Requests to schedule events or exhibits in the public areas of the Capitol Complex or on the Capitol grounds should be made to the Deputy Secretary for Central Services, 503 North Office Building, Harrisburg, Pennsylvania 17125.

(1) Requests will be scheduled on a first-come, first-served basis. Because the areas available for events and exhibits are limited and the demand is at times high, it is recommended, but not required, that requests be made at least 1 month in advance. In the case of exhibits, due to the length of time an exhibit may remain on display, additional lead time may be necessary to secure the desired space and date. These factors should be kept in mind when making requests. The Secretary may set reasonable limits on the number or frequency of events by a single person, group of persons or organization to afford reasonable opportunities for other persons, groups or organizations to schedule events or exhibits.

(2) Each request shall be in writing and contain the following information:

(i) The name and description of the sponsoring organization.

(ii) The name/address/telephone number of the contact person.

(iii) The name/address/telephone number of the back-up contact person.

(iv) A description of the planned event or exhibit.

(v) The date and hours requested for the event or exhibit, and the duration of the event or exhibit.

(vi) The area requested for use.

(vii) The number of anticipated attendees.

(viii) The method of transportation, and number and type of vehicles used to transport participants.

(3) Equipment or services available through the Department may be used in connection with an event or exhibit on an "as available" basis, upon payment of reasonable fees and charges. A list of the equipment and the charges is available upon request from the Secretary.

(4) Decisions made by the Secretary under this chapter will be made as promptly as possible, but no later than 3 State business days after receiving the written request.

(5) To schedule an event or exhibit, a sponsor will be required to sign an acknowledgment that the sponsor has read, understood and will abide by the procedures governing the use of the public areas of the buildings within the Capitol Complex; that the sponsor is responsible for damages incurred as a result of its event or exhibit; that the sponsor will either restore or pay to have restored the area used for its event or exhibit to the condition that existed prior to its use; and that the sponsor will indemnify and hold harmless the Commonwealth and its agents and employees, for damage or loss the Commonwealth incurs arising out of its use of the buildings within the Capitol Complex or the Capitol grounds. A sponsor that fails to abide by the terms of the agreement may be denied permission to schedule a future event or exhibit until the outstanding obligations have been fully satisfied.

Appendix A

[Pa.B. Doc. No. 96-1708. Filed for public inspection October 11, 1996, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Application Period for Farm Safety and Occupational Health Grant Program

The Department of Agriculture announces the opening of the application period for funding from the Farm Safety and Occupational Health (FSOH) Grant Program for FY 97. Grant applications will be accepted at the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Room G-13, Harrisburg, PA 17110-9408, from October 15, 1996 to January 30, 1997. Applications must be postmarked by January 30, 1997 to be considered for funding.

The FSOH Program was created by the General Assembly through the passage of the Farm Safety and Occupational Health Act (3 P. S. §§ 1901—1915) effective February 10, 1995. The program is funded through a specific appropriation provided for in the act. For program guidelines, see the Farm Safety and Occupational Health Grant Program Statement of Policy published at 7 Pa. Code, Ch. 138g.

The Farm Safety and Occupational Health Grant Program will award financial assistance, of up to \$2,500, to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs. The applications will be evaluated using criteria set forth in the Statement of Policy.

Obtaining Applications

Applications are available upon request by contacting Gay Kreiser at the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-7204 or by fax (717) 783-3275.

For further assistance, contact John Tacelosky, Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5217.

CHARLES C. BROSIUS,
Secretary

[Pa.B. Doc. No. 96-1709. Filed for public inspection October 11, 1996, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 1, 1996.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-96	NorthSide Bank Pittsburgh Allegheny County Purchase of assets/assumption of liabilities of two branch offices of First Home Savings Bank, FSB, Pittsburgh, located at: 701 Liberty Avenue Pittsburgh Allegheny County	Pittsburgh *20444 Rte. 19 North Cranberry Township Butler County	Approved
	*—Assumption of deposits only; said deposits will be transferred to the applicant's existing branch located at Route 19, Cranberry Township.		
10-1-96	Pittsburgh Home Savings Bank Pittsburgh Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, FSB, Pittsburgh, located at: 2905 West Liberty Avenue Pittsburgh Allegheny County	Pittsburgh	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-16-96	S & T Bank Indiana Indiana County	701 E. Pittsburgh St. Greensburg Westmoreland County	Opened
9-23-96	Farmers & Merchants Trust Company Chambersburg Franklin County	3 East First St. Boiling Springs Cumberland County	Opened
9-25-96	Old Forge Bank Old Forge Lackawanna County	304 Main Street Duryea Luzerne County	Filed
9-26-96	Pennsylvania State Bank Camp Hill Cumberland County	Cumberland Parkway Upper Allen Twp. Cumberland County	Approved
9-26-96	Berks County Bank Reading Berks County	4453 Fifth Street Highway Muhlenberg Twp. Berks County	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-27-96	Northern Central Bank Williamsport Lycoming	<i>From:</i> 104 N. Elmer Ave. Sayre Bradford County <i>To:</i> 230 Desmond St. Sayre Bradford County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-27-96	The York Bank and Trust Company York York County	1605 E. Market St. York York County	Effective
10-1-96	Bank of Hanover and Trust Company Hanover York County	North Hanover Mall Carlisle Street Hanover York County	Approved

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-1710. Filed for public inspection October 11, 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 applications of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible official 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 proceedings should contact the Community Relations Coordinator at (717) 657-4585. 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.

Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

PA 0042269. Sewage, SIC: 4952, **Lancaster Area Sewer Authority** 130 Centerville Road, Lancaster, PA 17603.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Dry Run, in Manor Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Safe Harbor Power Plant located in Manor Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 15 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N (5-1 to 10-31)	8.5			17
Total Phosphorus	2			4
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			

The EPA waiver is not in effect.

PA 0087653. Sewage, SIC: 6514, **William Morche (SFTP)**, 25B Douglass House, Douglassville, PA 19518.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to a dry swale, in Pike Township, **Berks County**.

The receiving stream is classified for exceptional value, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10			20
Total Suspended Solids	10			20
NH ₃ -N (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Total Residual Chlorine	nondetectable			
pH	from 6.0—9.0 inclusive			

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

The EPA waiver is in effect.

PA 0080187. Industrial waste, SIC: 4953, **Dauphin Meadows, Inc.** (Landfill), 310 Leger Road, North Huntingdon, PA 15642.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Wiconisco Creek, in Washington Township, **Dauphin County**. This discharge would replace an existing discharge to an unnamed tributary of Wiconisco Creek.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

A previous public notice presented effluent limits for interim Outfall 001 for a design flow of 0.03 mgd. This interim outfall discharges to an unnamed tributary of Wiconisco Creek.

The proposed effluent limits for final Outfall 001 for design flow of 0.05 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s.u.)	from 6.0—9.0 inclusive		
CBOD ₅	100	200	250
Total Suspended Solids	100	200	250
Total Dissolved Solids	monitor and report		
Ammonia Nitrogen	20	40	50
Dissolved Oxygen	5.0 mg/l at all times		
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200 100,000		
Antimony	0.45	0.90	1.13
Arsenic	0.05	0.10	0.13
Beryllium	0.005	0.010	0.013
Cadmium	0.005	0.010	0.013
Chromium (T)	0.125	0.25	0.313
Copper	0.05	0.10	0.13
Lead	0.036	0.072	0.090
Nickel	0.2	0.4	0.5
Selenium	0.01	0.02	0.03
Silver	0.010	0.020	0.025
Thallium	0.10	0.20	0.25
Zinc	1.0	2.0	2.5
Cyanide	0.02	0.04	0.05
Barium	0.30	0.60	0.75
Boron	3.0	6.0	7.5
Cobalt	0.05	0.10	0.13
Iron	22.70	45.40	56.70
Manganese	1.0	2.0	2.5
Tin	0.8	1.5	2.0
Aluminum	0.3	0.6	0.8
Vanadium	monitor and report		
Benzene	0.05	0.10	0.13
Chlorobenzene	0.05	0.10	0.13
1,1-Dichloroethane	0.09	0.18	0.23
Chloromethane	0.10	0.20	0.25
Methylene Chloride	0.10	0.20	0.25
Toluene	0.05	0.10	0.13
1,2-Transdichloroethylene	0.03	0.06	0.08
1,1,1-Trichloroethane	0.10	0.20	0.25
Phenol	0.05	0.10	0.13
Chloroform	0.010	0.020	0.025
Butyl Benzyl Phthalate	0.010	0.020	0.025
2-Chloronaphthalene	0.010	0.020	0.025
Diethyl Phthalate	0.03	0.06	0.08

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Isophorone	0.05	0.10	0.13
Lindane	0.007	0.014	0.018
4,4-DDT	0.000082	0.000164	0.000205
Acetone	0.1	0.2	0.3
2-Butanone	0.210	0.420	0.525
1,2,3-Trichloropropane	0.1	0.2	0.3
Xylene	monitor and report		
Tetrahydrofuran	0.03	0.06	0.08
P-cresol	0.050	0.100	0.125
2-Hexanone	0.02	0.04	0.05
4-Methyl-2 Pentanone	0.02	0.04	0.05
Dibromomethane	0.01	0.02	0.03

Outfalls 002, 003, 004 and 005 receive stormwater runoff from retention ponds.

Part C includes a schedule for construction of a new outfall line and rerating the leachate treatment plant from 0.03 mgd to 0.05 mgd.

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 0031658. Sewage, **Chadwick Mobile Home Park**, P. O. Box 56, Prosperity, PA 15329.

This application is for renewal of an NPDES permit to discharge treated sewage from Chadwick Mobile Home Park STP in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Fork of Bane Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Marianna Municipal Water Works.

Outfall 001: existing discharge, design flow of .008 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
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 1st month—36th month	monitor and report			
37th month—expiration	.08			.17
Dissolved Oxygen	not less than 5 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

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

PA 0002551. Industrial waste, SIC: 2911. **Pennzoil Products Company**, Rouseville Refinery, 2 Main Street, Rouseville, PA 16344.

This application is for renewal of an NPDES permit to discharge treated industrial waste, noncontact cooling water, and Group 1 and Group 2 stormwater to Oil Creek and its tributary Hamilton Run in Rouseville Borough, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed

downstream potable water supply considered during the evaluation is the Allegheny River and the Emlenton Municipal Water Authority located 40 miles below point of discharge.

Outfall No. 006

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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This discharge shall be regulated through Suboutfalls 106 and 206.

The proposed discharge limits for Outfall No. 106, based on a design flow of 0.634 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitoring and report		
BOD ₅	40.2	80	100
Total Suspended Solids	35.5	56	90
COD	245	475	600
Oil and Grease	13.4	25.2	30
Phenols	0.2	0.6	0.6
Ammonia (as N)	5.4	11.8	13.4
Sulfide	0.2	0.5	0.6
Total Chromium	0.3	0.8	0.8
Hexavalent Chromium	0.0025	0.0056	0.0063
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 013, based on a design flow of 0.042 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitoring and report		
BOD ₅			66
TSS			54
COD			450
Oil and Grease			15.7
Phenols			0.43
Chromium (Total)			1.1
(Hexavalent)			0.63
pH	6.0—9.0 at all times		

Outfalls:

- 010: Lat 41 27 44 Long 79 41 22
- 040: Lat 41 27 53 Long 79 40 56
- 041: Lat 41 27 57 Long 79 40 40
- 042: Lat 41 27 58 Long 79 40 36
- 043: Lat 41 27 56 Long 79 40 30
- 060: Lat 41 27 16 Long 79 41 15
- 061: Lat 41 27 13 Long 79 41 14
- 062: Lat 41 27 10 Long 79 41 13
- 063: Lat 41 26 58 Long 79 41 14
- 064: Lat 41 26 53 Long 79 41 18
- 065: Lat 41 26 53 Long 79 41 21
- 140: Lat 41 27 56 Long 79 41 02
- 240: Lat 41 27 58 Long 79 40 54
- 340: Lat 41 27 55 Long 79 40 51
- 440: Lat 41 27 57 Long 79 40 48

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon		110	138
Oil and Grease		15	30
pH	6.0—9.0 at all times		

Outfalls:

- 030: Lat 41 28 16 Long 79 41 35
- 031: Lat 41 28 04 Long 79 41 31

051: Lat 41 26 53 Long 79 41 20

206: Lat 41 27 35 Long 80 41 21

This discharge shall contain uncontaminated stormwater runoff only.

The EPA waiver is not in effect.

PA 0102296. Sewage, **Stephen M. Bartone**, 110 Garden Street, Conneaut, OH 44030.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage from Bartone's Stateline Service Center to an unnamed tributary to Raccoon Creek in Springfield Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Erie municipal water intake, approximately 23 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on average design flow of 0.0115 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine		
(interim)	monitor and report	
(final)	0.50	0.750
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

PA 0221589. Amendment No. 1. Industrial waste, SIC: 2514. **Cardinal American Corporation/Tel-O-Post**, 4911 Grant Avenue, Cleveland, OH 44125.

This application is for an amendment of an NPDES permit to discharge treated industrial waste groundwater to Linesville Creek in the Borough of Linesville, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Little Shenango River and Greenville Water Company located at Greenville Borough, approximately 18 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0288 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
Oil and Grease	15		30
Trichloroethylene	0.012		0.03
1,2,-cis-dichloroethylene	0.001		0.0025
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.

PA 0063568. Sewerage/Industrial waste, SIC: 4941, **Northampton Borough Municipal Authority**, 1717 Main Street, P. O. Box 156, Northampton, PA 17067.

This proposed action is for issuance of an NPDES permit to discharge treated process wastewater into Spring Creek in Whitehall Township, **Lehigh County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is City of Philadelphia Water Supply on Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0833 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Aluminum	4	8	
Manganese	1	2	
Total Iron	2	4	
Total Suspended Solids	30		60
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0070505-A1. Industrial waste, SIC: 2869, **Mallinckrodt Chemical, Inc.**, 2409 North Cedar Crest Boulevard, Allentown, PA 18104.

This proposed action is for amendment of an NPDES permit to discharge treated/process wastewater/cooling water into Jordan Creek in South Whitehall Township, **Lehigh County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the City of Allentown Emergency Intake located on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 3.9 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
Temperature	110°F		
(January)		100.8°F	
(Nov. 16-30)		98.6°F	
(December)		87.6°F	
CBOD ₅			
(5-1 to 10-31)	25.0	50.0	62.5
(11-1 to 4-30)	30.0	60.0	75.0
Total Suspended Solids	25.0	50.0	62.5
NH ₃ -N			
(5-1 to 10-31)	2.4	4.8	6.0
(11-1 to 4-30)	7.2	14.4	18.0
Phosphorus (as P)	7.0	14.0	17.5
Sulfate (as SO ₄)	500	1,000	1,250
Total Dissolved Solids	1,000	2,000	2,500
Color**	100	200	250
Dissolved Oxygen	minimum of 5 mg/l at all times		
pH	within limits of 6—9 standard units at all times		
Iron (Total)	1.0	2.6	3.3
Copper, Total	0.010	0.020	0.025
Lead	0.004	0.008	0.010
Silver, Total	0.0002	0.0004	0.0005
2-Chlorophenol	0.00012	0.00024	0.0003
2,4-Dichlorophenol	0.0004	0.0008	0.0010
4,6 Dinitro-O-Cresol	0.014	0.028	0.035
2-Nitrophenol	0.017	0.034	0.043
Acrylonitrile	0.0002 (Avg. Annual)		0.0024
Benzene	0.001 (Avg. Annual)		0.012
Carbontetrachloride	0.0003 (Avg. Annual)		0.0036
Chloroform	0.006 (Avg. Annual)		0.072
1,2 Dichloroethane	0.0004 (Avg. Annual)		0.0048
1,1 Dichloroethylene	0.00006 (Avg. Annual)		0.00072
Tetrachloroethylene	0.0007 (Avg. Annual)		0.0084
1,1,2-Trichloroethane	0.0006 (Avg. Annual)		0.0072
Vinyl Chloride	0.00002 (Avg. Annual)		0.00024
Benzo(A)Anthracene	0.000003 (Avg. Annual)		0.000036
Benzo(A)Pyrene	0.000003 (Avg. Annual)		0.000036
3,4-Benzo(B)Fluoranthene	0.000003 (Avg. Annual)		0.000036
Benzo(k)Fluoranthene	0.000003 (Avg. Annual)		0.000036
Chrysene	0.000003 (Avg. Annual)		0.000036
2,4-Dinitrotoluene	0.0001 (Avg. Annual)		0.0012
Fluorene	0.000003 (Avg. Annual)		0.000036
Hexachlorobenzene	0.0000007 (Avg. Annual)		0.0000084

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Hexachlorobutadiene	0.0005 (Avg. Annual)	0.0017	0.006
Hexachloroethane	0.002 (Avg. Annual)	0.010	0.024
Phenanthrene	0.000003 (Avg. Annual)		0.000036
Pyrene	0.000003 (Avg. Annual)		0.000036
1,2,4-Trichlorobenzene	0.023	0.046	0.058
Formaldehyde		not detectable using MAAM	
Acenaphthylene	0.000003 (Avg. Annual)		0.000036
Anthracene	0.000003 (Avg. Annual)		0.000036

The EPA waiver is not in effect.

Monitoring Point 101

The proposed effluent limits based on a design flow of 2.0 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
BOD ₅	45	120	
Total Suspended Solids	57	120	
pH	within limits of 6—9 standard units at all times		
Acenaphthene	0.022	0.059	
Acrylonitrile	0.096	0.242	
Benzene	0.037	0.136	
Carbon Tetrachloride	0.018	0.038	0.045
Chlorobenzene	0.015	0.028	0.038
1,2,4-Trichloro-Benzene	0.068	0.140	0.170
Hexachlorobenzene	0.015	0.028	0.038
1,2-Dichloroethane	0.068	0.211	
1,1,1-Trichloroethene	0.021	0.054	
Hexachlorothene	0.021	0.054	
1,1 Dichloroethane	0.022	0.059	
1,1,2 Trichloroethane	0.021	0.054	
Chloroethane	0.104	0.268	
Chloroform	0.021	0.046	0.053
2-Chlorophenol	0.031	0.098	
1,2-Dichlorobenzene	0.077	0.163	0.193
1,3-Dichlorobenzene	0.031	0.044	0.078
1,4-Dichlorobenzene	0.015	0.028	0.078
1,1-Dichloroethelene	0.016	0.025	0.040
1,2-Trans-Dichloroethylene	0.021	0.054	
2,4-Dichlorophenol	0.039	0.112	
1,2-Dichloropropane	0.153	0.230	0.380
1,3-Dichloropropylene	0.029	0.044	0.073
2,4-Dimethylphenol	0.018	0.036	0.045
2,4-Dinitrotoluene	0.113	0.285	
2,6-Dinitrotoluene	0.255	0.641	
Ethylbenzene	0.032	0.108	
Fluoranthene	0.025	0.068	
Methylene Chloride	0.040	0.089	0.100
Methyl Chloride	0.086	0.190	0.215
Hexachlorobutadiene	0.020	0.049	
Naphthalene	0.022	0.059	
Nitrobenzene	0.027	0.068	
2-Nitrophenol	0.041	0.069	0.103
4-Nitrophenol	0.072	0.124	0.180
2,4-Dinitrophenol	0.071	0.123	0.178
4,6 Dinitro-O-Cresol	0.078	0.277	
Phenol	0.015	0.026	0.038
BIS (2-Ethylhexyl)	0.103	0.279	
Phthalate	0.103	0.279	
Di-N-Butylphthate	0.027	0.057	0.068
Diethyl Phthalate	0.081	0.203	
Dimethylphthalate	0.019	0.047	
Benzo(A)Anthracene	0.022	0.059	
Benzo(A) Pyrene	0.023	0.061	
3,4-Benzo(B)Fluoran-Thene	0.023	0.061	
Benzo(K)Fluoranthene	0.022	0.059	
Chrysene	0.022	0.059	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Acenaphthylene	0.022	0.059	0.059
Anthracene	0.022	0.059	0.059
Fluorene	0.022	0.059	0.059
Phenanthrene	0.022	0.059	0.059
Pyrene	0.025	0.067	0.067
Tetrachloroethylene	0.022	0.056	0.056
Toluene	0.026	0.080	0.080
Trichloroethylene	0.021	0.054	0.054
Vinyl Chloride	0.104	0.268	0.268

PA 0013064. Industrial waste, SIC: 2816, **Harcros Pigments, Inc.**, 1525 Wood Avenue, Easton, PA 18042. This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into Bushkill Creek. This application also includes untreated noncontact cooling water and stormwater runoff discharge to Spring Brook in the City of Easton, **Northampton County**.

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

The proposed effluent limits for Outfall 002 based on a design flow of 1.30 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Total Dissolved Solids	10,000	15,000	
Ammonia-Nitrogen	20	40	50
Oil and Grease	10	30	30
Lead, Total	0.013	0.026	0.033
Zinc, Total	0.1	0.2	0.25
Iron, Total	1.0	2.0	2.5
pH	within limits of 6.0—9.0 standard units at all times		
Temperature*	110°F		

*In addition to Page 1, the following temperature limits will apply for Outfall 002:

<i>Parameter</i>	<i>Period</i>	<i>Maximum Daily °F</i>
Temperature	January 1-31	61
	February 1-29	65
	March 1-31	93
	April 1-30	110
	May 1-15	91
	May 16-31	96
	June 1-15	85
	June 16-30	87
	July 1-31	79
	August 1-15	78
	August 16-31	89
	September 1-15	73
September 16-30	67	
October 1-15	65	
October 16-31	60	
November 1-30	61	
December 1-31	56	

The proposed effluent limits for Outfall 001 (noncontact cooling water), based upon an average flow of 1.54 mgd are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Maximum Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature**			110°F
pH	within limits of 6.0—9.0 standard units at all times		

**The discharge may not change the temperature of the receiving stream by more than 2°F in any 1-hour period.

Outfalls 003 through 013 (except 006) are permitted to discharge stormwater only.

Other Conditions:

Thermal requirements, special test method for certain pollutant, chemical additives restrictions, annual inspection requirements.

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

PA 0010847. Industrial waste, **Henkel Corporation**, 300 Brookside Avenue, Ambler, PA 19002.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from Henkel Corporation in Lower Gwynedd Township, **Montgomery County**. This is an existing discharge to 001 and 002 Wissahickon Creek and 003 Houston Creek.

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

The proposed effluent limits for Outfall 001, 002 and 003, based on an average combined wastewater flow of 75,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions:

Stormwater Monitoring Requirements

The EPA waiver is in effect.

PA 0055948. Industrial waste, **Sun Refining and Marketing Company**, 1835 Market Street, Philadelphia, PA 19103.

This application is for amendment of an NPDES permit to discharge treated groundwater from a groundwater remediation system in Horsham Township, **Montgomery County**. This is an existing discharge to a storm sewer to Pennypack Creek.

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

The proposed amendment effluent limit for Outfall 001, based on an average flow of .0087 mgd is as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Manganese	monitor/report	monitor/report	monitor/report

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on DEP's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Southcentral Regional Office: Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0081574	Salisbury Township P. O. Box 562 Intercourse, PA 17534	Lancaster Salisbury	Unnamed Tributary to Pequea Creek	N/A
PA-0082325	SMD Enterprises, Inc. 252 Bow Creek Road Grantville, PA 17028	Dauphin E. Hanover Twp.	Unnamed Tributary Bow Creek	N/A

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

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

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

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

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

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

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

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

Northcentral Regional Office, Regional Water Management Program Manager, 208 W. Third Street, Williamsport, PA 17701, telephone (717) 327-3669.

Southcentral Regional Office, Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

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

NPDES Permit PAS100615. Stormwater. **Holliday Hills LP**, P. O. Box 419, Hollidaysburg, PA 16648 has applied to discharge stormwater from a construction activity located in Blair Township, **Blair County**, to UNT to Beaverdam Branch.

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

NPDES Permit PAS101709. Stormwater. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476 has applied to discharge stormwater from a construction activity located in Boggs Township, **Clearfield County**, to Clearfield Creek.

NPDES Permit PAS101710. Stormwater. **Joe Varacallo**, Developac, 996 Beaver Drive, DuBois, PA 15801 has applied to discharge stormwater from a construction activity located in Sandy Township, **Clearfield County**, to Sandy Lick Creek.

NPDES Permit PAS101711. Stormwater. **Clearfield Education Foundation**, 125 E. Market Street, Clearfield, PA 16830 has applied to discharge stormwater from a construction activity located in Lawrence Township, **Clearfield County**, to Clearfield Creek, Roaring Run and the west branch of the Susquehanna River.

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

NPDES Permit PAS10H064. Stormwater. **James Grandon, c/o Jack Gaughen Real Estate**, 3800 Market Street, Camp Hill, PA 17011 has applied to discharge stormwater from a construction activity located in Hampden Township, **Cumberland County**, to Sears Run.

Delaware County Conservation District, District Manager, 1521 N. Providence Rd., Media, PA 19063, telephone (610) 892-9484.

NPDES Permit PAS10J035. Stormwater. **County of Delaware**, Government Center Building, Media, PA 19063 has applied to discharge stormwater from a con-

struction activity located in Concord Township, **Delaware County**, to the west branch of Chester Creek.

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

NPDES Permit PAS10X067. Stormwater. **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671-0250 has applied to discharge stormwater from a construction activity located in Derry Township, **Westmoreland County**, to Miller Run.

Issuance of Final NPDES General Permit (PAG-5) for Discharges from Gasoline Contaminated Groundwater Remediation Systems

The Department of Environmental Protection (DEP) by this notice issues a final general National Pollutant Discharge Elimination System (NPDES) permit for discharges from gasoline-contaminated groundwater remediation systems to surface waters of the Commonwealth.

Appropriateness of a General NPDES Permit for Gasoline-Contaminated Ground Water Remediation System Discharges:

The Department's regulations at 25 Pa. Code § 92.81(a) provide for the issuance of a general NPDES permit when:

- a. The same, or substantially similar, types of operations are involved;
- b. The same types of waste are being discharged;
- c. The same effluent limitations and/or operating conditions are required;
- d. The same of similar monitoring is required;
- e. The discharge does not contain toxic or hazardous pollutants or any other substance which, because of its quantity, concentration, or physical chemical or infectious characteristics, may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into navigable water;
- f. The discharges are more appropriately controlled under a general permit than under individual permits;
- g. Individually and cumulatively, the discharges do not have the potential to cause significant adverse environmental impacts; and
- h. The discharge is not to "special protection" waters as defined in 25 Pa. Code Chapter 93 of the Department's Rules and Regulations.

The Department has determined that these discharges are a class of discharge with the same or similar operating conditions, wastes, effluent limitations and monitoring requirements, which are appropriately controlled under a general permit.

Description of the General Permit:

Eligibility Requirements

To be eligible to participate in the general permit, an applicant must demonstrate all of the following:

(1) The applicant has or will install treatment facilities which will produce an effluent meeting the discharge requirements contained in Part A of this permit.

(2) The applicant has submitted a Notice of Intent (NOI) in accordance with the requirements of this permit, using an NOI form provided by the Department.

A discharger seeking coverage under this General Permit cannot lawfully discharge under the permit until an administratively complete and acceptable NOI has been submitted and the discharger has received a signed copy of the permit notifying the applicant of coverage under the general permit and specifying a permit number. Permittees with existing discharges regulated by an individual NPDES permit may seek coverage under the general permit by submitting an administratively complete and acceptable NOI and documentation that the treatment system meets the design and performance standards of the general permit. If the NOI is acceptable and meets the criteria set forth in this permit, the Department will revoke the individual permit and notify the discharger that it is covered under the general permit.

The following discharges are not eligible for coverage under this permit:

- a. Discharges which contain hazardous pollutants, toxics or any other substance which—because of its quantity, concentration, or physical, chemical or infectious characteristics—may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into navigable waters;
- b. Discharges which individually or cumulatively have the potential to cause significant adverse environmental impact, including those discharges which would create a public health hazard or nuisance;
- c. Discharges to waters classified as "High Quality Waters" or "Exceptional Value Waters" under Chapter 93 of the Department's Rules and Regulations;
- d. Discharges which are not or will not be in compliance with any of the terms or conditions of the general permit;
- e. Discharges by persons with a significant history of noncompliance with prior permits issued by the Department;
- f. Discharges which do not or will not result in compliance with applicable effluent limitations or water quality standards;

g. Discharges which the Department determines require an individual NPDES permit to ensure compliance with the Clean Water Act, The Clean Streams Law, rules and regulations promulgated thereto; or where a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

h. Discharges of any substance other than from treated gasoline-contaminated groundwater remediation systems, including stormwater, industrial wastes, or any commercial or manufacturing wastes; or domestic sewage;

i. Discharges associated with an activity that is subject to an existing NPDES individual or general permit; except as provided in the general permit, or are from an activity for which an NPDES permit has been terminated or denied;

j. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat;

k. Discharges which would interfere with a downstream riparian landowner's reasonable use of surface waters or property rights or otherwise cause a private or public nuisance;

l. Discharges from facilities that do not meet the definition of "Gasoline Contaminated Groundwater Remediation System."

Effluent Limitations and Monitoring Requirements

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Sample Type</i>	<i>Monitoring Frequency</i>
Flow	M/R	M/R		Measured Flow	2/month
Benzene	0.001	0.002	0.0025	Grab	2/month
Total BETX	0.100	0.200	0.250	Grab	2/month
Ethylbenzene	M/R	M/R	M/R	Grab	2/month
Toluene	M/R	M/R	M/R	Grab	2/month
Xylenes, Total	M/R	M/R	M/R	Grab	2/month
MTBE	M/R	M/R	M/R	Grab	As Requested
pH (Std.Units)		Between 6.0 and 9.0 (Applies at all times)		Grab	2/month
Oil and Grease	15.0		30.0	Grab	As Requested
Iron, Dissolved			7.0	Grab	As Requested
Total Suspended Solids	30.0	60.0	75.0	Grab	As Requested

b. Other Conditions for all Discharges

(1) Samples shall be taken at least 10 days apart for a minimum of two sampling events.

(2) There shall be no discharge of floating solids or visible foam in other than trace amounts.

(3) Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge pipe after treatment.

(4) BETX shall be measured as the sum of benzene, ethylbenzene, toluene and xylenes. Benzene shall be measured by an EPA approved method with a sensitivity of 0.001 mg/l or lower. Ethylbenzene, toluene and xylenes shall be measured by an EPA approved method. Measurement for xylenes shall include ortho-, meta- and para-xylene.

Reporting Requirements

Permittees must submit a discharge monitoring report (DMR) for each month which summarizes the monitoring results for that month. The DMR must be submitted to the appropriate DEP regional office.

OTHER REQUIREMENTS

1. Solids Disposal

Sludges and other solids shall be handled and disposed of in compliance with 25 Pa. Code Chapters 262, 263 and 264 (related to permits and requirements for landfilling and storage of hazardous sludge) and other applicable State and Federal laws and regulations, the Federal Clean Water Act, RCRA and their amendments.

2. Other Wastewaters

There shall be no discharge of backwash or stripper tower cleaning wastewaters to waters of the Commonwealth. These wastewaters shall be discharged to a sanitary sewer system if allowed by the owner or may be

This General Permit contains the following effluent limitations and monitoring requirements:

EFFLUENT LIMITATIONS, SELF MONITORING AND REPORTING REQUIREMENTS

1. Effluent Limitations

Based on the wastewater characteristics and flow data described in the application for coverage, the following effluent limitations and monitoring requirements apply:

a. General Requirements (All values expressed in mg/l unless otherwise noted; M/R = Monitor and Report)

hauled off site for proper disposal, unless otherwise authorized by the Department.

3. Results Less Than Detection Levels

Samples for the parameters listed in Part A of this permit shall be analyzed using EPA approved test methods or Department approved equivalent methods. The test methods used shall be sensitive enough to detect the parameter at or below the discharge limitation specified in Part A.1.a. If the discharge limit is so low that it can not be detected, the most sensitive or approved method shall be used.

All sample results must be expressed as either the measured (quantified) value or as "less than" the detection level used in the test (for example, < x.x). Results shall not be reported as simply "Not Detected" or "ND." For computing average for DMR reporting and for determining permit compliance, all detection sample results which are "less than the detectable level" may be treated as zero values.

4. Malfunctioning Treatment System or Change in Conditions

If the treatment system is not operated in compliance with the conditions of the permit, or if the character of the waste changes, or if there is an increased load to the treatment system, or if the effluent fails to meet effluent limits or otherwise creates a public nuisance, such that the permittee is or will no longer be in compliance with any permit conditions, then, upon notice from the Department, the right to discharge under the general permit will cease. The Department may allow persons with such discharges a specified time period to implement remedial measures which result in a satisfactory effluent discharge into the receiving body of water.

5. Reopener Clause

If there is evidence indicating potential or realized impacts on water quality due to any Gasoline Contami-

nated Groundwater Remediation System discharge authorized under this general permit, the operator of such discharge may be required to obtain an individual permit, or the general permit may be modified to include different limitations and/or requirements.

6. Outfall Structures

Prior to construction of outfall structures, the permittee shall obtain any necessary Department approvals for construction in wetlands or floodplains.

Application (Notice of Intent) Requirements

Deadlines for a NOI and Associated Documents Submittal. Persons seeking coverage under this General Permit must submit an administratively complete and acceptable NOI, along with other documentation, at least 30 days prior to commencing any discharge under the permit. Persons currently authorized to discharge under an individual NPDES permit who are seeking coverage under this general permit may continue to discharge while their NOI and associated documents are being reviewed by the Department.

Contents of NOI. The NOI shall be signed in accordance with the signatory requirements of the permit and shall include the NOI information specified on the NOI Form and in the Instructions for completing the Form. The NOI Form and Instructions are attached to this general permit.

Where to Submit. NOIs are to be submitted to the appropriate regional office of the Department.

Fee. A \$100 fee is required to apply for coverage under this general permit.

Review of NOIs. Each NOI for coverage will be reviewed for compliance with the terms of the general permit. If the review indicates that the proposed discharge is acceptable for coverage, the Department will notify the discharger of coverage under the general permit and issue the general permit cover sheet with a unique NPDES identification number. Notice of each NOI for coverage and each approval for coverage will be published by the Department in the *Pennsylvania Bulletin*.

Public Comments

The Department has received public comments from four commentators on the proposed draft general permit (PAG-5) which was published in the *Pennsylvania Bulletin* on July 22, 1995 (25 Pa. B. 2947).

The major areas of comment on the draft general permit, and the Department's responses, are set forth as follows:

One commentator raised a concern that item m. in the list of proposed discharges not eligible to participate in the general permit is duplicative and confusing. The Department agrees and has removed item m. This item duplicates the non-eligibility criterion set forth in item f. which specifies that discharges which do not or will not result in compliance with effluent limitations and water quality standards are not eligible to participate in the general permit.

A second commentator stated that the requirement in the draft that an applicant seeking to participate in PAG-5 must have a Part II Water Quality Management permit for the construction or erection of a wastewater treatment facility is no longer necessary in light of the General Assembly's passage of the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908). The Department agrees, subject

to the following provisos. First, under section 902(a) of the act (35 P. S. 6026.902(a)), State or local permits are not required for remediation activities undertaken entirely on site which are undertaken under the requirements of the act.¹ Thus, a Part II permit is not required where remediation activities are undertaken entirely on site, under all applicable requirements of the act. If any of the applicable substantive or procedural requirements of the act are not satisfied, or if any part of the remediation activity is undertaken off site, a Part II permit may be required under section 308 of The Clean Streams Law (35 P. S. § 691.308). Second, even though remediation activities undertaken under the act do not need to obtain a Part II permit, the substantive requirements for a Part II permit, including the design and engineering requirements set forth in 25 Pa. Code Chapter 91, particularly sections 91.23 and 91.24, must still be satisfied when a remediation wastewater treatment facility is built. Section 902(b) of the act (35 P. S. § 6026.902(b)) allows the Department to waive requirements, such as the design and engineering requirements, upon a demonstration that any of the factors specified in section 902(b) merit such a waiver, and provided that the discharge will meet the effluent limits set forth in the general permit.

Accordingly, the final general permit has been changed to provide that remediations undertaken under the act need not obtain a Part II WQM permit for treatment facility construction, but must meet the design and engineering provisions of Chapter 91 unless a section 902(b) waiver has been obtained from the Department. All other remediation activities which are not undertaken under the act must comply with section 308 of the CSL and may need to obtain a Part II WQM permit for construction of treatment facilities. All treatment facilities must be designed to meet all applicable requirements set forth in Chapter 91.

A third commentator believes that the general permit should contain effluent limits for MTBE. Methyl tert-butyl ether (MTBE) is a volatile organic compound that is added to gasoline to increase octane and decrease carbon monoxide and ozone emissions to the air. MTBE is found predominantly in shallow ground water in urban areas; it is not known if it gets into ground water mainly from air deposition, gasoline refueling activities, spills, or from leaking gasoline storage tanks. MTBE is water soluble; once in ground water, MTBE resists decay when compared to other gasoline components like benzene. MTBE is classified by EPA as a possible human carcinogen. EPA has established a draft drinking water lifetime health advisory level (HAL) of 20-200 µg/l. A HAL is the maximum concentration of drinking water that is not expected to cause any adverse effects over a lifetime of exposure, with a margin for safety.

In response to the comment, the Department has inserted a "monitor and report" requirement for MTBE to obtain more information regarding its presence in discharges of gasoline contaminated ground water which have been treated to meet the effluent limits set forth in the general permit. Grab samples are required twice a month for general permit participants when requested by the Department. The Department will evaluate the data from the monitoring in the future to determine whether

¹ It should be noted that the Department is still requiring NPDES permits for remediation activities with surface water discharges, as applicable, under the authority of section 904(a) of the act (35 P. S. § 6026.904(a)), which provides that the Commonwealth shall not be prevented from enforcing numerical cleanup standards, monitoring requirements, or compliance requirements, which are required to be enforced by the Federal Government as a condition to receive program authorization, delegation, primacy or Federal funds.

to amend the general permit to include an effluent limit for MTBE or to delete it from the Permit.

Several commentators questioned the Department's proposed effluent limits for benzene of 1 ug/l (average monthly); 2 ug/l (maximum daily); and 2.5 g/l (instantaneous maximum). Benzene is a known human carcinogen which is found in gasoline. One commentator suggests that an effluent limit of 50 ug/l would be more appropriate. Another commentator believes that the benzene effluent limit exceeds EPA limits, is technically flawed, and is not in accord with Pennsylvania and Federal law. The commentator who supports a benzene effluent limit of 50 ug/l states several reasons for its belief. First, it believes that a limit of 1 ug/l is at or below the acceptable detectability rate and has a low reproducibility rate and confidence level. Next, the commentator asserts that the general permit is not consistent with site specific NPDES discharge limits. Finally, the commentator avers that the limit of 50 ug/l for petroleum substance remediation discharges set by the Texas Natural Resource Conservation Commission should govern here.

In response, the Department believes that EPA test method #602, which can detect benzene down to 0.2 ug/l provides a sufficient level of confidence as well as a five-fold error magnitude. Moreover, NPDES permittees have the opportunity to develop alternate detection limits under the Statement Of Policy at 25 Pa. Code § 16.102. As to the second concern raised by the commentator, the Department notes that the general permit is consistent with site specific NPDES discharge limits for surface water discharges from gasoline contaminated groundwater remediation systems in the Commonwealth. As to the third concern, the Department believes that a limit of 1 ug/l for benzene is currently technologically achievable and is protective of human health and the environment within its jurisdiction; the Texas criterion appears to be vastly underprotective for Pennsylvania waters.

The commentator who believes that the effluent limit of 1 ug/l for benzene is invalid states several rationales: (1) the limit is more protective than the EPA limit; (2) the limit is technically flawed; (3) the limit is invalid under State and Federal law; and (4) a higher limit would eliminate the occurrence of false exceedances. In response, the Department first notes that it does not know what EPA limits the commentator is referring to; the Department is unaware of any Federally promulgated effluent limits for benzene. Second, the Department believes that the benzene limit of 1 ug/l is technically sound and can be attained by current technology. Third, all legal procedures set forth in 40 CFR 125.3 regarding the use of Best Professional Judgment (BPJ) in calculating technology based effluent limits where no ELG exists were followed in developing the general permit. The Department considered: (i) the age of equipment and facilities involved; (ii) the process employed; (iii) the engineering aspects of the application of various types of control techniques; (iv) process changes; (v) the cost of achieving such effluent reduction; and (vi) non-water quality environmental impact, in developing the effluent limit. Finally, while it is true that a higher limit would eliminate more false exceedances, the Department is satisfied that test method #602 will accurately portray the amount of benzene in the discharge.

Another comment states that the BETX limit of 100 ug/l in the general permit should be replaced with a limit of 500 ug/l. The reason given for the higher limit is that the State of Texas has such a limit in place for petroleum remediation discharges, and therefore the Commonwealth

should follow suit. As with benzene, the Texas limitation for BETX appears underprotective for Pennsylvania waters and cannot be adopted by Pennsylvania in this general permit.

Two commentators suggest that monitoring flexibility be included in the general permit for participants with remediation systems that have operated for a long period of time and have a proven record of compliance with the general permit. In response, the Department believes that the monitoring requirements are already quite reasonable and that relaxing them would not provide an adequate measure of compliance with the permit limits. The Department will reevaluate the monitoring frequency upon receipt and evaluation of submitted data. If any changes are appropriate, they will be reflected if and when the Permit is modified or reissued at a later date.

One commentator opines that the Department should give consideration to modifying or simplifying the Part II WQM permit. In response, the Department notes that many remediation activities no longer require a Part II WQM permit, if done in accordance with the act of 1995. Moreover, those remediation activities that require a Part II permit may take advantage of the Department's policy to simplify and streamline Part II permitting (See 26 Pa. B. 377 (January 27, 1996)). Also, other changes which streamline and simplify the Part II review process can be undertaken outside of the context of this general permit without having to amend the general permit itself.

A commentator believes that the scope of the general permit should be expanded to include discharges from the remediation of diesel fuel, heating oil and lubricating oil. In response, the Department has decided to limit the scope of this general permit because of the commonality of gasoline contaminated groundwater remediation activities, their associated discharges, and available treatment systems and technologies. The inclusion of diesel, lubricating and heating oil into the general permit would necessitate numerous changes to and add to the complexity of the general permit. Surface water discharges from diesel, heating and lubricating oil remediation will continue to require an individual NPDES permit.

One of the commentators suggests that the combined application fee for the general permit and the Part II WQM permit should be \$100. The fee for Part II WQM permits is set at \$500 by regulation at 25 Pa. Code, § 91.22(3) and cannot be changed by this notice. As noted earlier, many remediation activities no longer require a Part II permit if they are undertaken under the act. These activities will only require a \$100 fee for the NPDES general permit, and any fees associated with the act. Remediation activities which require a Part II WQM permit remain subject to a \$500 fee for that permit and a \$100 fee for the NPDES general permit.

One commentator has requested that the Department amend language in its draft general permit regarding the right of the Department to revoke the ability to discharge under the general permit in certain circumstances. In response, the Department has amended the language commented on to read as follows:

"If the treatment system is not operated in compliance with the conditions of the permit, or if the character of the waste changes, there is an increased load in the treatment system, or if the effluent fails to meet effluent limits or otherwise creates a public nuisance, such that the permittee is or will no longer be in compliance with any permit conditions, then upon notice from the Department the right to discharge under the general permit will

cease. The Department may allow persons with such discharges a specified time period to implement remedial measures which result in a satisfactory effluent discharge into the receiving body of water."

Another commentator suggests that the Department expand the scope of the general permit to include discharges from remediation systems to groundwater. The Department does not, as a general matter, cover discharges to groundwater in its NPDES program. As such, the scope of this NPDES general permit is not being expanded to include discharges to groundwater. Industrial waste discharges to groundwater must obtain a Part II WQM permit under sections 307(a) and 308 of The Clean Streams Law (35 P. S. §§ 691.307(a) and 691.308).

A commentator believes that the Department should clarify the meaning of the eligibility requirements of the general permit with regard to situations where "a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source." This language is drawn word for word from the State regulation at 25 Pa. Code § 92.83(b)(3) and the Federal regulation at 40 CFR 122.28(b)(3)(i)(B) and remains unchanged in this general permit.

This general NPDES permit has been sent to the EPA Regional Administrative for Region III under 25 Pa. Code §§ 92.78 and 40 CFR Part 123.

Persons wishing to obtain a copy of the general permit and related documents should contact the appropriate DEP regional office for the county in which the discharge is located. General questions regarding the general permit should be directed to the following DEP central office:

Department of Environmental Protection, Bureau of Water Quality Management, Division of Permits and Compliance, 10th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 787-8184.

Persons with a disability with questions regarding the general permit, or seeking information about the general permit, or a copy of the general permit and associated materials, may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Public Hearing

The Department of Environmental Protection (DEP) will hold a public hearing on an individual National Pollution Discharge Elimination System (NPDES) permit application #PAS101308. The NPDES permit application was submitted by John J. Kovatch Jr. for discharges of stormwater from construction activities to First Hollow Run, an Exceptional Value (EV) Watershed as classified by Chapter 93, related to the proposed Little Flowers Estates residential subdivision located in Nesquehoning Borough, Carbon County.

The Department is in its final review stages of the project and has received a recommendation of approval from the Carbon County Conservation District.

The public hearing will only be held if significant public interest exists. If the Department does not receive any comments regarding this proposed activity within the 30 days allotted for reply, it will be understood that there is no significant interest and the public hearing will be canceled. The public hearing will tentatively be held on

November 14, 1996, at 7 p.m. in the Nesquehoning Borough building.

In order to develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of such intent to Kate Crowley, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing.

The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time will not be allowed. All individuals attending the hearing will have the opportunity to testify if they so desire, however, individuals who pre-register to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Richard Shudack of DEP at (717) 826-2060 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

Those unable to attend the hearing can submit written testimony or comment to the Department until November 18, 1996.

The NPDES permit application is available for review at DEP's regional office, 2 Public Square in Wilkes-Barre. Appointments for scheduling a review can be made by calling DEP's regional Records Management Section at (717) 826-2511. The permit application is also for review at the Carbon County Conservation District, 92 Blakeslee Boulevard East in Lehighton. Please call James Clauser, District Manager to schedule an appointment.

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or 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).

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

A. 0496202. Industrial waste, **Beaver Falls Municipal Authority**, 1425 Eighth Avenue, Beaver Falls, PA 15010. Application for construction and operation of a new raw water intake facility and new sludge handling facilities located in the Borough of Eastvale, **Beaver County** to serve the Eastvale Water Treatment Plant.

A. 6396202. Industrial waste, **Authority of the Borough of Charleroi**, 325-327 McKean Avenue, Charleroi, PA 15022. Application for the relocation of outfall for water treatment plant discharge from Maple Creek to the Monongahela River located in the Borough of Charleroi, **Washington County** to serve the Charleroi Borough Water Filtration Plant.

A. 0296411. Sewerage, **Elizabeth Township Sanitary Authority**, 522 Rock Run Road, Buena Vista, PA 15018. Application for the construction of a sanitary interceptor in the Fallen Timber Watershed located in the Township of Elizabeth, **Allegheny County** to serve the Fallen Timber Watershed—Lower Interceptor.

A. 3296402. Sewerage, **Helvetia Coal Company**, P. O. Box 729, Indiana, PA 15701. Application for the construction of a sewage treatment plant located in the Township of Blacklick, **Indiana County** to serve the Lucerne No. 6 Extension—Clawson Shaft Portal.

A. 6374419. Amendment No. 3. Sewerage, **Washington-East Washington Joint Authority**, 60 East Beau Street, P. O. Box 510, Washington, PA 15301-4514. Application for the modifications of pump stations, sewage treatment plant, Outfall and Headwall located in Washington City, **Washington County** to serve the Washington-East Washington Joint Authority Waste Water Treatment Plant.

A. 6396410. Sewerage, **Robert M. Ventura**, P. O. Box 486, Richeyville, PA 15358. Application for the construction of a pump station located adjacent to the west property line and will pump to the force main located on the north side of Old National Pike located in the Borough of Centerville, **Washington County** to serve the Centerpointe Station Development Company.

Southcentral Regional Office, Waste Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

A. 0596408. Sewerage, **Chestnut Ridge Area Joint Municipal Authority**, R. R. 1, Box A320, New Paris, PA 15554, East St. Clair Township, **Bedford County** to construct a wastewater collection, conveyance and treatment facility was received in the Southcentral Regional Office on September 19, 1996.

A. 6796411. Sewerage, **Memphord Estates**, 148 S. Baltimore Street, Dillsburg, PA 17019, Monaghan Township, **York County** to construct sewers, appurtenances and pump stations was received in the Southcentral Regional Office on September 23, 1996.

A. 0696410. Sewerage, **Karen H. Harakel**, 1685 Route 143, Lenhartsville, PA 19534, Lenhartsville Township, **Berks County** to construct a small flow treatment facility was received in the Southcentral Regional Office on September 17, 1996.

A. 0696411. Sewerage, **Amity Township**, P. O. Box 215, Douglassville, PA 19518, Amity Township, **Berks County** to construct a pump station was received in the Southcentral Regional Office on September 19, 1996.

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

WQM Permit No. 4396410. Sewerage, **Andrew C. Perlik**, SRSTP, 2002 Rutledge Rd., Transfer, PA 16154. This project is for the construction of a single residence sewage treatment plant in Delaware Township, **Mercer County**.

WQM Permit No. 4396411. Sewerage, **Marc L. Hawks**, SRSTP, 29 Plum Rd., Greenville, PA 16125. This project is for the construction of a single residence sewage treatment plant in West Salem Township, **Mercer County**.

WQM Permit No. 4396412. Sewerage, **Janet Ziglear**, SRSTP, 323 Sharon-Bedford Rd., West Middlesex, PA 16154. This project is for the construction of a single residence sewage treatment plant in Shenango Township, **Mercer County**.

WQM Permit No. 4396413. Sewerage, **John H. Miller**, SRSTP, 20 Jones St., Lot 10, Stoneboro, PA 16153. This project is for the construction of a single residence sewage treatment plant in Fairview Township, **Mercer County**.

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

0996416. Sewerage, **Bedminster Municipal Authority** (3112 Bedminster Road, Bedminster, PA 18910). Modification to existing sewage pump station and construction of a new force main to serve Stone Bridge located in Bedminster Township, **Bucks County**.

1596204. Industrial waste, **Hewlett-Packard Company, Corp., Real Estates Department** (3000 Hanover Street, Palo Alto, CA 94304). Construction of a groundwater remediation system to serve the Avondale Site located in New Garden Township, **Chester County**.

1596410. Sewerage, **Thornbury Township**, 8 Township Drive, Cheyney, PA 19319-1019. Construction of a pump station to serve Bridlewood Farms located in Thornbury Township, **Chester County**.

4696412. Sewerage, **Westrum Whitemarsh Limited Partnership**, (794 Penllyn Pike, Suite 101, Blue Bell, PA 19422). A proposed temporary containment system with two 9.25' x 20' x 11' sanitary holding tanks to serve the Estates at Whitemarsh Hills located in Whitemarsh Township, **Montgomery County**.

0996417. Sewerage, **Jeffrey Ayers**, 1830 Ridge Road, Sellersville, PA 18960). Construction of a small flow sewage treatment plant with spray field to serve the Jeffrey Ayers residence located in West Rockhill Township, **Bucks County**.

1596411. Sewerage, **North Coventry Municipal Authority**, (1485 East Schuylkill Road, P. O. Box 833, Pottstown, PA 19464-0833). Construction of a wastewater treatment plant expansion and upgrade to serve North Coventry Municipal Authority located in North Coventry Township, **Chester County**.

0996418. Sewerage, **The Cutler Group, Inc.**, (5 Sentry Parkway, Suite 100, 325 Walton Road, Blue Bell, PA 19422). Construction of two pump stations and force mains to serve Warrington Hunt and Folly Road located in Warrington Township, **Bucks County**.

4696419. Sewerage. **Upper Montgomery Joint Authority**, (P. O. Box 6, Mensch Dam Road, Pennsburg, PA 18073). Construction of a pump station to serve Colonial Village located in East Greenville Township, **Montgomery County**.

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

A. 1396402. Sewerage. **Nis Hollow Estates**, 312 Lower Nis Hollow Drive, Lehighton, PA 18235. Application to install a 10,000 gallon equalization tank to improve plant performance and efficiency at the existing sewage treatment plant, located in East Penn Township, **Carbon County**. Application received in the Regional Office August 21, 1996.

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

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

A. 4696509. Public water supply. **Superior Water Company, Inc.**, Robert A. Braglio, 1030 West Germantown Pike, Fairview Village, PA 19404. This proposal involves the construction of a new public water system to serve the Center Point Farm development. The project includes one well, new building, pumps, chlorination system, storage tank, a distribution system and a stand-by generator in Worcester Township, **Montgomery County**.

Southcentral Regional Office, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.

A. 0696509. Public water supply. **AVW Inc.**, Exeter Township, **Berks County**, (Donald L. Peifer, P. O. Box 264, Birdsboro, PA 19508), construction of new treatment facilities for previously unpermitted well no. 9. Well no. 9 is to be used at a rate of 90 gpm. Treatment will include sodium hypochlorite for disinfection and a shallow tray aerator for volatile organic compound removal, (Edward J. Gaydos, Vitillo Group, Inc./Flying Hills Corporate Center, Six Commerce Drive, Reading, PA 19607).

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

A. 0289508-A1. **Borough of Brackenridge**, 1000 Brackenridge Avenue, Brackenridge, PA 15014. Installation of a high service booster pump and new weir troughs at treatment plant, new emergency generator at pump station and miscellaneous pipe replacements, Brackenridge Borough, **Allegheny County**.

A. 0496503. **Beaver Falls Municipal Authority**, P. O. Box 400, Beaver Falls, PA 15010. Construction of a new raw water intake structure, Eastvale Borough, **Beaver County**.

A. 2696501. **Pleasant Valley Water Authority**, 2320 Moyer Road, Connellsville, PA 15425. Installation of waterline, two pressure reducing pits, and maintaining lines in Saltlick and Bullskin Townships, **Fayette County**.

Acknowledgment of Notices of Intent to Remediate

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection

under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

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

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

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

Southwest Field Office, John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-5217.

Borough of Ambridge, Borough of Ambridge, **Beaver County**. Borough of Ambridge, 600 Eleventh Street, Ambridge, PA 15003 has submitted a Notice of Intent to Remediate soil contaminated with lead, heavy metal, BTEX and PHCs. The applicant proposes to remediate the site to meet a special industrial area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on August 29, 1996.

Pittsburgh International Airport, Old Terminal, Fuel Distribution System, Moon Township, **Allegheny**

County. Allegheny County Department of Aviation, P. O. Box 12370, Pittsburgh, PA 15231-0370 has submitted a Notice of Intent to Remediate soil contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Tribune Review* on November 16, 1996.

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

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

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

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

Southwest Field Office, John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-5217.

Alcoa Pilot Atomizer, Upper Burrell, **Westmoreland County**. Thatcher O. Montgomery, 100 Technical Drive, Alcoa Center, PA 15069-0001 has submitted a Notice of Intent to Remediate soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard.

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

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

05-02002A. Construction of a thermoplastic rotocasting and decorative coating operation by **Hedstrom Corporation** (P. O. Box 432, Bedford, PA 15522-0432) in Bedford Township, **Bedford County**.

06-03551. Construction and modification of a graphite machining operation controlled by four fabric collectors by **M.G.P., Inc.** (P. O. Box 128, Topton, PA 19562) in Robesonia, **Berks County**.

06-1010A. Modification of four boilers by **Crompton & Knowles Color Incorporated** (P. O. Box 341, Reading, PA 19603) in Robeson Township, **Berks County**. One of the boilers is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

06-03221. Construction of a sulfuric anodizing line and control device by **Industrial Metal Plating, Inc.** (116 Mitchell Road, Reading, PA 19601-1195) in Bern Township, **Berks County**.

07-313-007A. Installation of a new packed column scrubber to replace three existing scrubbers on the ERCO chlorine dioxide plant and bleach plant equipment by **Appleton Papers, Inc.** (Spring Mill Plant, 100 Paper Mill Road, Roaring Spring, PA 16673) in Roaring Spring Boro, **Blair County**.

21-05030. Installation of a dual-fuel boiler by **Ahlstrom Filtration, Inc.** (P. O. Box A, Mt. Holly Springs, PA 17065) in Mt. Holly Springs, **Cumberland County**. The source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

36-313-030D. Modification of a pharmaceutical manufacturing operation by **Warner-Lambert Company** (400 West Lincoln Avenue, Lititz, PA 17543) in Lititz Borough, **Lancaster County**.

36-2025A. Installation of a gas turbine and emergency generator by **Texas Eastern Transmission Corporation** (14162 River Road, Marietta, PA 17547) in East Donegal Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart GG, Standards of Performance for New Stationary Sources.

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

17-302-022. Construction of a wood-fired boiler by **Burke-Parsons-Bowlby Corporation** (P. O. Box 287, DuBois, PA 15801) in Sandy Township, **Clearfield County**.

59-399-011A. Construction of a powdered metal parts sintering furnace by **Metalkraft Industries, Inc.** (P. O. Box 606, Wellsboro, PA 16901) in Charleston Township, **Tioga County**.

Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA-11-332A. **Cambria CoGen Company** (7201 Hamilton Boulevard, Allentown, PA 18195) for a selective non-catalyst reduction system on the boilers at its facility located in Cambria Township, **Cambria County**.

PA-04-038A. **Precision Kidd Steel Company** (One Quality Way, Aliquippa, PA 15001) for the acid pickling Department at its Aliquippa Plant located in Aliquippa Borough, **Beaver County**.

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

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

07-310-020D. The Department intends to issue an Air Quality Operating Permit to **New Enterprise Stone &**

Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664) for a limestone crushing plant controlled by water sprays and two fabric collectors located at their Roaring Spring plant in Taylor Township, **Blair County**. The sources are subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

32-310-001A. The Department intends to issue an Air Quality Operating Permit to **Edward C. Griffith Quarrying, Inc.** (R. R. 1, Box 176, Rochester Mills, PA 15771) for a Hewitt Robins Jaw Crusher at its Griffith Quarry located in North Mahoning Township, **Indiana County**.

03-308-002. The Department intends to issue an Air Quality Operating Permit to **Vista Metals, Inc.** (1024 East Smithfield Street, McKeesport, PA 15135) for a condenser on the materials dryers at its Kittanning Plant located in East Franklin Township, **Armstrong County**.

63-308-004A. The Department intends to issue an Air Quality Operating Permit to **Molycorp, Inc.** (300 Caldwell Avenue, Washington, PA 15301) for an aluminothermic reduction process at its Washington Plant located in Canton Township, **Washington County**.

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

59-304-006B. The Department intends to issue an operating permit to **Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912) for the operation of various iron casting grinders, sanders and spin blasters and associated air cleaning devices (two fabric collectors) in Blossburg Borough, **Tioga County**.

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

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

Permit: **46-310-046**
Source: Pilot Rotary Calciner
Company: **PQ Corp.**
Location: Whitemarsh
County: **Montgomery**

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.

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

Copies of the following applications are available for review from 8 a.m. to 4 p.m. in the DEP office, 2 Public Square Office, Wilkes-Barre, PA. A 30-day comment period, from the date of publication, will exist for the submission of comments.

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

Permit: **45-310-014.**
Source: Stone Crushing Operation w/Water Sprays
Received: September 26, 1996
Company: **Haines and Kibblehouse, Inc.**
Location: Smithfield Twp.
County: **Monroe**

Notice of Intent to Issue State Only Operating Permit #04-306

Per 25 Pa. Code § 127.424, notice is hereby provided that the Department intends to issue a facility-wide State Only Operating Permit to **BASF Corporation** (370 Frankfort Rd., Monaca, PA 15061) for the BASF Monaca facility operating in Potter Township, Beaver County.

Permit conditions cover all equipment located at this facility, including Raw Material Storage Tanks, Styrene/Butadiene production equipment, Acronal production equipment, and Primary, Secondary and Sanitary Wastewater Treatment Facilities. Emissions at this site are controlled with a Thermal Oxidizing Unit (with an enclosed flare for backup) and a Leak Detection and Repair Program. Annual emissions (after control) are established at 39 tons NO_x, 45 tons VOC, a total of 20 tons HAPs, and 5 tons or less of any individual HAP.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify #04-306).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000. For additional information contact Barbara R. Hatch, Air Pollution Control Engineer II, Air Quality Control at the same address.

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

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

A. 300558. Pennsylvania Power Co., 1 East Washington Street, P. O. Box 891, New Castle, PA 16103-0891. Little Blue Run Disposal Impoundment, Bruce Mansfield Plant, Box 128, Shippingport, PA 15077-0128. Application for a major permit modification to re-permit a Class II residual waste disposal impoundment in Greene Township, **Beaver County**. Received in the Regional Office on September 17, 1996.

MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—23 and 86.31—34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a

statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference, and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

56960110. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of bituminous strip-limestone removal mine in Brothersvalley Township, **Somerset County**, affecting 342.5 acres, receiving stream unnamed tributaries to Blue Lick Creek, application received September 19, 1996.

32960105. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of bituminous strip mine in Pine Township, **Indiana County**, affecting 18.5 acres, receiving stream unnamed tributary to Yellow Creek and Yellow Creek to Two Lick Creek to Conemaugh River, application received September 23, 1996.

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

02930201. Allegheny Valley Resources, Inc. (Box 1, Saxonburg Boulevard, Curtistown, PA 15032). Revision received to add fly ash/bottom ash disposal to an existing coal refuse reprocessing site with a coal preparation plant/processing facility located in West Deer Township, **Allegheny County**, affecting 56.0 acres. Receiving streams: Little Deer Creek and unnamed tributary to Little Deer Creek. Revision application received: September 18, 1996.

03960108. Dutch Run Coal, Inc. (A02-366, Shelocta, PA 15774). Application received for commencement, operation and reclamation of a bituminous surface mine located in Plumcreek Township, **Armstrong County**, proposed to affect 39.6 acres. Receiving streams: unnamed tributary to Crooked Creek to Crooked Creek. Application received: September 17, 1996.

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

17841604. Power Operating Company, Inc. (P. O. Box 25, Osceola Mills, PA 16666), to renew the permit for the Leslie Tipple Facility in Decatur Township, **Clearfield County** and to revise to add 69 support acres, no additional discharge. Application received September 6, 1996.

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

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for process 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 provision of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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

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

E428-001. Environmental assessment. **Jean C. Horst**, Franklin County Commissions Office, 157 Lincoln Way East, Chambersburg, PA 17201-2211. Remove county bridge 80 currently spanning the Conococheague Creek its bank foundation and headwall and restore the area to its original contour located (Williamson, PA Quadrangle N: 16.1; W: 6.1) Boundary of Antrum and Peters Townships. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

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

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

E08-237. Water obstruction and encroachment. **Susan P. Kulsar**, 376 Rutherford Ave., Franklin, NJ 07416-1525. The applicant proposes to construct and maintain a private road crossing Beckwith Creek for access to a single residence. The proposed road crossing shall be constructed with a corrugated metal culvert pipe that has a 72 inch diameter and a length of 20.0 feet. The project is located along eastern right-of-way of SR 0549 approximately 4,000.0 feet east of the intersection of SR 0549 and SR 4038 (Millerton, PA Quadrangle N: 9.6 inches; W: 1.0 inch) in Wells Township, **Bradford County**. Estimated stream disturbance 20.0 feet with no wetlands; stream classification is a Cold Water Fishery.

E41-389. Water obstruction and encroachment. **Ecks Garage, Inc.**, R. R. 2, Muncy, PA 17756. To place and maintain fill and to excavate of 0.4 acre of isolated palustrine emergent wetlands for the purpose of enlarging an existing parking lot and to relocate stormwater

drainage swales. The proposed work will permanently impact 0.3 acre and temporarily impact 0.1 acre of wetlands. The applicant proposes to meet the wetland replacement requirement by participating in the Pa. Wetland Replacement Project. The project site is located approximately 3.5 miles east of Montoursville and 0.3 mile southwest of I-180/Rt. 220 right-of-way (Muncy, PA Quadrangle N: 21.8 inches; W: 14.24 inches) in Fairfield Township, **Lycoming County**.

E53-291. Water obstruction and encroachment. **Wending Creek Farms**, 5 West Third St., Coudersport, PA 16915. To construct and maintain a private single span bridge for timber management with a clear span of 30 feet and a minimum underclearance of 6.5 feet across the Allegheny River. The project is located off SR 49 about 2.5 miles east of SR 44 (Sweden Valley, PA Quadrangle N: 13.3 inches; W: 12.6 inches) in Hebron Township. Estimated stream disturbance is 20 feet of stream and 0.02 acre of wetlands; stream classification CWF.

EA17-001NC. Environmental assessment. **Clearfield Area School District**, P. O. Box 710, Clearfield, PA 16830. To remove a 320 foot enclosure and re-establish an open flow channel in an unnamed tributary to the west branch Susquehanna River. The project is located 850 feet north of the intersection of Mt. Joy Road (SR 1006) and High Level Road (SR 1020) (Clearfield, PA Quadrangle N: 6.8 inches; W: 8.9 inches) in Lawrence Township, **Clearfield County**. Estimated stream disturbance is 320 feet; stream classification CWF.

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

E09-724. Encroachment. **Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067. To construct and maintain two parking area and recreational facilities within the 100-year floodplain of the Delaware River. The site is situated within the existing Macclesfield Park which is located east of the intersection of the Pennsylvania Canal (AKA Delaware Canal) with Conrail Tracks (Trenton West, NJ-PA Quadrangle N: 20.25 inches; W: 10.75 inches) in Lower Makefield Township, **Bucks County**.

E15-524. Encroachment. **North Coventry Municipal Authority**, 1485 East Schuylkill Road, Pottstown, PA 19464. To expand and maintain the North Coventry Wastewater Treatment Facility within the 100-year floodplain, to place and maintain fill within the 100-year floodway, and to construct and maintain an outlet structure at this location in and along the Schuylkill River (WWF-MF). The site is located approximately 1,400 feet east of the intersection of SR 0724 and the ramp to U. S. Route 422 (Phoenixville USGS Quadrangle N: 19.00 inches; W: 17.2 inches) in North Coventry Township, **Chester County**.

E09-725. Encroachment. **Northampton Bucks County Municipal Authority**, 111 Township Rd., Richboro, PA 18954. To rehabilitate, stabilize and maintain an eroded streambed and streambank of Pine Run Creek (TSF, MF). The project consists of the installation of a 192-foot long, 9-foot high gabion wall along the eastern streambank, and placement of a 100-foot long, 6-inch thick Reno mattress blanket to protect an existing sanitary sewer line located beneath the streambed. The project also includes removal of a 20-foot × 80-foot gravel bar along the northern streambank. The site is situated approximately 1 mile south from the intersection of Buck Road (S. R. 532) and Holland Road (Langhorne, PA

Quadrangle N: 10.6 inches; W: 11.6 inches) in Northampton Township, **Bucks County**.

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

D25-056. Dam. **Millcreek Township**, 3608 W. 26th Street, Erie, PA 16505. To modify, operate and maintain the existing Bedner Dam across a tributary to Marshall Run. The dam crest serves as a driveway from Pond View Road to a residence, in Millcreek Township, **Erie County**.

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631-641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA26-846B. Water allocation. **Pleasant Valley Water Authority, Fayette County**. Pleasant Valley Water Authority has submitted an application, requesting permission to acquire rights for the acquisition of 50,000 gallons per day of water, as a daily peak, from the Indian Creek Valley Water Authority, Bullskin Township, Fayette County, Pennsylvania.

WA65-298E. Water allocation. **Highridge Water Authority, Westmoreland County**. The Highridge Water Authority, Indiana County, has filed an application, requesting permission to extend its water service area into Strangford, in Burrell Township, Indiana 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

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

NPDES Permit No. PA0001571. Industrial waste, **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930 is authorized to discharge from a facility located at Elmira Power Station, Union Township, **Washington County** to the Monongahela River.

NPDES Permit No. PA0001627. Industrial waste, **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930 is authorized to discharge from a facility located at Cheswick Power Station, Springdale Borough, **Allegheny County**.

NPDES Permit No. PA0003824. Industrial waste, **Calgon Corporation**, P. O. Box 1346, Pittsburgh, PA 15230 is authorized to discharge from a facility located at Ellwood City Plant (North and South Complex), Route 65 and Chem Road, Franklin Township, **Beaver County** to unnamed tributary to Connoquenessing Creek (Outfalls 001-004) and Connoquenessing Creek (Outfalls 005-016).

NPDES Permit No. PA0004472. Amendment No. 2. Industrial waste, **USX Corporation**, U. S. Steel Group, 600 Grant Street, Pittsburgh, PA 15219 is authorized to discharge from a facility located at Clairton Works, Clairton, **Allegheny County**.

NPDES Permit No. PA0111279. Industrial waste. **Hooversville Borough Municipal Authority**, Main Street, Hooversville, PA 15936.

This notice reflects changes from the notice published in the 7-6-96 *Pennsylvania Bulletin*.

Parameter	Mass (lb/day)		Average Monthly	Concentrations (mg/l)		
	Average Monthly	Max. Daily		Average Weekly	Maximum Daily	Instantaneous Maximum
Thallium						Monitor and Report

NPDES Permit No. PA0111279. Industrial waste, **Hooversville Borough Municipal Authority**, Main Street, Hooversville, PA 15936 is authorized to discharge from a facility located at Hooversville Borough Water Treatment Plant, Quemahoning Township, **Somerset County** to unnamed tributary (45611) to Stony Creek.

NPDES Permit No. PA0026778. Sewage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963 is authorized to discharge from a facility located at IngleSide Sewage Treatment Plant, Richland Township, **Cambria County** to Outfall 001-tributary of Stoney

Creek (Locally known as Spring Run), and Outfall 006—Stoney Creek.

NPDES Permit No. PA0031704. Sewage, **Robert McCool**, R. D. 4, Pine Crest, Johnstown, PA 15905 is authorized to discharge from a facility located at Leisure Village Sewage Treatment Plant, Jackson Township, **Cambria County** to an unnamed tributary of Hinckston Run.

NPDES Permit No. PA0045438. Sewage, **U. S. Government**, Department of the Army, Oakdale, PA 15071-5000 is authorized to discharge from a facility located at

Charles E. Kelly, U. S. Army Support Element STP, Collier Township, **Allegheny County** to Robinson Run.

NPDES Permit No. PA0205524. Sewage, **Amy C. Smeltzer**, 297 Ford City Road, Freeport, PA 16229 is authorized to discharge from a facility located at Smeltzer Single Residence STP, South Buffalo Township, **Armstrong County** to an unnamed tributary of Hill Run.

NPDES Permit No. PA0021148. Sewage, **Borough of Mt. Pleasant**, Municipal Building, Etze Avenue, Mt. Pleasant, PA 15666 is authorized to discharge from a facility located at Mt. Pleasant Sewage Treatment Plant, Mt. Pleasant Township, **Westmoreland County** to Shupe Run.

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

NPDES Permit No. PA0102369. Sewage, **Rainbow Valley Mobile Home Park**, 400 Lord Road, Fairview, PA 16415 is authorized to discharge from a facility located in Waterford Township, **Erie County** to an unnamed tributary to LeBoeuf Creek.

NPDES Permit No. PA0002381. Industrial waste, **Astor Corporation**, Petrowax Refining Division, Emlenton Plant, Emlenton Plant, PA 16373 is authorized to discharge from a facility located in Emlenton Borough, **Venango County** to the Allegheny River.

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

NPDES Permit No. PA0054810. Sewerage, **Upper Frederick Township**, P. O. Box 597, Frederick, PA 19435-0597 is authorized to discharge from a facility located in Upper Frederick Township, **Montgomery County** into an intermittent swale tributary to Goshenhoppen Creek.

NPDES Permit No. PA0053929. Sewerage, **Barryway Enterprises, Inc.**, t/a Bubba's Potbelly Stove, 1485 Route 309, Quakertown, PA 18951 is authorized to discharge from a facility located in Springfield Township, **Bucks County** into a tributary to Tohickon Creek.

NPDES Permit No. PA0056880. Industrial waste, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19055 is authorized to discharge from a facility located in Tullytown Borough, **Bucks County** into the Delaware River via Franklin Cove.

NPDES Permit No. PA0030970. Sewerage, **Cheyney University of PA**, P. O. Box 62, Cheyney University, Cheyney, PA 19319 is authorized to discharge from a facility located in Thornbury Township, **Delaware County** into the East Branch of Chester Creek.

NPDES Permit No. PA0050920. Sewerage, **William Henry Apartments**, 1086 King Road, Malvern, PA 19355 is authorized to discharge from a facility located in Whiteland Township, **Chester County** into an unnamed tributary to Ridley Creek.

NPDES Permit No. PA0050741. Sewerage, **Selas Corp. of America**, 2034 South Limekiln Pike, Dresher, PA 19025 is authorized to discharge from a facility located in Upper Dublin Township, **Montgomery County** into an unnamed tributary to Sandy Run.

NPDES Permit No. PA0056456. Sewerage, **Metro Machine Corp.**, P. O. Box 1860, Norfolk, VA 23501 is

authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware River.

NPDES Permit No. PA0011533. Industrial waste, **Sun Company, Inc.**, (R&M), Girard Point Processing Area, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Schuylkill River Zone 4 of the Delaware River Estuary.

NPDES Permit No. PA0013714. Industrial waste, **PECO Energy Company**, No. 1 Industrial Highway, Eddystone, PA 19022 is authorized to discharge from a facility located in Eddystone Borough, **Delaware County** into the Delaware River Estuary Zone 4 and Crum Creek.

NPDES Permit No. PA0056987. Sewerage, **Lucille Sliker**, 1448 Revelation Road, Abington, PA 19001 is authorized to discharge from a facility located in Abington Township, **Montgomery County** into a tributary to Robinhood Brook Creek.

NPDES Permit No. PA0040886. Sewerage, **Upper Pottsgrove Township**, 1420 Heather Place, Pottstown, PA 19464 is authorized to discharge from a facility located in Upper Pottsgrove Township, **Montgomery County** into an unnamed tributary to Manatawny Creek.

NPDES Permit No. PA0013714. Industrial waste, **PECO Energy Company**, No. 1 Industrial Highway, Eddystone, PA 19022, Eddystone Borough, **Delaware County**.

The following notice reflects changes to the notice published in the August 3, 1996, *Pennsylvania Bulletin*:

Requirements to sample Outfalls 001 and 002 were deleted due to runoff from the parking lots. Limits for oil and grease at Outfall 005 were deleted and a compliance time of 2 years was provided to meet limits for total suspended solids at Outfall 005. At Outfalls 007 and 008 limits for free available chlorine and oil and grease were removed based on ELGs. The limit of 60 mg/l as maximum daily for TSS at internal monitoring points 107 and 108 were revised to 100 mg/l based on ELGs.

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

NPDES Permit No. PA0063541. Sewerage, **Anthony Marino, t/a Jellystone Park Camp Resort**, HC-1, Box 113, Hawley, PA 18428 is authorized to discharge from a facility located in Paupack Township, **Wayne County** to an unnamed tributary to Lake Wallenpaupack.

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

Allegheny County Conservation District, District Manager, 875 Greentree Road, Room 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

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

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

Berks County Conservation District, District Manager, P. O. Box 520, Ag. Ctr., Leesport, PA 19533, telephone (610) 372-4657

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

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

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

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

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

Delaware County Conservation District, District Manager, 1521 N. Providence Rd, Media, PA 19063, telephone (610) 892-9484

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

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

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

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

Mercer County Conservation District, District Manager, R. R. 2, Box 2055, Mercer, PA 16137, telephone (412) 662-2242

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

Northumberland County Conservation District, District Manager, R. R. 3, Box 238C, Sunbury, PA 17801, telephone (717) 988-4224

Schuylkill County Conservation District, District Manager, Schuylkill Mall, Frackville, PA 17931, telephone (717) 874-3130

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

York County Conservation District, District Manager, 118 Pleasant Acres Rd, York, PA 17402, telephone (717) 840-7430

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A176	David Bennett III 19th and Main Sts. Pittsburgh, PA 15215	Allegheny Co. Harmar Twp.	Allegheny River
PAR10A184	Tribune Review Pub. Co. 622 Cabin Hill Dr. Greensburg, PA 15601	Allegheny Co. Marshall Twp.	Brush Crk.
PAR10A182	James West Sr. 100 Arthur Dr. Wexford, PA 15090	Allegheny Co. Hampton Twp.	Pine Crk.
PAR10B012	Ford City National Guard Armory 18th and Herr Sts., Harrisburg, PA 17120	Armstrong Co. Manor Twp.	Garretts Run
PAR100236	Donald O'Laver, Royce Development Inc. 132 Ponderosa Dr. Beaver Falls, PA 15010	Beaver Co. Chippewa Twp.	N. Br. Brady's Run
PAR100417	Dolores Holler 17626 York Rd. Hagerstown, MD 21740	Bedford Co. Harrison Twp.	Buffalo Run
PAR10C161	Reading Regl. Airport 2501 Bernville Rd. Reading, PA 19605	Berks Co. Bern Twp.	Schuylkill Rvr.
PAR10C163	NGK Metals Corporation P. O. Box 13367 Reading, PA 19612	Berks Co. Muhlenberg Twp.	Laurel Run Crk.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality-</i>	<i>Receiving Stream</i>
PAR10C165	Associated Wholesalers P. O. Box 67 Robesonia, PA 19551	Berks Co. Heidelberg Twp.	Furnace Crk.
PAR10E055	Donald Rogers 215 Corporate Dr. Cranberry Twp, PA 16066	Butler Co. Cranberry Twp.	Brush Crk.
PAR10E056	Mark Cozad 407 Woodcock Dr. Cranberry Twp, PA 16066	Butler Co. Cranberry Twp.	Brush Crk.
PAR10F006-1	Jack and Meredith Rischeberger 10747A-Boca Club Boulevard Boca Raton, FL 33487	Centre Co. Spring Twp.	Logan Branch
PAR10G176	Raymond Iacoburri 2 EF Raymond Dr. Havertown, PA 19083	Chester Co. Thornbury Twp.	Chester Crk.
PAR10G188	Anthony Stancato Jr. 100 E Gay St. West Chester, PA 19380	Chester Co. W. Goshen Twp.	E. Br. Chester Crk.
PAR10G193	Charles Wilkinson R. D. 1, Box 185 Landenberg, PA 19350	Chester Co. New Garden Twp.	Broad Run Crk.
PAR10G201	Bentley Development 1595 Paoli Pke. West Chester, PA 19380	Chester Co. E. Bradford Twp.	Plum Run
PAR10G200	Chester County Area Airport Authority 1 Earhart Dr. Coatesville, PA 19320	Chester Co. Valley Twp.	Sucker Run
PAR10I727	Clearfield County Commissioners County Courthouse Clearfield, PA 16830	Clearfield Co. Lawrence Twp.	W. Br. Susquehanna
PAR10I728	Edsel and Alfred Hurwitz 43 Irvin Drive Philipsburg, PA 16866	Clearfield Co. Decatur Twp.	Laurel Run
PAR10H107	Members 1st Federal Credit Union 5275 E. Trindle Rd. Mechanicsburg, PA 17055	Cumberland Co. L. Allen Twp.	Cedar Run
PAR10H109	Mechanicsburg G. F. Investors Co. 5401 Carlisle Pike Mechanicsburg, PA 17055	Cumberland Co. Hampden Twp.	Conodoguinat Crk.
PAR10H111	Keen Leasing Inc. P. O. Box 710 Carlisle, PA	Cumberland Co. Middlesex Twp.	Yellow Breeches
PAR10J084	Aston Township 188 Pernell Rd. Aston, PA	Delaware Co. Aston Twp.	Chester Crk.
PAR102508	Laurel Run Development 123 Terrace Rd. St. Marys, PA 15857	Elk Co. St. Marys Twp.	Elk Crk.
PAR103129	Indiana Hospital P. O. Box 454 Indiana, PA	Indiana Co. White Twp.	Marsh Run
PAR10-O-218	R Mac Reeves 1961 Landis Valley Rd. Lancaster, PA 17601	Lancaster Co. Manheim Twp.	Ltl. Conestoga Crk.
PAR10-O-216	William Yoder 925 Glory Ln. Narvon, PA	Lancaster Co. Hampfield Twp.	UNT to Chickies Crk.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality-</i>	<i>Receiving Stream</i>
PAR10-O-224	Lancaster Laboratories 2425 N. Holland Pke. Lancaster, PA 17601	Lancaster Co. U Leacock Twp	UNT to Conestoga Rvr
PAR10-O-228	Hempshade Partners/Burkwood Assocs. 255 Butler Ave., Ste. 203 Lancaster, PA 17601	Lancaster Co. E Hempfield Twp	N/A
PAR10R094	Luzerne Co. Comm. Coll. 1333 S. Prospect St. Nanticoke, PA 18634	Luzerne Co. City of Nanticoke	Municipal Sewer
PAR104327	Prime Retail L. P. 100 E Pratt St. Baltimore, MD 21202	Mercer Co. Springfield Twp	UNT
PAR10T284	Wissahickon Area School District 601 Houston Rd. Ambler, PA 19002	Montgomery Co. L Gwynedd Twp	Wissahickon Crk.
PAR10T297	Corrado Constr. Company 1021 Egypt Rd. Oaks, PA 19456	Montgomery Co. Franconia Twp.	UNT to Indian Crk.
PAR10T288	Foster Manufacturing 414 N 13th St. Philadelphia, PA 19108	Montgomery Co. Pottstown Boro	Manatawny Crk.
PAR10T293	Montgomery Co. Dept. of PA P. O. Box 311 Norristown, PA 19404	Montgomery Co. U Frederick Twp.	Deep Creek Lake
PAR10T298	General Instrument Corp. 2200 Byberry Rd. Hatboro, PA 19040	Montgomery Co. Horsham Twp.	Davis Grove
PAR10T272	Trim Development Co. 229 Congo-Niantic Rd. Barto, PA 19504	Montgomery Co. Pennsburg Twp.	Perkiomen Crk.
PAR10T278	Constitution Bank 1608 Walnut St. Philadelphia, PA	Montgomery Co. Skippack Twp.	UNT to Perkiomen
PAR10T305	Turnpike Comm. P. O. Box 67676 Harrisburg, PA 17106	Montgomery Co. U Merion Twp.	Various streams
PAR10T307	Samuel George Jr. 1060 Conshohocken Rd. Conshohocken, PA 19428	Montgomery Co. Plymouth Twp.	Schuylkill Rvr.
PAR10T311	Plymouth Twp. 1700 Belvoir Rd. Norristown, PA 19401	Montgomery Co. Plymouth Twp.	Plymouth Crk.
PAR104913	William Burkholder R. R. 2, Box 122 Watsontown, PA 17777	Northumberland Co. Lewis Twp.	UNT to Beaver Run
PAR105738	William Moss-Kenneth Hubner 105 W. Market St. Orwigsburg, PA	Schuylkill Co. Wayne Twp.	L. Little Swatara
PAR10X097	West Penn Power 800 Cabin Hill Dr. Greensburg, PA 15601	Westmoreland Co. L & U Burrell Twp.	Pucketa Crk.
PAR10X098	Kiski Area School Dist. 200 Poplar St. Vandergrift, PA 15690	Westmoreland Co. Allegheny Twp.	Kiski River
PAR10X099	DEP, BAMR 122 South St. Ebensburg, PA	Westmoreland Co. Unity Twp.	Four Mile Run

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality-</i>	<i>Receiving Stream</i>
PAR10X100	Kennametal Inc. P. O. Box 231 Latrobe, PA 15650	Westmoreland Co. Unity Twp.	Loyalhanna Crk.
PAR10Y219	Sarah Woods Estates P. O. Box 163 Red Lion, PA 17356	York Co. Windsor Twp.	Kreutz Crk.
PAR10Y224	Maryland View Farms 1566 Black Rock Rd. Brodbecks, PA 17329	York Co. W. Manheim Twp.	UNT to W. Br. Codorus Crk.
PAR10Y228	York Co. Indus. Dev. Corp. 1 Market Way E. York, PA 17401	York Co. City of York	Willis Run
PAR10Y226	Donald Larkin R. D. 1, Box 153D Seven Valleys, PA 17360	York Co. Windsor Twp.	UNT to Kreutz Crk.

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 (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.

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

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

<i>NPDES No.</i>	<i>GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG066123	6	West Homestead Borough 401 West Eighth Avenue West Homestead, PA 15120	Allegheny W. Homestead Borough	Monongahela River	4952
PAG066124	6	Dale Borough 810 Bedford Street Johnstown, PA 15902	Cambria Dale Borough	Solomon Run	4952
PAG066122	6	East Conemaugh Borough 355 First Street East Conemaugh, PA 15909	Cambria E. Conemaugh Boro.	Unnamed Tributary to Little Cone-maugh River	4952
PAG046115	4	James and Marlene McKinnon 1642 Old Leechburg Road New Kensington, PA 15068	Allegheny Plum Borough	Tributary to Plum Creek	8811

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10R018	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Wilkes-Barre, PA 18711-0790	Black Creek and Sugarloaf Townships Luzerne County	Tributary to Black Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-J034	Bonaventure Builders Inc. 449 Mt. Alverno Road Media, PA 19064	Edgmtown Township Delaware County	Ridley Creek
PAS10-T067	T. H. Properties PO Box 159 Franconia, PA 18924	Lower Salford Township Montgomery County	Skippack Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10F057	Frank Kissinger 245 S. Allen St. State College, PA 16801	Harris and Potter Twp. Centre County	Cedar Run

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

Permits Issued

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

Permit No. 1196201. Industrial waste, **Johnstown Wire Technologies, Inc.**, 124 Laurel Avenue, Johnstown, PA 15906. Construction of a steel mill located in the City of Johnstown, **Cambria County** to serve the Johnstown Plant.

Permit No. 2696203. Industrial waste, **Consol Docks, Inc.**, 1800 Washington Road, Pittsburgh, PA 15241. Construction of a coal transfer facility located in the Township of Luzerne, **Fayette County** to serve the Alicia Docks Facility.

Permit No. 0296410. Sewerage, **James and Marlene McKinnon**, 1642 Old Leechburg Road, New Kensington, PA 15068. Construction of a single residence STP located in the Borough of Plum, **Allegheny County** to serve the McKinnon Residence.

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

WQM Permit No. 2596411. Sewage, **Fairview School District**, 7460 McCray Road, Fairview, PA 16415. This project is for the construction of an aerated equalization basin in Fairview Borough, **Erie County**.

WQM Permit No. 4396408. Industrial waste, **Municipal Authority of the Borough of Greenville**, 44 Clinton Street, P. O. Box 638, Greenville, PA 16125. This project is for plans to operate existing settling and sludge handling facilities in Greenville Borough, **Mercer County**.

WQM Permit No. 1696201. Industrial waste, **Hawthorn Area Water Authority**, P. O. Box 241, Hawthorn, PA 16240. This project is for plans to construct and operate treatment facilities to treat the discharge of filter backwash wastewater in Hawthorn Borough, **Clarion County**.

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

Permit No. 0996411. Sewerage, **Warwick Township Water and Sewer Authority** (P. O. Box 315, 2242 Old

York Road, Jamison, PA 18929). Construction and operation of a wastewater treatment plant located in Warwick Township, **Bucks County** to serve Country Crossing.

Permit No. 4696414. Sewerage, **Pat Dantis** (216 Neiffer Road, Schwenksville, PA 19473). Construction of a small flow sewage treatment plant located in Limerick Township, **Montgomery County** to serve the Dantis property.

Permit No. 1596405. Sewerage, **Willistown Township Board of Supervisors** (P. O. Box 688, Sugartown Road, Malvern, PA 19355). Construction of a sewage treatment plant located in Willistown Township, **Chester County** to serve Penns Preserve.

Permit No. 1596409. Sewerage, **Willistown Township** (688 Sugartown Road, Malvern, PA 19355). Construction and operation of 15 individual grinder pumps and a common force main located in Willistown Township, **Chester County** to serve the Meadowbrook Farm residential subdivision.

Permit No. 4696410. Sewerage, **John D. Cabot** (3353 Salford Station Road, Perkiomenville, PA 18074). Construction and operation of a sewage treatment plant located in Douglass Township, **Montgomery County** to serve the Cabot residence.

Permit No. 4696416. Sewerage, **West Norriton Township Municipal Authority** (1634 West Marshall Street, Jeffersonville, PA 19403). Construction of a pump station located in West Norriton Township, **Montgomery County** to serve Port Indian Road.

Permit No. 4696418. Sewerage, **Lower Salford Township Authority** (650 Main Street, Harleysville, PA 19438). Construction and operation of a pump station and force main located in Lower Salford Township, **Montgomery County** to serve Summerwind subdivision.

Permit No. 4696415. Sewerage, **Lucille Sliker, c/o Quinn and Wilson Realtors** (1494 Old York Road, Abington, PA 19001). Construction and operation of a sewage treatment plant located in Abington Township, **Montgomery County** to serve the Sliker single family residential dwelling.

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

Permit No. 4596404. Sewerage, **Monroe County Vocational Technical School**, P. O. Box 66, Laurel Lake Drive, Bartonsville, PA 18321. Permit for modifications

and additions to the existing sewage treatment plant, located in Pocono Township, **Monroe 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.

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

Actions taken 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.

Permit No. 2096503. Public water supply. **Saegertown Borough**, P. O. Box 588, Saegertown, PA 16433. This is for the approval of a 0.425 MG in-ground reservoir, proposed piping changes at well no. 3 on increase chlorine contact time, adding a booster pump and making some additional piping changes.

Type of Facility: Community water supply.

Consulting Engineer: Bradley R. Stinebiser, P. E., Neilan Engineers, Inc., 1076 Tayman Avenue, P. O. Box 837, Somerset, PA 15501.

Permit to Construct Issued: September 25, 1996.

Regional Office, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.

Permit No. 0796503. Public water supply. **Williamsburg Municipal Authority**, Williamsburg Borough, Catharine and Woodbury Townships, **Blair County**, (Paul W. Grove, Chairperson—Williamsburg Municipal Authority, 305 East Second Street, Williamsburg, PA 16693), replacement of 43,000 LF of distribution main, installation of a booster pumping station, installation of one storage tank and replacement of 920 water meters.

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

Permit No. 0294502. Public water supply. **Aleppo Township Authority**, P. O. Box 81, Sewickley, PA 15143.

Type of Facility: Interconnection with the Borough of Sewickley Water Authority, metering vault and five fire hydrants.

Permit to Operate Issued: September 20, 1996.

Permit No. 464W010-A2. Public water supply. **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244.

Type of Facility: Water treatment plant improvements.

Permit to Operate Issued: September 20, 1996.

Permit No. 1191501-A1. Public water supply. **William M. Hess**, Owner, Kings II Mobile Home Park, 939 West Governor Road, Hershey, PA 17033-2308.

Type of Facility: Well no. 5 and the addition of two new filters for Iron and Manganese removal.

Permit to Construct Issued: September 20, 1996.

Permit No. 2689504-A2. Public water supply. **North Fayette County Municipal Authority**, P. O. Box 368, Dunbar, PA 15431.

Type of Facility: Filter no. 3 rehabilitation.

Permit to Construct Issued: September 16, 1996.

Permit No. 3272501-A1. Public water supply. **Central Indiana County Water Authority**, 30 East Wiley Street, Homer City, PA 15748.

Type of Facility: Abandonment of old water treatment plant.

Permit to Operate Issued: September 16, 1996.

Permit No. 0295501. Public water supply. **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601.

Type of Facility: Duquesne pump station.

Permit to Operate Issued: September 16, 1996.

Final Reports

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (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:

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

Sackville Mills Associates, Nether Providence Township and Brookhaven Borough, **Delaware County**. Joseph W. Standen, Jr., P. G., Leggette, Brashears and

Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, has submitted a Final Report concerning remediation of site soils contaminated with PCBs, lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard for soils and the background standard for groundwater.

Planning Grant Awards Under the Municipal Waste Planning Recycling and Waste Reduction Act

The Department of Environmental Protection, hereby announces the following grants to counties under the section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (35 P. S. §§ 4000.101—4000.1904). The awards are based upon applications received by the Department in 1996.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, and for environmental mediation. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Marjorie Hughes, Chief, Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101 Section 901 Planning Grants

County	Activities	DEP Grant
<i>Southwest Region</i>		
Washington	Revise County Municipal Waste Management Plan.	\$80,000
<i>Northwest Region</i>		
McKean	Feasibility Study of Materials Recovery and Baling	14,800
TOTAL		\$94,800

Recycling Grant Awards Under the Municipal Waste Planning Recycling and Waste Reduction Act of 1988

The Department of Environmental Protection announces the following grants to municipalities for recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (35 P. S. §§ 4000.101—4000.1904). The grants are re-offerings of previous Public-Private Partnership Recycling Grant awards.

Grant funds can be used to develop and implement recycling collection, processing and manufacturing projects involving recyclable materials identified in section 1501(c)(1)(i) of Act 101 (35 P. S. § 4000.1501(c)(1)(i)) and the municipal waste regulations under the § 271.1

definition of source separated materials including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, plastics and other marketable grades of paper. Facilities and equipment funded under this program remain the property of the local government grantee for their useful life.

Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501) are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Carl Hursh, Chief of Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101 Section 902 Recycling Development and Implementation Grants

Applicant	Project Type	Grant Award
<i>Southwest Region</i>		
1 Cambria Township Cambria County	Paper Processing Equipment	\$300,000
<i>Northwest Region</i>		
2 Tionesta Borough Forest County	Plastics Processing Equipment	\$300,000
TOTALS		2 \$600,000

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

T.A.G. Transport, Inc., P. O. Box 1180, Kingston, TN 37763; License No. **PA-AH 0539**; license issued September 23, 1996.

Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Kindrick Trucking Company, Inc., 2818 Roane State Highway, Harriman, TN 37748; License No. **PA-AH 0379**; amended license issued September 17, 1996.

7-7, Inc., 607 Freeland Road, Wooster, OH 44691; License No. **PA-AH 0238**; amended license issued September 18, 1996.

ETSS Inc., P. O. Box 874, Ellwood City, PA 16117; License No. **PA-AH 0318**; amended license issued September 18, 1996.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Kindrick Trucking Company, Inc., 2818 Roane State Highway, Harriman, TN 37748; License No. **PA-AH 0379**; license issued September 17, 1996.

Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.

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

Midwest Guardian, Inc., 100 Keller Drive, Wapakoneta, OH 45895; License No. **PA-AH 0453**; license terminated September 10, 1996.

Ray A. Walker, 725 Green Valley Road, Pleasant Gap, PA 16823; License No. **PA-AH 0262**; license terminated August 27, 1996.

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.

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

Permit No. 101069. Southeast Chester County Refuse Authority, P. O. Box 261, Steel Road, West Grove, PA 19390. This permit was issued for use of RUSMAR AC-667-SE foam material as an alternate daily cover material for landfills under the equivalency (Form Q) procedures contained in the Municipal Waste Regulations. Approval is for either hand-line or self-propelled application. This approval is subject to permit conditions including minimum foam thickness (4 inches for self-propelled application, 5 inches for hand-line application), dilution ratios for foam preparation (no more dilute than 6.5 parts water to 1 part foam concentrate) and maximum foam cover duration of 72 hours. Contact the issuing region for a more complete list of specific permit conditions. Facility located in London Grove Township, **Chester County**. Permit issued in the Southeast Regional Office on September 25, 1996.

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

Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

65-302-071. On September 20, 1996, a Plan Approval expiration date was extended to January 20, 1997 for

Kopper Industries, Inc., (436 Seventh Avenue, Pittsburgh, PA 15229) for two boilers at its Monessen Coke Plant facility located in Monessen, **Westmoreland County**.

65-305-049. On September 20, 1996, a Plan Approval expiration date was extended to December 14, 1996 for **Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15229) for a benzene emissions control system on the coke by-products recovery plant at its Monessen Coke Plant located in Monessen, **Westmoreland County**.

65-305-48. On September 20, 1996, a Plan Approval expiration date was extended to December 14, 1996 for **Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15229) for a pushing baghouse, a desulfurization unit, and an excess coke oven gas flare on the coke oven battery operations at its Monessen Coke Plant located in Monessen, **Westmoreland County**.

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4005) and regulations to construct, modify or reactivate air contamination sources or air cleaning devices.

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

28-318-033. On September 23, 1996, the Department issued a Plan Approval to **Grove North America** (P. O. Box 21, Shady Grove, PA 17256) for the construction of two paint spray booths and a drying oven controlled by dry filters in Antrim Township, **Franklin County**.

36-308-033L. On September 23, 1996, the Department issued a Plan Approval to **C & D Charter Power Systems, Inc.** (82 East Main Street, Leola, PA 17540) for the modification of the three-process facility line A controlled by a fabric collector and line B controlled by a fabric collector in Upper Leacock Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

67-318-119. On September 23, 1996, the Department issued a Plan Approval to **Blockhouse Furniture** (121 First Avenue, P. O. Box 370, Red Lion, PA 17356) for the construction of a surface coating operation in Manchester Township, **York County**.

Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

56-305-050. On September 20, 1996 a Plan Approval was issued to **Dunamis Resources, Inc.** (P. O. Box 846, Latrobe, PA 15650) for a coal processing operation at its Miller Mine/Queecreek No. 1 Mine located in Jenner Township, **Somerset County**.

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

The Department has extended the following air quality plan approvals for the specified companies described below:

Permit: **46-313-046B**

Source: Venturi Scrubber and Packed Bed Scrubber
Issued: August 4, 1996

Extended: December 4, 1996

Company: **Quaker Chemical Corp.**

Location: Whitmarsh

County: **Montgomery**

Permit: **46-313-139**
 Source: Niobium
 Issued: August 30, 1996
 Extended: January 31, 1997
 Company: **Cabot Performance Materials**
 Location: Douglas
 County: **Montgomery**

Permit: **46-320-028**
 Source: Flexographic Press
 Issued: August 30, 1996
 Extended: January 15, 1997
 Company: **BG Packaging**
 Location: Upper Providence
 County: **Montgomery**

Permit: **46-399-103**
 Source: Granulating Process
 Issued: August 30, 1996
 Extended: January 15, 1997
 Company: **Ciba Self-Medication, Inc.**
 Location: Upper Dublin
 County: **Montgomery**

Permit: **23-313-003B**
 Source: Methyl Methacrylate Process System
 Issued: August 30, 1996
 Extended: January 15, 1997
 Company: **Esschem, Inc.**
 Location: Lower Chichester
 County: **Delaware**

Permit: **23-312-203**
 Source: Alkylate Storage Tank No. 166
 Issued: August 30, 1996
 Extended: January 15, 1997
 Company: **Sun Refining & Marketing**
 Location: Marcus Hook
 County: **Delaware**

Permit: **23-312-044A**
 Source: Storage Tank No. 101
 Issued: August 30, 1996
 Extended: January 15, 1997
 Company: **Sun Refining & Marketing**
 Location: Marcus Hook
 County: **Delaware**

Permit: **46-302-202A**
 Source: Two Boilers
 Issued: August 31, 1996
 Extended: January 15, 1997
 Company: **Jet Plastica Industries, Inc.**
 Location: Hatfield
 County: **Montgomery**

Permit: **46-309-036A**
 Source: Six Vertical Lime Kilns
 Issued: August 31, 1996
 Extended: January 15, 1997
 Company: **Corson Lime**
 Location: Whitemarsh
 County: **Montgomery**

Permit: **23-302-130**
 Source: One Boiler
 Issued: August 14, 1996
 Extended: January 15, 1997
 Company: **Fitzgerald Mercy Hospital**
 Location: Darby
 County: **Delaware**

Permit: **46-307-008**
 Source: Electrical Induction Furnace
 Issued: August 6, 1996
 Extended: January 6, 1997
 Company: **Freedom Alloys, Inc.**
 Location: Royersford
 County: **Montgomery**

Permit: **46-320-024A**
 Source: Vapor Degreaser
 Issued: August 30, 1996
 Extended: January 15, 1997
 Company: **National Label, Inc.**
 Location: Whitemarsh
 County: **Montgomery**

Permit: **09-313-082**
 Source: Bottled Gas Cleaning Process
 Issued: August 26, 1996
 Extended: January 15, 1997
 Company: **Messer Griesheim Industries, Inc.**
 Location: Falls
 County: **Bucks**

Permit: **15-317-019**
 Source: Line 6 Bread Oven
 Issued: August 15, 1996
 Extended: December 15, 1996
 Company: **Pepperidge Farms**
 Location: East Caln
 County: **Chester**

Permit: **46-313-115**
 Source: Antibiotic Manufacturing
 Issued: August 30, 1996
 Extended: January 15, 1997
 Company: **SmithKline Beecham Pharmaceutical Division**
 Location: Upper Merion
 County: **Montgomery**

Permit: **46-313-093A and 46-313-094A**
 Source: Pharmaceutical Sciences
 Issued: August 30, 1996
 Extended: January 15, 1997
 Company: **SmithKline Beecham Research**
 Location: Upper Providence
 County: **Montgomery**

Permit: **46-323-013**
 Source: 5 Metal Finishing & Electroplating Operations
 With Non Acid Exhausts
 Issued: August 31, 1996
 Extended: January 15, 1997
 Company: **SPS Technologies**
 Location: Abington
 County: **Montgomery**

Permit: **46-323-014**
 Source: 5 Metal Finishing & Electroplating Operations
 With Acid Exhausts
 Issued: August 31, 1996
 Extended: January 15, 1997
 Company: **SPS Technologies**
 Location: Abington
 County: **Montgomery**

Permit: **09-320-037**
 Source: Press 16
 Issued: September 02, 1996
 Extended: January 15, 1997
 Company: **Webcraft Technologies, Inc.**
 Location: New Britain
 County: **Bucks**

Permit: **46-301-259**

Source: Multiple Hearth Sewage Sludge Incinerator

Issued: September 10, 1996

Extended: January 10, 1997

Company: **East Norriton-Plymouth Joint Sewer Authority**

Location: Plymouth

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

32940105. Kent Coal Mining Company (P. O. Box 729, Indiana, PA 15701), to utilize circulating fluidized bed (CFB) ash from a cogenerational plant for beneficial use and abandoned deep mine reclamation in Centre Township, **Indiana County** affecting 180.0 acres. Receiving streams unnamed tributaries to Yellow Creek to Yellow Creek to Two Lick Creek. Application received July 23, 1996, issued September 24, 1996.

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

26910113R. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for reclamation only of an existing bituminous surface mine located in Wharton Township, **Fayette County**, affecting 45.5 acres. Receiving streams: three unnamed tributaries to Big Sandy Creek. Application received: August 23, 1996. Renewal issued: September 19, 1996.

63910102R. Twilight Industries, Division of U. S. Natural Resources, Inc. (212 State Street, Belle Vernon, PA 15012). Renewal issued for reclamation only of an existing bituminous surface mine located in Fallowfield Township, **Washington County**, affecting 150 acres. Receiving streams: unnamed tributaries to and including Pigeon Creek. Application received: July 29, 1996. Renewal issued: September 19, 1996.

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

11743703. RNS Services, Inc. (P. O. Box 38, Blossburg, PA 16912), to renew the permit for the No. 25 Refuse Site in Barr and West Carroll Townships, **Cambria County**, no additional discharge. Permit issued September 26, 1996.

56841608. PBS Coals, Inc., (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Cambria Fuel Prep Plant in Stoneycreek Township, **Somerset County**, no additional discharge. Permit issued September 24, 1996.

63831302. Eighty Four Mining Company, (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Mine 84 bituminous deep mine in Somerset Township, **Washington County** to add 8" borehole (#101) and sludge disposal pipeline, and reactivate borehole #94, no additional discharge. Permit issued September 24, 1996.

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

Noncoal Permits Issued

65950401. Derry International, Ltd. (P. O. Box 529, New Alexandria, PA 15670). Permit issued for commencement, operation, and reclamation of a large noncoal (sandstone quarry) surface mining site located in Loyalhanna and Derry Townships, **Westmoreland County**, affecting 52 acres. Receiving streams: unnamed tributary to Loyalhanna Creek. Application received March 14, 1995. Permit issued September 25, 1996.

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

Coal Applications Withdrawn

65960108. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application withdrawn for commencement, operation and reclamation of a bituminous surface mine located in Unity and Ligonier Townships, **Westmoreland County**, proposed to affect 105.8 acres. A social and economic justification was included. Receiving streams: unnamed tributaries to Indian Camp Run, Indian Camp Run, Ninemile Run to Sawmill Run, Sawmill Run, Ninemile Run, Loyalhanna Creek. Application received June 7, 1996. Application withdrawn September 17, 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) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) (Note: Permits issued for Small Projects do

not include 401 Certification, unless specifically stated in the description.)

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

E07-260. Encroachment. **Ivan E. Riggle**, Manager, Quality Chemicals, Inc., P. O. Box 216, Tyrone, PA 16686. To place fill in 0.16 acre of wetland for the purpose of constructing an expansion to an administration/storage building and a new parking area located along Adams Avenue at its crossing with Gypsy Run (Tyrone, PA Quadrangle N: 12.3 inches; W: 14.6 inches) in Tyrone Borough, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E36-605. Encroachment. **Samuel L. Fisher**, 5019 East Newport Road, Kinzers, PA 17535. To construct and maintain a low-flow stream crossing having three 18-inch R. C. pipe culverts (20 L. F.) with rock paving in Umbles Run for a secondary farm access to be located from the west side of Hershey Church Road (T-779) (New Holland, PA Quadrangle N: 6.5 inches; W: 7 inches) in Salisbury Township, **Lancaster County**.

E50-177. Encroachment. **Borough of Liverpool**, P. O. Box M, Liverpool, PA 17045. To remove an existing structure and to construct and maintain a single span bridge having a span of 12.0 foot and a maximum underclearance of 7.3 foot across an unnamed tributary to the Susquehanna River for the purpose of roadway maintenance located on Front Street about 1,200 feet south of Race Street in the Borough of Liverpool (Millersburg, PA Quadrangle N: 13.0 inches; W: 16.2 inches) Liverpool Borough, **Perry County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E67-568. Encroachment. **County of York**, One West Market Way, 4th Floor, York, PA 17401. To construct and maintain a 10-foot width deck extension with hand railing on the five existing railroad bridges located at Mileposts 46.24, 48.38, 51.17, 52.67 and 53.16 across the South Branch of Codorus Creek for a pedestrian/bike trail along the railroad track (Seven Valleys, PA Quadrangle N: 17.0 inches; W: 3.75 inches) in North Codorus, Springfield, Spring Garden and York Townships, Seven Valleys Borough, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E07-266. Encroachment. **Lloyd Gummo**, Blair County, R. R. 7, Box 592, Altoona, PA 16601. To remove two existing culverts and to construct and maintain a single span bridge having span of about 14.0 feet across an unnamed tributary to Little Juniata River for the purpose of providing access to private property located east of US Route 220 about 0.90 mile south of its intersection with SR 0865 at Bellwood PA (Bellwood, PA Quadrangle N: 16.0 inches; W: 10.2 inches) in Antis Township, **Blair County**.

E21-255. Encroachment. **DCNR**, Bureau of Forestry District 1, ATTN: Kenneth Swartz, District Forester, Cumberland County, 10099 Lincoln Way East, Fayetteville, PA 17222-9609. To realign approximately 64 feet of the channel of Reservoir Hollow located on the left side of Milesburn Road about 2.8n miles south of Cleversburg Village (Caledonia Park, PA Quadrangle N: 22.2 inches; W: 11.67 inches) in Southampton Township, **Cumberland County**.

E28-242. Encroachment. **Jerry L. Ridge**, Franklin County, 7601 Creager Road and **Joel Barnhart**, 7605 Creager Road, Waynesboro, PA 17268-9750. To construct and maintain a 52 inch x 40 inch arch pipe with a length of 180 feet along an unnamed tributary to Antietam Creek located in Fairview Village (Waynesboro, PA Quadrangle N: 8.91 inches; W: 8.72 inches) in Quincy Township, **Franklin County**.

E36-624. Encroachment. **MJT Associates, Inc.** ATTN: Daniel C. Gohn, Lancaster County, P. O. Box 128, Mount Joy, PA 17552-0128. To regrade and fill 0.03 acre of wetlands for development of a retirement village to be located along east side of Sheaffer Road (T-855) at intersection with Ridge Road (T-855) Elizabethtown, PA Quadrangle N: 5.4 inches; W: 10.1 inches) in Mount Joy Township, **Lancaster County**.

E67-572. Encroachment. **Daniel R. Petre and Esther C. Petre**, York County, Route 3, Box 3501, Seven Valleys, PA 17360. To place fill along the left downstream side of a tributary to Codorus Creek to build a new dairy barn and enlarge barnyard area on a farm located on the south side of Wolfs Church Road (West York, PA Quadrangle N: 13.6 inches; W: 8.1 inches) in West Manchester Township, **York County**.

Permits Issued and Actions on 401 Certification

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

E35-257. Encroachment. **Roy Minelli**, 2008 Scranton-Carbondale Highway, Scranton, PA 18508. To construct and maintain approximately 356 linear feet of stream enclosure consisting of an 84-inch diameter corrugated steel pipe in an unnamed tributary to the Lackawanna River. The project is located on the north side of S. R. 0006, approximately 0.8 mile southwest of the intersection of S. R. 0006 and S. R. 0347 (Scranton, PA Quadrangle N: 18.5 inches; W: 0.2 inch) in Dickson City, **Lackawanna County**.

E39-311. Encroachment. **Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032-2598. To (1) remove the existing structure and to construct and maintain approximately 585 linear feet of concrete retaining wall along the left bank and 40 linear feet of concrete retaining wall along the right bank of Catasauqua Creek; (2) maintain two pedestrian bridges: the northern pedestrian bridge having a span of 37 feet with an underclearance of approximately 4.5 feet and the southern pedestrian bridge having a span of 31 feet with an underclearance of approximately 5.0 feet across Catasauqua Creek; (3) remove four gravel bars as follows: a 30 foot long x 10 foot wide and 20 foot long x 13 foot wide gravel bar located downstream of the northern pedestrian bridge and an 80 foot long x 10 foot wide and a 16 foot long x 4 foot long gravel bar located upstream of the southern pedestrian bridge; (4) repair and maintain portions of the existing 590 foot long stone masonry retaining wall located along the right bank of Catasauqua Creek; (5) construct and maintain 12 R-7 rock riprap channel deflectors in Catasauqua Creek. The project, known as the Catasauqua Creek Wall Rehabilitation and Replacement Project, is located approximately 0.28 mile south of the intersection of Catasauqua Creek and the Northampton/Lehigh County boundary line (Catasauqua, PA Quadrangle N: 5.8 inches; W: 12.8 inches) in Catasauqua Borough, **Lehigh County**.

E39-312. Encroachment. **Lehigh County**, P. O. Box 1548, Allentown, PA 18105. To excavate 0.06 acre of

wetlands for the restoration of approximately 345 linear feet of an auxiliary channel of Monocacy Creek and to construct and maintain a pedestrian bridge having a span of 40 feet with an underclearance of approximately 6.3 feet across an auxiliary channel of Monocacy Creek. The project is associated with the Burnside Plantation Stream Restoration Project and is located approximately 0.2 mile downstream of the intersection of Eaton Avenue and Monocacy Creek (Catasauqua, PA Quadrangle N: 1.0 inch; W: 1.9 inches) in the City of Bethlehem, **Lehigh County**. The permittee is required to provide 0.17 acre of replacement wetlands and is proposing 0.09 acre of wetland enhancement.

E40-440. Encroachment. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 2 Public Square, Wilkes-Barre, PA 18711-0790. To fill a strip pit containing approximately 4.2 acres of open water and to relocate approximately 200 linear feet of a tributary to Black Creek for the purpose of reclaiming an abandoned mine site. The project (OSM 40 (3716) 101.1-Tomhicken) is located on the north side of S. R. 3020, approximately 8,500 feet southwest of the Village of Tomhicken (Nuremberg, PA Quadrangle N: 15.1 inches; W: 0 inches), in Black Creek and Sugarloaf Townships, **Luzerne County**.

E45-297. Encroachment. **Michael and Thomas McKeown**, 956 North Ninth Street, Stroudsburg, PA 18360. To construct and maintain a pedestrian bridge having a span of 60 feet and an underclearance of approximately 18 feet across the Lehigh River to provide access to private property. This project is located approximately 0.5 mile upstream of S. R. 4003 (Locust Ridge Road) (Thornhurst, PA Quadrangle N: 9.4 inches; W: 11.1 inches) in Coolbaugh Township, **Monroe County**.

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

E23-315. Encroachment. **Tinicum Township**, 629 North Governor Printz Boulevard, Essington, PA 19029. To operate and maintain an existing flood control project along Long Hook Creek. This work will consist of the repair of an existing 36-inch circular pipe culvert and a 27-inch x 36-inch deteriorated pipe arch culvert, with tide (flap) gates, and the abandonment of one pipe creek. The project is located at the confluence of Darby Creek and Long Hook Creek (Lansdowne, PA Quadrangle N: 0.05 inch; W: 6.37 inches) in Tinicum Township, **Delaware County**.

E46-731. Encroachment. **Huntingdon Valley Country Club**, 2295 Country Club Drive, Huntingdon Valley, PA 19006-5699. To reconstruct, restore and maintain a new 9 hole golf course (Course C) at the Huntingdon Valley Country Club. The course layout includes the following impacts: 1) the construction of eight cartway bridges impacting a total of 80 feet of stream channel on an unnamed tributary to Pennypack Creek (TSF-MF), 2) cartway wetland crossings utilizing Geoweb™ on holes C-2, C-7, and C-9 totaling 0.06 acre of de minimus wetland impact, 3) three temporary construction road crossings and 4) irrigation pipeline stream and wetland crossings to be performed in conjunction with cartway crossings. The site is located along the southwest side of Terwood Road and along the northwest side of Paper Mill Road near the intersection of these roads (Hatboro, PA Quadrangle, N: 1.5 inches; W: 12.6 inches) in Upper Moreland Township, **Montgomery County**.

E46-749. Encroachment. **Cheltenham Township**, 8230 Old York Road, Elkins Park, PA 19027. To recon-

struct and maintain the William Gottschalk Fire Training Center which is located within the 100-year floodway fringe of Tookany Creek (AKA Tacony Creek). Construction activities include:

1. Reconstruction of a Fire Training Center building at approximately its original location.
2. Removal of the approach embankment of the vacated Stetson's Lane which is located on the west side of the site.
3. Construction of approximately 300 linear feet of diversion/detection curbing on the east side of the site.
4. Installation of bituminous paving adjacent to the Training Center.

The site is located approximately 800-linear feet downstream of the New Second Street Bridge (Frankford, PA Quadrangle N: 12.25 inches; W: 15.75 inches) in Cheltenham Township, **Montgomery County**.

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

E41-377. Water obstruction and encroachment. **Alan and Elizabeth Metzger**, R. R. 1, Box 379, Williamsport, PA 17701. To remove the existing structure and to construct and maintain a 6 foot diameter pipe culvert in Lick Run. The project is located off LR 41133 about 900 feet north of the intersection with Warrensville Road (Montoursville North, PA Quadrangle N: 8.29 inches; W: 9.09 inches) in Eldred Township, **Lycoming County**.

E41-385. Water obstruction and encroachment. **Walter and Gladys Dunkle**, R. R. 4, Box 184, Jersey Shore, PA 17740. Remove the existing structure and to construct and maintain a new home in the floodway of Pine Creek. This project is located off SR 44 about 1.9 miles north of Route 220 (Jersey Shore, PA Quadrangle N: 17.0 inches; W: 9.6 inches) in Watson Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

E41-387. Water obstruction and encroachment. **Vincent Fotia**, 2023 Sechler Circle, Williamsport, PA 17701. To construct and maintain a replacement home in the floodway of Lycoming Creek. This project is located on Sweeley Avenue near its intersection with Cottage Ave. (Cogan Station, PA Quadrangle N: 2.2 inches; W: 5.8 inches) in Old Lycoming Township, **Lycoming County**.

E59-323. Water obstruction and encroachment. **Monroe Muffler Brake**, 200 Holleder Pkwy., Rochester, NY 14615. To place and maintain fill in the floodway of an unnamed tributary to the Tioga River. This project is located on Business Route 15 about 800 feet south of its intersection with SR 2027 (Mansfield, PA Quadrangle N: 5.4 inches; W: 9.4 inches) in Richmond Township, **Tioga County**.

E18-210. Denied. Water obstruction and encroachment. **Donald M. and Lloyd Bower**, 461 Clinton St., South Williamsport, PA 17701. To repair and maintain an existing minor road crossing an unnamed tributary to Robbins Run to provide access to a residential development. The project is located along the southern right-of-way of SR 0044 approximately 5,000 feet east of the intersection of Robbins Run Trail and SR 0044 (Glen Union, PA Quadrangle N: 17.8 inches; W: 0.70 inch) in Gallagher Township, **Clinton County**.

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

D02-115. Dam. Moon Transportation Authority, 1000 Beaver Grade Road, Moon Township, PA 15108. To construct, operate and maintain a stormwater detention dam (Ewing Interchange SWM Dam), across a tributary to McClarens Run in Moon Township, **Allegheny County.**

[Pa.B. Doc. No. 96-1711. Filed for public inspection October 11, 1996, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

Once a year on the first Saturday in August, the Governor's Office publishes a list of the non-regulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996 edition of the *Bulletin*.

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent Inventory was published June 1996. This Inventory is also posted on DEP's World Wide Web page. DEP's Web address is <http://www.dep.state.us>. To go to the location of the Inventory once on the DEP home page, persons should choose Public Participation Center/Recently Finalized Regulations and Legislation/Technical Guidance Document Inventory (6/12/96).

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center has several menus; the Technical Guidance menu has links to the Inventory, Draft Technical Guidance Documents, Recently Finalized Technical Guidance Documents and Final Documents on the Web.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 if calling from outside Pennsylvania.

Changes to Technical Guidance Documents

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *Update* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

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

Notice of Intent to Develop Technical Guidance—New Guidance

Draft Title: Approval of Internal Combustion Motors in Mines Other than Coal Background: Section 25-2(f) of the General Safety Law requires that all mines other than coal mines be operated in a manner that provides reason-

able and adequate protection to workers employed therein. In furtherance of this requirement, the use of internal combustion motors in underground mines other than coal mines is prohibited unless otherwise approved by DEP. This technical guidance is necessary to ensure that reasonable and consistent standards exist for the approval of internal combustion motored equipment. Further, this guidance will establish such standards. Anticipated Effective Date: January 1, 1997. Anticipated Draft Development Date: October 1996 Proposed Development and Review Process: The policy will be developed internally by DEP staff with input from PACA (Pennsylvania Aggregate and Concrete Associates) and the industrial minerals industry. Contact: Joseph A. Scaffoni at (412) 439-7469.

Draft Title: Section 316(h): Use of Electronic Atmospheric Detectors in lieu of Approved Flame Safety Lamps Background: Section 316(h) of the Pennsylvania Bituminous Coal Mine Act identifies gas detection requirements for machine operators. Specifically, machine operators are required to carry flame safety lamps. MSHA requires an electronic methane detector for gas checks instead of a flame safety lamp. Technological advances in electronic gas detection equipment have increased the reliability of said equipment. Mine operators have indicated a need to use electronic detectors in lieu of flame safety lamps for machine operators. This technical guidance is necessary to ensure that reasonable and consistent standards exist for the approval of alternate gas detection devices. Further this guidance will establish said standards. Establishment of said standards will align Federal and State requirements. Anticipated Effective Date: February 1, 1997 Anticipated Draft Development Date: November 1, 1996 Proposed Development and Review Process: This technical guidance will be developed internally by DEP staff with input from potentially affected parties including labor, industry and affiliated unions, organizations and associations. Contact: Joseph A. Scaffoni at (412) 439-7469.

Draft Title: Section 242(c): Criteria for Permitting Entries in Common with the Belt Conveyor Entry under section 702 Background: Section 242(c) of the Pennsylvania Bituminous Coal Mine Act identifies ventilation requirements for belt conveyor entries. Specifically, belt entries are to be isolated. Mine operators have indicated a need to utilize entries in common with the belt entry. Federal law permits common entries with the belt conveyor entry. Section 702 of the act permits an operator to adopt new techniques, machinery or processes, and the like . . . where they provide protection to personnel and property equal to or better than the act requires. Technical guidance is necessary to ensure that reasonable and consistent criteria exist for the review and approval of variance requests submitted under section 702 concerning belt conveyor entries in common with adjacent entries. Further, this guidance will establish said criteria. Anticipated Effective Date: April 1, 1997 Anticipated Draft Development Date: December 1, 1996 Proposed Development and Review Process: Technical guidance will be developed internally by DEP staff with input from potentially affected parties including labor, industry and affiliated unions, organizations and associations. Contact: Joseph A. Scaffoni at (412) 439-7469.

Draft Title: Drop Trailer Guidelines Background: This guidance is necessary to standardize and formalize the review and approval process for licensing drop trailers for the storage of blasting agents. Anticipated Effective Date: January 1, 1997 Anticipated Draft Development Date: September 9, 1996 Proposed Development and Review

Process: We wish to solicit comments on these proposed guidelines from applicable explosive users and distributors including, PA Coal Association, PA Aggregate and Concrete Association and the International Society of Explosive Engineers. Contact: Michael J. Getto, Jr. at (717) 787-7846.

Draft Title: Remining and Reclamation Bonding Incentives: Financial Guarantees and Remining and Reclamation Bonding Incentives: Bond Credits Background: Regulations establishing various reclamation and remining incentives became effective on August 24, 1996 (26 Pa.B. 4181—4193). The regulations authorize DEP to financially guarantee a mine operator's bond obligation on remining areas and to issue bond credits for voluntary reclamation abandoned mine bonds. The Bureau of Mining and Reclamation needs to develop technical guidance to implement these two incentives. Anticipated Effective Date: November 1, 1996 Anticipated Draft Development Date: October 1996 Proposed Development and Review Process: The following parties will be asked to review the draft guidelines: District Mining Offices, program counsel, the Bureau of Fiscal Management, Certification, Licensing and Bonding and the Department's financial expert. Contact: John Meehan at (717) 787-7846.

Draft Title: Blasting Complaint Protocol Background: This guidance will standardize the procedure to respond to blasting complaints, provide a technical basis for this procedure and clarify authorities of DEP. Anticipated Effective Date: January 1, 1997 Anticipated Draft Development Date: October 1996 Proposed Development and Review Process: We wish to solicit comments from explosive users including the PA Coal Association, PA Aggregates and Concrete Association and the International Society of Explosive Engineers, as well as the general public. Based on the large numbers of complaints we receive and the specific allegations of those complaints, we feel this guidance may create controversy. Contact: Michael J. Getto, Jr. at (717) 787-7846.

Notice of Intent to Revise Technical Guidance-Revisions to Existing Guidance

1. Notice of Intent to Revise Land Recycling and Waste Management Documents

Common Elements for All of the Documents Listed in this Section: Background: All of these documents need to be revised in order to comply with changes in statutes and regulations. Anticipated Effective Date: 90 days after the draft. Anticipated Draft Development Date: Documents will be revised in accordance to the Bureau of Land Recycling and Waste Management's regulatory schedule. Proposed Development and Review Process: The documents will be reviewed by the Solid Waste Advisory Committee and appropriate regional DEP staff. Contact: The contact person for all of the documents in this section is Josephine Valencia at (717) 787-9870.

DEP ID: 251-2000-704 Title: Exclusionary Siting Criteria—Hazardous Waste Treatment & Disposal DEP ID: 251-2000-705 Title: Revisions to Exclusionary Siting Criteria Document and DEP ID: 251-2000-706 Title: Time Frame for Application of Hazardous Waste Exclusionary Siting Criteria. These three documents cover essentially the same subject. They will be revised into one document.

DEP ID: 251-2000-515 Title: Establishment of Household Hazardous Waste (HHW) Program

DEP ID: 253-4500-608 Title: Environmental Emergency Response Actions

DEP ID: 253-5800-638 Title: Environmental Emergency Response Program Response Actions

DEP ID: 254-2000-715 Title: Difference between Construction/Demolition Waste & Clean Fill Definitions

DEP ID: 254-2153-721 Title: Areas Where Municipal Waste Landfills (MWLF) are Prohibited

DEP ID: 254-2153-723 Title: Leak Detection Tests for Installed Liners

DEP ID: 254-2153-748 Title: Use of Waste Tires/Tire Derived Materials at Landfills

DEP ID: 254-2161-734 Title: Design Requirements/Sewage Sludge Storage Impoundment

DEP ID: 254-2163-741 Title: Beneficial Use of Sewage Sludge Products

DEP ID: 254-2167-712 Title: Clarification of the Permit-by-Rule Provision for Mixed Waste with Residual Waste

DEP ID: 254-4000-749 Title: Proper Identification and Disposal of Mixed Loads of Municipal and Residual Waste

DEP ID: 257-2212-501 Title: Approval of Act 101 Municipal Waste Management Plans

DEP ID: 258-2000-764 Title: New Waste Streams Review

DEP ID: 258-2000-765 Title: General Permitting Procedure

DEP ID: 258-2000-766 Title: Municipal Waste-like Permitting Guidance (Form S)

DEP ID: 258-2100-747 Title: Disposal of Municipal-like Residual Waste

2. Notice of Intent to Revise Policy Office Document

DEP ID: 012-0900-001 Title: Policy for Development, Approval and Distribution of Technical Guidance Background: A final copy of this revised policy document was published in August, 1996. Nevertheless this policy needs to be revised again to reflect recent decisions. 1) DEP has finalized DEP ID: 012-0900-002, "Electronic Copies of Technical Guidance Documents. Some changes will affect this policy. 2) The Policy Office decided to add procedures to address a document intended both for staff and the public. 3) The Policy Office decided to allow programs flexibility re: whether or not to keep "administrative operating procedures" or "implementation procedures" on the Inventory. It was necessary to define clearly what these materials are and how they should be handled. 4) The Policy Office decided to allow programs flexibility re: working copies of staff handbooks. 5) Effective Date was added as a standard element on the first page of every DEP document. The footer on each page that gives this information will not show up when the document is placed on the World Wide Web. 6) Some other minor revisions can be made. For example, the page number section can be greatly simplified. Anticipated Effective Date: October 28, 1996 Anticipated Draft Development Date: October 10, 1996 Proposed Development and Review Process: Copies of the draft will be circulated within DEP. A copy of the draft will be placed on DEP's World Wide Web site. The Policy Office will consider any comments made on the draft. Contact: Nina Huizinga at (717) 783-8727.

Draft Technical Guidance Document

DEP ID: 012-0700-002 Title: Guidance for the Implementation of the Agricultural Land Preservation Policy Background: Executive Order 1994-3 states that "It shall be the policy of the Commonwealth to protect, through the administration of all agency programs and regulations, the Commonwealth's primary agricultural land

from irreversible conversion to uses that result in its loss as an environmental and essential food production resource. DEP will, where it has regulatory and decision-making discretion under legal authority, protect primary agricultural land through its regulatory programs. Anticipated Effective Date: October 30, 1996 Deadline for Submission of Comments: October 15, 1996 Contact: Nina Huizinga at (717) 783-8727.

Final Technical Guidance Document

DEP ID: 012-0900-002 Title: Electronic Copies of Technical Guidance Description: This policy outlines how DEP will make its technical guidance documents available to the public and its staff using appropriate electronic media. Contact: Nina Huizinga at (717) 783-8727.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-1712. Filed for public inspection October 11, 1996, 9:00 a.m.]

General Plan Approval and General Operating Permit

BAQ-GPA/GP-4: Burn Off Ovens

The Department of Environmental Protection (Department) purposes to issue general plan approvals and operating permits for burn off ovens (hereinafter referred to as "Burn Off Ovens General Permit"). This general plan approval and operating permit, authorized under section 6.1(f) of the Air Pollution Control Act, will apply to burn off ovens designed to remove cured hydrocarbon coatings from metal parts.

The proposed general plan approval and operating permit contains conditions which prescribe applicable performance standards, emission limits, monitoring, recordkeeping and reporting requirements. Newly constructed burn off ovens must comply with the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12(a)(5). The Department has determined that, effective (date of proposal in the *Pennsylvania Bulletin*), BAT is the installation of ovens with a secondary chamber afterburner designed to reduce particulate emissions to 0.02 grains per dry standard cubic foot.

Prior to operating a burn off oven under the Burn Off Ovens General Permit, the owner or operator of the source must notify the Department and receive prior written approval from the Department before commencing to operate the affected combustion unit. Notification of the facility's intent to use the general permit and plan approval must be submitted on a form provided by the Department. Burn off ovens operating under this general permit shall comply with the terms and conditions of the general plan approval and general operating permit.

The Burn Off Ovens General Permit may not be used by any source that is subject to the requirements of 25 Pa. Code Chapter 127, Subchapter D (relating to prevention of significant deterioration) and 25 Pa. Code Chapter 127, Subchapter E (relating to new source review).

The Burn Off Ovens General Permit will be issued for a term of 5 years. The Department proposes to establish application, permit renewal and annual general operating permit administrative fees as follows:

- (a) \$250 during the 1995-1999 calendar years.

- (b) \$300 during the 2000-2004 calendar years.

- (c) \$375 beginning in the calendar year 2005.

Within 30 days of the expiration date of the general plan approval and general operating permit, the permittee must renew the general permit if the facility intends to continue to operate under the Burn Off Ovens General Permit.

A complete copy of the Burn Off Ovens General Permit may be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, telephone (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, 1 (800) 654-5984. Internet users can access a copy of the general permit at <http://www.dep.state.pa.us>.

The Department requests written comments on the proposed general plan approval and operating permit. Notice and opportunity for comment will also be provided to the U. S. Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Douglas L. Leshner, Chief, Title V/NSR Section, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning this proposed general plan approval and operating permit. Public comments must be submitted to the Department within 45 days of the date of this notice in the *Pennsylvania Bulletin*. Comments received by facsimile will not be accepted.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-1713. Filed for public inspection October 11, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

CON-96-D-2625-B: Sage Health Services, Inc., 111 N. W. Fourth Street, Suite 100, Evansville, IN 47708. Establish a 67-bed long term care facility in Milford, Pike County, PA, at an estimated cost of \$2,500,000.

CON-96-H-2746-B: Allegheny General Hospital, 320 East North Avenue, Pittsburgh, PA. The addition of one cardiac catheterization laboratory, at an estimated cost of \$2,212,882.

CON-96-A-2643-B: Abington Memorial Hospital, 1200 Old York Road, Abington, PA 19001. Establish open heart surgery and PTCA services, at an estimated cost of \$1,269,628.

CON-96-H-2602-B: McKeesport Hospital, 1500 Fifth Avenue, McKeesport, PA 15132. Add 21 beds to the

hospital-based skilled nursing facility through conversion of acute care beds, at an estimated cost of \$190,000.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning October 12, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Sage Health Services, Inc. public meeting will begin at 9 a.m., Allegheny General Hospital public meeting will begin at 11 a.m., Abington Memorial Hospital public meeting will begin at 1 p.m., and McKeesport Hospital public meeting will begin at 3 p.m. Friday, November 22, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-1714. Filed for public inspection October 11, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

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

Addendum

The Department of Transportation, Bureau of Motor Vehicles, under 75 Pa.C.S. § 3368, published at 25 Pa.B. 6044 (December 23, 1995), a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published, subject to interim amendment.

Change of Name of Calibration Station

As an addendum to the December 23, 1995, listing of Official Electronic Device Testing Stations for nonradar devices which measures elapsed time between measured road surface points by using two sensors, under 75 Pa.C.S. § 3368(d) and appearing at 25 Pa.B. 6046, the Department hereby gives notice of the change of name for the following station:

Highway Safety Traffic Surveillance, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317, is now known as: S & D Calibration Services, 132 Fawn Valley

Drive, McMurray, Washington County, PA, 15317 (Appointed: 09/14/82, Station EL11).

As an addendum to the December 23, 1995, listing of Official Stopwatch Testing Stations, under 75 Pa.C.S. § 3368(d) and appearing at 25 Pa.B. 6046, the Department hereby gives notice of the change of name for the following station:

Highway Safety Traffic Surveillance, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317, is now known as: S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, PA, 15317 (Appointed: 10/10/89, Station W61).

As an addendum to the December 23, 1995, listing of Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points under 75 Pa.C.S. § 3368(d) and appearing at 25 Pa.B. 6047, the Department hereby gives notice of the change of name for the following station:

Highway Safety Traffic Surveillance, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317, is now known as: S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, PA, 15317 (Appointed: 09/14/82, Station EM6).

Change of Ownership of Calibration Station

As an addendum to the December 23, 1995, listing of Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police, under 75 Pa.C.S. § 3368(d) and appearing at 25 Pa.B. 6045, the Department hereby gives notice of the change of ownership for the following station:

AEL Industries Incorporated, 305 Richardson Road, Lansdale, Montgomery County, PA 19446, is under new ownership and now doing business as: Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, PA 19446 (Appointed 9/19/96. Station R9).

As an addendum to the December 23, 1995, listing of Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points, under 75 Pa.C.S. § 3368(d) and appearing at 25 Pa.B. 6047, the Department hereby gives notice of the change of ownership for the following station:

AEL Industries Incorporated, 305 Richardson Road, Lansdale, Montgomery County, PA 19446, is under new ownership and now doing business as: Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, PA 19446 (Appointed 9/19/96, Station EM7).

As an addendum to the December 23, 1995, listing of Official Electronic Device Testing Stations for nonradar devices which measures elapsed time between measured road surface points by using two sensors, under 75 Pa.C.S. § 3368(d) and appearing at 25 Pa.B. 6046, the Department hereby gives notice of the change of ownership for the following station:

AEL Industries Incorporated, 305 Richardson Road, Lansdale, Montgomery County, PA 19446, is under new ownership and now doing business as: Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, PA 19446 (Appointed 9/19/96, Station EL8).

Other official speedtiming addenda appear at 26 Pa.B. 388 (January 27, 1996) and 26 Pa.B. 2955 (June 22, 1996).

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

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1715. Filed for public inspection October 11, 1996, 9:00 a.m.]

Retention of Engineering Firms

Bucks County **Reference No. 08430AG2020**

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design and construction consultation for S. R. 2006, Section 02S, New Falls Road in Bensalem and Bristol Townships, Bucks County, New Falls Road over Neshaminy Creek between Newportville Road and Bensalem Boulevard. The estimated project construction cost is \$1.3 million.

The project involves replacement of the five-span bridge deck and related maintenance repairs. Construction is limited to bridge deck and approach slabs maintaining traffic over the bridge during construction.

The selected firm will be required to provide the following engineering and design services: surveys; preparation of cross-sections; erosion and sedimentation control design; right-of-way investigation and plan; structure design; preparation of traffic control, pavement marking, and signing plans, traffic signal design; utility coordination and design; coordination with DEP, Corps of Engineers, municipal officials, and the public; preparation of final plans, specifications and estimates; shop drawing review; alternate design review.

Environmental clearance will be provided by the District. Any required environmental permits will be obtained by the selected firm. Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract or are being considered to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Tim O'Brien, at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

We encourage small firms to submit a letter of interest for this assignment.

Technical questions concerning the requirements for this project should be directed to Tim O'Brien, P.E.,

District 6-0, at (610) 964-6526, or John R. Laughner, P.E., at (610) 964-6539.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Montgomery and Philadelphia Counties **Reference No. 08430AG2021**

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design and construction consultation for S. R. 2054, Section 89S, Greenwood Avenue over SEPTA in Montgomery County. The estimated project construction cost is \$3.3 million.

This project involves the replacement of the existing two span concrete encased I-beam structure carrying Greenwood Avenue over SEPTA and the underpinning repairs to the single span stone arch structure carrying Greenwood Avenue over Tacony Creek. The project length is 1,154 feet (351.7 meters) encompassing both project locations.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and sedimentation control design; right-of-way investigation and plan; structure design; hydrologic and hydraulic analysis for scour analysis; preparation of traffic control/detour, pavement marking, and signing plans; traffic signal design; utility coordination and design; railroad catenary and electrification design; coordination with PUC, DEP, Corps of Engineers, municipal officials and the public; preparation of final plans, specifications and estimates; shop drawing reviews; alternate design review and street lighting.

The selected firm will also be required to provide environmental services to identify and assess the following: historic and archaeological resources; regional and community growth; land use and development patterns; wildlife habitat; wetlands; floodplains; surface water and groundwater; vegetation; geological resources; noise and air quality; parks and recreational facilities; emergency service, health and educational facilities; utility locations; residential and commercial property values; hazardous waste; aquatic resources; national natural landmarks; vibration; aesthetics and visual qualities; and construction impacts.

The environmental studies will be conducted to prepare a Categorical Exclusion in accordance with accepted analysis techniques and methodologies.

The selected firm will be required to perform the following to insure that a complete environmental investigation has been performed: provide all necessary to collect, analyze and organize data, assess impacts, conduct agency and public involvement activities, and prepare reports and mitigation plans. The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; project need; preliminary alternatives analysis; meeting minutes, newsletters; mailing lists; public meetings and hearings; handouts and displays; NEPA environmental documents; Section 106 documents; Section 4(f) evaluation; mitigation plans and reports; hazardous waste mitigation plans; DEP permits, Corps of Engineers 404 permits; formulating and participating in public involvement program; and coordinating the devel-

opment of the study with various agencies and special interest groups.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Questions concerning this requirement should be directed to Timothy R. O'Brien, P.E., at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

We encourage small firms to submit a letter of interest for this assignment.

Technical questions concerning the requirements for this project should be directed to Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526, or Elaine Elbich, District 6-0, at (610) 964-6529.

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. 96-1716. Filed for public inspection October 11, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Eighty-Four Mining Company v. DEP; Doc. No. 95-235-R

Eighty-Four conducts underground coal mining in Washington County, PA. On September 22, 1995, the Department approved a permit revision authorizing Eighty-Four to expand its operations. Eighty-Four appealed two conditions in the permit revision.

The Department and Eighty-Four have negotiated a settlement of this matter, the major provisions of which include:

- (1) Special Condition F.3 (relating to alternative mining methods) will be amended to conform to the 1994 amendments to The Bituminous Mine Subsidence and Land Conservation Act.
- (2) Special Condition 18 (relating to potential affects on public utilities) will be amended to clarify the application of mitigation measures to be implemented by Eighty-Four.
- (3) Eighty-Four's appeal will be dismissed with prejudice.

Copies of the full agreement are in the possession of:

Diana J. Stares, Regional Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Henry M. Ingram, Esquire, Buchanan Ingersoll, P.C., One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, PA 15219-1410;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1717. Filed for public inspection October 11, 1996, 9:00 a.m.]

Jim Thorpe Sanitary Landfill v. DEP; EHB Doc. No. 86-175-MR

The Department of Environmental Protection (Department), and Jim Thorpe Sanitary Landfill (Appellant) have entered into a Consent Adjudication in resolution of the above-referenced action.

On February 26, 1986, the Department issued an Order to Appellant requiring that Appellant close and discontinue use of an unpermitted municipal waste landfill known as Jim Thorpe Sanitary Landfill (landfill), located in the Borough of Jim Thorpe, Carbon County, Pennsylvania; that Appellant submit an approvable closure plan to the Department and implement the closure plan as approved or modified and approved by the Department; that Appellant perform certain interim maintenance activities at the landfill; and that Appellant maintain the landfill for a minimum post-closure period of 5 years.

Appellant appealed this Order. Thereafter, Appellant has submitted a closure plan to the Department, and the Department has approved, with modifications, said closure plan. Appellant has since begun implementation, and is currently nearing completion of the approved Closure Plan.

Under the terms of the Consent Adjudication, Appellant shall continue to implement the closure plan as approved by the Department until the closure of the landfill is completed.

Copies of the full adjudication are in the possession of:

Lance H. Zeyher, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2519;

Roger N. Nanovic, II, Esq., Nanovic Law Offices, 57 Broadway, P. O. Box 359, Jim Thorpe, PA 18229-0359, (717) 325-2774;

and at the Offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Rachel Carson State Office Building, Second Floor, 400 Market Street, Harrisburg, PA 17105-8457.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement, if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1718. Filed for public inspection October 11, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
5-61	Department of Community Affairs Neighborhood Assistance Program; Special Program Priorities and Enterprise Zone Tax Credit Program	9/26/96

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1719. Filed for public inspection October 11, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Western Pennsylvania; Pennsylvania Blue Shield; Endorsement to Add Exclusion for Elective Abortions to Direct Pay Programs Upon Subscriber Request; Filing No. 1-DPABOR-96-WP

By filing no. 1-DPABOR-96-WP, Blue Cross of Western Pennsylvania proposes to amend its direct pay subscription agreements and Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield propose to amend all jointly underwritten direct pay subscriptions agreements to make available to subscribers in direct pay programs, an exclusion for elective abortions. This filing consists of 13 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie. Please refer to Insurance Department File No. 9609170041001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections, to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1720. Filed for public inspection October 11, 1996, 9:00 a.m.]

The PIE Mutual Insurance Company; Medical Malpractice Rate/Rule Filing

On September 18, 1996, the Insurance Department received from The PIE Mutual Insurance Company a filing for a rate level and rules change for medical malpractice insurance.

The company requests an overall 13.6% increase, amounting to \$2 million dollars annually, to be effective January 1, 1997.

Unless formal administrative action is taken prior to November 17, 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 Stephen Kcenich, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1721. Filed for public inspection October 11, 1996, 9:00 a.m.]

Yuri Malinsku; Hearing

Appeal of Yuri Malinsku; PA Assigned Risk Plan; Doc. No. PH96-09-035

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 Yuri Malinsku 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 November 20, 1996, at 9 a.m. in Hearing Room 200, Capitol 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). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.193, 35.225—35.251, unless specific exemption is given.

LINDA S. KAISER
Insurance Commissioner

[Pa.B. Doc. No. 96-1722. Filed for public inspection October 11, 1996, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Chester County, Wine & Spirits Shoppe # 1520.

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 on Route 100 in Northern Chester County, south of Route 422 to Route 401.

Proposals due: November 8, 1996, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert J. Jolly, (215) 560-5310

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 96-1723. Filed for public inspection October 11, 1996, 9:00 a.m.]

MILK MARKETING BOARD

Presubmission Schedule and Prehearing Conference for Milk Marketing Area No. 4; Hearing Notice

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1204), the Commonwealth of Pennsylvania, Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on November 6, 1996, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing will be to consider whether the bracket system currently in effect in Area 4 should be discontinued, with a cost replacement system established in its place. In conjunction with considering this proposal, the Board will also receive evidence of cost increases and decreases to be reflected in a cost replacement system, should the Board adopt such a system in Area 4.

The staff of the Board is deemed to be a party for purposes of this hearing. Other interested persons as defined in section 801 of the Milk Marketing Law who wish to present testimony or exhibits, or both, at the hearing shall file with the Board on or before October 18, 1996, a written request to be included on the Board's list of parties.

(A) Each party shall file with the Board seven copies and serve on all other parties one copy of the following on or before October 25, 1996.

(1) A written designation identifying each witness who will testify on behalf of the party at the hearing, including identification of any witness who will testify as an expert.

(2) A statement of the subjects concerning which each witness will testify.

(3) A copy of each exhibit to be presented, including but not limited to financial statements, accounting statements, accounting schedules and economic statistics.

(B) Requests by parties for Board staff to provide data pertinent to this hearing shall be made in writing and received in the Board office on or before October 18, 1996.

(C) Rebuttal exhibits of evidence of the types indicated above must be submitted to the Board and served on all Interested Parties on or before October 31, 1996. Failure to file and serve such exhibits may result in those exhibits, and the evidence contained therein, being excluded from the hearing record.

(D) Parties shall have available in the hearing room at least 20 copies of the documents described in (A)(1)—(3) and (C) for the use of nonparties attending the hearing.

(E) Parties wishing the Board to take administrative notice of any document shall, when notice is requested, provide a copy of the document to each Board member and to all other parties. At least 20 additional copies shall be available for the use of nonparties attending the hearing.

The Board may exclude witnesses, evidence or exhibits of a party who failed to comply with the requirements of (A) or (C).

There will be a prehearing conference for all parties on November 4, 1996, in Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA, beginning at 2 p.m.

Persons who require this information in an alternate format should call (717) 787-4194 or 1 (800) 654-5984 (PA Relay Service for TDD users).

O. FRANK DEGARCIA,
Executive Secretary

[Pa.B. Doc. No. 96-1724. Filed for public inspection October 11, 1996, 9:00 a.m.]

PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

Maximum Loan Amounts and Participation and Interest Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the adoption of maximum PIDA loan amounts and PIDA participation and interest rates for loans approved by the PIDA Board of Directors. The maximum PIDA loan amounts and rates were adopted by the PIDA Board of Directors at its meeting held July 3, 1996, are effective as of that date, except as provided below, and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The rates follow as Annex A.

Exceptions: (1) Projects located in any county or municipality in which the interest rate has increased or the participation rate has decreased will not be subject to the new rates until October 2, 1996.

(2) If the county's 5-year unemployment rate (average of the highest 5 of the last 10 years) is three percentage points or more than the 1995 unemployment rate, the 5-year unemployment rate will be used to determine the PIDA interest rate. This exception affects only the counties of Beaver, Fulton and Mercer resulting in a 3.75% interest rate.

The PIDA Board retains the right to waive or modify the rates, to the extent that such are not mandated by law, on a case by case basis for good cause shown.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

THOMAS B. HAGEN,
Chairperson

Annex A

PIDA Participation and Interest Rates for Counties and Municipalities* Over 25,000 Population

<i>Counties and Municipalities</i>	<i>Maximum PIDA Participation</i>		<i>Interest Rate**</i>
	(S)	% (L)	
ADAMS	40***	30****	6.75
ALLEGHENY	40***	40***	6.75
McKeesport City	40	40	3.75
Pittsburgh City	40	40***	5.25
ARMSTRONG	40	40	3.75
BEAVER	40	40***	3.75
BEDFORD	40	40	3.75
BERKS	40***	40***	6.75
Reading City	40	40***	5.25
BLAIR	40	40***	5.25
BRADFORD	40	40***	5.25
BUCKS	40***	40***	6.75
Bensalem Twp.	40***	40***	5.25
Bristol Twp.	40	40***	5.25
BUTLER	40***	40***	5.25
CAMBRIA	40	40	3.75
CAMERON	40	40***	5.25
CARBON	40	40***	3.75

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<i>Counties and Municipalities</i>	<i>Maximum PIDA Participation</i>		<i>Interest Rate**</i>
	(S)	% (L)	
CENTRE	30****	30****	6.75
CHESTER	40***	30****	6.75
CLARION	40	40	3.75
CLEARFIELD	40	40	3.75
CLINTON	40	40	3.75
COLUMBIA	40	40***	5.25
CRAWFORD	40	40***	5.25
CUMBERLAND	30****	30****	6.75
DAUPHIN	40***	30****	6.75
Harrisburg	40***	30****	5.25
DELAWARE	40***	30****	5.25
Chester City	40	40	3.75
ELK	40***	40***	5.25
ERIE	40	40***	5.25
Erie City	40	40	3.75
FAYETTE	40	40	3.75
FOREST	40	40	3.75
FRANKLIN	40***	30****	6.75
FULTON	40***	40***	3.75
GREENE	40	40	3.75
HUNTINGDON	40	40	3.75
INDIANA	40	40	3.75
JEFFERSON	40	40***	3.75
JUNIATA	40	40	3.75
LACKAWANNA	40	40***	5.25
LANCASTER	30****	30****	6.75
Lancaster City	40***	30****	5.25
LAWRENCE	40	40***	5.25
New Castle City	40	40	3.75
LEBANON	40***	30****	6.75
Lebanon City	40***	30****	5.25
LEHIGH	40***	40***	6.75
Allentown	40	40***	5.25
LUZERNE	40	40***	3.75
LYCOMING	40	40***	5.25
Williamsport City	40	40	3.75
MCKEAN	40	40***	5.25
MERCER	40***	40***	3.75
MIFFLIN	40	40***	5.25
MONROE	40	40***	5.25
MONTGOMERY	40***	30****	6.75
Norristown Boro.	40	30****	5.25
Upper Dublin Twp.	40***	30****	5.25
MONTOUR	30****	30****	6.75
NORTHAMPTON	40***	40***	6.75
Easton City	40	40***	5.25
NORTHUMBERLAND	40	40***	5.25
PERRY	40***	40***	6.75
PHILADELPHIA	40	40***	3.75
PIKE	40	40***	5.25

Counties and Municipalities	Maximum PIDA Participation		Interest Rate**
	(S)	(L)	
POTTER	40	40***	5.25
SCHUYLKILL	40	40***	3.75
SNYDER	40***	40***	6.75
SOMERSET	40	40	3.75
SULLIVAN	40	40***	5.25
SUSQUEHANNA	40	40***	5.25
TIOGA	40	40***	5.25
UNION	40***	40***	6.75
VENANGO	40	40***	5.25
WARREN	40***	40***	6.75
WASHINGTON	40	40***	5.25
WAYNE	40	40	3.75
WESTMORELAND	40	40***	5.25
WYOMING	40	40***	5.25
YORK	40***	30****	6.75
York City	40	30****	5.25

* Municipalities are listed *only* if PIDA rate differs from County rate.

** Based on calendar year 1995 unemployment rate. Subject to change at discretion of PIDA Board.

(S) Small Business (Less than 50 existing employes, including parent, subsidiaries and affiliates.)

(L) Large Business.

Special Note: Projects located in designated enterprise zones, planning stage enterprise zones and financially distressed municipalities under Act 47 will receive loans at 3.75%. Companies designated as advanced tech firms will receive an interest rate 1% less than the area rate with a floor of 3.75%.

*** 10% Equity required.

****20% Equity required.

MID MON VALLEY (Fayette, Washington and Westmoreland Counties)

PIDA Participation: 40%—Small Business
40%—Large Business

Interest Rate: 3.75%

Allenport	Fallowfield Twp.	Roscoe
Belle Vernon	Fayette City	Rostraver Twp.
Bentleyville	Finleyville	Smithton
Brownsville	Forward Twp.*	Speers
Brownsville Twp.	Jefferson Twp.	Stockdale
California	Long Branch	Twilight
Carroll Twp.	Monessen	Union Twp.
Charleroi	Monongahela	Washington Twp.
Coal Center	New Eagle	West Brownsville
Donora	Newell	West Newton
Dunlevy	North Belle Vernon	West Pike Run Twp.
Elco	North Charleroi	

LOWER MON VALLEY (Allegheny County)

PIDA Participation: 40%—Small Business
40%—Large Business

Interest Rate: 5.25%

Braddock	Homestead	South Versailles Twp.
Braddock Hills	Jefferson	Swissvale
Chalfant	Liberty	Trafford
Clairton	Lincoln	Turtle Creek
Dravosburg	McKeesport	Versailles
Duquesne	Monroeville	Wall
East McKeesport	Munhall	West Elizabeth
East Pittsburgh	North Braddock	West Homestead
Elizabeth	North Versailles Twp.	West Mifflin

Elizabeth Twp.
Forest Hills
Forward Twp.*
Glassport

Pitcairn
Pittsburgh
Port Vue
Ranklin

Whitaker
White Oak
Wilkins Twp.
Wilmerding

SHENANGO RIVER VALLEY (Lawrence and Mercer Counties)

PIDA Participation: 40%—Small Business
40%—Large Business
Interest Rate: 5.25%

Clark
Delaware Twp.
Farrell
Greene Twp.
Greenville
Hempfield
Hermitage
Jamestown

Jefferson Twp.
Mahoning Twp.
Neshannock Twp.
New Castle
Pulaski Twp.
Pymatuning Twp.
Sharon
Sharpsville

Shenango Twp.
South Pymatuning Twp.
Union Twp.
West Middlesex
West Salem Twp.
Wheatland

(Note: Any municipality located in Mercer County receives 3.75% interest rate.)

BEAVER VALLEY (Beaver County)

PIDA Participation: 40%—Small Business
40%—Large Business**
Interest Rate: 3.75%

Aliquippa
Ambridge
Baden
Beaver
Beaver Falls
Big Beaver
Bridgewater
Brighton Twp.
Center Twp.
Chippewa Twp.
Conway
Darlington
Darlington Twp.
Daugherty
East Rochester
East Vale
Economy Twp.
Ellwood City

Fallston
Frankfort Springs
Franklin Twp.
Freedom
Georgetown
Glasgow
Greene Twp.
Hanover Twp.
Harmony Twp.
Hookstown
Homewood
Hopewell Twp.
Independence Twp.
Industry
Koppel
Marion Twp.
Midland
Monaca

New Brighton
New Galilee
New Sewickley Twp.
North Sewickley Twp.
Ohioville
Patterson Heights
Patterson Twp.
Potter Twp.
Pulaski Twp.
Raccoon Twp.
Rochester
Rochester Twp.
Shippingport
South Beaver Twp.
South Heights
Vanport Twp.
West Mayfield
White Twp.

MOSHANNON VALLEY (Centre and Clearfield Counties)

PIDA Participation: 40%—Small Business
40%—Large Business
Interest Rate: 3.75%

Beccaria Twp.
Bradford Twp.
Coalport Bor.
Glen Hope Bor.
Houtzdale Bor.
Knox Twp.
Philipsburg Bor.
South Philipsburg Bor.

Bigler Twp.
Brisbin Bor.
Cooper Twp.
Graham Twp.
Irvona Bor.
Morris Twp.
Ramey Bor.
Wallaceton Bor.

Boggs Twp.
Chester Hill Bor.
Decatur Twp.
Gulich Twp.
Jordan Twp.
Osceola Mills Bor.
Rush Twp.
Woodward Twp.

* Forward Twp. is eligible for 3.75% interest and 40/40% participation.

**10% Equity required.

[Pa.B. Doc. No. 96-1725. Filed for public inspection October 11, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Service Without Hearing

A-111100 F2001. UGI Utilities, Inc. Application of UGI Utilities, Inc., Electric Division, for approval to discontinue service to a seasonal use cabin off State Route 3004, Glen Lyon, Newport Township, Luzerne County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before October 28, 1996, under 52 Pa. Code (relating to public utilities).

Applicant: Mark C. Morrow, Esquire, UGI Corporation, P. O. Box 858, Valley Forge, PA 19482.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1726. Filed for public inspection October 11, 1996, 9:00 a.m.]

Railroad With Hearing

A-00111494. Consolidated Rail Corporation. An application has been made to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Code. The application requests the alteration of a crossing and exemption from statutory vertical and horizontal clearance requirements in connection with modification of the tracks to improve vertical clearance for double-stack container traffic under Overhead Bridge No. 106.04, Maclay Street, S. R. 0022, (AAR 518 088 K) on the Pittsburgh Line in the City of Harrisburg, Dauphin County, PA.

A public hearing upon this proceeding will be held Monday, October 28, 1996, at 10 a.m. in an available Hearing Room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when persons may appear and be heard.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1727. Filed for public inspection October 11, 1996, 9:00 a.m.]

Railroad With Hearing

C. 00967887. Complaint of Rick Weaver; Bangor Zoning/Code Officer v. Consolidated Rail Corporation and Department of Transportation. A complaint has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The complaint alleges viaduct/bridge over Martins Creek and Conrail Tracks is in disrepair.

A public hearing in this investigation will be held Tuesday, January 7, 1997, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Build-

ing, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1728. Filed for public inspection October 11, 1996, 9:00 a.m.]

Railroad With Hearing

C-00967770. Complaint of the Township of Franklin, Beaver County. A complaint has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The complaint requests the Commission require CSX Transportation, Inc., restore the crossing in Franklin Township where the railroad transportation line crosses Narrow Road, Township Road designated T-645 at a point near property owned by Zachary L. Sockaci, located in Beaver County, as the removal of the crossing presents a clear and present danger to the public.

A public hearing in this investigation will be held Thursday, December 5, 1996, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1729. Filed for public inspection October 11, 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 November 4, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00113394. Colonial Coach Cab, Inc. (1020 Lancaster Avenue, Bryn Mawr, Montgomery County, PA 19010), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in the Bala-Cynwyd Section of Lower Merion Township, Montgomery County, between the Schuylkill River on the east and Wynnewood Avenue on the west and extending to Rock Hill Road, Bryn Mawr Avenue and Montgomery Avenue on the

north, and from points in that area to other points in Pennsylvania and vice versa; all transportation to be upon call by telephone to the carrier's office; and persons upon call or demand in that part of the city of Philadelphia, Philadelphia County, beginning at the intersection of City Line Avenue and 52nd Street, thence continuing south along 52nd Street to Wynnefield Avenue, thence continuing south along Wynnefield Avenue to Belmont Avenue, thence south along Belmont Avenue to its intersection with Montgomery Avenue, thence continuing in an easterly direction along Montgomery Avenue until the same intersects with the Schuylkill River, thence continuing in a northerly direction to City Line Avenue and the place of beginning; all transportation to be upon call by telephone to the carrier's office; which is to be a transfer of the rights issued to Boston Coach-Pennsylvania Corp., t/d/b/a Boston Coach, under the certificate issued at A-00107814, F. 2, subject to the same limitations and conditions. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00106351, F. 3. Martian Security, Inc. (94 Roland Avenue, Chambersburg, Franklin County, PA 17201) a corporation of the Commonwealth of Pennsylvania—additional right—persons in paratransit service between points in the counties of Adams, Franklin and Fulton, and from points in the said counties to points in Pennsylvania and return.

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 October 28, 1996.

- A-00113401 Craig G. Hartranft, t/d/b/a Lancaster Courier Service
1935 Fruitville Pike, Box 359,
Lancaster, PA 17601
- A-00113402 R. C. Savercool Clay Sales, Inc.
P. O. Box 214, Millerstown, PA
17062
- A-00113404 Myron D. Stoltzfus, Sr., t/d/b/a M & L Wholesale Foods
405 Sandy Hill Road, Denver, PA
17517
- A-00113405 James W. Andrews, t/d/b/a Andrews Construction
R. R. 1, Box 170A, Forest City, PA
18421
- A-00113406 Charles D. Shelton, t/d/b/a Shelton's Pallet Company
102 Oaks Road, Oxford, PA 19363
- A-00112914, F. 2 Trudy Jane Cline, t/d/b/a Trudy's Taxi
P. O. Box 766, Waynesboro, PA
17268

A-00113407 Larry B. Wright
Box 306, Canton, PA 17724

A-00113408 Alvin F. Gehly, t/d/b/a G. T. Transport
371 Fairview Road, Fedonia, PA
16124

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1730. Filed for public inspection October 11, 1996, 9:00 a.m.]

**Sewage Service
Without Hearing**

A-230292 F2000. Estate of Dean Mori. Application for approval of abandonment of sewage service to the public by the Estate of Dean Mori.

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 October 28, 1996, under 52 Pa. Code (relating to public utilities).

Applicant: Norma Pasquinelli, Executrix, Estate of Dean Mori, Route 201, Belle Vernon, PA 15012.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1731. Filed for public inspection October 11, 1996, 9:00 a.m.]

**Telecommunications Service
Without Hearing**

A-310258 F0002. Eastern TeleLogic Corporation. Application of Eastern TeleLogic Corporation for a Certificate of Public Convenience and necessity to provide local exchange telecommunications services in the areas served by Bell Atlantic-Pennsylvania, Inc., within the Philadelphia lata.

Bell Atlantic-Pennsylvania, Inc., and Eastern TeleLogic Corporation, by its counsel, filed on September 13, 1996, at the Public Utility Commission, a joint petition for approval of agreement for network interconnection and resale.

Interested parties may file comments concerning the joint petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All such comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic and Eastern TeleLogic joint petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection. Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1732. Filed for public inspection October 11, 1996, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

November 6, 1996	Jeaninne S. Fein (County Service)	1 p.m.
November 13, 1996	Howard E. Kulin (Service Purchase)	1 p.m.
November 18, 1996	Patricia Kilmartin (Disability)	1:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIOUS,
Secretary

[Pa.B. Doc. No. 96-1733. Filed for public inspection October 11, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 83-037-RS36. Replacement of Pennsylvania Turnpike Bridge B-432 at M. P. 69.15 on the PA Turnpike in Westmoreland Co., PA.

Bid Opening: November 14, 1996, 11 a.m.

Bid Surety: 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$40 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-1734. Filed for public inspection October 11, 1996, 9:00 a.m.]

Retention of Engineering Firm

Westmoreland County Reference No. 1-106

The Turnpike Commission will retain an engineering firm or construction management firm to provide approximately three inspectors for the complete construction inspection, management, administration and documentation on the following project:

Replacement of Bridge B-432 at Milepost 69.15 in Westmoreland County.

The total cost of this construction contract is estimated at \$1,950,000. This Agreement is anticipated to start in February, 1997, and terminate in December, 1997.

In addition, the firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical to support the field functions.

The firm selected will be required to attend the prebid meeting and the preconstruction conference with the Commission.

The selected firm will be required to write all project correspondence, review shop drawings, approve materials, and inspect the manufacture of selected construction materials. In addition, the selected firm will be required to keep records utilizing the Turnpike's Construction Documentation System (CDS), document the construction work, prepare current and final estimates for payment to the construction contractor, prepare change orders, conduct monthly job conferences, monitor the monthly progress, provide liaison with affected utilities and communities, conduct semi-final and final inspections, determine from project records the final quantities of each contract item, and perform other duties as may be required.

Sixty percent of the inspection staff assigned to this Commission construction project must meet any of the following requirements:

(1) Be certified by the National Institute for Certification in Engineering Technologies (NICET) as a Transportation Engineering Technician-Construction, Level 2 or higher.

(2) Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with 1 year of highway experience acceptable to the Commission.

(3) Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway experience acceptable to the Commission.

(4) Hold a Bachelor of Science Degree in Civil Engineering with 2 years of highway experience acceptable to the Department or a Bachelor of Science Degree in Civil Engineering Technology with 2 years of highway experience acceptable to the Commission.

(5) Hold an Associate Degree in Civil Engineering Technology with 3 years of highway experience acceptable to the Commission.

The remaining 40% assigned to each Commission construction project shall meet the following minimum education and experience requirements:

Education—Graduation from high school or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for high school graduation.

Experience—One year of experience in construction inspection or workmanship which required reading and interpreting construction plans and specifications or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

The Selection Committee will establish an order of ranking of a minimum of three firms for the purpose of negotiating an engineering agreement based on the evaluation of the acceptable letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

Direct inquiries to Matthew J. Wagner at (717) 939-9551, Extension 5210.

General Requirements and Information

Firms interested in performing the above services are invited to submit letters of interest to Paul A. Edmunds, P.E., Acting Deputy Executive Director-Engineering/Chief Engineer, Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letters of interest must include the heading, the firm's Federal Identification Number and the Project Reference Number indicated in this advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement must be submitted for the firm, each party in a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of interest. DOT Form D-487 (as revised 6/89) must be completed to show an indication of both the prime consultant's and subconsultant's current workload by listing all Department of Transportation and Turnpike Commission projects.

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 this project. DBE's must be presently certified by the Department and the name of the firms and the work to be performed must be indicated in Item 6.

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.

The Turnpike Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's office indirect payroll costs (overhead) to 130% and the consultant's field indirect payroll costs (overhead) to 100% or the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting 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) The prime consultant's and subconsultant's current workload as indicated on DOT Form D-427 (as revised 6/86). Letters of interest not including Form D-427 are subject to nonconsideration by the Selection Committee.

(D) Location of consultant's and subconsultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

(F) Previous experience in construction inspection of large highway or public works projects.

(G) Other factors, if any, specific to the project.

The letters of interest and required forms must be received by 4 p.m. on November 1, 1996. Letters of interest received after this date and time will be time-stamped and returned.

The assignment of the above services will be made to one of the firms responding to this notice, but the Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to readvertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-1735. Filed for public inspection October 11, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:) Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337

Commodities

1333236 Ammunition and explosives—150 each; lead shot identifier (reference Clearshot No. 121001 or approved equal).

Department: Game Commission
Location: Harrisburg, Dauphin County, PA 17110-9797
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1293116 Ammunition and explosives—various amounts; grenades and appropriate accessories.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA 15233
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1303116 Building and construction materials—various amounts and various sizes; 20 gauge steel stud, gauge steel track, moisture resistance sheet rock, etc.

Department: Corrections
Location: Waymart, Wayne County, PA 18472-0256
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1251166 Data processing and computer equipment and supplies—10 each; PCS50 Pictoretel desktop videoconferencing systems, with Liveshare Plus video/audio board with ISDN/BRI (128kbs), color camera, speakerphone and optional graphics board w/appropriate accessories.

Department: Management Services
Location: Harrisburg, Dauphin County, PA 17126
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1276726 Electric wire and power and distribution equipment—1 lot; purchase of 1 lot of ninety (90) lead calcium batteries which will include delivery and installation.

Department: Public School's Retirement System
Location: Harrisburg, Dauphin County, PA 17108
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8503440 Safety equipment and supplies—1,000 each; lights: revolving warning, 360 degree, 12v.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1331116 Safety equipment and supplies—24 each; eight (8) foot telescoping tripod with adjustable locking legs, paddle swivel feet—24 each; galvanized or stainless steel cable, or kernmantle rope may be used for raising/lowering.

Department: Corrections
Location: Camp Hill, Cumberland County, PA 17111
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1312226 Scales and measuring devices and equipment—1 lot; furnish and install a Panametrics DF868 "or approved equal" ultrasonic flow meter, recorder with totalizer and meter pit assembly and appurtenances.

Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA 16823
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1311116 Textiles, leathers and furs—50,000 yards; pocketing; 50% polyester/50% cotton.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16654-1112
Duration: Indeterminate 1996-97
Contact: Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Advertising—01

5332 Subscription services—hospital will be ordering various types of books, monthly, quarterly and bid monthly for our Medical Library Department. More detailed information concerning the types of books and quantities can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building 4, Haverford, PA 19041
Duration: January 1, 1997—December 31, 1997
Contact: Jacqueline Newson, Purchasing Agent, (215) 526-2624

Audio/Video—04

1180 The contractor shall provide all labor, equipment, materials, repair parts, and replacement components necessary to maintain closed circuit television (CCTV) systems as needed and requested by the State Correctional Institution at Greensburg. The CCTV systems comprise a total of 6 Burle CCD cameras, 1 sequential switcher, 1 video monitor, 4 single channel digital motion detectors, and related accessories and apparatus.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: February 3, 1997 to June 30, 1999
Contact: Jack Loughry, (412) 837-4397

Computer Related Services—08

10-96-17 Data entry of Pennsylvania State Police daily activity transactions.

Department: State Police
Location: 1800 Elmerton Avenue, Harrisburg, PA 17110
Duration: January 1, 1997 through June 30, 1998
Contact: Margaret Chapman, P&S Division, (717) 783-5485

Construction and Construction Maintenance—09

080925 Luzerne County, Wilkes-Barre Signals; Chester County, SR 100 (M05); Westmoreland County, Tinsmill Spur SR 1048.

Department: Transportation
Location: Districts 4-0, 6-0, 12-0
Duration: FY 1996/1997
Contact: V. C. Shah, (717) 787-5914

S19:12-101.1 Construction will consist of constructing a levee segment with riprap protection along an 85 foot long reach.

Department: Environmental Protection
Location: Stream Improvements, Unnamed Tributary to Susquehanna River, Scott Township, Columbia County, PA
Duration: 30 calendar days after the official starting date
Contact: Contract Unit, (717) 783-7994

Engineering Services and Consultation—14

08430AG2020 To perform environmental studies, preliminary engineering, final design, shop drawing review and consultation during construction for S. R. 2006, Section 02S, New Falls Road, Bensalem and Bristol Townships, Bucks County.

Department: Transportation
Location: Engineering District 6-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2021 To perform environmental studies, preliminary engineering, final design, shop drawing review and consultation during construction for S. R. 2054, Section 89S, Greenwood Avenue over SEPTA, Cheltenham Township, Montgomery County.

Department: Transportation
Location: Engineering District 6-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

OSM 35(2080)102.1 Stream Channel Rehabilitation, Sterry Creek South. Involves an estimated 1,815 L. F. of channel reconstruction including: concrete bridge and U-channel replacement, 580 L. F. of concrete U-channel construction, 1000 L. F. of riprap channel construction, and an 8 foot diameter railroad culvert installation. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million dollars for Pennsylvania's 1995 AML Grant.

Department: Environmental Protection
Location: Jessup Borough, Lackawanna County, PA
Duration: 365 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Extermination Services—16

5081 Contractor to provide pest control services on a twice monthly basis or more frequently if required by hospital.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: December 1, 1996—June 30, 2000
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

Financial and Insurance Consulting—17

RFQ 1996-01 The Insurance Department is preparing a list of qualified consultants to provide services relating to financially troubled insurance companies domiciled in Pennsylvania. Examples of work to be performed include, but are not limited to: real estate appraisals, asset/liability matching, cash flow analysis, evaluation of reinsurance treaties, and investment strategies. Those interested in obtaining a copy of the Request for Qualification (RFQ 1996-01) should contact Bev Ward (717) 783-2031 by 10-21-96.

Department: Insurance
Location: 1326 Strawberry Square, Harrisburg, PA 17120
Duration: 10-31-96 to 10-31-2001
Contact: Steve Johnson, (717) 783-4312

RFP 1996-04 The Pennsylvania Insurance Department, Underground Storage Tank Indemnification Fund is soliciting a Request for Proposal from vendors to provide Underground Storage Tank environmental and third party claims administration services. The Request for Proposals package will be issued to interested vendors on or after October 15, 1996 and can be obtained by writing to the address below.

Department: Insurance Department
Location: Underground Storage Tank Indemnification Fund, 901 North 7th Street, Harrisburg, PA 17102
Duration: Indeterminate 1996-97
Contact: George Chapman, (717) 783-8093

Food—19

P-5-97 Miscellaneous frozen food. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: January, February, March, 1997
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

P-4-97 Meat and meat products. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: January, February, March, 1997
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

F-297 Vendor will provide food stuffs including, but not limited to: meat, poultry, seafood, bakery, dairy, frozen vegetable and fruit products to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, Pennsylvania. Bids and awards to be done on a weekly, bi-weekly or monthly basis at the discretion of the agency. Bid package to be requested in writing to the Purchasing Agent of the institution.

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: January 1, 1997 to December 31, 1997
Contact: Ann M. Gavala, Purchasing Agent II, (717) 773-2158

F-197 Contractor will provide fresh fruit and vegetables to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, Pennsylvania. Bids and awards to be done weekly, bi-weekly or monthly at the discretion of the agency. Requests for bid package to be made in writing to the Purchasing Agent of the institution.

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: January 1, 1997 to December 31, 1997
Contact: Ann M. Gavala, Purchasing Agent II, (717) 773-2158

Fuel Related Services—20

Project No. 444 Provide testing and chemical additive services for boilers in ten (10) buildings. Contract shall include contractor providing a test schedule and a report on test results. Contractor shall also add chemicals to boilers to obtain established limits.

Department: Military and Veterans Affairs
Location: Various Buildings, Ft. Indiantown Gap, Lebanon County, PA
Duration: 1 January 1997—30 September 1999
Contact: Emma Schroff, (717) 861-8518

Janitorial Services—23

FM-177 Furnish all equipment, materials and labor to perform janitorial services including: empty wastebaskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semi-housecleaning at the discretion of the Station Commander or his designated representative at the Mt. Jewett Station, R. R. 1, Box 188D, Kane, PA 16735. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Mt. Jewett Station, R. R. 1, Box 188D, Kane, PA 16735
Duration: 12/01/96 to 06/30/99
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-179 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semi-annual housecleaning at the discretion of the Station Commander or his designated representative at the Towanda Station, R. D. 1, Route 6, Towanda, PA 18848. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Towanda Station, R. D. 1, Route 6, Towanda, PA 18848
Duration: 11/01/96 to 06/30/99
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

Laundry/Dry Cleaning and Linen/Uniform Rental—25

814169 Provide uniforms to the maintenance and operations division personnel at Harrisburg International Airport and provide weekly cleaning and/or maintenance of the uniforms.

Department: Transportation
Location: Bureau of Aviation, Harrisburg International Airport, Middletown, Dauphin County, PA 17057
Duration: December 1, 1996 through November 30, 1999
Contact: Curt Summers, (717) 948-3927

Lodging/Meeting Services—27

PGC-2529 Provide meeting room, meals, overnight lodging for approximately 100 persons who will be attending a law enforcement training conference. There will be two sessions to be held March 11, 12, 13, 1997 and March 18, 19, 20, 1997, with approximately 100 persons attending each session.

Department: Game Commission
Location: Within a 15 mile radius of Carlisle, PA
Duration: March 1, 1997 to March 30, 1997
Contact: John A. Shutter, Jr., (717) 787-5909

Medical Services—29

300748 X-ray services (mobile)—to provide x-ray services (mobile) to patients at Harrisburg State Hospital. Portable services will be available 24 hours per day, seven days per week. All x-rays will be administered by qualified technicians and interpreted by a Board Certified Radiologist.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105
Duration: July 1, 1997 to June 30, 2000, a period of three years
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

SP-238545 Pre-Exposure Rabies Immunizations—It is estimated that approximately 56 employees will require the primary series, 32 employees will require the Titer Test and 32 employees may require the booster after Titer testing. These quantities are estimates only and may increase or decrease depending on Commission needs. Results of Titer test will be furnished to the Northwest Region Office. Only actual number of shots administered will be paid for. Vendor will be notified at least one week in advance so a scheduling period can be set up. Contractor agrees to make available one day (3:00 p.m.—7:30 p.m.) for the appointments per week. Contractor must travel to five (5) different locations within the Northwest Region to be agreed upon by both parties.

Department: Game Commission
Location: Northwest Region: Venango, Butler, Jefferson, Crawford and Warren Counties. Northwest Region of Pennsylvania Game Commission
Duration: November 4, 1996—June 30, 1997
Contact: James W. Egly, LES, Northwest Region, (814) 432-3187

5333 Ambulance service—contractor shall provide ambulance services to transport patients with or without hospital aid as required to and from hospitals in the Suburban Philadelphia, PA area, within a 10 mile radius of Haverford State Hospital, as requested by Haverford State Hospital personnel. The contractor will provide advance life support emergency ambulance service, 24 hours a day, 365 days a year, when requested and within 15 minutes after being notified. More detailed information can be obtained from the Hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Various Buildings, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—June 30, 1999
Contact: Jacqueline Newson, Purchasing Agent, (610) 526-2624

SWIF-05-96 Implement and administer a managed care program and coordinate the delivery of qualified medical and rehabilitative services through a "network of medical providers" and develop an effective return-to-work plan for injured workers of SWIF policyholders employed in the Commonwealth of Pennsylvania. A preproposal conference (mandatory attendance) will be held on October 28, 1996 at 1:30 p.m. in the basement conference room of the Scranton State Office Building located at 100 Lackawanna Avenue, Scranton, PA.

Department: Labor and Industry
Location: SWIF, Statewide
Duration: 3 years with a 2-year renewal option
Contact: Angela C. Padden, Manager Field Operations, (717) 963-4143

Property Maintenance—33

PDA-385 The successful contractor shall have the responsibility of snow plowing and snow removal from the Farm Show Complex parking areas as well as any additional leased property. The contractor shall supply all equipment and labor needed for the successful completion of this service at any time during the day or night, including weekends and holidays. Work completion will be at the direction of the Director, Bureau of Farm Show or his designated representative. Work shall begin within a two hour period after notification from Farm Show management. (Additional details will be provided upon request.)

Department: Agriculture
Location: State Farm Products Show Commission, Cameron and Maclay Streets, Harrisburg, PA 17110-9408
Duration: July 1, 1996 to June 30, 1997 (with 2-1 year renewal options)
Contact: William L. Piper, (717) 787-5373

FM-174 Furnish all labor, materials and equipment for removal of snow, salting, and cindering from the driveway and parking areas at the PA State Police, Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602-3384. Detailed specifications must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602-3384
Duration: 11/1/96 to 6/30/98
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-173 Furnish all labor, materials and equipment for removal of snow, salting, and cindering from the driveway and parking areas at the PA State Police, Philipsburg Station, Rural Route No. 1, Box 64-A, Philipsburg, PA 16886. Detailed specifications must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Philipsburg Station, Rural Route No. 1, Box 64-A, Philipsburg, PA 16886
Duration: 11/1/96 to 6/30/98
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

03060916001 Supplemental Maintenance Project. Contract for labor and materials. Masonry work and materials required for building addition. Call for bid package which lists specifications. A site visit will be required to validate bid.

Department: Historical and Museum Commission
Location: Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067
Duration: Indeterminate 1996-97
Contact: Joe Cameli, (215) 946-0400

1200-96-002 Contractor and helper needed to remodel offices at District Office. Work to include framing doors, drywall, and wallpapering. Estimated 1000 hours of work. (All materials provided by the Department.) Carpentry Work, 1996/97 District 12-0.

Department: Transportation
Location: District 12-0, North Gallatin Avenue, Uniontown, PA 15401
Duration: 11-25-96 to 5-30-97
Contact: Liberty Hill, (412) 439-7361

1200-96-003 General contractor to coordinate remodeling conference room including demolition, framing, drywall, hanging acoustical panels, vinyl wall coverings, and installation of writing boards and projection screen. Remodel Conference Room, District 12-0.

Department: Transportation
Location: District 12-0, North Gallatin Avenue, Uniontown, PA 15401
Duration: 12-2-96 to 4-15-97
Contact: Liberty Hill, (412) 439-7361

FM-178 Furnish all labor, materials and equipment required to cut, trim, fertilize, weed and maintain grass area, including fertilize, vegetation control. Vendor will supply all necessary equipment to perform services and remove from premises all clippings, trimmings and debris from the Schuylkill Haven Station, 23 Meadowbrook Drive, Schuylkill Haven, PA 17972. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Schuylkill Haven Station, 23 Meadowbrook Drive, Schuylkill Haven, PA 17972
Duration: 04/01/97 to 06/30/99
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-176 Furnish all labor, materials and equipment required to cut, trim, fertilize, weed and maintain grass areas, including fertilize, vegetation control. Vendor will supply all necessary equipment to perform services and remove from premises all clippings, trimmings and debris from the Philipsburg Station, Rural Route No. 1, Box 64-A, Philipsburg, PA 16866. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Philipsburg Station, Rural Route No. 1, Box 64-A, Philipsburg, PA 16866
Duration: 04/01/97 to 06/30/99
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-175 Furnish all labor, materials and equipment required to cut, trim, fertilize, weed and maintain grass areas, including fertilize, vegetation control. Vendor will supply all necessary equipment to perform services and remove from premises all clippings, trimmings and debris from the Towanda Station, R. D. 1, Route 6, Towanda, PA 18848. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Towanda Station, R. D. 1, Route 6, Towanda, PA 18848
Duration: 04/01/97 to 06/30/99
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

Contract No. FDC-306-219 Repair and replacement of roof, including installation of new roof trusses, sheathing, flashing, ice and water shield, new cornice, new gutters and downspouts and stone repointing. Work is located at Gifford Pinchot State Park.

Department: Conservation and Natural Resources
Location: Warrington Township, York County, PA
Duration: Complete all work by April 30, 1997
Contact: Construction Management Section, (717) 787-5055

FM 08779609 Repair storm damage: Replace cupola, repair tile roof and repair large barn roof on-grounds at the Ebensburg Center. Complete bid specifications can be received from the Purchasing Office at the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, Ebensburg, Cambria County, PA 15931
Duration: Work to be completed within 30 days from award of contract
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

Real Estate Services—35

941A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Public School Employees' Retirement System with 1,203 useable square feet of new or existing office space in Kutztown, Berks County, PA, with minimum parking for thirteen (13) vehicles, within five (5) miles from the Center of Kutztown. (Intersection of Constitution Boulevard and Main Street). Proposals due: November 18, 1996. Solicitation No.: 92392.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or Cynthia T. Lentz, (717) 787-4394

942A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of State with 3,000 useable square feet of new or existing office space with parking for fifteen (15) vehicles in Conshohocken, Montgomery or Philadelphia County, PA, within the following boundaries: North: Center Square; South: Route 3 and Route 1; East: Route 611; West: Route 202 and 252. Proposals due: November 25, 1996. Solicitation No.: 92393.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or Edward P. Meyer, (717) 787-4394

940A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 19,193 useable square feet of new or existing office space in Norristown, Plymouth Meeting/Conshohocken, Montgomery County, PA, within the following boundaries: North: Whitehall Road; South: Spring Mill Road to Joshua Road; East: Skippack Pike to Penlyn/Blue Bell Pike to Stenton Avenue; West: Henderson Road to South Gulph Road to Old Gulph Road. In areas where street or public parking is not available, an additional seventy (70) parking spaces are required. Proposals due: December 9, 1996. Solicitation No.: 92391.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or Cynthia T. Lentz, (717) 787-4394

Sanitation—36

CL-430 Replacement, relocation and installation of new fire alarm devices and associated equipment and wiring in buildings located on the Venango Campus of Clarion University in Oil City, PA. Pre-bid conference is scheduled for 10 a.m., October 25, 1996 at Oil City. Bids are due by 1:30 p.m., November 8, 1996. Bid packages available from contract manager—\$15 nonrefundable deposit required.

Department: State System of Higher Education
Location: Clarion University, Oil City, Venango County, PA
Duration: 45 days from notice to proceed
Contact: Judy McAninch, Contract Manager, (814) 226-2240

CNR-01 Furnish and install washhouse toilet and shower partitions—Ricketts Glen State Park. Sealed bids will be received in Ricketts Glen State Park Office, R. R. 2, Box 130, Benton, PA 17814-8900 until 3:00 p.m. prevailing time on October 28, 1996 and publicly read. Documents containing all pertinent information must be obtained from the office of the Park Manager, Ricketts Glen State Park.

Department: Conservation and Natural Resources
Location: State Parks, Ricketts Glen State Park, R. R. 2, Box 130, Benton, Luzerne County, PA 17814-8900
Duration: 12-9-96 to 2-28-97
Contact: Ricketts Glen State Park, Park Manager, (717) 477-5675

Vehicle, Heavy Equipment and Powered Machinery Services—38

HUN-303 Contractor shall replace existing 349 Caterpillar Generator Set with an existing 3508 Caterpillar Generator Set. To include all materials, labor, equipment and equipment operator needed to accomplish this project. To include, but not be limited to, modification of concrete pad to accept the 3508 Unit, removal of old 349 Unit and delivery and installation of 3508 Unit, testing and training for the 3508 Unit. Performance and Payment Bonds of 100% of the contract amount must be provided by awarded contractor. (On-site visitation will be a requirement of this bid).

Department: Corrections
Location: State Correctional Institution, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: 11/1/96 to 6/30/97
Contact: Gloria Morder, (814) 643-2400, ext. 303

018 The Department of Revenue, Pennsylvania Lottery is contracting to acquire 8-Bin and 12-Bin Instant Lottery Ticket Vending Machines. Instant Ticket sales currently exceed \$380 million annually, total sales are currently about 1.6 billion dollars yearly.

Department: Revenue

Location: Lottery, 2850 Turnpike Industrial Drive, Middletown, PA 17057

Duration: Not to exceed 12 months

Contact: William R. Powell, (717) 986-4667

[Pa.B. Doc. No. 96-1736. Filed for public inspection October 11, 1996, 9:00 a.m.]

Miscellaneous—39

Contract No. DGS 977-2 Phase I/977-4.1 Project title: Indoor and Outdoor Exhibits and General Site Improvements (977-2)/Purchase and Installation of Granite Memorial Plaques (977-4). Brief description: construction of site improvements to include demolition, rough/finish grading, concrete paving/foundations, landscaping, restoration and new stone masonry and site lighting. General and electrical construction. Plans deposit: \$90.00 per set. Payable to: Burns Lucas, Leon, Lucas Architects/Benatec Associates (Joint Venture). 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: Burns Lucas, Leon, Lucas Architects/Benatec Associates (Joint Venture), 101 Erford Road, Camp Hill, PA 17011. Bid date: Wednesday, October 23, 1996 at 2:00 p.m.

Department: General Services

Location: PA Military Museum, Boalsburg, Centre County, PA

Duration: 200 calendar days from date of initial job conference

Contact: Contract Bidding Unit, (717) 787-6556

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

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
0030-02	09/25/96	Digita-L-Ink	165,600.00
0030-02	09/25/96	Laser Imaging Systems, Inc.	571,104.90
1199216-01	09/26/96	Thermal Pipe Systems, Inc.	152,854.00
1206216-01	09/26/96	Powerhouse Technology	41,105.00
3825-01	10/01/96	Sweepster Jenkins Equip. Co., Inc.	612.30
3825-01	10/01/96	Old Dominion Brush Co.	138,888.05
3825-01	10/01/96	United Rotary Brush Corp.	110,617.39
6750-03	10/01/96	Fuller & D'Albert, Inc.	100,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	Signore, Inc.	10,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	The Thrasher Group, Inc.	10,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	Electronic Classroom	10,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	LA-Z-BOY Chair	20,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	Fixtures Furniture	10,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	Raynor Marketing Ltd.	10,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	American Seating Company	30,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	The Arnold Group	20,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	Smith System Mfg. Co.	40,000.00
7110-06 Rebid in Part No. 1 and Supplement No. 1	10/01/96	JG Furniture Systems	40,000.00
8217010-01	09/26/96	Scientific Equipment Co.	12,623.00
8430-04 Rebid in Part No. 1	10/01/96	Henry Frank Wholesale Ltd.	75,650.90
8503320-01	09/26/96	E. O. Habhegger	50,600.00
9120-02	10/01/96	Agway Petroleum Corporation	99,393.27
9120-02	10/01/96	Farm & Home Oil Co.	36,870.00
9120-02	10/01/96	Ferrellgas LP	56,496.60
9120-02	10/01/96	Level Propane Gases, Inc.	37,595.51
9120-02	10/01/96	Carlos R. Lefler, Inc.	24,209.00
9120-02	10/01/96	Columbia Propane Corp.	3,015.00
9120-02	10/01/96	Minns Gas, Inc.	50,411.25
9120-02	10/01/96	Amerigas Propane LP, Valley Forge, PA	13,954.00
9120-02	10/01/96	Hellers Gas	717.75
9120-02	10/01/96	Modern Gas Sales	39,197.05

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1737. Filed for public inspection October 11, 1996, 9:00 a.m.]