

PENNSYLVANIA BULLETIN

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Natural Resources
Department of Education
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 278, January 1998

PENNSYLVANIA



BULLETIN

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

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Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

4 Pa. Code (Administration)		34 Pa. Code (Labor & Industry)	
Statements of Policy		Adopted Rules	
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10 Pa. Code (Banks and Banking)		52 Pa. Code (Public Utilities)	
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THE COURTS

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Amendments to Rules of Criminal Procedure: 97-80793

Order

And Now, this 12th day of December, 1997, the following amendment to the Delaware County Local Rules of Criminal Procedure is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin* and the *Delaware County Legal Journal*, in accordance with Pa.R.Crim.P. 6(d).

A. LEO SERENI,
President Judge

Amended Rule 4006(c)(2)

* (i) When the conditions for the bail bond have been performed and the defendant is discharged from all obligations in the case for which bail was set, the Office of Judicial Support shall return to the defendant or surety [**eighty-percent (80%)**] **70 percent** of the amount deposited. The balance to be retained by the Court shall be applied as an administrative cost for this program and the sum retained shall not in any case be less than [**twenty-five dollars (\$25.00)**] **fifty dollars (\$50.00)**. The monies retained shall be considered as earned at the time the bail is set and a sum equal to ten percent (10%) posted by the defendant or third party surety.

[Pa.B. Doc. No. 98-1. Filed for public inspection January 2, 1998, 9:00 a.m.]

FAYETTE COUNTY

Amended Rule; Local Rule 211: Motions Court; No. 2476 of 1997, G. D.

Order

And Now, this 11th day of December, 1997, it is hereby *Ordered* that the above-stated Local Rule be as hereafter set forth. This amendment shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

The Prothonotary of Fayette County is *Ordered* and *Directed* to do the following:

(1) File seven (7) certified copies of this Order and Amended Rule with the Administrative Office of Pennsylvania Courts.

(2) File two (2) certified copies of this Order and Amended Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) File one (1) certified copy of this Order and Amended Rule with the Pennsylvania Civil Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library, one (1) copy to the Clerk of Courts and one (1) copy to the Clerk of the Orphans' Court.

(6) Keep continuously available for public inspection copies of this Order and Amended Rule.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 211. Motions Court.

(a) Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the assigned Judge.

(b) The purpose of Motions Court is to afford all parties an opportunity to present to the Court matters which require action by the court, including Orphans' Court and Criminal Court matters.

(c) As used herein, the term "motion" shall include every type of motion, petition, preliminary objection or other request for action by the Court.

(d) A motion shall be considered by the Court only as provided by these rules, except under exigent circumstances.

(e) The court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof. The moving party SHALL FILE THE ORIGINAL motion, certificate, and any attachments in the appropriate office before presentment in Motions Court. An original proposed order, a copy of the certificate and motion, ASSEMBLED IN THAT ORDER, shall be delivered to the Court Administrator and every other party of record. Such copies and notice shall be given so as to be received at least two business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(f) The Court Administrator shall assign each motion to a Judge for disposition. The Judge will conduct such hearing, allow such argument, and enter such order as is appropriate. The Judge may continue the consideration of any motion to a later date to allow other parties of record to be heard.

(g) All motions shall be accompanied by a certificate in the form attached hereto, completed and signed by the presenter setting forth the following:

(1) The name of the person presenting the motion and the party represented;

(2) The date and manner of service of all other parties;

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

⋮
⋮
⋮
⋮
⋮
⋮

No. _____ OF _____

CERTIFICATE

1. The undersigned, _____, represents, _____, the moving party herein.
2. I certify that a copy of the attached motion was served on _____ on the _____ day of _____, 19__ by mail/facsimile/hand delivery.
3. The attached motion will be presented in Motions Court on _____, _____, 19__ at 9:00 o'clock A.M.
4. The attached motion shall be classified as a ROUTINE/PRIORITY motion as defined by Fayette County Rule 211.1(a)/Rule 211.2(a).
5. No Judge/Judge _____ has previously ruled on a matter relevant to the attached motion. (SEE ATTACHED PERTINENT ORDER(S).)
6. The **SPECIFIC** citation for the Court's authority to grant the relief requested is _____.
7. Estimated court time: _____.

Respectfully submitted,

DATE

[Pa.B. Doc. No. 98-2. Filed for public inspection January 2, 1998, 9:00 a.m.]

FAYETTE COUNTY

Amended Rule; Local Rule 214: Pre-Trial Docket and Jury Trial Docket; No. 2475 of 1997, G. D.

Order

And Now, this 11th day of December, 1997, it is hereby *Ordered* that Fayette County Rule of Civil Procedure 214, the new subsection (k) is hereby adopted as follows. This amendment shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

The Prothonotary of Fayette County is *Ordered* and *Directed* to do the following:

- (1) File seven (7) certified copies of this Order and Amended Rule with the Administrative Office of Pennsylvania Courts.
- (2) File two (2) certified copies of this Order and Amended Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) File one (1) certified copy of this Order and Amended Rule with the Pennsylvania Civil Rules Committee.
- (4) Forward one (1) copy for publication in the *Fayette Legal Journal*.
- (5) Forward one (1) copy to the Fayette County Law Library.
- (6) Keep continuously available for public inspection copies of this Order and Amended Rule.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the

effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 214. Pre-Trial Docket and Jury Trial Docket.

(k) Any case on the trial list that is called for trial during the session but not reached for trial shall, at the next session, receive priority over cases that are continued at the call of the list.

[Pa.B. Doc. No. 98-3. Filed for public inspection January 2, 1998, 9:00 a.m.]

FAYETTE COUNTY

Local Rule 1801.1: Notice to Defend; 46 December Term 1954

Order

And Now, this 17th day of December, 1997, the following Fayette County Rule of Civil Procedure 1801.1 is hereby promulgated and adopted for the conduct of business in the Court of Common Pleas of Fayette County, Pennsylvania. This Rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to actions pending on that date:

"The organization and agency to be named in the notices accompanying complaints and in the notice of praecipe for entry of default judgment filed in the Court of Common Pleas of Fayette County, shall be:

Pennsylvania Lawyer Referral Service
 Pennsylvania Bar Association
 100 South Street
 P. O. Box 186
 Harrisburg, PA 17108
 Telephone: 800-932-0311"

The Prothonotary is directed to transmit copies of this Order in compliance with Pennsylvania Rule of Civil Procedure 239 forthwith.

By the Court

WILLIAM J. FRANKS,
President Judge

[Pa.B. Doc. No. 98-4. Filed for public inspection January 2, 1998, 9:00 a.m.]

WESTMORELAND COUNTY

Administrative Order: Civil Rules; No. 3 of 1997

Order of Court

And Now, to wit, this 16th day of December, 1997, it is *Ordered* that Westmoreland County Rules of Civil Procedure W200.7, W200.8, W214, W609, and W1301 be rescinded, and that new Westmoreland County Rules of Civil Procedure W200.3, W200.4, W200.7, W212.1, W212.3, W609, and W1301 are hereby adopted.

By the Court

BERNARD F. SCHERER,
President Judge

BUSINESS OF COURTS

Rule W200.3. Placing Civil Litigation at Issue.

(a) All civil actions which are to be tried by jury, non-jury or by compulsory arbitration shall be placed at issue by the Court Administrator, either upon

(1) the filing of a praecipe in accordance with Rules W200.4 and W1301, or

(2) by court order, or

(3) as provided in sections (b) and (c) below, for actions commenced subsequent to August 1, 1996.

(b) During the eighteenth (18th) month after the commencement of an action, the Court Administrator shall send a request for information concerning the status of the case to the plaintiff. Plaintiff shall respond to that request in writing to the Court Administrator within thirty (30) days, with copies to all parties or their counsel of record.

(c) Upon receipt of a praecipe, a court order, or the information requested under section (b) above, the Court Administrator shall place the case at issue as follows:

(1) in civil actions in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which are to be tried by a jury, the Court Administrator shall notify counsel of record or pro se parties, as follows:

A. the earliest trial date, which shall be the first day of the trial term which commences after the ninetieth (90th) day following the date the case was placed at issue.

B. that pre-trial statements of the parties shall be filed in accordance with Pa.R.C.P. 212.1(b).

(2) in civil actions which the damages sought do not exceed the jurisdictional limit for compulsory arbitration,

the Court Administrator shall list the case for an arbitration hearing on the next available date.

(3) in civil actions in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which are to be tried non-jury, the Court Administrator shall forward the case to the assigned Judge for scheduling.

(d) If no response is received within thirty (30) days of the request for information sent in accordance with section (b) above, the Court Administrator shall place the case at issue by forwarding the case to the assigned Judge for appropriate action.

Rule W200.4. Praecipe for Trial.

(a) Prior to the Court Administrator placing a case at issue pursuant to Rule W200.3(c), any unrepresented party or counsel of record may file a praecipe for trial to place the case at issue. At least twenty (20) days written notice of the intention to file a praecipe for trial shall be served on all unrepresented parties and counsel of record, and a copy of the proposed praecipe shall be included.

(b) Any unrepresented party or counsel of record who is of the opinion that the case is not ready for trial shall attempt to amicably resolve that issue with the party or counsel who gave notice of the intention to file the praecipe. If the matter cannot amicably be resolved, the disputing party or counsel shall present written objections to the trial judge prior to the proposed date for filing the praecipe for trial. The written objections shall set forth, in reasonable detail, the reasons the case should not be listed for trial and shall have attached thereto a copy of the proposed praecipe for trial. After hearing the objections, the judge shall issue an appropriate order regarding the listing of the case for trial.

(c) The notice shall be served on all counsel and unrepresented parties within five (5) days of filing same. A certification of service shall be filed within three (3) days of actual service. A copy of the Praecipe for Trial or order of court issued pursuant to section (b) above shall be served at the time of filing on the Court Administrator.

Rule W200.7. Jury Trials.

(a) The court administrator shall maintain a jury trial list of each judge's trial-ready jury cases. Cases are trial-ready when placed at issue pursuant to Rule W200.3.

(b) The trial judge may direct the position of any case on the trial list.

(c) Cases on each judge's trial list shall be called at a call of the list scheduled by the Court Administrator prior to each trial term. All attorneys responsible for trial will be represented at the call and shall designate the approximate length of trial and any other matter relevant to its listing for trial.

Rule W212.1. Earliest Trial Date.

The earliest trial date required by Pa.R.C.P. 212.1 shall be established by the Court Administrator pursuant to Rule W200.3.

Rule W212.3. Settlement Conference.

(a) After a case has been placed at issue pursuant to Rule W200.3(c)1, the court administrator will schedule a settlement conference and notify counsel of record of the date and time of such conference.

(b) All plaintiffs, persons, and entities having the authority to settle the case and their counsel will be available in court.

(c) At the conference, the Court and counsel for the parties may consider those matters set forth in Pa.R.C.P. 212.3, and any other matter which should be addressed to assure an expeditious trial.

(d) The following additional procedures will be followed in medical malpractice cases:

(1) All trial counsel and clients (including doctors) shall be present during the conference.

(2) Insurance and CAT representatives shall be available by telephone to answer questions and respond to settlement proposals, and

(3) At least fifteen (15) days prior to the settlement conference, all parties shall exchange any expert reports not contained in the pre-trial statements filed in accordance with Pa.R.C.P. 212.1(b).

Rule W609. Bill of Costs.

(a) The following items shall be considered as record costs in a case:

- (1) Fees paid for filing pleadings;
- (2) Fees paid for service of pleadings;
- (3) Fees paid to court reporters for the cost of original and/or no more than one copy of depositions;
- (4) Any other costs specifically permitted by statute or supreme court rules; and
- (5) If the case has been tried, fees statutorily permitted to witnesses for per diem attendance and mileage.

(b) A bill of costs must be filed with the prothonotary, along with an affidavit of service on the opposing party or his counsel of record, within 10 days of the entry of a verdict by a jury, or a final order or decree by a nonjury or equity trial judge. The bill of costs may include the items listed in paragraph (a) of this rule.

(c) Exceptions specifying those items or amounts of costs to which a party has objections must be filed within 10 days of receipt of the bill of costs.

(d) The trial judge will enter an order specifying allowable costs.

Comment: Although it is the custom in this County that the defendant pay record costs as part of a settlement, case law holds that absent an agreement between counsel regarding the payment of record costs, the Court has no authority to award costs to either party upon settlement. *Mancine v. Balesimo*, 69 W.L.J. 145 (1897).

Rule W1301. Cases for Submission to Arbitration.

(a) All civil cases except those involving title to real estate or actions in equity, wherein the amount in controversy at issue (exclusive of interest and costs) is \$30,000 or less, shall be heard and decided by a board of arbitration consisting of three members of the bar.

(b) Cases Submitted By the Parties

Any civil case with an amount in controversy exceeding \$30,000 may be referred to a board of arbitration by agreement signed by all parties or their counsel.

(c) Cases Submitted By the Court

The court, on its own motion or on motion of either party, may by depositions, settlement conference, hearing or otherwise, determine that the amount actually controversy does not exceed \$30,000, (exclusive of interest and costs) and enter an order referring the case to arbitration.

(d) Arbitration Praecipe

Prior to the Court Administrator placing a case at issue pursuant to Rule W200.3(c), a party or counsel of record may file with the prothonotary an arbitration praecipe in order to place the case at issue. A copy of the arbitration praecipe shall immediately be delivered to the court administrator and all other counsel of record or pro se parties.

Note: A copy of the Praecipe for Arbitration form is provided in the Forms section of the Westmoreland County Rules of Court.

[Pa.B. Doc. No. 98-5. Filed for public inspection January 2, 1998, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Jay Stuart Nedell, who resides outside the Commonwealth of Pennsylvania, having been disbarred from the practice of law in the State of Texas, the Supreme Court of Pennsylvania issued an Order dated December 16, 1997, disbaring Jay Stuart Nedell from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney has never practiced in Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-6. Filed for public inspection January 2, 1998, 9:00 a.m.]

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 14, 1997, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 14, 1997 for Compliance Group 1 due April 30, 1997.

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

ERIC MARK ALDERMAN
Syracuse, NY

GLENN B. ALLYN
New City, NY

RALPH J. ARGEN III
Amherst, NY

ROBIN ARONSON
Cherry Hill, NJ

BRUNO BELLUCCI III
Northfield, NJ

WILLIAM R. BOSTIC
Camden, NJ

BARBARA JAN BOYD
Trenton, NJ

R. CHAD BRENNER
Cleveland, OH

JOANNA S. BURRIS
Morrestown, NJ

ROBERT GLENN BYRER
Arlington, VA

LEANN R. CANTER
Orlando, FL

STEPHANIE S. CHILDS
Washington, DC

GARY CLIFTON CHRISTIAN
Washington, DC

KEVIN NICHOLAS CHRISTO
Southbridge, MA

ANDREW CONSTANTINE II
Jersey City, NJ

LINDA M. CUNICELLI
Blackwood, NJ

JAMES CURCIO
Hammonton, NJ

EDWARD D'ALESSANDRO, JR.
Florham Park, NJ

ROBERT K. DANZINGER
Cleveland, OH

FRANK A. DIGIACOMO
Cherry Hill, NJ

JOSEPH A. DOVIDIO
Trenton, NJ

MICHELLE MAUREEN ELBERT
Collingswood, NJ

GARY F.C. ELLISON
Los Angeles, CA

MARK GERARD ESPOSITO
Cherry Hill, NJ

SHARON FARRELL
Fairview, NJ

BARRY R. FELDMAN
Hoboken, NJ

CRAIG HARRISON FELDMAN
Roseland, NJ

JAMES FRANCIS FERGUSON
Absecon, NJ

MARK WILLIAM FORD
Gloucester City, NJ

RONALD WELTON FREEMAN
Fredericksburg, VA

THOMAS PATRICK GALLAGHER
Ventnor, NJ

ALEJANDRO GIL
New York, NY

ALICIA F. GREENAWAY
Mt. Laurel, NJ

VANESSA JEANETTE HALL
Mitchellville, MD

PETER JAMES HOBSON
Tampa, FL

SIDNEY L. HOFING
Trenton, NJ

WILLIAM M. HONAN
Atlantic City, NJ

STEPHEN ANTHONY JACKSON
Washington, DC

JAIME KAIGH
Cherry Hill, NJ

MICHAEL ALAN KATZ
Cherry Hill, NJ

MARK JOHN KENNEDY
Upper Montclair, NJ

ROBERT JOHN KENNEY
Falls Church, VA

MARK EDWARD KHALIL
San Jose, CA

YOUNG KIM
Seoul, Korea

JOHN ANDREW KLAMO
Cherry Hill, NJ

FIELDING E. LAMASON, JR.
Washington, DC

HELEN FRAZER LESKOVAC
Silver Spring, MD

DAVID LEROY LIESER
Minnetonka, MN

MICHAEL JAY LIPSKY
Princeton, NJ

JOSEPH J. LONGOBARDI III
Wilmington, DE

CHERAE M. MAHDI
Stone Mountain, GA

JOHN R. MARQUEZ
Pawling, NY

LEON MARTELLI
Tabernacle, NJ

CALIXTO MARTIN
Fanwood, NJ

ROBERT J. MAY, JR.
Saratoga Springs, NY

CARLEEN D. MCELROY
Denver, CO

JAMES MICHAEL MCGINTY
Washington, DC

THOMAS F. MCGUIRE III
Pensacola, FL

DANIEL PAUL MCINTYRE
Miami Beach, FL

EDWARD BISSAU MENDY
New Orleans, LA

JOHN P. MOHNACS
Woodbury, NJ

DONALD D. MORGAN, JR.
Lambertville, NJ

SEAN PATRICK MURPHY
Edison, NJ

ALBERT AGHA NGWANA
Silver Spring, MD

EDWARD E. PARSON, JR.
St. Thomas, VI

MARK F. PARTRIDGE-MOLL
Miami, FL

BRIAN J. PENDLETON, JR.
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KENNETH J. PHELAN
Westport, CT

JEFFREY KENT PHILLIPS
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ROBERT T. RICHARDS
Washington, DC

WILLIAM STAYTON ROEMER
Hedgesville, WV

SARAH KATHLEEN ROSE
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EDWIN R. RUBIN
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VIRGINIA A. SKILANG SABLAN
Saipan

M. AHMED-BAGHOUT SAID
Colora, MD

ERIC ADAM SAIONTZ
Baltimore, MD

EDWARD STRINGER SAMSON
Atlanta, GA

ARTHUR LARRY SHANKER
Margate, NJ

NATHANIEL SIMS
Washington, DC

MICHAEL JOHN SMOYER
Hoboken, NJ

RAYMOND M. SPEER
Hightstown, NJ

MARC W. SUFFERN II
Slate Hill, NY

EDWARD J. SULLIVAN
Long Beach, NY

PHILIP TABAS
Boston, MA

JOSEPH R. TALARICO II
East Syracuse, NY

CAROL ANN TERRY
Darnestown, MD

GIL C. TILY
Princeton, NJ

LOUISE PORTERFIELD TUCKER
Alexandria, VA

HANDSOME L. WEARING
Trenton, NJ

MATTHEW S. WOLF
Mt. Laurel, NJ

CAROLINE JOO YUN
Singapore

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

[Pa.B. Doc. No. 98-7. Filed for public inspection January 2, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 10—BANKS AND BANKING

DEPARTMENT OF BANKING [10 PA. CODE CHS. 11, 13, 17, 35 AND 41]

The Department of Banking (Department), under the authority contained in sections 201 and 202 of the Department of Banking Code (71 P.S. §§ 733-201 and 733-202), section 103 of the Banking Code of 1965 (7 P.S. § 103) and section 12 of the Consumer Discount Company Act (7 P.S. § 6212), deletes the following regulations: §§ 13.2(b) and (c); 13.3(a)(3) and (b); 41.3(i); Chapter 11; Chapter 17; Chapter 35.

Purpose

The regulations targeted for deletion have been deemed by the Department to be obsolete, preempted or unnecessary for the conduct of the business of banking or the making of consumer loans.

Explanation of Regulatory Requirements

The Department is unable to articulate the purposes of or necessity for the provisions listed as follows. These provisions are not enforced by Department examiners and are deemed to be unnecessary for the safety and soundness of regulated institutions. Furthermore, the Department is unable to ascertain any consumer protection which is derived from these subsections.

§ 13.2(b) and (c) (relating to participation in evidences of indebtedness and agreements for payment of money).

Department personnel are unable to articulate the purposes of or necessity for these provisions. These provisions are not enforced by Department examiners and are deemed by the Department to be unnecessary for the safe and sound conduct of the business of banking.

§ 13.3(a)(3) (relating to participants in pools of evidences of indebtedness or agreements for the payment of money).

Department personnel are unable to articulate the purposes of or necessity for these provisions. These provisions are not enforced by Department examiners and are deemed by the Department to be unnecessary for the safe and sound conduct of the business of banking. This regulation is substantially similar to another regulation being deleted, § 13.2(c).

§ 13.3(b)

This provision contributes little or nothing to the safety and soundness of State-chartered institutions. Additionally, this provision is not enforced by examiners and is deemed by the Department to be unnecessary for the safe and sound conduct of the business of banking.

Chapter 11 (relating to reserves against deposits).

Chapter 11 sets forth reserve requirements for State-chartered banking institutions. However, in light of more restrictive Federal regulations applicable to State-chartered banking institutions as found in regulation D, 12 CFR Part 204 (relating to reserve regulations of

depository institutions (Regulation D)), this chapter is deemed to be obsolete.

Chapter 17 (relating to audits and examination).

Chapter 17 sets forth the minimum standards for director's audits of State-chartered banking institutions. This chapter is redundant and essentially meaningless. It sets forth no requirements other than notifying State-chartered institutions that the Department maintains instructions with regard to minimum requirements for internal audits.

Chapter 35 (relating to mortgage loans).

Chapter 35 sets forth restrictions on service charges and premiums charged by savings associations with regard to mortgage loans. In light of broad Federal preemption with regard to mortgage lending found in section 207(b)(11) the Depository Institution Deregulation and Monetary Control Act of 1980 (12 U.S.C.A. § 1735f-7a) and in the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C.A. §§ 3801—3805), Chapter 35 is obsolete.

§ 41.3(i)-second sentence (relating to contracts with consumers).

The second sentence of § 41.3(i) requires consumer discount companies which are licensed by the Department to obtain a license for places of business at which payments are received from borrowers. This section has been overridden by recent amendments to the Consumer Discount Company Act (7 P.S. §§ 6201—6219). The amendment which nullifies the second sentence of § 41.3(i) is found at section 8 of the Consumer Discount Company Act (7 P.S. § 6208).

Entities Affected

As the regulations targeted for elimination are largely obsolete, preempted or not enforced by the Department, the eliminations of these regulations will have no effect on the regulated community. Section 41.3(i) governs the extension of credit by the 620 licensed consumer discount companies in this Commonwealth. The rest of the regulations targeted for elimination are applicable to the 176 Pennsylvania-chartered banks, bank and trust companies and savings banks.

Cost and Paperwork Requirement

The regulations targeted for deletion are obsolete or preempted by other laws. Therefore, these regulations impose no cost or burdens to the regulated community and, thus, their elimination will have no effect on costs or paperwork requirements.

Summary of Comments and Responses on the Proposed Rulemaking

Notice of proposed rulemaking was published at 27 Pa.B. 1813 (April 12, 1997). During the public comment period, no public comments were received by the Department.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 1, 1997, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Banking and

Insurance and House Committee on Business and Economic Development. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with other documentation. Neither the Committees nor the IRRC commented on the proposed version of this rulemaking. The regulations were deemed approved by IRRC.

Findings of the Department

The Department finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, but no comments were submitted.

(3) This rulemaking does not enlarge the purpose of the proposal published at 27 Pa.B. 1813.

Order

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

(a) The regulations of the Department, 10 Pa. Code Chapters 11, 13, 17, 35 and 41, are amended by deleting §§ 11.1—11.5, 13.2, 13.3, 17.1, 35.1—35.3 and amending § 41.3 to read as set forth at 27 Pa.B. 1813.

(b) The Secretary of the Department shall submit this order and 27 Pa.B. 1813 to the Office of General Counsel and the Office of the Attorney General for review and approval as to legality and form as required by law.

(c) The Secretary of the Department shall submit this order and 27 Pa.B. 1813 to IRRC and the Senate Committee on Banking and Insurance and House Committee on Business and Economic Development as required by the Regulatory Review Act.

(d) The Secretary of the Department shall certify this order and 27 Pa.B. 1813 and deposit them with the Legislative Reference Bureau, as required by law.

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

RICHARD RISHEL,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6385 (December 6, 1997).)

Fiscal Note: Fiscal Note 3-32 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-8. Filed for public inspection January 2, 1998, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 86]

Small Operator Assistance Program (SOAP)

The Environmental Quality Board (Board) by this order amends Chapter 86, Subchapter C (relating to the Small Operator Assistance Program). The amendments clarify

and eliminate redundant language and correct regulatory citations used in cross references which the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) has indicated are beyond the scope of services authorized by the Small Operator Assistance Program (SOAP).

The amendments were adopted by the Board at its meeting of October 21, 1997.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact David C. Hogeman, Chief, Division of Environmental Analysis and Support, Bureau of Mining and Reclamation, Room 213 Executive House, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-4761, or Joseph Pizarchik, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department of Environmental Protection's (Department) Website (<http://www.dep.state.pa.us>).

C. Statutory Authority

These amendments are promulgated under the authority of sections 4.2, 4.3 and 18.7 of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.4b, 1396.4c and 1396.18g) which provide for the creation of the Small Operators' Assistance Fund and generally set forth the rulemaking authority of the Department to regulate coal mining; section 5 of The Clean Streams Law (35 P. S. § 691.5), which sets forth the rulemaking authority of the Department to implement The Clean Streams Law; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which sets forth the rulemaking authority of the Board to adopt regulations for the Department to carry out its responsibilities.

D. Background and Purpose

In 1995, the Department began a review of its existing regulations under Secretary Seif's Regulatory Basics Initiative. In 1996, Governor Ridge issued Executive Order 1996-1 which directed executive agencies to undertake a review of existing regulations. This rulemaking package was prepared following the review required under the Regulatory Basics Initiative and Executive Order 1996-1 and it is consistent with the regulatory directives contained within these initiatives.

Sections 86.81—86.95 are being restructured and changed to provide better clarity, eliminate redundant language and correct regulatory citations used in cross references, which the Federal OSMRE has indicated are beyond the scope of services authorized by SOAP. Three sections of the existing regulations have been eliminated through this restructuring. No substantial changes to the content of these regulations have been made.

Under the Regulatory Basics Initiative, the Department solicited public input through a notice in the *Pennsylvania Bulletin* and the Department's Website. The amendments being adopted at this time are the result of suggestions from the public and the Department's own review of its regulations.

The amendments were discussed with the Mining and Reclamation Advisory Board (MRAB) at its meeting on October 3, 1996. The MRAB recommended that these amendments be approved for final rulemaking.

E. Summary of Comments and Responses on Proposed Rulemaking

No public comments were received concerning these amendments. The Independent Regulatory Review Commission (IRRC) provided several suggestions to improve the clarity and organization of the regulatory language. Specifically, IRRC suggested that a definition section be added to the regulations in Subchapter C to define the terms "qualified consultant" and "qualified laboratory"; that § 86.87 (relating to data requirements) be retained in the regulations; and that time frames be added to § 86.85(d) and (e) (relating to application approval and notice) to provide clarity concerning notification of Department actions. IRRC also noted that the proposed changes to § 86.82 (relating to responsibilities), inappropriately mixed duties and responsibilities of prospective consultants and laboratories with those of the Department.

In response to these comments the final-form regulations have been changed to incorporate the suggestions of IRRC.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulations.

Benefits

The benefits contained in these amendments are primarily to provide clarity and consistency with Federal language for any person having reason to refer to the regulations. Some minor procedural and administrative changes are also being made.

Compliance Costs

The changes will impose no additional compliance costs on the regulated community.

Compliance Assistance Plan

Since SOAP is an established program in this Commonwealth, and no substantive changes have been made, compliance assistance will be limited to a simple effort to inform the industry of the specific changes in the program.

Paperwork Requirements

The amendments will impose no additional paperwork on the regulated community.

G. Sunset Review

These final-form regulations will be reviewed in accordance with the sunset review schedule, published by the Department, to determine whether the final-form regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 10, 1997, the Board submitted a copy of proposed rulemaking, published at 27 Pa.B. 1446 (March 22, 1997) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received as well as other documentation.

In preparing these final-form regulations, the Board has considered the comments received from IRRC.

These final-form regulations were deemed approved by the House and Senate Environmental Resources and Energy Committees on November 25, 1997. IRRC met on December 11, 1997, and deemed approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

I. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 27 Pa.B. 1447 (March 22, 1997).

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 86, are amended by amending §§ 86.81, 86.83 and 86.94 and deleting §§ 86.86, 86.87, 86.91 and 86.95 to read as set forth at 27 Pa.B. 1447 and by adding § 86.80 and amending §§ 86.82, 86.84, 86.85, 86.87 and 86.92 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order, 27 Pa.B. 1447 and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order, 27 Pa.B. 1447 and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order, 27 Pa.B. 1447 and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

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

JAMES M. SEIF,
Chairperson

(Editor's Note: The proposal to add § 86.80 and to amend § 86.92 was not included in the proposed rulemaking at 27 Pa.B. 1447.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6878 (December 27, 1997).)

Fiscal Note: Fiscal Note 7-308 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

Subchapter C. SMALL OPERATOR ASSISTANCE PROGRAM

§ 86.80. Definitions.

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

Qualified consultant and qualified laboratory—A designated public agency, private consulting firm, institution or analytical laboratory which can provide the required services under this program in accordance with § 86.92 (relating to basic qualifications).

§ 86.82. Responsibilities.

(a) The Department will:

(1) Develop and maintain a list of qualified consultants and qualified laboratories, and select and pay consultants for services rendered.

(2) Conduct periodic onsite evaluations of the program activities with the appropriate small operator.

(3) Participate with the Office of Surface Mining Reclamation and Enforcement in data coordination activities with the United States Geological Survey, the EPA and other appropriate agencies or institutions.

(4) Participate with the Office of Surface Mining Reclamation and Enforcement in auditing the applicant's statement of eligibility.

(b) The Department and the Office of Surface Mining Reclamation and Enforcement will insure that applicable equal opportunity in employment provisions are included within contracts or other procurement documents.

§ 86.84. Applications for assistance.

(a) An application for assistance shall contain the following information:

(1) A statement of intent to file a permit application under this chapter.

(2) The names and addresses of:

(i) The intended permit applicant.

(ii) The intended operator, if different from the applicant.

(3) A schedule of the estimated total production of coal from the proposed permit area and all other locations from which production is attributed to the applicant under this section. For each location, the schedule shall include:

(i) The name under which coal is or will be mined.

(ii) The permit number and Mining Enforcement and Safety Administration identification number, if available.

(iii) The actual coal production for the year preceding the application for assistance and that portion of the production attributed to the applicant.

(iv) The estimated coal production for each year of the proposed permit and that portion attributed to the applicant.

(4) A description of:

(i) The method of coal mining activities proposed.

(ii) The anticipated starting and termination dates of mining operations.

(iii) The number of acres of land to be affected by the proposed mining.

(iv) A general statement on the probable depth and thickness of the coal resource.

(5) A United States Geological Survey topographic map of 1:24,000 scale or larger which clearly shows:

(i) The area of land to be affected and the natural drainage above and below the affected area.

(ii) The names of property owners within the area to be affected and of adjacent lands.

(iii) The location of existing structures and developed water sources within the area to be affected and of adjacent lands.

(iv) The location of existing and proposed test boring or core samples and the location and extent of known working of any underground mines.

(6) Copies of documents which show that the legal right of entry necessary to meet the provisions of § 86.64 (relating to right of entry) have been obtained by the applicant.

(7) The mine operator's license number.

(b) The application shall be attested by a notary public or district justice.

§ 86.85. Application approval and notice.

(a) If the Department finds the applicant eligible for assistance and does not have information readily available which would preclude issuance of a permit to the applicant for mining in the area proposed, it will:

(1) Determine the minimum data requirements necessary to meet the provisions of § 86.81 (relating to program services).

(2) Select the services of one or more qualified consultants to perform the required work.

(3) Provide the applicant a copy of the contract or other appropriate work order for the qualified consultants' services and the consultants' report within 15 days of the Department's final approval.

(b) The granting of assistance under this program does not imply that the Department will approve a subsequent permit application.

(c) Within 45 days of receipt of a complete application for assistance, the Department will inform the applicant in writing if the application is denied and will state the reason for denial.

§ 86.87. Determination of data requirements.

(a) The Department will determine the data collection requirements to meet the objectives of the program for each applicant or group of applicants. Development of information on environmental resources, operation plans and reclamation plans may proceed concurrently with data collection and analyses required for the determination of the probable hydrologic consequences of the proposed mining activities if specifically authorized by the Department in an approved work order.

(b) The data requirements will be based on:

(1) The extent of currently available hydrologic and core analysis data for the applicable area provided by the Department.

(2) The data collection and analysis guidelines developed and provided by the Department.

§ 86.92. Basic qualifications.

(a) To be designated as a qualified consultant or qualified laboratory, the consultant or laboratory shall demonstrate that it:

(1) Is staffed with experienced, professional personnel in the fields of hydrology, mining engineering, aquatic biology, geology or chemistry applicable to the work to be performed as a water laboratory, overburden laboratory or consulting firm.

(2) Is capable of collecting necessary field data and samples.

(3) Has adequate space for material preparation, cleaning and sterilizing necessary equipment, stationary equipment, storage and space to accommodate periods of peak work loads.

(4) Meets the requirements of the Occupational Safety and Health Act of 1970, the act of December 29, 1970 (Pub.L. No. 91-596) (84 Stat. 1590).

(5) Has the financial capability and business organization necessary to perform the work required.

(6) Has analytical, monitoring and measuring equipment capable of meeting the applicable standards and methods contained in:

(i) The current edition of *Standard Methods of the Examination of Water and Waste Water*.

(ii) *Methods of Chemical Analysis of Water and Wastes*, as amended. The standards contained therein are incorporated by reference. Available from ORD Publications, CERTI, EPA, Cincinnati, Ohio 45278 March 1983 (EPA-600/4-79-020).

(iii) The EPA standards as described in 40 CFR Part 136 (relating to guidelines establishing test procedures for the analysis of pollutants).

(iv) The Department's *Overburden Sampling and Testing Manual*.

(7) Has the capability of making hydrologic field measurements and analytical laboratory determinations by acceptable hydrologic engineering or analytical methods or by appropriate methods or guidelines for data acquisition recommended by the Department.

(b) The qualified consultant shall be capable of performing the services under § 86.81 (relating to program services). Subcontractors may be used to provide the services required if the use is defined in the application for designation and approved by the Department.

(c) Persons who desire to be included in the list of qualified consultants or qualified laboratories established by the Department under § 86.82 (relating to responsibilities) shall apply to the Department and provide the information necessary to establish the qualifications required by this section.

[Pa.B. Doc. No. 98-9. Filed for public inspection January 2, 1998, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 103]

Financial Assistance

The Environmental Quality Board (Board) by this order amends Chapter 103 (relating to financial assistance). The amendments include revisions to delete provisions related to the Federal Clean Water Act Title II construction grants program, retain the sewage project priority rating system used in the Federal Clean Water Act Title VI sewage construction loan program, delete text related to an obsolete design grant program and add language to allow use of a small amount of remaining Land and Water Conservation and Reclamation Act (act) (32 P. S. §§ 5101—5121) funds for a grant to one or more economically depressed communities.

The amendments were adopted by the Board at its meeting of October 21, 1997.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information contact Peter T. Slack, Chief, Division of Municipal Financial Assistance, Bureau of Water Supply Management, P. O. Box 8466, 11th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8466, (717) 787-3481, or Pamela E. Bishop, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, 9th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The final rulemaking is being made under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001); and section 16(2) of the act (32 P. S. § 5116(2)) which authorize the Board to promulgate rules and regulations relating to the awarding of construction grants for sewage facilities to political subdivisions and municipal authorities. The final-form regulations are also adopted under the authority of section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

D. Background and Summary

Over the past 2 years, the Department has been conducting an overall review of its existing regulations through its Regulatory Basics Initiative as outlined at 25 Pa.B. 3343 (August 19, 1995). This initiative was designed to clarify and update regulatory requirements along with the goal of adopting environmental regulations that are no more stringent than Federal rules unless there is a compelling need for more stringent rules. In 1996, Governor Ridge issued Executive Order 1996-1 which directed executive agencies to conduct a similar review of existing regulations. This final rulemaking is one of a number of rulemakings resulting from these initiatives.

The revisions to Chapter 103, Subchapter A (relating to clean water state revolving fund project priority list ratings) delete provisions related to the Federal Clean Water Act Title II sewage treatment construction grants program. Almost all projects that received a Title II grant award for the construction of sewage treatment or conveyance facilities are nearing construction completion, and

the last one will be under construction soon. These regulations are no longer needed to administer the Title II grant program. The sewage construction project priority rating system is being retained as it will continue in use for establishing project priority ratings for projects in the Clean Water Act Title VI loan program. The Federal Title VI loan program replaced the Title II grant program and is jointly administered by the Department and the Pennsylvania Infrastructure Investment Authority (PEN-NEVEST).

The revisions to Chapter 103, Subchapter D (relating to State grants for construction of sewage facilities) delete provisions related to a State design grant program and a supplemental construction grant program. The design grant program provided funds to communities that had completed plans and specifications for a sewage treatment facility, but did not receive a Federal grant for construction of the facility. The supplemental grant program awarded a 5% grant to economically depressed communities that had received a 75% Federal construction grant. Eligible communities were identified and design and supplemental construction grants have been awarded and paid. A small amount of money remains available, and the Department proposes to award grants to one or more economically depressed communities to assist with the cost of construction of needed sewage treatment facilities. The source of these funds is the bond issue moneys made available and intended as aid to political subdivisions for the construction of sewage facilities. The \$155,000 available cannot be awarded under the existing regulations, and these revised regulations will allow award of these funds as grants to one or more economically depressed communities.

E. *Summary of Comments and Responses on the Proposed Rulemaking*

The only comments received were from the Independent Regulatory Review Commission (IRRC). Comments received on the revisions to Subchapter A suggested a change to the definition for the "Water Pollution Control Revolving Fund." Subsequent to publishing the proposed Subchapter A revisions for public comment, the name of the fund was changed to the "Clean Water State Revolving Fund." IRRC comment suggested the regulations should be changed to clarify that PENNEVEST administers the "fund." Both PENNEVEST and this Department share administration of the Title VI program. Also, the definitions section was revised to make the definitions of "project priority list" and "intended use plan" consistent with the definitions used in the PENNEVEST program regulations in § 965.1.

Although no comments were received on this portion of the proposed amendments, upon further consideration, the language has been amended in the final-form regulations in § 103.5(c) (relating to preparation of project lists) to clarify the relationship of the project priority rating factors to the PENNEVEST project evaluation procedure.

The comments received on the revisions to Subchapter D suggest that the Board consider retaining the definitions, clarifying the provisions to state clearly that potential grant recipients must meet both of the eligibility criteria delineated in § 103.82 (relating to eligibility) and adding a sunset repealer provision at the end of these regulations. The definitions section of these regulations does not apply to the proposed changes to these regulations. The Board elected to forego adding a new definitions section given the limited amount of money available and that only one or several grants will be awarded at this time. A change was made to the final-form regula-

tions to indicate that potential grant recipients must meet all criteria to be considered for a grant award. The suggestion for a sunset repealer action in the regulations is a good suggestion. However, there is a possibility the Department may receive funds for State grant awards in the future and these regulations may be used for grant awards for financially distressed communities at a later time.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulations.

Benefits

The final-form regulations are intended to clarify the relationship of Subchapter A to the Federal Title VI loan program, and Subchapter D will allow award of approximately \$155,000 of act bond issue funds to one or more communities to assist with construction of sewage treatment facilities. There are no costs associated with the final revisions to Chapter 103, Subchapters A and D. The Department expects to identify at least one or more economically depressed communities that meet the eligibility criteria and award grants, as appropriate.

Compliance Costs

There are no existing or new compliance costs to be created by these revisions.

Compliance Assistance Plan

The Department plans to encourage recipients of any of the act bond issue funds to abate water pollution occurring within its political boundaries. Recipients will use the funds to comply with applicable environmental requirements.

Paperwork Requirements

There are no new forms to be created or revisions to existing forms or other paperwork requirements relating to these final-form regulations.

G. *Sunset Review*

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 18, 1997, the Board submitted a copy of the proposed amendment to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments as well as other documentation.

In preparing these final-form regulations, the Board has considered the comments received from IRRC. These comments are addressed in the comment and response document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking, nor were there any comments received from the public.

These final-form regulations were deemed approved by the House and Senate Environmental Resources and Energy Committee on November 25, 1997. IRRC met on December 11, 1997, and approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

I. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 27 Pa.B. 1553 (March 29, 1997).

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 103, are amended by amending §§ 103.8, 103.11, 103.83 and 103.84 and by deleting §§ 103.2, 103.4, 103.13, 103.14, 103.71—103.76 to read as set forth at 27 Pa.B. 1553; and by amending §§ 103.1, 103.5, 103.6, 103.12 and 103.82 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order, 27 Pa.B. 1553 and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson shall submit this order, 27 Pa.B. 1553 and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees, as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

JAMES M. SEIF,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6878 (December 27, 1997).)

Fiscal Note: Fiscal Note 7-311 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 103. FINANCIAL ASSISTANCE

Subchapter A. CLEAN WATER STATE REVOLVING FUND PROJECTS PRIORITY LIST RATINGS

CLEAN WATER STATE REVOLVING FUND

§ 103.1. Definitions.

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

* * * * *

CWSRF—Clean Water State Revolving Fund—A fund administered by the Pennsylvania Infrastructure Investment Authority (PENNVEST) that provides low-interest loan funds to borrowers for the construction of facilities.

* * * * *

Facilities—Any device or system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes or necessary to recycle or reuse water at the most economical cost over the useful life of the works. The term includes intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment, including land for composting sludge and temporary storage of the compost and land used for the storage of treated wastewater in land treatment systems before land application; or another method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

Federal Act—The Federal Water Pollution Control Act (33 U.S.C.A. §§ 1251—1387).

* * * * *

Intended use plan—A plan identifying the intended uses of the moneys in the Clean Water State Revolving Fund and describing how those uses support the goals of the fund.

* * * * *

NPDES—The National system for the issuance of permits under section 402 of the Federal Act including, any State or interstate program which has been approved by the EPA, in whole or in part, under section 402 of the Federal Act (33 U.S.C.A. § 1342).

Project equivalent population—The initial population equivalent which would be served by a project implemented for the rated area at the time that the area is rated.

Project priority list—The list of identified public sewerage project needs in this Commonwealth established under this subchapter.

Sewage facilities plan—A plan developed under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20) for the provision of adequate sewage facilities, adopted by municipal officials and approved by the Department.

Small municipality—A municipality having a population of 3,500 or less based on the most recent United States Bureau of Census figures.

* * * * *

§ 103.5. Preparation of project lists.

(a) The project priority ratings developed under this subchapter are water quality based assessments of sewerage treatment needs. This priority rating system is mandated by section 216 of the Federal Act (33 U.S.C.A. § 1296) and has been approved by the EPA for ranking projects for the CWSRF project priority list and intended

use plan. To be funded under the CWSRF, a project first shall appear on a project priority list and then an intended use plan list.

(b) The Department prepares project priority lists and assists PENNVEST with preparation of intended use plan lists required by Title VI of the Federal Act (33 U.S.C.A. §§ 1381—1387). These lists are prepared in conformance with 40 CFR Part 35, Subpart K (relating to State Water Pollution Control Revolving Fund) and submitted in support of annual CWSRF capitalization grant applications to the EPA.

(c) Once the Commonwealth receives its capitalization grant award, applications for funding are evaluated under the Pennsylvania Infrastructure Investment Authority Act (35 P. S. §§ 751.1—751.20) and the regulations thereunder in Part VII (relating to Pennsylvania Infrastructure Investment Authority,) including the wastewater evaluation criteria in § 963.8 (relating to wastewater project evaluation criteria). The water pollution control rating factors described in § 103.8 (relating to water pollution control) will be used by the Department in evaluating for PENNVEST the public health and safety and environmental impact criteria in the PENNVEST project evaluation process.

§ 103.6. Priority rating factors.

(a) Priority among eligible projects for the purpose of creating the project priority list shall be established according to the accumulation of points for each of the following rating factors weighted as shown:

- (1) Water Pollution Control—80%
- (2) Stream Segment Priority—10%
- (3) Population Affected—10%

(b) A project's total priority points shall be the sum of the points assigned in each of the individual rating factors.

§ 103.12. Other considerations.

(a) If two or more projects receive the same number of total rating points, the relative rank of the projects on the project priority list will be based on points awarded under the water pollution control factor, the higher rank being assigned to that project with the higher water pollution control points. If, after this test, the projects remain tied, the factors of stream segment priority and then population affected shall be used to break ties.

(b) In the case of a regional project when the Department determines each portion of the regional project is essential to the integrity of the project, the Department will rank all portions of the project together as a single project and assign the same number of rating points to all portions of the regional project on the project priority list.

(c) Based on the findings and conclusions of the sewage facilities plan, the Department will consider the need to rerate projects for the purpose of ranking projects on the project priority list if the findings and conclusions of the sewage facilities plan significantly alter the definition of wastewater treatment need or the scope of the project.

STATE GRANTS FOR CONSTRUCTION

§ 103.82. Eligibility.

Projects which meet both of the following criteria are eligible for construction grants:

- (1) The eligible costs of the project based on construction bids or actual construction and associated costs

exceed the amount of grant funds made available from other State and Federal grant sources.

(2) The municipality to be served by the proposed project suffers from unusual financial hardship and State grant funds are available for the project. In evaluating the extent of financial hardship, the Department will consider the ratio of the median family income in the municipality to be initially served by the project to the State median family income and the annual sewer rental to be charged.

[Pa.B. Doc. No. 98-10. Filed for public inspection January 2, 1998, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 65]

Retirement Pensions and Annuities

The Bureau of Unemployment Compensation Benefits and Allowances of the Department of Labor and Industry (Department) hereby amends §§ 65.101—65.108 (relating to retirement pensions and annuities) to read as set forth in Annex A.

Statutory Authority

These amendments are adopted under section 201(a) of the Pennsylvania Unemployment Compensation Law (law) (43 P. S. § 761(a)), which authorizes the Department to promulgate and amend rules and regulations necessary to administer the law.

Contact Person

Questions may be directed to Pete Cope, Director, Bureau of Unemployment Compensation Benefits and Allowances, Room 615 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121 (717) 787-3547.

Purpose of Rulemaking

The purpose of the rulemaking is to bring the pension and annuities section of the unemployment compensation (UC) regulations into conformity with the United States Department of Labor's (USDOL) interpretation of the Federal Unemployment Tax Act (26 U.S.C.A. §§ 3301—3307 and 3311) (FUTA), to provide for the nondeductibility of certain payments, and to ensure that the UC Trust Fund remains viable so that UC benefits are available to those who need and are entitled to them. In a global market, the Department is acutely aware that the most effective way to prevent the ills that the UC system was designed to remedy is to increase the number of good jobs available to Pennsylvanians. In balancing the impact of these regulations on employers and employees, the Department sought to reduce the amount of unemployment, while protecting those who are unemployed through no fault of their own.

The commentators raised questions and suggested changes both in substance and in wording to the proposed amendments. The Department considered all arguments and evaluated the equities involved. The comments have been reviewed; some have been adopted. Terminology was clarified and portions of the law were, by request of the Independent Regulatory Review Commission (IRRC) and

others, reiterated in the regulations to provide reassurance that no alteration of the law was contemplated.

The commentators urged the Department to change the long-standing regulatory policy embodied in the proposed amendments regarding the deductibility of lump sum pension payments taken in lieu of periodic payments. They argued that Federal law does not require lump sum pension payments to be deductible and that State law should, therefore, mandate that all lump sum payments be nondeductible.

It seemed neither fair nor equitable, however, for individuals who take large lump sum pension payments to receive the full amount of their UC benefits while those claimants who receive modest pension payments periodically would have their pensions offset against their UC benefits. That Federal law allows such a discrepancy did not serve as a persuasive argument. Since Federal law permits states to exercise discretion with respect to the deduction of lump sum pension payments and the Commonwealth has always deducted them if claimants elected to receive their pension payments in a lump sum, the Department made no change in its position with respect to this issue.

Several commentators also asked that pension payments transferred into an eligible retirement plan, as defined by the Internal Revenue Service, should not be deductible as Federal law does not require them to be offset from UC benefits. Since Federal law permits states to exercise discretion with respect to the deduction of "eligible rollovers" Federal law was not dispositive. Consistent with the view of the commentators, the Department modified its position with respect to the transfer of a lump sum pension payment into another eligible retirement vehicle. Administratively and conceptually, the Department viewed the transfers of lump sum payments differently from periodic payments, which are less likely to provide substantial retirement income and are more difficult to account for in the timely processing of UC claims. The Department, therefore, allowed for the nondeductibility of lump sum rollovers, while retaining the deductibility of all periodic payments.

The Department has balanced the interests of Pennsylvania employees and employers, consistent with the purposes of the law.

Summary of Proposed Rulemaking

The regulations in this subpart are being replaced to accomplish several purposes. The USDOL has required the Department to deduct from the weekly UC benefits payable to a claimant those periodic pension payments made when an individual has been permanently and involuntarily separated from employment prior to retirement age (§ 65.103), remove the \$40 per week floor on the deductibility of pension payments (§ 65.101) and provide for the deductibility of Social Security retirement benefits (§ 65.108). The Department has provided that certain lump sum payments which are rolled over into an eligible retirement plan are not deductible (§ 65.105), and that the return of a claimant's own contributions to a retirement plan is not deductible (§ 65.102). Language has been clarified and the method for allocating weekly deductions has been included.

Paperwork Requirements

No new paperwork is required.

Fiscal Impact

If the Commonwealth does not amend §§ 65.101—65.103, the USDOL will bring conformity proceedings

against the Commonwealth. If the Commonwealth were found to be out of conformity with Federal law, the Secretary of the USDOL could seek to withdraw certification from the State, which would abrogate funding for both the UC system and Job Centers. See 26 U.S.C.A. § 304(c)—(e). In addition, employers within the State could lose the Federal tax credits to which they are entitled by virtue of the payment of Commonwealth UC taxes.

The Commonwealth cannot choose not to regulate pension deductibility without precluding the operation of a viable UC delivery system as administered by the Federal government with Federal funds. The UC law is designed to alleviate the devastating impact on health, general welfare and safety that unexpected unemployment brings to individuals and their families.

Both employers and employees will benefit by avoiding the costs and potential effects of conformity litigation with the USDOL. These regulations serve the interests of employees by providing that lump sum rollovers which are not subject to Federal tax are not deductible from UC benefits and that payments which represent a return of a claimant's own contributions to the pension plan are nondeductible. These regulations serve the interests of employers by providing that claimants who are permanently and involuntarily separated from employment prior to retirement date will have their UC benefits reduced by their pension payments and that lump sums which are not rolled over will also be deductible. Since the amount of money employers contribute to the UC Trust Fund is closely related to the UC benefits they pay claimants, these provisions should help reduce employers' UC costs.

The Department's Bureau of Research and Statistics has advised that data are not available to provide an analysis of the specific savings or costs associated with the regulations' implementation or with the compliance of the regulated community, local governments or State government. There would be no increase in administrative costs.

Sunset Date

These regulations will be monitored through practice and application. No sunset date is designated.

Regulatory Review Act (Legislative Oversight)

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 27, 1996, the Department submitted a copy of the notice of proposed rulemaking to IRRC and to the Chairpersons of the House Committee on Labor Relations and the Senate Committee on Labor and Industry. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

These final-form regulations were deemed approved by the House and Senate Committees on December 3, 1997. IRRC met on December 11, 1997, and approved the regulations in accordance with section 5(c) of the Regulatory Review Act.

Findings

The Department finds that:

(1) Public notice of the intention to adopt these amendments was given in accordance with sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240)(45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) Modifications to the proposed text do not enlarge the original purposes or the scope of the proposed amendments.

(4) These amendments are necessary and appropriate to the administration and enforcement of the act.

Order

The Department, acting in accordance with the authorizing statutes, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapter 65, are amended by amending §§ 65.101, 65.102, 65.104, 65.105; by deleting § 65.103 and by adding § 65.108 to read as set forth in Annex A.

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

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

(d) The regulations, as set forth in Annex A, shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHNNY J. BUTLER,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6878 (December 27, 1997).)

Fiscal Note: Fiscal Note 12-44 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART II. BUREAU OF EMPLOYMENT

CHAPTER 65. EMPLOYE PROVISIONS

Subchapter E. UC ELIGIBILITY IN CONJUNCTION WITH OTHER PAYMENTS

RETIREMENT PENSIONS AND ANNUITIES

§ 65.101. Purpose.

(a) In accordance with section 404(d)(2) of the law (43 P. S. § 804(d)(2)), section 402(c) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 402(c)) and section 3304(a)(15) of the Federal Unemployment Tax Act (FUTA) (26 U.S.C.A. § 3304(a)(15)), the Department has promulgated regulations governing the deduction of certain pension payments from unemployment compensation benefits (UC benefits).

(b) The Department has balanced the interests of employees and employers of this Commonwealth, consistent with the law. The Department seeks to maximize the Commonwealth's share of competitive employment in a global economy, thereby serving the needs of all Pennsylvanians by reducing the number of unemployed individu-

als and ensuring that UC benefits are available to those who need and are entitled to them.

(c) For any week with respect to which a claimant is receiving certain pension payments, the Department will deduct from the weekly compensation otherwise payable to the claimant the prorated weekly amount of those pension payments which fulfill the prerequisites for deductibility specified in this chapter.

§ 65.102. Application of the deduction.

(a) Unless otherwise excluded from deductibility under this chapter, any pension payment received by a claimant with respect to a week for which the claimant receives unemployment compensation (UC) benefits shall be deducted from the weekly benefit amount otherwise payable to the claimant for that week.

(b) Deductible pensions include a governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment which is made under a plan maintained or contributed to by the claimant's base period or chargeable employer and is based on the claimant's previous work.

(c) Similar periodic payments shall include all deductible pension payments made on other than a weekly basis which shall be prorated into a weekly amount before being deducted from the weekly benefit amount payable to the claimant.

(d) The Department will deduct all Social Security retirement pensions which are based upon the claimant's previous work or self-employment, or both, including primary Social Security, old age and retirement disability benefits.

(1) The Department will not deduct Social Security payments which are not based on the claimant's previous work, such as Supplemental Security Income.

(2) The Department will deduct pensions paid under the Social Security Act (42 U.S.C.A. §§ 301—1397e) and the Railroad Retirement Act (45 U.S.C.A. §§ 231—231s) when the claimant's base year employer contributed to the pension plan. The pensions are deductible irrespective of whether the claimant's base year employment affected the eligibility for, or increased the amount of, the pension.

(e) If the pension is entirely contributed to by the employer, 100% of the prorated weekly amount of the pension will be deducted from the weekly benefit amount payable to the claimant.

(f) If the pension is contributed to by the individual, in any amount, 50% of the prorated weekly amount of the pension will be deducted from the weekly benefit amount payable to the claimant.

(g) The weekly benefit amount payable to the claimant will not be reduced below zero by the prorated weekly amount of the pension.

(h) For any week with respect to which the claimant is not receiving but is eligible for a pension, the Department will not deduct the prorated weekly amount of the pension from the weekly benefit amount payable to the claimant.

(i) If, as a result of the claimant's ineligibility to receive a pension payment under a pension plan, the claimant receives a payment which represents only a return of the claimant's own contributions to the plan and does not include any contribution from a base period or chargeable employer, the payment is not a pension and will not be deducted from the weekly benefit amount payable to the claimant.

(j) The Department will not deduct pension payments if the services performed by the individual during the base period or the remuneration received for those services from a base period or chargeable employer did not affect the individual's eligibility for, or increase the amount of, the pension, except for pensions paid under the Social Security Act and the Railroad Retirement Act.

(k) The Department will not deduct periodic payments which are made under severance agreements, profit sharing arrangements or disability plans administered by a union, employer, workers' compensation carrier, insurance company or the Veterans Administration, unless the payments are based on retirement and fulfill all other prerequisites specified in this chapter.

(l) The Department will not deduct lump sum pension payments which represent the transfer of "eligible roll-over distributions" from a "qualified trust" to an "eligible retirement plan," as those terms are defined in section 402(c) of the Internal Revenue Code (IRC) (26 U.S.C.A. § 402(c)).

(1) If all of the requirements of section 402(c) of the IRC are met, including the transfer of the payments into an "eligible retirement plan" within 60 days of receipt by the individual, those payments do not represent a payment to the individual for the purposes of retirement and are not received by the individual under section 404(d) of the law (43 P. S. § 804(d)) and section 3304(a)(15) of the Federal Unemployment Tax Act (26 U.S.C.A. § 3304(a)(15)) (FUTA).

(2) If a distribution, or any part thereof, does not meet the requirements of section 402(c) of the IRC, the Department will deduct the prorated weekly amount of that portion of the lump sum payment which is received by the claimant in accordance with § 65.108 (relating to rules of attribution).

(3) If a claimant does not roll over the entire lump sum into an eligible retirement plan, as set forth in paragraph (1), the Department will determine the amount to be deducted from the claimant's weekly benefit amount by dividing the amount of the lump sum payment that is received by the claimant by the total amount the claimant could have received had the claimant opted to take the entire lump sum available to the claimant. That quotient represents the deductible share of the lump sum pension amount received by the claimant. The claimant's unreduced monthly pension is the amount the claimant could have received each month had the claimant opted to take periodic payments in lieu of a lump sum. The Department will calculate the deductible portion of that unreduced monthly amount by multiplying it by the quotient representing the deductible share of the lump sum which is received by the claimant. Using the deductible amount of that monthly pension, the Department will compute the prorated weekly deductible amount in accordance with § 65.108.

(4) If a claimant presents documented proof to the Department that the claimant has rolled over a portion of a deductible lump sum payment into an eligible retirement plan within 60 days, so that all or some of that lump sum payment is not subject to Federal Income Tax, the Department will credit the claimant for any amount deducted from the claimant's UC benefits which is properly exempt from deduction because it is attributable to the transfer of the funds into an eligible retirement plan.

§ 65.103. (Reserved).

§ 65.104. Initial payments.

(a) When, following the retirement of an employe and, as part of a general pension plan, an initial payment is made in lieu of or in addition to the regular pension amount to which the employe is entitled, the initial payment will be considered a pension payment, and will be subject to this chapter.

(b) Initial payments are independent of regular pension payments. To the extent that they meet the requirements for deductibility provided in this chapter, the Department will deduct them from compensation otherwise payable to a claimant even if the claimant's regular pension payments are not deductible. The Department will not deduct initial payments if they do not meet the requirements for deductibility provided in this chapter, even if the claimant's regular pension payments are deductible.

(c) When the initial payment includes an amount paid for any reason other than pension, including unused vacation, only that amount which is attributable to the pension is deductible.

(d) When the initial pension payment is received by a claimant in a lump-sum, the deduction of this initial pension amount will be calculated by dividing the initial pension amount by the number of weeks for which the pension plan specifies the initial payment is being made. The number of weeks attributable to unused vacation or other payments will not be used in determining the weekly pension amount to be deducted. The result of this calculation, if not a multiple of 1 dollar, will be computed to the next higher multiple of 1 dollar and will be considered the prorated weekly deductible amount of the initial payment and is the amount by which the weekly benefit rate will be reduced, but not below zero.

§ 65.105. Lump-sum retirement payments.

(a) When a claimant receives a lump-sum payment in lieu of a periodic pension payment, the prorated weekly pension amount which the employe could have received will be deducted in accordance with § 65.108 (relating to rules of attribution).

(b) When a claimant cannot receive periodic pension payments and must take a mandatory lump-sum payment, no pension deduction will be made.

(c) When a claimant receives a deductible lump sum payment and transfers only a portion of that payment into an eligible retirement plan within 60 days of receipt, the remainder of the lump sum payment which is not transferred into an eligible retirement plan will be deducted, along with any other deductible pension payments made to the claimant under § 65.102 (relating to application of the deduction) and § 65.108.

§ 65.108. Rules of attribution.

If a pension, retirement, annuity or other similar periodic payment deductible under section 404(d)(2) of the law (43 P. S. § 804(d)(2)) is received on other than a weekly basis, the amount to be deducted will be prorated as follows: The claimant's monthly pension is the amount the claimant could have received each month had the claimant opted to take periodic payments in lieu of a lump sum. The Department will use the deductible amount of that monthly pension, convert it to a yearly amount, and divide by 52. If not a multiple of one dollar, the Department will determine the prorated weekly deductible amount of the pension by rounding to the next higher multiple of one dollar. The weekly benefit amount

payable to the claimant will be reduced, but not below zero, by the prorated weekly deductible amount of the pension, in accordance with section 404(d)(2) of the law.

[Pa.B. Doc. No. 98-11. Filed for public inspection January 2, 1998, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITIES

[L-00960118]

[52 PA. CODE CH. 58]

Residential Low Income Usage Reduction Programs

The Pennsylvania Public Utility Commission (Commission), on August 28, 1997, adopted a final rulemaking to amend relevant sections of Title 52 regarding residential low income usage reduction programs. The final rulemaking addresses tenant eligibility, landlord contributions and permits a covered utility to spend up to 20% of its annual budget on eligible special needs customers as defined in § 58.2 (relating to definitions). The contact persons are David Mick, Bureau of Consumer Services, (717) 783-3232 and Rhonda Daviston, Assistant Counsel, Law Bureau, (717) 787-6166.

Executive Summary

At the public meeting held August 28, 1997, the Commission adopted an order to promulgate a final rulemaking regarding continuation of the existing residential low income usage reduction programs. The final rulemaking addresses tenant eligibility, landlord contributions and permits a covered utility spending up to 20% of its annual budget on eligible special needs customers as defined in § 58.2. The program is intended to assist low income customers to conserve energy and reduce their residential energy bills. The continuation of the program without a sunset date, is consistent with the legislative intent of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—2813.

The Commission recognizes the Low Income Usage Reduction Program's (LIURP) weatherization and conservation services have achieved significant benefits for utilities and low income customers. Analyses revealed that the program has achieved, among other goals, its initial goal of reducing energy usage, utility bills and arrearages for residential low income households.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the final rulemaking, which was published as proposed at 27 Pa.B. 1165, and served on February 20, 1997, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on Consumer Affairs and were approved on October 28, 1997, by the Senate Committee on Consumer Protection and Professional Licensure, and were approved by IRRC on November 6, 1997, in accordance with section 5(c) of the Regulatory Review Act.

Public Meeting held
August 28, 1997

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; John Hanger, Statement attached; David W. Rolka, Concurring in result; Nora Mead Brownell

Final Rulemaking Order

By order adopted September 19, 1996, and entered on September 20, 1996, at L-00960118, we initiated a proposed rulemaking to extend the LIURP, §§ 58.1—58.18, which is scheduled to expire on or before January 28, 1998. In that order, we recognized that LIURP's weatherization, usage reduction and conservation services had achieved significant benefits for both utilities and low income customers.

Analyses reveal that the LIURP has achieved its initial goal of reducing energy usage, utility bills and arrearages for residential low income households. We believe that the LIURP produces both load management and energy conservation benefits. Assisting low income customers to reduce energy demand has benefits associated with load management, avoided cost of future generation and fuel purchasing, as well as diminished environmental impacts related to energy production and transmission.

Since its inception in 1988, the LIURP, §§ 58.1—58.18, has provided conservation services to more than 115,000 low income households. Services may have included full weatherization conservation treatments, furnace repair and replacement, water heating measures and electric baseload measures.

In addition to the benefits discussed previously, the LIURP benefits can be viewed from a broader perspective. LIURP services engender improved community relations for utility companies as they become partners in addressing critical housing needs in their service territories. Because of the labor intensive nature of providing usage reduction services, the LIURP is also producing economic development benefits. At the same time, LIURP is improving the condition of the Commonwealth's existing, aging housing stock.

From the perspective of low income LIURP recipients, the program has several worthwhile benefits. These include increased comfort levels, safer living conditions through improved furnace safety and reduction in the use of secondary heating devices, and more moderate and manageable utility bills. Furthermore, reduced energy bills contribute to the availability of more affordable housing for low income families.

On October 25, 1996, the Office of Attorney General issued its approval of the proposed regulations as to form and legality. On February 20, 1997, the Commission submitted a copy of these proposed amendments to IRRC and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. The proposed rulemaking was published for comment at 27 Pa.B. 1165 (March 8, 1997) with a 30-day comment period that ended April 7, 1997. On May 7, 1997, we received comments from IRRC on the proposed regulations. We also received written comments from the following parties:

Commission on Economic Opportunity (CEO)
 Energy Coordinating Agency of Philadelphia, Inc. (ECA)
 GPU Energy (GPU)
 Northern Tier Community Action Corporation (Northern Tier CAC)
 Office of Consumer Advocate (OCA)
 PECO Energy (PECO)
 Peoples Natural Gas Company (Peoples)
 UGI Utilities, Inc. - Gas Division (UGI)
 Pennsylvania Gas Association (PGA)

Subsequent to review of comments received, we made one modification to our proposed regulations in response to the concerns raised by IRRC and other commentators. Specifically, we deleted language at § 58.2 at IRRC's request.

The current regulations have been modified to reflect certain changes in the program and prospective changes in the utility markets. The applicability of the definitions has been clarified. The definition of "covered utility" has been amended to confine the program's parameters to local distribution utilities to ensure that the utility that has direct customer access will continue to provide the LIURP.

Refrigerator replacement has been specified in the regulations so as to allow the electric utility more leeway in its program implementation. Next, a section has been added to allow for landlord contributions. Finally, the special needs customer program has been expanded to allow for spending as much as 20% of the utility's LIURP budget on customers with special needs. This will give the covered utility greater flexibility in administering its program by slightly expanding customer eligibility requirements.

We shall discuss the comments received and the modifications made as a result of these comments, section by section.

Definitions

In the definition of the term "covered utility" we added "local distribution" to confine the program's parameters to local distribution utilities to ensure that the utility that has direct customer access will continue to provide the LIURP. Both the OCA and PECO endorsed this modification.

The ECA commented that the Commission should broaden the LIURP to include water utilities as well as electric and gas companies. Making such a change to these regulations would expand the scope of the regulations and require us to resubmit them as proposed regulations. Consequently, the Commission does not believe that it is appropriate to expand these provisions to water utilities within the boundaries of these regulations.

Establishment of Residential Low Income Usage Reduction Program

We have revised the regulations by eliminating a specified sunset date for the LIURP. As Northern Tier CAC pointed out in its comments, the elimination of the soon to be outdated time frame is consistent with the legislative intent of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—2813. Other commentators including the OCA, ECA, GPU and PECO endorsed the elimination of a sunset date in these regulations.

Peoples suggested that the LIURP be reviewed after 5 years, to offer recommendations for improvements. We agree that the LIURP must provide a means for program review as well as a process for making improvements. Historically, we have used a two-part process for making ongoing enhancements to the LIURP, apart from the regulation process. First, the utilities perform an annual process evaluation as part of the annual program evaluation that is submitted to the Commission. Second, the Commission's Bureau of Consumer Services has performed three or four operational reviews of each company's LIURP program thus far. We believe that this system has worked effectively and we will continue this system in the future.

The PGA commented that the sunset provisions should remain in place, particularly given the continued lack of convincing evidence that the LIURP is cost effective under applicable sections of the Public Utility Code. The PGA also offered that the LIURP, if it is to be continued, should have a sunset date of January 1, 2001, to coincide with full direct access to competitive electric generation.

Initially, we point to IRRC's comments in response to the PGA's contention that there is a lack of convincing evidence that the LIURP is cost-effective and satisfies the requirements under the Public Utility Code at 66 Pa.C.S. § 1505(b) (relating to proper service and facilities established on complaint). IRRC stated that the commentators who believe that the LIURP is not cost-effective have not presented any evidence for their claim. IRRC believed that LIURP was proven to be cost-beneficial in 1992, when it commented as such at that time as the LIURP regulations were recommended for continuance by IRRC. Since then, we have released two reports to the public that we have shared with IRRC as well. The program years in these reports were for 1991 and 1992. The results of these two reports showed improvement over the early years of the LIURP. Our evaluation of the LIURP program has continued on an annual basis and we have shared our analysis of the 1993 and 1994 program years with each of the 15 covered utilities in the past 2 years. Overall, the results from these more current program years have shown a pattern of continued improvement by most utilities. We have also discussed these results with IRRC. In summation, the LIURP has shown better results since the continuance of the program in 1992. If the results of the early years of the LIURP were conclusive enough to warrant continuation in 1992, we are now even more convinced that LIURP is cost-effective in view of the improvements as indicated by the analysis of the most current program data.

IRRC also directed us to provide the public with an opportunity to review the data and Commission findings as to whether the LIURP is cost-effective. At this time, we are evaluating the 1995 program year and we will be issuing a report to the public upon its completion. Thereafter, we are committed to releasing an evaluation report of the LIURP every 2 years.

The PGA and UGI-Gas challenged the statutory basis for the LIURP and argued that the LIURP is anticompetitive and a burden for local distribution electric and gas utilities in the era of deregulation and competition. These same commentators pointed to the act and the fact that similar Legislation is now being considered by the General Assembly to deregulate portions of the natural gas industry and its utilities.

IRRC refutes these commentators by stating that although the recent Legislation places greater emphasis on competition and deregulation, the act also secures a place

for the LIURP. The act specifically mentions the LIURP in the definition of "universal service and energy conservation" at 66 Pa.C.S. § 2803 (relating to definitions). IRRRC then quotes the act at 66 Pa.C.S. §§ 2802(17) and 2804(9) (relating to declaration of policy; and standards for restructuring of electric industry) to further demonstrate the Legislative intent in support of the LIURP. IRRRC concludes that in consideration of the review criteria in section 5(d) of the Regulatory Review Act (71 P.S. § 745.5(d)), these LIURP regulations are firmly within the Commission's statutory authority and match the intent of the General Assembly in the enactment of the enabling statute. We concur with IRRRC and we will not include a sunset date for the LIURP.

Program Funding

We did not propose any changes to program funding in the proposed regulations. Nevertheless, program funding sparked the most debate among the commentators. We will briefly summarize the positions of the commentators below and follow the comments with excerpts from the Commission's Final Order Re: Guidelines for Universal Service and Energy Conservation at Docket No. M-00960890F0010 (order entered July 11, 1997). It is our intent to, at a minimum, maintain current funding levels for both electric and gas utilities in this regulation. However, we must point out that each electric distribution company will be using its electric restructuring filing to establish the LIURP funding level within its Universal Service Funding Mechanism. Since the act has invoked a process for establishing the funding level for LIURP which supersedes this regulation in this regard, we will defer the electric funding levels to the electric restructuring filings.

Northern Tier CAC recommended that the LIURP funding levels be set within a range of 0.2% to 0.3% of operating expenses. The OCA asked for a minimum requirement of at least 0.2% of revenues. The ECA proposed an increase to 0.25% of revenues and added that funding levels may be adjusted down if the utility can prove that the need does not exist in the territory. PECO remarked that the LIURP is adequately funded at its current levels. The CEO made a distinction in the funding levels between the two industries; electric at 0.25% of revenues and gas between a range of 0.25% and 0.4% of revenues. The PGA commented that the current funding floor of 0.2% of revenues for natural gas utilities is inequitable and anticompetitive in that gas is placed at a competitive disadvantage to electricity and unregulated fuels. Also, the sole regulatory standard for the LIURP funding should be a ceiling, with specific funding beneath that ceiling determined on a utility-by-utility basis. Peoples cautioned that if natural gas unbundling and deregulation continue to change the gas industry, the unbundling of services could potentially reduce the public utilities' revenue on which the LIURP funding is based. Lastly, the PGA believed that deposits into community development banks and other expenditures meeting the LIURP objectives should be eligible for crediting against the LIURP requirements. IRRRC commented that the Commission not consider any of these proposals in the final-form rulemaking. Instead, the Commission should pursue implementation of substantive changes like the LIURP funding level through a new and separate proposed rulemaking.

For the local electric distribution companies (EDCs), the Guidelines for Universal Service And Energy Conservation Programs Made Pursuant to 66 Pa.C.S. §§ 2803; 2802(17); 2804(8) and 2804(9) at Docket No. M-

00960890F0010 (the Guidelines), is the new and separate proposed rulemaking that IRRRC suggested the Commission pursue for making changes to the LIURP funding level. The following are excerpts from the Guidelines that both generically and specifically discuss the LIURP funding and provide the Commission's position on the LIURP funding:

- The primary mandate before the EDCs, the parties and the Commission as restructuring plans are adopted is to lay the groundwork for a fully competitive market for generation within a total level of rates that are capped as of January 1, 1997. Spending levels for universal service and energy conservation must be appropriate considering other spending priorities and the fundamental necessity of complying with all other aspects of the code as it now has been amended by the act. The challenge before the EDC's, the parties and the Commission is to do so with an appropriate balance that maintains funding for other aspects of safe and reliable local distribution services at least at current levels.

- The EDCs, other parties and the Commission must acknowledge that the Public Utility Code (code), as now amended by the act, for the first time imposes a mandate for universal service and energy conservation policies, programs and protections that are "appropriately funded and available in each electric distribution territory." The Commission can and will meet this mandate while meeting the other requirements of the code.

- In particular we note that neither the act nor these guidelines define "appropriately funded and available" nor specify any particular spending level for universal service and energy conservation as a whole. No inherent increase or decrease in spending is mandated, provided that the level of resources directed to universal service and energy conservation is "appropriate" and the benefits are made "available." This mandate neither can supersede nor take a back seat to the other requirements of the code as amended by the act.

- We have found that the LIURP is a cost effective program for affordable energy. Since 1988, the electric utilities have managed their programs within a fixed dollar allowance. Within this process, they have expanded the range of services to include baseload customers who are neither heating nor water heating customers. This is an example of the type of flexible process that is expected over time to make a program cost effective in its availability and delivery.

- We recognize that the electric utilities have never had a goal of 0.2% of revenues contained within their LIURP regulations at § 58.4(b) (relating to program funding). To adopt such a standard would require us to modify our regulations which would not be timely for the restructuring filings. We, therefore, decline to fix an expenditure goal at this time. Nevertheless, we believe it valuable to explore in the context of each company's restructuring proceeding, the manner in which existing funding levels will be used to meet the needs of the EDC's territory. Nothing in these guidelines prevents an EDC from voluntarily proposing a funding commitment that enhances the universal service offerings in its territory.

- The development of renewable technologies, the development of energy efficiency technologies, and the introduction of enhanced (smart) meters or net metering into the market place may add new cost-effective program measures for use in the LIURP. These new technologies and advancements may add to the total costs for individual LIURP jobs in a cost effective manner.

• We must emphasize that nothing in these guidelines mandates an increase in total expenditures directed to meet universal service and energy conservation goals. To the contrary, these guidelines emphasize improving the cost effectiveness of existing efforts by shifting expenditures from less productive efforts to more effective programs.

We believe that the guidelines contain the protocols for determining the LIURP funding levels of the EDCs through the individual electric restructuring filings. The electric restructuring filing process by the EDCs is required in the act and, as such, supersedes these final-form regulations on the issue of the funding levels for the required EDCs. However, since there is no gas industry restructuring legislation at this time, it is our intent to maintain current funding levels for the required gas distribution utilities. We also appreciate Peoples' forewarning regarding the potential impact of further gas unbundling and deregulation on gas companies' LIURP funding levels.

Integration

Both the ECA and CEO commented about ways to better coordinate program service with existing resources in the community. The ECA asked for much closer linkage to energy and housing programs. The CEO recommended that the LIURP piggyback on to Federally funded weatherization programs. We respond to both parties by pointing to § 58.7(a) (relating to integration), which already addresses the kind of coordination that is recommended. We have tried such linkages at every opportunity since the inception of the program and our efforts have produced varying results. We recognize that the utilities have not always been successful in their efforts at coordinating with existing resources. There have been some valid reasons for the mixed results. Nevertheless, we strongly encourage the required utilities to continue to explore each opportunity to coordinate with existing resources.

The CEO also commented that we should actively encourage the use of community-based organizations and prohibit the utility or its affiliate from delivering the LIURP services. We respond by reiterating that our intent at § 58.7(c) is to ensure that qualified, independent agencies provide program services. However, in the absence of qualified independent agencies a covered utility may provide services directly or solicit for-profit providers. We have not proposed any changes to this section at this time and offer this clarification that, we note, is consistent with our comments during the last revisions to the LIURP regulations at Docket No. L-920065 on January 16, 1993.

IRRC viewed the comments of both the ECA and CEO as having a basis in the act at 66 Pa.C.S. § 2804(9) and not in this notice of proposed rulemaking. Due to the fact that these proposals were not included in the notice of proposed rulemaking, IRRC recommended that the Commission not include the proposals in the final-form rulemaking. We concur and again point out that it is our intent that qualified independent agencies will provide the LIURP services.

Tenant Eligibility

In § 58.8(a) (relating to tenant eligibility) we added language that clarifies our position on the issue of the raising of rents by landlords based on the installation of usage reduction measures in a rental property using the LIURP funds. A rent increase may not be based on the

installation of the LIURP measures. All parties that commented agreed with this clarification and the commentors are Northern Tier CAC, OCA, GPU and PECO.

We added a new section, § 58.8(b), which allows a utility to seek landlord contributions without affecting a tenant's ability to receive program services. Landlord contributions are to be treated as supplemental to the Commission-approved LIURP annual budgets by the LDCs and gas utilities. All commentators favored this addition and the list of commentators includes Northern Tier CAC, OCA, GPU, Peoples and PGA.

Program Announcement

Northern Tier CAC suggested that additional outreach efforts need to be considered to educate consumers as to the availability of the LIURP as well as the potential benefits of the LIURP. This comment is directed at § 58.9 (relating to program announcement) which we have not proposed to change. We believe that the utilities have done an effective job of educating customers about the availability of the LIURP over the past 9 years as evidenced by the fact that the required spending levels have been met. Through the Commission's operational reviews of the individual utility programs, we have made a concerted attempt to recommend that program benefits be incorporated into the program solicitation process.

Priority of Program Services

We proposed an increase from 10% to 20% of a utility's annual program budget in the allowance to spend on special needs customers as defined in § 58.2. All of the comments supported this change and the list of commentators includes Northern Tier CAC, OCA, GPU, PECO, Peoples and PGA.

Although we did not propose any changes to § 58.10(a) (relating to priority of program services), the CEO recommended that we offer programs to all low income, electric customers, not just electric heat customers. We should link spending to low income demographics in a utility's service area. Finally, we should require the EDC's to develop comprehensive baseload programs.

In response to the CEO, we offer the following explanation of the eligibility criteria, targeting strategy and prioritization for the receipt of program services for electric customers, who appear to be the target of the CEO's comments. First, income must be at or below 150% of the Federal poverty guidelines. There is an exception to this rule. Up to 20% of the LIURP budget may be spent on customers with an income level in the range 150% to 200% of the Federal poverty level. Second, the LIURP experience over the past 9 years has shown that high usage is the strongest predictor of high energy savings. Consequently, each of the major electric companies has established company specific minimum usage requirements for each of the three job types for electric customers: heating, water heating and baseload. The bottom line is that all income eligible customers do not have a usage profile that warrants the provision of the LIURP services.

Prioritization for the receipt of program services is as follows. Most importantly, high usage is the driver. Once again, we emphasize that in the actual delivery of the LIURP services, each electric company has established minimum usage guidelines for each of the three electric job types. It is only after the usage requirement is met that the prioritization scheme is applied. The prioritization process then follows two steps. First, usage levels are further prioritized from highest arrearage to no arrearage. Second, a further prioritization is done to further

delineate equal usage and equal arrearage candidates. This is done by prioritizing from lowest to highest income.

Energy Survey

The program measure refrigerator replacement has been specified in these regulations so as to allow the electric utilities more leeway in its program implementation. We have included refrigerator replacement among the list of program measures that are allowable under a 12-year simple payback criterion as long as the expected lifetime of the measure exceeds the payback period. Each of the four commentators, including Northern Tier CAC, OCA, GPU and PECO, endorsed the addition of refrigerator replacement to the extended payback list.

Program Measure Installation

The CEO commented that comprehensive baseload programs for electric utilities can be piggybacked on to gas utility the LIURP jobs in order to improve the cost effectiveness of LIURP. Section 58.14(c) (relating to program measure installation) was designed in a way that promotes the concept of inter-utility coordination while providing the utilities from the two industries enough flexibility to mutually resolve coordination logistics. We recognize that there are differences in the extent of the coordination efforts among the utilities. These coordination efforts have been unprecedented. Nevertheless, we have continually stressed the importance of expanding inter-utility coordination efforts where there is an opportunity for significant enough energy savings and bill reductions to warrant more comprehensive coordination. Overall, we are satisfied with the level of coordination among the required utilities.

Program Evaluation

The ECA recommended that the utilities contract with qualified, independent evaluators to perform evaluations in three instances: whenever major changes are made in the program design; whenever a new program is initiated; and at least every 3 years. Currently, the utilities are required to evaluate their LIURPs on an annual basis and provide such an evaluation to the Commission. For example, the most current evaluation focused on the program years 1995 and 1996. This evaluation was due on April 30, 1997. The 1995 evaluation contained a data analysis of program results as well as a process evaluation. This is the most current program year for which post-installation data is available. In addition, a less extensive process evaluation was provided for the program year 1996. We believe that this reporting system is satisfactory, particularly in view of the maturity of the LIURP program.

IRRC commented that the Commission should provide the public with an opportunity to review the LIURP data and the Commission's findings as to whether the LIURP is cost effective. In the Guidelines at Docket No. M-00960890F0010, the Commission's Bureau of Consumer Services is required to report to the Commission biennially on the status of each EDC's universal service and energy conservation programs. Although those guidelines only pertain to electric utility evaluations, we intend to include the gas utilities in the LIURP evaluations. The first LIURP report will focus on the 1994 and 1995 program years and will be made public upon its completion.

Advisory Panels

The ECA recommended that the Commission should establish a Statewide advisory committee. We believe that IRRC's assessment of this request offers the appropriate

response. IRRC viewed this comment as having a basis in 66 Pa.C.S. § 2804(9) and not in this notice of proposed rulemaking. Due to the fact that this proposal was not included in the notice of proposed rulemaking, IRRC recommended that we do not include the proposal in the final-form rulemaking and we concur.

Based on the Commission's consideration of all of the comments received regarding the LIURP, including the comments by IRRC, the Commission adopts the final-form regulations. Accordingly, under 66 Pa.C.S. § 501, sections 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1202 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.5, we amend our regulations at §§ 58.1—58.18 to read as set forth at 27 Pa.B. 1165; *Therefore,*

It Is Ordered that:

1. The regulations of the Commission, 52 Pa. Code Chapter 56, are amended by amending §§ 58.2, 58.3, 58.8, 58.10 and 58.11 to read as set forth at 27 Pa.B. 1165.
2. The Secretary shall submit a copy of this order and 27 Pa.B. 1165 to the Office of Attorney General for review as to form and legality.
3. The Secretary shall submit a copy of this order and 27 Pa.B. 1165 to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and 27 Pa.B. 1165 for formal review by the designated standing committees of both houses of the General Assembly, and for formal review and approval by IRRC.
5. The Secretary shall duly certify this order and 27 Pa.B. 1165 and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. These regulations shall become effective immediately upon publication in the *Pennsylvania Bulletin*.
7. A copy of this order shall be served upon all persons that submitted comments in this rulemaking proceeding and upon the major jurisdictional electric and gas companies.

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6128 (November 22, 1997).)

Statement of Commissioner John Hanger

Today, this Commission votes to adopt the final-form regulations pertaining to Low Income Usage Reduction Programs (LIURP). We initiated a proposed rulemaking to extend LIURP by order adopted September 19, 1996. The proposed rulemaking was published in the *Pennsylvania Bulletin* on March 8, 1997, and comments were solicited. Comments were received from many parties.

Since its inception in 1988, the 15 major electric and gas companies that are required to participate in the LIURP program have spent \$123.5 million to provide weatherization/usage reduction treatments to 115,659 low-income households. LIURP has been successful in achieving its goal by producing benefits in the area of demand side management, bill reduction, arrearage reduction and avoided collection costs. Specifically, according to the Bureau of Consumer Services (BCS), the energy savings and bill reductions for 1994 are as follows:

<i>Job Type</i>	<i>1994 Average Energy Savings</i>	<i>Estimated Annual Bill Reduction</i>
Electric Heating	11%	\$157
Electric Water Heating	7.7%	\$ 86
Electric Baseload	11.4%	\$121
Gas Heating	21.6%	\$310

I am happy to support this measure which will continue LIURP. LIURP provides low-income customers with increased comfort levels, safer living conditions and more manageable utility bills.

Fiscal Note: Fiscal Note 57-179 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-12. Filed for public inspection January 2, 1998, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51, 53, 93 AND 109]

Administration, Commission Property and Boating

The Fish and Boat Commission (Commission) amends Chapters 51, 53, 93 and 109. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to administration, Commission property and boating.

A. *Effective Date*

These amendments will go into effect on January 1, 1998.

B. *Contact Person*

For further information on the amendments, contact Laurie E. Shepler, Esq., (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site at <http://www.fish.state.pa.us>.

C. *Statutory Authority*

The amendments are published under the statutory authority of sections 741, 2502, 5122 and 5123 of the code and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations pertaining to administration, Commission property and boating. The specific purpose for the amendments is described in more detail under the summary of changes.

E. *Summary of Changes*

1) *Section 51.28 (relating to report of the presiding officer).* In accordance with current practice, all proposed reports (pertaining to revocations and suspensions), regardless of whether exceptions are filed, are forwarded to the Commission's Law Enforcement Committee for review and consideration. However, under 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), a proposed report becomes the final agency decision if no exceptions are filed to the proposed report within 30 days. In those instances when no exceptions are

filed, it is unnecessary for the Law Enforcement Committee to review the matter because the proposed report already represents the final agency action. To eliminate an unnecessary step in the current procedure, which will reduce the processing time of these cases, the Commission adopted an amendment to this section.

2) *Sections 51.33 and 51.61 (relating to effective date of filing licenses and trout/salmon permits; and permits required for disturbance of waterways or watersheds).* A review of these regulations revealed a need to clarify or make minor corrections to insure that anglers are able to understand them and that the original intent is contained in them. The Commission adopted changes to these regulations that do not alter or change them in any significant manner.

3) *Section 53.8 (relating to boats).* The law enforcement jurisdiction of the National Park Service (NPS) is limited to the Delaware River, shore to shore on the water only, within the confines of the scenic river area. Additionally, NPS's authority extends to the very few acres that it owns and the Commission and the New York Department of Environmental Conservation access areas where the parties have entered into formal lease agreements. The six Commonwealth access areas involved are Buckingham, Equinunk, Calicoon, Damascus, Narrowsburg and Zane Grey.

The Commission is quite fortunate to be able to rely on NPS's presence and its law enforcement efforts. However, NPS has been put in the position of having to contend with the conflicting laws and regulations of the Commonwealth and New York. The fisheries differences have been resolved for the most part, but confusion remains regarding boat registrations. Accordingly, the Commission adopted an amendment to § 53.8 to avoid confusion and the possible prosecution of unsuspecting persons using Commission access areas on the Delaware River. In addition, the Commission, under § 51.6 (relating to correction of regulations), is making a corrective amendment to § 53.8(h) and (i).

4) *Section 53.26 (relating to dogs).* In recent years, staff have seen a tremendous increase in the number of dogs roaming unsupervised on Commission owned or controlled properties. These animals are causing a number of identifiable problems by barking, growling, stalking and charging anglers and boaters as well as leaving dog "droppings" on lawn areas, paths and parking lots. Most of the dogs on Commission property are not brought there by anglers or boaters. It also is recognized that, on some properties, legitimate dog training activities can be conducted without interfering, to any great degree, with the property's intended users.

In an attempt to protect adequately the primary users of Commission properties, (that is boaters and anglers) and still allow others to walk or train their dogs, or both, the Commission needs reasonable regulations. On final rulemaking, the Commission adopted the regulation relating to control of dogs on Commission property as proposed with the following exceptions. The Commission added language that allows the use of multilength, mechanically retractable leashes in addition to leashes not exceeding 6 feet in length. The Commission also added a provision that an owner or handler need not keep his dog on a leash when he has the dog under his control onboard a boat.

5) *Section 93.13 (issuing agents).* Under section 5304 of the code (relating to issuing agents), the Commission may designate issuing agents for boat registrations. Boat

registration issuing agents, other than the Commission, issue only temporary boat registrations; they do not process renewals of boat registrations.

Boat registration issuing agents are authorized by the code to charge and retain an issuing agent fee not exceeding \$2 for each registration. Although the Commission collects and retains issuing agent fees for fishing licenses and permits issued by Commission offices, its offices have not collected the issuing agent fees for temporary boat registrations.

For the Commission to start collecting boat registration issuing agent fees for temporary boat registrations issued directly by Commission offices, the Commission adopted a clarifying amendment to the existing regulations. The amendment makes it clear that Commission offices are designated issuing agents.

6) *Section 109.4 (relating to water skiing, aquaplaning, kite skiing and similar activities).* At its January 1997 meeting, the Commission directed staff to meet with proponents of changes to regulations on water ski observers to discuss their concepts for creating a carefully-crafted limited exception to existing regulations and report back to the Commission at the May 1997 meeting. Staff met with Frank Gates to discuss his concerns and those of a group of devoted water skiers who strongly believe that they need some relief from the current requirements to fully pursue their sport. Staff and Mr. Gates discussed several alternatives, and it was decided that the proponents of change or their attorney would get back to staff with proposed wording. Later, staff were informed that the proponents of change would like the Commission to seek public comment on the proposal set forth in the January 1997 agenda.

Late in the 1996 session of the General Assembly, Legislators proposed an amendment to pending Legislation to provide (in pertinent part):

The presence of a competent observer shall not be required in a boat towing a water skier if all of the following conditions are met:

- (1) The operator of the boat meets all the qualifications of a competent observer and is wearing an approved personal flotation device while the skier is being towed.
- (2) The boat is equipped with all of the following:
 - (a) A rearview mirror which is at least 5 inches by 10 inches
 - (b) A ski platform
 - (c) A boom, towing eye or pylon mounted permanently inside the hull of the boat to which the towing rope is secured.
- (3) Only one person is being towed.
- (4) The device on which the person is riding is only attached to the person and not to the boat.
- (5) Conditions, including other boating activities or congestion in the vicinity of the proposed operation, do not impede safe and prudent boat or water skiing operations.
- (6) The water skiing takes place on a day other than a weekend or holiday.

As used in this provision, the term "competent observer" means a person who has the ability to assess when a water skier is in trouble, who knows and understands the water skiing hand signals and is capable of helping a skier.

At the request of Commission staff, this amendment was withdrawn to give the Commission staff the opportunity to meet with proponents of the changes to observer requirements and to consider possible changes to Commission regulations. In addition to policy concerns, the staff had concerns with the drafting of the proposed amendment. The Boating Advisory Board (Board) discussed the Legislative proposal at its meeting on December 20, 1996, and recommended against changing the current regulations on observer requirements, which is in § 109.4.

The proponents of change asked the Commission to consider an amendment to § 109.4(c). Although staff were not convinced that a modification of the observer requirement was necessary or appropriate, it was believed that the wording of the proposed change could be an adequate springboard for further discussion. The Commission was encouraged by members of the General Assembly to at least seek public input on a possible proposed change to this regulation.

At its May 2, 1997, meeting, the Board recommended that the Commission consider the publication of a notice of proposed rulemaking containing changes to the competent observer requirement. The Commission, at its meeting on May 5, 1997, approved the publication of a notice of proposed rulemaking seeking public comment on a possible change to § 109.4(c), provided that the notice explicitly provide that, at this stage, the Commission is only seeking public input and does not necessarily endorse the proposed change. A notice of proposed rulemaking was published at 27 Pa.B. 4441 (August 30, 1997).

During the summer of 1997, two individuals received permits under the test program approved by the Commission. No problems were reported with the implementation of that program.

At the October 4, 1997, meeting, the Commission voted to defer final action on the proposed rulemaking until further consideration by the Board. The Board, at its meeting on October 27, 1997, again considered this matter and recommended that the Commission adopt the amendment, as proposed, with the following changes: (1) that water skiing be limited to 10 a.m. everyday, not just Saturdays and Sundays; and (2) that permittees are required to carry the permit onboard. The Board also recommended that the local waterways conservation officer be responsible for reviewing, approving and recommending to the Executive Director the area where the water skiing will take place. By notational vote, the Commission adopted the amendments to § 109.4 with the additional provisions recommended by the Board.

F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose new costs on the private sector and the general public in that persons who initially register their boats at Commission offices will have to pay a \$2 issuing agent fee.

H. Public Involvement

A notice of proposed rulemaking containing the proposed changes was published at 27 Pa.B. 4441. Two

proposed amendments attracted public comment during the public comment period, § 53.26 and the changes to the competent observer requirement in § 109.4.

During the public comment period, the Commission received seven public comments regarding the proposed control of dogs regulation, including letters from the Obedience Training Class of Harrisburg, the Mt. Nittany Dog Training Club and the Ivy League Bulldogs. Six of the comments opposed, to a certain degree, the proposed amendments. One letter urged the Commission to entirely drop consideration of the amendments. Several letters expressed concern over the requirement that an owner or handler must keep a dog on a leash not exceeding 6 feet in length while on Commission property. Other areas of concern pertained to the maximum number of dogs that an owner or handler may have on Commission property at one time and the provisions made for retriever training. One public comment expressed support for the proposed amendments but suggested that the proposed amendments may not go far enough. Copies of these public comments were provided to the Commissioners.

During the public comment period, the Commission also received 45 public comments regarding the changes to the competent observer requirement. Two letters opposed and 43 letters supported the proposed changes. Of those who supported the proposed changes, many suggested that the permit should be good only until 10 a.m. on weekday and weekend mornings (not just on weekends, as proposed). Copies of these public comments were provided to the Commissioners.

After the public comment period, the Commission received a letter from the Upper Delaware Council strongly supporting the amendment to § 53.8.

Findings

The Commission finds that:

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

(2) Public comment period was provided and that all comments received were considered.

(3) Adoption of the amendments in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 51, 53 and 109, are amended by amending §§ 51.28, 51.33, 51.61 and 93.13 to read as set forth at 27 Pa.B. 4441; and by amending §§ 53.8, 53.26 and 109.4 to read as set forth in Annex A.

(Editor's Note: Amendments to § 93.13 have been consolidated and appear at 27 Pa.B. 40 (January 3, 1997).)

(b) The Executive Director will submit this order, 27 Pa.B. 4441 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 27 Pa.B. 4441 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect January 1, 1998.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-69 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.8. Boats.

(a) An internal combustion engine may not be used to propel a boat or to provide energy to the motor on Commission lakes. Boats propelled by battery-powered electric motors and nonmechanically propelled boats, subject to restrictions on sailboats and inflatables, may be used either with or without internal combustion engines attached. Notwithstanding this subsection, internal combustion engines may be used in the performance of official duties by persons authorized by the Commission.

(b) Watercraft on Commission lakes shall have on board a Coast Guard approved Type I, II, III or V personal flotation device in good serviceable condition for each occupant. Occupants of sculls, shells and racing kayaks may substitute and use non-Coast Guard approved inflatable personal flotation devices in accordance with their design and manufacturer recommendation.

(c) Overnight mooring of boats is permitted at designated mooring areas from April 1 to November 30. A boat utilizing mooring areas shall be registered and display the official registration number and current validation stickers described under Subpart C (relating to boating) and Part III of the code (relating to boats and boating). The mooring is at the sole risk of the owner.

(d) The Commission may refuse to permit the mooring of a boat considered unseaworthy. Boats may not be rented or offered for hire at Commission lakes except for boats owned and moored by authorized concessionaires.

(e) Boats abandoned, sunken, obviously unseaworthy or unidentifiable will be impounded. The district waterways conservation officer will notify the owner, if known, of the impoundment and require the removal of the vessel within 10 days. Impounded vessels will be sold or destroyed if not claimed by the owner within 3 months.

(f) Boats may not remain at boarding piers on Commission lakes or controlled property longer than the time necessary for loading and unloading.

(g) Inflatable boats used on Commission lakes shall be at least 7 feet in length, made of durable reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.

(h) A boat using a Commission lake or access area shall be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code, except that this provision does not apply to noncommercial users of access areas on the Delaware River and West Branch of the Delaware River Bounded by the State of New York. Public service boats as defined under section 5302(3) of the code (relating to exemptions from registration) and boats par-

ticipating in events authorized under § 109.6 (relating to special marine events) are exempt from this section. Unpowered kayaks, sculls, sailboards and other low volume boats of similar design are exempt from displaying registration numbers, but shall display a current validation sticker.

§ 53.26. Dogs.

(a) Dogs are permitted on Commission property if they are licensed and otherwise in compliance with the other provisions of the Dog Law (3 P. S. §§ 459-101—459-1205).

(b) The maximum number of dogs that an owner or handler is permitted to have on Commission property at one time is two.

(c) The owner or handler shall keep the dogs on a leash not exceeding 6 feet in length or on a multilength mechanically retractable leash while on Commission property.

(d) The owner or handler shall keep the dogs under supervision and control while on Commission property.

(e) The owner or handler shall immediately scoop, contain and retain all droppings of the dog. The owner or handler may not dispose of the dog droppings on Commission property.

(f) The owner or handler is responsible for the conduct of the dog while on Commission property.

(g) Subsection (c) does not apply when an owner or handler meets one of the following:

(1) Is training a dog for water retrieval purposes and when the following apply:

(i) The dog is actually performing customary water retrieval functions.

(ii) The dog remains within 10 feet of the owner/handler while on land.

(iii) The dog is under the immediate control of the owner/handler at all times.

(iv) The dog does not interfere with anglers or boaters engaged in fishing, boating or other lawful activities.

(2) Has the dogs under his control onboard a boat.

(h) An owner or handler of a hunting dog is exempt from subsections (c) and (e) when he keeps his dog off lawn areas, trails and parking lots and when he is engaged in legal hunting or training during the seasons established by the Game Commission.

Subpart C. Boating

CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.4. Water skiing, aquaplaning, kite skiing and similar activities.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Competent observer—A person who has the ability to assess when a skier is in trouble, knows and understands the water skiing hand signals and is capable of helping a skier.

*PF*D—Personal Flotation Device.

Trick skier—A water skier who can be identified by body movements and skiing positions, which readily differentiate the trick skier from the ordinary “forward” skier engaged in straight skiing or slalom and jump events, and also by the following:

(i) *Skis.* Short (38 inches—40 inches) and wide (8 inches—9 inches) with no keels on bottom.

(ii) *Speed of tow.* Slow (12—18 miles per hour).

(iii) *Rope.* Short (40 to 50 feet) and often with toehold strap attached to handle.

Water ski—A device used by a person to be towed through or on water behind a boat. The term includes conventional water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs, air mattress, parasails, kit skis and similar devices.

(b) *Skiing hours.* Ski activities are prohibited between the hours of sunset and sunrise.

(c) *Observer required.* The following conditions apply:

(1) *General rule.* Except as otherwise provided in this subsection, it is unlawful for a person to operate a boat towing or otherwise assisting a person on water skis unless there is at least one competent observer in the boat in addition to the operator of the boat. The observer shall be positioned in the boat to observe the progress of the person being towed. It is unlawful for a person to water ski being towed by a watercraft or device not containing an operator and observer as required by this subsection.

(2) *Special conditions.* The Executive Director, or a designee, may issue a permit to allow a limited exception to paragraph (1). A permit issued under this paragraph will permit operation of a boat towing a water skier without an observer, in addition to the operator, on board the boat. These operations will be permitted only under the following conditions:

(i) Both the operator of the boat and the water skier meet safety training requirements as evidenced by documented completion of a safe boating course and active membership in a State or National water skiing organization, which provides members with information on water skiing safety.

(ii) The operator fulfills the definition of a “competent observer” as set forth in this section, wears an approved PFD and is a person 18 years of age or older.

(iii) The boat is equipped with the following:

(A) A rearview mirror which is at least 5 inches by 10 inches configured so that the operator may at all times observe the progress of the person being towed.

(B) A ski platform

(C) A boom, towing eye or pylon mounted permanently inside the hull of the boat to which the towing rope is secured.

(iv) Only one person is being towed.

(v) The water skis or other device on which the person is riding are attached only to the person and not to the boat.

(vi) Conditions, including weather, other boating activities and congestion in the vicinity of the proposed operation, do not impede safe and prudent boat or water skiing operations.

(vii) The water skiing takes place before the hour of 10 a.m. on a day other than a weekend or holiday. The Executive Director, for good cause shown, may permit water skiing under this section on a Saturday or Sunday before the hour of 10 a.m. if the Executive Director finds that other boating activities on the waters at the same time will not interfere with the water skiing.

(viii) The water skiing takes place on waters described and approved for the operations in the permit.

(ix) The water skiing takes place when the Executive Director or a designee indicates in the permit.

(x) The boat towing the water skier displays a special water ski flag of a size and design approved by the Commission.

(xi) The permittee carries the permit onboard while operating the boat towing a water skier without an observer.

(d) *Umbilical or remote controls.* A person may not operate a device which is controlled by a person connected to the power source by means of an umbilical or remote control, or both, which tows the person on or through the water.

(e) *Ski tow ropes.* Ski tow ropes may not exceed the following lengths:

(1) Conventional water skis and similar devices—80 feet.

(2) Nonreleasable kite ski—150 feet.

(3) Releasable kite ski—500 feet.

(4) Parasails—300 feet.

(f) *PFDs.* It is unlawful for a person to operate a boat on the waters of this Commonwealth for water skiing unless each person being towed is wearing a Type I, II, III or V United States Coast Guard-approved PFD. Inflatable PFDs may not be used to meet this requirement.

(g) *Water ski wetsuits.* A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast Guard approved PFD required in § 97.1 (relating to personal flotation devices). A United States Coast Guard approved PFD of a type described in § 97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

(1) The device shall be marked by the manufacturer as a water ski wetsuit.

(2) The device shall be constructed of nylon covered neoprene or similar material and may have either long or short sleeves or be sleeveless. The device may have legs.

(3) The device shall be equipped with additional flotation padding material of a close cell nonabsorptive type such as PVC foam or Ensolite®. This flotation/padding shall be sewn into the device according to the following:

(i) On the front extending from the clavicle to the top of the pelvis vertically and covering the front rib cage area and covering as much of the side area as feasible. A maximum gap between padded areas on the side of the suit under the arm is 4 inches.

(ii) On the rear of the device, padding/flotation material shall cover the area from the top of the shoulder blade to the top of the pelvis and span the entire width of the back.

(iii) Padding/flotation shall be at least 1/2-inch thick. This thickness excludes the thickness of covering material.

(h) *Starting and returning from shore or dock.* Notwithstanding the slow, no wake restrictions contained in § 103.3(b) (relating to restriction for special areas), skiers

are permitted to start from the shore or dock if the traffic situation permits this to be done safely and in accordance with other water ski regulations. A water skier is not permitted to be returned to dock or shore under power. The skier shall release outside the 100-foot limit. The skier may then coast or glide toward the shore or dock, if the skier does not endanger life and property in so doing and steers clear of swimmers, docks and boats.

(i) *Ski ramps and jumps.* Ski ramps or jumps, authorized in accordance with § 113.10 (relating to permits for installation and lighting of floats, ski ramps and other floating structures) shall have attached on each side a sign which will be evidence that the installation is authorized and warn boaters against mooring or drifting within 100 feet of the jump while it is in use.

(j) *Kite skiing and parasailing.* The following additional restrictions are applicable to kite skiing and parasailing:

(1) Kite skiing and parasailing is prohibited on waters where water skiing is prohibited or is subject to special regulation.

(2) Kite skiing or parasailing is prohibited on water when other boating activities or congestion impedes safe and prudent operations.

(3) Kite skiers and parasailers may not fly over or under overhead obstructions such as power and telephone lines or bridges; nor may they fly over dams, locks, docks, launching ramps, swim areas, marinas or congested areas.

[Pa.B. Doc. No. 98-13. Filed for public inspection January 2, 1998, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 93]

Boating

The Fish and Boat Commission (Commission) by this order amends Chapter 93 (relating to registration and numbering). The Commission is publishing these regulations under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The regulations relate to boat titling.

A. *Effective Date*

These regulations will go into effect on March 1, 1998.

B. *Contact Person*

For further information on the regulations, contact Laurie E. Shepler, Esq., (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site at <http://www.fish.state.pa.us>.

C. *Statutory Authority*

The regulations are published under the statutory authority of section 5325 of the code (relating to rules and regulations).

D. *Purpose and Background*

On July 2, 1996, Governor Ridge signed the act of July 2, 1996 (P. L. 467, No. 73) (Act 73) into law. The Act 73 authorized the Commission to issue certificates of title on or after the effective date of the regulations. The Commission will start issuing titles on March 1, 1998.

In drafting the regulations on boat titling, the Commission reviewed parallel Department of Transportation regulations on titles for motor vehicles. The Commission

also reviewed model State guidelines on boat titling and regulations and forms used for titling of snowmobiles and all-terrain vehicles. In addition, Commission staff received input from the Department of Transportation and the Department of Revenue.

Although the Commission initially intended to issue titles on or after January 1, 1998, staff encountered difficulties in computer programming for implementation of the titling program. Staff therefore recommended to the Commission on final rulemaking that titles not be required and available until on or after March 1, 1998. On final rulemaking, staff also recommended that certain changes be made to the proposed regulations. The major changes address an issue raised by the Pennsylvania Bankers' Association (PBA) concerning security interests in motors attached to boats. The PBA indicated that their members would most likely continue to require the filing of a Uniform Commercial Code (UCC) security interest statement on a motor, even though the boat is titled. In the interests of addressing this concern and saving paperwork and costs for boaters who finance their purchases, staff suggested that the regulations make clear that an internal combustion outboard motor is part of the boat subject to the title requirements. Staff also proposed clarification of the procedures applicable to clearing the title on abandoned boats. Although the proposed regulations provided procedures for boats found abandoned on private property, they did not address procedures for boats found abandoned on the waters of this Commonwealth. Staff further suggested several other minor additions and corrections to the proposed regulations.

Although suggested by several parties, one change that staff were unable to recommend was to extend the time period for dealers to submit moneys and applications to the Commission. Proposed § 93.104 states that a "dealer shall forward all moneys and applications to the Commission within 10 days of transferring ownership." This regulatory scheme is consistent with the statutory time frame of section 5304(d) the code (relating to issuing agents) which provides that "[e]very issuing agent shall forward all moneys collected, along with all appropriate forms, to the commission within ten days after receipt of each and every registration." Because this requirement is a statutory one, it can only be changed through Legislative action. Commission staff agree that the 10-day time frame is too stringent for both registration and titling and therefore will support legislation to amend the statute.

Prior to consideration of these regulations on final rulemaking, the Commission sought input from the Boating Advisory Board (Board). The Board recommended final adoption by the Commission, and the Commission adopted the changes to the regulations consistent with staff's recommendations.

E. *Summary of Changes*

Under section 5325 of the code, the Commission promulgated rules and regulations on boat titling pertaining to:

- (1) Application procedures for certificates of title.
- (2) Contents of applications.
- (3) Boats brought into this Commonwealth from outside this Commonwealth.
- (4) Boats purchased from dealers.
- (5) Boats sold or transferred privately.
- (6) Specially constructed or reconstructed boats.
- (7) Delivery of certificates of title.

- (8) Duplicate or replacement titles.
- (9) Transfer of ownership of boats.
- (10) Transfers to or from manufacturers or dealers.
- (11) Repossession of boats.
- (12) Boats which are junked, destroyed, lost, stolen or abandoned.
- (13) Voluntary titling of boats by owners prior to sale or transfer.
- (14) Suspension or cancellation of certificates of title.
- (15) Creation and perfection of security interests in boats.
- (16) Assignments of security interests.
- (17) Satisfaction of security interests.
- (18) Recordkeeping, documentation and information verification.

F. *Fiscal Impact*

Act 73 will result in estimated Boat Fund revenue in the amount of \$225,000. The Commission estimates that the costs to implement the boat titling program will be approximately equal to the additional revenues generated. The final-form regulations will have no adverse fiscal impact on the Commonwealth or its political subdivisions. Nor will the amendments impose new costs on the private sector or the general public.

G. *Paperwork*

The final-form regulations implement a statute that requires some new paperwork. However, the final-form regulations will not increase paperwork and create no new paperwork requirements.

H. *Public Involvement*

A notice of proposed rulemaking containing the proposed regulations was published at 26 Pa.B. 6093 (December 21, 1996). The notice provided for a 45-day comment period. In addition to seeking public comment by publishing a notice of proposed rulemaking in the *Pennsylvania Bulletin*, staff sent copies of the proposal to marine trade and banking associations for specific comment and input. The Commission also convened a workgroup meeting with representatives of boat dealers and finance agencies to ensure maximum input on the proposed regulations. The workgroup met on December 16, 1996.

After the public comment period, the Commission received two written comments from representatives of marine trades associations in addition to oral comments from representatives of the PBA. Copies of the written comments were provided to the Commissioners.

Findings

The Commission finds that:

- (1) Public notice of intention to adopt the regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided and that all comments received were considered.
- (3) The adoption of the regulations of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 93, are amended by adding §§ 93.101—93.119 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect March 1, 1998.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-62 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart C. BOATING****CHAPTER 93. REGISTRATION AND NUMBERING****Subchapter A. REGISTRATION OF BOATS****Subchapter B. TITLING OF BOATS**

Sec.	Definitions.
93.101.	Definitions.
93.102.	Application procedure and contents of applications for certificates of title.
93.103.	Boats brought into this Commonwealth from outside this Commonwealth.
93.104.	Boats purchased from dealers/transfer to or from manufacturer or dealer.
93.105.	Boats sold or transferred privately.
93.106.	Specially constructed or reconstructed boats.
93.107.	Delivery of certificate of title.
93.108.	Duplicate/replacement titles.
93.109.	Transfer or repossession of boat by operation of law.
93.110.	Boats that are junked, destroyed, lost, stolen or abandoned.
93.111.	Voluntary titling of boats.
93.112.	Suspension, revocation or cancellation of certificate of title.
93.113.	Creation and perfection of security interests in boats.
93.114.	Assignments of security interests.
93.115.	Satisfaction of security interests.
93.116.	Exemption.
93.117.	Recordkeeping, documentation and information verification regarding boats.
93.118.	Prohibited acts.
93.119.	Forms.

§ 93.101. Definitions

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

Dealer—A person who engages in whole or in part in the business of buying, selling or exchanging new and unused boats, or used boats, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for the sale, trade and display of boats. The term includes a yacht broker.

Manufacturer—A person engaged in the business of manufacturing or importing new and unused boats, or new and unused outboard motors, for the purpose of sale or trade.

Reconstructed boat—One of the following:

(i) A boat for which a certificate of title (salvage/junk) has been issued, which is thereafter restored to operating

condition and which is substantially in conformance with the specifications of the manufacturer.

(ii) A boat that has been materially altered by the removal, addition or substitution of essential parts derived from various other makes or models, or that the Commission has determined is readily recognizable as a boat of a generally recognized make or model.

Specially constructed boat—One of the following:

(i) A boat not originally constructed by a generally recognized manufacturer of boats under a distinctive name and not materially altered from its original construction, but assembled from parts of various boats or kits, or both, and that would be commonly known as a "homemade" boat.

(ii) A boat that has been materially altered by the removal, addition or substitution of essential parts derived from various other makes and models and that the Commission determines cannot be readily identified as a boat of a generally recognized make or model.

§ 93.102. Application procedure and contents of applications for certificates of title.

(a) Boat owners shall apply for a certificate of title on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Commission at the address listed on the application.

(b) The applicant shall provide the following information on the application (REV-336) for a title:

(1) The name, mailing address, residence address, phone number and zip code of the owner. If there are co-owners, the applicants shall provide information relating to both owners and indicate whether the boat is owned as joint tenants with right of survivorship or as tenants in common.

(2) The date of birth of the primary purchaser.

(3) The name of the person from whom the boat was purchased.

(4) The State registration number, if any, currently assigned to the boat.

(5) The hull material, such as wood, steel, aluminum, plastic, fiberglass or other.

(6) The full Hull Identification Number (HIN).

(7) The make, model and year built, if known.

(8) The length of the boat in feet and inches.

(9) The type of propulsion, such as, outboard, inboard, sterndrive or unpowered.

(10) The type of fuel, such as, gas, diesel, electric or unpowered.

(11) Capacity plate information.

(12) The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, and the like.

(13) For boats with outboard internal combustion motors, the serial number, the manufacturer's name and the horsepower rating. If there are two motors, the applicant shall provide information for both motors.

(14) The names and addresses of each lienholder (in the order of priority).

(15) The date of lien encumbrance.

(16) The date applicant completed the form.

(17) The signature of the owner.

(18) Complete Sales and Use Tax information.

(c) An outboard motor is an integral part of a boat and is subject to title and lien requirements. If any information pertaining to the outboard motor changes from that which the applicant provided in the original application, the applicant shall apply for a new title.

(d) The Commission will not process incomplete applications.

§ 93.103. Boats brought into this Commonwealth from outside this Commonwealth.

(a) When the owner of a boat having a certificate of title from another state brings the boat into this Commonwealth as its state of principal use, the owner shall obtain a Pennsylvania certificate of title for the boat when the boat is registered in this Commonwealth or its ownership is transferred to another person, whichever occurs first.

(b) When the owner of a boat not having a certificate of title from another state brings the boats into this Commonwealth as its state of principal use, the owner shall obtain a Pennsylvania certificate of title when the boat is sold or is otherwise transferred to another owner. This provision does not apply to boats for which a title is not required under section 5322(a) of the code (relating to when certificate of title not required).

§ 93.104. Boats purchased from dealers/transfer to or from manufacturer or dealer.

(a) A dealer may not purchase or acquire a new boat without obtaining from the seller a manufacturer's or importer's certificate of origin when provided by the manufacturer or importer.

(b) When certificates of origin are provided by the manufacturer or importer, a manufacturer or dealer may not transfer ownership of a new boat without supplying the transferee with the certificate of origin signed by the manufacturer's or importer's authorized agent.

(c) A dealer transferring a boat requiring title under this subchapter shall assign ownership to the new owner, in the case of a previously titled boat, by completing the appropriate assignment portion of the certificate of title, or in the case of a new boat, by completing the assignment portion of the certificate of origin.

(d) A dealer shall forward all moneys and applications to the Commission within 10 days of transferring ownership.

(e) Except as otherwise provided in this subsection, a dealer buying or acquiring a used boat for resale need not obtain a certificate of title for the used boat if the dealer reports the acquisition to the Commission within 20 days. In lieu of submitting a report of acquisition, the dealer may apply for and obtain a certificate of title as provided in this subchapter. If a dealer buys or acquires a used unnumbered boat that is otherwise required to be titled, the dealer shall apply for a certificate of title in the dealer's name within 20 days. If a dealer buys or acquires a new boat for resale, the dealer may, but is not required to, apply for a certificate of title for the boat in the dealer's name.

(f) Every dealer shall maintain for 3 years a record of any boat the dealer's bought, sold, brokered, exchanged or received for sale or exchange. This record shall be open to inspection by Commission representatives during reasonable business hours.

(g) A dealer/lessor who leases a boat for more than 30 consecutive days shall obtain a certificate of title for the

boat unless exempt under section 5322(a) of the code (relating to when certificate of title not required). The lessor shall maintain the certificate of title of a leased boat.

§ 93.105. Boats sold or transferred privately.

(a) A person transferring a boat requiring title under this subchapter shall assign ownership to the new owner, in the case of a previously titled boat, by completing the appropriate assignment portion of the certificate of title, or in the case of a new boat, by completing the assignment portion of the certificate of origin.

(b) Moneys and applications shall be forwarded to the Commission within 10 days of transferring ownership.

(c) The lessor shall maintain the certificate of title of a leased boat.

§ 93.106. Specially constructed or reconstructed boats

(a) The owner of a specially constructed or reconstructed boat shall apply for a certificate of title as required by this subchapter.

(b) The application for certificate of title shall be accompanied by one of the following:

(1) The outstanding certificates of title.

(2) The manufacturer's certificates of origin or certificates of title (salvage/junk), issued for boats, the parts of which were used in construction of the boat, if the boats are no longer operable or able to be registered.

(3) The bills of sale for the major components of the boat for which no other proof of ownership is available.

(4) A photograph of the boat, upon the request of the Commission.

(c) The certificate of title issued for every specially constructed boat and reconstructed boat, as defined in this subchapter, shall clearly describe the boat by type as follows:

(1) The certificate of title for every specially constructed boat shall describe the make of boat as "specially constructed."

(2) The certificate of title for every reconstructed boat shall describe the boat by its original make or trade name but shall be coded to designate it as a reconstructed boat.

§ 93.107. Delivery of certificate of title.

The Commission will mail the original certificate of title to the first lienholder named therein, or if there is none, to the owner named therein. The Commission will retain the data necessary to generate a copy of the certificate of title.

§ 93.108. Duplicate/replacement titles.

(a) If a title is lost, stolen, mutilated, destroyed or becomes illegible, the lienholder in possession of the title or, if there is none, the owner named on the title, as shown by the Commission's records, may obtain a duplicate/replacement by applying to the Commission. The applicant shall furnish information concerning the original title and the circumstances of its loss, theft, mutilation or destruction. Applications for replacement titles shall be filed within 30 days of the loss, theft, mutilation or destruction. Mutilated or illegible titles shall be returned to the Commission with the application for a duplicate/replacement.

(b) The duplicate/replacement title shall be marked "duplicate" on its face and shall be mailed or delivered to the applicant.

(c) If a lost or stolen original title for which a duplicate/replacement has been issued is recovered, the original shall be surrendered to the Commission for cancellation within 20 days of its recovery.

§ 93.109. Transfer or repossession of boat by operation of law.

(a) If ownership of a boat is transferred by operation of law, such as by inheritance, divorce, order in bankruptcy, insolvency, replevin or executive sale, the transferee, within 30 days after acquiring the right to possession of the boat by operation of law, shall mail or deliver to the Commission a court order or other document evidencing the transfer by operation of law, together with the application for a new title and the required fee.

(b) If a lienholder repossesses a boat by operation of law and holds it for resale, the lienholder shall secure a new title and shall pay the required fee.

(c) Issuance of a certificate of title does not constitute an adjudication of issues relating to ownership of boats.

§ 93.110. Boats that are junked, destroyed, lost, stolen or abandoned.

(a) *Reporting requirements.* The destruction, loss, theft or abandonment of a boat titled under this subchapter shall be reported to the Commission within 5 days. The recovery of a boat that is lost, stolen or abandoned shall be reported to the Commission within 5 days of recovery.

(b) *Acquiring title to boats abandoned on private property.*

(1) Subject to the provisions of this subsection, a landowner, a lessee or an agent may acquire title to any boat abandoned on his land or waters immediately adjacent to it. This subsection applies only to boats that have been abandoned on the property of a person other than the owner of the boat for at least 3 months.

(2) A person desiring to obtain a certificate of title for an abandoned boat shall provide written notice to the Commission of intent to obtain title to the boat. The notice shall, at a minimum, set forth the date and place the boat was abandoned, a description of the boat, including the make, model and year, and, if known, the Hull Identification Number, registration number, temporary decal number and other identifying data.

(3) If a boat abandoned on a person's lands or waters has a Hull Identification Number, registration number, temporary decal number or other identifying indicia, the Commission will notify the boat's owner and lienholder, if any, that the boat has been abandoned and that the requester desires to acquire title to it.

(4) Upon receipt of the written request, the Commission will notify the owner and the lienholder by certified mail that someone desires to acquire title to the boat and if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, issue a certificate of title in the name of the person desiring to acquire title. If the owner does not respond, the Commission may notify the requester to proceed under paragraph (5). The Commission is not required to send a letter if it cannot identify a boat's owner or lienholder or ascertain an address. If the abandoned boat has a registration number, temporary decal number or other identifying indicia, evidencing that the boat is registered in another state, the Commission

will notify the other state and ask it to notify the boat's owner and lienholder by certified mail that someone desires to acquire title to the boat. The other state's notice shall provide that if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, issue a certificate of title in the name of the person desiring to acquire title. The other state is not required to send a letter if it cannot identify a boat's owner or lienholder or ascertain an address. When the other state notifies the owner and lienholder, if known, as provided in this section and advises the Commission that the transfer of title to the requester is unobjectionable to the other state, the Commission may notify the requester to proceed under paragraph (5).

(5) Regardless of whether the abandoned boat has a Hull Identification Number, registration number, temporary decal number or other identifying indicia, the person desiring to acquire title shall place a notice in a newspaper of general circulation published in the county where the boat is located for 3 consecutive days, describing the boat, its location, the date it was abandoned and any identifying number. The person shall state in the notice that if the boat is not claimed and removed within 30 days after publication in the newspaper, he will apply for title to the boat in his name.

(6) After the notices described in paragraphs (4) and (5) have expired, but no earlier than 60 days after the person desiring to obtain title has first notified the Commission, the person may apply to the Commission for a certificate of title to the boat in his name as required by this subchapter and accompanied by the following affidavits:

(i) A statement made under penalty of law that the boat has been abandoned for at least 3 months.

(ii) Proof that the applicant provided notice as set forth in paragraphs (2)—(4).

(iii) Proof that a notice was published in a newspaper as required by paragraph (5).

(7) In cases involving boats registered in other states, the Commission may extend the 60-day period described in paragraph (6) to 180 days.

(8) Upon receipt of the material required by this subsection and the payment of any fees required by law, the Commission will issue a certificate of title to the boat to the applicant. Issuance of a certificate of title divests any other person of any interest in the boat.

(9) The Commonwealth, its agencies and political subdivisions may acquire title to any boat abandoned on areas under their ownership by proceeding in the manner set forth in this subsection.

(c) *Acquiring title to boats abandoned on Commonwealth waters.*

(1) A person finding a boat abandoned on the waters of the Commonwealth (not private property) shall notify the Commission of the description and location of the found boat as well as the date on which it was found.

(2) The Commission may take possession of a boat abandoned on the waters of this Commonwealth or may authorize a salvor to take possession if the salvor complies with this section, is a vehicle salvage dealer as defined in section 1337 of the code (relating to use of "miscellaneous motor vehicle business" registration plates) and holds a current, valid certificate of authoriza-

tion issued by the Department of Transportation under section 7302 of the code (relating to certification of authorization).

(3) A salvor taking possession of a boat under this section shall notify the Commission in writing within 48 hours after taking possession.

(4) The Commission, after taking possession of an abandoned boat or after receiving notice that a salvor has taken possession of an abandoned boat, shall notify by certified mail, return receipt requested the last known registered owner of the boat and all lienholders of record. The notice shall:

(i) Describe the make, model, HIN number and registration number of the boat.

(ii) State the location where the boat is being held.

(iii) Inform the owner and any lienholders of their right to reclaim the boat within 30 days after the date of the notice upon payment of all towing and storage charges and all applicable title and registration fees.

(iv) State that failure of the owner or lienholder to reclaim the boat is deemed consent to the destruction, sale or other disposition of the abandoned boat with dissolution of all interests of the owner and lienholders.

(5) If the identity of the last registered owner and all lienholders cannot be determined, the contents of the notice described in paragraph (4) shall be published one time in a newspaper of general circulation in the area where the boat was found abandoned. If the boat is in possession of a salvor, publication of the notice shall be the responsibility of the salvor. If the boat is in possession of the Commission, publication of the notice is the responsibility of the Commission. Publication of the notice shall have the same effect as the notice sent by certified mail.

(6) The Commission, after 45 days of the date of notice sent by certified mail described in paragraph (4) or publication of the notice described in paragraph (5), may dispose of the boat if it is in its possession or may authorize the salvor to dispose of the boat in its possession as provided in paragraph (7) or (8).

(7) The Commission, if in possession of the unclaimed abandoned boat, or the salvor, if in possession of the unclaimed abandoned boat, may sell the boat at public auction if it has value. The purchaser may apply to the Commission for a title, which shall be free and clear from all previous liens and claims of ownership. From the proceeds of the sale of the abandoned boat, the Commission or the salvor, as applicable, shall be reimbursed for the cost of towing, storage, notice, publication, mailing and costs of the auction. The remainder of the proceeds of the sale shall be forwarded to the Commission, which shall hold them for 60 days from the date of sale for claim by the registered owner or lienholder. If the proceeds are not claimed, they shall be deposited in the Boat Fund for use of the Commonwealth.

(8) If an unclaimed abandoned boat is valueless except for salvage, the salvor in possession shall apply to the Commission for a salvor's certificate of title, and, upon issuance of the same, the salvor may destroy, dismantle, salvage or recycle the boat and retain any proceeds realized therefrom to offset the costs of towing, storage, notice, publication and mailing. Issuance by the Commission of a salvor's certificate of title shall divest all rights, title and interest in the boat of the registered owner and all lienholders.

§ 93.111. Voluntary titling of boats.

(a) An owner of a boat may voluntarily apply for a certificate of title by applying at any time and paying the fees required under section 5327 of the code (relating to fees). Once an owner voluntarily acquires a certificate of title, titling for the boat is thereafter mandatory.

(b) A boat owner who voluntarily applies for a certificate of title shall certify under penalty of law that there are no outstanding liens or encumbrances. See 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

§ 93.112. Suspension, revocation or cancellation of certificate of title.

(a) The Commission will initiate an action to suspend or revoke a certificate of title by filing an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause), when authorized by statutory or other authority, or if the Commission determines that the certificate of title was fraudulently procured.

(b) The Commission has the authority to cancel a certificate of title when the Commission determines that one of the following applies:

(1) The certificate of title was erroneously issued.

(2) The boat was junked, destroyed, lost, stolen or abandoned.

(c) Suspension, revocation or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(d) When the Commission suspends, revokes or cancels a certificate of title, the owner or person in possession of the certificate shall, upon receiving notice of the suspension, revocation or cancellation, immediately mail or deliver the certificate of title to the Commission.

(e) The Commission may seize, in accordance with the law, a certificate of title that it has suspended, revoked or canceled.

§ 93.113. Creation and perfection of security interests in boats.

(a) An owner creates a security interest in a boat when the owner signs a note, agreement or other instrument containing terms that create a security interest. When an owner creates a security interest in a boat:

(1) The owner shall provide lienholder information on the space on the title or on a separate form that the Commission prescribes. The information provided shall include the name and address of the secured party and the date of the security agreement. The owner shall have the title, application and fee to be delivered to the Commission.

(2) The security interest is perfected as of the time of its creation if delivery and payment to the Commission are completed within 20 days of the date of its creation; otherwise, perfection shall be as of the time of its delivery and payment.

(3) Upon receipt of the title, application and the required filing fee, the Commission will endorse on the existing title or on a new title that it then issues, the name and address of all secured parties, and mail or deliver the title to the secured party.

(b) A security interest in a boat is not valid against creditors of the owner or subsequent transferees or secured parties of the boat until perfected as provided by this subchapter.

(c) The issuance of a title, other than in the case of the initial issuance to a purchaser from a dealer, does not invalidate a previously perfected security interest under 13 Pa.C.S. (relating to Uniform Commercial Code), other than a dealer's security interest in inventory.

§ 93.114. Assignments of security interests.

(a) A secured party may assign, absolutely or otherwise, all or part of his security interest in the boat to a person other than the owner without affecting the interest of the owner or the validity of the security interest.

(b) The assignee shall deliver to the Commission the title, if available, and an assignment by the secured party named in the title in the form the Commission may prescribe, accompanied by the filing fee required by law. The assignee's security interest is perfected as of the time of its creation if delivery and payment to the Commission are completed within 20 days of the date of its creation; otherwise, perfection is as of the time of its delivery and payment.

§ 93.115. Satisfaction of security interests.

(a) Within 20 days of the satisfaction of a security interest in a boat, the secured party shall mail or deliver the title with the release to the owner and notify the Commission of the release of security interest.

(b) A lien shall be deemed satisfied within 10 years of issuance, unless the lienholder otherwise notifies the Commission.

§ 93.116. Exemptions.

The provisions of this subchapter relating to procedures for creating, perfecting, assigning and satisfying security interests do not apply to the following:

(1) A lien given by statute or rule of law to a supplier of services or materials for the boat.

(2) A lien given by statute to the United States, the Commonwealth or a political subdivision of this Commonwealth.

(3) A security interest in a boat created by a manufacturer or dealer who holds the boat for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest.

(4) A lien arising out of an attachment of a boat.

(5) A security interest claimed on proceeds, if the original security interest did not have to be noted on the title in order to be perfected.

(6) A boat for which a title is not issued under this subchapter.

§ 93.117. Recordkeeping, documentation and information verification regarding boats.

(a) The Commission will maintain a record of any title it issues.

(b) Upon written request specifically identifying a particular boat, the Commission will provide the following information about a boat having a certificate of title:

- (1) The name of the owner.
- (2) The name and address of a lienholder.
- (3) The date the certificate of title was issued.
- (4) The make, model and year of the boat.

(c) The Commission will not release the home address of a title holder, except with the consent of the title holder or upon court order or subpoena.

(d) The Commission will not release mailing lists or records of title holders, except to agencies of the Federal, State and local government for official purposes.

(e) Nothing in this section affects the authority of the Commission and other agencies of Federal, State and local government to use information contained in certificates of title for official purposes.

§ 93.118. Prohibited acts.

(a) A person may not sell, assign or transfer a boat titled by the Commonwealth without delivering to the purchaser or transferee a title with an assignment on it showing title in the purchaser or transferee.

(b) A person may not purchase or otherwise acquire a boat required to be titled by the Commonwealth without obtaining a title for it in his name.

(c) A person may not obtain or attempt to obtain title to a boat under this subchapter through fraudulent means or provide false or misleading information in connection with an application for a certificate of title.

§ 93.119. Forms.

(a) The Commission will provide suitable forms of applications, title, notice of security interests, and other notices and forms necessary to carry out this subchapter.

(b) Except as otherwise provided in this subchapter, all forms and notices required in this subchapter shall be forwarded to the Fish and Boat Commission, Licensing and Registration Section, Post Office 68900, Harrisburg, Pennsylvania 17106-8900.

[Pa.B. Doc. No. 98-14. Filed for public inspection January 2, 1998, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CH. 93]
Boating

The Fish and Boat Commission (Commission) by this order amends Chapter 93 (relating to boat registration and numbering). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to boat registration.

A. Effective Date

These amendments will go into effect upon publication of an order adopting the regulations.

B. Contact Person

For further information on the amendments, contact Laurie E. Shepler, Esq., (717) 657-4546, P.O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site at <http://www.fish.state.pa.us>.

C. Statutory Authority

These amendments are published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics).

D. Purpose and Background

The amendments are designed to update, modify and improve Commission regulations pertaining to boat registration. The specific purpose of the amendments is described in more detail under the summary of changes.

Prior to acting on final rulemaking, the Commission solicited the advice of the Boating Advisory Board and

received two comments, both favoring the changes. The Commission adopted the regulations as proposed, with the exception of a few minor corrections to the wording of the regulations.

E. *Summary of Changes*

1) *Section 93.1 (relating to registration)*. The Commission has clarified the existing regulation to provide that 1-year registrations will not be issued.

2) *Section 93.2 (relating to permanent and temporary registration)*. In addition to some minor wording changes, the Commission has amended this section to make it clear that a person acquiring a previously registered boat must register it in the new owner's name and to provide that temporary decals will display the expiration date, instead of the issuance date, and that the expiration date will be last day of the second month after issuance. The Commission has amended the regulations to clarify the requirement that boats previously registered in this Commonwealth display temporary and new registration stickers.

3) *Section 93.3 (relating to application for boat registration)*. The Commission has amended this section to make it consistent with the titling regulations. In addition, the Commission has amended the section to make it clear that the holder of a registration who trades or replaces a previously registered boat may transfer the remaining period of registration (but not the number) to the new boat on the payment of the \$5 transfer fee. The Commission also has spelled out the procedures to be used when the last known registrant of a boat with expired registration has not signed the forms to transfer the boat to the applicant for registration.

4) *Section 93.4 (relating to certificate of registration)*. The Commission has amended this section to require that a small validation sticker be applied to the certificate of registration. To validate the registration, the certificate will have to be signed (as presently required) and the small sticker applied. A similar approach is used in Maryland.

5) *Section 93.7 (relating to duplicate certificate of registration)*. The Commission has made a clarifying change in the regulation regarding duplicate registration certificates.

6) *Section 93.10 (relating to change of address)*. The Commission has amended this section to provide that change of address notifications be made in writing.

7) *Section 93.12 (relating to dealers, manufacturers and jobbers)*. The Commission has clarified the definition of "manufacturers." In addition, the Commission has made changes to this section to deal with the registration status of boats traded in to dealers.

8) *Section 93.13 (relating to issuing agents)*. The Commission has added a provision clarifying issuing agents' responsibilities for handling of nonpublic information about persons registering boats.

9) *Section 93.14 (relating to proof of ownership)*. The Commission has clarified the requirements on proof of ownership of boats for initial registration and to require submission of a Form PFBC-734, instead of an affidavit, when other documentation is not available.

10) *Section 93.17 (relating to abandoned boats)*. This amended provision, modeled on a similar provision in the titling regulations, sets forth how an applicant can obtain registration for an abandoned boat.

F. *Paperwork*

The amendments hereby adopted will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The amendments hereby adopted will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 27 Pa.B. 4445 (August 30, 1997). None of the changes attracted public comment.

Findings

The Commission finds that:

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

(2) Public comment period was provided and no comments were received.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 93, are amended by amending §§ 93.1, 93.2, 93.4, 93.7, 93.10, 93.14 and 93.17 to read as set forth at 27 Pa.B. 4445 (August 30, 1997) and by amending §§ 93.3, 93.12 and 93.13 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 27 Pa.B. 4445 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 27 Pa.B. 4445 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-70 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOATING

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.3. Application for boat registration.

(a) *New registration*. Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

(1) *Forms.* The owner of a boat desiring registration shall apply on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Fish and Boat Commission, Licensing and Registration Section.

(2) *Required information.* The applicant shall provide the following information on the application (REV-336) for a boat registration:

(i) The name, mailing address, residence address, phone number, county and zip code of the owner. If there is more than one owner, the principal owner shall be listed first.

(ii) The name of the person from whom the boat was purchased.

(iii) The State registration number, if any, currently assigned to the boat.

(iv) The hull material, such as, wood, steel, aluminum, plastic or fiberglass or other.

(v) The full Hull Identification Number (HIN).

(vi) The make, model and year built, if known.

(vii) The length of the boat in feet and inches.

(viii) The type of propulsion, such as, outboard, inboard sterndrive or unpowered.

(ix) The type of fuel, such as, gas, diesel or other.

(x) The capacity plate information.

(xi) The temporary validation decal number, if one was issued.

(xii) The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, and the like.

(xiii) A certificate of ownership. For initial registration in this Commonwealth this shall be supported by title, bill of sale, a completed PFC-734 "Statement of Purchase" or other positive proof of ownership.

(xiv) The date the applicant completed the form.

(xv) The signature of the owners and certification, under penalty of law, that they are the owners of the boat and that the information contained in the application is true and correct.

(xvi) Complete Sales and Use Tax information.

(xvii) The date of birth of the primary registrant.

(3) *Manufacturers, jobbers or dealers.* Paragraph (2)(iv)—(x) and (xvi) do not apply to manufacturers, jobbers or dealers.

(4) *Boat rental business.* Paragraph (2)(viii) and (ix) does not apply to a boat rental business if a motor is not rented with the boat.

(5) *Incomplete or incorrect applications.* Incomplete or incorrect applications will not be processed until completed and may be returned by the Commission to the applicant or issuing agent.

(b) *Renewals.* Only Forms PFBC-730a and PFBC-733 shall be used to renew registrations of boats which are being kept by the same owner. If the registration has lapsed, the owner shall obtain Form PFBC-730a or PFBC-733 from the Licensing and Registration Section of the Commission to renew the lapsed registration.

(c) *Previously registered boats.* Application for a certificate of registration for a boat previously registered in this Commonwealth shall conform with the following:

(1) Form REV-336 shall be completed by the purchaser and seller and signed by the last registered owner.

(2) A bill of sale, signed by the last registered owner, may be substituted for the required signature on REV-336.

(3) If the registered owner of a boat to be transferred is deceased, the personal representative (executor/administrator) of the decedent shall sign Form REV-336 for the deceased owner. The personal representative shall indicate his capacity with his signature and shall provide documentation—an original death certificate and letters testamentary, letters of administration, original short certificate, court order filed under small estates procedures or Form PFBC-R1—certifying his capacity to act on behalf of the decedent's estate. An original death certificate is not required if Form PFBC-R1 is signed by the attending physician or funeral director. If the boat registration is to be transferred from joint ownership, when one of the joint owners is deceased, the other joint owner shall present the original death certificate to effect the transfer.

(4) When an applicant seeks to register a boat having an expired registration and the last registered owner has not signed the REV-336 or bill of sale because the applicant is not the seller of the boat, the Commission will, prior to processing the application for registration, notify the last registered owner at his last known address that the applicant is seeking to register the boat. If the last registered owner claims an ownership interest in the boat and objects to the transfer of the registration to the applicant, the Commission will defer further processing until the parties resolve the ownership issues through established civil processes. If the last registered owner does not object to the transfer or fails to respond to the notice after 30 days, the Commission may process the request for registration if it is otherwise satisfied that the applicant is the true and lawful owner of the boat and entitled to registration.

(d) *Transfer of registration to new boat.* The holder of a valid Pennsylvania registration certificate on a boat previously owned by the holder may transfer the registration certificate for the remainder of the original boat's registration period to a new boat upon payment of the transfer fee for multiyear registrations as set forth in the code and submission of a complete Form PFBC R-4. If the registration fee for the new boat is greater than the registration fee for the old boat based on the length of the boat, the applicant shall also pay the difference between the registration fees for the new and old boat. The applicant shall submit the certificate of registration for the old boat and certify that the validation stickers have been removed from the old boat at the time of transfer. The old boat's number shall remain with the old boat, and the new boat shall be issued a new number unless it was previously numbered in this Commonwealth.

§ 93.12. Dealers, manufacturers and jobbers.

(a) Dealer, manufacturer and jobber registrations issued under section 5307 of the code (relating to dealer registration) will be issued only to businesses that prove to the satisfaction of the Commission that they are clearly recognizable as bona fide dealers, manufacturers or jobbers. Special registrations will not be issued to a person or business that fails to prove to the satisfaction of the Commission that it is regularly engaged in the business of being a boat dealer, manufacturer or jobber. It is unlawful for a person to provide false information in applying for dealer, manufacturer or jobber registrations

or to seek to obtain special registration for a boat for the purpose of avoiding applicable Commonwealth taxes.

(b) A dealer is a business regularly engaged in the business of selling new or used boats. An applicant for a dealer's registration shall demonstrate that the business is clearly recognizable as a boat dealership on a regular basis. Applicants shall provide the information requested by the Commission. Proof of bona fide boat dealer status may include the following:

(1) Maintenance of a boat display area capable of regularly displaying at least three boats or a minimum of 1,200 square feet, indoors or outdoors.

(2) Annual sales of substantial numbers of new and used boats. "Substantial sales" normally means sale of five or more boats unless the applicant can show unusual circumstances justifying lesser sales.

(3) Consistent identification of the business as a boat dealer in advertising, signs, telephone book listings, and the like. The dealership shall be clearly identifiable as such by a person who visits or deals with it.

(4) Location of a dealership in areas where zoning permits boat sales and commercial operations.

(5) Regular hours of operation between April 30 and September 30 on at least 5 days per week.

(c) To be eligible for a jobber's registration, an applicant shall demonstrate to the satisfaction of the Commission that the applicant is regularly engaged in the boat jobber business. A jobber is a person or business selling boats only to retailers or institutions.

(d) A manufacturer is a person or business engaged in building, testing or constructing boats or boat parts from raw material or parts. To be eligible for a manufacturer's registration, an applicant shall demonstrate to the satisfaction of the Commission that the applicant is regularly engaged in the business of manufacturing or testing boats or boat parts for sale.

(e) Dealer, jobber and manufacturer registrations shall be issued only in the name under which the applicant is regularly engaged in the business of selling, jobbing or manufacturing boats.

(f) The Commission may recall special registrations for dealers, jobbers and manufacturers upon finding that:

(1) The dealer, jobber or manufacturer is no longer entitled to special registration.

(2) The dealer, manufacturer or jobber has made or permitted to be made an unlawful use of a watercraft, certificate of registration, registration number or validation decal.

(g) Boat dealers, jobbers or manufacturers who take in trade a boat bearing previous Pennsylvania boat registration are required, within 15 days of obtaining the boat, to place the boat under the dealer/jobber/manufacturer's dealer registration. The dealer, jobber or manufacturer shall complete Form 336 and forward it to the Boat Registration Section. No fee is applicable to a transaction when dealers place boats taken in trade under their dealer registrations. It is unlawful for a boat dealer, jobber or manufacturer to operate or allow to be operated a boat received in trade bearing a Pennsylvania boat registration until the boat is placed under their dealer registration under this subsection.

§ 93.13. Issuing agents.

(a) The designation of issuing agents for temporary boat registrations shall be limited to the Commission and Commission offices, county treasurers and businesses dealing in boats, boating equipment or sporting goods.

(b) To maintain an agency, the agent shall issue at least 25 temporary boat registrations during the calendar year.

(c) If the Executive Director determines that a sufficient number of agents are not available in an area reasonably to address the needs of the boating public, the Executive Director may appoint additional agents from other interested individuals or reduce the number of temporary boat registrations that existing agents are required to issue during the year.

(d) Issuing agents shall have access to nonpublic information concerning holders of boat registrations and titles, including their home addresses. Issuing agents who are provided nonpublic information about boat registration holders or boat owners in the course of their duties may not release or disclose the nonpublic information except for official purposes.

[Pa.B. Doc. No. 98-15. Filed for public inspection January 2, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 41]

Consumer Discount Companies

The Department of Banking (Department), under the authority contained in section 12 of the Consumer Discount Company Act (CDCA) (7 P. S. § 6212) proposes to amend the regulations to the CDCA codified in Chapter 41 (relating to consumer discount companies). The proposed amendments will implement the act of July 2, 1996 (P. L. 490, No. 80) (Act 80).

Purpose

The purpose of the proposed amendments is to eliminate any discrepancy between the CDCA and its regulations.

Explanation of Regulatory Requirements

Act 80 amended the CDCA by raising the ceiling on permissible consumer discount company loans from \$15,000 to \$25,000. Act 80 amended the CDCA to permit licensed consumer discount companies to utilize a fictitious name as a substitute for, or in addition to, its corporate name. Act 80 removed the former requirement that a consumer discount company's corporate name contain the words "Consumer Discount Company." Additionally, Act 80 amended the CDCA to permit a licensed consumer discount company to charge a delinquency fee of \$20 or 10% of each payment, whichever is higher, which is in default for more than 15 days on interest-bearing closed end or revolving loan accounts. The proposed amendments seek to remove any discrepancy between the CDCA and its regulations as a result of the amendments to the CDCA as set forth in Act 80. Thus, the proposal amends the regulations to the CDCA by making "technical" amendments to those regulations. The proposal amends the regulations to the CDCA by changing "\$15,000" to "\$25,000" in several different provisions of the regulations. Additionally, the proposed amendments set forth language which recognizes the new ability of a licensed consumer discount company to utilize a fictitious name as a substitute for, or in addition to, its corporate name. Finally, the proposal adds language to § 41.3a(a) (relating to contracts with consumers) thereby clarifying that § 41.3a applies only to default charges on precomputed loans as authorized in section 13K. of the CDCA (7 P. S. § 6213K.).

Entities Affected

The proposed amendments will affect the 76 licensed Commonwealth consumer discount companies, as well as any State or Federally-chartered banks or savings associations which originate loans under the CDCA. The proposed amendments also conform to the liberalized statutory requirements under which a licensed consumer discount company can extend credit to a consumer.

Cost and Paperwork Requirements

These proposed amendments will impose no additional paperwork or costs to the Commonwealth, the Department or any political subdivision of this Commonwealth. The proposed amendments also will not impose additional costs or paperwork requirements upon the regulated community.

Effectiveness/Sunset Date

The anticipated effective date is 30 days after the final adoption of the proposal.

There is no sunset date applicable to the proposed amendments.

Contact Person

Interested persons are invited to submit their written comments, if any, within 30 days of the date of this publication to Laurie Schnarrs, Deputy Chief Counsel, Department of Banking, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2290, (717)787-1471.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 19, 1997, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairperson of the House Committee for Business and Economic Development and the Senate Committee on Banking and Insurance. In addition to submitting the proposal, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the Committee comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review and comments including objections to the proposed amendments by IRRC, the General Assembly and the Office of Attorney General prior to final publication and approval of the proposed amendments.

RICHARD RISHEL,
Secretary

Fiscal Note: 3-36. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 10. BANKS AND BANKING PART IV. BUREAU OF CONSUMER CREDIT AGENCIES CHAPTER 41. CONSUMER DISCOUNT COMPANIES

§ 41.2. Advertising.

(a) In a printed or written advertisement, a licensee shall set forth its corporate **or fictitious business** name, **or both**, as designated in its license certificate; except that with respect to direct mail solicitation, it is only necessary for a licensee to set forth its corporate **or fictitious business** name, **or both**, once on any one of the pieces constituting a mail solicitation. A licensee shall set forth prominently its corporate **or fictitious business** name, **or both**, as designated in its license certificate on or at the entrance to its place of business. A licensee shall retain copies of advertising matter for at least **[6 months] 2 years** following the final public dissemination of the advertising and shall make the advertising available upon request for inspection by the Administrator.

* * * * *

§ 41.3. Contracts with consumers.

* * * * *

(o) For the purposes of this subsection, an individual signing the face of a joint note shall, in the absence of a specific designation to the contrary, be construed as being liable as maker. When a licensee knows or has reason to know that an individual consumer derives the use, benefit[,] or advantage of an aggregate amount in excess of \$[15,000] 25,000 from the proceeds of one or more separate loan contracts granted by a licensee directly to the consumer or indirectly through other consumers, the loan contracts shall be construed as a single loan contract in excess of \$[15,000] 25,000, and the interest on the amount in excess of \$[15,000] 25,000 shall be limited to the legal rate established by section 202 of the act of January 30, 1974 (P. L. 13, No. 6)(41 P. S. § 202), which rate is 6% per annum simple interest. This limitation does not apply to the purchase of installment sale contracts or home improvement contracts, or another loan granted under another statute of the Commonwealth.

(p) When a loan in excess of \$[15,000]25,000 is granted to one consumer or when an aggregate number of loans are granted to one consumer by a licensee under the same management or control, the total of which exceeds \$[15,000]25,000, the interest rate on the amount in excess of \$[15,000]25,000 shall be limited to the legal rate established by section 202 of the act of January 30, 1974 (P. L. 13, No. 6) [(41 P. S. § 202)], which rate is 6.0% per annum simple interest. This means that a licensee may grant a single loan in excess of \$[15,000]25,000 or a series of loans the average of which exceeds \$[15,000]25,000 and charge interest on the portion thereof not in excess of \$[15,000]25,000 at the rate provided in the act and on the portion thereof in excess of \$[15,000]25,000 at 6.0% per annum simple interest; except, interest shall be charged so as not to exceed that which could be charged in a manner which would amortize that portion of the loan balance on a single, or the aggregate on a series of loans, not in excess of \$[15,000]25,000 simultaneously with the portion in excess of \$[15,000]25,000. Licensees shall take reasonable precautions to prevent the granting of loans in violation of this subsection. This subsection does not apply to the purchase of installment sale contracts or home improvement contracts or to revolving loan accounts, or another loan granted under another statute of the Commonwealth.

* * * * *

§ 41.3a. Calculation of default charges—statement of policy.

(a) This section applies only to default charges on precomputed loans as authorized in section 13K. of the act (7 P. S. § 6213K.). Refer to § 41.3(d)(relating to contracts with consumers) for information on default.

* * * * *

[Pa.B. Doc. No. 98-16. Filed for public inspection January 2, 1998, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61 AND 65]

Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 61 and 65 (relating to seasons, sizes and creel limits; and special fishing regulations). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to fishing.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1999, or upon publication of an order adopting the regulations, whichever occurs later.

B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Esq., (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

These proposed amendments are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations pertaining to fishing. The specific purpose of the amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

At its October 28, 1996, meeting, the Commission, acting on a recommendation of the Fisheries Committee, established a Bass Workgroup chaired by Commissioner Anderson and comprised of Commission staff and various public representatives with a demonstrated interest in bass fishing. The workgroup's discussions focused on ways to increase bass angling opportunities by permitting a catch-and-release fishery for bass in the spring while assuring that populations are adequately protected at other times of the year to compensate for any possible increase in fishing mortality resulting from the catch-and-release fishery. The workgroup met twice (details of discussions and results were provided in a briefing book at the Commission's July 1997 meeting) and developed recommendations for changes in regulations and for actions to be taken by Commission staff relative to public education and resource classification.

The results of workgroup discussions were presented to the Fisheries Committee at the Commission's July 20, 1997, meeting, and the Committee recommended that the Commission accept the results. The report was accepted, and staff were instructed to bring the workgroup recommendations to the Commission at its October 1997 meeting as a proposed rulemaking item.

The proposed amendments package involves several major changes. These are:

- 1. Rivers and streams (mostly smallmouth) will be under different regulations than lakes and ponds (mostly largemouth).

2. A catch-and-release fishery, a No Harvest-Immediate Release regulation, will be in effect for bass during the spring period when bass season (harvest) is not "open."

3. A 15-inch minimum size, 4-bass creel limit will be in effect on lakes and ponds from January 1 to mid-April and November through December (essentially a Big Bass regulation for the late fall through spring fishery).

4. A 20-inch minimum size, 1 bass creel limit will be in effect on rivers and streams from January 1 to mid-April and October through December (harvest limited to only the exceptional trophy-sized bass). This change also will apply to those river reaches contained within the Big Bass Program.

The Commission proposes that its staff will develop a system of resource classification to identify those lakes and ponds where reproduction and production of bass is such that any increase in fishing mortality or disruption of reproductive activity could be expected to have a negative impact on populations. These waters should be excluded from the spring No Harvest-Immediate Release fishery. The Commission also proposes initiating an informational campaign, including a publication or pamphlet to advise anglers on how to handle and release bass to assure maximum likelihood of survival of fish taken in a catch-and-release fishery. This could be done as a cooperative effort with organized bass angling groups or members of the workgroup who have writing/communication skills and who volunteer to assist.

Over the past several months, the Commission has received numerous public comments regarding these issues. Copies of all public comments have been provided to the Commissioners.

F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 90 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The Commission will hold public hearings on the proposals during the months of February, March and April, 1998. The exact dates, times and locations will be announced at a later date. The Commission will consider the proposal on final rulemaking at its July 1998 meeting.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-75. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghioghny Reservoir:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	* * * * *		
[BASS—Largemouth and Smallmouth and Spotted All inland waters*]	[January 1 to midnight day before opening day of trout season; 12:01 a.m. first Saturday after June 11 to midnight December 31]	[12 inches]	[6 (combined species from all habitats)]
BASS—Largemouth and Smallmouth and Spotted Lakes:	January 1 to midnight the day before the opening day of trout season in April and November 1 to midnight December 31 **	15 inches	4 (combined species)

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	12:01 a.m. the opening day of trout season in April to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only (No Tournaments Permitted)	
	12:01 a.m. the first Saturday after June 11 to midnight October 31	12 inches	6 (combined species)
BASS—Largemouth and Smallmouth and Spotted Rivers and Streams*:	January 1 to midnight the day before the opening day of trout season in April and October 1 to midnight December 31 **	20 inches	1 (combined species)
	12:01 a.m. the opening day of trout season in April to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only (No Tournaments Permitted)	
	12:01 a.m. the first Saturday after June 11 to midnight September 30	12 inches	6 (combined species)
* * * * *			

*[Note: See §§ 61.4 and 61.7 (relating to Conowingo Reservoir; and Susquehanna River and tributaries) for special bass seasons applicable to flowing water within the Susquehanna River Basin.] For purposes of this subsection, power dam pools and recreational dam pools on the Susquehanna River and navigational dam pools in the Ohio drainage are “rivers.”

* * * * *

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.8. Warmwater/coolwater species special conservation waters.

(a) The Executive Director, with the approval of the Commission, may designate waters as warmwater/coolwater special conservation waters. The designation of the waters shall be [**effected**] **effective** when the waters are posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish **for the following species** in designated and posted warmwater/coolwater special conservation waters except in compliance with the seasons established in § 61.1 (relating to the Commonwealth inland waters) and the following size and creel limits:

<i>Species</i>	<i>Size (in)</i>	<i>Creel Limit</i>
[Bass (all species)]	[15]	[2]
* * * * *		

(c) It is unlawful to fish for bass (all species) in designated and posted warmwater/coolwater special conservation waters except in compliance with the following seasons and size and creel limits. It is not a violation of this subsection if the bass is immediately returned unharmed to the waters from which it is taken

<i>Seasons</i>	<i>Size (in)</i>	<i>Creel Limit</i>
Lakes: January 1 to midnight the day before the opening day of trout season in April and 12:01 a.m. the first Saturday after June 11 to midnight December 31	15	4 (combined species)
12:01 a.m. the opening day of trout season in April to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only (No Tournaments Permitted)	
Rivers and Streams: January 1 to midnight the day before the opening day of trout season in April and October 1 to midnight December 31	20	1 (combined species)
12:01 a.m. the opening day of trout season in April to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only (No Tournaments Permitted)	

<i>Seasons</i>	<i>Size (in)</i>	<i>Creel Limit</i>
12:01 a.m. the first Saturday after June 11 to mid-night September 30	15	4 (combined species)

Note: For purposes of this subsection, power dam pools and recreational dam pools on the Susquehanna River and navigational dam pools in the Ohio drainage are “rivers.”

§ 65.9. Big bass special regulations.

* * * * *

(b) [The minimum size limit for largemouth and smallmouth bass in designated “Big Bass Regulation” waters is 15 inches.

(c) The daily creel limit for largemouth and smallmouth bass in designated “Big Bass Regulation” waters is four per day (combined species).

(d) It is unlawful to take, catch, kill or possess a largemouth or smallmouth bass on or in designated “Big Bass Regulation” waters except in compliance with the size and creel limits specified in subsections (b) and (c). It is not a violation of this section if the bass is immediately returned unharmed to the waters from which it is taken.

(e)] It is unlawful to take, catch, kill or possess a largemouth, smallmouth or spotted bass on or in designated “Big Bass Regulation” waters except in compliance with the following seasons and size and creel limits. It is not a violation of this section if the bass is immediately returned unharmed to the waters from which it is taken.

<i>Seasons</i>	<i>Size (in)</i>	<i>Creel Limit</i>
Lakes: January 1 to midnight the day before the opening day of trout season in April and 12:01 a.m. the first Saturday after June 11 to midnight December 31	15	4 (combined species)
12:01 a.m. the opening day of trout season in April to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only (NO TOURNAMENTS PERMITTED)	
Rivers and Streams: January 1 to midnight the day before the opening day of trout season in April and October 1 to mid-night December 31	20	1 (combined species)
12:01 a.m. the opening day of trout season in April to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only (NO TOURNAMENTS PERMITTED)	
12:01 a.m. the first Saturday after June 11 to mid-night September 30	15	4 (combined species)

Note: For purposes of this section, power dam pools and recreational dam pools on the Susquehanna River and navigational dam pools in the Ohio drainage are “rivers.”

(c) Other Commonwealth inland fishing regulations apply to designated “Big Bass Regulation” waters.

[Pa.B. Doc. No. 98-17. Filed for public inspection January 2, 1998, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

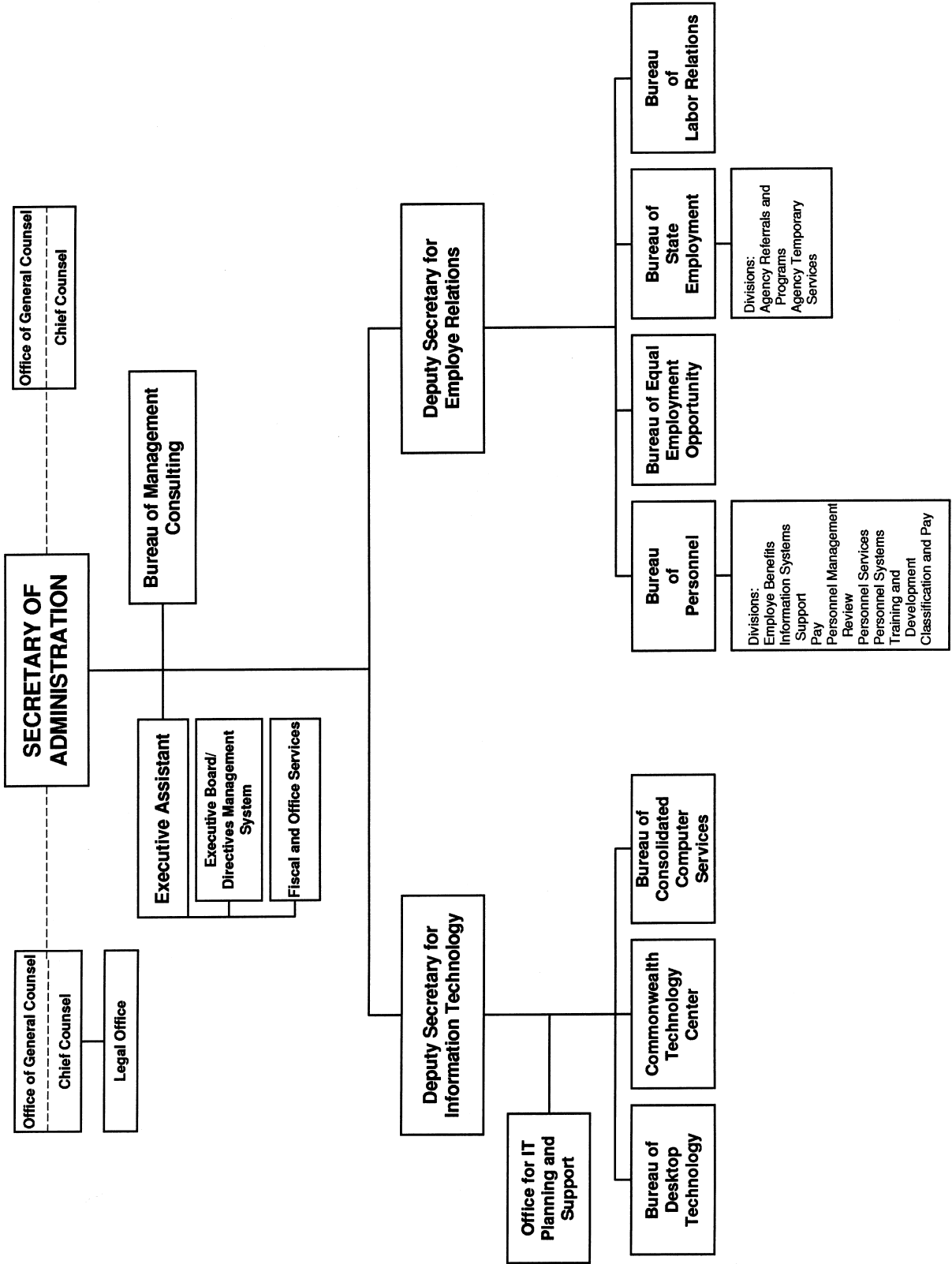
The Executive Board approved a reorganization of the Governor's Office of Administration effective December 22, 1997.

The organization chart at 28 Pa.B. 50 (January 3, 1998) 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. 98-18. Filed for public inspection January 2, 1998, 9:00 a.m.]

GOVERNOR'S OFFICE OF ADMINISTRATION



NOTICES

DEPARTMENT OF AGRICULTURE

Animal Health and Diagnostic Commission; Meetings for 1998

The Animal Health and Diagnostic Commission announces the following dates for meetings during 1998.

Thursday, February 5, 1998, 9:30 a.m.—Room 202, Agriculture Building, Harrisburg, PA 17110

Thursday, April 2, 1998, 9:30 a.m.—Room 202, Agriculture Building, Harrisburg, PA 17110

Thursday, June 11, 1998, 9:30 a.m.—New Bolton Center, Kennett Square, PA

Thursday, August 6, 1998, 9:30 a.m.—Room 202, Agriculture Building, Harrisburg, PA 17110

Thursday, October 8, 1998, 9:30 a.m.—Penn State University, University Park, PA 16802

Thursday, December 3, 1998, 9:30 a.m.—Room 202, Agriculture Building, Harrisburg, PA 17110

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 98-19. Filed for public inspection January 2, 1998, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 23, 1997.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Effective</i>
12-15-97	Northwest Savings Bank Warren Warren County		
	Purchase of assets/assumption of liabilities of nine branch offices of National City Bank of Pennsylvania, Pittsburgh, located at:		
	R. D. 8 Kittanning Armstrong County	14457 Main Street Wattsburg Erie County	
	165 Butler Road Kittanning Armstrong County	Main and Park Sts. Sykesville Jefferson County	
	211 North Main St. Rimersburg Clarion County	Main Street Volant Lawrence County	
	Bald Eagle & Madison Sts. Sligo Clarion County	Main Street Marianna Washington County	
	Route 555 Weedville Elk County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-97	Beneficial Mutual Savings Bank Philadelphia Philadelphia County, PA	Larchmont Commons Shopping Center 3113 Route 38 Mount Laurel Burlington County, NJ	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-28-97	Three River Bank and Trust Company Jefferson Borough Allegheny County	<i>To:</i> 269 Clairton Blvd. Pittsburgh West Mifflin Twp. Allegheny County <i>From:</i> 5253 Brownsville Road Pittsburgh Baldwin Township Allegheny County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-97	Fulton Bank Lancaster Lancaster County	820 South Main Street Akron Lancaster County	Approved

SAVINGS ASSOCIATIONS**Voluntary Liquidations**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
12-19-97	Trident Savings and Loan Association Philadelphia Philadelphia County	Certificate of Election for voluntary dissolution filed. Effective as of opening of business December 19, 1997.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-20. Filed for public inspection January 2, 1998, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Monday, January 12, 1998. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

RANDY COOLEY,
Chairperson

[Pa.B. Doc. No. 98-21. Filed for public inspection January 2, 1998, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Adult Education Act Section 322 Funds for Adult Basic Education Including English as a Second Language and Adult Secondary Education Programs for Program Year 1998-99

The Adult Education Act as amended by the National Literacy Act of 1991 provides funds to local agencies through the Department of Education (Department) for the establishment of adult education programs that will:

1. Enable all adults to acquire basic educational skills necessary for literate functioning;
2. Provide these adults with sufficient basic education to enable them to benefit from job training and retraining programs in order to obtain and retain productive employment so that they might more fully enjoy the benefits and responsibilities of citizenship; and
3. Enable adults who so desire to continue their education to at least the level of completion of secondary school.

Eligible applicants include local education agencies and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with a local education agency or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of such a consortium.

Consistent with the purpose of the Adult Education Act, for Program Year 1998-99, the Department will give primary consideration to programs for the educationally disadvantaged.

Priority for funding will be given to applicants for the continuation of existing programs that have demonstrated an ability to produce results consistent with the objectives of the Adult Education Act.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

Restrictions placed upon the Department by the United States Department of Education on the administration of the grant include:

1. Not more than 20% of the Federal grant to the State Department of Education may be used for programs of equivalency for a certificate of graduation from a secondary school.
2. Not less than 10% of the State's allotment must be used for adult education for institutionalized adults.
3. Not more than 5% of a local applicant's grant may be used for administrative costs, unless a higher percent is approved in advance by the Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education.

Application due dates:

1. Section 322 Federal Grant renewals for agencies that did not receive a 1997-98 new/expansion grant March 13, 1998
2. Section 322 Federal Grant renewal applications for agencies that received 1997-98 new/expansion grants.*** April 17, 1998
3. New/expansion Section 322 Grant applications for agencies in the counties that still have new money available..... April 24, 1998

***Agencies need time to prepare applications after the grant allocation letters go out. The allocation letters will be issued after the evaluation of the New/Expansion Grant Recipients' Interim Reports which are due in the Bureau on March 13, 1998.

Note: The Bureau reserves the right to consider proposals received after the deadlines and, if appropriate, to approve them if and when funds become available.

Application Procedures and Program Guidelines will be mailed to current adult basic education providers in mid-January. Others desiring additional information or Application Procedures and Program Guidelines may obtain them after January 9, 1998, by written request to: Chief, Regional Programs Division, Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

All potential applicants are urged to attend the combined proposal development workshop for Federal Adult Education Act, Section 322, and State Adult Literacy Program, Act 143 of 1986. This workshop will be conducted by teleconference on January 29, 1998 at 9 a.m. Downlink site locations will be announced at a later date. In order to ensure timely administration and processing

of applications, both the grant writer and the fiscal officer should attend the workshop.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 98-22. Filed for public inspection January 2, 1998, 9:00 a.m.]

Availability of Pennsylvania State Grant Funds for Adult Literacy Programs, Act 143 of 1986 for Program Year 1998-99

Act 143 of 1986, as approved by the General Assembly of the Commonwealth of Pennsylvania and signed into law on October 22, 1986, established the Pennsylvania Adult Literacy Education Grant Program. This program is administered by the Department of Education (Department) for adult literacy programs that will:

1. Enable out-of-school youth and adults 17 years of age and older who are nonreaders or who read below the 5th grade level or who lack basic English language proficiency to improve their basic skills in order to increase their prospects for a more productive life;
2. Expand the availability of adult literacy and other adult education programs, including volunteer programs, in the Commonwealth.

Eligible applicants include literacy councils, libraries, local education agencies, community colleges and public and private nonprofit agencies, organizations and institutions. Priority consideration will be given to applications that will conduct programs that expect to enroll high numbers of eligible adults who: are receiving public assistance; do not have high school diplomas; are members of minority groups; and/or have less than a 5th grade reading level. Priority also will be given to programs that provide client outreach and referral activities that are coordinated with other adult education and literacy programs, county assistance offices, social service agencies, offices of employment security, Job Training Partnership Act (JTPA) programs and other community groups or agencies that provide services and assistance to persons in need of basic literacy skills.

Restrictions placed upon the Department for the administration of the grant by Act 143 are:

1. No more than 20% of the annual appropriation shall be used to provide education to institutionalized adults.
2. No more than 20% of the annual appropriation shall be used for programs of equivalency for a certificate of graduation from a secondary school.
3. At least 20% of the annual appropriation shall be used for training volunteer adult literacy tutors.
4. No more than 10% of any grant to an eligible agency may be used for support services.
5. No more than 10% of any grant to an eligible agency may be used for administration.

Application due dates: Act 143 State Grant renewals: March 6, 1998

Application Procedures and Program Guidelines will be mailed to current adult basic education providers in mid-January. Others desiring additional information or Application Procedures and Program Guidelines may obtain them after January 9, 1998, by written request to: Chief, Regional Programs Division, Bureau of Adult Basic

and Literacy Education, Pennsylvania Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

All potential applicants are urged to attend the combined proposal development workshop for Federal Adult Education Act, Section 322, and State Adult Literacy Program, Act 143 of 1986. This workshop will be conducted by teleconference on January 29, 1998 at 9 a.m. Downlink site locations will be announced at a later date. In order to ensure timely administration and processing of applications, both the grant writer and the fiscal officer should attend the workshop.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 98-23. Filed for public inspection January 2, 1998, 9:00 a.m.]

Availability of State Grant Funds for Pennsylvania Literacy Corps Programs

The Pennsylvania Adult Literacy Act (Act 143), as approved by the General Assembly of Pennsylvania, provides funds for grants to support adult literacy in this Commonwealth for Program Year 1998-99. Funds also are available to provide grants for the conduct of the Pennsylvania Literacy Corps Program. This program is administered for the Secretary of Education by the Bureau of Adult Basic and Literacy Education.

The mission of the Pennsylvania Literacy Corps Program is to promote lifelong involvement in community service while enhancing the curricula of higher education institutions with service learning opportunities that assist in resolving community literacy problems. Specifically, the Pennsylvania Literacy Corps strives to:

- mobilize college students to help overcome the illiteracy problem in this Commonwealth;
- encourage higher education institutions to promote and support community service as an integral part of the college curriculum; and
- establish collaborative working partnerships between higher education institutions and providers of adult basic education and literacy services.

Grant funds are available in amounts up to \$35,000 per program to support collaborative efforts between institutions of higher education and adult basic and literacy education providers to establish and conduct a Pennsylvania Literacy Corps Program during the period July 1, 1998 to June 30, 1999. The applicant for the grant may be either the higher education institution or the adult basic and literacy education provider; however, the application must reflect a collaborative partnership which meets the goals of the Pennsylvania Literacy Corps Program and provides for college students to devote a minimum of 40 hours of volunteer service with an adult basic and literacy education program as part of their course work.

Priority consideration for the award of grants will be to applicants for a partnership and higher education institutions and a volunteer based adult basic and literacy education provider.

Application due dates: Completed applications must be received at the Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, on or before March 27 1998.

Application packets and guidelines may be obtained by written request to: Chief, Regional Programs Division, Attn: PLC, Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

All potential applicants are urged to attend the combined proposal development workshop for Federal Adult Education Act, Section 322, and State Adult Literacy Program, Act 143 of 1986. This workshop will be conducted by teleconference on January 29, 1998 at 9 a.m. Downlink site locations will be announced at a later date. In order to ensure timely administration and processing of applications, both the grant writer and the fiscal officer should attend the workshop.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 98-24. Filed for public inspection January 2, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) 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 his 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 Field Office 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 this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field 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 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. 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 Field Office that has been 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.

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

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

PA 0055158. Sewage, **Roger and Theresa Bahnck**, 327 Durham Road, Ottsville, PA 18942.

This application is for renewal of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in Nockamixon Township, **Bucks County**. This is an existing discharge to unnamed tributary to Haycock Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0060071. Industrial Waste, SIC 2836, **Connaught Laboratories, Inc.**, P. O. Box 187, Route 611, Swiftwater, PA 18370.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater, cooling tower and boiler blowdown and sewage into Swiftwater Creek in Pocono Township, **Monroe County**.

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

Effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics were evaluated at the point of discharge.

Process wastewater, cooling tower and boiler blowdown and sewage.

The proposed effluent limits for Outfall 001 based on a design flow of 0.15 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	85% removal (1)		
COD	220		
Total Suspended Solids	30	60	75
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Total Dissolved Solids	1,800	2,700	

NOTICES

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (10-1 to 4-30) (5-1 to 9-30)	2000/100 ml as a geometric mean 200/100 ml as a geometric mean		
Mercury	0.001 mg/l	0.002 mg/l	0.0025 mg/l
Cadmium	monitor and report		
pH	6.0—9.0 SU		

(1) 15 mg/l when influent BOD is less than 100 mg/l.

The EPA waiver is in effect.

PA 0070301. Sewerage, **SPG, Inc. d/b/a Whispering Hollow North Mobile Home Park**, c/o Frank Surnamer, 139 Country Club Road, Northampton, PA 18067.

The proposed action is for renewal of an NPDES permit to discharge treated sewage into Hokendaugua Creek in Moore Township, **Northampton 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 downstream potable water supply (PWS) considering during the evaluation is City of Allentown on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.011 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times.	
Total Residual Chlorine (Months 1 thru 24) (Months 25 thru 60)	monitor and report 1.2	2.8

The EPA waiver is in effect.

PA 0070483. Industrial waste, **Grand Central Sanitary Landfill, Inc.**, 1963 Pen Argyl Road, Pen Argyl, PA 18072.

This application is for renewal of an NPDES permit to discharge treated and untreated stormwater from the Grand Central Landfill in Plainfield Township, **Northampton County**. These are existing discharges to unnamed tributaries of the Little Bushkill Creek and Waltz Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.02 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		75
TDS	2,400		6,000
Oil and Grease	15		30
NH ₃ -N	3		6
Total Iron	2.5		6.25
Total Manganese	2.5		6.25
Total Mercury	0.0003		0.0008
True Color			100 pt. co. units
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
pH		within limits of 6.0—9.0 standard units at all times	
Fecal Coliform		200 #/100 ml as a geometric average	
NO ₂ plus NO ₃ (as N)	213		533
Total Beryllium	0.0016		0.004
Total Molybdenum	0.186		0.465
Total Silver	0.0028		0.007
Total Tin	0.071		0.178
Total Zinc	0.356		0.890
Total Phenols	0.118		0.295

The proposed effluent limits for Outfall 001, based on an average flow of 0.06 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NO ₂ plus NO ₃ (as N)	204		510
Total Beryllium	0.0015		0.0038
Total Molybdenum	0.178		0.445
Total Silver	0.0027		0.0068
Total Tin	0.068		0.170
Total Zinc	0.341		0.852
Total Phenols	0.113		0.282

The proposed effluent limits for stormwater Outfalls 002, 003, 004, 005, 007 and 008 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		monitor/report	
TDS		monitor/report	
Oil and Grease		monitor/report	
pH		monitor/report	
Total Lead		monitor/report	
Total Organic Carbon		monitor/report	
Total Chromium		monitor/report	
Total Mercury		monitor/report	
Total Selenium		monitor/report	
Total Silver		monitor/report	
NH ₃ -N		monitor/report	
Total Cyanide		monitor/report	
Total Arsenic		monitor/report	
Total Magnesium		monitor/report	
Total Barium		monitor/report	
Total Cadmium		monitor/report	
NO ₂ plus NO ₃ (as N)		monitor/report	
Dissolved Iron		monitor/report	

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

PA 0033782. Sewerage, SIC: 4952, **Timberend Estates, Inc.**, Muncy, PA 17756.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Twin Run in Fairfield Township, **Lycoming County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.08 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15		30
(11-1 to 4-30)	25		50
TSS	30		60
Ammonia-N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Cl ₂ Residual			
(1st month—36th month)	report		
(37th month—permit expiration date)	1.0		2.3
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

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

PA 0001864. Industrial waste, SIC: 2032, 2033, 2035 and 2099, **Heinz USA**, P. O. Box 57, Pittsburgh, PA 15230.

This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from Pittsburgh Plant in City of Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, of the Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is West View Municipal Authority, located at Neville Island, 6.46 miles below the discharge point.

Outfall 101: existing discharge, design flow of 2.0 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
CBOD ₅	236	474	14	28	
TSS	200	351	12	21	
Temperature (°F)				110	
Total Residual Chlorine			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: new discharge, design to Allegheny River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This parameter shall consist solely of uncontaminated stormwater runoff and wastewater contributions from Internal Point 101.					

The EPA waiver is in effect.

PA 0002941. Industrial waste, SIC: 4911, **West Penn Power Company**, 800 Cabin Hill Drive, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, stormwater, leachate and untreated cooling water stormwater from Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, of Monongahela River (Outfalls 001—006, 008—010) and Little Whiteley Creek (Outfall 007), both classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Dunkard Valley Joint Municipal Authority, located in Greensburg, PA, 6.46 miles below the discharge point.

Outfall001: existing discharge, design flow of 0.0086 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅			25	50	
TSS			30	60	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric mean			
(10-1 to 4-30)		2,000/100 as a geometric mean			
Total Residual Chlorine			1.4		3.3
pH	not less than 6.0 nor greater than 9.0				

Outfall 102: existing (emergency overflow) discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			30	100	
Oil and Grease			15	20	30
pH	not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 202: existing discharge, design flow of 0.002 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅			25	50	
TSS			30	60	
Fecal Coliform (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			

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Total Residual Chlorine			1.4	3.3	
pH	not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 302: existing emergency overflow discharge to outfall 002.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow	monitor and report				
TSS				50	
pH	See Item No. 8 in Part C of the permit. not less than 6.0 nor greater than 9.0				

Internal Monitoring Point 402: existing stormwater runoff from coal handling and maintenance shed areas:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Suspended Solids			monitor and report		
Oil and Grease			monitor and report		
Iron			monitor and report		
Aluminum			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 3.6 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow (mgd)	monitor and report				
Free available chlorine			0.2		0.5
Temperature (°F)					110
Chromium	The Department understands that the applicant does not use zinc or chromium compounds in the cooling water. Therefore, no limitations or monitoring requirements has been placed on zinc or chromium and the applicant is prohibited from using zinc or chromium compounds in the cooling water unless the applicant obtains an amendment to the permit from the Department.				

Zinc
pH not less than 6.0 nor greater than 9.0

Internal Monitoring Point 003: existing discharge, design flow of 6.05 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
This discharge shall consist of intake traveling screen backwash only. Debris collection from the intake traveling screens shall not be returned to the waterways.					

Outfall 004: existing emergency overflow discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids				50	
pH	See Item No. 8 in Part C of the Permit. not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge, design flow of 0.43 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
This discharge shall consist of strainer backwash only. Debris collection from the strainer shall not be returned to the waterway.					

Internal Monitoring Point 106: existing discharge to Outfall 006.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)			monitor and report		
Iron				1.0	
Copper				1.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 006: existing discharge, design flow of 3.8 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow			monitor and report		
Suspended Solids		30	100		
Oil and Grease		15	20	30	
pH	not less than 6.0 nor greater than 9.0				

Outfall 007: existing discharge, design flow of 0.093 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)			monitor and report		
Suspended Solids			30	100	
Aluminum			1.0	2.0	
Iron			3.0	6.0	
Manganese					monitor and report
pH	not less than 6.0 nor greater than 9.0				
	The permittee is authorized to discharge during the period from effective date through 3 years after effective date.				

Outfall 007: existing, design flow of 0.093

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)			monitor and report		
Suspended solids			3.0	100	
Aluminum			0.6	1.2	
Iron			1.8	3.6	
Manganese			1.2	2.4	
pH	not less than 6.0 nor greater than 9.0				
	The permittee is authorized to discharge from 3 years after effective date through expiration date.				

Outfall 009: stormwater runoff from plant area.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids					monitor and report
Oil and Grease					monitor and report
Iron					monitor and report
Aluminum					monitor and report

Outfall 010: existing stormwater runoff from hillside.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids					monitor and report
Oil and Grease					monitor and report
Iron					monitor and report

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum					monitor and report

Outfalls 012 and 013 and Internal Monitoring Point 502: existing stormwater runoff

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
					This discharge from these outfalls shall only consist of uncontaminated stormwater runoff.

Other Conditions:

1. Outfall Nos. 008 and 011 have been eliminated.
2. See Item No. 15 in Part C of the Permit regarding IMP 402.

The EPA waiver is not in effect.

PA 0091910. Industrial waste, SIC: 4953, **Alex E. Paris Contracting Co., Inc.**, Route 18, P. O. 369, Atlasburg, PA 15004.

This application is for renewal of an NPDES permit to discharge treated leachate from Paris Fly Ash Landfill in Hanover Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, wetland flowing to Wingfield Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 002: existing discharge, design flow of 0.02 mgd. (Interim Limits)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)			monitor and report		
Suspended Solids			30	60	
Osmotic Pressure (mOs/kg)			120	240	
Ammonia-Nitrogen			33	66	
Total Residual Chlorine			monitor and report		
Aluminum			0.415	0.830	
Boron			3.04	6.08	
Iron			1.2	2.4	
Dissolved Iron			0.3	0.6	
Manganese			1.16	2.3	
Selenium			0.004	0.008	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 0.02 mgd. (Final Limits)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30	60	
Osmotic Pressure (mOs/kg)			51	102	
Ammonia-Nitrogen			2.0	4.0	
Total Residual Chlorine			0.019		0.048
Aluminum			0.415	0.830	
Boron			3.04	6.08	
Iron			1.2	2.4	
Dissolved Iron			0.3	0.6	
Manganese			1.0	2.0	
Selenium			0.004	0.008	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0022241. Sewage, **Borough of California**, P. O. Box 696, 1 Green Street, California, PA 15419.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Newell Authority on the Monongahela River (0.8 mile downstream from discharge).

Outfall 001: existing discharge, design flow of 1.0 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	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Outfalls 002 through 004 which discharge to the receiving waters known as the Monongahela River serve as combined sewer outflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is not in effect.

PA 0217786. Sewage, **Borough of New Eagle**, 157 Main Street, New Eagle, PA 15067.

This application is for issuance of an NPDES permit to discharge treated sewage from the proposed New Eagle Sewage Treatment Plant in the Borough of New Eagle, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Works on the Monongahela River.

Outfall 001: new discharge, design flow of 0.8 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	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0026271—Amendment No. 1. Sewage. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335.

This application is for an amendment of an NPDES permit to discharge treated sewage to French Creek in Meadville, **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 the City of Franklin on French Creek located in Franklin, approximately 26 miles below point of discharge.

This amendment is for modification of Special Condition^E Developing and Implementing a Pretreatment Program.

The EPA waiver is not 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 wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) 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 Office 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, telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

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

<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-0061271	P & S Developers Roy W. Piper P. O. Box 460 Tunkhannock, PA 18657-0460	Susquehanna New Milford Twp.	Unnamed Tributary of Nine Partners Crk.	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER
Applications under the Pennsylvania Clean Streams Law
(Part II Permits)

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding, should contact the specified program. 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, (412) 442-4000.

A. 0297412. Sewerage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. Application for the construction and operation of sewers and appurtenances and stream crossing to serve the Wexford Run Road Relief Sewer Project located in the Township of Marshall, **Allegheny County**.

A. 2672406-T2—Amendment No. 1. Sewerage, **Lance L. Safran**, 5800 Steele Road, Murrysville, PA 15668. Application for the expansion and operation of the existing sewage treatment plant to serve the Pleasant View Mobile Home Park located in the Township of Saltlick, **Fayette County**.

A. 2681405—Amendment No. 1. Sewerage, **Terry G. and Regina A. Lambie**, R. R. 2, Dunbar, PA 15431. Application for the modification of the existing package sewage treatment plant to serve the Terrace Acres Mobile Home Park located in the Township of Upper Tyrone, **Fayette County**.

A. 6597410. Sewerage, **Dante Fashions**, 162 Penn-Adamsburg Road, Jeannette, PA 15644. Application for the construction and operation of a sewage treatment plant to serve Dante Fashions located in the Township of Hempfield, **Westmoreland County**.

A. 6597411. Sewerage, **Robert Garris**, 1100 Whitney Court Drive, No. 5, Latrobe, PA 15650. Application for the construction and operation of a single residence sewage treatment plant to serve the Garris Residence located in the Township of Derry, **Westmoreland County**.

A. 6583401—Amendment No. 2. Sewerage, **The Hempfield Township Municipal Authority**, R. R. 6, Box 501, Greensburg, PA 15601. Application for the expansion and operation of the existing New Stanton Water Pollution Control Plant located in the Township of Hempfield, **Westmoreland County**.

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

WQM Permit No. 2097409. Sewage, **Northwest Crawford County Sewer Authority**, P. O. Box 56, Springboro, PA 16435. This project is for the construction of an additional aerobic digester for an existing permitted facility in Springboro, **Crawford County**.

**DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND
SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES**

Southwest Regional Office: Regional Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA0217778. Industrial waste, SIC: 4925, **Beldon and Blake Corporation**, 22811 Titusville Road, Pleasantville, PA 16341.

This application is for issuance of an NPDES permit to discharge treated industrial waste water to the Youghiogheny River in Dunbar Township, **Fayette County**. This is a new discharge.

The receiving stream is classified for warm water fish and the Statewide list. For the purpose of evaluating effluent requirements for TDS, the existing downstream water supply considered during the evaluation is located in McKeesport, approximately 38.17 miles downstream of the discharge point.

The proposed discharge limits for Outfall No. 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.6 mgd	417 gpm
Total Iron (mg/l)	3.5		7
Oil and Grease (mg/l)	15		30
TSS (mg/l)	30		60
Acidity (mg/l)	monitor only		
Alkalinity (mg/l)	greater than acidity		
pH	6 to 9 at all times		
TDS (mg/l)	monitor only		
Chloride (mg/l)	monitor only		

The EPA waiver is in effect.

**INDIVIDUAL PERMITS
(PAS)**

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) 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.

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

NPDES Permit PAS-10-I033. Stormwater. **R. Stanley Miller**, P. O. Box 336, Dauphin, PA 17018 has applied to discharge stormwater from a construction activity located in Middle Paxton Township, **Dauphin County**, to Clark Creek.

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

Lehigh County Conservation District, District Manager, Lehigh Ag. Center, Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES Permit PAS10Q148. Stormwater. **East Penn Real Estate**, 4445 Harriet Lane, Bethlehem, PA 18017 has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**.

SAFE DRINKING WATER

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, (610) 832-6130.

A. 4697516. Public water supply. **Audubon Water Company**, Martha Russell, 2650 Eisenhower Avenue, Norristown, PA 19403. This proposal involves the deepening and development of Audubon Water Company well No. 1 from 330 feet to 555 feet in Lower Providence Township, **Montgomery County**.

0997518. Public water supply. **Olde Colonial Greene Water Supply System**, One Olde Colonial Drive, Doylestown, PA 18901. This proposal involves the installation of a soda ash feed system for corrosion control treatment in Doylestown Borough, **Bucks County**.

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

0497504. Borough of **Ambridge Water Authority**, 600 Eleventh Street, Ambridge, PA 15003. Construction of a 200,000 gallon water storage tank serving Harmony Township, **Beaver County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordi-

nator 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 Notices of Intent to Remediate:

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

Jack Strange Residence/Chris Suchko Property, West Newton Township, **Westmoreland County**. Jack Strange/Chris Suchko, 60 Sportsman Lane, West Newton, PA 15809 and 105 South 3rd Street, West Newton, PA 15809 and Kevin P. VanKuren, Hydrocon Service Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate soil contaminated with PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard.

Northwest Regional Office: Craig Lobins, Acting Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Graham Packaging Facility, 33 Memorial Drive, Oil City, PA 16301, **Venango County**. Oil City Township, has submitted a Notice of Intent to Remediate soil. The site has been found to be contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was reported in the *Derrick Newspaper* on December 9, 1997.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 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 Office, Regional Solid Waste Manager, Suite 6010, 555 North Lane, Lee Park, Conshohocken, PA 19428.

A. 100148. **Grows Landfill**, 1121 Bordentown Road, Morrisville, PA 19067. This application was submitted for a major modification to the Grows Landfill permit for the Northeast and Southwest expansion areas. Application was received in the Southeast Region Office on December 18, 1997.

A. 101662. **American Demolition Company**, 1060 Conshohocken Road, Conshohocken, PA 19428, submitted a new application for Municipal Waste and Construction/Demolition Transfer Facility to be located in Plymouth Township, **Montgomery County**. Application received in the Southeast Regional Office on December 17, 1997.

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

Permit I. D. No. 101628. **Natural Soil Products Schuylkill Composting Facility**, Natural Soil Products, 200 East Main Street, Good Spring, PA 17981. A major permit modification for the acceptance of additional waste types for composting at this facility, located in Frailey Township, **Schuylkill County**. The application was received in the Regional Office on December 8, 1997 and was found to be complete on December 17, 1997.

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

A. 300626. Magee Rieter Automotive Systems (480 W. Fifth St., Bloomsburg, PA 17815). Application for permit reissuance for residual waste landfill received in the Regional Office on December 12, 1997.

AIR POLLUTION OPERATING PERMITS

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

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

13-308-103: Horsehead Resource Development Co. (4th Street and Franklin Avenue, Palmerton, PA 18071) for the operation of the waelz kiln feed system with air pollution control by a baghouse in Palmerton Borough, **Carbon County**.

35-310-024E: Keystone Quarry Inc. (Dunham Drive, Dunmore, PA 18512) for the operation of a stone crushing system in Dunmore Borough, **Lackawanna County**.

35-322-003B: Alliance Landfill Inc. (P. O. Box 28, Taylor, PA 18517) for the operation of a kryogenic condensate gas plant in Taylor Borough, **Lackawanna County**.

40-409-036A: Schott Glass Technologies Inc. (400 York Avenue, Duryea, PA 18642) for the operation of a glass melting furnace with air pollution control by a scrubber and baghouse in Duryea Borough, **Luzerne County**.

48-313-079: MA Hanna Incorporated (2900 Shawnee Industrial Way, Suwanee, GA 30174) for the operation of a pigment manufacturing operation with air pollution control by a baghouse in Bethlehem, **Northampton County**.

48-320-010: Packaging Horizons Corp. (1 Danforth Drive, Palmer, PA 18042) for the operation of a flexographic printing operation utilizing water based coatings in Palmer Township, **Northampton County**.

45-302-060: Connaught Laboratories Inc. (Box 187, Swiftwater, PA 18370) for the operation of a no. 6 oil fired boiler in Pocono Township, **Monroe County**.

54-310-014A: Pennsy Supply Company (P. O. Box 3331, Harrisburg, PA 17105) for the operation of a stone crushing plant with air pollution control by a waterspray system in Wayne Township, **Schuylkill County**.

54-313-057A: World Resources Company (Walnut Lane, R. D. 5, Pottsville, PA 17901) for the operation of a metal extraction process with air pollution control by a packed tower scrubber in Norwegian Township, **Schuylkill County**.

54-399-016B: World Resources Company (Walnut Lane, R. D. 5, Pottsville, PA 17901) for the operation of a metals concentrator system with air pollution control by two scrubbers in Norwegian Township, **Schuylkill County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities

subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least thirty days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.

46-00045: PECO Energy, West Conshohocken Gas Plant (300 Front Street, Bldg. 3, West Conshohocken, PA 19428), located in West Conshohocken Borough, **Montgomery County**. The facility is primarily used for compression and storage of natural gas. The facility's major air emission points include: vaporizers, pre-heaters, emergency generators and a combustion turbine, which emit major levels of Nitrogen Oxides (NOx) and Particulate Matter (PM-10).

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.

TV-32-00303: Consolidated Natural Gas Transmission Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) for their Cherry Tree Station located in Montgomery Township, **Indiana County**. The facility's major sources include natural gas compressor engines which emit major quantities of NOx.

PLAN APPROVALS

Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

35-318-080: Scranton Army Ammunition Plant (156 Cedar Ave., Scranton, PA 18505) for the construction of a zinc phosphate lube system with air pollution control by a baghouse in Scranton, **Lackawanna County**.

48-309-102: Keystone Portland Cement Company (Route 329, P. O. Box A, Bath, PA 18014) for the construction of a new no. 2 clinker cooler with air pollution control by a baghouse in East Allen Township, **Northampton County**.

54-317-002A: Kaytee Products Inc. (55 N. Sillyman, Cressona, PA 17929) for the construction of a grain processing operation with air pollution control by a bargehouse in Cressona Borough, **Schuylkill County**.

54-320-001: Gencorp Inc. (P. O. Box 429, Auburn, PA 17922) for the construction of a rotogravure printing operation utilizing water based inks in West Brunswick Township, **Schuylkill County**.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

06-1007M: Carpenter Technology Corporation (P. O. Box 14662, Reading, PA 19612-4662) for a batch reheat furnace controlled by low NOx burners in Muhlenberg Township, **Berks County**.

06-3024: Wolfe Dye & Bleach Works, Inc. (25 Ridge Road, Shoemakersville, PA 19555) for a tenterframe dryer in Exeter Township, **Berks County**.

28-03007: Phil Oberholzer's Garage (1857 Clay Hill Road, Greencastle, PA 17225) for the installation of an aluminum melting furnace located in Antrim Township, **Franklin County**.

28-304-020C: TB Wood's Inc. (440 N. Fifth Avenue, Chambersburg, PA 17201) for reactivation of an electric induction furnace in Chambersburg, **Franklin County**.

38-310-017C: Carmeuse Pennsylvania, Inc. (P. O. Box 160, Annville, PA 17003) for modification of a portable limestone crushing plant in North Londonderry Township, **Lebanon County**. The plant is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

67-304-018E: Donsco, Inc. (P. O. Box 2001, Wrightsville, PA 17368) for the installation of two shotblast machines in Wrightsville, **York County**.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

12-399-015A: Motor Coils Manufacturing Company (P. O. Box 311, Emporium, PA 15834) for the construction of an armature banding and brazing process and associated air-cleaning device (a cartridge collector) in Emporium Borough, **Cameron County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

Kaiser Aluminum (1015 East 12th St., Erie, PA 16503) in the city of Erie, **Erie County** for the following:

PA-25-066A: Installation of a scrubber on an existing 5,000 ton press

PA-25-066B: Installation of a scrubber on an existing 8,000 ton press

PA 25-955B: Foam Fabricators, Inc. (6550 West 26th Street, Erie, PA) for the construction of a pre-expander for the polystyrene fabrication process in Erie, **Erie County**.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 the 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 (Department). 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 the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The 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 Chapters 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.

McMurray District Office

Coal Mining Applications Received

03841305. Keystone Coal Mining Corp. (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Emilie No. 1 and No. 2 in Plumcreek Township, **Armstrong County**, no additional discharges. Application received September 29, 1997.

04970701. M J Mining Co. (1021 Whitestown Rd., Butler, PA 16001), to operate the Refuse 1 in Greene

Township, **Beaver County** new refuse site, unnamed tributary to Peggs Run. Application received October 17, 1997.

56851303. Rox Coal Inc. (P. O. Box 148, Friedens, PA 15541), to renew the permit for the Barbara No. 1 and No. 2 Mine in Stoneycreek Township, **Somerset County**, no additional discharge. Application received October 20, 1997.

11971301. Morningstar Mining, Inc. (P. O. Box 269, Summerhill, PA 15958), to operate the Lilly 3B Mine in Cresson Township, **Cambria County** new underground mine, unnamed tributary to Bear Rock Run. Application received November 17, 1997.

56921601. Eagleshire Corp. (P. O. Box 304, Windber, PA 15963), to revise the permit for the Tuscarera Tipple in Paint Township, **Somerset County** land use change, no additional discharges. Application received November 25, 1997.

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

11920106. Permit Renewal, M. B. Energy, Inc. (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Jackson Township, **Cambria County**, affecting 79.1 acres, receiving stream tributaries to Laurel Run, tributary to Red Run; application received December 15, 1997.

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

Industrial Minerals NPDES Permit Renewal Application Received

4274SM28. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0035408, Frankstown Township, **Blair County**, receiving streams unnamed tributary to New Creek, NPDES Renewal application received December 16, 1997.

0579201. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0118583, Broadtop Township, **Bedford County**, receiving streams Six Mile Run, NPDES Renewal application received December 16, 1997.

4174SM2. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0009814, Shade Township, **Somerset County**, receiving streams Laurel Run and Beaverdam Run, NPDES Renewal application received December 16, 1997.

4275SM14. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0124532, Snyder & Warriors Mark Township, **Blair and Huntingdon Counties**, receiving streams Logan Spring Run; unnamed tributary to Little Juniata River; and to Little Juniata River, NPDES Renewal application received December 16, 1997.

4274SM7. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0009822, Walker Township, **Huntingdon County**, receiving stream Crooked Creek, NPDES Renewal application received December 16, 1997.

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

Large Industrial Mineral Permit Applications Received

08970302. State Aggregates, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), commencement, operation and restoration of a large industrial mineral (sand and gravel)/stream encroachment permit in Sheshequin Township, **Bradford County** affecting 181.4 acres, receiving streams: Susquehanna River; application received December 8, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

E52-153. Encroachment. Aldo and Ingeborg Gelso, HC Box 8135, Hawley, PA 18428. To place fill in 0.189 acre of PSS Wetlands to widen an existing private road approximately 15 feet. This project is located along Hatton (Gelso) Road approximately 2,000 feet west of its intersection with Spring Road (Pecks Pond, PA Quadrangle N: 21 inches; W: 11.5 inches) in Blooming Grove Township, **Pike County** (Philadelphia District, Army Corps of Engineers).

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

E09-757. Encroachment. Jeffrey and Sandra Bahls, P. O. Box 619, Quakertown, PA 18951. To relocate approximately 15 linear feet of unnamed tributary to Cooks Creek (EV) which will impact 0.02 acre of wetland for the purpose of constructing a private driveway stream crossing, utilizing two 24-inch RCP culverts. The site is

located approximately 2,000 feet north of the intersection of Chestnut Road with Pleasant View Road (Hellertown, PA Quadrangle N: 4.3 inches; W: 9.4 inches) in Springfield Township, **Bucks County**.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E18-242. Encroachment. **Pa. DCNR**, P. O. Box 8451, Harrisburg, PA 17105-0320. To remove an existing structure and to construct, operate and maintain a single cell reinforced concrete box culvert to carry Cooks Run Road across Rock Run. The box culvert shall be constructed with a clear span of 20.2 feet, minimum underclearance of 5.0 feet and a curb to curb width 20.1 feet. The project is located along the northern right-of-way of S. R. 0120 approximately 5.6 miles north of the intersection of Cooks Run Road and S. R. 0120 (Keating, PA Quadrangle N: 11.2 inches; W: 10.0 inches) in East Keating Township, **Clinton County**. Estimated stream disturbance is 70 feet of waterway with 0.0065 acre of wetland impact. Stream classification is High Quality-Cold Water Fishery.

E18-243. Encroachment. **Dept. of Conservation and Natural Resources**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a single span steel stringer bridge with a glulam timber deck and a clear span of approximately 25 feet, a curb to curb width of approximately 11 feet and an underclearance of 5.61 feet over Cooks Run on Cooks Run Road at the intersection of Cooks Run and Onion Run (Keating, PA Quadrangle N: 12.9 inches; W: 8.0 inches) in East Keating Township, **Clinton County**. The project will not impact wetland while impacting approximately 70 feet of waterway. Cooks Run is an Exceptional Value Stream.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D22-022. Environmental Assessment. **GPU/GENCO**, 1001 Broad Street, Johnstown, PA 15906. To construct, operate and maintain a fish passage facility at the East Channel Dam of the York Haven Hydroelectric Facility for the purpose of restoring anadromous fish species to the Susquehanna River. The fish passage facility will consist of a 250 foot long vertical slot fish ladder located on the west end of the East Channel Dam, a 67 foot wide weir cut into the East Channel Dam, a 210 foot long permanent cofferdam with two slide gates located immediately upstream of the dam and weir, and an optional 120 foot wide excavated channel located immediately downstream of the weir to facilitate fish movement to the ladder entrance. The project will impact approximately 1.8 acres of river channel. The East Channel Dam is located across the Susquehanna River at Threemile Island approximately 2,200 feet northwest of the intersection of State Route 441 and Engle Road (Middletown, PA Quadrangle N: 3.30 inches; W: 13.75 inches) in Londonderry Township, **Dauphin County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) 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, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Northcentral Regional Office, Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

WQM Permit No. 5997407. Sewerage. **Liberty Joint School Authority**, c/o Southern Tioga School District, 241 Main Street, Blossburg, PA 16912. Permittee was rerated for expansion of existing treatment facility for school complex. Facility is located at Liberty Borough, **Tioga County**.

WQM Permit No. 5997408. Sewerage. **Mark Cooper**, R. D. 6, Box 128, Wellsboro, PA 16901. Construction of a single residence sewage treatment facility has been approved. Facility is located at Delmar Township, **Tioga County**.

Permit No. PA 0010031. Transfer industrial waste. **GPU Generation Inc.**, 101 Broad Street, Johnston, PA 15907. The transfer is from Pennsylvania Electric Company to GPU Generation Inc., the only change made to permit was the name. The facility location is Bradford Township, **Clearfield County**.

Permit No. PA 0008443. Industrial waste. **PP & L Inc.**, Two North Ninth Street, Allentown, PA 18101-1179.

Applicant renewed permit to discharge treated industrial wastewater and sewage from the Montour Steam Electric Plant in Derry Township, **Montour County**.

Permit No. PA 0007498. Industrial waste. **Wise Food Inc.**, 228 Raseley Street, Berwick, PA 18603. Applicant transferred permits, name change only for food processing wastewater treatment facilities. Location of facility at Berwick Borough, **Columbia County**.

Permit No. WQM 1994291-T1, WQM 1986201-T1, WQM 1972204-T1. Industrial waste. **Wise Foods Inc.**, 228 Raseley Street, Berwick, PA 18603. Applicant transferred permits, name change only, for facility located at Berwick Borough, **Columbia County**.

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

WQM Permit No. 6297202. Industrial waste. **Warren County Solid Waste Authority, Grunderville Landfill**, Warren County Courthouse, Warren, PA 16365. This project is to remove portions of the leachate treatment plant in Pleasant Township, **Warren County**.

NPDES Permit No. PA 0103292. Sewage. **Hamilton Township, Village of Ludlow**, P. O. Box 23, Ludlow, PA 16333-0023 is authorized to discharge from a facility located in Hamilton Township, **McKean County** to an unnamed tributary to Two Mile Creek.

NPDES Permit No. PA 0030325. Sewage. **Wilmington Area School District, Pulaski Elementary School**, Shenango Street, Pulaski, PA 16143-9801 is authorized to discharge from a facility located in Pulaski Township, **Lawrence County** to an unnamed tributary to the Shenango River.

NPDES Permit No. PA 0023566. Sewage. **Emlenton Area Municipal Authority**, P. O. Box 448, Emlenton, PA 16373 is authorized to discharge from a facility located in Emlenton Borough, **Venango County** to the Allegheny River.

NPDES Permit No. PA 0101851. Sewage. **Villa Maria Community Center, Sisters of the Humility of Mary**, P. O. Box 906, Villa Maria, PA 16155 is authorized to discharge from a facility located in Pulaski Township, **Lawrence County** to an unnamed tributary to Coffee Run.

NPDES Permit No. PA 0023175. Sewage. **Borough of Kane, Kinzua Road Wastewater Treatment Plant**, P. O. Box 79, Kane, PA 16735 is authorized to discharge from a facility located in Wetmore Township, **McKean County** to Hubert Run.

NPDES Permit No. PA 0000213. Industrial waste. **PA American Water Company, Kane Treatment Plant**, 800 West Hersheypark Drive, Hershey, PA 17033-0888 is authorized to discharge from a facility located in Wetmore Township, **McKean County** to Hubert Run.

INDIVIDUAL PERMITS (PAS)

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

These actions of the Department of Environmental protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

PAS-10-H076. Individual NPDES. **Fry Communications, Inc.**, 800 West Church Road, Mechanicsburg, PA 17055. To implement an erosion and sedimentation control plan for a warehousing facility and associated improvements on 83.8 acres in Silver Spring Township, **Cumberland County**. The project is located about 3,000 feet south of Cumberland Valley High School (Mechanicsburg, PA Quadrangle N: 18.6 inches; W: 9.1 inches). Drainage will be to Hogestown Run.

PAS-10-H077. Individual NPDES. **Harold Stoner**, 25 Iron Gate Court, Mechanicsburg, PA 17055. To implement an erosion and sedimentation control plan for the Walnut Point Subdivision on 60.31 acres in Silver Spring Township, **Cumberland County**. The project is located on the south side of Mulberry Drive about 1,000 feet northeast of its intersection with PA 114 (Mechanicsburg, PA Quadrangle N: 18.8 inches; W: 2.4 inches). Drainage will be to Trindle Spring Run.

PAS-10-Y069. Individual NPDES. **John R. and Judy M. Byerly/Rose Hill Farm Partnership**, 542 Lexington Ave., Mechanicsburg, PA 17055. To implement an erosion and sedimentation control plan for the Rose Hill Farm, a 34 lot single family residential development on 67.35 acres in Fairview Township, **York County**. The project is located along both sides of Spanglers Mill Road, between the intersections of Stetler Road and Shauffnerstown Road (Lemoyne, PA Quadrangle N: 13.3 inches; W: 4.0 inches). Drainage will be to a tributary of the Yellow Breeches 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>
PAS10F061	PA DEP Bureau of Abandoned Mine 122 S. Center St. Ebensburg, PA 15931	Centre County Rush Township	Unt. Moshannon Ck. and Unt. Black Bear Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S017-1	Outletter Associates 285 Crossings Outlet Square Tannersville, PA 18372	Monroe Co. Pocono Twp.	Pocono Creek
PAS10U072	Wagner Enterprises, Ltd. P. O. Box 3154 Easton, PA 18043-3154	Northampton Co. Bethlehem Twp.	Lehigh River
PAS10U067	Jack Frey and Richard Markovci 563 Georgetown Road Nazareth, PA 18064	Northampton Co. Lower Nazareth Twp.	Monocacy Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS103709	Edward A. Gamble R. D. 2 Wilmington, PA 16142	Lawrence County Wilmington Township	UNT Neshannock Creek

The following NPDES Individual Permits for Discharges of Stormwater from Industrial Sites have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS112203	Master Builders Inc. 23700 Chagrin Blvd. Cleveland, OH	Lehigh County L. Macungie Twp.	Little Lehigh
PAS232202	Lehigh Cultured Marble 111 Lehigh Street Macungie, PA 18062	Lehigh County Macungie Twp.	Little Lehigh
PAS212202	Berks Products Corp. P. O. Box 421 Reading, PA 19603	Lehigh County S. Whitehall Twp.	Little Lehigh
PAS222201	Universal Forest Prd. 2801 E. Beltlinge Grand Rapids, MI 49505	Northampton Co. Stockertown	Mill Race
PAS802201	Mack Trucks Inc. 2402 Lehigh Parkway Allentown, PA 18105	Lehigh County Allentown	Little Lehigh

INDIVIDUAL PERMITS

(PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permits to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or other General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities

*List of NPDES and/or other
General Permit Type*

PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG 2

*Facility Location
County and
Municipality*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
PAR101914-R	Keystone Central School District 95 West 4th St. Lock Haven, PA 17745	Bald Eagle Creek	Clinton County Conservation 2 State Route 150 Mill Hall, PA 17751 (717) 726-3798
PAR10K008-R	Dale and Lynn McBrier 144 Holly Drive Fairview, PA 16502	UNT to Lake Erie	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
PAR10K023-R	Cobblestone Developers Thomas C. Murosky 4960 Pittsburgh Avenue Erie, PA 16509	UNT to Mill Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
PAR10K025-R	Woodberry Development John W. Schaefer 4720 Pine Avenue Erie, PA 16504	UNT to Walnut Crk.	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
PAR10K044-R	John Finazzo, Jr. 4025 Cooper Road Erie, PA 16510	Six Mile Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
PAR10K045-R	James R. Dauer 10324 Perry Highway Waterford, PA 16441	LeBoeuf Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
PAR10K052-R	Scott's Development, Inc. Nicholas Scott 4045 West 12th Street Erie, PA 16505	Tributary of Walnut Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

NOTICES

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Erie County Fairview Township	PAR10K054-R	Dale R. McBriar McBriar Properties Group 3939 West Ridge Road Erie, PA 16506	UNT to Walnut Crk.	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County Millcreek Township	PAR10K056-1-R	Joe Palermo & Sons Development Co. P. O. Box 8026 Erie, PA 16505	Mill Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County Millcreek Township	PAR10K059-R	John D. Maleno 2236 West 38th St. Erie, PA 16506	UNT to Walnut Crk.	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County Harborcreek Township	PAR10K062-R	DCS Development Robert Cass 9451 Page Rd. Wattsburg, PA 16442	UNT to Lake Erie	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County McKean Township	PAR10K075-R	Timothy Birkmire 1612 Filmore Ave. Erie, PA 16505	Bear Run	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Lawrence County Wayne Township	PAR103700-R	Dominick Amadio Maplewood Estates 739 Portersville Road Ellwood City, PA 16117	UNT to Connoquenessing Creek	Lawrence Conservation Dist. Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (412) 652-4512
Lawrence County Shenango Township	PAR103704-R	David L. Delo Shenango Creens 121 Wildwood Drive Butler, PA 16002	UNT to Big Run	Lawrence Conservation Dist. Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (412) 652-4512
Lawrence County Neshannock Township	PAR103708-R	Thomas White Jameson Care Center 1211 Wilmington Avenue New Castle, PA 16105-2595	UNT to Shenango River	Lawrence Conservation Dist. Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (412) 652-4512
Lawrence County City of New Castle	PAR103718-R	New Castle San. Auth. Wastewater Treatment Plant 110 East Washington Street New Castle, PA 16101	Mahoning River	Lawrence Conservation Dist. Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (412) 652-4512

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lawrence County Scott Township	PAR103728	Darryl J. Audia Orchard Park Estates 1422 Harlansburg Road New Castle, PA 16101	UNT to Slippery Rock Creek	Lawrence Conservation Dist. Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (412) 652-4512
Allegheny Co. Shaler Township	PAR10A012R	V. G. Frey 4399 Gibsonia Road Gibsonia, PA 15044	Pine Creek	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAR10A034R	Christopher J. Kaclik Inc. 191 Crowe Ave. Mars, PA 16046	Lowries Run	Allegheny County CD (412) 241-7645
Allegheny Co. South Fayette Township	PAR10A040-1-R	Cuddy Land Company 235 Millers Run Road Suite 202 Bridgeville, PA 15017	Millers Run	Allegheny County CD (412) 241-7645
Allegheny Co. Forward Township	PAR10A054R	Kelly Run Sanitation Inc. P. O. Box 333 Elizabeth, PA 15037	UNT Fallen Timber Run	Allegheny County CD (412) 241-7645
Allegheny Co. Findlay Township	PAR10A060R	Park'N Fly Suite 207 Paran Place 2060 Paran Rd. NW Atlanta, GA 30327	Raredon Run	Allegheny County CD (412) 241-7645
Allegheny Co. West Deer Township	PAR10A061R	North Point Development Co. 2334 East 43rd St. Erie, PA 16510	Deer Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Upper St. Clair Twp.	PAR10A064R	Life Care Retirement Communities 100 East Grand Suite 400 Des Moines, IA 50309	Chartiers Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Pine Township	PAR10A070R	Vernon Frey 5540 North Montour Rd. Gibsonia, PA 15044	Montour Run	Allegheny County CD (412) 241-7645
Allegheny Co. Ross Township	PAR10A071R	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	UNT Jacks Run	Allegheny County CD (412) 241-7645
Allegheny Co. Robinson Township	PAR10A072R	Fairwinds Development Group 134 Three Degree Rd. Pittsburgh, PA 15237	Montour Run	Allegheny County CD (412) 241-7645
Allegheny Co. Ohio Township	PAR10A078R	Costa Builders Inc. 351 Mt. Nebo Rd. Pittsburgh, PA 15237	Thoms Run	Allegheny County CD (412) 241-7645
Allegheny Co. Plum Borough	PAR10A090R	Unipack, Inc. 3253B Old Frankstown Rd. Pittsburgh, PA 15239	Piersons Run	Allegheny County CD (412) 241-7645
Allegheny Co. Hampton Township	PAR10A094R	V. G. Frey 4399 Gibsonia Rd. Gibsonia, PA 15044	Pine Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Robinson Township	PAR10A095R	Henry J. and Susan J. Duckstein 627 Chartiers Ave. McKees Rocks, PA 15136	Montour Run	Allegheny County CD (412) 241-7645
Allegheny Co. Shaler Twp.	PAR10A108R	Brimark Associates 122 Cedar Lane McMurray, PA 15317	Girty's Run	Allegheny County CD (412) 241-7645

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Allegheny Co. Bethel Park Borough	PAR10A112R	Hallmark Development Group Inc. 1000 RIDC Plaza Suite 200 Pittsburgh, PA 15238	Piney Fork	Allegheny County CD (412) 241-7645
Allegheny Co. Oakmont Borough	PAR10A116R	Oakmont Commons Joint Venture P. O. Box 1253 McMurray, PA 15317	Chartiers Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Marshall Twp.	PAR10A117R	Quail Associates P. O. Box 428 Warrendale, PA 15080	Brush Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Oakmont Borough	PAR10A119R	Joseph B. Fay Company 1374 Freeport Rd. P. O. Box 11351 Pittsburgh, PA 15238	Plum Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Pine Twp.	PAR10A120R	Mark M. and Dona Karas 3201 Deer Path Drive Gibsonia, PA 15044	UNT Montour Run	Allegheny County CD (412) 241-7645
Allegheny Co. Marshall Twp.	PAR10A123R	Regional Industrial Development Corp. of SW PA 907 Penn Ave., 7th Floor Pittsburgh, PA 15222-3805	Brush Creek	Allegheny County CD (412) 241-7645
Allegheny Co. South Fayette Twp.	PAR10A127R	Donald Fink P. O. Box 200 Imperial, PA 15126	Millers Run	Allegheny County CD (412) 241-7645
Allegheny Co. Pleasant Hills Borough	PAR10A133R	Robinson Land Company, Inc. 107 Mt. Blaine Drive McMurray, PA 15317	Lewis Run	Allegheny County CD (412) 241-7645
Allegheny Co. West Deer Twp.	PAR10A139R	Frey/Schweiner Partnership 4399 Gibsonia Rd. Gibsonia, PA 15044	Deer Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Richland Twp.	PAR10A140R	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	Deer Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Marshall Twp.	PAR10A142R	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	UNT Big Sewickley Crk.	Allegheny County CD (412) 241-7645
Allegheny Co. Robinson Twp.	PAR10A144R	Phillips Contracting Co. Inc. 88 Beaver Grade Rd. McKees Rocks, PA 15136	Cabbells Run	Allegheny County CD (412) 241-7645
Allegheny Co. Plum Borough	PAR10A148R	P. Borst 12 Manorfield Drive Delmont, PA 15626	Thompson Run	Allegheny County CD (412) 241-7645
Allegheny Co. Franklin Park Borough	PAR10A150R	H & H Development Co. 939 Sheraton Drive Mars, PA 16046	Pine Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Shaler Twp.	PAR10A155R	Shaler Area School District 1800 Mt. Royal Blvd. Glenshaw, PA 15116	Pine Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Monroeville	PAR10A156R	RJD Enterprises Inc. 175 Center Street, Apt. 820 Quincy, MA 02169	Turtle Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Whitehall Borough City of Pittsburgh	PAR10A160R	PA Dept. of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Saw Mill Run	Allegheny County CD (412) 241-7645

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Allegheny Co. Harmar Twp.	PAR10A162R	John Hobart Miller and Ballytown Company 1344 Freeport Rd. Pittsburgh, PA 15238	Campbells Run	Allegheny County CD (412) 241-7645
Allegheny Co. Findlay Twp.	PAR10A173R	Carol Mazzaro P. O. Box M Clinton, PA 15026	Montour Run	Allegheny County CD (412) 241-7645
Allegheny Co. Kennedy Twp.	PAR10A174R	Montour School District 90 Grant St. Coraopolis, PA 15108	Wexford Run	Allegheny County CD (412) 241-7645
Allegheny Co. Scott Twp.	PAR10A179R	Jeremiah Fitzgerald 10 Swallow Hill Rd. Carnegie, PA 15106	Georges Run	Allegheny County CD (412) 241-7645
Allegheny Co. Hampton Twp.	PAR10A182R	Shetland Development Co. 100 Arthur Drive Wexford, PA 15090	Pine Creek	Allegheny County CD (412) 241-7645
Allegheny Co. Hampton Twp.	PAR10A185R	Polo Fields Associates Four Gateway Center Suite 212 Pittsburgh, PA 15222	Crouse Run	Allegheny County CD (412) 241-7645
Allegheny Co. West Mifflin Borough	PAR10A192R	West Mifflin Area School District 515 Camp Hollow Road West Mifflin, PA 15122	Thompson Run	Allegheny County CD (412) 241-7645
Allegheny Co. Wilkesburg Borough	PAR10A193R	Waste Management of Pennsylvania 450 Brushton Ave. Pittsburgh, PA 15208	Nine Mile Run	Allegheny County CD (412) 241-7645
Allegheny Co. North Fayette Twp.	PAR10A195R	John Crow 105 East St. New Cumberland, WV 26047	Half Crown Run	Allegheny County CD (412) 241-7645
Allegheny Co. Pine Twp.	PAR10A197R	Atlas Development Trust 10521 Perry Highway Suite 300 Wexford, PA 15090	UNT Ohio River	Allegheny County CD (412) 241-7645
Allegheny Co. North Fayette Twp.	PAR10A198R	North Fayette Twp. 400 North Branch Rd. Oakdale, PA 15071	Montour Run	Allegheny County CD (412) 241-7645
Allegheny Co. Monroeville	PAR10A211	Terra Land Company 550 Washington Ave. Carnegie, PA 15106	Turtle Crk.	Allegheny County CD (412) 241-7645
Allegheny Co. McCandless	PAR10A212	The Development Group of Rose Valley 3380 Babcock Blvd. Pittsburgh, PA 15237	Lowries Run	Allegheny County CD (412) 241-7645
Allegheny Co. Franklin Park Borough	PAR10A220	Nicholson Woods Inc. 5476 Route 8 and Cook Road Gibsonia, PA 15044	Fish Run	Allegheny County CD (412) 241-7645
Allegheny Co. North Fayette Twp.	PAR10A233	George Wagner P. O. Box 419 Sturgeon, PA 15082	Montour Run	Allegheny County CD (412) 241-7645
Allegheny Co. Pine Twp.	PAR10A234	Pine Richland School District 4046 Ewalt Rd. Gibsonia, PA 15044	Pine Creek	Allegheny County CD (412) 241-7645

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Allegheny Co. Monroeville	PAR10A239	Manor Car Health Services 11555 Darreston Rd. Gaithersburg, MD 20878	Turtle Crk.	Allegheny County CD (412) 241-7645
Cumberland Twp. Adams County	PAR-10-0002-R	Marsh Hill Development Co. Inc. 224 Baltimore St. Gettysburg, PA 17325	Rock Creek	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Cumberland Twp. Adams County	PAR-10-0003-R	Times and News Publishing Co. 18 Carlisle St. Gettysburg, PA 17325	Willoughby Run	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Oxford Twp. Adams County	PAR-10-0004-R	Donald B. Smith 450 Spangler Rd. New Oxford, PA 17350	So. Branch Conewago Crk.	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Cumberland Twp. Adams Co.	PAR-10-0006-R	Robert Monahan, Jr. 131 Carlisle St. Gettysburg, PA 17325	Willoughby Run	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Abbottstown Borough Berwick Twp. Adams Co.	PAR-10-0007-R	John T. Spicer 257 Country Club Rd. Abbottstown, PA 17301	Beaver Crk.	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Hamilton Twp. Adams Co.	PAR-10-0008-R	Saleta Stewart 1880 Pine Run Rd. Abbottstown, PA 17301	Conewago Crk.	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Arendtsville Borough Adams Co.	PAR-10-0010-R	Glen E. Simpson & Son, Inc. 37 South Fifth St. Gettysburg, PA 17325	West Conewago Crk.	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Oxford Twp. Adams Co.	PAR-10-0012-R	Midge Kuhn 536 Carlisle St. Hanover, PA 17331	S. Branch Conewago Creek	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Mt. Pleasant Twp. Adams Co.	PAR-10-0014-R	Thomas and Mary Gebhart 200 Wheatland Dr. Gettysburg, PA 17325	Littles Run	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Mt. Joy Twp. Adams Co.	PAR-10-0019-R	William Frank Walls, Sr. 6035 Taneytown Pike Taneytown, MD 21787	Littles Run	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Manheim Twp. Lancaster Co.	PAR-10-O-011-R	Landis Homes Retirement Center 1001 East Oregon Rd. Lititz, PA 17543	Kurtz Run	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Twp. Lancaster Co.	PAR-10-O-078-R	Martin Investors 48 Mechanic St. Reinholds, PA 17569	Cocalico Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Cocalico Twp. Lancaster Co.	PAR-10-O-093-R	Covance Research Products 310 Swampbridge Rd. Denver, PA 17517	UNT Cocalico Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361

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East Lampeter Twp. Lancaster Co.	PAR-10-O-123-R	Lancaster Mennonite High School 2176 Lincoln Highway East Lancaster, PA 17602	Mill Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Twp. Lancaster Co.	PAR-10-O-134-R	Southern Container Corporation 500 Richardson Dr. Lancaster, PA 17601	UNT Little Conestoga Creek West Branch	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Strasburg Borough Lancaster Co.	PAR-10-O-148-R	Jeff Rutt and Gary Shirk 214A Willow Valley Lakes Dr. Willow Street, PA 17584	Pequea Crk. Walnut Run	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Twp. Lancaster Co.	PAR-10-O-160-R	Keystone Homes Inc. 214A Willow Valley Lakes Dr. Willow Street, PA 17584	UNT Big Spring Run UNT Mill Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Twp. Lancaster Co.	PAR-10-O-165-R	Shah Mathias Eastern Development P. O. Box 163 Red Lion, PA 17356	UNT East Donegal Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Donegal Twp. Lancaster Co.	PAR-10-O-213-R	R W Grand Lodge F & AM of PA One Masonic Dr. Elizabethtown, PA 17022	Conoy Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Clay Twp. Lancaster Co.	PAR-10-O-239-R	A.A.M. Management Corp. 215 West Church Rd. Suite 105 King of Prussia, PA 19406	UNT Middle Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Donegal Twp. Lancaster Co.	PAR-10-O-266	Alice Pheisey 1285 West Ridge Rd. Elizabethtown, PA 17022	Conoy Creek	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manchester Twp. York Co.	PAR-10-Y081-R	MGM/NSC Joint Venture c/o Lenders Support Group 18 South George St. York, PA 17401	UNT to Little Conewago Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Twp. Springettsbury Twp. York Co.	PAR-10-Y235-R	PA Dept. of Transportation SR 0030 Section B01 2140 Herr St. Harrisburg, PA 17103	Codorus Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
City of York York Co.	PAR-10-Y268-R	Edgar Fah Smith Middle School 829 S. Lindgergh Ave. York, PA 17403	Willis Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Twp. York Co.	PAR-10-Y272-R	James Argento/Mini Storage Units 890 Windsor Rd. York, PA 17402	Kreutz Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Twp. York Co.	PAR-10-Y275-R	Hanover Foods Corporation Repack Addition P. O. Box 334 Hanover, PA 17331	Oil Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Swatara Twp. Dauphin Co.	PAR-10-I113-R	Eastern Development & Planning 7300 Derry St. Harrisburg, PA 17111	Spring Creek West	Dauphin CCD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Northampton Co. Lower Saucon Twp.	PAR10U082	Lawrence Bell, Sr. 60 Broad St. Suite 301 Bethlehem, PA 18018	Saucon Crk.	Northampton CCD (610) 746-1971
<i>General Permit Type—PAG 3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Conewango Twp. Warren Co.	PAR708318	West Penn Oil Company, Inc. 1425 Market Street Extension P. O. Box 805 Warren, PA 16365	Jackson Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Westmoreland Co. Allegheny Twp.	PAR206138	Alon Surface Technologies P. O. Box 231 Grantham St. Tarentum, PA 15084	UNT to the Kiskiminetas River	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Co. Chartiers Twp.	PAR506106	William H. Martin, Inc. 10700 Frankstown Rd. Pittsburgh, PA 15235	UNT of Georges Run and Chartiers Crk.	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland Co. North Huntingdon Twp.	PAR506107	Chambers Development Co., Inc. 10700 Frankstown Rd. Pittsburgh, PA 15235	UNT to Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny Co. Monroeville	PAR506108	Chambers Development Co., Inc. 10700 Frankstown Rd. Pittsburgh, PA 15235	UNT to Turtle Crk.	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria Co. Jackson Twp.	PAR506109	Chambers Laurel Highlands Landfill, Inc. 196 Wagner Rd. Vintondale, PA 15961	UNT to Rummel Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG 4**Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Columbia Orange Twp.	PAG044970	David C. and Shelly Crawford R. D. 1, Box 10 Orangeville, PA 17859	Green Crk.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming Upper Fairfield Twp.	PAG044975	Henry G. Thomas R. R. 4, Box 631 Montoursville, PA 17754	Unnamed tributary of Kaiser Hollow Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Tioga Delmar Twp.	PAG044984	Mark Cooper R. D. 6, Box 128 Wellsboro, PA 16901	Unnamed trib. E. Branch Stony Fork Crk.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Westmoreland Co. East Huntingdon Twp.	PAG046143	Robert L. Blosser R. R. 1, Box 571 Scottsdale, PA 15683	Jacobs Crk.	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny Co. Plum Borough	PAG046144	Daniel G. Shuss 312 Knollview Dr. Pittsburgh, PA 15239	Unnamed tributary of Pierson Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG 8**Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lower Allen Twp. York Co.	PAG-08-3510	Lower Allen Township Authority 120 Limekiln Rd. New Cumberland, PA 17070-2428		Southcentral Regional Office 1 Ararat Blvd. Harrisburg, PA 17111 (717) 657-4590

SEWAGE FACILITIES ACT**PLAN APPROVAL****Plan disapproval issued under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

Regional Office, Water Management Program Manager, Southcentral Region, One Ararat Blvd., Harrisburg, PA 17110.

Location: Cromwell Township, Huntingdon County, P. O. Box 340, Orbisonia, PA 17243.

The plan is disapproved because Cromwell Township failed to address eight plan deficiencies identified in the Department's letter to the municipality dated March 28, 1994. With the lack of an approved Official Plan, as required by 25 Pa. Code § 71.11, permit limitations specified in 25 Pa. Code § 72.23 are now in effect for specific areas of a municipality. The affected areas are depicted as areas IV, VI and VII on Exhibit II-9 in the disapproved plan submission.

The plan deficiencies are listed in the following paragraphs.

1. Proposed project user costs jeopardize plan implementation. Annual user costs of \$1,167/yr. are dependent upon a significant, assumed grant amount from FmHA and do not include the purchase cost for 51,000 gpd treatment capacity from Orbisonia—Rockhill Joint Municipal Authority (ORJMA). The former is an unknown and the latter will increase user cost. Methods of cost cutting, additional funding analysis and alternative low technology be explored in an effort to enable affordable plan implementation.

2. Sewer service area mapping Exhibit 1—2 does not provide sufficient detail. A map scale approaching 1 inch to 1,000 feet is recommended to accurately depict the proposed sewer service area. All existing improved and undeveloped lots must be included.

3. The alternatives analysis is inadequate. Area VI includes significant needs and an under utilized waste water treatment plant (Southern Huntingdon County High School), yet the alternative of serving the Pogue area with this treatment plant (with or without municipal ownership) was not considered.

4. Deficiency deleted.

5. A discrepancy exists concerning the selected alternative project size. Number of residences, population and number of edus for Area VII conflict on numerous tables in Plan section II and III. These discrepancies must be resolved.

6. Project implementation schedule is incomplete. The implementation schedule does not include milestones for completion of Phase II or creation of a township sewer authority. All significant milestones necessary to successfully implement this plan must be included.

7. Plan consistency with Pennsylvania Historical and Museum Commission requirements has not been documented. Required documentation concerning plan consistency with the Commonwealth's historical and archeological resources protection programs must be included.

8. Plan consistency with protection of plant and animal species of concern has not been established. Pennsylvania Natural Diversity Inventory (PNDI) reported 10 plant species and one animal species of special concern. The plan, however, does not contain any indication that the appropriate agencies were contacted or agree with any mitigation efforts. Plan consistency must be documented.

9. All subdivisions recorded since May 15, 1972, have not been identified or mapped as required. Be advised that no regulatory distinction is made for the number of lots in a subdivision, in base plans; therefore major or minor classifications are irrelevant. The plan indicates that six major subdivisions have occurred since 1972. Additionally, 59 minor subdivisions are reported from 1985 to the present, leaving a 13-year period without any minor subdivision activity. Please identify and map the location of all subdivisions since 1972, determine their planning status and complete reconstructive planning as necessary.

SAFE DRINKING WATER

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

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

Permit No. 0997515. Public water supply. **Hilltown Township Water and Sewer Authority**, Scott Tagg, 13 W. Creamery Road, Hilltown, PA 18927. A permit has been issued granting Hilltown Township Water and Sewer Authority permission to construct a booster pumping station and a 1.0 mg water storage tank. The project includes three booster pumps and control valve pit. Ductile iron pipe will be installed from the booster pump station the storage tank in Hilltown Township, **Bucks County**.

Type of Facility: Public Water Supply System

Consulting Engineer: Cowan Associates, Inc., 120 Penn-Am Drive, Quakertown, PA 18951

Permit to Construct Issued: December 9, 1997

Regional Office, Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

A. 1492504. The Department issued an operating permit to **State College Borough Water Authority** (1201 West Branch Road, State College, PA 16801-7697, State College Borough, **Centre County**) for operation of Grays Woods Well Field.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995
Preamble 3

The following final reports were submitted under the Land Recycling and Environmental 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 (Department) 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, contact the Environmental Cleanup Program in the Department's 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 reports.

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

Distribution Pole # 37049N23278, Mount Carmel Borough, **Northumberland County.** **PP&L,** Two North Ninth Street, Allentown, PA 18101-11779 has submitted a Final Report addressing soil contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

International Paper—Lock Haven Mill, Castanea Township, **Clinton County.** International Paper, P. O. Box 268, Lock Haven, PA 17745 has submitted a Final Report addressing groundwater contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Koch Materials Company, Windber Borough, **Somerset County.** Whitaker and Sons, SR 160, Windber, PA 15963, Koch Materials Company, P. O. Box 13210, Charleston, SC 29422-33210 and Bruce A. Shaw, Fluor Daniel GTI, Inc., 637 Braddock Ave., East Pittsburgh, PA 15112 has submitted a Final Report addressing soil contaminated with BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

Northwest Regional Office: Craig Lobins, Acting Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Garnon Truck Equipment, Millcreek Township, Erie County, 1617 Peninsula Drive, has submitted a Final Report to remediate soil and groundwater contaminated with BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Pennsylvania Power & Light Company (PP&L)—Retired Madison Avenue Substation, City of Bethlehem, Northampton County. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

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.

First Recovery, Division of Ecogar, P. O. Box 14947, Lexington, KY 40512; License No. **PA-AH 0449**; renewal license issued December 10, 1997.

Fortress Trucking Limited, R. R. 1, Elora, Ontario NOB1S; License No. **PA-AH 0512**; renewal license issued December 8, 1997.

Hudson Jersey Sanitation Co., 275 Patterson Avenue, Little Falls, NJ 07424; License No. **PA-AH 0576**; renewal license issued December 4, 1997.

Metropolitan Environmental Inc., P. O. Box 378, Celina, OH 45822; License No. **PA-AH 0289**; renewal license issued December 8, 1997.

Set Environmental, Inc., 450 Sumac Road, Wheeling, IL 60090; License No. **PA-AH S226**; renewal license issued December 4, 1997.

Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 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.

Modern Transportation Services, P. O. Box 390, Portersville, PA 16051; License No. **PA-AH 0325**; license terminated November 26, 1997.

Progressive Disposal Group, Inc., 510 East Barnard Street, Suite A-6, West Chester, PA 19382; License No. **PA-AH 0445**; license terminated December 1, 1997.

License expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Les Souders Chagnon Limitee, 580 Lionel Boulet, Varennes, PQ J3X 1S5; License No. **PA-AH 0455**; license expired on November 30, 1997.

Marcor Environmental, Inc., P. O. Box 1043, Hunt Valley, MD 21030; License No. **PA-AH 0397**; license expired on November 30, 1997.

Safety-Kleen Corp., 1 North Randall Road, Elgin, IL 60123-7857; License No. **PA-AH S219**; license expired on November 30, 1997.

BENEFICIAL USE DETERMINATIONS

Approval of determination of applicability 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 residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office, Division of Municipal and Residual Waste, 14th Floor, Market Street State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit Determination of Applicability No. WMGR002D003. Green Horizon Environmental, Inc., 2230 Dekalb Street, Suite 300, Norristown, PA 19401 under permit WMGR002 issued to Willamette Industries, Inc. for the beneficial use of wastewater treatment sludge generated by paper mills as a soil additive to facilitate revegetation on disturbed land at permitted and abandoned mine sites. Determination of applicability was issued by Central Office on December 11, 1997.

Persons interested in reviewing the permit may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Permit 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 residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office, Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit No. WMGR042. U. S. Steel, Mon Valley Works, Edgar Thomson Plant, 13th and Braddock Avenue, Braddock, PA 15104. A permit for the beneficial use of slag fines from the basic oxygen process (BOP) for use as construction material. The permit was issued by Central Office on December 12, 1997.

Persons interested in reviewing the permit may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

**OPERATE WASTE PROCESSING OR
DISPOSAL AREA OR SITE**

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

Permit No. 100148. Grows Landfill, 1121 Borden-town Road, Morrisville, PA 19067. This permit was issued for a major modification to the landfill gas management plan due to direct sale of gas to PECO Energy. Permit was issued in the Southeast Regional Office on December 19, 1997.

**PREVIOUSLY UNPERMITTED CLASS OF
SPECIAL HANDLING WASTE**

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and municipal waste regulations for general permits for the processing of infectious or chemotherapeutic waste.

Central Office, Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit No. WMGI010. SmithKline Beecham Research Co., 1250 S. Collegeville Road, Collegeville, PA 19426-0989. A permit for the processing/disinfection of infectious waste using chemical and thermal digestion using sodium or potassium hydroxide. The permit was issued by the Central Office on December 11, 1997.

Persons interested in reviewing or registration information may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

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

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

Cumberland Waste Service, Inc., 142 Vaughn Road, Shippensburg, PA 17257; License No. **PA-HC 0202**; license issued December 3, 1997.

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

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

Incendere, Inc., 3710 Indian River Road, Chesapeake, VA 23325; License No. **PA-HC 0058**; renewal license issued December 3, 1997.

University of Pittsburgh of the Commonwealth System of Higher Education, 3900 O'Hara Street, Pittsburgh, PA 15261; License No. **PA-HC 0183**; renewal license issued December 8, 1997.

AIR POLLUTION

OPERATING PERMITS

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

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

GP5-17-08: Lomak Operating Company (P. O. Box 235, Yatesboro, PA 16263) issued on November 26, 1997 for a 120 horsepower engine and a natural gas dehydrator at the Rampian Station in Penn Township, **Clearfield County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

GP-61-195: Lomak Operating Co. (P. O. Box 235, Yatesboro, PA 16263) for the gas production facility at the Haslet Compressor Station in Jackson Township, **Venango County**.

GP-20-257: Lomak Operating Co. (P. O. Box 235, Yatesboro, PA 16263) for the gas production facility at the Lippert Compressor Station in East Fairfield Township, **Crawford County**.

GP-43-271: Lomak Operating Co. (P. O. Box 235, Yatesboro, PA 16263) for the gas production facility at the Wallace Compressor Station in French Creek Township, **Mercer County**.

GP-20-253: Lomak Operating Co. (P. O. Box 235, Yatesboro, PA 16263) for the gas production facility at the Miller Compressor Station in Rome Township, **Crawford County**.

GP-61-194: Lomak Operating Co. (P. O. Box 235, Yatesboro, PA 16263) for the gas production facility at the Toonerville Compressor Station in Cherrytree Township, **Venango County**.

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

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-24-064A. Quality Components, Inc. (R. R. 1, Box 300, Ridgway, PA 15853) for two spray paint booths and dry filters in Ridgway, **Elk County**.

33-302-017. Punxsutawney Area School District (Beyer Avenue, Punxsutawney, PA 15767) for a space heating boiler and regenerative centrifugal cyclone in Punxsutawney, **Jefferson County**.

OP-43-300A: Atlas Resources Inc., Hurtt Compressor Station (57 Drake Road, Mercer, PA 15108) for a

natural gas compressor and dehydrator in East Lacawannock Township, **Mercer County**.

OP-43-301A: Atlas Resources, Inc., Jackson Center Compressor Station (103 Hosack Road, Jackson Center, PA 15108) for a natural gas compressor and dehydrator in Jackson Center, **Mercer County**.

PA-24-022A: St. Marys Carbon Co. (1939 State Street, St. Marys, PA 15857) for a continuous furnace in St. Marys, **Elk County**.

PLAN APPROVALS

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

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

35-310-024E: Keystone Quarry Inc. (Dunham Drive, Dunmore, PA 18512) issued December 1, 1997, for the modification of a crushing operation with air pollution control by a water spray system in Dunmore Borough, **Lackawanna County**.

35-322-003B: Alliance Landfill Inc. (P. O. Box 28, Taylor, PA 18517) issued December 12, 1997, for the construction of a kryogenic condensation plant in Taylor Borough, **Lackawanna County**.

35-329-001B: Keystone Recovery Inc. (Marshwood Road, Throop, PA 18512) issued December 11, 1997, for the modification of seven IC engines utilizing lean burn technology in Throop Borough, **Lackawanna County**.

40-306-007C: Williams Generation Company (R. R. 1, Box 409-D, Humboldt Industrial Park, Hazleton, PA 18201) issued December 11, 1997, for the modification of a gas turbine with air pollution control by a water spray injection system in Hazle Township, **Luzerne County**.

40-309-036A: Schott Glass Technologies Inc. (400 York Avenue, Duryea, PA 18642) issued December 12, 1997, for the construction of a glass melting furnace with air pollution control by a packed tower scrubber and baghouse in Duryea Borough, **Luzerne County**.

48-313-080: Binney & Smith Inc. (2475 Brodhead Road, Bethlehem, PA 18017) issued December 11, 1997, for the construction of mixers and kettles with air pollution control by baghouses in Bethlehem Township, **Northampton County**.

54-310-015G: Huss Contracting Company (P. O. Box 549, Tamaqua, PA 18252) issued December 1, 1997 for the construction of a stone crushing operation with air pollution control by a water spray system in West Penn Township, **Schuylkill County**.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

36-323-001B: Mount Joy Wire Corporation (1000 East Main Street, Mount Joy, PA 17552) issued December 19, 1997, for the construction of two tempering lines (Nos. 7 and 8) in Mount Joy Borough, **Lancaster County**.

67-310-053: York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405) issued December 19, 1997, for the installation of the stone crushing plants controlled by baghouses at their Lincoln Stone Quarry in Jackson

Township, **York County**. These sources are subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-20-194A: Lord Corp. (P. O. Box 556, Saegertown, PA 16433) issued November 24, 1997, for the construction of a reactor/hold tank in Saegertown, **Crawford County**.

24-313-088D: Carbone of America, Corp. (215 Stackpole St., St. Marys, PA 15857) for the installation of car kilns in St. Marys, **Elk County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 the 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).

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

Coal Applications Issued

11920110. Permit Renewal, Laurel Land Development, Inc. (P. O. Box 629, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Blacklick Township, **Cambria County**, affecting 42.0 acres, receiving stream Coalpit Run and unnamed tributaries to the South Branch of Blacklick Creek; application received October 20, 1997, permit issued December 12, 1997.

32960104. D. J. & W. Mining, Inc. (P. O. Box 425, Indiana, PA 15701). Boundary revision to add 8.4 acres to an existing bituminous surface mine permit for additional mining of the Lower Freeport coal seam. Total SMP acres goes from 71.0 to 79.4. This site is located in Rayne Township, **Indiana County**. Receiving streams are Brush Run and Crooked Creek and unnamed tributaries to Brush Run and Crooked Creek. Application received October 9, 1997. Application issued December 18, 1997.

5679123. Sanner Energies, Inc. (1179 Rockdale Road, Rockwood, PA 15557). Stream variance and encroachment to affect within 100 feet of an unnamed tributary to Shoemaker Run and a boundary revision to add 2.0 acres to the southwestern side of the permit. Total MDP acres goes from 245.0 to 247.0. This site is located in Southampton Township, **Somerset County**, receiving streams unnamed tributary to Shoemaker Run and to Shoemaker Run. Application received October 28, 1997. Application issued December 17, 1997.

McMurray District Office

63951601. Vesta Mining Co. (P. O. Box 409, Fredericktown, PA 15333), to operate the Vesta Refuse Disposal Facility in North Bethlehem Township, **Washington County**, new preparation and coal refuse facility, unnamed tributary to Daniels Run. Permit issued December 17, 1997.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16340.

17940113. E. P. Bender Coal Co., Inc. (Main and Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722), major revisions to an existing bituminous surface mine permit, Beccaria Township, **Clearfield County**, for an increase in permit acreage from 101 to 127 acres, and a stream encroachment application which includes a variance on the 100 foot barrier of an unnamed tributary to Turner Run. The variance is requested to conduct mining and related pre-Act mining in order to reclaim and restore abandoned mine lands. The variance area on the unnamed tributary begins approximately 800 feet upstream of its juncture with Turner Run and extends northeastward for a distance of approximately 1,400 feet. The unnamed tributary will be relocated approximately 150 feet west of its current path; application received September 22, 1997, permit issued December 4, 1997.

17920115. P & N Coal Co., Inc. (240 W. Mahoning Street, Punxsutawney, PA 15767), renewal of an existing bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 16.5 acres, receiving streams: unnamed tributary to the West Branch of the Susquehanna River; application received October 17, 1997, permit issued December 11, 1997.

17920122. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger permit in Baccaria Township and Coalport Borough, **Clearfield County** affecting 372.9 acres, receiving streams: Blain Run, Turner Run and Clearfield Creek; application received October 17, 1997, permit issued December 11, 1997.

17970102. EnerCorp, Inc. (R. R. 2, Box 236, Morrisdale, PA 16858), commencement, operation and restoration of a bituminous surface mine permit in Graham Township, **Clearfield County** affecting 58.9 acres, receiving streams: Alder Run, and Flat Run to Alder Run, Alder Run to West Branch Susquehanna River; application received March 10, 1997, permit issued November 25, 1997.

17970109. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous surface mine-auger permit in Chest Township, **Clearfield County** affecting 224.6 acres, receiving streams: unnamed tributaries of Chest Creek to Chest Creek to the West Branch of the Susquehanna River; application received June 17, 1997, permit issued December 11, 1997.

17970108. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 453 acres, receiving streams: unnamed tributaries of Whiskey Run and unnamed tributaries of Haslett Run to Whiskey Run and Hamlett Run both contributory to West Branch Susquehanna River; application received May 19, 1997, permit issued December 16, 1997.

17870129. Sky Haven Coal, Inc. (R. R. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous

surface mine permit in Morris Township, **Clearfield County** affecting 498.3 acres, receiving streams: Emigh Run to Moshannon Creek and an unnamed tributary to Laurel Run also a tributary to Moshannon Creek; application received October 17, 1997, permit issued December 16, 1997.

14960101. Bern Coal, Inc. (P. O. Box 47, LeContes Mills, PA 16850-0047), transfer of an existing bituminous surface mine permit from Chestnut Ridge Coal Company, Snow Shoe Township, **Centre County** affecting 48.5 acres, receiving streams: North Fork Beech Creek to Beech Creek, Beech Creek to Bald Eagle Creek; Bald Eagle Creek to West Branch Susquehanna River; application received July 30, 1997, permit issued December 16, 1997.

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

Small Industrial Mineral Authorizations Granted

08970808. Cecil Johnson, Jr. (R. R. 2, Box 312A, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial mineral (Bluestone) permit in Pike Township, **Bradford County** affecting 1 acre, receiving streams: none; application received May 6, 1997, authorization granted December 5, 1997.

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

Large Industrial Mineral Permits Issued

4977SM4. Daggett Sand & Gravel, Inc. (R. R. 1, Box 13A, Millerton, PA 16936), transfer of an existing large industrial mineral (sand and gravel) permit from Gordon C. Martin Construction, Jackson Township, **Tioga County** affecting 12.6 acres, receiving streams: Seeley Creek; application received April 25, 1997, permit issued December 9, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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)).

Persons aggrieved by this action may appeal under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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 Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

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

E09-749. Encroachment Permit. **Dee Cee Jay, Inc.**, River Road, Tullytown, PA 19007. To install and maintain approximately 925 linear feet of riprap protection along the bank of the Tullytown Cove, a portion of the Delaware Estuary (WWF-MF). Riprap will be placed from top of bank to a point just above the mean high water elevation. The site is located approximately 500 feet northeast of the confluence of Martins Creek and Tullytown Cove (Trenton West PA-NJ, USGS Quadrangle N: 1.90 inches, W: 8.90 inches) in Tullytown Borough, **Bucks County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E15-546. Encroachment Permit. **Uwchlan Township**, 715 North Ship Road, Exton, PA 19341. To construct and maintain a bituminous pedestrian trail along and across Shaman Creek (HQ, TSF, MF) and in the adjacent 100-year floodway which include the following activities:

1. The construction of four pedestrian bridge structures with the following dimensions across Shaman Creek:

a. Crossing No. 1—52 feet long x 6.5 feet wide with 6.25 feet underclearance

b. Crossing No. 2—60 feet long x 10 feet wide with 8.00 feet underclearance

c. Crossing No. 3—68 feet long x 6.5 feet wide with 12.25 feet underclearance

d. Crossing No. 4—44 feet long x 6.5 feet wide with 6.5 feet underclearance

2. The construction of an approximately 2,100 foot long trail, paved with bituminous material, within the 100-year floodway of Shaman Creek.

3. The construction of 156 linear feet of retaining walls near crossing No. 3.

4. The extension of two existing stormwater culverts beneath Dowling Forge Road along Shaman Creek as follows:

a. 10 L. F. of 24-inch CMP

b. 4 L. F. of 18-inch CMP

5. To place approximately 50 linear feet of 18-inch CMP culvert in and along an existing mill race to provide access over the mill race.

6. To place fill in a de minimis area of wetland (PFO) near Shaman Creek.

The project proposes 8,000 feet of walking trail connecting Shaman Creek Park with the Struble Trail, and is located along Dowling Forge Road (T-581) and east of Shelmire Road (Downingtown, PA Quadrangle, N: 7.5 inches; W: 10.25 inches) in Uwchlan Township, **Chester County**.

E46-780. Encroachment Permit. **Lower Pottsgrove Township**, 2199 Buchert Road, Pottstown, PA 19464. To replace an existing deteriorated and inadequate single span, concrete encased steel stringer bridge, spanning Sanatoga Station Road over Sprogels Run (WWF). The proposed single span bridge will be constructed on the same horizontal and vertical alignments. The project proposes to increase the bridge's roadway width from 14.83 feet to 24 feet, to accommodate increased traffic volumes. The proposed bridge is a 20-foot single span structure with a minimum underclearance of 12 feet, and consists of composite prestressed concrete adjacent box beams with reinforced concrete slab superstructure on reinforced concrete abutments. This bridge is located approximately 850 feet upstream from the confluence of Sprogels Run with the Schuylkill River and east of the intersection of Porter Road and Sanatoga Station Road (Phoenixville, PA Quadrangle N: 20.5 inches; W: 15.3 inches) in Lower Pottsgrove Township, **Montgomery County**.

E46-783. Encroachment Permit. **Horsham Township**, 1025 Horsham Road, Horsham, PA 19044. To construct and maintain a 2-foot by 8-foot low flow culvert in and along Pennypack Creek for the purpose of constructing the Horsham Township Jogging Path, located along the PECO Energy easement near the terminus of Colonial Drive (Ambler, PA Quadrangle N: 10.1 inches; W: 3.8 inches) in Horsham Township, **Montgomery County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

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

E35-274. Encroachment. **Jefferson Township**, Box 448, R. R. 3, Lake Ariel, PA 18436. Giving its consent to place fill in a de minimis area of wetlands less than or equal to 0.05 acre for the construction and maintenance of an 18-inch diameter outfall structure located 0.3 mile southeast of the intersection of S. R. 0348 and S. R. 2003 (Cortez Road) (Lake Ariel, PA Quadrangle N: 6.7 inches; W: 15.8 inches) and to construct and maintain a sanitary sewer line in wetlands as follows: 1) 315 linear feet of 10-inch diameter D.I.P. force main and 370 linear feet of 18-inch diameter concrete or polyethylene pipe discharge main, located 0.3 mile southeast of the intersection of S. R. 0348 and S. R. 2003 (Cortez Road) (Lake Ariel, PA Quadrangle N: 6.7 inches; W: 15.8 inches); 2) 540 linear feet of 8-inch diameter PVC gravity line located 0.25 mile northeast of S. R. 0348 and S. R. 2003 (Cortez Road) (Lake Ariel, PA Quadrangle N: 7.3 inches; W: 15.6 inches); 3) 90 linear feet of 8-inch D.I.P. located approximately 360 linear feet southeast of the cul-de-sac on Second Street in Jefferson Heights (Olyphant, PA Quadrangle N: 7.8 inches; W: 0.6 inch); and 4) 20 linear feet of 8-inch D.I.P. located along the abandoned gravity railroad approximately 900 feet west of the intersection with Willow Drive in Floral Estates Development (Olyphant, PA Quadrangle N: 7.8 inches, W: 0.6 inch). The project is associated with the Jefferson Township Sanitary Sewer Project located at various locations in Jefferson Township, **Lackawanna County**.

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

E08-325. Encroachment. **Litchfield Township Supervisors**, R. R. 2, Box 467, Athens, PA 18810. To remove the existing structure and to construct and maintain a 14.25

feet by 9.61 feet CMP arch culvert, 47 feet long in Parks Creek under Parks Hollow Road (T-901) approximately 0.25 mile south of the intersection of SR 1043 with T-901 (Litchfield, PA Quadrangle N: 22.3 inches; W: 11.5 inches) in Litchfield Township, **Bradford County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E14-311. Encroachment. **Walter and Ann Heaton**, R. R. 2, Box 298B, Clearfield, PA 16830. To construct and maintain a single span I-beam/plank bridge having a clear span of 57 feet and an average underclearance of 6 feet across Steel Hollow Run located approximately 600 feet south of the intersection of SR 3021 (Steel Hollow Road) and T-343 (Maurer Lane) (Port Matilda, PA Quadrangle N: 18.8 inches; W: 1.5 inches) in Houston Township, **Centre County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E18-236. Encroachment. **Henry Bertolotti**, 434 West Main St., Lock Haven, PA 17745. To modify, operate and maintain fill within the floodway of the West Branch Susquehanna River for the development of a recreational lot. The work shall consist of excavating 5,250 cubic feet of material from the floodway and constructing an access road that requires placement of 675 cubic feet of fill in the floodway that is located along the western right-of-way of SR 1001 approximately 1.1 miles west of the intersection of T-400 and SR 1001 (Lock Haven, PA Quadrangle N: 5.50 inches; W: 12.75 inches) in Woodward Township, **Clinton County**. This permit was issued under section 105.13(e) Small Projects.

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

E26-238. Encroachment. **Fayette County Board of Commissioners**, Courthouse, 61 East Main Street, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a single span bridge having a clear span of 54 feet and an underclearance of 4.8 feet across Jacobs Creek (WWF) located on T-364 at a point approximately 1,200 feet northeast of the intersection of T-364 and S. R. 3011 (Masontown, PA Quadrangle N: 11.65 inches; W: 1.5 inches) in Nicholson Township, **Fayette County**.

E30-183. Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To operate and maintain the activities constructed under Emergency Permit No. EP3097203 including a culvert crossing consisting of two 91-inch x 58-inch elliptical concrete pipes with their inverts depressed 1.0 foot below the stream bed in White Creek, bank stabilization along the left bank of White Creek upstream from the new culvert crossing for a distance of 53.0 feet and fill placement in a de minimis area of wetlands less than or equal to 0.05 acre. The project is located on S. R. 3006, Section A01, Segment 0010, Offset 0248 (Wadestown, WVA-PA Quadrangle N: 17.6 inches; W: 14.1 inches) in Gilmore Township, **Greene County**.

E56-280. Encroachment. **Indian Lake Borough**, Municipal Building, R. D. 1, Box 540, Central City, PA 15926-0540. To operate and maintain a culvert crossing consisting of four 72-inch corrugated metal pipes in Calendars Run constructed under Emergency Permit No. EP5697203 for the purpose of improving transportation safety and roadway standards. The crossing is located on Peninsula Drive just upstream from Indian Lake (Central City, PA Quadrangle N: 10.9 inches; W: 15.5 inches) in Indian Lake Borough, **Somerset County**. This permit

was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E02-1197. Encroachment. **Colony Courts, Inc.**, 3637 Green Road, Beechwood, OH 44122. To place and maintain fill in approximately 0.07 acre of wetlands for the purpose of construction of a multifamily community (Colony Courts North Phase 1). The project is located on the east side of Community Center Drive approximately 2,000 feet north of the intersection of Community Center Drive and SR 910 (Valencia, PA Quadrangle N: 2.5 inches; W: 8.6 inches) in Richland Township, **Allegheny County**. The permittee has fulfilled wetland replacement requirements by contributing to the Wetland Replacement Fund.

E03-330 A1. Encroachment. **Schenley Yacht Club, Inc.**, One Railroad Street, P. O. Box 62, Schenley, PA 15682. To amend Permit No. E03-330 to construct and maintain a 100-foot pile supported extension to the existing 72' x 500' dock along the left bank of the Allegheny River at Mile Marker 31.09 (Freeport, PA Quadrangle N: 12.15 inches; W: 4.85 inches) in Gilpin Township, **Armstrong County**.

E65-678. Encroachment. **Douglas A. and Constance Rhome**, R. D. 6, Box 945, Mount Pleasant, PA 15666. To operate and maintain an existing single span walkway bridge having a normal span of 16 feet and an underclearance of 5 feet across Boyer Run and to construct and maintain a single span bridge having a normal span of 17 feet and an underclearance of 5 feet across said stream just downstream from the walkway bridge for the purpose of providing emergency vehicles with access to house located off of Hecla Road, approximately 2 miles east of its intersection with U. S. Route 819 (Mount Pleasant, PA Quadrangle N: 14.5 inches; W: 3.5 inches) in Mount Pleasant Township, **Westmoreland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

SPECIAL NOTICES

Certified Emission Reduction Credits in Pennsylvania's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants; carbon monoxide (CO), lead (Pb), oxides of sulfur (SO_x), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. This computerized ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expire for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality

requirements are adopted by the Department or the United States Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
American National Can Company Contact Person: R. M. Rivetna (312) 399-3392 County: Lehigh, PA Nonattainment status: Moderate	VOCs	166.7	11/06/2002	Trading
National Fuel Gas Supply Corp. Knox Compressor Station County: Jefferson, PA Nonattainment status: Moderate	NOx	145.7	06/30/2002	Internal Use
National Fuel Gas Supply Corp. Roystone Compressor Station County: Warren, PA Nonattainment status: Moderate	NOx	103.3	12/28/2002	Internal Use
U. S. Naval Hospital Contact Person: Mark Donato (215) 897-1809 County: Philadelphia Nonattainment Status: Severe	NOx	30.5	3/31/2005	Trading
United States Steel Group Contact Person: Roy J. Weiskircher (412) 433-5914 County: Bucks Nonattainment Status: Severe	NOx VOC	1301.7 18.1	8/01/2001	Trading
Lord Corporation Source: Two coal fired boilers County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi (814) 868-0924	NOx	30.5	12/20/2004	Trading
Julian B. Slevin Co. Inc. Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact Person: Pam Walter (215) 979-1836	VOCs	85.22	12/20/2005	Trading
Graphic Controls Corporation Recipient: RIDC Southwestern Pennsylvania Growth Fund Ozone nonattainment status: Moderate Contact Person: F. Brooks Robinson (412) 471-3939	VOCs	104.0	5/15/2002	Trading
Package Service Co. Inc. Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski (412) 281-7997	VOCs	39.6	3/31/2002	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York (717) 293-2056	VOCs	147		Internal Use

Facility Information

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact Person: Robert Wallace (215) 632-2300	VOCs	388.0		Trading
Merck & Co. Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	NOx VOCs	319.4 31.8	Emission reductions approved for netting purpose	Internal Use
Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact Person: Tim McKenzie (814) 533-8670	NOx VOCs	452 3.0	1/18/2001	Trading
Pennsylvania Electric Company (Penelec) Recipient: Carpenter Technology Corp. Ozone nonattainment status: Moderate Contact Person: Sean McGowan (610) 208-3018	NOx	15.36	01/18/2001	Internal Use
Caparo Steel Company Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact Person: Anthony W. Kurley, Jr. (412) 983-1919	NOx VOCs	458.6 1.84	11/30/2002	Trading
Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact Person: Robert Trbovich (412) 983-6161	NOx VOCs	96.3 10.7	11/30/2002	Trading
Sharon Steel Corp. Recipient: Caparo Steel Company Ozone nonattainment status: Moderate Contact Person: Anthony W. Kurley, Jr. (412) 983-1919	VOCs	205	11/30/2002	Trading
Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact Person: Donald R. Schneider (412) 652-5531	NOx	214	4/02/2003	Trading
Pennsylvania Power Company (PA Power) Recipient: General Electric Company Ozone nonattainment status: Moderate Contact Person: Scott Gowdy (814) 875-2427	NOx	14	4/02/2003	Internal Use
DMi Furniture Inc. Recipient: Wood Mode Inc. Source Location: Gettysburg County: Adams Ozone nonattainment status: Moderate Contact Person: John Rothgerber (812) 367-1020	VOCs	85.2	12/01/2005	Trading

NOTICES

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact Person: David W. Warne (717) 765-0746	VOCs	20	10/1/2004	Trading
I.H.F.P., Inc. Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact Person: Michael West (717) 742-6639	NOx VOCs	24.45 12.88	4/1/2006	Trading
3M Minnesota Mining & Manufacturing Source Name: 1E Coater Source Name: 2E Coater Source Name: 3E Coater Source Name: 4E Coater Source Name: 5E Coater Source Name: 3W Coater Source Name: 4W Coater Plant Location: Bristol, Bucks Ozone nonattainment status: Severe Contact Person: Belinda Wirth (612) 778-6014	VOCs VOCs VOCs VOCs VOCs VOCs VOCs	0.10 0.25 44.80 0.10 17.90 303.65 275.10	5/02/2001 5/06/2001 4/18/2001 4/16/2001 4/26/2001 10/18/2001 5/13/2001	Trading
Leggett & Platt, Inc. Source Location: Harris Hub-Columbia County: Lancaster Ozone nonattainment status: Moderate Contact Person: Bob Anderson (417) 358-8131	VOCs	30	10/01/2004	Trading
Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone nonattainment status: Moderate Contact Person: John M. Arnold (717) 939-0466	VOCs	18.36	1/1/2003	Trading
Ball Metal Food Container Corporation Plant Name: Heekin Can Inc. County: Allegheny Ozone nonattainment status: Moderate Contact Person: John Munsch (303) 460-5601	VOCs NOx	64.5 5.4	04/10/2006	Trading
Metallized Paper Corporation of America Recipient: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone nonattainment status: Moderate Contact Person: Martin Mueller (412) 762-5263	VOCs	41.7	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone nonattainment status: Moderate Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
York International Corporation Source: Trichloroethylene Vapor Degreaser (151) Source: Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township, York Ozone nonattainment status: Moderate Contact Person: Garen Macdonald (717) 771-7346	VOCs VOCs	12.2 2.7	06/01/2006 10/01/2005	Trading
Pennzoil Products Company Source Location: Rouseville County: Venango Ozone nonattainment status: Moderate Contact Person: Lee E. Wilson (814) 678-4649	NOx	31.6	04/15/2002	Trading
Mace Security International, Inc. Source Location: Federal Laboratories County: Indiana Ozone nonattainment status: Moderate Contact Person: Bernie Graney (802) 447-1503	VOCs	22	10/3/2005	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone nonattainment status: Moderate Contact Person: LeRoy H. Hinkle (610) 916-4248	VOCs	158.8 tpy may be used with seasonal restriction or 33.61 tpy may be used at any time during the year without seasonal restriction.	Varies from 2/24/2005 through 4/23/2006.	Trading
Avery Dennison Corporation Fasson Roll North America Source Location: Quakertown County: Bucks Ozone nonattainment status: Severe Contact Person: Roy R. Getz (215) 538-6271	NOx VOCs	9.42 360	11/22/2005	Trading

**Bureau of Air Quality
Summary of ERC Transactions**

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

- ERC Generating Facility Information:***
ERC Generating Facility Name: General Glass Industries Corp.
Location of Source: Jeannette Plant, Westmoreland County, PA
Certified ERCs (tpy): 518 tpy of NOx
Amount of ERCs traded to Purchaser/Recipient: 518 tpy of NOx
Date of ERCs Transfer: September 20, 1996
ERCs available for future use: 0 tpy

Purchaser/Recipient of ERCs
Purchaser/Recipient of ERCs: Sony Electronics, Inc.
Location of Source: East Huntingdon Township
Plan Approval Number: 65-309-074A
NOx credits used: 518 tpy
VOCs credits used: 0
NOx credits available for future use: 0 tpy
VOC credits available for future use: 0 tpy

2. **ERC Generating Facility Information**
ERC Generating Facility Name: Pennsylvania Power Company
Location of Source: New Castle Plant, Taylor Township, Lawrence County
Certified ERCs (tpy): 434 tpy of NOx
Amount of ERCs traded to Purchaser/Recipient: 220 tpy of NOx
Date of ERCs Transfer: February 26, 1997
ERCs available for future use: 214 tpy of NOx
- Purchaser/Recipient of ERCs**
Purchaser/Recipient of ERCs: General Electric Company
Location of Source: Grover City, Mercer County
Plan Approval Number: 43-399-016
NOx credits used: 206 tpy of NOx
VOCs credits used: 0
NOx credits available for future use: 14 tpy
VOC credits available for future use: 0
3. **ERC Generating Facility Information**
ERC Generating Facility Name: Sharon Steel Corporation
Location of Source: Farrell Plant, Mercer County
Certified ERCs (tpy): 469.6 tpy of NOx and 215.7 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 373.3 tpy of NOx
Date of ERCs Transfer: March 6, 1997
ERCs available for future use: 96.3 tpy of NOx and 215.7 tpy of VOCs
- Purchaser/Recipient of ERCs**
Purchaser/Recipient of ERCs: Sony Electronics, Inc.
Location of Source: East Huntingdon Township, Westmoreland
Plan Approval Number: 65-309-074A
NOx credits used: 373.3 tpy of NOx
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 0
4. **ERC Generating Facility Information**
ERC Generating Facility Name: Caparo Steel Company
Location of Source: Farrell Plant, Mercer County
Certified ERCs (tpy): 868.6 tpy of NOx and 206.8 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 410 tpy of NOx ERCs transfer to Sony Corp. and 104 tpy of NOx ERCs transfer to Guardian Industries Corporation, Geneva, New York.
Date of ERCs Transfer: November 24, 1997
ERCs available for future use: 354.6 tpy of NOx and 206.8 tpy of VOCs
1. **Purchaser/Recipient of ERCs**
Purchaser/Recipient of ERCs: Sony Electronics, Inc.
Location of Source: East Huntingdon Township, Westmoreland County
Plan Approval Number: 65-309-074A
NOx credits used: 410 tpy of NOx
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 0
2. **Purchaser/Recipient of ERCs:** Guardian Industries Corporation
Location of Source: Geneva, New York
Plan Approval Number: 8-3205-00041/00001-0008
NOx credits used: 104 tpy of NOx
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 0
5. **ERC Generating Facility Information**
ERC Generating Facility Name: Sharon Steel Corporation
Location of Source: Farrell Plant, Mercer County
Certified ERCs (tpy): 96.3 tpy of NOx and 215.7 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 205 tpy of VOCs
Date of ERCs Transfer: March 6, 1997
ERCs available for future use: 96.3 tpy of NOx and 10.7 tpy of VOCs

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Caparo Steel Company

Location of Source:

Plan Approval Number:

NOx credits used: 0

VOCs credits used: 0

NOx credits available for future use: 0

VOC credits available for future use: 205 tpy of VOCs

6.

ERC Generating Facility Information

ERC Generating Facility Name: E. I. Dupont/DuPont DeNemours, Repauno facility

Location of Source: Gibbstown, NJ

Certified ERCs (tpy): 210 tpy of NOx

Amount of ERCs traded to Purchaser/Recipient: 210 tpy of NOx

Date of ERCs Transfer: December 2, 1996

ERCs available for future use:

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Merck & Co., Inc.

Location of Source: Sumneytown Pike, West Point

Plan Approval Number: 46-313-117D

NOx credits used: 100.8 tpy of NOx

VOCs credits used: 0

NOx credits available for future use: 109.2 tpy of NOx

VOC credits available for future use: 0

7.

ERC Generating Facility Information

ERC Generating Facility Name: Pennsylvania Electric Company

Location of Source: Williamsburg Station, Blair County

Certified ERCs (tpy): 867 tpy of NOx, and 3 tpy of VOCs

ERCs traded to Purchaser/Recipient: 70 tpy of NOx ERCs transfer to Carpenter Technology, and 345 tpy of NOx ERCs transfer to Metropolitan Edison Co.

ERCs available for future use: 452 tpy of NOx and 3 tpy of VOCs

1. Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Carpenter Technology Corporation

Location of Source: Reading Plant, Berks County

Date of ERCs Transfer: February 21, 1997

Plan Approval Number: 06-1007D

NOx credits used: 54.64 tpy of NOx

VOCs credits used: 0

NOx credits available for future use: 15.36 tpy

VOC credits available for future use: 0

2. Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Metropolitan Edison Company

Location of Source: Northampton County

Date of ERCs Transfer: May 12, 1997

Plan Approval Number: 48-328-001A

NOx credits used: 345 tpy

VOCs credits used: None

NOx credits available for future use: None

VOC credits available for future use: None

8.

ERC Generating Facility Information

ERC Generating Facility Name: DMi Furniture Inc.

Location of Source: Gettysburg, Adams County

Certified ERCs (tpy): 85.2 tpy of VOCs

Amount of ERCs traded to Purchaser/Recipient: 85.2 tpy of VOCs

Date of ERCs Transfer: May 12, 1997

ERCs available for future use: None

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Wood Mode Incorporated

Location of Source: Middlecreek Township, Snyder County

Plan Approval Number:

NOx credits used: 0

VOCs credits used: 0

NOx credits available for future use: None

VOC credits available for future use: 85.2 tpy of VOCs

9. **ERC Generating Facility Information**
ERC Generating Facility Name: Kurz Hastings, Inc.
Location of Source: Dutton Road, Philadelphia
Certified ERCs (tpy): 538 tpy of VOCs
Amount of ERCs used for internal netting: 100 tpy of VOCs
Date of ERCs Transfer: May 6, 1996
Location of Source: Dutton Road, Philadelphia
NOx credits used: None
VOCs credits used: 100 tpy of VOCs for internal netting
ERCs available for future use: 438 tpy of VOCs
10. **ERC Generating Facility Information**
ERC Generating Facility Name: I.H.F.P., Inc.
Location of Source: Milton Borough, Northumberland County
Certified ERCs (tpy): 94.15 tpy of NOx, 12.88 tpy of VOCs, 36.79 tpy of PM-10 and 228.29 tpy of SOx
Amount of ERCs traded to Purchaser/Recipient: 69.7 tpy of NOx
Date of ERCs Transfer: August 28, 1997
ERCs available for future use: 24.45 tpy of NOx, 12.88 tpy of VOCs, 36.79 tpy of PM-10 and 228.29 tpy of SOx
- Purchaser/Recipient of ERCs**
Purchaser/Recipient of ERCs: Guardian Industries Corporation
Location of Source: Geneva, New York
Plan Approval Number: 8-3205-00041/00001-0008
NOx credits used: 69.7 tpy of NOx
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 0
11. **ERC Generating Facility Information**
ERC Generating Facility Name: Pennzoil Products Company
Location of Source: Rouseville Refinery, Venango County
Certified ERCs (tpy): 131.6 tpy of NOx and 811 tpy of SOx
Amount of ERCs traded to Purchaser/Recipient: 100 tpy of NOx
Date of ERCs Transfer: August 28, 1997
ERCs available for future use: 31.6 tpy of NOx and 811 tpy of SOx
- Purchaser/Recipient of ERCs**
Purchaser/Recipient of ERCs: Guardian Industries Corporation
Location of Source: Geneva, New York
Plan Approval Number: 8-3205-00041/00001-0008
NOx credits used: 100 tpy of NOx
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 0

[Pa.B. Doc. No. 98-25. Filed for public inspection January 2, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1997.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

Final Technical Guidance—Substantive Revision

DEP ID: 362-2000-009 Title: Manual for Land Application of Treated Sewage and Industrial Wastewaters Description: This document provides guidance for applicants in the planning, design and submission of permit applications for land application of wastewaters, and for permit writers in the review and approval of permits. Effective Date: October 15, 1997. Page Length: 71 pages Location: Vol 33, Tab 9C Contact: Milt Lauch at (717) 787-8184.

Final Technical Guidance—Minor Revision

DEP ID: 362-2206-001 Title: Review and Coordination of Chapter 94 Reports and Act 537 Planning Description: Details the interactions between Municipal Wasteload Management and Act 537. It is applicable to all Municipal Planning facilities regulated under Chapter 94. Effective Date: December 15, 1997 Page Length: 16 pages Location: Vol 33, Tab 15 Contact: Milt Lauch at (717) 787-8184.

DEP ID 383-0400-105 Title: Inorganic, Volatile Organic and Synthetic Organic Chemicals Staff Handbook Description. This document establishes a rational and reasonable basis for staff decisions which will promote quality, timely and consistent service to the public and the regulated community. Effective Date. March 27, 1997 Page Length. 2 pages Location. Vol 19 Contact. Joseph Hoffman at (717) 787-5017

DEP ID 383-0400-111 Title: Safe Drinking Water Program General Staff Handbook Description: This document provides DEP staff in the Central Office and in field offices with information and guidance to establish a rational and reasonable basis for staff decisions which will promote quality, timely and consistent service to the public and the regulated community. Effective Date: March 27, 1997 Page Length: 3 pages Location: Vol 25 Contact: Joseph Hoffman at (717) 787-5017

DEP ID 383-3100-111 Title: Public Water Supply Manual - Part VII: Cross-Connection Control/Backflow Prevention Description: This guidance applies to public water supplies which implement a cross-connection control/backflow prevention program. Effective Date: October 1, 1997 Page Length: 40 pages Location: Vol 25, Tab 05 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 383-3500-105 Title: Vulnerability Assessment Summary Description: This guidance applies to community water supplies and nontransient noncommunity water supplies. Effective Date: December 1, 1997 Page Length: 32 pages Location: Vol 19, Tab 05 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 383-5500-113 Title: PENNVEST Guidance Description: This guidance will apply to all PENNVEST funding activities for public water systems. Effective Date: December 12, 1997 Page Length: 118 pages Location: Vol 27, Tab 01 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 400-5900-101 Title: Emergency Operations Plan Description: To promote a coordinated departmental approach to emergencies and to avoid duplication of effort. It outlines each office's responsibilities for responding to various types of emergencies. Effective Date: November 15, 1997 Page Length: 33 pages Location: Vol 8, Tab 4 Contact: Kris Lutz at (717) 787-5028

Notice of Intent—Develop Technical Guidance

Title: Variances (Storage Tanks) Description: The variance is a new regulatory requirement and there is no information available to the regulated community or department staff to implement this variance provision. The guidance is intended to provide staff and industry information necessary to implement this variance process. Anticipated Draft Development Date: February 16, 1998

Anticipate Effective Date: April 1, 1998 Contact: Glenn Rider at (717) 772-5599

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-26. Filed for public inspection January 2, 1998, 9:00 a.m.]

Grant Project Proposals

The Department of Environmental Protection, Bureau of Watershed Conservation (Department), Nonpoint Source (NPS) Program is accepting grant project proposals (GPP) for the FY99 Section 319 NPS Implementation Grant cycle. The Department is seeking project proposals for NPS projects for assessment, remediation, restoration or preservation of water quality on a watershed basis. The three largest nonpoint sources of pollution are resource extraction (abandoned mining activities), agriculture (if not properly managed, nutrients, pesticides and sediment can affect surface and ground waters), and urban runoff (stormwater running off areas such as parking lots, lawns, streets and golf courses).

Projects selected for funding will be able to complete their projects over a 2-year time frame. The time frame is anticipated to be the period October 1, 1998 through September 30, 2000. Actual start and end dates will be dependent on the grant award date from the United States Environmental Protection Agency (EPA).

The following information presents a brief overview of project selection criteria:

A. Three project categories are eligible for funding:

1. Watershed Assessments
2. Watershed Implementation Projects
3. Projects of Statewide Importance (POSI)

B. Projects must have local support and commitment, clear goals and objectives, and be able to produce measurable environmental results.

C. Watershed Implementation Projects and POSI's must be implemented in watersheds identified on the "Commonwealth of Pennsylvania Federal Clean Water Act Section 303(d) List of Waters." Copies of this document are available from the Department by telephone (717) 787-5259 or through the Department's WEB site (www.dep.state.pa.us) linking with "information by subject," "water management," "nonpoint pollution" and "Section 303(d) list of waters."

D. EPA Grant Guidance has identified Nine Key Elements which are components of a good State NPS Program. You will have to identify how the project applies to one or more of these key elements. In brief, the Nine Key Elements are:

1. Assuring up to date and explicit goals for sources and pollutants of concern
2. Building the necessary partnership arrangements to accomplish those goals
3. Maintaining a Statewide and a watershed focus
4. Undertaking needed monitoring and assessment
5. Addressing abatement and prevention
6. Using a balanced mix of authorities

7. Achieving Federal agency consistency with State NPS programs

8. Maintaining an adequate level of overall management

9. Evaluating results and acting on them as needed to advance the program.

E. Project proposals are evaluated by the DEP/DCNR NPS Task Force using a specific score sheet. The Task Force will use these score sheets to select projects.

F. Project proposals requesting funding for construction activities on private property require a 25% local match. This match can be in-kind or cash.

G. Grant Project Proposals must be received at the Department, Bureau of Watershed Conservation Office, 400 Market Street in Harrisburg by 4 p.m. on March 5, 1998. Project proposals submitted after this date will not be considered. Faxes and Electronic Mail will not be accepted. Successful applicants will be notified on or before May 22, 1998.

H. To be considered, a project proposal must follow the specific requirements outlined in the "FY 1999 Section 319 Nonpoint Source Implementation Grant Program Grant Project Proposal (GPP), Application and Procedures." Copies of this document are available upon request from the Department, Bureau of Watershed Conservation, Division of Watershed Support, P.O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5259.

Questions regarding Grant Project Proposals should be directed to staff of the NPS Management Section within the Division of Watershed Support.

The deadline for the receipt by the Department of a GPP is 4 p.m. on March 5, 1998. Any proposal that is received after that date will not be considered.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-27. Filed for public inspection January 2, 1998, 9:00 a.m.]

Waste Management Citizen's Roundtable; Meeting Schedule

The Waste Management Citizen's Roundtable meetings will be held in the 14th Floor Conference Room of the Rachel Carson State Office Building (RCSOB), Harrisburg, at 10 a.m. on the following dates:

April 9, 1998
June 11, 1998
August 13, 1998
October 8, 1998
December 10, 1998

Contact: William Apgar, Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-6239, or e-mail Apgar.William@a1.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact William Apgar directly at (717) 787-6239 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-28. Filed for public inspection January 2, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Governor's Council on Physical Fitness and Sports

The Governor's Council on Physical Fitness and Sports is scheduled to hold a meeting on January 21, 1998, from 9 a.m. to 12:30 p.m. in Room 812 of the Health and Welfare Building, Seventh and Forster Street, Harrisburg, PA.

For additional information, or persons with a disability who desire to attend the meeting and require an auxiliary aide service, or other accommodation to do so, should contact Emilie M. Tierney, Director, PA Department of Health, Bureau of Chronic Diseases or Terry L. Walker, Administrative Officer, at (717) 787-6214, TDD: (717) 783-6514 or Network/TDD: (8) (717) 433-6514.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-29. Filed for public inspection January 2, 1998, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Meeting

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act, 42 U.S.C.A. §§ 241(a), 247(b), will hold a public meeting on January 21, 1998.

The meeting will be held at the Harrisburg Holiday Inn Hotel and Conference Center, I-83 and PA Turnpike, New Cumberland, Pennsylvania, from 10 a.m. to 4 p.m.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aid service, or other accommodation to do so, please contact Tom DeMelfi, Pennsylvania Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA 17108, (717) 783-0574. TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-30. Filed for public inspection January 2, 1998, 9:00 a.m.]

Laboratories Approved to Determine Blood Alcohol Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are approved to analyze both serum and plasma. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance), and the Game and Wildlife Code, 34 Pa.C.S. § 2502, (relating to hunting or furtaking under the influence of alcohol or controlled substance) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside the Commonwealth may not provide blood and/or serum and plasma alcohol testing services in Pennsylvania unless they are specifically licensed by the Department under the Clinical Laboratory Act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the U.S. Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes. Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability may also submit questions to Dr. Shoemaker in alternative formats, such as by audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document) for example, large print, audio tape, braille) should contact Dr. Shoemaker so that he may make the necessary arrangements.

The symbols S and B indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

Abington Memorial Hospital-S
1200 Old York Road
Abington, PA 19001
215-576-2350

Albert Einstein Medical Center-Northern Division-S
5500 Old York Road
Philadelphia, PA 19141
215-456-6100

Allegheny County Dept. of Labs., Toxicology Section-SB
10 County Office Building
Pittsburgh, PA 15219
412-355-6873

Allegheny General Hospital-Dept. Lab. Medicine-S
320 East North Avenue
Pittsburgh, PA 15212
412-359-3521

Allegheny University Hospital-SB
Stat Tox Lab MS 431, Broad and Vine Streets
Philadelphia, PA 19102-1192
215-762-7828

Allegheny University Hospital-Center City-S
Broad and Vine Streets, MS 113
Philadelphia, PA 19102
215-448-7154

Allegheny University Hospital-East Falls-S
3300 Henry Avenue
Philadelphia, PA 19129
215-842-6615

Allegheny University Hospital-Elkins Park Campus-SB
60 East Township Line
Elkins Park, PA 19027
215-663-6102

Allegheny University Hospital-Bucks County Division-S
225 Newtown Road
Warminster PA 18974
215-441-6700

Allegheny University Hospital-Graduate-S
One Graduate Plaza, 4th Floor, Pepper Pavilion
Philadelphia PA 19146
215-893-2240

Allegheny University Hospital-Parkview-S
1331 East Wyoming Avenue
Philadelphia PA 19124
215-871-1000

Allegheny Valley Hospital-SB
1300 Carlisle Street
Natrona Heights, PA 15065
412-224-5100

Altoona Hospital-SB
620 Howard Avenue
Altoona, PA 16601
814-946-2340

American Medical Laboratories, Inc.-SB
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Analytic Bio-Chemistries, Inc.-SB
1680-D Loretta Avenue
Feasterville, PA 19053
215-322-9210

Armstrong County Memorial Hospital-SB
R.D.#8, Box 50
Kittanning, PA 16201
412-543-8122

Associated Clinical Laboratories-SB
1526 Peach Street
Erie, PA 16501
814-453-6621

Associated Regional and University Pathologists-SB
500 Chipeta Way
Salt Lake City UT 84108
800-242-2787

Ayer Clinical Laboratory-Penna. Hospital-S
8th & Spruce Streets
Philadelphia, PA 19107
215-829-3541

Bon Secours-Holy Family Regional Health-SB
2500 Seventh Avenue
Altoona PA 16602
814-949-4495

Braddock Medical Center-S
412 Holland Avenue
Braddock, PA 15104
412-636-5000

Bradford Hospital-SB
116-156 Interstate Parkway
Bradford, PA 16701
814-834-8282

Brandywine Hospital and Trauma Center-S
Route 30 Bypass
Coatesville, PA 19320
610-383-8000

Brownsville General Hospital Laboratory-S
125 Simpson Road
Brownsville, PA 15417
412-785-7200

Butler Memorial Hospital-S
911 East Brady Street
Butler, PA 16001
412-284-4510

Canonsburg General Hospital-SB
R.D.#1, Box 147, Route 519
Canonsburg, PA 15317
412-745-6100

Carlisle Hospital-S
245 Parker Street
Carlisle, PA 17013
717-249-1212

Centre Community Hospital-B
1800 East Park Avenue
State College, PA 16803
814-234-6117

Chambersburg Hospital-S
112 North Seventh Street
Chambersburg, PA 17201
717-267-7152

Charles Cole Memorial Hospital-S
R.D.#1, Box 205
Coudersport, PA 16915
814-274-9300

Chester County Hospital-S
701 East Marshall Street
West Chester, PA 19380
610-431-5182

Chestnut Hill Hospital-S
8835 Germantown Avenue
Philadelphia, PA 19118
215-248-8630

The Children's Hospital of Philadelphia-S
One Children's Center, 34th and Civic Center Blvd.
Philadelphia, PA 19104
215-590-1000

Citizens General Hospital-SB
651 Fourth Avenue
New Kensington, PA 15068
412-337-5031

Clarion Hospital-SB
One Hospital Drive
Clarion, PA 16214
814-226-9500

Clearfield Hospital Lab-S
809 Turnpike Avenue, P.O. Box 992
Clearfield, PA 16830
814-765-5341

Clintox Laboratories-S
601 Gay Street
Phoenixville, PA 19460
610-933-6550

Community General Osteopathic Hospital-S
4300 Londonderry Road, P.O. Box 3000
Harrisburg, PA 17109
717-657-7214

Community Hospital-B
North Fraley Street
Kane, PA 16735
814-837-8585

Community Hospital of Lancaster-S
1100 Orange Street
Lancaster, PA 17604
717-397-3711

Community Medical Center-S
1822 Mulberry Street
Scranton, PA 18510
717-969-8000

Conemaugh Valley Memorial Hospital-SB
1086 Franklin Street
Johnstown, PA 15905
814-534-9000

Crozer-Chester Medical Center-Springfield-S
190 West Sproul Road
Springfield, PA 19064
610-328-9200

Crozer Chester Medical Center-S
1 Med Ctr. Blvd., 15th Street and Upland Avenue
Upland, PA 19013
610-447-2000

Delaware County Memorial Hospital-SB
501 N. Lansdowne Avenue
Drexel Hill, PA 19026
610-284-8100

Delaware Valley Medical Center-S
200 Oxford Valley Road
Langhorne, PA 19047
215-949-5275

Department of Pathology & Lab Med-HUP-SB
3400 Spruce Street
Philadelphia, PA 19104
215-662-3435

Divine Providence Hospital-S
1100 Grampian Boulevard
Williamsport, PA 17701
717-326-8167

Doylestown Hospital-S
595 West State Street
Doylestown, PA 18901
215-345-2250

DrugScan, Inc.-SB
1119 Mearns Road, P.O. Box 2969
Warminster, PA 18974
215-674-9310

DuBois Regional Medical Center-West Unit-S
100 Hospital Avenue
DuBois, PA 15801
814-371-2200

Easton Hospital-SB
250 S. 21st Street
Easton, PA 18042
610-250-4140

Elk County Regional Medical Center-S
94 Hospital Street
Ridgway PA 15853
814-776-6111

Ellwood City General Hospital-S
724 Pershing Street
Ellwood City, PA 16117
412-752-0081

Endless Mountains Health Systems-B
3 Grow Avenue
Montrose PA 18801
717-278-3801

Ephrata Community Hospital-S
169 Martin Avenue, P.O. Box 1002
Ephrata, PA 17522
717-733-0311

Episcopal Hospital-S
100 East Lehigh Avenue
Philadelphia, PA 19125
215-427-7333

Evangelical Community Hospital-SB
1 Hospital Drive
Lewisburg, PA 17837
717-522-2510

Forbes Regional Health Center-SB
2570 Haymaker Road
Monroeville, PA 15146
412-858-2560

Frankford Hospital-Frankford Division-S
Frankford Avenue and Wakeling Street
Philadelphia, PA 19124
215-831-2068

Frankford Hospital-Torresdale Division-S
Red Lion and Knights Road
Philadelphia, PA 19114
215-612-4000

Frick Hospital and Community Health Center-S
508 South Church Street
Mount Pleasant, PA 15666
412-547-1500

Fulton County Medical Center-S
216 South First Street
McConnellsburg, PA 17233
717-485-3155

Geisinger Medical Center-SB
North Academy Road
Danville, PA 17822
717-271-6338

Geisinger Wyoming Valley Medical Center-S
1000 East Mountain Drive
Wilkes-Barre, PA 18711
717-826-7830

George Tolstoi Laboratory-Uniontown Hospital-S
500 W. Berkeley Street
Uniontown, PA 15401
412-430-5143

Germantown Hospital and Medical Center-S
One Penn Boulevard
Philadelphia, PA 19144
215-951-8800

Gettysburg Hospital-SB
147 Gettys Street
Gettysburg, PA 17325
717-334-2121

GHS-City Avenue Hospital-S
4150 City Avenue, Dept. of Pathology
Philadelphia, PA 19131
215-871-1000

Gnaden Huetten Memorial Hospital-SB
Eleventh and Hamilton Streets
Lehighon, PA 18235
610-377-1300

Good Samaritan Hospital-SB
Fourth and Walnut Streets, P.O. Box 1281
Lebanon, PA 17042
717-270-7500

Good Samaritan Medical Center-SB
1020 Franklin Street
Johnstown, PA 15905
814-533-1906

Good Samaritan Regional Medical Center-SB
700 East Norwegian Street
Pottsville, PA 17901
717-622-3400

Grand View Hospital-S
700 Lawn Avenue
Sellersville, PA 18960
215-257-3611

Greene County Memorial Hospital-SB
Bonar Avenue
Waynesburg, PA 15370
412-627-3101

Hamot Medical Center-S
201 State Street
Erie, PA 16550
814-455-6711

Hanover General Hospital-SB
300 Highland Avenue
Hanover, PA 17331
717-637-3711

Harrisburg Hospital-SB
South Front Street
Harrisburg, PA 17101
717-782-3131

Hazleton General Hospital-SB
East Broad Street
Hazleton, PA 18201
717-454-2441

Health Network Laboratories-SB
2024 Lehigh Street
Allentown PA 18103
610-402-8150

Highlands Hospital and Health Center-SB
401 East Murphy Avenue
Connellsville, PA 15425
412-628-1500

Holy Spirit Hospital-SB
503 North 21st Street
Camp Hill, PA 17011
717-763-2206

Horizon Hospital System-Greenville Campus-SB
110 North Main Street
Greenville, PA 16125
412-588-2100

Horizon Hospital System-Shenango Campus-SB
2200 Memorial Drive
Farrell, PA 16121
412-981-3500

Indiana Hospital-Department of Lab Medicine-S
P.O. Box 788
Indiana, PA 15701
412-357-7166

Jameson Memorial Hospital-S
1211 Wilmington Avenue
New Castle, PA 16105
412-658-9001

J. C. Blair Memorial Hospital-S
Warm Springs Avenue
Huntingdon, PA 16652
814-643-8645

Jeanes Hospital - S
7600 Central Avenue
Philadelphia, PA 19111
215-728-2347

Jeannette District Memorial Hospital-S
Jefferson Avenue
Jeanette, PA 15644
412-527-3551

Jefferson Regional Health Services, Inc.-Brookville Div.-S
100 Hospital Road
Brookville, PA 15825
814-849-2312

John F. Kennedy Memorial Hospital-S
Cheltenham Avenue and Langdon Streets
Philadelphia, PA 19124
215-831-7203

Kensington Hospital-S
136 W. Diamond Street
Philadelphia, PA 19122
215-426-8100

LabOne, Inc.-SB
8915 Lenexa Drive
Overland Park KS 66214
913-888-1770

Lab Corp. of America Holdings-SB
69 First Avenue, PO Box 500
Raritan NJ 08869
201-526-2400

Lab Corp. of America Holdings-SB
6370 Wilcox Road
Dublin, OH 43016
800-282-7300

Lancaster General Hospital-S
555 North Duke Street, P.O. Box 3555
Lancaster, PA 17603
717-299-5511

Lancaster General Hospital-Susquehanna Division-S
306 North Seventh Street
Columbia, PA 17512
717-684-2841

Latrobe Area Hospital-B
West Second Avenue
Latrobe, PA 15650
412-537-1550

Lee Hospital-SB
320 Main Street
Johnstown, PA 15901
814-533-0130

Lewistown Hospital-S
Highland Avenue
Lewistown, PA 17044
717-248-5411

Lock Haven Hospital-B
24 Cree Drive
Lock Haven, PA 17745
717-893-5000

Main Line Clinical Laboratories-Bryn Mawr-CP-S
Bryn Mawr Avenue
Bryn Mawr, PA 19010
610-526-3554

Main Line Clinical Laboratories-Lankenau-CP-S
100 East Lancaster Avenue
Wynnewood, PA 19096
610-645-2615

Main Line Clinical Laboratories-Paoli Memorial-CP-S
255 W. Lancaster Avenue
Paoli, PA 19301
610-648-1000

Marian Community Hospital-S
100 Lincoln Avenue
Carbondale, PA 18407
717-282-2100

McKeesport Hospital-S
1500 Fifth Avenue
McKeesport, PA 15132
412-664-2233

Meadville Medical Center-Liberty Street-S
751 Liberty Street
Meadville, PA 16335
814-336-3121

MedExpress/National Laboratory Center, Inc.-SB
3955 Vantech Drive
Memphis TN 38115
901-795-1515

The Medical Center, Beaver, PA, Inc.-S
1000 Dutch Ridge Road
Beaver, PA 15009
412-728-7000

Medical Center of Delaware-Department of Pathology-S
4755 Ogletown-Stanton Road
Newark, DE 19718
312-733-3625

Medical Center of Delaware-Department of Pathology-S
501 W. 14th Street
Wilmington, DE 19899
302-733-3625

Medlab Clinical Testing, Inc.-S
212 Cherry Lane
New Castle, DE 19720
800-633-5221

Memorial Hospital-SB
325 South Belmont Street, P.O. Box 15118
York, PA 17403
717-843-8623

Memorial Hospital Lab-SB
R.D. #1
Towanda, PA 18848
717-265-2191

Memorial Hospital of Bedford County-SB
Route 1
Everett, PA 15537
814-623-6161

Mercy Health Laboratory, Mercy Fitzgerald Hospital-S
Lansdowne Avenue and Bailey Road
Darby, PA 19023
610-237-4175

Mercy Health Laboratory, Mercy Hospital/Philadelphia-S
5301 Cedar Avenue
Philadelphia, PA 19143
215-748-9170

Mercy Health Laboratory, Mercy Community Hospital-S
2000 Old West Chester Pike
Havertown, PA 19083
610-645-3600

Mercy Hospital-S
Pride and Locust Streets
Pittsburgh, PA 15219
412-232-7831

Mercy Hospital-S
746 Jefferson Avenue
Scranton, PA 18510
717-348-7100

Mercy Providence Hospital Laboratory-S
1004 Arch Street
Pittsburgh, PA 15212
412-323-5783

Methodist Hospital Division/TJUH, Inc.-SB
2301 South Broad Street
Philadelphia, PA 19148
215-952-9059

MidValley Hospital-S
1400 Main Street
Peckville, PA 18452
717-489-7546

Miner's Hospital Lab of North Cambria-B
2205 Crawford Avenue
Spangler, PA 15775
814-948-7171

Monongahela Valley Hospital, Inc.-S
Country Club Road, Route 88
Monongahela, PA 15063
412-258-2000

Monsour Medical Center-S
70 Lincoln Way East
Jeannette, PA 15644
412-527-1511

Montgomery Hospital Laboratory-S
Powell and Fornance Streets
Norristown, PA 19401
610-270-2173

Moses Taylor Hospital-S
700 Quincy Avenue
Scranton, PA 18510
717-963-2100

Muhlenberg Hospital Center-S
2545 Schoenersville Road
Bethlehem, PA 18017
610-861-2261

Nason Hospital-B
Nason Drive
Roaring Spring, PA 16673
814-224-6215

National Medical Services, Inc.-Laboratory-SB
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

Nazareth Hospital-S
2601 Holme Avenue
Philadelphia, PA 19152
215-335-6245

Neumann Medical Center, Inc.-S
Frankford Avenue and Palmer Street
Philadelphia, PA 19125
215-291-2118

North Hills Passavant Hospital-S
9100 Babcock Boulevard
Pittsburgh, PA 15237
412-367-6700

North Penn Hospital-S
100 Medical Campus Drive
Lansdale, PA 19446
215-368-2100

Northeastern Hospital-S
2301 East Allegheny Avenue
Philadelphia, PA 19134
215-291-3671

Northwest Medical Center-Franklin-S
1 Spruce Street
Franklin, PA 16323
814-437-7000

Northwest Medical Center, Oil City Campus-SB
174 East Bissell Avenue
Oil City, PA 16301
814-677-1711

Ohio Valley General Hospital-S
Heckel Road
McKees Rocks, PA 15136
412-777-6244

Omega Medical Laboratories, Inc.-SB
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

PA Department of Health, Bureau of Laboratories-SB
P.O. Box 500
Exton, PA 19341-0500
610-363-8500

PA State Police Lab-Bethlehem Regional Laboratory-SB
2932 Airport Road
Bethlehem, PA 18017-2149
610-861-2103

PA State Police Lab-Erie-SB
4310 Iroquois Avenue
Erie, PA 16511
814-899-8447

PA State Police Lab-Greensburg-SB
PA State Police, P.O. Box P
Greensburg, PA 15601
412-832-3299

PA State Police Lab-Harrisburg-SB
1800 Elmerton Avenue
Harrisburg, PA 17110
717-783-5548

PA State Police Lab-Lima-SB
350 N. Middletown Road
Media, PA 19063
610-566-9066

PA State Police Lab-Wyoming-SB
479 Wyoming Avenue
Wyoming, PA 18644
717-826-2230

Palmerton Hospital-S
135 Lafayette Avenue
Palmerton, PA 18071
610-826-3141

Philadelphia Police Laboratory-SB
Room 305 PAB, 8th & Race Streets
Philadelphia, PA 19106
215-592-5831

Philipsburg Area Hospital-SB
210 Lock Lomond Road
Philipsburg, PA 16866
814-342-7112

Phoenixville Hospital-S
140 Nutt Road
Phoenixville, PA 19460
610-933-9281

Pittsburgh Criminalistics-SB
1320 Fifth Avenue
Pittsburgh, PA 15219
412-391-6118

Pocono Medical Center Lab-SB
206 East Brown Street
East Stroudsburg, PA 18301
717-476-3544

Polyclinic Medical Center-SB
2601 North Third Avenue
Harrisburg, PA 17110
717-782-4141

Pottstown Memorial Medical Center-S
1600 East High Street
Pottstown, PA 19464
610-327-7111

Pottsville Hospital and Warne Clinic-SB
420 South Jackson Streets
Pottsville, PA 17901
717-621-5262

Presbyterian Medical Center of Phila.-S
3400 Spruce Street, Dept. of Pathology
Philadelphia, PA 19104
215-662-3435

Quest Diagnostics of PA, Inc.-S
900 Business Center Drive
Horsham PA 19044
215-957-9300

Quest Diagnostics of PA, Inc.-SB
875 Greentree Road
4 Parkway Center
Pittsburgh PA 15220
412-920-7600

Quest Diagnostics, Incorporated-SB
One Malcolm Avenue
Teterboro, NJ 07608
201-288-0900

Reading Hospital and Medical Center-S
Sixth and Spruce Streets
Reading, PA 19603
610-378-6080

Riddle Memorial Hospital-S
Baltimore Pike Highway 1
Media, PA 19063
215-566-9400

Robert Packer Hospital-S
200 South Wilbur Avenue
Sayre, PA 18840
717-888-6666

Roxborough Memorial Hospital-S
5800 Ridge Avenue
Philadelphia, PA 19128
215-483-9900

Sacred Heart Hospital-S
Fourth and Chew Streets
Allentown, PA 18102
610-776-4727

Saint Agnes Medical Center-S
1900 South Broad Street
Philadelphia, PA 19145
215-339-4100

Saint Clair Memorial Hospital-S
1000 Bower Hill Road
Pittsburgh, PA 15243
412-561-4900

Saint Francis Hospital-S
1000 South Mercer Street
New Castle, PA 16101
412-658-3511

Saint Joseph Hospital-S
250 College Avenue, P.O. Box 3509
Lancaster, PA 17604
717-291-8022

Saint Mary Medical Center-S
Langhorne & Newtown Roads
Langhorne, PA 19047
215-750-2162

Saint Vincent Health Center-S
232 West 25th Street
Erie, PA 16544
814-452-5383

Sewickley Valley Hospital Laboratory-S
Blackburn Road and Fitch Drive
Sewickley, PA 15143
412-741-6600

Shadyside Hospital-S
5230 Centre Avenue
Pittsburgh, PA 15232
412-622-2315

Sharon Regional Health System-SB
740 East State Street
Sharon, PA 16146
412-983-3911

Sierra Analytical Laboratories-SB
625 East Drinker Street
Dunmore, PA 18512
717-341-2224

SmithKline Beecham Clinical Laboratories, Inc.-SB
400 Egypt Road
Norristown, PA 19403
610-631-4200

Soldiers & Sailors Memorial Hospital-S
Central Avenue
Wellsboro, PA 16901
717-724-1631

Somerset Hospital Laboratory-SB
225 South Center Avenue
Somerset, PA 15501
814-443-2626

South Hills Health System-Jefferson-SB
575 Coal Valley Road
Pittsburgh, PA 15236
412-469-5723

Southern Chester County Medical Center-S
1015 West Baltimore Pike
West Grove, PA 19390
610-869-1080

Specialty Laboratories-SB
2211 Michigan Avenue
Santa Monica CA 90404-390511
310-828-6543

St. Francis Central Hospital-S
1200 Centre Avenue
Pittsburgh, PA 15219
412-562-3060

St. Francis Medical Center-S
400-45th Street
Pittsburgh, PA 15201
412-622-4838

St. Francis Medical Center-North-SB
One Francis Way
Cranberry Township PA 16046
412-772-5300

St. Joseph Quality Medical Lab-SB
215 North 12th Street, Box 316
Reading, PA 19603
215-378-2000

St. Joseph's Hospital-Div. of NPHS-S
16th Street and Girard Avenue
Philadelphia, PA 19130
215-787-9000

St. Lukes Hospital-S
801 Ostrum Street
Bethlehem, PA 18015
610-691-4141

St. Lukes Hospital-Allentown Campus-S
1736 Hamilton Street
Allentown, PA 18104
610-439-4000

St. Lukes Quakertown Hospital-S
Eleventh Street & Park Avenue, PO Box 9003
Quakertown, PA 18951
215-536-2400

St. Margaret's Memorial Hospital-S
815 Freeport Road
Pittsburgh, PA 15215
412-784-4000

St. Marys Regional Medical Center-B
763 Johnsonburg Road
St. Marys, PA 15857
814-834-8519

Suburban General Hospital-S
100 S. Jackson Avenue
Bellevue, PA 15202
412-734-6000

Suburban General Hospital-S
2701 DeKalb Pike
Norristown, PA 19404
610-278-2075

Taylor Hospital Division of CCMC-S
175 East Chester Pike
Ridley Park, PA 19078
610-595-6450

Temple Lower Bucks Hospital Lab-SB
501 Bath Road
Bristol, PA 19007
215-785-9200

Temple University Hospital-S
3401 N. Broad Street
Philadelphia, PA 19140
215-221-3453

Thomas Jefferson University Hospital-S
125 South 11th Street, 204 Pavillion
Philadelphia, PA 19107
215-955-6374

Titusville Area Hospital-S
406 West Oak Street
Titusville, PA 16354
814-827-1851

Toxi-Con-SB
120 Monahan Avenue, Suite 101
Dunmore, PA 18512
717-963-0722

Tyler Memorial Hospital-S
RD #1, Route 6
Tunkhannock, PA 18657
717-836-2161

Tyrone Hospital-SB
Clay Avenue Extension
Tyrone, PA 16686
814-684-1255

Unilab-SB
18408 Oxnard Street
Tarzana CA 91356
818-996-7300

United Community Hospital-S
631 North Broad Street Ext.
Grove City, PA 16127
412-458-5442

University Hospital-M.S. Hershey Medical Center-S
500 University Avenue
Hershey, PA 17033
717-531-8353

University of Pittsburgh Medical Center/Beaver
Valley-SB
2500 Hospital Drive
Aliquippa, PA 15001
412-857-1238

University of Pittsburgh Medical Center-CLSI-SB
200 Lothrop Street, CLSI Room 5929 MT
Pittsburgh PA 15213
412-647-7813

Warren General Hospital-SB
212 Crescent Park West
Warren, PA 16365
814-723-3300

Washington Hospital-S
155 Wilson Avenue
Washington, PA 15301
412-225-7000

Wayne Memorial Hospital-S
601 Park Street
Honesdale, PA 18431
717-253-1300

Waynesboro Hospital-SB
East Main Street
Waynesboro, PA 17268
717-765-3403

West Virginia University Hospitals-S
Clinical Laboratories
PO Box 8009
Morgantown, WV 26506
304-598-4241

Western Pennsylvania Hospital-S
4800 Friendship Avenue
Pittsburgh, PA 15224
412-578-5779

Western Reserve Care System-SB
500 Gypsy Lane
Youngstown, OH 44504
216-740-3794

Westmoreland Hospital-S
532 W. Pittsburgh Street
Greensburg, PA 15601
412-832-4365

Wilkes-Barre General Hospital-SB
Corner North River and Auburn Streets
Wilkes-Barre, PA 18764
717-829-8111

Williamsport Hospital and Medical Center-SB
777 Rural Avenue
Williamsport, PA 17701
717-321-2300

Windber Hospital and Wheeling Clinic-SB
600 Somerset Avenue
Windber, PA 15963
814-467-6611

York Hospital-SB
1001 South George Street
York, PA 17405
717-771-2696

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-31. Filed for public inspection January 2, 1998, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Office of Children, Youth and Families; Regulatory Agenda Addendum

The Department of Public Welfare announces the addition of the following regulation to the Regulatory Agenda published July 5, 1997 at 27 Pa.B. 3323.

<i>Action Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Residential and Day Treatment Facility	January 1998, as proposed	These revisions are being proposed to update regulations, which were last revised on June 7, 1986. The regulations address contemporary changes in the field of residential care and day treatment. The emphasis is on protecting the health, safety and well-being of children served. The Department's legal basis for proposing the regulations is found in Article IX and X of the Public Welfare Code, act of June 13, 1967 (P. L. 31, No. 21) (62 P. S. §§ 901—922 and 1001—1080).	Thomas G. Vracarich (717) 783-2209

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 98-32. Filed for public inspection January 2, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Dozen Roses '98 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761.15) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Dozen Roses '98.

2. *Price:* The price of a Pennsylvania Dozen Roses '98 instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Dozen Roses '98 instant lottery game ticket will contain one play area featuring one "Winning Numbers" area and one "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SNTN), 18 (EGTN), 19 (NINTN) and 20 (TWTY). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV),

13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SNTN), 18 (EGTN), 19 (NINTN), 20 (TWTY) and a Heart Symbol (DOUBLE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOUR DOL), \$6⁰⁰ (SIX DOL), \$12\$ (TWLV DOL), \$24\$ (TWY FOUR), \$48\$ (FRTYEGT), \$120 (ONEHNTWY), \$240 (TWOHNFRTY) and \$12,000 (TWLV THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$6, \$12, \$24, \$48, \$120, \$240 and \$12,000. The player can win up to six times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Dozen Roses '98 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12,000 (TWLV THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12,000.

(b) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$240 (TWOHNFRTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$240.

(c) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$120 (ONEHNTWY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$120.

(d) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOUR) appears under the matching "Your Numbers" play symbol; and a Heart Symbol (DOUBLE) appears as one of the "Your Numbers" play symbols with a prize play symbol of \$48\$ (FRTYEGT) underneath it, on a single ticket, shall be entitled to a prize of \$120.

(e) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$48\$ (FRTYEGT) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$48.

(f) Holders of tickets where any one of the "Your Numbers" play symbols is a Heart Symbol (DOUBLE) with a prize play symbol of \$24\$ (TWY FOUR) underneath it, on a single ticket, shall be entitled to a prize of \$48.

(g) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOUR) appears under the matching "Your Numbers" play symbol; and a Heart Symbol (DOUBLE) appears as one of the "Your Numbers" play symbols with a prize play symbol of \$12\$ (TWLV DOL) underneath it, on a single ticket, shall be entitled to a prize of \$48.

(h) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning

Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOUR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(i) Holders of tickets where three of the "Your Numbers" play symbols match either of the "Winning Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOUR DOL) appears under the three matching "Your Numbers" play symbols; and a Heart Symbol (DOUBLE) appears as one of the "Your Numbers" play symbols with a prize play symbol of \$6⁰⁰ (SIX DOL) underneath it, on a single ticket, shall be entitled to a prize of \$24.

(j) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12\$ (TWLV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(k) Holders of tickets where two of the "Your Numbers" play symbols match either of the "Winning Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOUR DOL) appears under the two matching "Your Numbers" play symbols; and a Heart Symbol (DOUBLE) appears as one of the "Your Numbers" play symbols with a prize play symbol of \$2⁰⁰ (TWO DOL) underneath it, on a single ticket, shall be entitled to a prize of \$12.

(l) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOUR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets where any one of the "Your Numbers" play symbols is a Heart Symbol (DOUBLE) with a prize play symbol of \$2⁰⁰ (TWO DOL) underneath it, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets where any one of the "Your Numbers" play symbols is a Heart Symbol (DOUBLE) with a prize play symbol of \$1⁰⁰ (ONE DOL) underneath it, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Match Any Of Your Numbers To
Either Of The Winning Numbers,
Win Prize Shown. Get a Heart Symbol
To Double With Prize(s) of:

	Win	Approximate Odds	Approximate No. of Winners Per 2,400,000 Tickets
\$1(D)	\$2	1:8.33	288,000
\$2	\$2	1:16.67	144,000
\$1 x 4	\$4	1:50	48,000
\$2(D)	\$4	1:50	48,000
\$4	\$4	1:75	32,000
\$1 x 6	\$6	1:150	16,000
\$2 x 3	\$6	1:250	9,600
\$4 + \$2	\$6	1:250	9,600
\$6	\$6	1:375	6,400
\$2 x 6	\$12	1:375	6,400
\$4 x 2 + \$2(D)	\$12	1:500	4,800
\$6 + \$4 + \$2	\$12	1:750	3,200
\$12	\$12	1:1,500	1,600
\$4 x 3 + \$6(D)	\$24	1:500	4,800
\$6 + \$12 + \$4 + \$2	\$24	1:500	4,800
\$12 + \$12	\$24	1:500	4,800
\$24	\$24	1:750	3,200
\$6 + \$12 + \$4 + \$2 + \$24	\$48	1:1,500	1,600
\$12(D) + \$24	\$48	1:2,000	1,200
\$24(D)	\$48	1:2,000	1,200
\$48	\$48	1:3,000	800
\$48(D) + \$24	\$120	1:3,000	800
\$120	\$120	1:6,000	400
\$120 + \$120	\$240	1:10,000	240
\$240	\$240	1:10,000	240
\$12,000	\$12,000	1:171,429	14

(D) = Doubler with the Heart Symbol

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Dozen Roses '98 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Dozen Roses '98, prize money on winning Pennsylvania Dozen Roses '98 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Dozen Roses '98 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Dozen Roses '98 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-33. Filed for public inspection January 2, 1998, 9:00 a.m.]

Pennsylvania \$10,000 Money Match Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$10,000 Money Match.

2. *Price:* The price of a Pennsylvania \$10,000 Money Match instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania \$10,000 Money Match instant lottery game ticket will contain one "Play Area" featuring one "Your Dollar Amount" and four "Lucky Dollar Amounts." The play symbols and their captions located in the "Your Dollar Amount" area and the "Lucky Dollar Amounts" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOUR DOL), \$8⁰⁰ (EIGHT DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$2,500 (TWYFIVHUN) and \$10,000 (TEN THO).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$10, \$20, \$40, \$80, \$2,500 and \$10,000. The player can win up to four times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 9,840,000 tickets will be printed for the Pennsylvania \$10,000 Money Match instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$10,000 (TEN THO) matches

the "Your Dollar Amount" play symbol of \$10,000 (TEN THO), on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$2,500 (TWYFIVHUN) matches the "Your Dollar Amount" play symbol of \$2,500 (TWYFIVHUN), on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$80\$ (EIGHTY) matches the "Your Dollar Amount" play symbol of \$80\$ (EIGHTY), on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$40\$ (FORTY) matches the "Your Dollar Amount" play symbol of \$40\$ (FORTY), on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$20\$ (TWENTY) matches the "Your Dollar Amount" play symbol of \$20\$ (TWENTY), on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$10⁰⁰ (TEN DOL) matches the

"Your Dollar Amount" play symbol of \$10⁰⁰ (TEN DOL), on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$8⁰⁰ (EIGHT DOL) matches the "Your Dollar Amount" play symbol of \$8⁰⁰ (EIGHT DOL), on a single ticket, shall be entitled to a prize of \$8.

(h) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$4⁰⁰ (FOUR DOL) matches the "Your Dollar Amount" play symbol of \$4⁰⁰ (FOUR DOL), on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$2⁰⁰ (TWO DOL) matches the "Your Dollar Amount" play symbol of \$2⁰⁰ (TWO DOL), on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets where the "Lucky Dollar Amounts" play symbol of \$1⁰⁰ (ONE DOL) matches the "Your Dollar Amount" play symbol of \$1⁰⁰ (ONE DOL), on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Match Your Dollar Amount To Any Of The Lucky Dollar Amounts With Prizer(s) of:

	<i>Win</i>
\$1	\$1
\$1 + \$1	\$2
\$2	\$2
\$2 + \$2	\$4
\$4	\$4
\$2 + \$2 + \$2 + \$2	\$8
\$4 + \$4	\$8
\$8	\$8
\$10	\$10
\$10 + \$10	\$20
\$20	\$20
\$20 + \$20	\$40
\$10 + \$10 + \$10 + \$10	\$40
\$40	\$40
\$80	\$80
\$20 + \$20 + \$20 + \$20	\$80
\$40 + \$40	\$80
\$2,500	\$2,500
\$2,500 + \$2,500 + \$2,500 + \$2,500	\$10,000
\$10,000	\$10,000

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 9,840,000 Tickets</i>
1:10	984,000
1:18.75	524,800
1:21.43	459,200
1:75	131,200
1:150	65,600
1:500	19,680
1:1,500	6,560
1:1,500	6,560
1:300	32,800
1:375	26,240
1:1,500	6,560
1:6,000	1,640
1:3,000	3,280
1:8,000	1,230
1:20,000	492
1:10,000	984
1:20,000	492
1:240,000	41
1:1,405,714	7
1:3,280,000	3

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$10,000 Money Match instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$10,000 Money Match, prize money on winning Pennsylvania \$10,000 Money Match instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$10,000 Money Match instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$10,000 Money Match or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-34. Filed for public inspection January 2, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation, pursuant to the authority contained in Section 2002(c) of the Administrative Code (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right of way has been submitted to the Department by Mid Mon Valley Transit Authority of 1300 McKean Avenue, Charleroi, Pennsylvania 15022, seeking to lease highway right of way located at State Route 0088, Segment 0290/0075 Rt., California Borough, Washington County, 0.4419 acres square feet/acres ±, adjacent to SR 0088 (LR 62178-10), Section(s) 115, for purposes of a Park and Ride.

Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the PA Bulletin, written comments, suggestions and/or objections regarding the approval of this application to Michael H. Dufalla, P.E., District Engineer, Engineering District 12-0, P. O. Box 459, Uniontown PA 15401.

Questions regarding this application or the proposed use may be directed to: Robert Bufalini, Real Estate Specialist, P. O. BOX 459, Uniontown PA 15401, (412) 439-7355.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-35. Filed for public inspection January 2, 1998, 9:00 a.m.]

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

Addendum

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 26 Pa.B. 6225 on December 28, 1996, a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Change of Name

As an addendum to the listing of approved Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police, the Department hereby gives notice of the change of name for the following station:

Westinghouse Electric Corporation, 1002 McKee Road, Oakdale, Allegheny County, PA 15071, is now known as: Westinghouse Power Generation, 1002 McKee Road, Oakdale, Allegheny County, PA 15071 (Appointed 09/12/85, Station R8).

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

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 26 Pa.B. 6225 (December 28, 1996), 27 Pa.B. 1206 (March 8,

1997), 27 Pa.B. 1610 (March 29, 1997, 27 Pa.B. 3285 (July 5, 1997) and 27 Pa.B. 4157 (August 16, 1997).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-36. Filed for public inspection January 2, 1998, 9:00 a.m.]

Finding

Lehigh and Northampton Counties

The Department of Transportation plans to rehabilitate S. R. 0022, Sections 04M and 027 (US 22) in Lehigh and Northampton Counties involving 8.2 miles of improvements.

S. R. 0022 is a 4-Lane limited access urban arterial that traverses the Lehigh Valley area in an east-west direction. S. R. 0022, Section 04M and Section 027 are located in eastern Lehigh and Western Northampton Counties. The two sections of the highway project are consecutive with Section 04M extending from approximately Fullerton Avenue Interchange (S. R. 8016), Station 819+50 in Lehigh County to approximately 650 feet east of the structure over Hecktown Road (T-440) Station 262+00 in Northampton County.

Within S. R. 0022, Section 04M, the scope of improvements can be divided into three segments: improvements to the Lehigh River Crossing which, including approaches, extends from Station 818+50 to Station 834+62; the mini project, another segment, extends from Station 834+62 (the eastern side of the Lehigh River Crossing) to Station 854+60; and the I-4R Reconstruction and Safety Update project which extends from Station 854+60 in Lehigh County to Station 34+20 in Northampton County (the eastern terminus of the project corridor).

The Lehigh River Crossing consists of four structures, which are actually two pairs of nearly identical bridges (the east and west bound lanes are supported by separate superstructures). The western bridges span the Lehigh River and Conrail tracks west of the river. The eastern bridges span the Lehigh Canal, Conrail tracks west of the Canal, and Dauphin Street.

The mini-project primarily involves replacement of the existing concrete pavement with proposed full depth bituminous pavement. Maintenance of single lane, bi-directional traffic patterns will be necessary to complete the mini project and improvements to the Lehigh River Crossing. The advance completion of these improvements is necessary to allow for maintenance and protection of 4-lane traffic during construction of the I-4R improvements that propose full depth cement concrete pavement reconstruction.

Specific I-4R improvements proposed for S. R. 0022, Section 04M include:

1. Reconstruction of the existing 4-lane concrete roadway pavement.

2. Increase the S. R. 0022 vertical clearance to (16'-6") at each interchange bridge spanning S. R. 0022, except at the Airport Road (S. R. 0987) Interchange where the existing 14 feet 7 1/4 inches underclearance will be maintained. The proposed underclearance beneath the S. R. 0987 (Airport road) overpass will be approximately 15 feet 6 inches based upon the preliminary design grade developed for reconstruction.

3. Improvements to interchange ramp geometry and extensions of speed change lanes to comply with current AASHTO/PennDOT standards.

4. Upgrading of guiderail, roadway drainage, signing, and lighting and removal of obstructions in the clear zone and ramp gore areas.

5. Reconstruction of a modified ramp (Collector-Distributor interchange ramp) serving as the S. R. 0022 eastbound exit to S. R. 1009 (Schoenersville Road). The proposed Collector-Distributor ramp will begin at the S. R. 0022 eastbound exit to S. R. 3078 and will merge with the S. R. 0378 northbound exit ramp to S. R. 0022 between S. R. 0378 and S. R. 1009. From the junction of both ramps, the two ramp lanes will follow the present alignment through the S. R. 1009 interchange.

6. Improvements to the Lehigh River Crossing. These improvements include:

a. Replacement of existing armor angle joints with neoprene strip seals.

b. The construction of a trough system to collect roadway drainage and debris from existing finger joints.

Proposed improvements to S. R. 0022, Section 027 include:

1. Replacement and widening of the existing 3 span superstructure with a new steel superstructure supported on the existing structure.

2. Extension of the existing piers and abutments to accommodate the wider superstructure.

This project is not a transportation route or program. However, even if this project is considered to be a transportation route or program, I have determined that no adverse environmental effect is likely to result from this rehabilitation project.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-37. Filed for public inspection January 2, 1998, 9:00 a.m.]

Retention of Engineering Firms

Erie County Project Reference No. 08430AG2148

The Department of Transportation will retain an engineering firm to provide preliminary engineering and perform an Environmental Assessment for S. R. 9900, Section 000, the realignment of West 38th Street in the City of Erie. Included is the replacement of the structure carrying 38th Street over Mill Creek and realignment of West 38th Street.

The selected firm will be required to provide the following services: field survey; right-of-way investigations; utility coordination; preliminary typical section and cross-section preparation; soils investigations; drainage studies; alternatives analysis; and preparation of an Environmental Assessment. Public and agency coordination will also be needed.

Firms that are under contract, or are being considered, to provide engineering services to a land developer for a site that is along the project corridor, will not be considered for this assignment. Firms are to state in the transmittal letter of their letter of interest that they are

not under contract nor are being considered for a contract with a land developer with interests in the project area.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

1. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.

2. Proven ability to meet project schedules and control costs.

3. Experience and competence of project manager and key personnel.

4. Innovations and flexibility in thinking, particularly with respect to the needs of the local community.

5. Past performance record on similar projects.

6. Past performance record of listed sub-consultants.

7. Availability of listed staff.

8. Current workload.

Limits to the letters of interest submittals, in addition to those mentioned in the General Requirements and Information section following the advertised project(s), are as follows:

1. Resumes—No more than five (5) total pages of resumes, one sided.

2. Standard Form 255—No more than five (5) project descriptions are to be included under Item No. 8.

Engineering District 1-0 will announce the firms that have been shortlisted at an open, public meeting to be held in the District Office. All firms that have submitted a letter of interest will be notified of the time and date. Specify two (2) contact persons in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The second copy of the letter of interest and required forms (see General Requirements and Information section) shall be sent to: Mr. John L. Baker, P.E., District Engineer, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323, Attention: Mr. Michael L. McMullen, P.E.

Any technical questions concerning the requirements for this project should be directed to Mr. Michael L. McMullen, P.E., District 1-0, at (814) 437-4331.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Erie County Project Reference No. 08430AG2148

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately thirty-one (31) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

- S. R. 0005, Section 10M, Erie County
Local Name: Streambed Paving
This project involves Elk Creek Arch Culvert

2. S. R. 0005, Section 210, Erie County
Local Name: 12th Street
This project involves resurface 12th Street, Greengarden to French Street
3. S. R. 0019, Section 209, Erie County
Local Name: Peach Street
This project involves resurface Peach Street, Oliver Road to Hershey Road
4. S. R. 0019, Section A03, Erie County
Local Name: Peach Street
This project involves widen and resurface Peach Street, Grandview to 38th Street.
5. S. R. 4017, Section 212, Erie County
Local Name: Pittsburgh Avenue
This project involves resurface Pittsburgh Avenue, 38th Street to 8th Street.
6. S. R. 4034, Section A50, Erie County
Local Name: East Side Access
This project involves the construction of a new four (4) lane limited access road.
7. S. R. 4036, Section A00, Erie County
Local Name: Bush Industries Road
This project involves the construction of a new two (2) lane facility. Additional work includes new signals, drainage, guiderail, and signing and pavement markings.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Construction inspection capabilities and experience.
- c. NICET, or other, certifications/training.
- d. Understanding Department procedures and policies.
- e. Past Performance.
- f. Workload.
- g. Number of available inspectors in each classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	9 (6)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	20 (12)*
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

*At least two (2) TCI's must be licensed nuclear gage operators.

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. *Firms applying must have qualified*

personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 2 Nuclear Densometer Gauges/License
- 2 Vehicles for the Transportation of Nuclear Gauges
- 1 Cellular Phone
- 2 Survey equipment (rod, level, tapes, etc.)
(other equipment required by the District)

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	11
TCI	24

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. John L. Baker, P.E., District Engineer, District 1-0, 1140 Liberty Street, Franklin, PA 16323.

Any technical questions concerning the requirements for this project should be directed to Mr. David W. Ruhlman, P.E., District 1-0, at (814) 437-4311.

Any 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 providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, PA 17105-3060.

Note: The Zip code for Express Mailing is 17101-1900.

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the Letter of Interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

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 the 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 Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. 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 (1) 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.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information *must be* packaged and presented in the following order:

- 1. Transmittal Letter (Maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employes of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

- 2. Project Organization Chart (one 8 1/2" x 11" page, one side)

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated and 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. Under Item 4 of this form, Column A must include the number of subconsultant personnel and Column B must include the number of prime consultant personnel to be assigned to work on this project reference number. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman 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.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, 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, unless an acceptable Standard Form 254 for the prime and *each* subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

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.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-38. Filed for public inspection January 2, 1998, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

DEP v. Crown Recycling and Recovery, Inc., et al.;
EHB Doc. No. 92-429-CP-MG

The Commonwealth of Pennsylvania, Department of Environmental Protection (Department) and Defendant, Wire Recycling, Inc., have agreed to a Settlement of the above matter, the major provisions of which include:

1. This is a partial settlement of the above matter, which resolves a portion of the Department's claim for reimbursement of response costs incurred at the Crown Recycling & Recovery, Inc. site;

2. The settlement resolves the liability of Wire Recycling, Inc. (Wire) only;

3. The settlement requires that Wire pay to the Department the sum of \$15,000.00, within 7 business days following the execution of the Partial Consent Adjudication;

4. The Department will provide Wire with a covenant not to sue, the terms of which are more fully set forth in the Partial Consent Adjudication. Additionally, the Department agrees that Wire shall be eligible for protection

from contribution, to the extent provided by section 113(f)(2) of CERCLA, 42 U.S.C.A. § 6020.705(c)(2).

Copies of the Partial Consent Adjudication are in the hands of: Kevin C. Quinn, Esquire, Elliott, Reihner, Sidezikowski & Egan, 400 Spruce Street, Suite 300, Scranton, PA 18503; Dennis M. Abraham, Assistant Counsel, Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Chief Counsel, Southeast Region, Lee Park, 555 North Lane—Suite 6015, Conshohocken, PA 19428-2233, (610) 832-6300; and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons believing themselves aggrieved by the above settlement may have the right of an appeal to the Environmental Hearing Board, Market Street State Office Building, Second Floor, 400 Market Street, Harrisburg, PA 17105.

Appeals must be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this if no objection is timely made.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 98-39. Filed for public inspection January 2, 1998, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Notice

The Health Care Cost Containment Council has scheduled the following meetings for January: Wednesday, January 7, 1998, Data Systems Committee at 10 a.m.; Education Committee at 1 p.m.; Legislative Committee at 2:30 p.m. The committee meetings will be held in the conference room at the Council office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council meeting will be held on Thursday, January 8, 1998 at 10 a.m. at Pennsylvania Blue Shield, 1800 Center Street, Camp Hill, PA. The public is invited to attend. Persons who need accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Suite 400 Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so arrangements can be made.

DONALD L. ZIMMERMAN,
Executive Director

[Pa.B. Doc. No. 98-40. Filed for public inspection January 2, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws: Pasquale J. Scaramuzza; Doc. No. SC97-12-013

Notice is hereby given of the Order to Show Cause issued on December 18, 1997 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Sections 604 and 623 of the Insurance Department Act (40 P. S. §§ 234 and 253).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with the 2 Pa.C.S. §§ 501—504 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to Special Rules of Administrative Practice and Procedure) 31 Pa. Code §§ 56.1—56.3 (relating to Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-41. Filed for public inspection January 2, 1998, 9:00 a.m.]

Appeal of Michael L. Donmoyer Under The Motor Vehicle Financial Responsibility Law Catastrophic Loss Benefits Continuation Fund; Doc. No. CF97-12-022

A telephone prehearing conference initiated by this office shall be conducted on January 21, 1998 at 9 a.m. The parties shall have exchanged and filed prior to January 14, 1998 all exhibits intended for use at the hearing, a witness list identifying the names, addresses and telephone numbers for the proposed witnesses, the identity of all experts along with their curriculum vitae and proposed testimony, an estimate of time for the respective party's case-in-chief, a listing of all legal issues and the supportive citation for the respective party's position pertaining to the legal issues and all joint factual stipulations.

The hearing shall occur on February 4, 1998 at 9 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-42. Filed for public inspection January 2, 1998, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Berks County, Wine & Spirits Shoppe # 0606, 798 South 4th Street, Hamburg, PA 19526.

Lease Expiration Date: August 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,400 to 2,800 net useable square feet of new or existing retail commercial space within a half mile radius of the junction of PA Route 61 and SR 4034 (South 4th Street), Borough of Hamburg.

Proposals due: January 23, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 98-43. Filed for public inspection January 2, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before January 26, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00114507. Central Ambulance Service, Inc. (1316 Fourth Avenue, Coraopolis, Allegheny County, PA 15108),

a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, to and from medical appointments: (1) between points in the counties of Washington and Beaver and from points in said counties, to points in Pennsylvania, and return; and (2) from points in the county of Allegheny, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

A-00114524. Vernell Devan, t/a Nell's Van Service (2538 South 75th Street, Philadelphia, Philadelphia County, PA 19153—persons in paratransit service, between points in the city and county of Philadelphia, and from points in said city and county, to points in Pennsylvania, and return.

Applications of the following for approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle for the transportation of household goods in use as described under each application.

A-00101800, F. 1, Am-D. Hanover Transfer, Co. (860 Gitt Run Road, Hanover, York County, PA 17331), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—(1) household goods in use between points in the borough of Hanover, York County, and within 7 miles by the usually traveled highways of Center Square in said borough, (2) from points in the said area to other points in Pennsylvania within 75 miles by the usually traveled highways of Center Square in said borough, and vice versa; and (3) household goods in use, from points in the borough of Hanover, York County, and within an airline distance of 3 statute miles of the limits of said borough, to other points in Pennsylvania, and vice versa. *Attorney:* John Fullerton, 212 Locust Court, Suite 500, Harrisburg, PA 17101.

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-00114529. Harold E. King, Jr., t/d/b/a Dulaney Bus Service (145 Maple Drive, Waynesburg, Greene County, PA 15370)—by van or conventional school bus, groups and parties of persons, excluding tour or sight-seeing service, from points in the county of Greene, to points in that part of Pennsylvania, on and west of U. S. Highway Route 15; which is to be a transfer of all of the rights authorized John O. Dulaney, t/d/b/a Dulaney Bus Service, under the certificate issued at A-00104878, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00086452, Folder 2, Am-F. The Snyder Brothers Moving, Inc., t/a George Transportation Company (729 New Castle Street, Zelenople, Butler County, PA 16063), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the borough of McKees Rocks, Allegheny County, and within 25 miles by the usually traveled highways, of the limits of the said borough: *so as to permit* the transportation of household goods in use: (1) between points in the borough of New Bethlehem, Clarion County, and within 10 miles by the usually traveled highways of the limits of said

borough; and (2) from points in the borough of New Bethlehem, Clarion County, and within 10 miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; which is to be a transfer of part of the rights authorized under the certificate issued at A-00109734, F. 1, Am-B, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265 on or before January 19, 1998.

- A-00114523 Mountain Ridge Transportation, Inc.
P O Box 218, Mountaintop, PA 18707
- A-00114530 Wayne Womelsdorf t/a Wayne Womelsdorf
Trucking
R R 1, Box 188, Wapwallopen, PA 18660
- A-00107824 John E. Lemanowicz t/a Superior Automot-
ive
F. 2
1450 Conshohocken Road, PA 19401

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Central Enterprises, Inc.; Doc. No. A-00097992C9701

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. In response to the Federal Authorization Aviation Act of 1994, which, inter alia, amended the Interstate Commerce Act at 49 U.S.C. §§ 14501(c) and 41713(b), this Commission on December 20, 1994, issued an order at P-00940884 which set forth new application procedures for motor carriers of property. The order directed that former contract carriers of property would be deemed to be common carriers of property. As common carriers of property, they were now required to file evidence of cargo insurance with this Commission, as required by 52 Pa. Code § 32.13, in addition to bodily injury and property damage insurance, as required by 52 Pa. Code § 32.12.

2. That by virtue of the Commission's order at Docket No. P-00940884, Central Enterprises, Inc., respondent, which has its principal place of business at 1111 Ellsworth Street, Philadelphia, PA 19147, who held contract carrier authority at Docket No. A-00097992, was deemed to now hold common carrier authority.

3. The Commission, by letter dated November 6, 1996, directed the respondent, to file acceptable evidence of cargo insurance.

4. That pursuant to Section 512 of the Public Utility Code, 66 Pa. C.S. § 512 and 52 Pa. Code Chapter 32,

respondent is required to maintain evidence of current insurance on file with this Commission.

5. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code, 66 Pa. C.S. § 512, and 52 Pa. Code § 32.13.

6. That as a result of failure to maintain evidence of current cargo insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Central Enterprises, Inc. at Docket No. A-00097992, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell
Director, Bureau of
Transportation
and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Joseph W. Farrell

DATE: _____

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Universal All Continent, Inc.; Doc. No. A-00110319C9701

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Universal All Continent, Inc., respondent, maintains a principal place of business at 929 North Main Street, P.O. Box 6069, Kokomo, IN 46904-6069.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-001110319.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa. C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and

cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Universal All Continent, Inc. at Docket No. A-00110319, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell
Director, Bureau of
Transportation
and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. James D. Reynolds, t/d/
b/a Reynolds Trucking; Doc. No. A-00112685C9702*

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That James D. Reynolds, t/d/b/a Reynolds Trucking, respondent, maintains a principal place of business at 434 Dunmore Street, Throop, PA 18512.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00112685.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa. C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by James D. Reynolds, t/d/b/a Reynolds Trucking at Docket No. A-00112685, for failure to maintain current evidence of

insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell
Director, Bureau of
Transportation
and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Joseph W. Farrell

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-44. Filed for public inspection January 2, 1998, 9:00 a.m.]

**Water Service
Without Hearing**

A-211020 F0002; A-211020 F0002 and A-210037 F2000. Fryburg Water Company and Venus Water Supply Company, Inc. Joint application of Fryburg Water Company and Venus Water Supply Company, Inc. for approval of transfer, by sale, of the distribution system of Venus Water Supply Company, Inc. to Fryburg Water Company; the application of Fryburg Water Company to begin to offer service to the public in portions of Pinegrove Township, Venango County and Washington Township, Clarion County; and the application of Venus Water Supply Company, Inc. for abandonment of all water services to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before January 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant:

Fryburg Water Company

Through and By Counsel:

James P. Melia, Counsel, Kirkpatrick and Lockhart, LLP, Payne-Shoemaker Building, 240 North Third Street, Harrisburg, PA 17101-1507

and

Applicant:

Venus Water Supply Company, Inc.

Through and By Counsel:

Anthony F. Jeselnik, Esquire, USX Tower, 15th Floor, 600 Grant Street, Pittsburgh, PA 15219-2749.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-45. Filed for public inspection January 2, 1998, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

In the event that the Turnpike Commission (Commission) does not exercise its option to renew existing purchase orders, the Commission will solicit bid proposals for selected commodities during the months as shown. Bid Proposal Forms and Conditions may be obtained, free of charge, by communicating with the Purchasing Bid Clerk, (717) 939-9551, Ext. 2830, no later than the 15th day of the month preceding the month shown for the solicitation. Please refer to the Commodity Description.

Commodity

<i>January</i>	Traffic Cones Stone, Sand and Gravel Bituminous Asphalt Material Guiderail Panels, Posts and Accessories
<i>February</i>	Poly Fiber Crack/Joint Sealant
<i>March</i>	Paint—Structural/Decorator Unleaded Gasoline Cleaning Septic Tanks Signs, Roadway Traffic and Special
<i>April</i>	Lubrication Oils and Grease Snow Plow Blade Cutting Edges Fine Paper Computer Stock Paper
<i>May</i>	Fusees (Flares) Anti-Skid Material
<i>June</i>	Heating Fuel and Kerosene Liquid Calcium Sodium Chloride (Bulk) Diesel Fuel

Interested parties not now on the Mailing List may obtain the necessary documents by contacting:

Pennsylvania Turnpike Commission
Attention: Purchasing Department
P. O. Box 67676
Harrisburg, PA 17106
(717) 939-9551, Ext. 2830

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-46. Filed for public inspection January 2, 1998, 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.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705

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 A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1528117 Communication equipment—1 system complete-in-house paging and security code calling system to be Valcom equipment or equal.

Department: Corrections
Location: Waynesburg, Greene County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1488117 Food prep and serving equipment—2 each Hobart Model QES-q refrigerator one section roll-in unit or approved equal.

Department: Corrections
Location: Somerset, Somerset County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1493117 Food prep and serving equipment—1 each Hobart Model C64A electric dishwasher to operate in a left to right direction unit length to be a minimum of 64".

Department: Corrections
Location: Somerset, Somerset County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1521117 Food prep and serving equipment—2 each ice machines, Manitowoc 1800 series, Manitowoc, WI or equal.

Department: Corrections
Location: West Chester, Chester County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1522117 Food prep and serving equipment—4 each furnish and install 80 quart mixer, 4 speed, floor model, 3 horsepower, 220 volt stainless steel construction w/bowl, time mixing control, multiple disk clutch interchangeable bowls from 30 to 80 quarts capacity Ref. Mfg. Hobart M802 or equal; 4 each 80 quart stainless steel bowl; 4 each 80 quart aluminum (b) flat beater; 4 each 80 quart tinned "C" wing whip; 4 each 80 quart aluminum "ED" dough arm; 1 each vegetable slicer attachment w/adjustable slicer and shredder plates (3/32", 3/16", 5/16" and 1/2") w/plate holder and burnished aluminum finish.

Department: Corrections
Location: West Chester, Chester County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1524117 Food prep and serving equipment—4 each furnish and install slicer, 1/2 horsepower, semi-automatic 12" x 12" carriage size angel feed 2 speed, solid stainless, thickness capacity 1 1/4" 220 volt NSF approved.

Department: Corrections
Location: West Chester, Chester County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1525117 Food prep and serving equipment—30 each stainless steel work centers 30" x 96" x 34" high, heavy duty, HD super work surface, made of seamless 14 gauge stainless steel w/support structure NSF approved.

Department: Corrections
Location: West Chester, Chester County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1557117 Food prep and serving equipment—1 each furnish and install natural gas range, 4-burner with oven, stainless steel exterior. Must fit into space that is 36" deep x 48"-54" wide; 1 each furnish and install double deck gas convection oven w/6" legs or rollers, must fit into 36" by 36" space stainless steel.

Department: Corrections
Location: Elizabethtown, Lancaster County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1558137 Food prep and serving equipment—16 each reinforced polymer shelving 24" W x 36" L Metromax No. 2436 GX or approved equal; 28 each reinforced polymer shelving 24" W x 42" L Metromax No. 2442 or approved equal; 16 each reinforced polymer shelving 24" W x 48" L Metromax No. 2448 GX or approved equal; 80 each reinforced polymer shelving 24" W x 60" L Metromax No. 2460 GX or approved equal; 48 each reinforced polymer post 75" H Metromax No. 74PX or approved equal; 28 each reinforced polymer posts for Casters Metromax No. 74 UPX or approved equal; 16 each reinforced polymer 87 1/2" posts Metromax No. 86 PX or approved equal; 12 each reinforced polymers 5" Casters Metromax No. 5 MPBX or approved equal; 32 each reinforced polymer posts Metromax No. 74 UPX or approved equal; 2 each reinforced polymer stationary unit Metromax No. TT SUX or approved equal; 12 each reinforced polymer mobile kit Metromax No. TT M24ASX or approved equal; 1 each reinforced polymer track set 12' track section Metromax No. TT S12 NX or approved equal; 1 each reinforced polymer track set 20' track section Metromax No. TT S20 NX or approved equal.

Department: Military and Veterans Affairs
Location: Pittsburgh, Allegheny County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1549117 Metal bars, sheets and shapes—1,000 each cold roll sheet steel must conform to AASTM A366.

Department: Corrections
Location: Pittsburgh, Allegheny County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1571117 Metal bars, sheets and shapes—100 each stainless steel sheets size 48" x 96" x 11 gauge type 304 No. 2B finish. The finish materials must be protected in shipment.

Department: Corrections
Location: Pittsburgh, Allegheny County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8234540 Motor vehicles, trailers and cycles—2 each 1998 model cab and chassis w/dry freight box van body.

Department: Transportation
Location: Harrisburg, Dauphin County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1548227 Security alarm—1 lot alarm system—Furnish and install all components of an electronic system at the Bellefonte Fish Culture Station, Bellefonte.

Department: Fish & Boat Commission
Location: Bellefonte, Centre County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1523117 Steam plant and drying equipment—1 each Sarco Model 25 Series control valves w/pilot, pressure range to be 20—100 PSI size 2 1/2" P/N 54697 no substitute; 5 each Sarco Model 25 Series control valves w/pilot, pressure range to be 20—100 PSI size 2" P/N 55227 no substitution; 2 each Sarco Model 25 Series control valves w/pilot, pressure range to be 20—100 PSI size 4" P/N 54663; 5 Sarco relief valves, set pressure 50 PSI size 2" P/N SVI-AJ5-35 no substitution.

Department: Corrections
Location: Muncy, Lycoming County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1583117 Textiles—50,000 yards broadcloth, poly/cotton blend (50/50 or 65/35 is acceptable), thread count to be approximately 100 x 60, 3 oz. pre-shrunk 2—3%, width 60", color snow white (Pantone color No. 11-0602PT).

Department: Corrections
Location: Huntingdon, Huntingdon County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1590117 Textiles—5,000 yards Staphchek XL 54" wide, 10.5 oz./sq. yd. 100 yards/roll, color fawn, flame retardant, antibacterial, fluid proof, antistatic.

Department: Corrections
Location: Dallas, Luzerne County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1591117 Textiles—3,000 each fiber pad; a uniform pliable felt pad composed of 60% polyester and 40% cotton non-woven fibers. This pad shall be heat bonded.

Department: Corrections
Location: Dallas, Luzerne County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1397217 Water purification and sewage treatment equipment—11 each Power Model No. 431-HL-AM "no substitution" hi/lo hot water temperature control system, prepiped and tested at factory.

Department: Public Welfare
Location: Polk, Venango County
Duration: FY 1997-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Audio/Video—04

Inquiry No. 57 This service provides a paging service for our pagers—the service also includes telephone numbers and maintenance. A copy of the bid proposal can be obtained by contacting the purchasing department of the Allentown State Hospital.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1998 through June 30, 2003
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Inquiry No. 58 This service provides for cable television service and maintenance of lines into the hospital. A copy of the bid proposal can be obtained by contacting the purchasing department of the Allentown State Hospital.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1998 to June 30, 2003
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

8311 Cellular service: Contractor to provide service (air time, program equipment and make operable). Central area of use of the approximate 20 phones are mainly the counties of Blair, Cambria, Bedford, Somerset, Clearfield, Indiana and Huntingdon. Central area of use of three phones will be from the Harrisburg area. However, they will be used routinely throughout the Commonwealth of PA. Each bidder will submit area maps to show when local access exists for these areas and where roaming charges will apply.

Department: Public Welfare
Location: Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: February 1, 1998 through June 30, 2001
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

Construction—09

DGS A172-6ADA Project title: New Comfort Station. Brief description: provide and install a prefabricated, pre-engineered ADA restroom unit complete with an integrated concrete basement/waste treatment system. General construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, January 21, 1998 at 2 p.m., (717) 787-3923.

Department: General Services
Location: Minnich's Hit Picnic Area—Weiser State Forest District 18, Jackson Township, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A172-7ADA Project title: New Comfort Station. Brief description: provide and install a prefabricated, pre-engineered ADA restroom unit complete with an integrated concrete basement/waste treatment system. General construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, January 21, 1998 at 1 p.m., (717) 787-3923.

Department: General Services
Location: Snow Hill Picnic Area—Delaware State Forest District 19, Price Township, Monroe County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 406-47 Project title: Renovate Loveland Hall. Brief description: Classrooms renovation of ADA modifications of toilets and elevator, electrical wiring replacement, adding ventilation, refinishing existing floors, changing ceilings, painting, new water coolers and replacing lighting fixtures and the like. General, HVAC and electrical construction. Plans deposit: \$100 per set. Payable to: Desmone and Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Desmone and Associates, 3400 Butler Street, Pittsburgh, PA 15201. Bid date: Wednesday, January 21, 1998 at 11 a.m., (412) 683-3230. A prebid conference has been scheduled for Monday, January 5, 1998 at 10 a.m. at Edinboro University, Studio 5, Loveland Hall, Edinboro, PA. Contact person: Jim DeCecco, (412) 683-3230. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: Edinboro University, Edinboro, Erie County, PA
Duration: 100 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 970-126 Project title: Exterior Renovations. Brief description: Exterior renovation consists of installing new standing seam roof, two new overhead doors, including motor operators, new gutters and downspouts and paint exterior building. General Construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, January 28, 1998 at 2 p.m., (717) 787-3923.

Department: General Services
Location: PAARNG Army, Chambersburg, Franklin County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

SP 342152 Paving 4 1/2" BC BC and 1 1/2" ID2 over approximately 2,126 SF of walkway, road berm, handicapped parking and tractor way at Whipple Beach, Whipple Dam State Park, Huntingdon County. Greenwood Furnace State Park, R. R. 2, Box 118, Huntingdon, PA 16652-9006

Department: Conservation and Natural Resources
Location: Whipple Dam State Park, Huntingdon County
Duration: June 30, 1998
Contact: Barry F. Wolfe, (814) 667-1800

SU-517B.2: HVAC Construction; SU-517B.4: Electrical Construction Project title: Ezra Lehman Library upgrade air handling units and air delivery system, Phase I. Brief description: Work shall be completed at Shippensburg University, Shippensburg Township, Cumberland County, PA. The project shall include the furnishing of all labor, superintendence, material, tools, equipment and performing all work necessary to complete all construction of replacing the air handling units and humidifiers, and installing relief air fans in the Ezra Lehman Memorial Library. Site visit with prebid meeting to immediately follow will be held on January 7, 1998, at 10:30 a.m. in Old Main 203A. Bids due: January 29, 1998, at 4 p.m., in Old Main Room 200. Bids open: January 30, 1998, at 2 p.m. in Old Main 203A.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, Cumberland County, PA 17257-2299
Duration: 150 calendar days from date of Notice to Proceed
Contact: Deborah K. Martin, (717) 532-1121

Environmental Maintenance Services—15

SP-323344 The lining of run-off channels with R5 stone riprap. (Approximately 632 tons). Channel shaping and excavation. (Approximately 85 YD3).

Department: Department of Conservation and Natural Resources
Location: State Park Region No. 3, Greenwood Furnace State Park, R. R. 2, Box 118, Huntingdon, PA 16652-9006
Duration: Completion time—60 days after Notice to Proceed
Contact: Ken Kozak, (814) 733-9123

Firefighting Services—18

98-005 The contractor shall furnish and install an interconnected fire alarm system for three buildings.

Department: Corrections
Location: Training Academy, 1451 N. Market Street, Elizabethtown, PA 17022
Duration: 1 year
Contact: Ruth Nagy, (717) 367-9070

321165 Supply all labor and parts necessary to test, recharge and repair fire extinguishers and to perform inspections on fire suppression systems located in Dietary areas in Building No. 2 (Education) and Building No. 8 (Main Security) of the Bensalem Youth Development Center.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1998 to June 30, 2001
Contact: Dot Williams, Purchasing Department, (215) 953-6412

Food—19

98-004 The contractor shall provide a dispenser and all related items to serve carbonated drinks as needed. The contractor will install and maintain all equipment.

Department: Corrections
Location: Training Academy, 1451 N. Market Street, Elizabethtown, PA 17022
Duration: 1—3 years
Contact: Ruth Nagy, (717) 367-9070

718-97 Bread, rolls, and the like for delivery April, May and June 1998. For more specifications request bid proposal, Inquiry No. 718-97.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: April—June, 1998
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

719-97 Fresh baked goods, various types, for delivery April, May and June 1998. For more specifications request bid proposal, Inquiry No. 719-97.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: April—June, 1998
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

D-8000 The contractor shall provide ice cream and ice cream products for the inmates at SCI—Waynesburg on a weekly basis.

Department: Corrections
Location: SCI—Waynesburg, R. D. 1, Box 67, Waynesburg, PA 15370
Duration: March 1, 1998 through February 28, 1999
Contact: Judith Cook, Purchasing Agent, (412) 852-5609

Fuel Related Services—20

9999-0900-000 Contractor shall remove a 210-gallon underground fuel storage tank and replace with a new one of the same capacity with considerations regarding soil remediation. More comprehensive specifications are contained within bid format.

Department: Corrections
Location: State Regional Correctional Facility—Mercer, 801 Butler Pike, Route 258 South, Mercer, PA 16137-5699
Duration: March 1, 1998 to June 30, 1998
Contact: John J. Pitonyak, (412) 662-1837, Ext. 194

Hazardous Material Services—21

SP-579 Removal of infectious waste including: medical waste, sharps.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Rt. 220 at Meadows Int., P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: July 1, 1998 through June 30, 2001
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

HVAC—22

Project No. 409-FS Lock Haven University of PA, of Pennsylvania's State System of Higher Education (SSHE) is seeking bids for general, mechanical/plumbing and electrical construction for the conversion of an existing basement storage room to a pottery-lab in the Sloan Fine Arts Building, Project No. 409-FS. A prebid meeting will be held January 6, 1998 (10:30 a.m.) in Price Performance Center. All prospective contractors are encouraged to attend. Bids are due and will be opened publicly on January 21, 1998 at 2 p.m. For further information, or to request contract documents at a nonrefundable fee of \$35, bidders can contact Paulette Rider of Comprehensive Design, 3054 Enterprise Drive, State College, PA 16801, (814) 238-7706. Prevailing Wages, Contracts and MBE/WBE participation apply. The System encourages responses from small firms, minority firms and firms which may not have previously performed work for the System. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Lock Haven University—J. Sloan Fine Arts Building, N. Fairview Street, Lock Haven, PA 17745
Duration: 120 days from date of Notice to Proceed
Contact: Comprehensive Design A&E, (814) 238-7706

040090 The Pennsylvania Department of Transportation requires estimated 300 hours of plumbing repair and service at two safety rest area locations. 1) Lackawanna County I-81 Northbound Tomkinsville and 2) Susquehanna County I-81 SB Lenox. Specifications may be obtained by phoning (717) 963-4048 between 8 a.m. and 4 p.m. Monday through Friday.

Department: Transportation
Location: Lackawanna and Susquehanna Counties
Duration: 2 year w/renewal option
Contact: Martha Spaide, (717) 963-4048

040091 The Pennsylvania Department of Transportation requires estimated 450 hours of plumbing repair and service at three safety rest area locations. 1) Luzerne County, I-80 EB White Haven; 2) Luzerne County I-81 NB Dorrance; and 3) Luzerne County I-81 SB Nuangola. Specifications may be obtained by phoning (717) 963-4048 between 8 a.m. and 4 p.m. Monday through Friday.

Department: Transportation
Location: Luzerne County
Duration: 2 year w/renewal option
Contact: Martha Spaide, (717) 963-4048

040092 The Pennsylvania Department of Transportation requires estimated 450 hours of plumbing repair and service at three safety rest area locations. 1) I-84 EB Promised Land; 2) I-84 WB Promised Land; and 3) S.R. 209 and 6 Matamoras. Specifications may be obtained by phoning (717) 963-4048 between 8 a.m. and 4 p.m. Monday through Friday.

Department: Transportation
Location: Pike County
Duration: 2 year w/renewal option
Contact: Martha Spaide, (717) 963-4048

B-7716 Vendor to provide all parts and labor to repair high mast lighting located at the State Correctional Institution—Graterford. Service to include rewiring and replacement of broken units.

Department: Corrections
Location: State Correctional Institute, Graterford, Rt. 29, Graterford, PA 19426
Duration: 6 months
Contact: Kelly Richardson, (610) 489-4151

SU-408A.2 HVAC Construction Project title: Old Main relocate condensing units. Brief description: Work shall be completed at Shippensburg University, Shippensburg Township, Cumberland County, PA. The project shall include the furnishing of all labor, superintendence, material, tools, equipment and performing all work necessary to complete all construction of relocating the condensing units for the air conditioning system in Old Main and erecting an enclosure adjacent to Old Main. Work includes disconnecting, relocating and reconnecting two roof-mounted air cooled condensers and associated equipment; installing new refrigerant piping, valves and accessories; reconnecting the existing building automatic temperature control system; coordinating the portion of electrical work being performed by University personnel; start-up and recommissioning relocated condensing units and excavating and constructing a new lattice type brick and block enclosure. Site visit with prebid meeting to immediately follow will be held on January 7, 1998, at 9 a.m. in Old Main Room 203A. Bids due: January 29, 1998 at 4 p.m. in Old Main 200. Bid opening will be January 30, 1998.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: 120 calendar days from date of Notice to Proceed
Contact: Deborah K. Martin, Contract Administrator, (717) 532-1121

Janitorial Services—23

Project No. 0126 Custodial services.

Department: Military and Veterans Affairs
Location: Area 1, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: February 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

WC-98 Window cleaning of exterior and designated interior windows of four story building. Will be required twice a year (spring and fall).

Department: Military and Veterans Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1998 through June 30, 1999
Contact: Francis Bellan, P.A., (610) 948-2492

Property Maintenance—33

Project No. 9811 Minor roof repairs, upper and lower roof.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 324 Emerson Street, Pittsburgh, Allegheny County, PA
Duration: January 1, 1998—June 30, 1998
Contact: Emma Schroff, (717) 861-8518

Project No. 9820 Repair/replace wooden garage doors and masonry repairs.

Department: Military and Veterans Affairs
Location: PAARNG, 350 East 6th Street, Erie, Erie County, PA
Duration: February 1, 1998—September 30, 1998
Contact: Emma Schroff, (717) 861-8518

040089 Seed bed preparation and wildflower planting on approximately 50 acres in District 4-0, Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Specifications may be obtained from District 4-0 Roadside Specialist from 8 a.m. to 4 p.m., Monday through Friday.

Department: Transportation
Location: District 4-0, Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties
Duration: 2 year with renewal option
Contact: Martha Spaide, (717) 963-4048

040093 The Pennsylvania Department of Transportation requires approximately 200 mowing cycles, spring cleanup, lawn maintenance and turf fertilization at three Safety Rest Areas in Pike County. Specifications may be obtained by phoning (717) 963-4048 between 7 a.m. and 4 p.m., Monday through Friday.

Department: Transportation
Location: Pike County (0440)
Duration: 2 year with option for one renewal
Contact: Martha Spaide, (717) 963-4016

030-0294 Tree removal and trimming in Northumberland County on 4.01 miles on S.R. 1007, 6.92 miles on S.R. 0147 and 5.03 miles on S.R. 0901. Job involves tree removal and trimming to specified cut widths. Contractor to provide all equipment, labor, material and traffic control necessary to complete contract according to bid specifications. Job is to be bid on per mile basis. Payment will be made lump sum per listed item. All requests for bid package must be received via FAX at (717) 368-4343 (Attn: Lyndon Mink).

Department: Transportation
Location: Northumberland County
Duration: 5 months
Contact: Lyndon B. Mink, (717) 368-4224

RGD98 Replace shingle roof/gutters/downspouts of Building No. 1.

Department: Military and Veterans Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1998—June 30, 1998
Contact: Francis Bellan, P.A., (610) 948-2492

RWB1-98 Repair/replace windows in Building No. 1.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 1, 1998—June 30, 1998
Contact: Francis Bellan, P.A., (610) 948-2492

SPC 314080 Services required to renew caulking in joints of approximately 2,300 linear feet of expansion joints within Codorus State Park swimming pool area.

Department: Conservation and Natural Resources
Location: Codorus State Park, 1066 Blooming Grove Road, Hanover, PA 17331-9545
Duration: All work must be completed by May 1, 1998
Contact: Gene R. Grifo, (717) 637-2816

WC 643R West Chester University is soliciting sealed bids for the complete replacement and/or modifications to existing interior wood flush panels, reinstallation of the panels on new mounting brackets and hinges; and back sealing of existing panels in the Sykes theater and ballroom. Prevailing wages apply.

Department: State System of Higher Education
Location: West Chester University—Sykes Union, West Chester, PA 19383
Duration: 75 calendar days from Notice to Proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Real Estate Services—35

010329 Provide professional appraisal services for various types of properties on highway improvement projects throughout Engineering District 1-0. These projects include State Routes 4034-A51 and 0019-A03 in Erie County, 0018-A01 in Mercer County, 0948-02M in Forest County and 0006-B01 in Crawford County. Appraisers must hold a PA General Certification as well as being listed on the Department's current Prequalified Fee Appraiser Roster.

Department: Transportation
Location: PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323
Duration: February 2, 1998—February 1, 2003
Contact: William R. Pixley, Chief Appraiser, (814) 437-4203

Vehicle, Heavy Equipment—38

ITQ 357011 The Department of Transportation is inviting contractors who are interested in renting highway and related equipment to Department Maintenance Districts (County's) to respond to an Invitation to Qualify. All responsible contractors meeting prequalification requirements will be awarded a contract. FAX requests for bid package to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Statewide (all counties)
Duration: Execution (March 1, 1998) to February 28, 2003 (5 years)
Contact: Greg Buterbaugh, (717) 787-6522

Miscellaneous—39

Inquiry No. 110-0005 Contractor to supply professional services of funeral director/staff. Specification of contract available upon request.

Department: Military and Veterans Affairs
Location: Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206-1297
Duration: April 1, 1998 to March 31, 2000
Contact: Ken Wilson, Purchasing Agent 3, (412) 665-6727

FM 08769702 Repair tub/shower lifts: Vendor shall provide all items, articles, materials, operations, equipment, transportation, lifting apparatus, lab, tools and incidentals necessary and required to deliver and install on site in an acceptable manner, portable ceiling lifts in bathing areas of the Altoona Center. Although service is for the Altoona Center, the bid specifications shall be available from the Purchasing Department of the Ebensburg Center.

Department: Public Welfare
Location: Altoona Center, 1515 Fourth Street, Altoona, Blair County, PA 16601
Duration: 90 days from effective date of contract
Contact: Cora Davis, Purchasing Agent, (814) 472-0288

SP-336917 Provide materials and installation of deer fencing at approximately 5,300 lineal feet perimeter and 5,200 lineal feet perimeter of portions of the Wolflick Timber Sale 13-96BC14 in Jay Township, Elk County; and approximately 5,200 lineal feet in perimeter and 5,800 lineal feet of portions of the Canoe Run Timber Sale 13-97BC02 in Shippen Township, Cameron County.

Department: Conservation and Natural Resources
Location: Bureau of Forestry—Forest District 13, Wolflick Timber Sale, Jay Township, Elk County; Canoe Run Timber Sale, Shippen Township, Cameron County

Duration: June 30, 1998
Contact: Robert G. Merrill, (814) 486-3353

[Pa.B. Doc. No. 98-47. Filed for public inspection January 2, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

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
1144217-01	12/17/97	IRIS Ltd	59,100.00
1272157-01	12/17/97	Vinyl Sign Supplies, Inc.	23,744.00
1351217-01	12/17/97	Lionville Sys- tems, Inc.	30,400.50
1355157-01	12/17/97	Five Star In- ternational	38,888.00
1375217-01	12/19/97	Novartis Phar- maceuticals Corp.	26,203.20
1382227-01	12/19/97	N L Johnson, Inc.	37,588.00
1399157-01	12/17/97	Moore Busi- ness Forms, Inc.	2,898.75
1401117-01	12/17/97	Fastening Products of Lancaster, Inc.	7,539.40
1401117-02	12/17/97	J P Ruklic Screw Co.	7,995.00
1403117-01	12/17/97	Cleon S. Cas- sel	9,359.00
1462117-01	12/17/97	Schuykill Ma- terial	12,331.00
2306-01	12/18/97	Warnock Auto- motive, Inc. d/b/a/ Warnock Ford, Inc.	35,872,560.00
2306-01	12/18/97	Warnock Mo- tor Sales d/b/a Warnock Chevrolet, Inc.	43,433,440.00
2306-01	12/18/97	Warnock Dodge, Inc. d/b/a Warnock Jeep/Eagle	11,213,100.00

Requisition or Contract #	Awarded On	To	In the Amount Of
5610-25 RIP #1	12/19/97	Keystone Lime Company, Inc.	17,780.00
5610-25 RIP #1	12/19/97	Commercial Stone Com- pany, Inc.	38,250.00
7350-05	12/22/97	S W Food Ser- vice Equip- ment Co.	10,000.00
7350-05	12/22/97	Legion Indus- tries, Inc.	5,000.00
7350-05	12/22/97	United Res- taurant Equipment, Inc.	45,000.00
7530-04	01/01/98	White Rose Paper Co., Inc.	22,323.45
7530-04	01/01/98	Alling & Cory Company	891,099.80
7530-04	01/01/98	Moore Busi- ness Forms	103,535.45
7530-04	01/01/98	McGregor Printing Corp.	54,150.91
8010-06	12/15/97	Cataphote, Inc.	1,206,240.00
8010-06	12/15/97	Northeastern Safety Prod- ucts, Inc.	924,288.00
8504100-01	12/17/97	American Grid	12,924.00
8925-02	01/01/98	Karetas Foods, Inc.	76,000.00
8925-02	01/01/98	Feeser's Inc.	1,584,640.00
9905-12 Sign Sfiffeners & Accessories	01/01/98	J O Herbert Co., Inc.	87,959.40

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-48. Filed for public inspection January 2, 1998, 9:00 a.m.]