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PENNSYLVANIA BULLETIN

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Coal Mining Permitting and
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Turnpike Commission

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

No. 270, May 1997

PENNSYLVANIA

BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

List of Pa. Code Chapters Affected

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 1997.

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Control of VOCs from Gasoline
Dispensing Facilities (Stage II)

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THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 50]

Order Amending Rules 75 and 84; No. 219; Doc. No. 2

Order

Per Curiam:

Now, this 18th day of April, 1997, upon the recommendation of the Criminal Procedural Rules Committee; this Recommendation having been published at 25 Pa.B. 5919 (December 23, 1995) and in the *Pennsylvania Reporter* (Atlantic Second Series Advance Sheets Vol. 672) before adoption, with a *Final Report* to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.Rs.Crim.P. 75 and 84 are hereby amended in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

PART V. PROCEDURE REGARDING ARREST WARRANTS IN SUMMARY CASES

Rule 74. Issuance of Arrest Warrant.

(1) A warrant for the arrest of the defendant shall be issued when:

* * * * *

(c) the issuing authority has reasonable grounds to believe that the defendant will not obey a summons.

(2) A warrant for the arrest of the defendant may be issued when a defendant has entered a not guilty plea and fails to appear for the summary trial, if the issuing authority determines, pursuant to Rule 84(A), that the trial should not be conducted in the defendant's absence.

[(2)] (3) A warrant for the arrest of the defendant may be issued when:

* * * * *

(b) the issuing authority has, in the defendant's absence, tried and sentenced the defendant to pay a fine and costs, and the collateral deposited by the defendant is less than the amount of fine and costs imposed.

Official Note: Adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; amended April 18, 1997, effective July 1, 1997.

Comment

[Paragraph (1) of this rule is derived from previous Rule 51B. Paragraph (2) of this rule is derived from previous Rule 65.]

* * * * *

Ordinarily, pursuant to Rule 84, the issuing authority must conduct a summary trial in the defendant's absence. However, if the issuing authority determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the summary trial, the issuing authority may issue a warrant for the arrest of the defendant pursuant to paragraph (2) in order to bring the defendant before the issuing authority for the summary trial.

An arrest warrant issued under paragraph [(2)] (3) should state the amount required to satisfy the sentence.

Committee Explanatory Reports:

* * * * *

Final Report explaining the April 18, 1997 amendments concerning arrest warrants when defendant fails to appear for trial published with the Court's Order at 27 Pa.B. 2117 (May 3, 1997).

PART VI. GENERAL PROCEDURE IN SUMMARY CASES

Rule 84. Trial in Defendant's Absence.

[(a)] (A) If the defendant fails to appear for trial in a summary case, the trial [may] shall be conducted in the defendant's absence, unless the issuing authority determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the trial in the defendant's absence. If the trial is not conducted in the defendant's absence, the issuing authority may issue a warrant for the defendant's arrest.

[(b)] (B) ***

[(c)] (C) ***

[(d)] (D) ***

Official Note: Adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997.

Comment

In those cases in which the issuing authority determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the trial in the defendant's absence, the issuing authority may issue a warrant for the arrest of the defendant in order to have the defendant brought before the issuing authority for the summary trial. See Rule 75(2). The trial would then be conducted with the defendant present as provided in these rules. See Rule 83.

[Paragraphs (a)—(c) of this rule replace previous Rule 64.] Paragraph (d) [, which is derived from previous Rules 64(d) and 65(e),] was amended in 1989 to provide notice to the defendant of conviction and sentence after trial in absentia to alert the defendant that the time for filing an appeal has begun to run. See Rule 63(b)(3).

[If the issuing authority determines that there is a likelihood that the sentence will be imprisonment, the issuing authority should issue a warrant for the defendant's arrest. The trial would then be conducted with the defendant present as provided in these rules. See Rule 83.]

[With regard to] For the defendant's right to counsel, see Rule 316.

For **[procedures regarding]** arrest **[warrants]** warrant procedures in summary cases, see Rules 75 and 76.

Committee Explanatory Reports:

Final Report explaining the April 18, 1997 amendments mandating a summary trial in absentia with certain exceptions published with the Court's Order at 27 Pa.B. 2117 (May 3, 1997).

FINAL REPORT

Amendments to Pa.Rs.Crim.P. 75 and 84

PROCEDURES WHEN DEFENDANT FAILS TO APPEAR FOR SUMMARY TRIAL

Introduction

On April 18, 1997, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court amended Rules of Criminal Procedure 75 (Issuance of Arrest Warrant) and 84 (Trial in Defendant's Absence) to clarify when a district justice must conduct a trial in the defendant's absence, and when a district justice may issue an arrest warrant when a defendant has failed to appear for the summary trial. The amendments will be effective July 1, 1997. This Final Report highlights the Committee's considerations in formulating these amendments.¹

Background

The Committee recommended the amendments to Rules 75 and 84 in response to several questions concerning the Rule 84 (Trial in Defendant's Absence) procedures, which were raised in correspondence with the Committee.

The questions may be summarized as follows:

- (1) in summary cases, under what circumstances should a trial in the defendant's absence be held; and
- (2) are district justices authorized to issue a warrant for the arrest of a defendant who has failed to appear for the summary trial?

Prompted by these questions, the Committee reviewed the provisions of Rule 84. Paragraph (A) provides that if a defendant fails to appear for trial in a summary case, "the trial *may* be conducted in the defendant's absence." (emphasis added) The Rule 84 Comment suggests that if "the issuing authority determines that there is a likelihood that the sentence will be imprisonment, the issuing authority should issue a warrant for the defendant's arrest" so that the trial may be conducted with the defendant present. We also looked at Rule 75 (Issuance of Arrest Warrant), which sets forth the procedures for issuing arrest warrants in summary cases. This rule does not provide for the issuance of an arrest warrant when a defendant has failed to appear for the summary trial.

From our discussion of these rules and questions, the Committee concluded that the use of "may" in Rule 84(A) concerning when a trial in the defendant's absence should be conducted, and the procedural gaps in Rules 75 and 84 concerning whether arrest warrants may be issued in these cases, are the source of the confusion about the procedures for handling summary cases when a defendant fails to appear for trial. Recognizing the importance of having the summary case rules provide issuing authorities with clear guidance about how to proceed under the rules, we agreed that Rules 75 and 84 should be amended accordingly.

Discussion of Rule Changes

(A) Rule 84 (Trial in Defendant's Absence)

The Committee agreed that in summary cases in which a defendant fails to appear for the trial, the general requirement should be that the trial will be conducted in the defendant's absence. However, we recognized that there are situations in which the trial should not be conducted in the defendant's absence. First, the defendant should not be tried in his or her absence if there is a likelihood that the sentence will be imprisonment. Second, it would be inappropriate to conduct the trial in the defendant's absence when there is a good reason for the defendant's failure to appear, such as cases in which the defendant is confined, for example, in an inpatient drug program, or is involved in an accident on the way to trial. To make this clear, Rule 84(A) has been amended to require that the trial be conducted in the defendant's absence, and to expressly provide for the two exceptions to the general requirement: (1) if there is a likelihood that the sentence will be imprisonment; and (2) if there is other good cause not to hold the trial in the defendant's absence.

Rule 84(A) has also been amended to provide that, in cases in which the issuing authority determines that the summary trial should not be conducted in the defendant's absence, the issuing authority has the discretion to issue a warrant for the defendant's arrest in order to bring the defendant in for the trial.

The Rule 84 Comment reiterates that an arrest warrant may be issued to bring the defendant before the issuing authority for trial, and cross-references Rule 75 (Issuance of Arrest Warrant). In addition, the Comment explains that when the defendant is brought in for trial on an arrest warrant, the trial is to be conducted as provided in Rule 83 (Trial in Summary Cases).

(B) Rule 75 (Issuance of Arrest Warrant)

To fill the procedural gaps in Rule 75 discussed above, Rule 75 has been amended as follows:

(1) paragraph (2) expressly permits the issuing authority to issue an arrest warrant when a defendant has entered a plea of not guilty and has failed to appear for the summary trial, if the issuing authority determines, pursuant to Rule 84(A), that the trial should not be conducted in the defendant's absence; and

(2) the Comment explains that, ordinarily, when a defendant fails to appear for a summary trial, the trial must be held in the defendant's absence pursuant to Rule 84, and reiterates the two exceptions to this general rule discussed in Section (A).

The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

[Pa.B. Doc. No. 97-672. Filed for public inspection May 2, 1997, 9:00 a.m.]

Order Adopting New Rules 87 and 88; Amending Rule 145; and Approving Rule 83 Comment Revisions; No. 220; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a *Final Report* explaining the April 18, 1997 changes to the Rules of Criminal Procedure. These changes provide uniform procedures in summary criminal cases for the withdrawal of charges and for the dismissal of a case upon satisfaction being made to an aggrieved person or an agreement to make satisfaction, and are comparable to the procedures in court cases. The *Final Report* follows the Court's Order.

Order

Per Curiam:

Now, this 18th day of April, 1997, upon the recommendation of the Criminal Procedural Rules Committee; this Recommendation having been published at 26 Pa.B. 3630 (August 3, 1996) and in the *Pennsylvania Reporter* (Atlantic Second Series Advance Sheets Vol. 678) before adoption, with a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- (1) new Pa.Rs.Crim.P. 87 and 88 are hereby promulgated;
- (2) Pa.R.Crim.P. 145 is hereby amended; and
- (3) the revision of the Comment to Pa.R.Crim.P. 83 is hereby approved, all in the following form.

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

Annex A

TITLE 234. CRIMINAL RULES

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

Rule 83. Trial in Summary Cases.

- [(a)] (A) ***
- [(b)] (B) ***
- [(c)] (C) ***
- [(d)] (D) ***
- [(e)] (E) ***

Official Note: Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; **Comment revised April 18, 1997, effective July 1, 1997.**

Comment

[This rule replaces previous Rule 63.]

* * * * *

The affiant may be permitted to withdraw [a prosecution] the charges pending before the issuing authority. See Rule 87 (Withdrawal of Charges in Summary Cases).

* * * * *

Committee Explanatory Reports:

Final Report explaining the October 28, 1994 amendments published with the Court's Order at 24 Pa.B. [5843] 5841 (November 26, 1994).

Final Report explaining the April 18, 1997 Comment revision cross-referencing Rule 87 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

Rule 87. Withdrawal of Charges in Summary Cases.

(A) In any summary case pending before an issuing authority, at any time before the completion of the summary trial or acceptance of a guilty plea, the issuing authority may permit the affiant, or the affiant's designee, to withdraw one or more of the charges.

(B) When an issuing authority permits an affiant or the affiant's designee to withdraw one or more of the charges, the issuing authority shall record the withdrawal on the transcript, and promptly shall notify the defendant in writing.

Official Note: Adopted April 18, 1997, effective July 1, 1997.

Comment

This rule permits the withdrawal of charges in summary cases pending before an issuing authority.

To ensure that an adequate record is made of any withdrawals, the issuing authority is required to include in the transcript of the case the fact that he or she permitted the withdrawal. In addition, the issuing authority must give the defendant written notice of the withdrawal.

For the procedures for withdrawal of charges in a court case pending before an issuing authority, see Rule 151.

Committee Explanatory Reports:

Final Report explaining the provisions of new Rule 87 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

Rule 88. Dismissal in Summary Cases Upon Satisfaction or Agreement.

(A) When a defendant is charged with a summary offense, the issuing authority may dismiss the case upon a showing that:

- (1) the public interest will not be adversely affected;
- (2) the attorney for the Commonwealth, or in cases in which no attorney for the Commonwealth is present at the summary proceeding, the affiant, consents to the dismissal;

(3) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and

(4) there is an agreement as to who shall pay the costs.

(B) When an issuing authority dismisses a case pursuant to paragraph (A), the issuing authority shall record the dismissal on the transcript.

Official Note: Adopted April 18, 1997, effective July 1, 1997.

Comment

This rule permits an issuing authority to dismiss a summary case when the provisions of paragraph (A) are satisfied.

Paragraphs (A)(1) through (4) set forth those criteria that a defendant must satisfy before the issuing authority has the discretion to dismiss the case under this rule.

The requirement in paragraph (A)(2) that, when the attorney for the Commonwealth is present at the summary proceeding, he or she must consent to the dismissal, is one of the criteria, along with the other enumerated criteria, which gives the issuing authority discretion to dismiss a case under this rule, even when the affiant refuses to consent.

The requirement in paragraph (B) that the issuing authority include in the transcript of the case the fact that he or she dismissed the case is intended to ensure that an adequate record is made of any dismissals under this rule.

For dismissal upon satisfaction or agreement in a court case charging a misdemeanor which is pending before an issuing authority, see Rule 145.

For dismissal upon satisfaction or agreement by a judge of the court of common pleas, see Rule 314.

Committee Explanatory Reports:

Final Report explaining the provisions of new Rule 88 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

CHAPTER 100. PROCEDURE IN COURT CASES

PART IV. PROCEEDINGS BEFORE ISSUING AUTHORITIES

Rule 145. Dismissal Upon Satisfaction or Agreement.

When a defendant is charged with a misdemeanor [which is not alleged to have been committed by force or threat thereof], the issuing authority may dismiss the case upon a showing that:

(a) the public interest will not be adversely affected; [and]

(b) [either the aggrieved person or] the attorney for the Commonwealth, or in cases in which there is no attorney for the Commonwealth present, the affiant, consents to the dismissal; [and]

* * * * *

Official Note: Formerly Rule 121, adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered and amended September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended April 18, 1997, effective July 1, 1997.

Comment

[The 1973 amendment added the first sentence of former paragraph (b) and all of former paragraph (c).

Former paragraphs (a) and (b) were deleted in 1983 as unnecessary in view of the Judiciary Act Repealer Act, which repealed the statutes requiring the issuing authority to make an effort to effectuate a settlement. See 42 P.S. § 20002(a)(916) (Supp. 1982).

Former paragraph (c) was amended in 1983 to [Paragraphs (a) through (d) set forth [concisely]

those criteria that a defendant must satisfy before the issuing authority has the discretion to dismiss the case under this rule.

The requirement in paragraph (b), that when the attorney for the Commonwealth is present, he or she must consent to the dismissal, is one of the criteria [in every case was deleted as an unnecessary criterion at this stage of the proceedings. However, it is retained as an alternative criterion] which, along with the other enumerated criteria, [would give] gives the issuing authority discretion to dismiss, even when the affiant [aggrieved party] refuses to consent. [If the aggrieved person consents, the issuing authority may consider whether the attorney for the Commonwealth objects to the dismissal, but it is not bound by that objection.]

For dismissal upon satisfaction or agreement in summary cases, see Rule 88.

For court dismissal upon satisfaction or agreement, see Rule 314.

Committee Explanatory Reports:

Final Report explaining the April 18, 1997 amendments aligning the rule with Rule 88 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

FINAL REPORT

New Pa.Rs. Crim.P. 87 and 88;

Amendments to Pa.R. Crim.P. 145; and

Revision of the Comment to Pa.R. Crim.P. 83

Withdrawal of Charges and Dismissal Upon

Satisfaction or Agreement in Summary Criminal Cases

Introduction

On April 18, 1997, effective July 1, 1997, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court adopted new Rules of Criminal Procedure 87 (Withdrawal of Charges in Summary Cases) and 88 (Dismissal in Summary Cases upon Satisfaction or Agreement), amended Rule 145 (Dismissal upon Satisfaction or Agreement), and approved the revision of the Comment to Rule 83 (Trial in Summary Cases). These new rules provide uniform procedures in summary criminal cases for the withdrawal of charges and for the dismissal of a case upon satisfaction being made to an aggrieved person or an agreement to make satisfaction, and are comparable to the procedures in court cases. This Final Report highlights the Committee's considerations in formulating these amendments.¹

Recent inquiries with the Committee noted that there are no summary rules equivalent to Rules 151 (Withdrawal of Prosecution Before Issuing Authority) and 145 (Dismissal upon Satisfaction or Agreement) in court cases, and therefore asked whether withdrawals and dismissals upon agreement are permitted in summary cases, and if so, what procedures the minor judiciary should use. The correspondents pointed out that, although some district justices are permitting charges to be withdrawn in summary cases and are dismissing summary cases upon satisfaction or agreement, and some of them are following the procedures for court cases set forth in Rules 145 and 151, others have been reluctant to proceed in this manner in summary cases without specific authorization in the rules.

In view of the lack of uniformity and the confusion about the appropriate procedures, and recognizing that these procedures are beneficial to the criminal justice system, the Committee agreed that the summary case rules should address the withdrawal of charges in summary cases pending before issuing authorities and the dismissal of summary cases when there has been satisfaction or an agreement for satisfaction.

Discussion of Rule Changes

New Rule 87 (Withdrawal of Charges in Summary Cases)

Paragraph (A) authorizes an issuing authority to permit an affiant or the affiant's designee to withdraw one or more charges at any time before the completion of the summary trial or the acceptance of a guilty plea, and is comparable to the procedures for court cases under Rule 151 (Withdrawal of Prosecution Before Issuing Authority). Aware that an attorney for the Commonwealth is rarely assigned to summary criminal cases, the Committee considered whether Rule 87 should require that the attorney for the Commonwealth approve the withdrawal of charges. In view of the minor nature of summary cases, we agreed that it would be unnecessarily burdensome to require either that only the attorney for the Commonwealth may withdraw the charges or that the attorney for the Commonwealth must approve the withdrawal, and therefore have provided that the affiant may withdraw the charges.

Following publication of the proposal, the Committee received comment asking us to consider permitting withdrawals by the affiant's designee, similar to what is provided in Rule 151 for court cases. The correspondents pointed out that there may be times when the affiant wants to withdraw the charges, but was unavailable for some reason. Recognizing the benefits of permitting the affiant to designate someone else to act in his or her place and withdraw the charges, paragraph (A) permits the affiant's designee to withdraw charges.

Paragraph (B) requires the issuing authority to record on the transcript any withdrawals he or she permits. This requirement provides a record and a means of monitoring these cases. The district justice also must promptly notify the defendant in writing that the charges have been withdrawn.

The Comment cross-references Rule 151 for similar procedures in court cases.

Proposed New Rule 88 (Dismissal In Summary Cases Upon Satisfaction or Agreement)

New Rule 88 provides the procedures for the dismissal of a summary case when a defendant has settled with the aggrieved person or has made an agreement to settle, and is comparable to Rule 145 (Dismissal Upon Satisfaction or Agreement), which provides for the dismissal of misdemeanors pending before an issuing authority.

Paragraph (A) sets forth the criteria that must be met before an issuing authority has the discretion to dismiss a summary case under this rule. Because we agreed that summary case dismissals upon agreement should be handled in the same way as court cases under Rule 145, we included the same criteria contained in Rule 145. As explained in the Comment, all the criteria must be satisfied before an issuing authority may dismiss a case.

Paragraph (B) requires that the issuing authority record on the transcript any dismissal under this rule. This requirement creates a record of the dismissal and a means of monitoring these cases.

The Comment cross-references Rule 145. It also cross-references Rule 314 for similar procedures in court cases pending before a judge of the court of common pleas.

Amendments to Rule 145 (Dismissal Upon Satisfaction or Agreement)

When the Committee developed new Rule 88, we also reviewed Rule 145, which applies to dismissals of misdemeanors pending before an issuing authority. Because we agreed that Rules 88 and 145 should provide comparable procedures, Rule 145 has been amended as follows.

(1) In the introductory paragraph, the limitation that dismissals upon satisfaction are only authorized in cases in which the misdemeanor is "not alleged to have been committed by force or threat thereof" has been deleted. Several members noted that many of the cases which come before district justices for dismissal upon agreement typically involve misdemeanors arising out of drunken brawls or arguments between friends or neighbors that deteriorated into shoving matches or punches. Although these cases involve "force" or a "threat of force," the incidents are relatively minor, and, after a cooling-off period, the parties prefer to have the matters dismissed if the damages are paid. Based on these considerations, the Committee agreed that all cases involving force or the threat of force should not be automatically excluded from the possibility of a dismissal upon satisfaction, particularly since Rule 145 is limited to misdemeanors.

(2) Prior to the 1997 amendments, paragraph (b) required a showing that "either the aggrieved person or the attorney for the Commonwealth consents to the dismissal." The question arose about what happens when the attorney for the Commonwealth disagrees with the dismissal but the aggrieved party consents. Although the present Comment suggests that the attorney for the Commonwealth's disagreement would be a consideration for the district justice in determining whether to dismiss a case, some members expressed the view that, if the "force or threat thereof" language would be deleted from the introductory paragraph, the rule should not permit a dismissal if the attorney for the Commonwealth did not agree. Other members observed, however, that requiring the consent of both the attorney for the Commonwealth and the aggrieved party, or requiring the consent of the attorney for the Commonwealth in every case, would unduly complicate the procedure, particularly in those judicial districts which rarely have a district attorney present at proceedings before the district justice because of limited resources. The Committee also considered that in some cases, the aggrieved party and the affiant would be different individuals, and while the aggrieved party may agree to a dismissal once he or she has received restitution, the affiant may not agree because there are other interests to be protected. As pointed out in some of the publication responses, in these cases, the affiant should have a say in whether the case is dismissed.

In view of these considerations and the concerns raised in the publication responses, Rule 145(b) has been amended to provide that, if the attorney for the Commonwealth is present at the proceeding, the attorney for the Commonwealth's consent is one of the four criteria that must be met before the district justice may dismiss the case. If the attorney for the Commonwealth is not present, then the affiant must consent to the dismissal.

The Comment has been revised to reflect these changes, and cross-references new Rule 88 for the procedures in summary cases.

Revision of the Comment to Rule 83 (Trial in Summary Cases)

One publication response suggested that new Rule 87 is unnecessary in view of the paragraph in the Rule 83 Comment which provides:

The affiant may withdraw a prosecution pending before the issuing authority.

The Committee did not agree with this assessment, concluding that a separate rule addressing withdrawals would better resolve the confusion and result in more uniformity. However, to make it clear to anyone reading the Rule 83 Comment that Rule 87 governs withdrawal of charges in summary cases, a cross-reference to new Rule 87 has been at the end of this paragraph.

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

[Pa.B. Doc. No. 97-673. Filed for public inspection May 2, 1997, 9:00 a.m.]

[234 PA. CODE CH. 1400]

Order Approving Comment Revisions to Rules 1403 and 1405; No. 221; Doc. No. 2

Order

Per Curiam:

Now, this 18th day of April, 1997, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3), and a Report to be published with this Order;

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comment revisions to Rules of Criminal Procedure 1403 and 1405 are hereby approved, in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1400. SENTENCING

Rule 1403. Aids in Imposing Sentence.

* * * * *

Official Note: Adopted July 23, 1973, effective 90 days hence [,]; amended June 28, 1976, effective January 1, 1977; amended November 1, 1991, effective January 1, 1992; amended March 22, 1993, effective January 1, 1994; **Comment revised April 18, 1997, effective immediately.**

Comment

For purposes of subparagraph A(2)(c), whether the defendant has a prior juvenile adjudication is immaterial. Subparagraph A(3) indicates in general terms what the contents of the pre-sentence investigation report must include. With respect to the particularized contents of such reports, see *Commonwealth v. Martin*, [466 Pa. 118,] 351 A.2d 650 (Pa. 1976).

* * * * *

When an incarcerated defendant has undergone any period of voluntary or involuntary confinement for the purpose of examination pursuant to this rule, credit for the period of confinement should be given toward the sentence ultimately imposed. See, e.g., 50 P. S. §§ 7401(b) and 7407(f).

Additional pre-sentence procedures may be required by statute. For example, see 42 Pa.C.S. §§ 9791—9799.5 (concerning persons convicted of sexually violent offenses) for pre-sentence assessment and hearing procedures. See also 42 Pa.C.S. § 9714(c) for hearing to determine high risk dangerous offender status.

Under the provisions of Rule 1404 (Disclosure of Pre-Sentence Reports), full disclosure of reports to defense counsel and the Commonwealth is required. See Rule 1404(a)(2). Reports may also be disclosed under Rule 1404 to other designated persons or agencies, unless the sentencing judge otherwise orders. See Rule 1404(c), (d), and (e).

Committee Explanatory Reports:

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Final Report explaining the March 22, 1993 amendments published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the April 18, 1997 Comment revision published with the Court's Order at 27 Pa.B. 2122 (May 3, 1997).

Rule 1405. Procedure at Time of Sentencing.

* * * * *

Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; **Comment revised April 18, 1997, effective immediately.**

Comment

* * * * *

Time for Sentencing

* * * * *

Paragraph A(2) is not intended to sanction pro forma requests for continuances. Rather, it permits the judge to extend the time limit for sentencing under extraordinary circumstances only. **For example, additional pre-sentence procedures may be required by statute. See 42 Pa.C.S. §§ 9791—9799.5 for pre-sentence assessment and hearing procedures for persons convicted of sexually violent offenses. See also 42 Pa.C.S. § 9714(c) for hearing to determine high risk dangerous offender status.**

extension has been granted, however, some provision should be made to monitor the extended time period to insure prompt sentencing when the extension period expires.

* * * * *

Sentencing Procedures

* * * * *

The rule permits the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the sentencing proceeding. This written colloquy must be supplemented by an on-the-record oral examination to determine that the defendant has been advised of the applicable rights enumerated in paragraph C(3) and that the defendant has signed the form.

Other, additional procedures are required by statute. See, e.g., 42 Pa.C.S. § 9795(b), which requires the judge to inform certain offenders of the duty to register.

* * * * *

Committee Explanatory Reports:

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

Report explaining the April 18, 1997 Comment revisions published with the Court's Order at 27 Pa.B. 2122 (May 3, 1997).

REPORT

Recent Enactments related to Sentencing:
Comment Revisions to Rules 1403 and 1405

On April 18, 1997, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania approved Comment revisions to Pa.R.Crim.P. 1403 (Aids in Imposing Sentence) and Pa.R.Crim.P. 1405 (Procedure at Time of Sentencing). The Comment revisions alert the bench and bar to statutory enactments containing additional pre-sentencing and sentencing procedures for special classes of offenders. Act 1995-21 (Special Session No. 1) amended 42 Pa.C.S. § 9714(c) to require that a hearing be held for an offender presumed to be a "high risk dangerous offender." Act 1995-24 (Special Session No. 1), 42 Pa.C.S. §§ 9791—9799.5, provides for a pre-sentence assessment and hearing to determine whether an offender is a "sexually violent predator."

[Pa.B. Doc. No. 97-674. Filed for public inspection May 2, 1997, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

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 March 19, 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 April 18, 1997 for Compliance Group 2 due August 31, 1996.

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

MARK JAMES AMRHEIN
New York, NY

ROBERTO A. ANDREOS
Sacramento, CA

MICHAEL GRANT AVRICK
La Canada, CA

GWENDOLYN RAY BENNETT
Suitland, MD

MITCHELL ANDREW BERGER
Washington, DC

JOSHUA PAUL BOGIN
New York, NY

DONALD S. BURAK
Trenton, NJ

MAURICE I. BURSTEIN
Washington, DC

VIOLET ALLYSON CHANDLER
Brooklyn, NY

LAWRENCE D. CIRIGNANO
Washington, DC

SUSAN JIN DAVIS
Washington, DC

ADIB E. FERZLI
Washington, DC

KAREN YVONNE FULLUM
Washington, DC

MATTHEW ROBERT GABRIELSON
Trenton, NJ

MICHAEL PATRICK GAUGHAN
New York, NY

ANTHONY N. GEMMA
Youngstown, OH

VANESSA INGRID GREEN
Washington, DC

MICHAEL P. GUIDO
Cherry Hill, NJ

JAMES O. GUY
Garden City, NY

SEAN WARRICK HOLLEY
Charlotte, NC

STEPHEN J. HOLROYD
Newark, NJ

KRISTINE ANN JUDGE
Takoma Park, MD

WILLIAM H. KARP
Hollywood, FL

DEBRA LEE KING
Alexandria, VA

JOHN R. KLOTZ
Rutherford, NJ

GEORGE C. LACY, JR.
Washington, DC

LAWRENCE C. LEE
Taiwan

KEVIN H. MAIN
Trenton, NJ

DAVID J. MARCHITELLI
Rochester, NY

WILLIAM D. MERRITT, JR.
Elizabeth, NJ

CARL VINCENT PAYNE II
Silver Spring, MD

WILLIAM PAYNE
Washington, DC

RICHARD D. PICINI
Verona, NJ

RHONDA J. S. PILGRIM
Chester, VA

SHARON C. PRATICO
Toms River, NJ

ROBERT A. REED
Greensboro, NC

RANDY G. ROSNER
New York, NY

SCOTT DAVID SAMLIN
Montvale, NJ

BARBARA L. SANCHEZ-SALAZAR
Jacksonville, FL

DANIEL G. SERGIACOMI
Albertson, NY

MARY ANN SERINO
Union City, NJ

WILLIAM HENRY SHAWN
Washington, DC

GEORGE A. SIEGHARDT
Staten Island, NY

MICHAEL S. SOPHOCLES
Boston, MA

DAVID A. STEFANKIEWICZ
Wildwood, NJ

MICHAEL G. STINGONE
Old Tappan, NJ

LISA HIBNER TAVANI
Berlin, NJ

RICHARD KENNETH TAVANI
Mt. Laurel, NJ

CHRISTOPHER DWAYNE TAYLOR
Willingboro, NJ

CATHERINE GENEVA VAN WAY
Washington, DC

ALEXANDER G. VIERHEILIG
Nutley, NJ

MARK ANTHONY WALTHER
Gaithersburg, MD

CHANGHONG WANG
Hong Kong

GILBERT P. WEINER
East Hills, NY

MARILYN D. WILLIAMS
Willingboro, NJ

EUGENE S. WISHNIC
New Brunswick, NJ

PATRICK JOHN YURKO
Edgewater Park, NJ

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

[Pa.B. Doc. No. 97-675. Filed for public inspection May 2, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 104]

Peach and Nectarine Research Program

The Department of Agriculture (Department), Bureau of Market Development, proposes to amend Chapter 104 (relating to enforcement of marketing programs) by adding Subchapter E (relating to Peach and Nectarine Research Program) to address the Pennsylvania Peach and Nectarine Research Program (Program). The proposed amendment is offered under authority of sections 3 and 11 of the Pennsylvania Agricultural Commodities Marketing Act of 1968 (act) (3 P. S. §§ 1003 and 1011) which, respectively, direct the Department to administer and enforce the act and delegate to the Department the power to adopt regulations necessary to implement the act.

The act allows the producers of a particular agricultural commodity to establish a marketing program if a referendum is held and both the majority of affected producers and the majority by volume of production vote to establish the proposed Program. The Program was established in 1989 as a result of a referendum. The Program was continued for 5 years as the result of a referendum conducted in 1994.

The Program is funded through the collection of a \$5-per-acre producer charge from those peach and nectarine producers having 500 or more peach or nectarine trees in their production operations. This producer charge formula was included in the referendum under which the Program was voted into existence. Producer charges accrue on a July 1-to-June 30 marketing season basis.

The proposed amendments define terms, set forth the obligation of an affected producer to account for and pay annual producer charges owed the Program, clarify the procedures by which this obligation can be met and set forth penalties for noncompliance.

Proposed § 104.62 (relating to definitions) sets forth the basic definitions necessary to implement the subchapter, and incorporates the definition of "affected producer" verbatim from the Program order under which the Program was established.

Proposed §§ 104.63—104.65 (relating to producer charge; responsibility for payment of producer charge; and accounting and payment) describe the applicable \$5-per-acre producer charge, clarify the obligation of an affected producer to pay that charge and describe the appropriate procedure by which to make payment, respectively.

Proposed § 104.65(e) prescribes a civil penalty of between \$100 and \$500 for those affected producers who fail to meet their obligations to the Program. This civil penalty must be as nearly the equivalent of the delinquent producer charges as is practicable.

Through the proposed amendments, the Department more clearly defines the responsibilities of affected producers with respect to the Program. In addition, the proposed amendments provide for the imposition of a civil penalty for noncompliance. This should result in a more fully-funded Program that more equitably spreads its expenses among those who receive its benefits.

Fiscal Impact

Commonwealth

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

Political Subdivisions

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

Private Sector

The proposed amendments will impose no costs and have no fiscal impact upon the private sector.

General Public

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

Paperwork Requirements

The proposed amendments will not result in an appreciable increase in paperwork.

Regulatory Review

The Department submitted a copy of the proposed amendments, on April 18, 1997, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs, in accordance with section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)). The Department also provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has an objection to any portion of the proposed amendments, it must so notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act sets forth detailed procedures for review of these objections by the Department, the General Assembly and the Governor prior to final publication of the final-form regulations.

Contact Person

Interested persons are invited to submit written comments regarding the proposed amendments within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to the Department of Agriculture, Bureau of Market Development, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Michael Varner.

Effective Date

The proposed amendments will become effective upon final adoption.

CHARLES C. BROSIUS,
Secretary

Fiscal Note: 2-110. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART IV. BUREAU OF MARKET DEVELOPMENT
CHAPTER 104. ENFORCEMENT OF MARKETING PROGRAMS

Subchapter E. PEACH AND NECTARINE RESEARCH PROGRAM

- Sec.
- 104.61. Scope.
- 104.62. Definitions.
- 104.63. Producer charge.
- 104.64. Responsibility for payment of producer charge.
- 104.65. Accounting and payment.

§ 104.61. Scope.

This subchapter establishes the procedures by which peach and nectarine producers pay producer charges owed the Program.

§ 104.62. Definitions.

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

Act—The Pennsylvania Agricultural Commodities Marketing Act of 1968 (3 P. S. §§ 1001—1013).

Affected producer—A person who produces, grows or causes to be grown 500 or more peach trees or nectarine trees, or both, of all ages, for the production of peaches or nectarines, or both, for sale or marketing.

Department—The Department of Agriculture of the Commonwealth.

Peaches and nectarines—All peaches and nectarines (*prunus persica*) produced in this Commonwealth for the purpose of sale by a producer as defined in this subchapter.

Person—An individual, firm, partnership, corporation, association or other business unit.

Program—The Pennsylvania Peach and Nectarine Research Program.

§ 104.63. Producer charge.

The producer charge owed the Program is \$5 with respect to each acre of peach trees or nectarine trees, or both, grown by an affected producer. This producer charge may be changed by subsequent amendment of the Program in accordance with the referenced procedure in Chapter 103 (relating to referendums).

§ 104.64. Responsibility for payment of producer charge.

It is the responsibility of an affected producer to submit an annual statement, as described in § 104.65 (relating to accounting and payment) and to pay the appropriate producer charge owed the Program.

§ 104.65. Accounting and payment.

(a) *Annual statement.* The Program will provide the producer with annual statement forms with which to verify the producer's name and address, whether the producer is an affected producer and the number of acres of peach or nectarine, or both, trees grown that are subject to the producer charge. The affected producer shall complete and submit the annual statement form in accordance with this section.

(b) *Form of payment.* Payment of a producer charge shall be by check or money order payable to the "PA Peach and Nectarine Research Program."

(c) *Address.* The annual statement form and payment described in subsections (a) and (b) shall be mailed or delivered to:

Department of Agriculture
Bureau of Market Development
Attn: PA Peach and Nectarine
2301 North Cameron Street
Harrisburg, Pennsylvania 17110-9408

(d) *Deadline.* The annual statement form and payment described in subsections (a) and (b) shall be postmarked and mailed, or actually delivered to the Program, by October 1 each year any person is an affected producer. This due date may be changed by amendment of the Program in accordance with the referendum procedure in Chapter 103 (relating to referendums).

(e) *Penalty for noncompliance.* An affected producer who fails to mail or deliver the required annual statement form as described in subsection (a), and the producer charges owed the Program within 30 days of the due date, as described in subsection (d), shall be required to pay a penalty of at least \$100 but not more than \$500, and as nearly equivalent to 100% of the amount of the delinquent producer charges as is practicable. An action seeking imposition of a penalty, plus payment of producer charges owed the Program, may be brought in the appropriate magisterial district. A penalty shall be in addition to the delinquent producer charges owed the Program.

[Pa.B. Doc. No. 97-676. Filed for public inspection May 2, 1997, 9:00 a.m.]

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 117]

Return of Information as to Payment in Excess of \$10

The Department of Revenue (Department), under authority contained in section 354 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7354), proposes an amendment to § 117.18 (relating to return of information as to payment in excess of \$10) to read as set forth in Annex A. Section 354 of the TRC specifically authorizes and empowers the Department to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of and the collection of taxes imposed by Article III of the TRC (72 P. S. §§ 7301—7361) relating to Personal Income Tax.

Purpose

In March 1996, the Department adopted a final-form regulation that amended § 117.18 in addition to other Personal Income Tax regulatory sections. During the final stages of the adoption process, a public comment was made regarding the information return required to be made by a regulated investment company. As a result of this public comment, the Department has proposed an amendment to § 117.18.

Explanation of Regulatory Requirements

This proposed amendment allows a regulated investment company to meet the information return require-

ment of § 117.18(c) in two additional ways. A regulated investment company that furnishes a Federal Form 1099-DIV to its distributees may now attach or provide a separate statement that, together with the information on the Federal form, allows distributees to compute the correct amount of Pennsylvania exempt-interest dividends. A regulated investment company that is not required to furnish its distributees with a Federal Form 1099-DIV may provide a statement that allows the distributees to compute the amount of taxable dividend distributions and any adjustment to basis or taxable gain for the taxable year.

Affected Parties

Regulated investment companies that have chosen not to report their investors' items of income and distribution using either the Pennsylvania Form 1099-DIV or a separate statement showing the ratio of Pennsylvania exempt-interest dividends to total ordinary dividends reported on the Federal Form 1099-DIV will be affected by this proposed amendment.

Fiscal Impact

The Department has determined that the proposed amendment will have no fiscal impact on the Commonwealth.

Paperwork

The proposed amendment will not generate additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposal will become effective upon final publication in the *Pennsylvania Bulletin*. This regulation is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed amendment to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days of the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 23, 1997, the Department submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. 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 Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-380. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 117. RETURN AND PAYMENT OF TAX

§ 117.18. Return of information as to payment in excess of \$10.

* * * * *

(c) *Pennsylvania information return.* The Pennsylvania information return shall be made in one of the following ways:

* * * * *

(2) If a regulated investment company furnishes Federal Form 1099-DIV to a recipient in compliance with Federal Income Tax requirements, the Pennsylvania information return may be made by attaching [a] or providing one of the following:

(i) A separate statement showing the ratio of Pennsylvania exempt-interest dividends paid to total ordinary dividends reported on the Federal form.

(ii) A separate statement showing other information, provided that the statement and Federal form contain sufficient information to enable distributees to compute the correct amount of Pennsylvania exempt-interest dividends.

(3) If a regulated investment company is not required to furnish Federal Form 1099-DIV, the Pennsylvania information return may be made by separate statement showing the amount of dividends, nontaxable distributions and Pennsylvania exempt-interest dividends paid or containing sufficient information to enable distributees to compute the amount of taxable dividend distributions and any adjustment to basis or taxable gain for the taxable year.

* * * * *

[Pa.B. Doc. No. 97-677. Filed for public inspection May 2, 1997, 9:00 a.m.]

**ENVIRONMENTAL
QUALITY BOARD**

[25 PA CODE CHS. 78—80]

Oil and Gas Amendments

The Environmental Quality Board (Board) proposes to amend Chapters 78—80 (relating to oil and gas wells; oil and gas conservation; and gas well classification). The proposed amendments to Chapter 78 simplify notification and reporting requirements, clarify requirements for the discharge to land surface of top-hole water, clarify surface casing and cementing procedures and clarify plugging procedures for wells in coal areas. The proposed amendment to Chapter 79 provides consistency with the requirements of Chapter 78. Chapter 80 is proposed to be deleted since the gas well classification program under the Federal Natural Gas Policy Act of 1978 has been terminated.

This proposed rulemaking was adopted by the Board at its meeting of March 18, 1997.

A. *Effective Date*

These proposed amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rule-making.

B. *Contact Persons*

For further information contact James E. Erb, Director, Bureau of Oil and Gas Management, P. O. Box 8765, Rachel Carson State Office Building, Harrisburg, PA 17105-8765, (717) 772-2199, or Kurt Klapkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&Ts Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department's) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 604 of the Oil and Gas Act (58 P. S. § 601.604), which directs the Board to adopt regulations to implement the provisions of that act; section 5 of the Oil and Gas Conservation Law (58 P. S. § 405), which authorizes the Department to promulgate and enforce rules and regulations to effectuate the purposes and intent of that act; section 105 of the Solid Waste Management Act (35 P. S. § 6018.105), which requires the Board to adopt rules and regulations to carry out the provisions of that act; section 5 of The Clean Streams Law (35 P. S. § 691.5), which authorizes the Department to adopt rules and regulations for the purpose of implementing that act; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which authorizes the Board to adopt regulations necessary for the Department to perform its work.

D. *Background and Purpose*

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

In February 1996, the Governor executed Executive Order 1996-1 (Regulatory Review and Promulgation) establishing standards for the development and promulgation of regulations. This proposal meets the requirements of Executive Order 1996-1.

As a result of the request for public comments, six commentators submitted 40 comments on the regulations pertaining to the Oil and Gas Program. The Department prepared a comment and response document responding to the comments received. Copies of the comment and response document are available from the Department. Those comments, plus internal staff review of the regulations, resulted in these proposed amendments.

This proposal has been reviewed by the Oil and Gas Technical Advisory Board (OGTAB). The OGTAB reviewed the proposal at its September 19 and November 7, 1996, meetings. The OGTAB developed a written report containing comments on December 19, 1996. That report was presented to the Board as part of the proposed regulatory package.

E. *Summary of Regulatory Requirements*

The proposed rulemaking amends the regulations as follows:

§ 78.14. Transfer of well ownership or change of address.

The proposed amendments allow notification to the Department of the sale or transfer of a well by the new owner or operator. Prior procedures also required the prior owner or operator to also sign the transfer form. This caused difficulties in cases where prior owners or operators were unavailable or otherwise unable to sign the transfer document. Simplification of this notification procedure should result in more timely notification of well transfers and result in less burden to prior owners.

§ 78.52. Predrilling or prealteration survey.

Predrilling surveys are used to establish the background quality of water wells in the area where an oil or gas well is to be drilled. These surveys are optional under the Oil and Gas Act (58 P. S. §§ 601.101—601.605). Results of the predrilling survey can be used by an operator to defend against the presumption of guilt that a water supply was affected by the drilling activity. Operators were required to submit the results of the survey to the landowner and Department within 45 days of conducting the survey. Most oil and gas wells are drilled without affecting water supplies. The proposed amendments provide the operator who wishes to preserve its defense 10 days after being notified by the Department to submit a copy of the survey results. Survey results will not have to be routinely copied or reported.

§ 78.60. Discharge requirements.

Operators who are drilling wells may discharge uncontaminated water to the land surface. The quality of water allowed to be discharged is stipulated in § 78.60. Two changes are proposed by these amendments. The first removes the requirement that the water be characteristic of the natural background quality of the groundwater. This requirement, and associated testing of groundwater in the area, is unnecessary due to the standards the water must meet in order to be discharged. The second amendment would allow the Department to approve the use of makeup water to buffer the pH of the water in the pit prior to discharge of the water to the land surface.

§ 78.83. Surface and coal protective casing and cementing procedures.

When Chapter 78 was adopted in August 1987, staff of the Department felt that the annulus of the surface or coal protective casing should be left open if cement could not be circulated to surface due to geologic conditions. This was based on the potential for gas to migrate up the well bore into fresh water zones. It was believed that the open annulus would provide an escape for the gas to the atmosphere. This belief was not shared by the industry, which felt that the open annulus would provide a conduit for pollution of groundwater from the surface and preclude proper support of the casing above the zone of lost circulation.

Since 1987, these gas migration concerns have not been realized. Industry has requested to be able to use a

cement basket to support cement above the zone of lost circulation in the manner they are permitted if the well penetrates a mine void. After further discussion with the OG TAB, the Department concurs that this proposed change is appropriate.

§ 78.91. General provisions.

Well plugging procedures in this section allow an operator to fill the well with cement from the bottom of the well to the surface. The Coal and Gas Resource Coordination Act (58 P.S. §§ 501—518), and §§ 78.92 and 78.93 (relating to wells in coal areas—surface or coal protective casing is cemented; and wells in coal areas—surface or coal protective casing anchored with a packer or cement) require that a well plugged in a coal area be provided with a vent to prevent a buildup of gas in a coal seam. These proposed amendments clarify the need for the vent if the well is being filled with cement.

§ 78.123. Logs and additional data.

These proposed amendments correct a typographical error regarding a subsection number and delete reference to an expired program for determining gas well classifications under the Federal Natural Gas Policy Act. These proposed changes will reduce confusion.

§ 78.125. Disposal and enhanced recovery well reports.

Operators of disposal wells or enhanced recovery wells are required to submit to the Department copies of annual monitoring reports submitted to the Environmental Protection Agency (EPA). These reports are part of the Underground Injection Control Program administered by EPA (the Commonwealth did not seek delegation). The proposed amendments would have operators submit copies of the reports to the Department only upon request. The Department uses these reports, on occasion, when investigating complaints. These proposed amendments reduce for operators unnecessary copying and mailing of reports to the Department.

§ 79.15. Fire prevention.

Operators are required, under Federal regulations (40 CFR 112) to construct and maintain a dike or other method of secondary containment around oil storage tanks of a certain size to prevent oil pollution. In December 1994, these requirements were adopted by the Board by reference as part of § 78.64 (relating to containment around oil tanks). These proposed amendments to Chapter 79 adopt the same standard by reference for oil tanks at conservation wells. The proposed amendments provide consistent State and Federal standards in place of outdated standards adopted at 1 Pa.B. 1726 (August 12, 1971), which required earthen dikes with capacity of one and one-half times the capacity of the tank it surrounds.

Chapter 80. Gas Well Classification.

These amendments delete Chapter 80 in its entirety. Chapter 80 was adopted by the Board at 9 Pa.B. 3634 (November 2, 1979), to allow the Department to conduct gas well classifications under the Federal Natural Gas Policy Act of 1978 (15 U.S.C.A. §§ 3301—3432; and 42 U.S.C.A. § 7255). This program provided incentive well head gas prices to certain classifications of gas wells which might otherwise not be drilled. Due to deregulation of portions of the natural gas industry by the Federal Energy Regulatory Commission, this program was discontinued on January 1, 1993. Consequently, Chapter 80 is outdated and no longer needed.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

The proposed amendments will benefit oil and gas operators by reducing reporting requirements, clarifying technical requirements pertaining to casing and cementing procedures and plugging procedures, providing standards for oil spill prevention that are consistent with Federal requirements, and eliminating outdated and obsolete requirements.

Compliance Cost

The proposed amendments impose no additional compliance costs on the oil and gas operator. The proposed changes to the reporting requirements should decrease compliance costs to oil and gas operators by \$12,500 per year. The Department's costs of administering and enforcing these requirements will not change significantly.

Paperwork Requirements

The proposed amendments will not result in additional forms or reports. Since reports of predrilling surveys and annual monitoring reports for disposal or enhanced recovery wells will only be submitted upon request of the Department, paperwork requirements are being reduced.

G. Sunset Review

These 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 April 21, 1997, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. 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. 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 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 by the Department, the Governor and the General Assembly before final publication of the regulations.

I. Public Comment

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by June 2, 1997 (within 30 days of publication in the *Pennsylvania Bulletin*). Interested parties may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by June 2, 1997 (within 30 days following publication in the *Pennsylvania Bulletin*). The one-page

summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by June 2, 1997. 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.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-318. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

CHAPTER 78. OIL AND GAS WELLS

**Subchapter B. PERMITS, TRANSFERS AND
OBJECTIONS**

PERMITS AND TRANSFERS

**§ 78.14. Transfer of well ownership or change of
address.**

(a) Within 30 days after the sale, assignment, transfer, conveyance or exchange of a well, [the former and] the new owner or operator shall notify the Department, in writing, of the transfer of ownership.

* * * * *

**Subchapter C. ENVIRONMENTAL PROTECTION
PERFORMANCE STANDARDS**

§ 78.52. Predrilling or prealteration survey.

* * * * *

(d) [The] An operator electing to preserve its defenses under section 208(d)(1) of the act shall provide a copy of the results of the survey to the Department and the landowner or water purveyor within [45] 10-calendar days of [conducting the survey] being notified by the Department to submit a copy of the survey results.

* * * * *

§ 78.60. Discharge requirements.

* * * * *

(b) The owner and operator may not discharge tophole water or water in a pit as a result of precipitation by land application unless the discharge is in accordance with the following requirements:

(1) [The water is characteristic of the natural background quality of the groundwater.

(2)] No additives, drilling muds, pollutional materials or drilling fluids other than gases or fresh water have been added to or are contained in the water, unless otherwise approved by the Department. [The Department may approve treatment prior to discharge as a condition to approving additives in the water.

(3)] (2) * * *

[(4)] (3) * * *

[(5)] (4) * * *

[(6)] (5) * * *

[(7)] (6) * * *

[(8)] (7) * * *

[(9)] (8) If the water does not meet the requirements of paragraph [(3)] (2) or [(5)] (4), [it shall be contained and treated to meet the requirements prior to land application. Treatment may not include dilution] the Department may approve treatment prior to discharge to the land surface.

**Subchapter D. WELL DRILLING, OPERATION AND
PLUGGING**

CASING AND CEMENTING

**§ 78.83. Surface and coal protective casing and ce-
menting procedures.**

* * * * *

(j) If [the] it is anticipated that cement used to permanently cement the surface casing [is] can not be circulated to the surface [due to lost circulation in the wellbore, except as provided in subsection (h) and in enhanced recovery injection wells and disposal wells, no] a cement [baskets] basket may be installed [and no additional] immediately above the depth of the lost circulation zone. The casing shall be permanently cemented by the displacement method. Additional cement may be added above the cement basket, if necessary, by pumping through a pour string from the surface [into] to fill the annular space. [Under these conditions, the annular space shall be kept open and vented.]

PLUGGING

§ 78.91. General provisions.

* * * * *

(h) In lieu of the plugging requirements of §§ 78.92—78.95 and 78.97, an operator may cement a well from the total depth or attainable bottom to the surface. Wells in coal areas still shall meet the venting requirements of § 78.92 or § 78.93 (relating to wells in coal areas—surface or coal protective casing is cemented; and wells in coal areas—surface or coal protective casing anchored with a packer or cement).

Subchapter E. WELL REPORTING

§ 78.123. Logs and additional data.

* * * * *

(c) The information requested by the Department under subsections (a) [—(c)] and (b) shall be provided to the Department by the operator, within 3 years after completion of the well unless the Department has granted an extension or unless the Department has requested information as described in subsection (d). If the Department has granted an extension, the information shall be submitted in accordance with the extension, but in no case may the extension exceed 5 years from the date of completion of the well.

(d) In accordance with the request of the Department, the operator shall submit the information described in this section for use in investigation or enforcement proceedings, [in making designations or determinations

under the Natural Gas Policy Act of 1978 (15 U.S.C.A. §§ 3301—3432 and 42 U.S.C.A. § 7255) and section 1927-A of The Administrative Code of 1929 (71 P. S. § 510-27)] or in aggregate form for statistical purposes.

§ 78.125. Disposal and enhanced recovery well reports.

(a) The operator of a disposal or enhanced recovery well shall submit to the Department, upon request, a copy of the annual monitoring report submitted to the EPA summarizing the results of the operator's monitoring as required by 40 CFR Part 146 (relating to underground injection control program) when these reports are submitted to the EPA. This summary, at a minimum, shall include the following:

* * * * *

CHAPTER 79. OIL AND GAS CONSERVATION
WELL DRILLING AND USE

§ 79.15. Fire prevention.

* * * * *

(b) When it is deemed necessary by the Department to protect life, health or property, the Department may require any [lease or] oil storage [tanks] tank to [be surrounded by an earthen dike which shall have a capacity of 1 1/2 times the capacity of the tanks or tanks it surrounds, which dike shall be continually maintained; and the reservoir within shall be kept free from vegetation, water or oil] have a method of secondary containment which meets the requirements of § 78.64 (relating to containment around oil tanks).

* * * * *

CHAPTER 80. (Reserved).

(Editor's Note: As part of the regulatory package, the Department is proposing to delete the existing text of Chapter 80, which appears at 25 Pa. Code pages 80-1—80-17, serial pages (158659)—(158675).)

§ 80.1. (Reserved).

§ 80.11. (Reserved).

§ 80.12. (Reserved).

§§ 80.21—80.26. (Reserved).

§§ 80.31—80.34. (Reserved).

[Pa.B. Doc. No. 97-678. Filed for public inspection May 2, 1997, 9:00 a.m.]

[25 PA. CODE CHS. 121, 126 AND 139]
Gasoline Volatility

The Environmental Quality Board (Board) proposes to amend Chapters 121, 126 and 139 (relating to general provisions; standards for motor fuels; and sampling and testing) to read as set forth in Annex A. The proposed amendments will limit the volatility of gasoline sold in the Pittsburgh-Beaver Valley Area during the ozone season.

If adopted, these amendments will be submitted to the Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).

The Board approved the proposed amendments at its March 18, 1997, meeting.

A. Effective Date

These amendments will be effective upon publication in the Pennsylvania Bulletin as final rulemaking.

B. Contact Persons

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468 (717) 787-1663; or M. Dukes Pepper, Jr., Assistant Director, Bureau of Regulatory Counsel, Office of Chief 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). These proposed amendments are available electronically through the Department of Environmental Protection's (Department's) Web site (http://www/dep.state.pa.us).

C. Statutory Authority

This action is being taken under the authority of section 5 of the Air Pollution Control Act (35 P. S. § 4005) which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. Background of the Amendment

These proposed amendments establish controls on the volatility of gasoline in the Pittsburgh-Beaver Valley Area as part of the Commonwealth's demonstration of attainment of the health-based ozone standard. Based on 1991 through 1994 monitoring data, the EPA on July 19, 1995, determined that measured air quality in the area met the ozone National Ambient Air Quality Standard (NAAQS) and that the statutory requirement for an attainment demonstration (and other related requirements) was no longer applicable. However, there were a number of ozone exceedances in 1995 that resulted in a violation of the ozone NAAQS. In response to this violation, the Governor formed the Southwestern Pennsylvania Ozone Stakeholder Working Group (Stakeholders) to review the ozone problem and recommend additional emission control programs.

In response to the 1995 ozone NAAQS violation, the EPA, on June 4, 1996, published a finding in the Federal Register (61 FR 28061 et seq.) that the area was no longer attaining the ozone standard and reinstated the applicability of the attainment demonstration and related requirements. These requirements are those established by Part D of Title I of the Clean Air Act, sections 182(b) and 172(c)(9) (42 U.S.C.A. §§ 7511a(b) and 7502(c)(9)). The EPA recognized the work of the Stakeholders when it published the schedule for completion of the attainment demonstration for the Pittsburgh-Beaver Valley Ozone Nonattainment Area. The schedule was a result of a letter submitted by the Commonwealth. Under the schedule, by December 31, 1997, the Commonwealth must submit to the EPA, as a SIP revision, final regulations establishing the emission controls contained in Annex A. In the event the Commonwealth fails to meet this schedule, the sanctions established by the Clean Air Act will go into effect early in January 1998. These sanctions include 2 to 1 emission offsets and (after 6 months) the loss of Federal highway funds in the Pittsburgh-Beaver Valley Ozone Nonattainment Area.

This proposal is one of four core emission reduction strategies necessary for the demonstration of attainment of the ozone standard. The four strategies are:

1. Minor changes to the proposed low-enhanced (decentralized) motor vehicle emission inspection and maintenance program.
2. The second phase (55% reduction) of the Ozone Transport Commission No_x Memorandum of Understanding.
3. Clean gasoline proposal.
4. Stage II vapor control requirements.

These four core strategies were recognized by the Stakeholders as necessary to achieve the ozone standard in the Pittsburgh-Beaver Valley Area and this proposal was recommended by the Stakeholders. In addition, the Department discussed these proposed amendments with the Air and Water Quality Technical Advisory Committee (AWQTAC). At its January 10, 1997, meeting, the Air Subcommittee of the AWQTAC, acting on behalf of AWQTAC, recommended adoption of the proposed amendments.

E. Summary of the Regulatory Revisions

The Department is proposing to add definitions for the terms "compliant fuel," "RFG—Federal reformulated gasoline," "importer," "low RVP gasoline," "Pittsburgh-Beaver Valley Area" and "RVP—Reid vapor pressure." In addition, the Department proposes to modify the definition of "distributor."

This proposal adds a new Subchapter C (relating to gasoline volatility requirements) to Chapter 126. Section 126.3 (relating to scope), provides that this new subchapter applies to the sale of gasoline in the Pittsburgh-Beaver Valley area between May 1 and September 30 of each calendar year.

Section 126.301 (relating to compliant fuel requirement) imposes a Reid vapor pressure (RVP) limit on all gasoline marketed in Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties. The proposed amendments also provide for Federal reformulated gasoline (RFG) as an alternate compliant fuel. The proposed restrictions on fuel would be effective between May 1 and September 30 of each year beginning in calendar year 1998. Finally, if the RFG is required by Federal law to be sold in the Pittsburgh-Beaver Valley Area, the requirements of these amendments are terminated.

Section 126.302 (relating to labeling) establishes labeling requirements for gasoline dispensed at any retail outlet in the Pittsburgh-Beaver Valley area. It requires a label providing that "from May 1 through September 30, the gasoline dispensed from this pump is a cleaner burning blend, designed to reduce ground level ozone, or smog, in the Pittsburgh area. For more information about air quality and clean fuels, contact the Pennsylvania Department of Environmental Protection at (717) 787-9702."

Section 126.303 (relating to recordkeeping and reporting) requires each entity in the gasoline dispensing network, beginning with the terminal owner, to maintain records of the date, name and address of transferor or transferee, the location and volume of gasoline being sold or transferred, and a statement certifying that the gasoline meets the RVP or RFG requirements. These records must be retained for at least 2 years from the date of sale or transfer of the compliant fuel.

Section 126.304 (relating to compliance and test methods) and the proposed amendments to Chapter 139 establish the compliance test methods for evaluating fuel volatility and RVP. These test methods are consistent with the requirements established by the EPA.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

The approximately 2.8 to 3 million people in the seven counties affected by these proposed amendments will benefit from the sale of cleaner burning fuel. Both low RVP gasoline and RFG have been proven to reduce emissions of volatile organic compounds (VOC), compounds that are instrumental in the formation of ground level ozone. In addition, RFG lowers emissions of air toxics, nitrogen oxides, carbon monoxide and benzene.

Compliance Costs

There will be an increased cost to the regulated community to produce compliant fuel. Both low RVP and RFG cost more to make than conventional gasoline. It is anticipated that the increased cost of production the refiners experience will be passed onto the consumer and, consequently, the regulated community will not bear the increased cost. Estimates regarding the price per gallon increases vary depending on a number of factors, but generally the increase has been documented to be 1¢ to 2¢ per gallon for low RVP and 3¢ to 5¢ per gallon for RFG. This cost, based on an estimate of the number of gallons sold in a 5-month period in the seven-county area, could range from \$4 million to \$20 million each ozone season.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community with understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing regional compliance assistance program.

Paperwork Requirements

There will be additional recordkeeping and reporting costs for any entity that sells or transfers gasoline intended for use in the seven-county Pittsburgh-Beaver Valley Area during the ozone season. Each transferor or transferee will be required to alter its current recordkeeping documents to include the information required by these proposed amendments.

G. Sunset Review

These 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 April 21, 1997, the Department submitted a copy of the proposed rulemaking on April 21, 1997, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. 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. 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 public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulations.

*I. Public Comment and Board Public Hearing
Public Hearing*

The Board will hold one public hearing for the purpose of accepting comments on the proposed amendments. The hearing will be held on June 3, 1997, at 10 a.m., Department of Environmental Protection, Southwest Regional Office, 500 Waterfront Drive, Pittsburgh, PA.

Persons wishing to present testimony at the hearing must contact Nancy Roush at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony must be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations in order to participate, should contact Nancy Roush at (717) 787-4526 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Written Comments

In lieu of or in addition to presenting oral testimony at the hearing, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the Board, 15th Floor, Rachel Carson State Office Building, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by July 3, 1997. In addition to the written comments, interested persons may also submit a summary of their comments to the Board. This summary may not exceed 1 page in length and must be received by July 3, 1997.

The summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

The Department is specifically requesting comments on the May 1 through September 30 compliance period. While this is the time frame established as the ozone season by the Department, other states and the EPA, the EPA has recognized the nature of the gasoline production and transmission process in establishing the implementation period for its Federal RVP Program. This Federal program allows a ramp-up period beginning May 1 with a requirement for compliant fuel beginning June 15. In addition, a ramp-down period begins September 1 and ends on September 30. The Federal RFG Program is a year-round program. The Department requests comments on whether to include a ramp-up and ramp-down period for terminal operators, retail outlets and others in the distribution system to implement the compliant fuel requirements during the ozone season.

The Department is also requesting comments on the possibility of generating emission reduction credits when the RFG is sold rather than 7.8 RVP gasoline. Specifi-

cally, the Department requests comments on the amount of credit, the mechanism for generating, banking and using the mechanism and quantifying the credits along with the procedure for ensuring that the reductions are permanent.

Finally, the Department requests comments on the sampling and testing protocol to determine whether gasoline dispensing facilities selling mixtures of 7.8 RVP gasoline and the RFG comply with the regulations.

Electronic Comments

Comments may be submitted electronically to the Board at RegComments@al.dep.state.pa.us. A subject heading identifying the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by July 3, 1997.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-319. (1) Clean Air Fund; (2) Implementing Year 1996-97 is \$0; (3) 1st Succeeding Year 1997-98 is \$79,000; 2nd Succeeding Year 1998-99 is \$51,000; 3rd Succeeding Year 1999-00 is \$51,000; 4th Succeeding Year 2000-01 is \$51,000; 5th Succeeding Year 2001-02 is \$51,000; (4) Fiscal Year 1995-96 \$25,770,000; Fiscal Year 1994-95 \$19,045,000; Fiscal Year 1993-94 \$18,483,000; (8) recommends adoption.

These regulations may also result in increased costs to Commonwealth agencies to purchase gasoline for Commonwealth vehicles. The total increased costs will depend on the type and amount of fuel purchased, and market conditions. The total increased costs cannot be estimated at this time, but is not expected to be significant.

(Editor's Note: Proposals to amend § 121.1, proposed to be amended in this document, remain outstanding at 27 Pa.B. 1822 (April 12, 1997) and 27 Pa.B. 1829 (April 12, 1997).)

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subchapter C. PROTECTION OF NATURAL RESOURCES**

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

***Compliant fuel*—Low RVP gasoline or RFG.**

* * * * *

***Distributor*—[For purposes of the oxygenated fuels program, a] A person who transports, stores or causes the transportation or storage of gasoline at any point between a refinery, an oxygenated blending facility or terminal and a retail outlet or wholesale purchaser-consumer's facility. The term distributor includes a refinery, an oxygenated blending facility or a terminal.**

* * * * *

Importer—A person who imports gasoline or gasoline blending stocks or components from a foreign country into the United States.

* * * * *

Low RVP gasoline—Gasoline that has an RVP of 7.8 pounds per square inch or less as determined in accordance with the appropriate sampling and testing methodologies in 40 CFR Part 80, Appendix E (relating to test for determining Reid Vapor Pressure (RVP) of gasoline and gasoline-oxygenate blends).

* * * * *

Pittsburgh-Beaver Valley area—The seven county-area comprised of the following Pennsylvania Counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

* * * * *

RFG—Federal reformulated gasoline—Gasoline that meets the requirements for RFG as specified in 40 CFR Part 80 Subpart D (relating to reformulated gasoline).

RVP—Reid vapor pressure—The measure of pressure exerted on the interior of a special container as determined by the appropriate methodologies in 40 CFR Part 80 Appendix E.

* * * * *

CHAPTER 126. STANDARDS FOR MOTOR FUELS

(Editor's Note: Sections 126.301—126.305 are new and are printed in regular type to enhance readability.)

Subchapter C. GASOLINE VOLATILITY REQUIREMENTS

- Sec. 126.301. Compliant fuel requirement.
- 126.302. Labeling requirements.
- 126.303. Recordkeeping and reporting.
- 126.304. Compliance and test methods.

§ 126.301. Compliant fuel requirement.

(a) This subchapter applies to gasoline which is sold or transferred into or within the Pittsburgh-Beaver Valley area during the period May 1 through September 30, 1998, and continuing every year thereafter.

(b) No refiner, importer, distributor, reseller, carrier, wholesale purchaser-consumer or retailer may:

(1) Sell, exchange or supply gasoline that is not a compliant fuel during the period described in subsection (a).

(2) Blend, mix, store or transport or allow blending, mixing, storing or transporting of compliant fuel with noncompliant fuel during the period described in subsection (a).

(c) If RFG is required by operation of Federal law to be sold in the Pittsburgh-Beaver Valley, this subchapter no longer applies after the date that RFG is required to be sold.

§ 126.302. Labeling requirements.

(a) Retailers are responsible for compliance with the labeling requirements of this section.

(b) During the time period described in § 126.301(a) (relating to compliant fuel requirements), each gasoline dispenser from which a compliant fuel is dispensed at a retail outlet in the Pittsburgh-Beaver Valley area shall have affixed a legible and conspicuous label which con-

tains the following statement: "From May 1 through September 30, the gasoline dispensed from this pump is a cleaner-burning blend, designed to reduce ground-level ozone, or smog, in the Pittsburgh area. For more information about air quality and clean fuels, contact the Pennsylvania Department of Environmental Protection at (717) 787-9702."

(c) The statement described in subsection (b) shall be in block letters of at least 20-point (3/16") bold type and in a color that contrasts with the background.

(d) The label shall be placed on the upper 2/3 of the vertical surface on each side of the dispenser with gallonage and price meters.

§ 126.303. Recordkeeping and reporting.

(a) Beginning with the terminal owner or operator who sells or transfers gasoline intended for use in the Pittsburgh-Beaver Valley area during the period described in § 126.301(a) (relating to compliant fuel requirements), each time the physical custody of or title to a shipment of gasoline changes hands other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser-consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. This record shall legibly and conspicuously contain, at a minimum, the following information:

- (1) The date of the sale or transfer.
- (2) The name and address of the transferor.
- (3) The name and address of the transferee.
- (4) The location of the gasoline at the time of transfer.
- (5) The volume of gasoline which is being sold or transferred.

(6) A statement certifying that the gasoline has an RVP of 7.8 pounds per square inch or less per gallon or is certified as RFG. If the gasoline is certified as RFG, each invoice, loading ticket, bill of lading, delivery ticket and other document that accompanies a shipment of RFG shall contain a statement from the refiner that certifies this fact.

(b) A person who transports, stores or sells compliant fuel that is intended for use in the Pittsburgh-Beaver Valley area during the period described in § 126.301(a), shall segregate the compliant fuel from noncompliant fuel and shall accompany the compliant fuel by the documentation described in subsection (a), at all times.

(c) Each person in the gasoline distribution network shall maintain records containing the compliance information listed in subsection (a). These records shall be retained for at least 2 years from the date of the sale or transfer of compliant fuel.

§ 126.304. Compliance and test methods.

(a) Compliance with the 7.8 pounds per square inch RVP standard shall be determined by use of the sampling and testing methods specified in this section. Any sampling or testing of gasoline required by this chapter shall be accomplished as follows:

(1) Sampling of gasoline for the purpose of determining compliance with this subchapter shall be conducted in accordance with 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility).

(2) Testing of gasoline for purposes of determining compliance with this rule shall be conducted in accordance with 40 CFR Part 80, Appendix E (relating to test

for determining Reid Vapor Pressure (RVP) of gasoline and gasoline—oxygenate blend).

(b) RFG shall be certified and tested in accordance with the requirements listed in 40 CFR Part 80 Subpart D (relating to reformulated gasoline).

CHAPTER 139. SAMPLING AND TESTING

Subchapter A. SAMPLING AND TESTING METHODS AND PROCEDURES

GENERAL

§ 139.4. References.

The references referred to in this subchapter are as follows:

* * * * *

(18) "Sampling Procedures for Fuel Volatility," 40 CFR Part 80, Appendix D (relating to reformed gasoline).

(19) "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends," 40 CFR Part 80, Appendix E (relating to test for determining Reid Vapor Pressure (RVP) of gasoline and gasoline—oxygenate blends).

STATIONARY SOURCES

§ 139.14. Emissions of VOCs.

* * * * *

(b) The following are applicable to tests for determining the emissions of VOCs:

* * * * *

(8) Test methods for the determination of RVP in gasoline shall be in accordance with the procedures in 40 CFR Part 80, Appendix E (relating to test for determining Reid Vapor Pressure (RVP) of gasoline and gasoline—oxygenate blends).

[Pa.B. Doc. No. 97-679. Filed for public inspection May 2, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 1 AND 74]

[L-970122]

Perfection of Security Interests in Intangible Transition Property

The Pennsylvania Public Utility Commission (Commission) on April 10, 1997, adopted a proposed rulemaking to establish processes necessary for the perfection of security interests in intangible transition property required by 66 Pa.C.S. § 2812(d) (relating to approval of transition bonds). These proposed regulations are necessary to guarantee investors that they will have first priority in the money being collected to pay off any security bonds issued under 66 Pa.C.S. § 2812(d). These bonds may be necessary to help electric utilities manage the transition to electric competition in this Commonwealth. The bonds would help retire the stranded costs a utility faces. Stranded costs represent the expenses a utility incurred to provide electricity before competition, which expenses

may not be recovered now that competition is going to be implemented in this Commonwealth.

Executive Summary

At its public meeting of April 10, 1997, the Commission adopted an order establishing proposed ministerial requirements for the perfection of security interests in intangible transition property pursuant to 66 Pa.C.S. § 2812(d) of the Electric Generation Customer Choice Act of 1996 (act). Final regulations are necessary to facilitate the issuance of the transition bonds allowed under 66 Pa.C.S. § 2812.

A public comment period of 20 days will be provided for good cause under 45 P.S. § 1204(1)(iii). This is being done for several reasons. First, regulations should be in place, near the time the Commission takes action on a qualified rate order under 66 Pa.C.S. § 2812, so that transition bonds can be issued. Second, final regulations should be in place so that petitioners can avail themselves of the review options provided for in the act without adverse consequences on plans for the issuance of transition bonds. Finally, the absence of these ministerial regulations, which only establish agency process or procedure for securing perfection, might delay the issuance of transition bonds. The resulting loss of marketing opportunities and higher costs might be contrary to those reasonably intended by the act.

The Commission contacts are Joseph K. Witmer, Assistant Counsel, Law Bureau (717) 787-3663 and Shirley M. Leming, Regulatory Coordinator, Law Bureau (717) 772-4597.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 21, 1997, the Commission submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Legislative Committees have objection to any portion of the proposed regulations, they will notify the Commission within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed regulations, it will notify the Commission within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of objections raised.

Public meeting held April 10, 1997

Commissioners Present: John M. Quain, Chairperson; Lisa Crutchfield, Vice-Chairperson; John Hanger; David W. Rolka; and Robert K. Bloom

Proposed Rulemaking Order (Corrected)

By the Commission:

Before the Commission for disposition today is a proposed rulemaking required under 66 Pa.C.S. § 2812(d) of the Electric Generation Customer Choice and Competition Act.

Background

On December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act (act). The act revised the Public Utility Code, 66 Pa.C.S. § 101 et seq., by, inter alia, adding Chapter 28 (relating to restructuring of the electric utility industry).

The purpose of the act is to provide for an orderly transition of the Pennsylvania electric industry from a vertically integrated monopoly to a structure which would support the development of a competitive retail electric generation market while retaining a natural monopoly in the transmission and distribution markets. The ultimate goal is to permit all Pennsylvania retail electricity customers to have direct access to a competitive generation market while simultaneously enjoying the continued reliability and safety of existing transmission and distribution services.

One component of the transition to a competitive generation market involves the issuance of Qualified Rate Orders (QROs) to facilitate the recovery or financing of certain qualified transition expenses of an electric utility or assignee as part of the restructuring contemplated under the act. 66 Pa.C.S. § 2812(a).

QROs may issue upon application of an electric utility either concurrently with, prior to, during or following the filing of an electric utility's restructuring plan and, in certain instances, an electric utility may also seek expedited review of a QRO application. 66 Pa.C.S. §§ 2812(a)(2)(ii); 2812(b).

The general requirements governing the QRO applications are set forth in the act. Each application for a QRO shall contain a complete accounting of the utility's transition or stranded costs, detailed information regarding the utility's proposal for the sale of intangible transition property or the issuance of transition bonds and information regarding the electric utility's planned use of the proceeds of the sale or issuance. 66 Pa.C.S. § 2812(a)(2)(i). After notice and opportunity to be heard, the Commission may issue a final QRO for all or a portion of the amount of transition or stranded costs that it finds would be just and reasonable for the utility to recover from ratepayers under sections 2804 and 2808 (relating to standards; and competitive transition charge) of the act. The Commission will issue a final QRO only for the amounts found to be in the public interest. 66 Pa.C.S. § 2812(a)(2)(iii).

The Commission is required to complete its review of the application and issue its final determination by the later of 9 months from the filing, unless the electric utility requests expedited treatment under 66 Pa.C.S. § 2812(b), or 15 days following the filing of the electric utility's restructuring plan under 66 Pa.C.S. § 2806. 66 Pa.C.S. § 2812(a)(2)(iii). In the case of expedited review under 66 Pa.C.S. § 2812(b), the Commission is required to complete its review of the application and issue its final determination within 120 days after the request for expedited review, but, in no event, earlier than 15 days after the utility has filed its restructuring plan under section 2806 of the act. 66 Pa.C.S. § 2812(b)(1)(i).

The granting, perfection and enforcement of security interests in intangible transition property is necessary before the issuance of transition bonds issued under the Commission's determination regarding a petitioner's stranded costs. The perfection is governed by the act instead of Title 13 of *Pennsylvania's Uniform Consolidated Statutes*. 66 Pa.C.S. § 2812(d)(2).

Discussion

The Commission is required under 66 Pa.C.S. § 2812(d)(3) to promulgate regulations governing the perfection of security interests arising under any Commission-issued QRO. 66 Pa.C.S. § 2812(d)(3). The Commission is also required by 66 Pa.C.S. § 2812(d)(4) to establish and maintain a separate system of records to reflect the date and time of receipt of all filings. The Commission may also provide for the transfer of intangible transition property to an assignee in accordance with such a system. Consequently, the Commission must adopt regulations to fulfill these statutory requirements. The Commission is required to act in an extremely abbreviated time frame.

The regulations developed by the Commission in furtherance of section 2812's requirements, attached to this order as Annex A, are ministerial in nature. The proposed regulations will establish agency process or procedures for securing perfection. The regulations would be located in Chapter 74. The regulations are entitled "Perfection of Security Interests in Intangible Transition Property."

This rulemaking will facilitate the timely and cost-effective perfection of security interests in intangible transition property as required by section 2812(d) of the act. Regulations for the perfection of security interests are critical to the bond closing that precedes the sale of issued transition bonds.

The Commission currently has before it one petition for expedited issuance of a QRO. The Commission could issue a QRO as early as May 1997.

In addition, the Commission has several restructuring filings pending before it. See *PP&L Petition*, Docket No. R-00973954; *PECO Petition*, Docket No. R-00973953. The Commission expects additional restructuring filings and more petitions for QROs during or after review of the restructuring filings.

The absence of regulations, given these developments, could delay the implementation of section 2812(d) of the act and result in higher-than-necessary costs for Pennsylvania's ratepayers. That is because the absence of regulations necessarily delays the issuance of transition bonds by Pennsylvania's utilities. The failure to be able to expeditiously market transition bonds, backed by security interests perfected under these regulations, could result in the loss of an opportunity for Pennsylvania utilities to lower transition costs. The later issuance of transition bonds, especially if coupled with changes in the interest rate, would result in higher costs. Those additional costs could frustrate the act's goal of reducing electric costs with adverse economic consequences for Pennsylvania.

The Commission developed the proposed regulations after research and consultation with the Department of State's Corporation Bureau and others. The Commission began reviewing the act in January 1997, in conjunction with issuance of its earlier guidelines governing QRO applications under section 2812 of the act, with a view to fashioning the necessary regulations. The Commission consulted with the Department of State's Corporation Bureau on existing procedures used under Pennsylvania law for the perfection of security interests. The Commission also consulted with the Pennsylvania Electric Association (PEA) regarding the procedural devices necessary to perfect a security interest that would support the issuance of transition bonds.

Regulations must be in place for marketable transition bonds to be issued. Absent regulations, a petitioner possessing a QRO will be unable to proceed to bond

closing because of the inability to secure perfection of an underlying security interest. With regulations in place, a petitioner can rapidly proceed to perfect a security interest and issue marketable transition bonds sooner than later.

In addition, section 2812(d)(3) of the act requires the Commission to have regulations governing the perfection of security interests without regard to whether or not a petitioner is seeking expedited review under the act. The Commission believes that the necessity of providing the process for security interest perfection under the act, the potentially adverse consequences of not having regulations in place, and the ministerial nature of the regulations, which only establishes the agency procedure or practice for securing perfection, justify a 20-day public comment period under 45 P. S. § 1204(1)(iii).

The Commission is also taking other measures that effectively extends the public comment period beyond 20 days. The Commission is placing the text of the proposed regulations and the public comment deadline on the Commission's publicly available electronic bulletin board. The Commission is also mailing the proposed regulations and public comment deadline to all parties that participated in our earlier implementation orders. The Commission is further providing a copy of the proposed regulations and public comment deadline to the PEA, the Pennsylvania Bankers' Association, the Securities Commission and the Department of State's Corporation Bureau.

Given these considerations, the Commission concludes that the ministerial nature of the regulations, which only establishes the agency procedure or practice for securing perfection, and the exigencies of the act constitute good cause for a 20-day public comment period under 45 P. S. § 1204(1)(iii). That conclusion is bolstered by the additional steps the Commission is taking to expand opportunities for providing public comment during that 20-day period.

Section 74.1 (relating to purpose) sets forth the purpose of the regulations. Section 74.2 (relating to definitions) provides a list of definitions for the regulations. The definition section consists of definitions taken from the act as well as those derived from the comments of others.

Section 74.3 (relating to liberal construction) provides for the liberal construction of the regulations to facilitate perfection of security interests. Section 74.4 (relating to information, filing and hours) sets forth the location for information about the filing and the hours for receipt of filings under the regulations. Section 74.5 (relating to place of filing; informational filing) establishes the place of filing and requires an informational filing be made with the Department of State's Corporation Bureau.

Section 74.6 (relating to intangible transition property notice requirements; amendments; forms; error; recharacterization) sets forth the general rule and requirements for filing an intangible transition property notice under the regulations and the procedures that will govern minor errors, amendments and recharacterizations. Section 74.7 (relating to intangible transition property notice filing; duration lapses; filing officer; fees) governs the filing of notices, the duration of notice, lapses in notice and the role of the filing officer under the regulations. Section 74.8 (relating to termination notice; filing officer; fees) governs termination notices and filing officer duties under the regulations.

Section 74.9 (relating to assignment of security interest; filing officer; fees) establishes procedures for the assign-

ment of security interests and the role of the filing officer in these matters. Section 74.10 (relating to release or retransfer; filing officer; fees) governs the release or retransfer of a security interest. Section 74.11 (relating to information requests; filing officer) establishes procedures for obtaining information requests on a security filing as well as the furnishing of certificates for any security filing.

Section 74.12 (relating to record retention; admissibility; filing officer) establishes the requirements for record retention. Section 74.13 (relating to fees; notice of changes) governs notice changes. Section 74.14 (relating to forms officer) establishes a forms officer and sets forth the forms required to be available for filing under the regulations.

The filing fees for the perfection of security interests under the act are set forth in § 1.43(a) (relating to schedule of fees payable to the Commission). These filing fees are required by the Commission to cover the reasonable costs, including staffing and related infrastructure support and development, needed to establish and operate the perfection processes required by the act. These perfection processes for transition bonds may run as long as 9-years under 66 Pa.C.S. §§ 2808 and 2812. The filing fees imposed by the Commission would facilitate the fair and orderly transition to competition as required by 66 Pa.C.S. § 2802(13) (relating to declaration of policy) and are flexible as required by 66 Pa.C.S. § 2812(b)(9). In addition, the fees would allocate the costs of providing such services to the source of cost causation consistent with the general principle of economic pricing. Finally, the fees collected by the Commission for perfection-related services constitute reasonable cost-based charges as required by 66 Pa.C.S. § 317(a) (relating to fees for services rendered by commission).

The Commission notes that the proposed regulations are an amalgam of material from several sources. They differ in minor procedural ways from the comments provided by others.

The Commission seeks general comments on the proposed regulations as well as specific comments on the minor procedural variations. In both instances, persons submitting comments are requested to provide supporting justification for requested revisions and proposed regulatory language.

The Commission has identified five issues for specific comment. These are as follows:

Issue 1: Filing Date v. Effective Date. The Commission's proposed regulations make a distinction between the filing date and the effective date for perfection of a security interest. The Commission thinks this distinction is necessary so that it has the ability to reject filings that have more than minor problems under § 74.6(h). Without this distinction, every filing is effective when filed regardless of its conformity with the regulations.

Issue 2: Definitions. The Commission has defined terms under the act. In the absence of language in the act, the Commission has crafted definitions to support perfection of security interests. Some adjustments may be necessary.

Issue 3: Liberal Construction. The Commission requires the liberal construction of the proposed regulations. The Commission thinks that liberal construction is necessary to resolve the ambiguities that could arise from application of the regulations in specific instances. Without this authority, the Commission's inability to act could jeopardize the perfection of security interests.

Issue 4: Retention of Discretion. Section 74.9(a) preserves administrative discretion. The Commission believes that discretion is necessary to respond to factual and regulatory developments arising after the regulations go into effect.

Issue 5: Use of Proposed Forms and UCC-1 and UCC-3. The Commission proposes to require the filing of Form A and Form B as well as UCC-1 and UCC-3. The Commission thinks this is necessary in light of the informational filing with the Department of State which will be required by these regulations. The Commission also thinks that such a requirement is supported by the fact that other security interests are perfected in this Commonwealth by filing the UCC Form-1 and UCC Form-3.

Accordingly, under 66 Pa.C.S. §§ 501 and 2812(d) of the Public Utility Code; the Commonwealth Documents Law (45 P. S. § 1201 et seq.); and 71 P. S. § 745.1 et seq., the Commission issues the proposed regulations, attached as Annex A of this order and as published in the *Pennsylvania Bulletin*, for comment; *Therefore,*

It is Ordered that:

1. A rulemaking docket shall be opened to promulgate regulations for the perfection of security interests in intangible transition property under 66 Pa.C.S. § 2812(d) as set forth in Annex A of this order.

2. The Secretary shall submit this order and Annex A to Office of the Attorney General for preliminary review as to form and legality.

3. The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for informal review and comments by the designated standing committees of both Houses of the General Assembly, and for informal review and comments by IIRC.

5. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. The Secretary shall provide a copy of this order and Annex A for placement on the Commission's electronic Bulletin Board, to the Department of State's Corporation Bureau, the Pennsylvania Electric Association, the Pennsylvania Banking Association and the Commonwealth of Pennsylvania Securities Commission for review and comment within the period prescribed by 45 P. S. § 1204(1)(iii) below.

7. That, within 20 days of this order's publication in the *Pennsylvania Bulletin*, consistent with 45 P. S. § 1204(1)(iii), an original and 15 copies of any comments concerning this order should be submitted to the Office of the Prothonotary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JOHN G. ALFORD,
Secretary

Fiscal Note: 57-183. No fiscal impact; (8) recommends adoption. The fees assessed by the Commission under these regulations are anticipated to offset related administrative costs, thereby resulting in a net effect of no increased costs to the Commission.

Annex A
TITLE 52. PUBLIC UTILITIES
PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart A. GENERAL PROVISIONS
CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

§ 1.43. Schedule of fees payable to the Commission.

(a) *Fees for services.* The fees for services rendered by the Commission are as follows:

<i>Description</i>	<i>Fee (in dollars)</i>
* * * * *	
Initial filing and perfection of Form A & UCC-1 for intangible transition property notice	\$.00005 of Transition Bond Face Value or \$100,000 whichever is lower.
Subsequent filing of notice changes in intangible transition property notice on Form B & UCC-3	\$.0000005 of Transition Bond Face Value or \$1,000 whichever is lower.
Public information requests	\$10 and per page copying costs.
* * * * *	

Subpart C. FIXED SERVICE UTILITIES
CHAPTER 74. PERFECTION OF SECURITY INTEREST IN INTANGIBLE TRANSITION PROPERTY

<i>Sec.</i>	<i>Purpose.</i>
74.1.	Purpose.
74.2.	Definitions.
74.3.	Liberal construction.
74.4.	Information, filing and hours.
74.5.	Place of filing; informational filing.
74.6.	Intangible transition property notice requirements; amendment; forms; error; recharacterization.
74.7.	Intangible transition property notice filing; duration lapses; filing officer; fees.
74.8.	Termination notice; filing officer; fees.
74.9.	Assignment of security interest; filing officer; fees.
74.10.	Release or retransfer; filing officer; fees.
74.11.	Information requests; filing officer; fees.
74.12.	Record retention; admissibility; filing officer.
74.13.	Fees; notice changes.
74.14.	Forms officer.

§ 74.1. Purpose.

This chapter implements the ministerial requirements of section 2812(d)(1)–(4) of the act (relating to approval of transition bonds) governing the granting, perfection or enforcement of a security interest in intangible transition property. This chapter establishes the recordkeeping regulations and requirements and provides technical rules on administration. This chapter also establishes how an intangible transition property notice is filed, what a filing shall contain and what obligatory record retention requirements are imposed on the Commission. This chapter governs notice, amendment, effectiveness and termination of the security interest.

§ 74.2. Definitions.

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

Act—66 Pa.C.S. Chapter 28 (relating to restructuring of electric utility industry).

Assignee—A person, partnership, corporation, public authority or trust, whether public or private, that succeeds to the interest of a financing party in intangible transition property. The term includes a transferee and any other relevant party. The term also includes a party necessary for any action taken. The term does not include the Commission.

Assignment—A transfer of an existing security interest, or of the interest of an assignee, in intangible transition property.

Assignor—An electric utility or others who transfer an interest in intangible transition property to an assignee.

Certificate—A document establishing whether there is on file with the Commission on the date and hour stated a presently effective intangible transition property notice with information sufficient to provide the necessary identification information.

Commission—The Pennsylvania Public Utility Commission, including an appointed successor entity.

Continuation notice—A filing submitted to extend the effective date of a filing beyond the initial 12-year effective date.

Department of State—The Corporation Bureau of the Department of State of the Commonwealth including an appointed successor entity.

Effective date—The date an intangible transition property notice filing will be deemed complete.

File number—A numerical sequence used to identify a filing by means other than the qualified rate order docket number and the general docket number.

Filing—The submission of a completed intangible transition property notice or other document described in this chapter to the filing officer, together with the applicable filing or processing fee, and the acceptance thereof as complete by the filing officer.

Filing date—The date on which a filing is made as described in this chapter.

Filing officer—An authorized person in the Office of the Prothonotary of the Commission, including an appointed successor entity or office.

Filing party—A party, person, partnership, corporation, public authority or trust, whether public or private, who makes a filing under this chapter. The term does not include the Commission.

Financing party—A party, person, partnership, corporation, public authority or trust, whether public or private, including an assignee, whose interest in intangible transition property is or may be secured. The term includes anyone necessary for action to be taken. The term does not include the Commission.

General docket number—The generic docket location established by the Commission as a repository for filings pertaining to the granting, perfection or enforcement of a security interest.

Grantor—An electric utility or other party, partnership, person, corporation, public authority or trust, whether public or private, who grants a security interest in intangible transition property to another person. The term does not include the Commission.

Information request—A request from a party or person to the Commission concerning the granting, perfection or enforcement of a security interest.

Intangible transition property—A notice of a security interest in, or of a transfer to an assignee of, intangible transition property. References to an intangible transition property include all properly filed amendments to a notice, unless the context otherwise requires, and subject to the limitations provided.

Intangible transition property notice—A section filing submitted by a party in furtherance of section 2812(d) of the act (relating to approval of transition bonds).

Lapse—An event that causes the perfection accorded a security interest to become unperfected.

Party—A person, partnership, corporation, public authority or trust, whether public or private, seeking the granting, perfection or enforcement of a security interest. The term does not include the Commission.

Person—A human being, partnership, corporation, public authority or trust, whether public or private, existing under the laws of the Commonwealth, another state, the United States or a foreign country.

Qualified rate order—An adopted and entered order of the Commission consistent with the act.

Qualified rate order docket number—The established Commission filing number for an adopted and entered qualified rate order.

Release—An action taken by an assignee to return to an assignor all or a portion of the interest of the assignee in intangible transition property.

Retransfer—An action taken by a party to alter a right, duty or obligation concerning the granting, perfection or enforcement of a security interest.

Security interest—An interest in intangible transition property securing the payment of performance of an obligation.

Successor—A party, person, partnership, corporation, public authority or trust, whether public or private, which succeeds in interest to the rights and responsibilities of a party to a transaction concerning intangible transition property. The term does not include the Commission.

Termination notice—The notification provided to a requesting grantor concerning the termination of an encumbrance arising from a security interest previously granted and perfected.

§ 74.3. Liberal construction.

(a) This chapter will be liberally construed to ensure that legal, equitable, efficient and cost-effective requirements are in place concerning the granting, perfection or enforcement of a security interest.

(b) The Commission or filing officer may waive a requirement of this chapter when necessary or appropriate, if the waiver does not adversely affect a substantive right of a person or party, in order to effectuate the granting, perfection or enforcement of a security interest arising under the act or this chapter.

§ 74.4. Information, filing and hours.

(a) Information as to procedures and forms for filing under this chapter, and instructions supplementing this chapter in special instances, may be obtained upon request:

Office of the Prothonotary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, Pennsylvania 17105-3265

(b) Submittal, filings, requests, forms and all other communications either written or otherwise should be addressed as follows:

Office of the Prothonotary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, Pennsylvania 17105-3265

(c) Unless directed otherwise by the Governor or due to unforeseen circumstances, the Commission offices will be open from 8 a.m. until 4:30 p.m. on business days except Saturdays, Sundays and legal holidays.

§ 74.5. Place of filing; informational filing.

(a) *Place of filing.* An intangible transition property notice shall be filed with the filing officer of the Commission by the filing party and be accompanied by the payment of all filing fees established by the Commission.

(b) *Informational filing.* An intangible transition property notice shall also be filed by the filing party with the Department of State in accordance with the procedures and fees as determined to be necessary by the Department of State. An intangible transition property notice filed with the Department of State will be deemed for informational purposes only and will have no force and effect under section 2812(d) of the act (relating to approval of transition bonds). The filing party shall file a copy of an intangible transition property notice for informational purposes with the Department of State within a reasonable time after the filing date.

(c) *Effect of successor entity on filing.* An effective intangible transition property notice continues in force and effect even though the grantor or assignor whose intangible transition property notice is (or originally was) the subject of a filing merges, consolidates or otherwise reorganizes.

§ 74.6. Intangible transition property notice requirements; amendment; forms; error; recharacterization.

(a) *General.* An intangible transition property notice will be deemed complete and have an effective date if it provides the following:

- (1) The name of the grantor or assignor.
- (2) The address of the grantor or assignor.
- (3) A signature of an authorized person acting on behalf of the grantor or assignor.
- (4) The name of the financing party or assignee.
- (5) The address of the financing party or assignee.
- (6) The signature of an authorized person acting on behalf of the financing party or assignee.
- (7) A statement constituting notice to the public that information concerning the security interest or assignment which is the subject of the intangible transition property notice may be obtained from the financing party or assignee and which provides the name and address of the financing party or assignee.
- (8) A statement setting forth whether all or a portion of the recovery permitted under the qualified rate order, from which the intangible transition property notice is derived, is covered by the intangible transition property notice. If the portion covered by an intangible transition

property notice relates to less than all of the qualified rate order, the portion or the amount thereof to which the intangible transition property notice shall be stated.

(9) The Commission docket number and date of entry of the qualified rate order from which an intangible transition property is derived.

(10) The general docket number established by the filing officer as a repository at the Commission for all filings submitted for the granting, perfection or enforcement of a security interest.

(b) *Filing sequence.* An intangible transition property notice may be filed before a security agreement or assignment is made or a security interest otherwise attaches or an assignment becomes effective.

(c) *Effect of partial completion.* An intangible transition property notice which otherwise complies with this section will be deemed complete and effective when it is signed by the financing party or assignee instead of the grantor or assignor, if it is filed to perfect a security interest in or record a transfer to an assignee of:

(1) In the case of a security interest, intangible transition property as to which the filing of a security interest has lapsed.

(2) Intangible transition property under a security agreement or an agreement effecting a transfer to an assignee signed by the grantor or assignor and authorizing the financing party or the assignee, as the case may be, to file an intangible transition property notice. An intangible transition property notice shall state that it is filed in accordance with a security agreement or an agreement effecting a transfer signed by the grantor or assignor and authorizing the filing of the notice and may be filed by the financing party or the assignee.

(d) *Form.* A filing party shall submit Form A and UCC-1, to comply with this section. Both Form A and UCC-1 shall be filed with the Commission and the Secretary of State.

(e) *Amendments.* An intangible transition property notice may be amended only with a filed writing signed by both the grantor or assignor and the financing party or assignee, as the case may be. An amendment does not extend the period of effectiveness of an intangible transition property notice. If any amendment adds intangible transition property, it is effective as to the added intangible transition property only from the effective date of filing of the amendment.

(f) *Amendment form.* A filing party shall submit Form B and UCC-3 to comply with this section.

(g) *Sufficiency of name.* An intangible transition property notice sufficiently shows the name of the grantor or assignor if it gives the partnership or corporate name of a party, whether or not it adds other trade names or the names of partners. A filed intangible transition property notice remains effective with respect to intangible transition property transferred by the grantor or assignor even though the financing party or the assignee knows of or consents to the transfer.

(h) *Effect of minor errors; recharacterization.* An intangible transition property notice substantially complying with this section will be sufficient even if it contains minor errors which are not seriously misleading. If an intangible transition property notice is filed with respect to an assignment of interest in intangible transition property under this chapter, and an assignment is thereafter held for a reason or purpose to constitute the grant

of a security interest in intangible transition property, the intangible transition property notice will be deemed to constitute a filing with respect to a security interest under this chapter, from and as of the date and time of the effective date of the original intangible transition property notice, without the necessity of any amendment of (or other action by the parties with respect to) the originally filed intangible transition property notice.

§ 74.7. Intangible transition property notice filing; duration lapses; filing officer; fees.

(a) *What constitutes a filing with an effective date.* Presentation for filing of an intangible transition property notice and tender of the filing or processing fee, and acceptance of the intangible transition property notice by the filing officer, will constitute a filing with an effective date under the act and this chapter. Nothing in the act or this chapter will preclude the filing officer from rejecting or otherwise returning an unreasonable and insufficient filing to a person or party.

(b) *Purposes of filing.* An intangible transition property notice may be filed to perfect the security interest of a financing party in intangible transition property. An intangible transition property notice shall also be filed in respect of each transfer to an assignee of an interest in intangible transition property.

(c) *Duration of effectiveness of filing in general.* A filed intangible transition property notice filed to perfect the security interest of a financing party will be effective for 12 years from the effective date. The effectiveness of a filed intangible transition property notice filed to perfect the security interest of a financing party lapses on the expiration of the 12-year period unless a continuation notice is filed prior to the lapse. If a security interest perfected or continued by filing exists at the time insolvency proceedings are commenced by or against the grantor, the security interest will remain so perfected until the later of the expiration of the applicable 12-year period or a period ending 60-days following the termination of the insolvency proceedings.

(d) *Lapse.* Upon lapse, the security interest becomes unperfected. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchase or lien creditor before the lapse. A filed intangible transition property notice filed and perfected to record the transfer to an assignee of intangible transition property is continuously effective.

(e) *Continuation notice.* A continuation notice shall be filed by a financing party no earlier than 6 months prior to the expiration of the 12-year period specified in subsection (c). A continuation notice shall be signed by the financing party, identify the original notice by file number and state that the original intangible transition property notice is still effective. A continuation notice signed by a person other than the financing party or transferee of record shall be accompanied by a separate written statement of assignment signed by the financing party or transferee of record and comply with this chapter, including payment of the required fees. Upon timely filing of the continuation notice, the effectiveness of the original notice is continued for 12 years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (d) unless another continuation notice is filed prior to a lapse. Succeeding continuation notices may be filed in the same manner to continue the effectiveness of the original notice.

(1) Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed notice from the files and destroy it immediately if he has retained a microfilm or other photographic record or in other cases 1 year after the lapse.

(2) The filing officer will so arrange matters by physical annexation of intangible transition property notices to continuation notices or other related filings, or by other means, that if the filing officer physically removes the intangible transition property notices of a period more than 12 years past, those which have been continued by a continuation notice shall be retained.

(3) The filing officer will place a filing in the Commission's docketed qualified rate order which legitimized a subsequent intangible transition property notice as well as in the general docket number established by the Commission and set aside for an intangible transition property notice.

(f) *Establishment and duties of filing officer.*

(1) The Commission will establish and appoint a filing officer who will be responsible for maintaining the records and taking the other actions described or otherwise necessary. The filing officer will place copies of filings submitted under this chapter in the appropriate dockets for future reference and otherwise manage all filings.

(2) The filing officer will also mark each intangible transition property notice and each subsequent filing in a general docket number with a consecutive file number and with the date and time of filing and will hold the intangible transition property notice and each subsequent filing or a microfilm or other photographic or electronic copy thereof for public inspection. Consecutive file numbers for intangible transition property notices and subsequent filings for notices filed in each calendar year will begin with the number one preceded by the last two digits of the calendar year in which the filing occurs. In addition, the filing officer will index the intangible transition property notices according to the name of the grantor or assignor and will note in the index the file number and address of a party.

(g) *Fees.* The Commission will prescribe one uniform filing fee for filing, indexing and furnishing filing data for an original or a continuation notice based upon the total direct and indirect administrative cost of providing for filings.

(h) *Legible papers.* The duties of the filing officer prescribed in this chapter will relate only to clearly legible papers filed with the filing officer or submitted to the filing officer for filing. A filing officer will promptly return to the person a filing that is not clearly legible. No intangible transition property notice nor another related filing will be accepted unless it is typed or printed in black ink and, in the determination of the filing officer, interpreted or reproduced using the technology employed by the Commission.

§ 74.8. Termination notice; filing officer; fees.

(a) *General.* Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the financing party shall on written demand by the grantor send the grantor a termination notice to the effect that it no longer claims a security interest under the applicable intangible transition property notice, which shall be identified by its file number. A termination notice signed by a person other than the financing party of record shall be accompanied by a separate written notice of assignment signed by the

financing party of record and complying with this chapter, including payment of the required fee. If the affected financing party fails to file a termination notice as required by this subsection, or to send a termination notice within 10 days after proper demand therefor, the financing party shall be liable for a loss caused to the grantor by reason of the failure.

(b) *Duties of filing officer.* On presentation to the filing officer of a termination notice, the filing officer shall note the filing on the termination notice. If the filing officer has received the termination notice in duplicate, the filing officer will return one copy of the termination notice to the financing party stamped to show the date of receipt thereof. If the filing officer has a microfilm or other photographic record of the intangible transition property notice and of a related continuation notice, notice of assignment and notice of release, the filing officer may remove the originals from the file at a time after receipt of the termination notice, or if the filing officer has no record, the filing officer may remove the originals from the files 1 year after receipt of the termination notice.

(c) *Fees for filing.* The Commission will prescribe the uniform fee for filing and indexing the termination notice. A duplicate of the termination notice will be returned to the financing party. There will be a fee for each name (more than one) against which the termination notice is required to be indexed. The fee is the fee for filing Form B and UCC-3 in § 1.43 (relating to schedule of fees payable to the Commission).

§ 74.9. Assignment of security interest; filing of fees; fees.

(a) *Assignment disclosed in intangible transition property notice.* An intangible transition property notice may disclose an assignment of a security interest of a financing party or the interest of an assignee in the intangible transition property described in the intangible transition property notice by indication in the notice of the name and address of the transferee or by an assignment itself or a copy thereof on the face or back of the notice. Either the original financing party or assignee or the transferee may sign this statement as the financing party or assignee. On presentation to the filing officer of an intangible transition property notice, the filing officer will mark it as provided for in this chapter.

(b) *Fees.* The Commission will prescribe the uniform fee for filing, indexing and furnishing filing data for an intangible transition property notice plus an additional fee for each name against which the intangible transition property notice is required to be indexed. The fee is the fee for filing Form B and UCC-3 in § 1.43 (relating to schedule of fees payable to the Commission).

(c) *Separate notice of assignment.* A financing party or assignee of record may assign all or a part of its rights under an intangible transition property notice by the filing of a separate written notice of assignment signed by the financing party or assignee of record and setting forth the name of the financing party or assignee of record, the grantor or assignor, the file number and the date of filing of the intangible transition property notice and the name and address of the transferee and a description of the intangible transition property assigned, including the information described in § 74.6(a) (relating to intangible transition property notice requirements; amendment; forms; error; recharacterization). A copy of the assignment is sufficient as a separate notice if it complies with the preceding sentence. On presentation to the filing officer of a separate notice, the filing officer will mark a separate

notice with the date and hour of the filing. The filing officer will note the assignment on the indices of the intangible transition property notice or enter the assignment information into the computerized system for intangible transition property notices.

(d) *Fees.* The Commission will prescribe the uniform fee for filing, indexing and furnishing filing data about a separate notice of assignment, plus, for each additional person, firm or organization, beyond the first, named as a grantor or assignor in the notice, an additional fee. The fee is the fee for filing Form B and UCC-3 in § 1.43.

(e) *Status of transferee.* After the disclosure or filing of an assignment under this section, the transferee is the financing party or assignee of record.

§ 74.10. Release or retransfer; filing officer; fees.

(a) *Release of intangible transition property interest.* A financing party or assignee of record may by its signed notice release or retransfer all or a part of an intangible transition property described in a filed intangible transition property notice. The notice of a release or retransfer is sufficient if it contains a description of the intangible transition property being released or retransferred (including the information described in § 74.6(a) (relating to intangible transition property notice requirements; amendments; forms; error; recharacterization)), the name and address of the grantor or assignor, the name and address of the financing party or assignee, the docket number for the qualified rate order from which an intangible transition property is derived, the file number of the intangible transition property notice and the general docket number. A notice of release or retransfer signed by a person other than the financing party or assignee of record shall be accompanied by a separate written statement of assignment signed by the financing party or assignee of record and comply with § 74.6(a), including payment of the required fee. Upon presentation of a notice of release or retransfer to the filing officer, the filing officer will mark the notice with the date of filing and will note the same upon the margins of the indices of the filing of the intangible transition property notice.

(b) *Fees.* The Commission will prescribe the uniform fee for filing and noting a notice of release or retransfer plus, for each additional person, firm or organization, beyond the first, named as a grantor or assignor in the notice, an additional fee. The fee is the fee for filing Form B and UCC-3 in § 1.43 (relating to schedule of fees payable to the Commission).

§ 74.11. Information requests; filing officer; fees.

(a) *Marking copy of intangible transition property notice filed.* If the filing party submitting an intangible transition property notice, continuation notice, termination notice, notice of assignment, notice of release or notice of retransfer, furnishes the filing officer with a copy, the filing officer will upon request note upon the copy the file number and date of the filing of the original and deliver or send the copy to the filing party.

(b) *Fees.* The fee for information requests is the fee in § 1.43 (relating to schedule of fees payable to the Commission) for public information requests.

(c) *Furnishing certificates and copies.* Upon request of a person, the filing officer will issue a certificate showing whether there is on file on the date and hour stated therein, a presently effective intangible transition property notice naming a particular grantor or assignor and a notice of assignment and if there is, giving the date and hour of filing of each notice and the names and addresses

of each financing party or assignee named therein. The certificates will also show whether there is on file on the date and hour stated therein, a notice of Federal tax lien or other certificate or notice affecting intangible transition property of the grantor or assignor, naming a party, and if there is, giving the date and hour of filing of each notice or certificate. The Commission will prescribe the uniform fee for a certificate premised upon the total direct and indirect administrative costs of providing the service. Upon request, the filing officer will furnish a copy of a filed intangible transition property notice, notice of Federal tax lien or notice or certificate affecting intangible transition property of a grantor or assignor, or a continuation notice, termination notice, notice of assignment, notice of release or notice of retransfer respecting an intangible transition property notice, all for a uniform fee prescribed by the Commission.

§ 74.12. Record retention; admissibility; filing officer.

In lieu of retaining the original of a filing, a filing officer may make microfilm, photographic, photostat, electronic or other copies which accurately reproduce an original and may thereafter dispose of the originals so copied, and the copy will be admissible in evidence in a proceeding with the same effect as though it were an original. If a filing officer upon making a copy of a paper will have disposed of the original, then upon the filing of a termination notice the filing officer will be relieved of the duties imposed regarding the underlying intangible transition property notice, and instead will note the termination notice on the index and will send to the financing party an acknowledgement of the filing of the termination notice.

§ 74.13. Fees; notice changes.

(a) The fees are those in § 1.43(a) (relating to schedule of fees payable to the Commission) for services. The fees

in § 1.43(a) governing this chapter are based on the total direct and indirect administrative cost of providing the service, including staffing and infrastructure support, necessary to effectuate the granting, perfection or enforcement of a security interest under the act and as required by 66 Pa. Code § 317(a) (relating to fees for services rendered by Commission).

(b) The initial filing and perfection fee will be that in § 1.43 for the filing of Form A and UCC-1. The fee for changes and other action with respect to an intangible transition property notice in connection with an amendment, continuation, termination, assignment, release or retransfer will be that in § 1.43 for the filing of Form B and UCC-3. Forms will be available from the forms officer of the Commission.

§ 74.14. Forms officer.

There will be a forms officer responsible for providing forms to the public. The forms will include, at a minimum, the following:

- (1) Form A for intangible transition property notice.
- (2) Form UCC-1.
- (3) Form B for any amendment, assignment, continuation, release, retransfer or termination of interest in an intangible transition property notice.
- (4) Form UCC-3.
- (5) An established fee schedule.
- (6) Other forms as may be necessary to effectuate the granting, perfection or enforcement of a security interest under the act and this chapter.

[Pa.B. Doc. No. 97-680. Filed for public inspection May 2, 1997, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective March 18, 1997.

The following organization chart at 27 Pa.B. 2144 (May 3, 1997) 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. 97-681. Filed for public inspection May 2, 1997, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

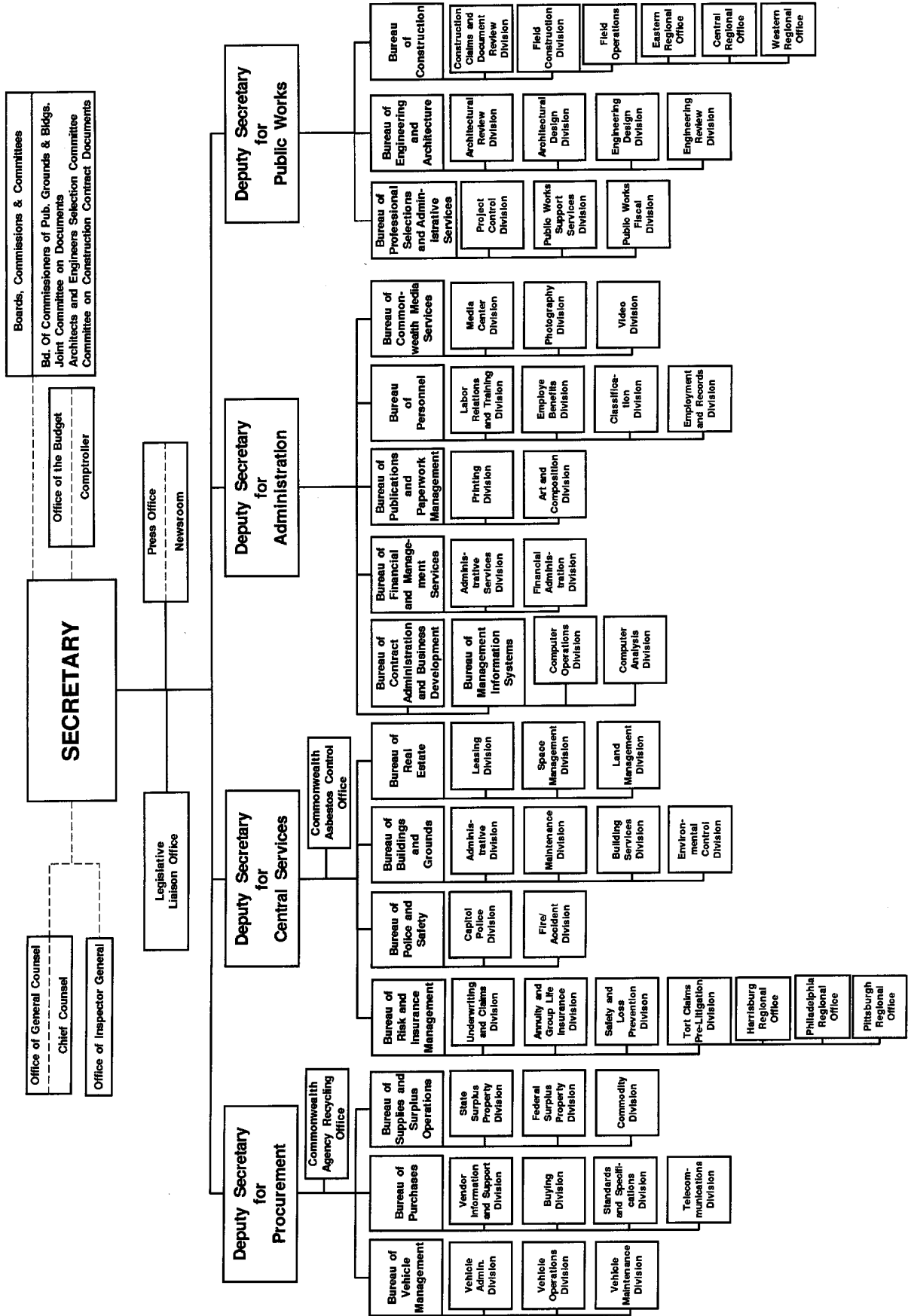
The Executive Board approved a reorganization of the Department of Public Welfare effective March 18, 1997.

The following organization chart at 27 Pa.B. 2145 (May 3, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

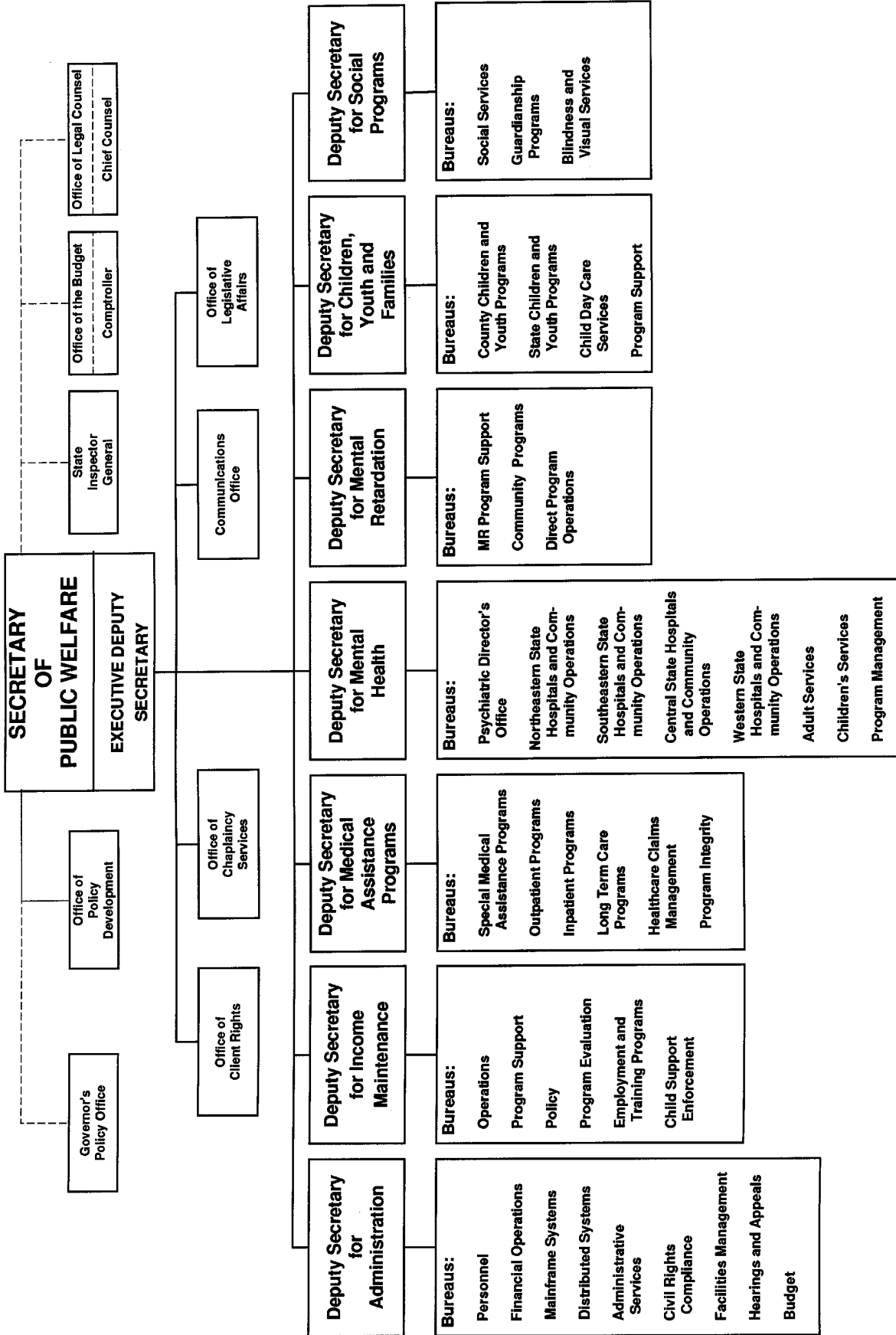
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 97-682. Filed for public inspection May 2, 1997, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES



DEPARTMENT OF PUBLIC WELFARE



NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 22, 1997.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
4-21-97	Patriot Bank Pottstown Montgomery County	Pottstown	Approved
	<i>To:</i> Patriot Savings Bank Pottstown Montgomery County		
	Represents conversion from a Federally-chartered savings bank to a State-chartered savings bank.		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-17-97	Johnstown Bank and Trust Company Johnstown Cambria County	Johnstown	Filed
	Purchase of assets/assumption of liabilities of three offices of National City Bank of Pennsylvania, Pittsburgh, located at: 210 East Main Street Everett Bedford County	229 Main Street Meyersdale Somerset County	
	102 North Grant Street Salisbury Somerset County		
4-21-97	Patriot Interim Bank, Pottstown, and Patriot Savings Bank, Pottstown Surviving Institution— Patriot Interim Bank, Pottstown, with a change in corporate title to "Patriot Bank"	Pottstown	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-14-97	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Clemens Food Market Ridge and Butler Pikes Conshohocken Montgomery County	Opened
4-16-97	Jersey Shore State Bank Jersey Shore Lycoming County	Route 64 Zion Walker Township Centre County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-21-97	The Glen Rock State Bank Glen Rock York County	RD #10, Route 616 and Noss Road North Codorus Twp. York County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-18-97	Financial Trust Company Carlisle Cumberland County	<i>To:</i> 216 S. Carlisle St. New Bloomfield Perry County <i>From:</i> 7 Center Square New Bloomfield Perry County	Filed
4-21-97	Summit Bank Bethlehem Northampton County	<i>To:</i> 29 East Third St. Bethlehem Northampton County <i>From:</i> Lehigh University University Center Bethlehem Northampton County	Filed

ARTICLES OF AMENDMENT

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-22-97	Sentry Trust Company (In Organization) Chambersburg Franklin County	To amend Article Eighth of the Articles of Incorporation to provide for a change in the initial directors.	Approved and Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-14-97	Acco-York Federal Credit Union York York County <i>To:</i> Acco and Associates Credit Union York York County	York	Filed

Application represents conversion from a Federally-chartered credit union to a State-chartered credit union.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-18-97	Calkins Newspapers Federal Credit Union, Levittown, and UNI Employees Credit Union, Uniontown Surviving Institution—Calkins Newspapers Federal Credit Union, Levittown	Levittown	Approved and Effective

RICHARD C. RISHEL,
Secretary

**DEPARTMENT OF
COMMUNITY AND
ECONOMIC DEVELOPMENT
DEPARTMENT OF
PUBLIC WELFARE**

Application for the HUD "Balance of State" Homeless Funds

In 1987 Congress passed the Stewart B. McKinney Homeless Assistance Act to provide funds to states, local governments and nonprofit organizations to address the housing and service needs of homeless families and individuals. The program is administered by the U. S. Department of Housing and Urban Development (HUD). Several years ago, HUD began requiring applicants to undertake a comprehensive planning process to identify homeless needs and resources along a Continuum of Care. A Continuum of Care includes the following components:

Outreach/Intake/Assessment
Emergency Shelter
Transitional Housing
Permanent Housing
(Supportive Services may be needed throughout this continuum)

Due to the size and geographic diversity of Pennsylvania, the Department of Community and Economic Development/Department of Public Welfare (DCED/DPW) are overseeing the preparation of regional Continuums of Care which will include identifying needs, resources and gaps as well as the solicitation and prioritization of eligible projects which fill the gaps identified.

DCED/DPW plans to submit an application for the "Balance of State" to the Federal Department of Housing and Urban Development on July 8, 1997, for the Fiscal Year 1997 Notice of Funding Availability for Continuum of Care Homeless Assistance; Supportive Housing Program; Shelter Plus Care; Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individual. (Published in the *Federal Register* on April 8, 1997).

In Pennsylvania, 24 cities and counties apply and receive McKinney funds directly from HUD for homeless projects. The remainder of the state is included in the "Balance of State." Applications for projects serving the Balance of State jurisdictions should participate in this process to enhance their chances of being approved by HUD for funding. Following is a list of the counties, by DCED Region, which are included in the Balance of State (There are no counties in the Southwest Region included in this process). For further information on the Balance of State process or McKinney Program in Pennsylvania, contact Larry Segal, Director of the DCED Office of Community Development and Housing at (717) 787-5327. Persons with a disability who require copies of this notice in an alternate format (large type, braille, and the like) should also contact Larry Segal to discuss how the Department may best accommodate their needs.

Northeast

Bradford, Carbon, Lackawanna (excluding Scranton), Lehigh (excluding Allentown), Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming counties

Pa. Department of Community and Economic Development, Suite 201 Samters Building, 101 Penn Avenue, Scranton, PA 18503-2025, (717) 963-4571

Central

Bedford, Blair (excluding Altoona), Cambria (Johnstown), Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union counties

Harrisburg

Adams, Cumberland, Dauphin (excluding Harrisburg), Franklin, Lebanon, Perry counties

Pa. Department of Community and Economic Development, 576 Forum Building, Harrisburg, PA 17120, (717) 787-7347

Southwest

Armstrong, Butler, Fayette, Greene, Indiana counties

Pa. Department of Community and Economic Development, 413 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 565-5002

Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie (excluding Erie), Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren counties

Pa. Department of Community and Economic Development, Third Floor—Rothrock Building, 121 West 10th Street, Erie, PA 16501, (814) 871-4241

Main Office

358 Forum Building, Harrisburg, PA 17120, (717) 787-5327

ROBERT G. BENKO,
Acting Secretary
*Department of Community and
Economic Development*
FEATHER O. HOUSTOUN,
Secretary
Department of Public Welfare

[Pa.B. Doc. No. 97-684. Filed for public inspection May 2, 1997, 9:00 a.m.]

**DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES**

**Conservation and Natural Resources Advisory
Council; Meeting Notice**

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will be held on Monday, May 12, 1997. 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 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MAURICE FORRESTER,
Chairperson

[Pa.B. Doc. No. 97-685. Filed for public inspection May 2, 1997, 9:00 a.m.]

Funding Available for Recreational Trail Grants

The Department of Conservation and Natural Resources (DCNR) has begun to accept applications for the next grant round for the Pennsylvania Recreational Trails Program. Funding for the program is available through the Symms National Recreational Trails Fund, created under the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, as amended.

The Federal Highway Administration has allocated the Commonwealth \$393,654 for this round of funding. At least 30% of the funding will be utilized for motorized recreational trail uses and 30% for nonmotorized recreational trail uses. The remaining 40% will be used for both motorized and nonmotorized uses, but preference will be given to projects with the greatest number of compatible recreational trail uses and/or that provide for innovative recreational trail corridor sharing to accommodate motorized and nonmotorized recreational trails.

Applicants may submit projects for the redesign, reconstruction, nonroutine maintenance or relocation of trails in order to mitigate and minimize the impact to the natural environment; development of urban trail linkages; trail maintenance (including the grooming and

maintenance of trails across snow); restoration of areas damaged by usage; development of trail-side and trail-head facilities; improving access and use of trails by persons with disabilities; and acquisition and construction of new trails.

Those eligible for trail funding from this program are local governments, State and Federal agencies, organizations and individuals. Eligible grant amounts will range in size from a minimum of \$2,500 to a maximum of \$20,000 and will be administered using a 50/50 funding ratio. For example, in order to qualify for a \$20,000 grant, the total project cost must be at least \$40,000, with the applicant responsible for 50% or \$20,000 of the project cost.

The deadline for application is July 15, 1997. Anyone interested in applying for trail funding should contact DCNR at the address below to obtain an application manual.

Department of Conservation and Natural Resources
Bureau of Recreation & Conservation
Pennsylvania Recreational Trails Program
PO Box 8475
Harrisburg, PA 17105-8475
(717) 787-2316
FAX: (717) 772-3325
e-mail: tierney.vanyla@a1.dcnr.state.pa.us

Persons with a disability who wish to submit a Pennsylvania Recreational Trails Program grant application and require special assistance should contact Vanyla Tierney at (717) 787-2316 to discuss how the Department may best assist their needs. TTY or TDD users call (800) 654-5984.

JOHN C. OLIVER, III,
Secretary

[Pa.B. Doc. No. 97-686. Filed for public inspection May 2, 1997, 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 standard and regulations the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

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

PA 0054909. Industrial waste, **North Penn/North Wales Water Authority**, Forest Park Water, P. O. Box 317, Chalfont, PA 18914-0317.

This application is for renewal of an NPDES permit to discharge diverted Delaware River waters in Plumstead Township, **Bucks County**. This is an existing discharge to North Branch of Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 49.8 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
pH	within limits of 6.0—9.0 standard	units at all times
Aluminum, Total	monitor only	monitor only
Cadmium	monitor only	monitor only
Dissolved Iron	monitor only	monitor only
Iron, Total	monitor only	monitor only
Mercury	monitor only	monitor only
Nickel, Total	monitor only	monitor only
Phenolics, Total	monitor only	monitor only
Zinc, Total	monitor only	monitor only

Other Conditions:

- Dissolved Oxygen Requirements
- Discharge Monitoring Report
- Prior Approval of Chemical Additives
- Biological Assessment
- Contingency Monitoring

The EPA waiver is not in effect.

PA 0022420. Industrial waste, **North Division—Naval Facilities Engineering Command**, Warminster CSO, P. O. Box 2609, Warminster, PA 18974-2061.

This application is for renewal of an NPDES permit to discharge treated sewage from the Naval Air Warfare Center in Warminster Township, **Bucks County**. This is an existing discharge to an unnamed tributary of Little Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.15 mgd 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)	14.4	28.8
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.1	4.2
(11-1 to 4-30)	6.3	12.6
Nitrite and Nitrate (as N)		
(7-1 to 10-31)	8.9	17.8
Phosphorus (as P)	2	5
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine	1.0 (interim)	2.0 (interim)
Total Residual Chlorine	0.02 (final)	0.07 (final)

The EPA waiver is in effect.

PA 0042943. Sewage, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465.

This application is for renewal of an NPDES permit to discharge treated sewage from East Coventry Elementary School in East Coventry Township, **Chester County**. This is an existing discharge to an unnamed tributary to the Schuylkill River.

The receiving stream is classified for warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 8,200 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)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	5.0	10.0
(11-1 to 4-30)	15.0	30.0
Total Residual Chlorine	1.0	2.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0056774. Industrial waste, **City of Philadelphia**, Department of Commerce, Division of Aviation, Northeast Philadelphia Airport, Terminal E, Philadelphia International Airport, Philadelphia, PA 19153.

This application is for issuance of an NPDES permit to discharge stormwater from an airport in City of Philadelphia, **Philadelphia County**. This is an existing discharge to 001: Walton Run, 002 and 003: Wooden Bridge Run.

The proposed effluent limits for Outfalls 001, 002 and 003, 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		report	
Suspended Solids		report	
Oil and Grease		report	
pH	within limits of 6.0—9.0 standard units at all times		
COD		report	
Iron, Dissolved		report	
Acetic Acid		report	
Acetaldehyde		report	
Urea		report	
Potassium Acetate		report	
Ethylene Glycol		report	
Diethylene Glycol		report	
Propylene Glycol		report	

Other Conditions: Stormwater Management Plan

The EPA waiver is in effect.

PA 0026859. **City of Coatesville Authority**, 114 East Lincoln Highway, Coatesville, PA 19320.

This application is for an amendment of an NPDES permit to discharge treated sewage from the City of Coatesville Authority STP located in South Coatesville Borough, **Chester County**. This is an existing discharge to West Branch Brandywine Creek.

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

The proposed effluent limits for Outfall 001, based on an annual average flow of 3.85 mgd are as follows:

NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	38	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus (as P) (4-1 to 10-31)	2.0		4.0
Total Residual Chlorine*	0.7		2.3
Total Residual Chlorine**	0.2		0.7
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

*These limits are in effect from permit issuance through August 1, 1999.

**These limits are in effect from August 2, 1999 through expiration.

PA 0056766. Industrial waste, **City of Philadelphia Department of Commerce**, Division of Aviation, Philadelphia International Airport, Terminal E, Philadelphia, PA 19153.

This application is for issuance of an NPDES permit to discharge stormwater from an airport in Tinicum Township, **Delaware and Philadelphia Counties**. This is an existing discharge to 001: Mingo Creek to Delaware River; 007: Darby Creek; 003, 004, 005: Delaware River.

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

The proposed effluent limits for Outfalls 001, 003, 004 and 005 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		
Suspended Solids	monitor/report		
Oil and Grease	monitor/report		
pH	within limits of 6.0—9.0 standard units at all times		
COD	monitor/report		
Total Kjeldahl Nitrogen	monitor/report		
Nitrate Plus Nitrite	monitor/report		
Ammonia Nitrogen	monitor/report		
Phosphorus, Total	monitor/report		
Potassium	monitor/report		
Iron, Dissolved	monitor/report		
Acetic Acid	monitor/report		
Acetaldehyde	monitor/report		
Urea	monitor/report		
Potassium Acetate	monitor/report		
Ethylene Glycol	monitor/report		
Diethylene Glycol	monitor/report		
Propylene Glycol	monitor/report		

The proposed effluent limits for Monitoring Point 101 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15		30
Benzene	monitor/report		
Toluene	monitor/report		
Xylene	monitor/report		
Naphthalene	monitor/report		

Other Requirements

Development of a Stormwater Management Plan including a Long Term Control Plan.

PA 0052159. Industrial waste, **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This application is for renewal of an NPDES permit to discharge treated process wastewater from a water filtration plant in Middletown Township, **Delaware County**. This is an existing discharge to Ridley 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 0.0836 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>
Suspended Solids	30	60	75
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Total Residual Chlorine	0.5		1.0
pH	within limits of 6.0—9.0 standard units at all times		
Total Aluminum	4.0	8.0	10.0
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Chloroform	monitor/report		
Chlorodibromomethane	monitor/report		
Dichlorobromomethane	monitor/report		

The proposed effluent limits for Outfall 004, based on an intermittent discharge are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.0
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0042927. Sewage, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465.

This application is for renewal of an NPDES permit to discharge treated sewage from the Main Campus STP in South Coventry Township, **Chester County**. This is an existing discharge to an unnamed tributary to French Creek.

The receiving stream is classified for high quality trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of .039 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0026816. Sewage, **East Norriton-Plymouth-Whitpain Joint Sewer Authority**, 200 Ross Street, Norristown, PA 19401.

This application is for an amendment of an NPDES permit to discharge treated sewage from the East Norriton-Plymouth-Whitpain Joint Sewer Authority sewage treatment plant in Plymouth Township, **Montgomery County**. This is an existing discharge to the Schuylkill River.

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

The proposed amended final effluent limit for Copper, Outfall 001, based on an average flow of 8.1 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper, Total	.108	0.216	0.270

Other Conditions: Further TRE Permit requirements have been eliminated.

PA 0042935. Sewage, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465.

This application is for renewal of an NPDES permit to discharge treated sewage from the French Creek Elementary School in South Coventry Township, **Chester County**. This is an existing discharge to French Creek.

The receiving stream is classified for high quality trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of .0054 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N)	20.0	40.0
Total Residual Chlorine	.9	1.8
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0054623. Sewage, **Gary W. Volovnik**, 1624 Three Mile Run Road, Perkasie, PA 18944.

This application is for renewal of an NPDES permit to discharge treated sewage from single residence sewage treatment plant in East Rockhill Township, **Bucks County**. This is an existing discharge to Three Mill Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0054534. Sewage, **Macoby Run Golf Course**, 5465 McLean Station Road, Green Lane, PA 18054.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant in Marlborough Township, **Montgomery County**. This is a new discharge to an unnamed tributary to Macoby Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 4,000 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)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Oil and Grease	15	30
Total Residual Chlorine		
(1st and 2nd year)	monitor/report	monitor/report
(3rd, 4th and 5th year)	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0052434. Sewage, **Pantos Corporation**, 202 Black Mat Road, Douglassville, PA 19518.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Chester Heights Borough, **Delaware County**. This is an existing discharge to unnamed tributary to West Branch of Chester Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 40,000 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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.7	3.4
(11-1 to 4-30)	5.1	3.4
Total Residual Chlorine		
1st and 2nd year)	1.0	2.0
Total Residual Chlorine		
(3rd, 4th and 5th year)	0.04	0.1
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0056804, Amendment No. 1. Industrial waste, **Forest Park Water**, 144 Park Avenue, P. O. Box 317, Chalfont, PA 18914-0317.

This application is for amendment of an NPDES permit to discharge treated process wastewater from a water filtration plant which supplies potable water to residents, in Chalfont Borough, **Bucks County**. This is an existing discharge to Pine Run.

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

The proposed effluent limits for Outfall 001 and 002, based on an average flow of 2.0 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>
Suspended Solids	30	60	75
pH	within limits of 6.0—9.0 standard units at all times		
Total Iron	2.0	4.0	5.0
Total Aluminum	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.25		0.6
Phosphorus as P			
(4-1 to 10-31)	2.0	4.0	5.0
Chloroform	monitor/report	monitor/report	
Dichlorobromomethane	monitor/report	monitor/report	
Chlorodibromomethane	monitor/report	monitor/report	

The EPA waiver is in effect.

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

PA 0087696. Sewage, SIC: 6515, **Shadyback Acres Mobile Home Park**, Box 278, King of Prussia, PA 19406.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Manada Creek, in East Hanover Township, **Dauphin County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.00275 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	7.5	15.0
(11-1 to 4-30)	monitor and report	monitor and report
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0—9.0 inclusive	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	14,000/100 ml as a geometric average	

The EPA waiver is in effect.

PA 0010251. Industrial waste, SIC: 9711, **Department of the Army**, Headquarters Carlisle Barracks, Carlisle, PA 17013-5020.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Letort Spring Run, in North Middleton Township, **Cumberland County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was PA American Water Company located in Silver Spring Township, Cumberland County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of .036 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Flow (mgd)		
pH (s.u.)	from 6.0—9.0 inclusive	
Total Suspended Solids	monitor and report	monitor and report
Total Dissolved Solids		71,500
Osmotic Pressure (mos/kg)		2,000

The EPA waiver is in effect.

PA 0081825. Sewage, SIC: 4952, **Nelson Mobile Home Park**, 16 Betty Nelson Court, Carlisle, PA 17013.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Conodoguinet Creek, in Lower Frankford Township, **Cumberland County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Carlisle Borough Authority located in North Middleton Township, Cumberland County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0231 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25			50
Total Suspended Solids	30			60
Total Phosphorus	2.0			4.0
Total Residual Chlorine	0.50			1.63
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	100,000/100 ml as a geometric average			

The EPA waiver is in effect.

PA 0055328. Industrial waste, SIC: 4953, **New Morgan Landfill Co., Inc.**, Mineview Drive East Extension, P. O. Box 128, Morgantown, PA 19543.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Conestoga River, in New Morgan Borough, **Berks County**.

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

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

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		0.05		
pH (s.u.)	6.0			9.0
D.O.	5.0			
Total Residual Chlorine		0.05		1.64
Total Suspended Solids		100	200	250
CBOD ₅		65	130	162
NH ₃ -N				
(5-1 to 10-31)		15	30	37
(11-1 to 4-30)		45	90	112

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 2,000		
Oil and Grease		15		30
5C TDS		monitor and report		monitor and report
1M Antimony		0.201	0.402	0.502
2M Arsenic		0.05	0.10	0.12
3M Beryllium		0.005	0.010	0.012
4M Cadmium		0.005	0.010	0.012
6M Copper		0.05	0.10	0.12
7M Lead		0.036	0.072	0.090
9M Nickel		0.2	0.4	0.5
10M Selenium		0.075	0.150	0.187
11M Silver		0.010	0.020	0.025
12M Thallium		0.04	0.08	0.10
13M Zinc		0.35	0.70	0.87
14M Free Cyanide		0.05	0.10	0.12
18M Boron		3.0	6.0	7.5
10A Phenol		0.05	0.10	0.12
3V Benzene		0.025	0.050	0.062
7V Chlorobenzene		0.010	0.020	0.025
11V Chloroform		0.010	0.020	0.025
21V Methyl Chloride		0.05	0.10	0.12
22V Methylene Chloride		0.5	1.0	1.2
25V Toluene		0.05	0.10	0.12
26V 1,2-Trans-Dichloroethylene		0.03	0.06	0.07
27V 1,1,1-Trichloroethane		0.05	0.10	0.12
15B Butylbenzyl Phthalate		0.01	0.02	0.03
24B Diethyl Phthalate		0.025	0.050	0.062
38B Isophorone		0.05	0.10	0.12
4P Gamma-BHC (Lindane)		0.0010	0.0020	0.0025
7P 4,4'-DDT		0.00002	0.00004	0.00005
131 Aluminum		0.275	0.550	0.687
134 Total Iron		3.5	7.0	8.7
136 Manganese		1.0	2.0	2.5
142 Barium		0.3	0.6	0.7
144 Cobalt		0.05	0.10	0.12
146 Vanadium		0.009	0.018	0.022
147 Acetone		0.109	0.218	0.272
150 2-Hexanone		0.015	0.030	0.037
156 Xylene (Mixed Isomers)		0.010	0.020	0.025
2-Butanone (Mek)		0.210	0.420	0.525
1,2,3-Trichloropropane		0.10	0.20	0.25
Tetrahydrofuran		0.025	0.050	0.062
P-Cresol		0.12	0.24	0.30
4-Methyl-2-Pentanone (Methyl Isobutyl Keytone)		0.015	0.030	0.037
Dibromomethane (Methylene Bromide)		0.010	0.020	0.025

The EPA waiver is in effect.

PA 0070351. Sewage, SIC: 4952, **Amity Township Board of Supervisors**, 120 Old Philadelphia Pike, Douglassville, PA 19518.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Schuylkill River, in Amity Township, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.6 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0		50.0
Total Suspended Solids	30.0	45.0		60.0
NH ₃ -N	20.0			40.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus	2.0			4.0
Total Residual Chlorine	1.0			2.0
Total Dissolved Solids	1,000.0			2,000.0
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms	200/100 ml as a geometric average			

A complete organic and inorganic analysis will be done annually.

The EPA waiver is not in effect.

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

PA 0021792. Sewage, SIC:4952, **Municipal Authority of the Borough of Edinboro**, 124 Meadville Street, Edinboro, PA 16412.

This application is for renewal of an NPDES permit to discharge treated sewage to Conneaut Creek in the Borough of Edinboro, **Erie County**. This is an existing discharge.

The receiving water is classified for trout stock fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Franklin on French Creek, located at Franklin approximately 50 miles below the point of discharge.

The proposed effluent limits, based on average design flow of 1.2 mgd, are:

Outfall 001

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
Total Residual Chlorine		
Interim	0.86	1.3
Final	0.056	0.083
Copper		
Interim	monitor and report	
Final	0.019	
Barium		
Interim	monitor and report	
Final	1.43	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,800/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

Included in this draft are special conditions for biomonitoring, TRE for copper and barium, and TRE for TRC.

The EPA waiver is not in effect.

PA 0028223. Sewage, **Municipal Authority of the City of Corry**, 100 South Center Street, Corry, PA 16407.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to Hare Creek in the City of Corry, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the City of Franklin, located on Allegheny River, approximately 75 miles below the point of discharge.

The proposed effluent limits, based on average design flow of 4.0 mgd, are:

Outfall 001

<i>Parameter</i>	<i>Effluent Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD ₅			
(5-1 to 10-31)	5	7.5	10
(11-1 to 4-30)	10	15	20
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	1.2		2.4
(11-1 to 4-30)	3.5		7.0
Total Residual Chlorine			
Interim	0.7		2.2
Final	0.021		0.032
4A-4,6-Dinitro-O-Cresol			
Interim		monitor and report	
Final	0.0149	0.022	0.03
IV Acrolein			
Interim		monitor and report	
Final	0.0011	0.0016	0.002
2V Acrylonitrile			
Interim	monitor and report		
Final	0.0001	0.00015	0.0002
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,100/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		

Included in this draft are special conditions for monitoring combined sewer overflows; WETT testing; TRE for 4,6-Dinitro-O-Cresol, Acrolein and Acrylonitrile; and TRE for TRC.

The EPA waiver is not in effect.

PA 0222275. Sewage, **Paul Diroll, Dear, Incorporated**, 12430 East Lake Road, North East, PA 16428.

This application is for issuance of a sewage NPDES permit to discharge treated sewage from Lakeview Estates to an unnamed tributary of Lake Erie in North East Township, **Erie County**. This is a new discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. There is no potable water supply affected by this discharge.

The proposed effluent limits, based on average design flow of 0.0052 mgd, are:

Outfall 001

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow		monitor only
CBOD ₅	25	50
Total Suspended Solids	30	60
Phosphorus as "P"	1.0	2.0
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0002429. Industrial waste, SIC: 3312. **Caparo Steel Company, Inc.**, 15 Roemer Boulevard, Farrell, PA 16121.

This application is for renewal of an NPDES Permit to discharge treated industrial waste, noncontact cooling water and stormwater to Shenango River in the City of Farrell, **Mercer 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 PA-American Water Co. on the Shenango River located at New Castle, approximately 16 miles below point of discharge.

The proposed discharge limits, based on a design flow of .165 mgd, are:

Outfall No. 203

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids	monitor and report		38
Oil and Grease	15	monitor and report	30
Iron	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of .165 mgd, are:

Outfall No. 003

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Oil and Grease	15	monitor and report	30
Aluminum	monitor and report		
Iron	1.7	3.4	4.3
Zinc	.5	1.08	1.2
Temperature**			
pH	6.0—9.0 at all times		

**Refer to Special Conditions B and E in Part C.

The proposed discharge limits, based on a design flow of .259 mgd, are:

Outfall No. 104 (Formerly Perox 001)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids	65	130	165
Oil and Grease	15		30
Lead	.6	1.2	1.5
Zinc	monitor and report	monitor and report	.6
Copper	.4	.8	1.0
Iron	1.5	3.0	3.75
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of 5.04 mgd, are:

Outfall No. 204

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids	monitor and report		
Oil and Grease	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of .56 mgd, are:

Outfall No. 404

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids	monitor and report	monitor and report	18
Lead	monitor and report	monitor and report	.1
Zinc	monitor and report	monitor and report	.16
Iron	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of 1.3 mgd, are:

Outfall No. 504

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids (Interim)	monitor and report		
Total Suspended Solids (Final)**	monitor and report	monitor and report	309
Oil and Grease (Interim)			
Oil and Grease (Final)**	monitor and report	30	
pH	6.0—9.0 at all times		

**Refer to Special Condition C in Part C.

The proposed discharge limits, based on a design flow of .072 mgd, are:

Outfall No. 604

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids	monitor and report	monitor and report	71
Oil and Grease	monitor and report	monitor and report	27
Iron	monitor and report		
Lead	monitor and report	monitor and report	.25
Zinc	monitor and report	monitor and report	.17
Naphthalene	monitor and report	monitor and report	
Tetrachloroethylene	monitor and report	monitor and report	
Nickel	monitor and report	monitor and report	.54
Chromium	monitor and report	monitor and report	.7
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of .158 mgd, are:

Outfall No. 704

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Lead	monitor and report	monitor and report	.36
Zinc	monitor and report	monitor and report	.53
Total Suspended Solids	monitor and report	monitor and report	28
Oil and Grease	monitor and report	monitor and report	11.4
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of 12.94 mgd, are:

Outfall No. 004

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Oil and Grease	15		30
Iron (Interim)		4.0	
Iron (Final)**	1.7	3.4	4.3
Aluminum (Interim)	monitor and report		
Aluminum (Final)**	.8	1.6	2.0
Cadmium (Interim)	monitor and report		
Cadmium (Final)****	.0035	.1	.125
Silver (Interim)	monitor and report		
Silver (Final)**	.003	.009	.01
Copper (Interim)	.04	.08	.1
Copper (Final)****	.017	.046	.057
Lead (Interim)	.08	.16	.2
Lead (Final)**	.009	.034	.04
Temperature (Interim)***			
Temperature (Final)**			
Hexavalent Chromium	.01	.02	.025
Zinc	.15	.3	.375
pH	6.0—9.0 at all times		

**Refer to Special Condition C in Part C.

***Refer to Special Conditions B, C and E in Part C.

****Refer to Special Condition J in Part C.

The proposed discharge limits, based on a design flow of .288 mgd, are:

Outfall No. 205

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids	monitor and report	monitor and report	monitor and report
Oil and Grease	monitor and report	monitor and report	monitor and report

NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Iron	monitor and report	monitor and report	monitor and report
Lead	monitor and report	monitor and report	monitor and report
Zinc	monitor and report	monitor and report	monitor and report
Hexavalent Chromium	monitor and report	monitor and report	monitor and report
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of .576 mgd, are:

Outfall No. 005

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Aluminum	monitor and report		
Iron	1.7	3.4	4.25
Lead	.17	.34	.43
Zinc	.4	.8	1.0
Oil and Grease	15		30
Temperature**			
pH	6.0—9.0 at all times		

**Refer to Special Conditions B and E in Part C.

The EPA waiver is not in effect.

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3670.

PA 0115100. Sewerage, SIC: 4952, **George and Betty Dear**, R. R. 2, Box 174, Tioga, PA 16946.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Mutton Lane Creek in Lawrence Township, **Tioga 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 assumed to the New York-Pennsylvania border.

Outfall 001

The proposed effluent limits, based on a design flow of 0.00665 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Total Cl ₂ Residual	2.0		4.7
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0111716. SIC: 4952, **Clyde E. Yohey**, 560 Montour Boulevard, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for a discharge of treated sewage to the North Branch Susquehanna River in Main Township, **Columbia County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Danville Borough located approximately 15 miles below the discharge.

Outfall 001: The proposed effluent limits, based on a design flow of 0.035 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	1.0	2.3

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

The EPA waiver is in effect.

PA 0115151. Sewerage, SIC: 4952, **Borough of Montoursville**, 12 North Washington Street, P. O. Box 266, Montoursville, PA 17754.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Old Mill Creek in Montoursville Borough, **Lycoming County**.

The receiving stream is classified for the following uses: trout stock fishery, 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.

Outfall 001

The proposed effluent limits, based on a design flow of 0.027 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15	25	30
(11-1 to 4-30)	25	40	50
TSS (5-1 to 10-31)	15	25	30
(11-1 to 4-30)	30	45	60
Ammonia-N (5-1 to 10-31)	2	3	4
(11-1 to 4-30)	6	9	12
Total Cl ₂ Residual	report		
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0043893. Sewerage, SIC: 4952, **Western Clinton County Municipal Authority**, Box 363, Renovo, PA 17764.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to west branch Susquehanna River in Renovo Borough, **Clinton 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.

Outfall 001

The proposed effluent limits, based on a design flow of 0.9 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Total Cl ₂ Residual	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—9.0 at all times		

The EPA waiver is in effect.

PA 0114057. Sewerage, SIC: 4952, **White Deer Realty, Inc.**, 25 Kilmer Avenue, Kilmer Professional Park Building 3, Morganville, NJ 07751.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to White Deer Hole Creek in Gregg Township, **Union County**.

The receiving stream is classified for the following uses: TSF, 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.

Outfall 001

The proposed effluent limits, based on a design flow of 0.025 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Total Cl ₂ Residual	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—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, telephone (412) 442-4000.

PA 0000370. Industrial waste, SIC: 4941, **Latrobe Municipal Authority**, P. O. Box 88, Latrobe, PA 15650.

This application is for renewal of an NPDES permit to discharge treated process water from the Kingston Filtration Plant in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Loyalhanna Creek, 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 Saltsburg Municipal Water Works, located at Saltsburg, PA over 29 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.25 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				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			0.5		1.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	6.0—9.0				

Other Conditions: Residual waste, no floating solids, chemical additives, submission of data, 3 years compliance period for TRC, sampling requirement for basin drainage.

The EPA waiver is in effect.

PA 0001406. Industrial waste, SIC: 3312, **Braeburn Alloy Steel, Division of CCX, Inc.**, 101 Braeburn Road, Lower Burrell, PA 15068.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, and cooling water and untreated cooling water and stormwater from the Braeburn Plant in the City of Lower Burrell, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, 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 Clearview Water Supply Company, located at Natrona Heights, PA, less than 1 mile from the discharge point.

Outfall 001: existing discharge, design flow of 0.634.

<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				
Temperature (°F)					110
Total Suspended Solids			30	60	
Oil and Grease			15		30
pH (s.u.)	not less than 6.0 nor greater than 9.0				

Other Conditions: No net addition of pollutants to cooling water, thermal conditions for cooling water, chemical additive, solids disposal, sewage sludge report, 3-year TRC compliance period/TRC minimization/effective disinfection, no floating solids, mass and IMAX limits, percent removal and stormwater conditions.

Outfall 101: existing discharge, design flow of 0.317 mgd.

<i>Parameter</i>	<i>Mass (lb/batch discharge)</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				
Total Suspended Solids		11.5		40	50
Oil and Grease		3.0		10	13
pH (s.u.)	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge.

<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>
Outfall to consist solely of uncontaminated stormwater					

Outfall 003: existing discharge, design flow of 0.230 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				
Temperature (°F)					110
Total Suspended Solids			30	60	
Oil and Grease			15		30
pH (s.u.)	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge, design flow of 0.001 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)	0.001				
CBOD ₅			25		50
Total Suspended Solids			30		60
Fecal Coliforms (col./100 ml)					
(5-1 to 9-30)			200		1,000
(10-1 to 4-30)			2,000		
Total Residual Chlorine			1.4		3.3
pH (s.u.)	not less than 6.0 nor greater than 9.0				

Outfall 005: existing discharge, design flow of 0.013 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>
Temperature					110
Oil and Grease	monitor and report				
Total Suspended Solids	monitor and report				
Flow (mgd)	monitor and report				
pH (s.u.)	not less than 6.0 nor greater than 9.0				

Outfall 012: existing discharge, design flow of 0.052 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				
Oil and Grease			15		
Total Suspended Solids	monitor and report				

The EPA waiver is in effect.

PA 0034665. Industrial waste, SIC: 3316, **Beaver Valley Heat Treating, Inc.**, 1585 Beaver Avenue, Monaca, PA 15061.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from pickling operations in Monaca Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio 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 the Midland Borough Municipal Authority, located at Midland Borough, 6 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.0011 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS	1.81	4.21			87
Lead	0.009	0.027			0.56
Zinc	0.012	0.036			0.38
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0035246. Industrial waste, SIC: 4941, **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated process water from the Indian Creek Water Filtration Plant in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, classified as a high quality cold 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 McKeesport Municipal Water Authority, located at McKeesport, PA, over 30 miles below the discharge point.

Outfall 001: existing discharge, design flow of 1.4 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Total Suspended Solids			30		60
Iron, Total			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Residual waste, no floating solids, chemical additives, submission of data, three years compliance period for TRC, Part II effluent limits superseded by this permit.

The EPA waiver is in effect.

PA 0090379. Industrial waste, SIC: 4941, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated process water from the Jacksonville Water Treatment Plant in Black Lick Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Unnamed Tributary to Aultman's Run, classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Saltsburg Municipal Water Works, located at Saltsburg, PA, over 15 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.006 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	0.020 Maximum Controlled Rate (13.9 gpm)				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
Total Dissolved Solids	monitor and report				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Residual waste, no floating solids, chemical additives, submission of data, 3 years compliance period for TRC and flow control, and dilution prohibition.

The EPA waiver is in effect.

PA 0090395. Industrial waste, SIC: 4941, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated process water from the Iselin Water Treatment Plant in Young Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Harpers Run, classified as a cold 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 Buffalo Township Municipal Authority—Freeport Plant located at Freeport, PA, over 25 miles below the discharge point.

Outfall 001: 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
Flow	0.010 maximum controlled rate (6.9 gpm)				
Total Suspended Solids			30		60
Iron, Total			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
Total Dissolved Solids	monitor and report				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Residual waste, no floating solids, chemical additives, submission of data, 3 years compliance period for TRC and flow control, and dilution prohibition.

The EPA waiver is in effect.

PA 0091685. Industrial waste, SIC: 4953, **USX Corporation**, 600 Grant Street, Pittsburgh, PA 15230.

This application is for renewal of an NPDES permit to discharge treated hazardous leachate, untreated residual leachate and acid mine drainage to the South Sewer Treatment Plant and untreated stormwater and leachate from Taylor Industrial Landfill in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the South Sewer Treatment Plant (SSTP) at the Irvin Works and an unnamed tributary to Streets Run classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is West Penn Water, located at 7.2 miles below the discharge point.

Outfall 103: existing discharge, design flow of 0.032 mgd discharge to Irvin Works (SSTP)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			12	15	
Oil and Grease			10	10	30
Aluminum			2.71	6.11	
Iron			1.5	3.0	
Manganese			0.23	0.30	
Cadmium			0.08	0.2	
Chromium, hex			monitor/report		
Chromium, total			0.15	0.37	
Lead			0.13	0.28	
Copper			0.61	1.28	
Selenium			0.37	0.82	
Beryllium			0.34	0.82	
Silver			0.12	0.29	
Zinc			0.42	1.02	
Cyanide, total			2.0	4.0	
Cyanide, free			monitor/report		
Phenols			monitor/report		
Acrylonitrile			monitor/report		
Benzo(a)(Pyrene)			monitor/report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 203: 0.25 mgd discharge to Irvin Works (SSTP)

<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>
Total Suspended Solids					monitor/report
Oil and Grease					monitor/report
Aluminum					monitor/report
Iron					monitor/report
Manganese					monitor/report
Cadmium					monitor/report
Chromium, hex					monitor/report
Chromium, total					monitor/report
Lead					monitor/report
Copper					monitor/report
Selenium					monitor/report
Beryllium					monitor/report
Silver					monitor/report
Zinc					monitor/report
Cyanide, total					monitor/report
Cyanide, free					monitor/report
Phenols					monitor/report
Acrylonitrile					monitor/report
Benzo(a)(Pyrene)					monitor/report
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: North Taylor existing discharge to an unnamed tributary to Streets Run

<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>
Total Suspended Solids			30	60	
Oil and Grease			15		30
Aluminum			2.0	4.0	5.0
Iron			3.5	7.0	8.75
Manganese			3.2	6.4	8.0
Cadmium			0.028	0.056	0.07
Silver			0.0008	0.0016	0.002
Cyanide, free			0.02	0.04	0.05
Lead			0.15	0.3	0.4
Beryllium			not detectable using EPA method 210.2		
Benzo(a)(Pyrene)			0.00005	0.0001	0.000125
pH	not less than 6.0 nor greater than 9.0				

Outfall SPN17 and SPN18: existing discharge to an unnamed tributary to Streets Run.

<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>
Total Suspended Solids					monitor/report
Oil and Grease					monitor/report
Aluminum			2.71	6.11	
Iron			1.5	3.0	
Manganese			0.23	0.30	
Cadmium			0.08	0.2	
Silver			0.12	0.29	
Cyanide, free			monitor and report		
Lead					
Beryllium					
Benzo(a)(Pyrene)			monitor/report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge to an unnamed tributary to Streets Run.

<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	This discharge shall consist solely of stormwater runoff.				
					monitor/report

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron			monitor/report		
Manganese			monitor/report		
Cyanide			monitor/report		
Zinc			monitor/report		

Outfall 005: existing discharge to an unnamed tributary to Streets Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist solely of stormwater runoff.					
Aluminum			monitor/report		
Iron			monitor/report		
Manganese			monitor/report		
Cyanide			monitor/report		
Zinc			monitor/report		

Outfall 006: existing discharge to an unnamed tributary to Streets Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist solely of stormwater runoff.					
Aluminum			monitor/report		
Iron			monitor/report		
Manganese			monitor/report		
Cyanide			monitor/report		
Zinc			monitor/report		

The EPA waiver is in effect.

PA 0098124. Industrial waste, SIC: 4911, **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930.

This application is for renewal of an NPDES permit to discharge treated leachate and stormwater from the Elrama Ash Disposal Site in Union Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 001: existing discharge, design flow of 0.01 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Suspended Solids			30		60
Boron			15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow of 0.000117 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Suspended Solids			30		60
Boron			15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: new discharge, design flow of 0.0012 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Arsenic			monitor/report		
Boron			monitor/report		

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Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Molybdenum			monitor/report		
Selenium			monitor/report		
Zinc			monitor/report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: new discharge, design flow of 0.00035 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Arsenic			monitor/report		
Boron			monitor/report		
Molybdenum			monitor/report		
Selenium			monitor/report		
Zinc			monitor/report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 005: new discharge, design flow of 0.0022 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Fecal Coliform			monitor/report		
Arsenic			monitor/report		
Boron			monitor/report		
Molybdenum			monitor/report		
Selenium			monitor/report		
Zinc			monitor/report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0110655. Industrial waste, SIC: 3312, **FirstMiss Steel, Inc.**, P. O. Box 509, Hollsopple, PA 15935-0509.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from the Stony Creek Mill in Quemahoning Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, Stony Creek, classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 002: existing discharge, design flow of 0.75 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Temperature (°F): (2-15 to 7-31)				76	
(8-1 to 2-14)				81	
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Pollution Reduction Report and additional monitoring for oil and grease.

The EPA waiver is in effect.

PA 0204528. Industrial waste, SIC: 4941, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009.

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

The following effluent limitations are proposed for discharge to the receiving waters, Ohio 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 Midland Borough Water Authority, located at Midland, PA, about 5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 2 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				
Trichloroethylene (TCE)			0.010		0.020
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Stormwater runoff, no floating solids, chemical additives, submission of data, notification of emergency overflow.

The EPA waiver is in effect.

PA 0205834. Industrial waste, SIC: 3317, **PMAC, Ltd.**, 4th Avenue near 39th Street, West Mayfield, Beaver Falls, PA 15010.

This application is for issuance of an NPDES permit to discharge treated process water, untreated cooling water and stormwater from PMAC, Ltd. in West Mayfield, Beaver Falls, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Wallace Run, Walnut Bottom Run and the Beaver Run, classified as a warm water fisheries with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Beaver Falls Municipal Authority, located at 0.75 mile below the discharge point.

Outfall 001: new discharge.

<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 shall consist solely of uncontaminated stormwater runoff from the Number 1 and 2 mills, the hot finish machine shop, the hot finish department and the cold draw department plant areas.

Internal Monitoring Point 102: new discharge

<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>
Chromium	0.37	0.94	0.4	1.0	1.25
Nickel	0.27	0.84	0.3	0.9	1.13
Zinc	0.0006	0.0018	0.1	0.3	0.4
Napthalene		0.0006		0.1	0.13
Tetrachloroethylene		0.0009		0.15	0.19
Total Suspended Solids	35.4	82.9	30	60	75
Oil and Grease	11.8	36.7	10		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: new discharge

<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>

Temperature shall consist solely of those sources previously monitored at internal monitoring point 102, noncontact cooling water from the hot finish department (sump pump lube and hot finish APF furnace), and uncontaminated stormwater runoff.

pH not less than 6.0 nor greater than 9.0

Outfall 003: new discharge

<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 shall consist solely of uncontaminated stormwater runoff.

pH not less than 6.0 nor greater than 9.0

The EPA waver is in effect.

PA 0097411. Sewage, **Glendale School District**, 1466 Beaver Valley Road, Flinton, PA 16640-8900.

This application is for renewal of an NPDES permit to discharge treated sewage from Glendale High School STP in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Dutch Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company.

Outfall 001: existing discharge, design flow of .010 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>
COBD-5 Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	6.0			12.0
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			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th—expiration	.15			.35
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA 0098761. Sewage, **NWL, Inc.**, P. O. Box 188, Farmington, PA 15437.

This application is for renewal of an NPDES permit to discharge treated sewage from the Nemaconlin Woodlands Sewage Treatment Plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Deadman Run, which are classified as a high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority.

Outfall 001: expanded discharge, design flow to be increased from 0.14 to 0.5 mgd. The effluent limitations below pertain to a 0.5 mgd discharge flow.

<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 Day	10	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.3		3.0
(11-1 to 4-30)	2.5	3.8		5.0
Phosphorus	1.0	1.5		2.0
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			
Nitrite—Nitrate	10	15		20
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Ultraviolet disinfection to be used in lieu of chlorine to treat fecal coliforms.

The EPA waiver is in effect.

PA 0204200. Sewage, **Joseph T., Jr. and Michelle A. Naviglia**, 1743 Wildlife Lodge Road, Lower Burrell, PA 15068.

This application is for renewal of an NPDES permit to discharge treated sewage from the Naviglia Single Residence Sewage Treatment Plant in the City of Lower Burrell, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Little Pucketa Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Oakmont Borough Municipal Authority on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD-5 Day	25			50
Suspended Solids	30			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	monitor and report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

APPLICATIONS—NPDES MINOR RENEWALS

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

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA0080268	Regency Woods MHP 1104 Fernwood Ave. Camp Hill, PA 17011	Cumberland Middlesex Twp.	UNT to Conodoguinet	TRC
PA0084565	E. Prospect Borough P. O. Box 203 E. Prospect, PA 17317	York L. Windsor Township	Cabin Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

**Applications under the Pennsylvania Clean Streams Law
(Part II Permits)**

Applications received for industrial waste and sewage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

A. 0697404. Sewage, submitted by **Oley Township Municipal Authority**, P. O. Box 19, Oley, PA 19547 in Oley Township, **Berks County** to upgrade their sewage treatment plant was received in the Southcentral Region on April 4, 1997.

A. 2197403. Sewage, submitted by **Mountain View Terrace Sewage Association, Inc.**, 250 Beatern Hollow Road, Newville, PA 17241 in Upper Frankford Township, **Cumberland County** to convert their septic tank complexes to manholes which in turn are connected to a proposed treatment plant was received in the Southcentral Region on April 8, 1997.

A. 0187402. (Amendment 97-1). Sewage, submitted by **Abbottstown-Paradise Joint Sewer Authority**, P. O. Box 401, Abbottstown, PA 17301 in Hamilton Township, **Adams County** to remove all 12 existing holding tanks located throughout the Abbottstown-Paradise Joint Sewer Authority was received in the Southcentral Region on April 7, 1997.

A. 6797404. Sewage, submitted by **Susquehanna Resources**, P. O. Box 3711, York, PA 17402-3711 in Hellam Township, **York County** to construct a small flow sewage treatment plant to serve a gymnasium was received in the Southcentral Region Office on April 9, 1997.

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

A. 027148-T1-Amendment No. 1. Sewerage. **West Mifflin Sanitary Sewer Authority**, 1302 Lower Bull Run Rd., West Mifflin, PA 15122-2902. Application for the construction of a 550,000 gallon equalization tank and other modifications located in the Borough of West Mifflin, **Allegheny County** to serve the New England Sewage Treatment Plant.

A. 0297404. Sewerage. **Kennedy Township Sewer Authority**, 340 Forest Grove Road, Coraopolis, PA 15108. Application for the renovation and capacity increase of an existing raw sewage pump station, with replacement and enlargement of its discharge force main and stream crossing located in the Township of Kennedy, **Allegheny County** to serve the Ewing Road Pump Station Project.

**INDIVIDUAL PERMITS
(PAS)**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office

or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. 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.

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

Southeast Regional Office: Regional Water Management Program Manager, 555 North Lane, Lee Park, Conshohocken, PA 19428, telephone (610) 832-6131.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd Street, Williamsport, PA 17701, telephone (717) 327-3669.

Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, telephone (412) 442-4028.

Southcentral Regional Office: Regional Water Management Program Manager, 1 Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

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

NPDES Permit PAS10E062. Stormwater. **Donald Bergbigler**, 302 Cornetti Road, Fenelton, PA 16034 has applied to discharge stormwater from a construction activity located in Clearfield Township, **Butler County**, to the north branch and Buffalo Creek.

Chester County Conservation District, District Manager, 601 Westtown Road, West Chester, PA 19382, telephone (610) 696-5126.

NPDES Permit PAS10G259. Stormwater. **Tattersall Development Company**, P. O. Box 217, Chester Springs, PA 19425 has applied to discharge stormwater from a construction activity located in West Bradford Township, **Chester County**, to Broad Run.

NPDES Permit PAS10G260. Stormwater. **Liberty Property**, 65 Valley Stream Parkway, Malvern, PA 19355 has applied to discharge stormwater from a construction activity located in Tredyffrin Township, **Chester County**, to Valley Creek.

NPDES Permit PAS10G261. Stormwater. **DHR Limited Partnership**, 600 Fletcher Road, Wayne, PA 19087 has applied to discharge stormwater from a construction activity located in Tredyffrin Township, **Chester County**, to Valley Creek.

NPDES Permit PAS10G262. Stormwater. **The Harlan Corporation**, 266 E. Lancaster Avenue, Malvern, PA 19355 has applied to discharge stormwater from a construction activity located in Pocopson Township, **Chester County**, to UNT to Pocopson Creek.

NPDES Permit PAS10G263. Stormwater. **General Real Estate Development Inc.**, 921 Briarwood Circle, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in Charlestown Township, **Chester County**, to Pickering Creek.

Montgomery County Conservation District, District Manager, 1015 Bridge Road, Collegetown, PA 19426, telephone (610) 489-4506.

NPDES Permit PAS10T082. Stormwater. **Parec Realty, c/o Trilogy Development Company Inc.**, 1541 E. Strasburg Road, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in Limerick Township, **Montgomery County**, to Lodal Creek.

NPDES Permit PAS10T083. Stormwater. **The Cutler Group Inc.**, 5 Sentry Parkway West, Ste. 100, Blue Bell, PA 19422 has applied to discharge stormwater from a construction activity located in Upper Providence Township, **Montgomery County**, to UNT to Perkiomen Creek.

Tioga County Conservation District, District Manager, 5 East Avenue, Wellsboro, PA 16901, telephone (717) 724-1801.

NPDES Permit PAS106602-1. Stormwater. **NE Hub Partners LP**, 2 Riverbend at Lansdowne, 44084 Riverside Parkway, Ste. 340, Leesburg, VA 22052 has applied to discharge stormwater from a construction activity located in Farmington, Middlebury and Tioga Townships, **Tioga County**, to the Cowanesque and Tioga Rivers.

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

NPDES Permit PAS10X076. Stormwater. **Hannastown Golf Club**, 121 Blank School Road, Greensburg, PA 15601 has applied to discharge stormwater from a construction activity located in Hempfield Township, **Westmoreland County**, to Jacks Run.

NPDES Permit PAS10X077. Stormwater. **Tamas Tanto**, R. D. 4, Box 121, Greensburg, PA 15601 has applied to discharge stormwater from a construction activity located in Salem Township, **Westmoreland County**, to Crabtree Creek.

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

NPDES Permit PAS10Y025-1. Stormwater. **Pennsylvania Department of Transportation, District #8**, 2140 Herr Street, Harrisburg, PA 17103 has applied to discharge stormwater from a construction activity located in Manchester, East Manchester, Conewago and Newberry Townships, **York County**, to Bennett Run, Little Conewago and Big Conewago.

SAFE DRINKING WATER

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

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

A. 2897502. Public water supply. **Waynesboro Area School District**, Quincy Township, **Franklin County** (Wallace J. Jones, Business Administrator, 210 Clayton Avenue, P. O. Box 72, Waynesboro, PA 17268), changes to existing Nontransient, Noncommunity Public Water System proposing to add anion exchange for nitrate removal, modification of existing Cation Exchange Softener, and replacement of existing well and chlorine pumps, (Dennis E. Black, Dennis E. Black Engineering, Inc., 2400 Philadelphia Avenue, Chambersburg, PA 17201).

A. 2897503. Public water supply. **Dry Run Water Association**, Fannett Township, **Franklin County** (Ricky A. Lauthers, Treasurer, Dry Run Water Association, P. O. Box 11, Dry Run, PA 17220), replacement of the distribution system and treatment building, installation of service and raw meters and miscellaneous minor system improvements, (Angelo A. Tesoriero, P. E., GeoSource Engineers, 7 South Seasons Drive, Dillsburg, PA 17019).

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

6697501. Public water supply. **Saddle Lake, Inc.**, 74 Kendal Drive, Kennett Square, PA 19348-2326. This proposal involves the addition of source well #2, wellhouse/pump station, disinfection and finished water storage. It is located in Tunkhannock Township, **Wyoming County**.

Engineer: Gregg Bates, P. E., 19 Culver Street, Forty Fort, PA 18704.

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

A. 2097501. Non-Transient Non-Community. **Spartansburg Elementary School**, Corry Area School District, 150 Water Street, Spartansburg, PA 16434. This proposal involves the construction of a poly phosphate-silicate blend system for the purpose of corrosion control in Spartansburg Borough, **Crawford County**.

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

A. 1597503. Public water supply. **City of Coatesville Authority**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320. This proposal involves the replacement of an existing 10 million gallon finished open water reservoir with a 2 million gallon welded steel ground storage tank in Bart Township, **Lancaster County**.

A. 2397501. Public water supply. **Joseph Silvestri and Son, Inc.**, 1168 Naamans Creek Road, located in Boothwyn, PA 19061. This proposal involves the permitting of an existing water supply system and the addition of disinfection in Bethel Township, **Delaware County**.

A. 4697504. Public water supply. **Evansburg Water Company**, 385 Bridge Street, Graterford, PA 19426. This proposal involves the use of well no. 202 (currently a back-up water supply) as an additional permanent water

supply to supplement the existing production well nos. 201, 203 and 204 in Perkiomen and Lower Providence Township, **Montgomery County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

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

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

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

E. DeVecchis & Sons, Ferguson Township, **Centre County**. Aaron S. Gustkey on behalf of E. DeVecchis & Sons, 1701 W. College Avenue, State College, PA 16801 has submitted a Notice of Intent to Remediate soil contaminated with BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide Health Standard. It is noted that groundwater will be characterized to ensure that any impacts from the contaminated soil are properly evaluated. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* on April 1, 1997.

Preamble 2

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in

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

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

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

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

Mid State Chemicals, Allegheny Township, **Blair County**. ADVENT Environmental, 303 N. Hurstbourne Parkway, Suite 250, Louisville, KY 40222, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was published April 14, 1997, in the *Altoona Mirror*.

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

RIDC Industrial Center of McKeesport/formerly USX National Works, City of McKeesport, **Allegheny County**. RIDC Keystone Commons, 600 Braddock Avenue, Turtle Creek, PA 15145 has submitted a Notice of Intent to Remediate soil and groundwater contaminated

with lead, heavy metals and naphthalene. The applicant proposes to remediate the site to meet a special industrial area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *McKeesport Daily News* on February 6, 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), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4001.1904) and regulations to operate solid waste processing or disposal area or site.

Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516.

Permit I. D. No. 602432. State Correctional Institute at Dallas, Department of Corrections, P. O. Box 598, Camp Hill, PA 17001-0598. An application for agricultural utilization of sewage sludge at this facility, located in Jackson Township, **Luzerne County**. This application was received in the Regional Office on January 15, 1997 and was found to be complete on April 2, 1997.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Domenick Pucillo Disposal, Inc., 1420 Chestnut Avenue, Hillside, NJ 07205; Domenick Pucillo, President; License No. **PA-HC 0161**; application received April 1, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

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

22-322-001. The Department intends to issue an Air Quality Operating Permit to **Dauphin Meadows, Inc.** (Route 209, Millersburg, PA 17061) for a landfill gas management system controlled by a flare in Upper Paxton and Washington Townships, **Dauphin County**.

67-320-024. The Department intends to issue an Air Quality Permit to **Eisenhart Wallcoverings Company**

(P. O. Box 464, 400 Piine Street, Hanover, PA 17331-0464) for a printing press operation in Hanover Borough, York County.

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

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

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

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

Permit: **46-317-020A**
Source: Dryer No. 1 & 2
Company: **John Middleton, Inc.**
Location: Upper Merion
County: **Montgomery**

Permit: **46-310-018**
Source: Stone Crusher & Wet Suppression System
Company: **Pottstown Trap Rock Quarries, Inc.**
Location: Lower Pottstown
County: **Montgomery**

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

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

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

Permit: **40-305-017**
Source: Anthracite Crushing & Screening
Company: **Northampton Fuel Supply Company**
Location: Hanover Township
County: **Luzerne**

Permit: **40-312-009C**
Source: Truck Loading Rack
Company: **Eldorado Properties Corporation**
Location: Pittston Township
County: **Luzerne**

Permit: **40-318-046A**
Source: Spray Paint Coat w/Panel Filters
Company: **Quality Collision Incorporated**
Location: Dallas Township
County: **Luzerne**

Permit: **48-313-074**
Source: ACT Storage, Blending & Packing
Company: **Ashland Chemicals Incorporated**
Location: Glendon Borough
County: **Northampton**

Permit: **54-310-010A**
Source: Fuel Prep Plant w/Baghouses
Company: **Northeastern Power Company**
Location: Kline Township
County: **Schuylkill**

Operating permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate and operate air contamination sources of air cleaning devices.

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

19-399-013. The Department intends to issue an operating permit to **Magee Rieter Automotive Systems** (480 West Fifth Street, Bloomsburg, PA 17815) for the operation of a propane-fired carpet dryer (No. 8) previously owned and operated by the Magee Carpet Company in the Town of Bloomsburg, **Columbia County**.

Notice of Intent to Issue Title V Operating Permit #16-00127

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a **Title V Operating Permit to Piney Creek Limited Partnership** (Piney Creek). Piney Creek's facility is located in Piney Township, **Clarion County**. Piney Creek's representative to contact concerning this application is Kendall Reed, Plant Manager, at R. R. 2, Box 56, Clarion, PA 16214 or at (814) 226-8001.

Piney Creek's facility is primarily used for the generation of electricity. The facility's primary air emission sources include a fluidized bed combustion unit and coal and limestone handling and conveying areas. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of sulfur oxides, nitrogen oxides and carbon monoxide. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

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

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 16-00127)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for

a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

Notice of Intent of Issue Title V Operating Permit No. 09-00016

Under 25 Pa. Code §§ 127.424 and 127.521 the Department of Environmental Protection (DEP) intends to issue a **Title V Operating Permit** to **PECO Energy**, for the Croydon facility. The PECO Energy Croydon Plant is located at 955 River Road, Croydon, in Bristol Township, **Bucks County**.

The Croydon facility is primarily used for peak electrical production. As a result of the potential levels of Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x), Particulate Matter (PM₁₀), and Carbon Monoxide (CO) emitted, Croydon is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the permit application and the draft Title V Operating Permit at the Department's Southeast Regional Office may be scheduled by contacting the Record's Management staff, at (610) 832-6000 between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit TVOP-09-00016)
- Concise statements regarding the relevancy of objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified on the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Francine Carlini, Regional Air Quality Program Manager, Department of Environmental Protection, Southeast Region—Field Operations, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428, (610) 832-6242, or Edward J. Brown, Facilities Section Chief, Air Quality Program at the same address and phone number.

PLAN APPROVALS

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

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

36-316-006B. Modification of an existing woodworking operation and installation of a new fabric collector by **Conestoga Wood Specialties Corporation** (P. O. Box 158, 245 Reading Road, East Earl, PA 17519) located in East Earl Township, **Lancaster County**.

36-316-022E. Modification of an existing woodworking operation and installation of a new fabric collector by **Conestoga Wood Specialties Corporation** (P. O. Box 158, 245 Reading Road, East Earl, PA 17519) located in East Earl Township, **Lancaster County**.

67-309-001E. Modification of an existing limestone handling and storage system by the **J. E. Baker Company** (P. O. Box 1189, York, PA 17405) in West Manchester Township, **York County**. A bucket elevator is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

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

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

Permit: **35-310-031A**
 Source: Stone Crushing Plant W/Waterspray
 Received: April 7, 1997
 Company: **Scranton Material Incorporated**
 Location: Newton Township
 County: **Lackawanna**

Permit: **35-318-025A**
 Source: Liner Plating Tanks W/Scrubber
 Received: April 11, 1997
 Company: **Precision National Corporation**
 Location: South Abington Township
 County: **Lackawanna**

Permit: **40-313-029A**
 Source: Polyester Recovery W/Scrubber
 Received: April 1, 1997
 Company: **Gemark Service Corporation**
 Location: Dupont Borough
 County: **Luzerne**

Permit: **45-310-005E**
 Source: Stone Crush Plant W/Watersprays
 Received: April 14, 1997
 Company: **Locust Ridge Quarry**
 Location: Tobyhanna Township
 County: **Monroe**

Permit: **45-315-003**
 Source: Raw Materials Feed Sys W/Cyclone
 Received: April 1, 1997
 Company: **Rock Tenn Company**
 Location: Smithfield Township
 County: **Monroe**

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

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

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

15-318-010E. On January 31, 1997, an application was received from **Johnson Matthey, Inc.**, 456 Devon Park Drive, Wayne, PA 19087 for the installation of a Production Scrubber System III and IV to be located in Tredyfrin Township, **Chester County**.

09-302-080. On March 17, 1997, an application was received from **3M Company**, P. O. Box 33331, St. Paul, MN 55133 for the minor modification of a 6W flame treater to be located in Bristol Township, **Bucks County**.

46-327-015A. On March 28, 1997, an application was received from **Micro Coax Components, Inc.**, P. O. Box 993, Collegetown, PA 19426 for the modification of a cold degreaser to be located in Trappe Borough, **Montgomery County**.

46-301-259A. On March 31, 1997, an application was received from **East Norriton-Plymouth-Whitpain JSA**, 200 Ross Street, Norristown, PA 19401 for the installation of an air cleaning device to be located in Plymouth Township, **Montgomery County**.

46-399-113. On April 2, 1997, an application was received from **Ford Electronics & Refrigeration Corp.**, 2750 Morris Road, Lansdale, PA 19446 for the construction of two selective soldering machines to be located in Worcester Township, **Montgomery County**.

23-312-185. On April 10, 1997, an application was received from **Tosco Refining Company**, P. O. Box 428, Marcus Hook, PA 19061 for the minor modification of a butane railcar loading rack to be located in Trainer Borough, **Delaware County**.

46-329-015. On April 14, 1997, an application was received from **Hale Products, Inc.**, 700 Spring Mill Avenue, Conshohocken, PA 19428 for the construction of two pump test engines (D1 & R&D) to be located in Conshohocken Borough, **Montgomery County**.

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

19-322-002A. Construction of a stone crushing plant and associated air cleaning device (a water spray dust suppression system) by **White Pines Corporation** (R. R. 1, Box 69, Millville, PA 17846) at the White Pines Landfill in Pine Township, **Columbia County**. The equipment in this plant is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

8-313-038F. Construction of a tungsten scrap impactor system and associated air cleaning devices (a cartridge collector and an absolute filter) by **Osrsm Sylvania, Inc.** (Box 504, Towanda, PA 18848-0504) in Towanda Borough, **Bradford County**.

14-310-021. Construction of a sandstone crushing plant and associated air cleaning devices (a fabric collector and a water spray dust suppression system) by **Glenn O. Hawbaker Inc.** (P. O. Box 135, State College, PA 16804) at the Sandy Ridge Quarry in Rush Township, **Centre County**. The equipment in this plant is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

47-318-007D. Construction of three wood cabinet finishing operation dip tanks and three wood cabinet finishing operation wiping areas by **Cabinet Industries, Inc.** (P. O. Box 259, Danville, PA 17821) in Danville Borough, **Montour County**.

55-302-013. Construction of a wood fired boiler and associated air cleaning device (a mechanical collector) by **Cherry Hill Hardwoods Inc.** (R. R. 1, Box 876, Richfield, PA 17086) in West Perry Township, **Snyder County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology (RACT).

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

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

PA-46-0005A. On April 2, 1997, an application was received from **Merck & Co., Inc.**, P. O. Box 4, WP20-208, West Point, PA 19486 for the approval of a Fluid Bed Granulator-Dryer Column located in Upper Gwynedd Township, **Montgomery County**.

MINING

**CONDUCT COAL AND NONCOAL ACTIVITIES
 MINING ACTIVITY APPLICATIONS**

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

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

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

Coal Applications Received:

56870103. Permit Renewal, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Brothersvalley and Somerset Townships, **Somerset County**, affecting 228.0 acres, receiving stream discharge to unnamed tributaries to Kimberly Run to Coxes Creek; and unnamed tributaries to Glades Creek; and unnamed tributary to Millers Run to Stony Creek, application received April 11, 1997.

11850109. Permit Renewal, **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of bituminous strip mine in Adams Township, **Cambria County**, affecting 206.6 acres, receiving stream discharge to Paint Creek and Sulphur Creek, application received April 15, 1997.

32970902. **Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728), commencement, operation and restoration of bituminous strip mine in Rayne Township, **Indiana County**, affecting 5.3 acres, receiving stream unnamed tributary to Rayne Run to Rayne Run to Crooked Creek to Allegheny River, application received April 14, 1997.

32970105. **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15771), commencement, operation and restoration of bituminous strip mine in Grant Township, **Indiana County**, affecting 62.0 acres, receiving stream unnamed tributaries to East Run—East Run, application received April 15, 1997.

32970106. **GLR Mining, Inc.** (P. O. Box 105, Clymer, PA 15728), commencement, operation and restoration of bituminous strip-auger mine in Pine Township, **Indiana County**, affecting 92.5 acres, receiving stream unnamed tributaries of Leonard Run to Leonard Run to Yellow Creek to Two Lick Creek to Conemaugh River, application received April 17, 1997.

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

03970103. **Marquise Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905). Application received for commencement, operation and reclamation of a bituminous surface mine located in Kiskiminetas Township, **Armstrong County**, proposed to affect 184.0 acres. Receiving streams unnamed tributary to Long Run to Kiskiminetas River; unnamed tributaries to Sulphur Run to Kiskiminetas River; unnamed tributary to Kiskiminetas River to Kiskiminetas River. Application received April 2, 1997.

03910104. **Big Mack Leasing Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Application received for transfer of permit from General Mining, Inc., for an existing bituminous surface auger mine located in Plumcreek Township, **Armstrong County**, affecting 59.0 acres. Receiving streams two unnamed tributaries to Cherry Run. Transfer application received April 3, 1997.

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

17860142. **Clair C. McGovern Coal Co.** (Karthaus, PA 16845), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 112 acres, receiving streams unnamed tributaries of Salt Lick Run to Salt Lick Run, Salt Lick Run to west branch Susquehanna River; and unnamed tributaries of Dutch Hollow Run to Dutch Hollow Run; Dutch Hollow Run to Mosquito Creek, Mosquito Creek to west branch Susquehanna River, application received April 11, 1997.

McMurray District Office, 3913 Washington Rd., McMurray, PA 15317.

30841313. **Consolidation Coal Company** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth bituminous deep mine in Jefferson Township, **Greene County** to add No. 9 shaft-pump and injection borehole system, no additional discharge. Application received March 24, 1997.

32951301. **CRG Group** (P. O. Box 386, Youngstown, PA 15696), to transfer the permit for the Burrell bituminous deep mine in Burrell Township, **Indiana County** from Marquise Mining Corporation and revise the surface facilities, no additional discharge. Application received March 27, 1997.

32871301. **Florence Mining Company** (P. O. Box 51, New Florence, PA 15944), to revise the permit for the Heshbon bituminous deep mine in West Wheatfield Township, **Indiana County** for post-mining land use change to allow access road and sediment pond to remain, no additional discharge. Application received April 4, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54860105R2. Kuperavage Enterprises, Inc. (P. O. Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 273.8 acres, receiving stream east branch Schuylkill River. Application received April 9, 1997.

54970101. J. C. Coal Inc. (P. O. Box 161, Minersville, PA 17954), commencement, operation and restoration of an anthracite surface mine operation in Schuylkill Township, **Schuylkill County**, affecting 632 acres, receiving stream Schuylkill River to Delaware River. Application received March 27, 1997.

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

Large Industrial Mineral Applications Received:

4474SM14. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, Church Street, New Enterprise, PA 16664), transfer of an existing large noncoal surface mine permit from I. A. Construction Corporation, Bradford Township, **Clearfield County**. This application includes a request for an incidental boundary correction of 17.5 acres, receiving streams unnamed tributary to Moravian Run, application received April 14, 1997.

08970301. P & P Gravel (R. R. 1, Box 228, Monroeton, PA 18831), commencement, operation and restoration of a Large Industrial Mineral (Sand and Gravel) Permit in Franklin Township, **Bradford County** affecting 15.1 acres, received streams Towanda Creek, application received April 17, 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. 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 (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, telephone (717) 826-5485.

Permit No. E35-280. Encroachment. Clarks Summit Borough, 304 South State Street, Clarks Summit, PA 18411. To remove the existing structure and to construct and maintain a 218 foot long, 64 inch by 43 inch corrugated aluminized steel pipe arch stream enclosure in a tributary to Ackerly Creek (Tributary B) (TSF). The project includes approximately 32 linear feet of concrete U channel and 150 linear feet of R5 riprap channel lining upstream and downstream of the project site. The project is located at the intersection of Center Street and Tributary B (Scranton, PA Quadrangle N: 20.9 inches; W: 11.4 inches) in Clarks Summit Borough, **Lackawanna County** (Baltimore, Army Corps of Engineers).

Permit No. E40-464. Encroachment. Borough of Shickshinny, 35 West Union Street, Shickshinny, PA 18655. To construct and maintain a stream improvement project in and along a 400-foot reach of Shickshinny Creek (CWF), consisting of a trapezoidal 24-inch grouted riprap-lined channel, an earthen levee along the left bank and a concrete flood wall along the right bank. The purpose of the project is to reduce the frequency of flooding in the vicinity of this channel section. The project is located immediately downstream of the S. R. 0011 bridge, along East Vine Street (Shickshinny, PA Quadrangle N: 4.9 inches; W: 3.4 inches), in the Borough of Shickshinny, **Luzerne County** (Baltimore District, Army Corps of Engineers).

Permit No. E40-465. Encroachment. Luzerne County Commissioners, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. To remove the existing structure and to construct and maintain a road crossing of East Fork Harveys Creek (CWF), consisting of a single-span precast concrete slab bridge, having a span of approximately 14 feet and an underclearance of approximately 6 feet. The road crossing (known as County Culvert #26108) is located on T-605, approximately 1 mile north of the intersection of S. R. 0029 and S. R. 1012 (Harveys Lake, PA Quadrangle N: 3.1 inches; W: 0.3 inch), in Jackson Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

Permit No. E45-323. Encroachment. Tobyhanna Township, P. O. Box 880, Pocono Pines, PA 18350. To place and maintain approximately 2,200 L. F. of sanitary sewer line in PEM, SS, FO wetlands in addition to 9 sanitary sewer line stream crossings of 4 tributaries to Tobyhanna Creek, all of which are classified as HQ-CWF. This work is associated with the Township's proposed sewage collection system and treatment plant to serve the Borough of Blakeslee and surrounding communities. The project is located near Blakeslee Corners, at the intersection of S. R. 0115 and S. R. 0940 (Blakeslee, PA Quadrangle N: 17.7 inches; W: 11.0 inches) in Tobyhanna Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

Permit No. E45-324. Encroachment. Pennsylvania Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103-4727. To modify and maintain an existing 245 L. F. concrete, open-bottom arch stream enclosure in Forest Hills Run (HQCWF) by pouring a concrete channel along the stream bed to interlock with the abutments. The purpose of the project is to prevent further scour of the stream channel and abutments to preserve the structural integrity of the stream enclosure. The project is located along S. R. 0611, Section 07M, approximately 0.9 mile south of its intersection with S. R. 0940 (Mount Pocono, PA Quadrangle N: 21.0 inches; W: 13.8 inches) in the Borough of Mount Pocono, **Monroe County** (Philadelphia District, Army Corps of Engineers).

Permit No. E45-325. Encroachment. **Pocono Property Finders, Inc.**, R. R. 5, Box 5234, East Stroudsburg, PA 18301. To place fill in a de minimus area of PEM, FO wetlands, less than or equal to 0.05 acre for the purpose of constructing a gravel driveway and lawn area for a proposed single family dwelling on Lot 57, Section 1 of Lake of the Pines Residential Subdivision. The project is located approximately 1 mile southwest of the intersection of S. R. 1016 and S. R. 0209 (Bushkill, PA-NJ Quadrangle N: 13.1 inches; W: 6.1 inches) in Middle Smithfield Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

Permit No. E48-254. Encroachment. **Valley Housing Development Corporation**, 333 Ridge Street, Emmaus, PA 18049. To construct and maintain a 42 inch diameter R.C.P. stormwater outfall structure along the right bank of Saucon Creek (CWF). The project known as the Hellertown Elderly Housing Storm Sewer Improvement Plan, is located approximately 0.2 miles northwest of the intersection of S. R. 0412 and S. R. 3004 (Hellertown, PA Quadrangle N: 14.8 inches; W: 13.1 inches) in Borough of Hellertown, **Northampton County** (Philadelphia District, Army Corps of Engineers).

Permit No. E54-232. Encroachment. **Mostasa Montasser**, P. O. Box 40, Andreas, PA 18211. To maintain twin 48-inch PVC culverts in the channel of a Tributary to Lizard Creek (TSF) to provide sole access to a private residence and farm land. This project is located along Pine Hill Road (T-995) approximately 1 mile east of S. R. 0309 (New Tripoli, PA Quadrangle N: 20.5 inches; W: 15.5 inches) in West Penn Township, **Schuylkill County** (Philadelphia District, Army Corps of Engineers).

Permit No. E66-112. Encroachment. **Preston D. Funk**, R. R. 2, Box 181 F, Mehoopany, PA 18629. To construct and maintain a private foot bridge across White Brook (HQ-CWF), having a single span of 26.0 feet, and underclearance of approximately 4.5 feet. The project is located approximately 200 feet upstream from S. R. 3001 (Dutch Mountain, PA Quadrangle N: 22.5 inches; W: 1.0 inches) in Forkston Township, **Wyoming County** (Baltimore District, Army Corps of Engineers).

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

E09-744. Encroachment. **Paunacussing Founders, Inc.**, 77 North Broad Street, Doylestown, PA 18901. To construct and maintain a 405 linear foot of a golf cart/equipment pile supported bridge in and along the 100-year floodway of Mill Creek (TSF) and adjacent wetland (PFO) and to reconfigure an existing 0.50 acre farm pond during the construction of the proposed Lookaway Golf Club. The project proposes impact to 0.27 acre of wetland, 937 linear feet of watercourse, and 0.50 acre of an existing body of water (POW). The site is located on 220 acres of land on both sides of Lower Mountain Road (Buckingham, PA Quadrangle N: 9.5 inches; W: 7.0 inches) in Buckingham Township, **Bucks County**.

E09-747. Encroachment. **Bristol Borough**, 250 Pond Street, Bristol, PA 19007. To restore a lagoon which will connect to the existing Delaware Canal. Work will include grading and the construction of reinforced concrete retaining walls. The site is located at the former Grundy Park just east of the intersection of the Delaware Canal and Jefferson Avenue (Bristol, PA-NJ USGS Quadrangle N: 19.2 inches; W: 14.2 inches) in Bristol Borough, **Bucks County**.

E46-767. Encroachment. **Joseph M. and Elizabeth J. Flynn**, 654 Lime House Road, Radnor, PA 19087. To remove an existing roadway culvert consisting of three 48-inch RCP culverts and to construct and maintain a twin 7-foot by 5.5-foot concrete box culvert immediately upstream of the original culvert. The replacement culvert will be located in and along Frog Run and to modify the stream channel 292 feet upstream and 50 feet downstream of the proposed culvert. This site is located at the western end of King Manor Boulevard, approximately 600 feet north from the intersection of Henderson and Gulph Roads (Norristown, PA Quadrangle N: 16.2 inches; W: 14.0 inches) in Upper Merion Township, **Montgomery County**.

E46-770. Encroachment. **Hatfield Township**, 1950 School Road, Hatfield, PA 19440. To reconstruct and maintain Line Lexington Road Bridge over Unionville Tributary of the west branch of Neshaminy Creek. The proposed work will include replacing an existing deteriorated single span bridge with a new single span bridge. The proposed bridge, consisting of a composite prestressed concrete adjacent box beams with reinforced concrete slab superstructure, will rest on new reinforced concrete abutments with appurtenant wingwalls. The 40-foot clear span bridge, will have a 30-foot roadway width with a 5-foot wide sidewalk, and have 4.7 feet of minimum underclearance. The proposed work also includes relocation of two existing 8-inch diameter utility line stream crossings adjacent to the bridge, and placing rip-rap stone protection along new abutments and wing walls. This bridge is located approximately a half mile southwest of the intersection of County Line Road (S. R. 309) and Line Lexington Road (Telford, PA Quadrangle N: 5.17 inches; W: 2.8 inches) in Hatfield Township, **Montgomery County**.

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

E20-444. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323-1289. To remove the existing steel stringer bridge and to construct and maintain a reinforced concrete box culvert with dimensions of 10 feet wide by 8 feet high on a 90 degree skew across Kennedy Run (CWF). The project is located on S. R. 1010 across Kennedy Run approximately 1 mile east of the intersection of S. R. 1010 and S. R. 0077. This project will also include placement of the box culvert approximately 10 inches below the streambed elevation (Townville, PA Quadrangle N: 12.35 inches; W: 15.7 inches) located in Richmond Township, **Crawford County**.

E24-191A. Encroachment. **Elk County Conservation District**, County Courthouse, P. O. Box 448, Ridgway, PA 15853. To amend Permit No. E24-191 to include the authorization to place limestone sand periodically in the channels of the following streams in Jones Township, **Elk County** to neutralize acidity in:

1. A tributary to East Branch Lake at three locations:
 - a. (Glen Hazel, PA Quadrangle N: 19.2 inches; W: 8.9 inches)
 - b. (Glen Hazel, PA Quadrangle N: 19.2 inches; W: 9.1 inches)
 - c. (Glen Hazel, PA Quadrangle N: 20.0 inches; W: 10.1 inches)
2. Bogardy Run (Glen Hazel, PA Quadrangle N: 17.2 inches; W: 10.4 inches)
3. Straight Creek (Wildwood Firetower, PA Quadrangle N: 17.8 inches; W: 15.1 inches)

4. Lakes Run (Glen Hazel, PA Quadrangle N: 20.3 inches; W: 5.4 inches)

5. Whittaker Hollow (Glen Hazel, PA Quadrangle N: 17.6 inches; W: 6.8 inches)

6. Tributary to East Branch Lake, locally known as Igotta Run (Glen Hazel, PA Quadrangle N: 16.5 inches; W: 9.0 inches)

E33-179. Encroachment. **Municipal Authority of the Borough of Punxsutawney**, 301 East Mahoning Street, Punxsutawney, PA 15767. To place and maintain a 36-inch stormwater outfall and headwall structure into Mahoning Creek (WWF) within the Army Corps of Engineers operated Local Flood Control Project. This outfall is associated with the Downtown stormwater project. This project is located in the Borough of Punxsutawney on the north streambank approximately 2,000 feet upstream from the S. R. 0119 bridge across Mahoning Creek (Punxsutawney, PA Quadrangle N: 12.0 inches; W: 12.9 inches) located in Borough of Punxsutawney, **Jefferson County**.

E33-180. Encroachment. **Municipal Authority of the Borough of Punxsutawney**, 301 East Mahoning Street, Punxsutawney, PA 15767. To place and maintain an 18-inch stormwater outfall and headwall structure into Mahoning Creek (WWF) within the Army Corps of Engineers operated Local Flood Control Project. This outfall is associated with the Long Alley/North Sycamore storm water project. This project is located within the Borough of Punxsutawney on the north streambank approximately 1,600 feet upstream of the S. R. 0436 Bridge across Mahoning Creek (Punxsutawney, PA Quadrangle N: 12.0 inches; W: 15.5 inches) located in the Borough of Punxsutawney, **Jefferson County**.

E42-241A. Encroachment. **Elk County Conservation District**, County Courthouse, P. O. Box 448, Ridgway, PA 15853. To amend Permit No. E42-241 to include the authorization to place limestone sand periodically in the channel of the following stream in Sergeant Township, **McKean County** to neutralize acidity in:

1. East Branch Clarion River (Hazel Hurst, PA Quadrangle N: 3.6 inches; W: 4.2 inches)

2. Buck Run (Hazel Hurst, PA Quadrangle N: 4.3 inches; W: 1.2 inches)

3. Sevenmile Run (Hazel Hurst, PA Quadrangle N: 1.1 inches; W: 10.3 inches)

4. Smith Run at two locations (Hazel Hurst, PA Quadrangle N: 5.6 inches; W: 7.9 inches) and (Hazel Hurst, PA Quadrangle N: 6.6 inches; W: 7.4 inches)

5. County Line Run at two locations (Hazel Hurst, PA Quadrangle N: 0.9 inch; W: 1.5 inches) and (Crosby, PA Quadrangle N: 3.0 inches; W: 15.1 inches)

6. Doe Run (Hazel Hurst, PA Quadrangle N: 3.0 inches; W: 0.2 inch)

7. Gum Boot Run at two locations (Hazel Hurst, PA Quadrangle N: 6.0 inches; W: 0.2 inches) and (Hazel Hurst, PA Quadrangle N: 7.0 inches; W: 0.1 inch)

8. Martin Run (Hazel Hurst, PA Quadrangle N: 10.0 inches; W: 3.45 inches)

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E08-314. Encroachment. **Pennsylvania Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a 10-foot long outlet section of 72 inch

diameter CMP pipe along with a new gabion basket headwall and outlet rock protection in Wallace Run on SR 4007 about 1.75 miles north of the Rt. 6 intersection with SR 4007 (Ulster, PA Quadrangle N: 9.8 inches; W: 13.7 inches) in Burlington Township, **Bradford County**. Estimated stream disturbance is 25 feet with no wetland impact; stream classification in Warm Water Fisheries.

E14-306. Encroachment. **Diversified Realty, Inc.**, c/o Gregory C. Spotts, 1522 Woodledge Circle, State College, PA 16830. To construct, operate and maintain a relocated channel of an unnamed tributary to Big Hollow for the construction of an industrial development. The proposed work shall consist of relocating 720.0 linear feet of the stream. The project is located along southern right-of-way of SR 0322 approximately 500 feet northeast of the intersection of Valley Vista Drive and North Atherton St. (Julian, PA Quadrangle N: 11.8 inches; W: 5.7 inches) in Patton Township, **Centre County**. Estimated stream disturbance is 720 linear feet with no wetland impact; stream classification is CWF.

E41-400. Encroachment. **Clifford C. Harris**, R. R. 1, Box 412, Montoursville, PA 17754. To construct and maintain a double I-beam, wood plank footbridge with a 30-foot span \times 4-foot wide at a 90 degree skew over Wallis Run on private property adjacent to the Texaco Pipeline crossing on SR 1003 (Bodines, PA Quadrangle N: 5.0 inches; W: 3.6 inches) in Gamble Township, **Lycoming County**. Estimated stream disturbance is 6 feet of waterway with no wetland impact; stream classification is HQ-CWF.

E55-144. Encroachment. **Susquehanna University**, P. O. Box DD, 514 University Ave., Selinsgrove, PA 17870-1075. To construct and maintain a 30 LF-21 foot 6 inch \times 7 feet 9 inch plate steel arch culvert with riprap stone outfall, 36 1/4 inch \times 22 1/2 inch CMP arch culvert, a proposed culvert bridge with a span of 21 feet 6 inch and an underclearance of 7 foot 9 inch, a 32 inch high slip form concrete floodwall and the placement of fill in the floodway for site access road ramps. The proposed facilities will be located in or adjacent to the South Tributary to Penns Creek at Susquehanna University on the north side of Sassafras St. approximately 0.5 mile west of Market St. (Freeburg/Sunbury, PA Quadrangle N: 18.4 inches; W: 16.7 inches) in the Borough of Selinsgrove, **Snyder County**. Estimated stream disturbance is 3,000 feet of waterway with no wetland impacts; stream classification is Cold Water Fisheries.

E59-339. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a single span prestressed concrete box beam bridge with a normal span of 40 feet and average underclearance of 7.5 feet over Asaph Run on Left Asaph Run Road just west of the intersection with Right Asaph Road (Asaph, PA Quadrangle N: 7.23 inches; W: 9.68 inches) in Shippen Township, **Tioga County**. Estimated stream disturbance is less than 250 feet; stream classification is HQ-CWF.

DAM SAFETY

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial

requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.

D37-057A. Dam. Pennsylvania Turnpike Commission (P. O. Box 67676, Harrisburg, PA 17106-7676). To modify, operate and maintain stormwater detention Basin No. 3 located in a tributary to Wampum Run and along the Beaver Valley Expressway in New Beaver Borough, **Lawrence County**. This project involves the modification of the outlet structures and will not involve earth disturbing activities.

D37-058A. Dam. Pennsylvania Turnpike Commission (P. O. Box 67676, Harrisburg, PA 17106-7676). To modify, operate and maintain stormwater detention Basin No. 4 located in a tributary to Eckles Run and along the Beaver Valley Expressway in New Beaver Borough, **Lawrence County**. This project involves the modification of the outlet structures and will not involve earth disturbing activities.

D37-059A. Dam. Pennsylvania Turnpike Commission (P. O. Box 67676, Harrisburg, PA 17106-7676). To modify, operate and maintain stormwater detention Basin No. 8 located in a tributary to Eckles Run and along the Beaver Valley Expressway in New Beaver Borough, **Lawrence County**. This project involves the modification of the outlet structures and will not involve earth disturbing activities.

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.

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

EA20-003NW. Environmental Assessment. PA Department of Transportation, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing Atlantic Truss, a steel truss bridge including super structure, piers and abutments on S. R. 3013 Section B03 across McMillen Hollow approximately 0.25 mile south of S. R. 3006 (Atlantic Road) at the Village of Atlantic (Conneaut Lake, PA Quadrangle N: 0.15 inch; W: 12.05 inches) located in East Fallowfield Township, **Crawford County**.

WATER QUALITY CERTIFICATION

Initial Notice of Request for Certification under Section 401 of the Federal Water Pollution Control Act

The following requests have been made to the Department of Environmental Protection for certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)), that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of that act, and that the construction will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of the date of this notice. Comments should be submitted to the Department of Environmental Protection at the address indicated above each of the following requests for certification. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments are addressed, and a concise statement of comments, objections or suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a.m. and 4 p.m. on each working day.

Regional Office: David E. Milhous, P. E., Water Management Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481.

Certification Request Initiated by: John L. Baker, P. E., District Engineer, Engineering District 1-0, Department of Transportation, 1140 Liberty Street, Franklin, PA 16323.

Location: City of Erie and Harborcreek Township, Erie County.

Project Description: To construct approximately 6.1 miles of new, 4-lane, controlled access highway connecting the eastern terminus of the existing Bayfront Parkway to Interstate 90 at its interchange with Station Road. The project will impact the following streams: Fourmile Creek (WWF, MF), McDaniel Run (WWF, MF), Cemetery Run (WWF, MF), Garrison Run (WWF, MF), two unnamed tributaries to Fourmile Run (WWF, MF), four unnamed tributaries to McDaniel Run (WWF, MF), and one unnamed tributary to Fivemile Creek (CWF, MF). In addition, a total of 3.8 acres of wetland are proposed to be impacted (0.7 acre PEM, 0.3 acre PSS, 2.6 acres PFO, and 0.2 acre PFO in the Coastal Zone of Lake Erie). Stream and wetland mitigation will be required.

WATER ALLOCATIONS

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

Northwest Regional Office: Regional Program Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

WA 43 1002. Subsidiary Water Allocation. **322/ Reynolds Company, LTD.**, 4090 Greenwood Oval, North Royalton, OH 44133 requests the right to continue to purchase 30,000 gpd from Reynolds Water Company to supply service to the existing Reynolds Mobile Home Park located in Pymatuning Township, **Mercer 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)

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

*Northcentral Regional Office, 208 West Third Street,
Suite 101, Grit Building, Williamsport, PA 17701.*

Permit No. NPDES PA0208931-A1. Sewerage. **Catherine Randolph**, R. D. 4, Box 392, DuBois, PA 15801. Changes were made in monitoring requirements and continue authorization to discharge from facility located at Brady Township, **Clearfield County** to receiving waters named tributary of Limestone Creek.

Permit No. NPDES PA0112631. Sewerage. **Allan Wargo**, R. D. 1, Box 143, Catawissa, PA 17820. Renewal of permit application was granted, to discharge treated sewage from a single family residence to a high quality stream. Facility is located at Roaring Creek Township, **Columbia County**.

Permit No. NPDES PA0112488. Sewerage. **Ralpho Township Municipal Authority**, 32A South Market Street, Elysburg, PA 17842-9602. Renewal was granted to discharge treated wastewater from facility located at Ralpho Township, **Northumberland County**.

Permit No. NPDES PA0209473. Sewerage. **North Centre Township Supervisors**, R. R. 2, Box 2605, Berwick, PA 18603. Approval was granted to the Township to install a treatment system to serve the township building, located at North Centre Township, **Columbia County**.

Permit No. NPDES PA0208639-A1. Sewerage. **Hartleton Borough Municipal Authority**, P. O. Box 53, Hartleton, PA 17829. Approval was granted to form a municipal authority, located at Hartleton Borough, **Union County**.

Permit No. NPDES PA0113361. Sewerage. **Sandy Township Supervisors**, P. O. Box 267, DuBois, PA 15801. Renewal was granted to the Sandy Township Supervisors to accept the sewage discharge from Sandy Township, **Snyder County**.

NPDES No. PA 0111112-A1. Sewerage. **H. H. Knoebel Sons, Inc.**, R. D. 1, Elysburg, PA 17824. Applicant was granted a permit amendment to change the compliance date from April 1, 1997 to July 1, 1997 to provide effective dechlorination facilities at the treatment plant serving the amusement park. This is an existing discharge of 0.10 mgd to south branch of Roaring Creek.

Permit No. NPDES PA0112534-A1. Amendment. Sewerage. **Keo Homes Inc.**, R. D. 4, Box 29, Selinsgrove, PA 17870. Transfer was granted to the above permittee to serve facility located in Delaware Township, **Northumberland County**.

Permit No. NPDES PA0114464. Industrial waste. **Equimeter Incorporated**, P. O. Box 528, DuBois, PA 15801. Applicant was granted renewal of the NPDES permit for discharge of treated scrubbed water, facility located in City of Dubois, **Clearfield County**.

Permit No. NPDES PA0008451, Amendment No. 1. Industrial waste. **Pennsylvania Power and Light Company**, Two North Ninth Street, Allentown, PA 18101-1179. Permittee has been authorized to discharge from a facility located at Sunbury Steam Electric Station, Shamokin Dam Borough, **Snyder County**.

Permit No. NPDES PA0009385. Industrial waste. **I.H.F.P., Inc.**, 30 Marr Street, Milton, PA 17847. Renewal of permit formerly known as American Home Foods was granted along with name change. Facility is located in Milton Borough, **Northumberland County**.

Permit No. WQM No. 4976402-T3. Sewerage. **Keo Homes Inc.**, R. D. 4, Box 29, Selinsgrove, PA 17870. Applicant submitted transfer on the above referenced permit. The permit was issued for a pump station to serve Spring Lake Village and Spring Crest Development. Transfer was granted to facility located in Delaware Township, **Northumberland County**.

Permit No. WQM No. 4989406-T1. Sewerage. **Keo Homes Inc.**, R. D. 4, Box 29, Selinsgrove, PA 17870. Applicant submitted transfer on the above referenced permit. The permit was granted to facility located in Delaware Township, **Northumberland County**.

Permit No. WQM No. 4191405-T1. Sewerage. **Tom Jaskolski**, 306 Park Avenue, Maple Shade, NJ 08052. Applicant request for transfer of the WQM Permit for a single residence treatment system was granted. Location is Cummings Township, **Lycoming County**.

Permit No. WQM No. 6094403-T1. Sewerage. **Hartleton Borough Municipal Authority**, P. O. Box 53, Hartleton, PA 17829. Applicant request for transfer was granted and municipal authority was formed the date of ownership transferred the beginning of January 1997. Location is Hartleton Borough, **Union County**.

Permit No. WQM No. 1997402. Sewerage. **North Centre Township Supervisors**, R. R. 2, Box 2605, Berwick, PA 18603. Approval was granted to the above reference permit to install a treatment system to serve the township building. Location is North Centre Township, **Columbia County**.

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

Permit No. 3297401. Sewerage, **Cory and Misty Widmar**, Box 78, Dilltown, PA 15929. Construction of a single residence sewage treatment plant located in the

Township of Buffington Township, **Indiana County** to serve the Widmar Residence.

NPDES Permit No. PA205249, Amendment No. 1. Sewage. **Dollar Bank**, 3 Gateway Center, 10 North, Pittsburgh, PA 15222 is authorized to discharge from a facility located at Timber Creek Farms Sewage Treatment Plant, Marshall Township, **Allegheny County**.

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

NPDES Permit No. PA0103250. Industrial waste. **Urick Foundry Company**, 1501 Cherry Street, P. O. Box 6027, Erie, PA 16512 is authorized to discharge from a facility located in the City of Erie, **Erie County** to Bentley Run.

NPDES Permit No. PA 0222224. Sewage. **Michael Zobrest**, R. D. 1, Box 181, Sugar Grove, PA 16350 is authorized to discharge for a facility located in Sugar Grove Township, **Warren County** to an unnamed tributary to Stillwater Creek.

WQM Permit No. 4397404. Sewage. **Component Intertechnologies, Inc.**, 2426 Perry Highway, Hadley, PA 16130. This project involves the replacement of an existing chlorination disinfection system with an ultraviolet disinfection system at the existing domestic wastewater treatment plant serving the facility in Perry Township, **Mercer County**.

WQM Permit No. 6297401. Sewage. **Michael Zobrest**, R. D. 1, Box 181, Sugar Grove, PA 16350. This project is for the construction and operation of a small flow treatment facility located in Sugar Grove Township, **Warren County**.

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

NPDES Permit No. PAG043565. Sewerage. **Mr. and Mrs. Barry Weaver, Jr.**, 279 Cove Road, Duncannon, PA 17020 are authorized to discharge from a facility located in Penn Township, **Perry County** to a tributary to Cove Creek.

NPDES Permit No. PAG043551. Sewerage. **Jerry Bolyard**, Route 3, Box 35A, Clearville, PA 15535 is authorized to discharge from a facility located in Southampton Township, **Bedford County** to the unnamed tributary to Lost Run.

NPDES Permit No. PAG043563. Sewerage. **Dennis Dull**, R. D. 2, Box 668, Bedford, PA 15522 is authorized to discharge from a facility located in Napier Township, **Bedford County** to the unnamed tributary to Raystown Branch of the Juniata River.

NPDES Permit No. PAG043552. Sewerage. **Donald Wasson**, 381 Carey Road, Douglassville, PA 19578 is authorized to discharge from a facility located in Union Township, **Berks County** to an unnamed tributary to Schuylkill River.

NPDES Permit No. PA0084492. Sewerage. **Larry R. and Janet A. Strohecker and Carl E. and Mary E. Strohecker**, 615 A. Dunkle School Road, Halifax, PA 17032-9455 is authorized to discharge from a facility located in Halifax Township, **Dauphin County** to the

receiving waters of an unnamed tributary to the Susquehanna River.

NPDES Permit No. PA0083062. Sewerage. **Williams Valley School District**, Route 209, Box 189A, Tower City, PA 17980 is authorized to discharge from a facility located in Williams Township, **Dauphin County** to the receiving waters named Wiconisco Creek.

NPDES Permit No. PA0084051. Sewerage. **Creekview Farms Mobile Home Park**, 280 Airy View Road, Shermansdale, PA 17090 is authorized to discharge from a facility located in Carroll Township, **Perry County** to the receiving waters named Sherman Creek.

NPDES Permit No. PA0030252. Sewerage. **Tussy Mountain School District**, R. D. 1, Box 178A, Saxton, PA 16678 is authorized to discharge from a facility located in Wood Township, **Huntingdon County** to the receiving waters named Great Trough Creek.

NPDES Permit No. PA0082996. Sewerage. **Mt. Zion School of Ministry**, R. R. 1, Box 7380, Grantville, PA 17028 is authorized to discharge from a facility located in East Hanover Township, **Lebanon County** to the receiving waters of an unnamed tributary to Indiantown Run.

NPDES Permit No. PA0020648. Sewerage. **Port Royal Municipal Authority**, Box 236, Port Royal, PA 17082 is authorized to discharge from a facility located in Milford Township, **Juniata County** to the receiving waters named Juniata River.

NPDES Permit No. PA0021865. Sewerage. **Adamstown Borough Authority of Lancaster County**, 98 Lancaster Avenue, P. O. Box 546, Adamstown, PA 19501 is authorized to discharge from a facility located in East Cocalico Township, **Lancaster County** to the receiving waters named Little Muddy Creek.

NPDES Permit No. PA0085014. Sewerage. **Conestoga Township**, P. O. Box 98, Conestoga, PA 17516-9616 is authorized to discharge from a facility located in Conestoga Township, **Lancaster County** to the receiving waters named Pequea Creek.

NPDES Permit No. PA0081574. Sewerage. **Salisbury Township**, 5581 Old Philadelphia Pike, Gap, PA 17527 is authorized to discharge from a facility located in Salisbury Township, **Lancaster County**, to the receiving waters of an unnamed tributary of Pequea Creek.

NPDES Permit No. PA0032964. Sewage. **Bureau of State Parks, Cowans Gap State Park**, P. O. Box 8551, Harrisburg, PA 17105-8551 is authorized to discharge from a facility located in Todd Township, **Fulton County** to the receiving waters named Little Aughwick Creek.

NPDES Permit NO. PA0087581. Sewerage. **Maidencreek Associates, Inc.**, 39 Cornerstone Drive, Mohrsville, PA 19541 is authorized to discharge from a facility located in Centre Township, **Berks County** to the receiving waters of an unnamed tributary named Irish Creek.

NPDES Permit No. PA0026735. Sewerage. Amendment No. 1. **Swatara Township Authority**, R. D., Box 19, Hummelstown, PA 17036 is authorized to discharge from a facility located in Swatara Township, **Dauphin County** to the receiving waters named Swatara Creek.

NPDES Permit No. PA0028649. Sewerage. Amendment No. 3. **Municipal Authority of the Borough of**

Sinking Spring, 502 Penn Avenue, Sinking Spring, PA 19608 is authorized to discharge from a facility located in Spring Township, **Berks County** to the receiving waters named Cacoosing Creek.

NPDES Permit No. PA0021709. Sewerage. Amendment No. 1. **Birdsboro Borough Municipal Authority**, 113 East Main Street, Birdsboro, PA 19508 is authorized to discharge from a facility located in Birdsboro, **Berks County** to the receiving waters named Hay Creek.

NPDES Permit No. PA0084948. Industrial waste. **Borough of Waynesboro**, 57 East Main Street, P. O. Box 310, Waynesboro, PA 17268 is authorized to discharge from a facility located in Quincy Township, **Franklin County** to the receiving waters named East Branch Antietam Creek.

NPDES Permit No. PA0008486. Industrial waste. **Ahlstrom Filtration Inc.**, P. O. Box A, Mt. Holly Springs, PA 17065 is authorized to discharge from a facility located in Mt. Holly Springs Borough, **Cumberland County** to the receiving waters named Mountain Creek.

NPDES Permit No. PA0084816. Industrial waste. **Sun Pipe Line Co.**, P. O. Box 2086, Fritztown Road, Sinking Spring, PA 19608 is authorized to discharge from a facility located in Spring Township, **Berks County** to the receiving waters of a swale tributary to Cacoosing Creek.

NPDES Permit No. PA0085871. Industrial waste. **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552 is authorized to discharge from a facility located in East Donegal Township, **Lancaster County** to the receiving waters of an unnamed tributary of Donegal Creek.

NPDES Permit No. PA0084174. Industrial waste. Amendment. **Covance Research Products, Inc.**, P. O. Box 7200, 310 Swampbridge Road, Denver, PA 17517 is authorized to discharge from a facility located in West Cocalico Township, **Lancaster County** to the receiving waters of an unnamed tributary to the Cocalico Creek.

Part II Permit No. 0596406. Sewerage. **Broad Top Township Municipal Building**, Defiance, PA 16633. Construction of sewage treatment facilities in Broad Top Township, **Bedford County**.

Part II Permit No. 0197401. Sewerage. **Reading Township Municipal Authority**, 50 Church Road, East Berlin, PA 17316. Construction of pump station to serve a convenience store and restaurant in Reading Township, **Adams County**.

Part II Permit No. 2297401. Sewerage. **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110. Construction of pump station to replace existing ejector station in Susquehanna Township, **Dauphin County**.

Part II Permit No. 0696412. Sewerage. **Maidencreek Associates, Inc.**, 39 Cornerstone Drive, Mohrsville, PA 19541. Construction of sewage treatment facilities in Centre Township, **Berks County**.

Part II Permit No. 3879201. Sewerage. Amendment No. 1. **Aluminum Company of America**, 3000 State Drive, Lebanon, PA 17042. Modification to the construction of groundwater monitoring wells in South Lebanon Township, **Lebanon County**.

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, telephone (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

PAS-10-M096. Individual NPDES. **Wal-Mart Stores, Inc.**, 701 South Walton Boulevard, Bentonville, AR 72716. To implement an Erosion and Sedimentation Control Plan for the expansion of the existing Wal-Mart Store on 22.5 acres in Guilford Township, **Franklin County**. The project is located in the west side of the existing Wal-Mart Store along Lincoln Way East (US 30) (Scotland, PA Quadrangle N: 8.6 inches; W: 15.0 inches). Drainage will be to the Falling Spring Branch of Conococheague Creek.

PAS-10-O065. Individual NPDES. **Armstrong World Industries, Inc.**, 2500 Columbia Avenue, Lancaster, PA 17602. To implement an Erosion and Sedimentation Control Plan for construction of a headquarters office building and parking lot on 640 acres in Manor Township, **Lancaster County**. The project is located south of Columbia Avenue (SR 462) and west of Manor Drive (Lancaster, PA Quadrangle N: 6.2 inches; W: 17 inches). Drainage will be to a tributary of the Little Conestoga Creek.

PAS-10-Y055. Individual NPDES. **L & C Partnership, Inc.**, 990 South Pleasant Ave., Dallastown, PA 17313. To implement an Erosion and Sedimentation Control Plan for a residential subdivision to be known as Rose Brook on 32.56 acres in Windsor Township, **York County**. The project is located west of Dietz Road approximately 0.5 mile north of Ness Road (Red Lion, PA Quadrangle N: 13.6 inches; W: 16.2 inches). Drainage will be to Kreutz Creek Tributary No. 4.

PAS-10-Y059. Individual NPDES. **Wilson Dickinson Hague Limited Partnership**, 939 Elk Ridge Landing Road, Suite 195, Linthicum, MD 21090. To implement an Erosion and Sedimentation Control Plan for a residential subdivision to be known as Brandywine on 57.7 acres in Manchester Township, **York County**. The project is located east of Brandywine Lane approximately 0.5 mile north of Greenbriar Road (West York, PA Quadrangle N: 21.5 inches; W: 101 inches). Drainage will be to a tributary to Codorus Creek.

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

<i>NPDES Permit #</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-D036	The David Cutler Group 5 Sentry Parkway West, Suite 100 325 Walton Road Blue Bell, PA 19422	Warrington Township Bucks County	Neshaminy Creek
PAS10-G245	Stoltzfus Enterprises, Inc. 26 East Main Street Elverson, PA 19520	Elverson Borough Chester County	South Branch of French Creek
PAS10-J036	Bentley Developers, Inc. 1595 Paoli Pike West Chester, PA 19380	Newtown Township Delaware County	Darby Creek/Julip Run
PAS10-G238	The Home Depot 3096 Hamilton Boulevard South Plainfield, NJ 07080	East Whiteland Township Chester County	Valley Creek

INDIVIDUAL PERMITS

(PAR)

APPROVALS TO USE NPDES GENERAL PERMITS

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective 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 and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by the Department of Environmental Protection:

NPDES 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
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

Facility Location County and Municipality

<i>Facility Location County and Municipality</i>	<i>Permit #</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone #</i>
Luzerne County Hanover Township	PAR212219	Certech, Incorporated 550 Stewart Road Hanover Industrial Park Wilkes-Barre, PA 18706	Unnamed Trib. to Sugar Notch Run to Solomon Creek	Northeast Regional Office Regional Water Management Program Manager, 2 Public Square, Wilkes- Barre, PA 18711-0790 (717) 826-2553
Butler County, Adams Township	PAR808316	Vogel Disposal Service, Inc. PO Box 847 Mars, PA 16046	Breakneck Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 814/332-6942

<i>Facility Location County and Municipality</i>	<i>Permit #</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone #</i>
Crawford County, East Fairfield Township	PAR228316	Custead's Sawmill, Inc. 23708 Sawmill Rd. Meadville, PA 16335	Unnamed Tributary into Little Sugar Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 814/332-6942
Erie, Erie County	PAR118313	Smith Meter, Inc. 1602 Wagner Ave. Erie, PA 16514-0428	Lake Erie	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 814/332-6942
York County Hellam Township	PAG043570	Susquehanna Resources PO Box 3711 York, PA 17402	Susquehanna River	SCRO—717-657-4590
Potter Co., Hector Twp.	PAG044934	Merrill Godshall 432 Lower Road Souderton, PA 18964	Teed Hollow	717-327-3664 Northcentral
Potter Co., Hector Twp.	PAG044933	Perry & Randy Godshall 830 Kulp Road Perkiomenville, PA 18074	Button Hollow	Northcentral
Centre Co., Huston Twp.	PAG044929	Mr. & Mrs. Clark Reese 801 Silverdale Road Julian, PA 16844	Unnamed tributary Mudlick Run	Northcentral 717-327-3664
Lycoming Co., Jordan Twp.	PAG044928	Frank Bomboy R. D. 1, Box 178 Unityville, PA 17774	Unnamed tributary to Little Muncy Creek	Northcentral 717-327-3664
Northumberland Co., Rockerfeller Twp.	PAG044932	Jeffrey R. Martin R. R. 3, Box 151A Sunbury, PA 17801	Little Shamokin Creek	Northcentral 717-327-3664
Clearfield Co., Bradford Twp	PAG044936	Ms. Mary Mowery R. D. 1, Box 55 Woodland, PA 16881	Valley Fork Run	Northcentral 717-327-3664
Lycoming Co., Cummings Twp.	PAG044884	Tom Jaskolski 306 Park Ave. Maple Shade, NJ 08052	Little Pine Creek	Northcentral 717-327-3664
Indiana County, Buffington Township	PAG046120	Cory and Misty Widmar Box 78 Dilltown, PA 15929	unnamed tributary to Blacklick Creek	Southwest Regional Of- fice: Water Management Pro- gram Manager, 400 Wa- terfront Drive, Pitts- burgh, PA 15222-4745 (412) 442-4000
Lancaster County E. Cocalico Twp.	PAG053507	Redner's Market, Inc. R. D. 2, Box 2430 Reading, PA 19605	Cocalico Creek	SCRO— 717-657-4590

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

**Plan revision approval granted March 28, 1997
under the Pennsylvania Sewage Facilities Act (35
P. S. §§ 750.1—750.20)**

*Regional Office: Water Management Program Manager,
Southcentral Region, One Ararat Boulevard, Harrisburg,
PA 17110.*

Upper Frankford Township, Cumberland County,
500 North Mountain Road, Newville, PA 17241. The
approved plan revision (John A. Romanchock, DEP Code
No. A3-21930-068-3S) provides for the installation of an
individual residence sewage treatment plant with dis-
charge to an unnamed tributary of Locust Creek. The
plant is being installed to replace an existing, malfunc-
tioning onlot sewage disposal system. The project is
located on the north side of Bobcat Road (T-451) about
two miles west of the intersection with SR 0944. Any

required NPDES Permits or WQM permits must be obtained in the name of the applicant.

SAFE DRINKING WATER

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

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

Permit No. 3696505. Public water supply. **Fairmount Rest Homes Inc.**, West Earl Township, **Lancaster County**, (James R. Oswald, 232 Cat's Back Road, Ephrata, PA 17522), relocation of existing water softening and nitrate treatment units; the addition of well #3; construction of a finished water storage, distribution pumps and distribution system; and addition of a bulk salt storage facility.

Permit No. 3696508. Public water supply. **City of Lancaster Authority**, Manheim Township, **Lancaster County**, (James J. Kirchner, Chairperson, City of Lancaster Authority, P. O. Box 1599, 120 N. Duke Street, Lancaster, PA 17608), construction of an underground packaged water booster pump station to replace the existing Blossom Hill Pump Station.

Permit No. 3696506. Public water supply. **Zerbe Sisters Nursing Center Inc.**, Narvon, **Lancaster County**, (Daniel Caffrey, III, Business Manager, Zerbe Sisters Nursing Center, Inc., 2499 Zerbe Road, Narvon, PA 17555), the addition of a new well, treatment, storage facility and distribution system to accommodate new facilities at the retirement community.

Permit No. 3596507. Public water supply. **Columbia Water Company**, Borough of Columbia, Manor Township and West Hempfield Township, **Lancaster County**, (Charles E. Gohn, General Manager, 220 Locust Street, Columbia, PA 17512), construction of a 1.9 mg finished water distribution tank and related booster pumping station, chlorine facility and 12-inch connecting water main.

Permit No. 2297501. Public water supply. **Cedar Manor Mobile Home Park**, Londonderry Township, **Dauphin County**, (Frank T. Perano, Owner, Cedar Manor MHP, Box 278, King of Prussia, PA 19406), installation of Pb/Cu Corrosion Control equipment using Aqua-Mag.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection

of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports.

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

Ono Service Center, East Hanover Township, **Lebanon County**. Donmoyer Realty, Inc., and Ono Transport Services, P. O. Box 74, Ono, PA 17077 have submitted a Final Report concerning remediation of site soils contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Coley's Auto Salvage and Recycling, Loyalsock Township, **Lycoming County**. Staiman Brothers, Inc., 201 Hepburn Street, Williamsport, PA 17701 has submitted a Final Report addressing soil and sediment contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Atlantic Recovery Services, Inc., 8 Tree Lane, Levittown, PA 19054; License No. **PA-AH 0559**; license issued March 26, 1997.

Prillaman Chemical Corporation, P. O. Box 4024, Martinsville, VA 24115; License No. **PA-AH 0560**; license issued April 8, 1997.

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.

Central States Environmental Services, Inc., 609 Airport Road, Centralia, IL 62801; License No. **PA-AH S186**; renewal license issued April 3, 1997.

ECOFLO, Inc., 2750 Patterson Street, Greensboro, NC 27407; License No. **PA-AH 0225**; renewal license issued April 3, 1997.

Elliott Truck Line, Inc., 532 South Wilson Street, Vinita, OK 74301; License No. **PA-AH 0355**; renewal license issued April 3, 1997.

Fred Heyrich, Inc., 3 Peckman Road, Little Falls, NJ 07424; License No. **PA-AH 0233**; renewal license issued April 7, 1997.

Joseph Moving and Storage Co., d/b/a St. Joseph Motor Lines, P. O. Box 5, Woodland, PA 16881; License No. **PA-AH 0355**; renewal license issued April 9, 1997.

Keystone Environmental Services, Inc., P. O. Box 9, Temple, PA 19560-0009; License No. **PA-AH 0236**; renewal license issued April 8, 1997.

Mill Service, Inc., 1815 Washington Road, Pittsburgh, PA 15241; License No. **PA-AH 0140**; renewal license issued April 16, 1997.

Petroclean, Inc., P. O. Box 92, Carnegie, PA 15106; License No. **PA-AH 0109**; license issued April 16, 1997.

Reifsneider Transportation, Inc., P. O. Box 48, Royersford, PA 19468; License No. **PA-AH 0486**; license issued April 7, 1997.

Tri-County Industries, Inc., 5005 Powder Mill Road, Beltsville, MD 20704 License No. **PA-AH 0430**; renewal license issued April 3, 1997.

Weavertown Transport Leasing, Inc., 206 Weavertown Road, Canonsburg, PA 15317 License No. **PA-AH 0263**; renewal license issued April 3, 1997.

License expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—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.

ECO Cycle, Inc., 1830 Gilford Avenue, New Hyde Park, NY 11040; License No. **PA-AH 0479**; license expired on April 3, 1997.

Texas Instruments, Inc., P. O. Box 655474, Dallas, TX 75265; License No. **PA-AH S207**; license expired on April 3, 1997.

UXB International, Inc., 14800 Conference Center Drive, Chantilly, VA 22021; License No. **PA-AH S241**; license expired on April 3, 1997.

Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Laidlaw Environmental Services, (NE), Inc., 220 Outlet Pointe Boulevard, Columbia, SC 29210; License No. **PA-AH 0432**; license terminated April 14, 1997.

Laidlaw Environmental Services (TS), Inc., 220 Outlet Pointe Boulevard, Columbia, SC 29210; License No. **PA-AH 0257**; license terminated April 14, 1997.

Laidlaw Environmental Services (WT), Inc. 220 Outlet Pointe Boulevard, Columbia, SC 29210; License No. **PA-AH 0442**; license terminated April 14, 1997.

U. S. Pollution Control, Inc., 220 Outlet Pointe Boulevard, Columbia, SC 29210; License No. **PA-AH 0418**; license terminated April 14, 1997.

BENEFICIAL USE DETERMINATIONS

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: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516

Foster Wheeler Penn Resources, Inc., Perryville Corporate Park, Clinton, NJ 08809-4000. Beneficial Use Order for the use of processed wood material (wood chips) recovered from the processing of construction/demolition debris as a fuel supply for the production of electricity at this facility, located in Newport Township, **Luzerne County**. This Beneficial Use Order was issued in the Regional office on April 9, 1997.

RESIDUAL WASTE PROCESSING FACILITIES

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 St., Harrisburg, PA 17101-2301.

General Permit No. WMGR030. Waste Management Disposal Services of PA, Inc., Three Greenwood Square, 3329 Street Road, Bensalem, PA 19020. A permit for the processing of soils contaminated with virgin petroleum fuels, waste oil, ethylene glycol deicing fluid, lubricating oil, hydraulic oil, quench oil, crude oil and styrene for use as landfill cover material, roadway construction material and clean fill. The permit was issued by Central Office on April 8, 1997.

General Permit No. WMGR045. E & L Brokerage, Inc., R. D. 1, Box 455, Morrisdale, PA 16858. A permit for the processing of sludge generated by paper or pulp mills (SIC Code 2621 and 2611), coal ash and tannery sludge by mixing and mechanical separation for use as manufactured soil. The permit was issued by Central Office on April 15, 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.

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

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 regu-

lations to operate solid waste processing or disposal area or site.

Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516.

Permit I. D. No. 101392. Lehigh Valley Recycling, Inc., 3942 Portland Street, Coplay, PA 18037. A Permit Renewal authorizing the operation of a municipal waste transfer facility, located in North Whitehall Township, **Lehigh County**. This Permit Renewal was issued in the Regional Office on April 11, 1997.

Permit I. D. No. 101628. Natural Soil Products Schuylkill Composting Facility, Natural Soil Products, 200 East Main Street, Good Spring, PA 17981. A permit authorizing the construction and operation of this municipal waste composting facility, located in Frailey Township, **Schuylkill County**. The permit was issued in the Regional Office on April 15, 1997.

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

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

Permit No. 301280. Remtech Environmental, (Lewisberry) LP, (550 Industrial Drive, Lewisberry, PA 17339). Application for a residential waste processing facility at a site in Fairview Township, **York County**. Permit issued in the Regional Office April 17, 1997.

Permit No. 603405. Farm 1, 2, and 4-Countryside Pumping Service, S. Den and Gail K. Stephens (R. R. 1, Box 11, Liverpool, PA 17045). Application for operation of an agricultural utilization of sewage sludge site in Susquehanna and Liverpool Township, **Juniata and Perry Counties**. Permit issued in the Regional Office April 17, 1997.

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

Permit ID No. 101238. Tri-Valley Recycling Center, Mid American Waste Systems, Inc., Lefever Hill Road, Cheswick, PA. Operation of a municipal waste processing facility in Indiana Township, **Allegheny County**. Permit terminated at the request of the permittee in the Regional Office on April 15, 1997.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

S-J Transportation Co., P. O. Box 169, Woodstown, NJ 08098; License No. **PA-HC 0031**; renewal license issued April 15, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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 St., Meadville, PA 16335.

24-313-138: The Department has issued an air quality operating permit to **Carbide/Graphite Group, Inc.** (800 Theresia St., St. Marys, PA 15857) for the operation of a burn off oven in St. Marys, **Elk County**.

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

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

Permit: **46-302-205**
Source: Two Boilers
Issued: March 25, 1997
Company: **Unisys Corporation**
Location: Whitpain
County: **Montgomery**

Permit: **35-007**
Source: 3 Coal Fired Boilers
Company: **Clarks Summit State Hospital**
Location: South Abington Township
County: **Lackawanna**

Permit: **40-007A**
Source: Flexographic Print Machines (1-17)
Company: **Bemis Company Incorporated**
Location: West Hazleton Borough
County: **Luzerne**

Permit: **40-020**
Source: Three Boilers
Company: **Commonwealth of Penna/Welfare**
Location: Foster Township
County: **Luzerne**

Permit: **45-302-020A**
Source: 2 Iron Fireman Boilers (#4 oil)
Company: **Instrument Specialties Company**
Location: Delaware Water Gap Boro
County: **Monroe**

Permit: **66-001**
Source: Pulp and Paper Plant
Company: **Procter & Gamble Paper Products**
Location: Washington Township
County: **Wyoming**

PLAN APPROVALS

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

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335.

10-307-051. On April 30, 1997, a Plan Approval extension was issued to **Armco, Inc.** (P. O. Box 832, Butler, PA 16003) for installation of anneal and pickle lines in Butler, **Butler County**.

61-399-007C. On March 31, 1997, a Plan Approval extension was issued to **A. G. Industries, Inc.** (P. O. Box 1107, Oil City, PA 16301) for installation of hard chromium tanks in Oil City, **Venango County**.

62-329-005A. On April 30, 1997, a Plan Approval extension was issued to **Elkhorn Operating Company** (8801 S. Yale, Suite 420, Tulsa, OK 74137) for construction of a natural gas engine in Sheffield Township, **Warren County**.

PA-24-083A. On April 18, 1997, a Plan Approval was issued to **Carbone of America Industries, Corp.** (215 Stackpole St., St. Marys, PA 15857) for construction of a coke/graphite mill at Benzinger Township, **Elk County**.

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

22-303-017. On April 16, 1997, the Department issued a Plan Approval to **Handwerk Materials, Division of Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for the construction of a batch asphalt plant controlled by a Cedarapids cyclone and baghouse in Hummelstown Borough, **Dauphin County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

36-317-221. On April 16, 1997, the Department issued a Plan Approval to **Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570) for the construction of a pellet mill cooler controlled by a cyclone in Mount Joy Borough, **Lancaster County**.

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

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

Permit: **09-320-046**
Source: Graphic Art Line No. 1
Issued: 04/10/97
Company: **Specialty Paperboard/Endura, Inc.**
Location: Quakertown
County: **Bucks**

Permit: **46-322-009**
Source: Two Enclosed Flares
Issued: March 6, 1997
Company: **Waste Management Disposal Services of PA**

Location: West Pottsgrove
County: **Montgomery**

Permit: **15-399-047**
Source: Flat Panel Cleaning System
Issued: March 11, 1997
Company: **CFM Technologies, Inc.**
Location: East Goshen
County: **Chester**

Permit: **46-399-101A**
Source: Eight Lithographic Printing Presses
Issued: February 24, 1997
Company: **Brown Printing**
Location: Upper Hanover
County: **Montgomery**

Permit: **09-318-071**
Source: Surface Coating Process
Issued: March 7, 1997
Company: **PHN Packaging Systems, Inc.**
Location: Chalfont
County: **Bucks**

Permit: **23-329-003A**
Source: Two Emergency Generators
Issued: March 17, 1997
Company: **Haverford College**
Location: Haverford
County: **Delaware**

Permit: **09-320-043**
Source: Two Sheet-Fed Non-Heatset
Issued: March 20, 1997
Company: **Klearfold, Inc.**
Location: Warrington
County: **Bucks**

Permit: **15-312-029**
Source: Trucks Loading Rack
Issued: March 28, 1997
Company: **Atlantic Refining & Marketing**
Location: West Whiteland
County: **Chester**

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

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

Permit: **40-306-009**
Source: Power Production Facility/Boiler
Issued: April 10, 1997
Company: **Foster Wheeler Penn Resources, Inc.**
Location: Newport Township
County: **Luzerne**

Permit: **40-318-046A**
Source: Spray Paint Coat w/panel filters
Issued: April 3, 1997
Company: **Quality Collision Incorporated**
Location: Dallas Township
County: **Luzerne**

Permit: **48-399-038A.**
Source: Film extrusion lines w/ESP
Issued: April 8, 1997
Company: **Filmtech Corporation**
Location: Williams Township
County: **Northampton**

**REASONABLY AVAILABLE CONTROL
TECHNOLOGY
(RACT)**

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

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

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

Permit: **PA-09-0035**
 Source: VOC and NOx Facility
 Issued: March 12, 1997
 Company: **Garlock, Inc. (Plastomer Products)**
 Location: Newtown
 County: **Bucks**

Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

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

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

Permit: **OP-09-0037**
 Source: VOC Sources
 Issued: April 10, 1997
 Company: **CMS Gilbreth Packaging Systems**
 Location: Bristol
 County: **Bucks**

Permit: **OP-23-0032**
 Source: NOx and VOC Facility
 Issued: March 12, 1997
 Company: **DELCORA WRTP**
 Location: City of Chester
 County: **Delaware**

Permit: **OP-46-0035**
 Source: NOx/VOC Sources
 Issued: March 27, 1997
 Company: **SmithKline Beecham Pharmaceuticals**
 Location: Upper Merion
 County: **Montgomery**

Permit: **OP-23-0008**
 Source: VOC Sources
 Issued: April 7, 1997
 Company: **Zenith Products Corp.**
 Location: Aston
 County: **Delaware**

MINING

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 such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Coal Permits Issued:

26860105R. M. B. Energy, Inc. (250 Airport Road, P. O. Box 1319, Indiana, PA 15701). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Bullsken Township, **Fayette County**, affecting 151.89 acres. Receiving streams: unnamed tributary to Green Lick Run, unnamed tributary to Little Champion Run, and unnamed tributary to Jacobs Creek. Application received February 3, 1997. Renewal issued April 1, 1997.

26970201. VanSickle Coal (R. D. 1, Box 18, New Salem, PA 15468). Permit issued for commencement, operation, and reclamation of a coal refuse reprocessing site located in North Union Township, **Fayette County**, affecting 24.1 acres. Receiving streams: unnamed tributaries and Redstone Creek to the Monongahela River. Application received March 6, 1997. Permit issued April 3, 1997.

02920102R. Bologna Coal Company (P. O. Box 271, Burgettstown, PA 15021). Renewal issued for continued reclamation of a bituminous surface mine with coal refuse disposal on the site located in North Fayette Township, **Allegheny County**, affecting 57.3 acres. Receiving streams: unnamed tributary to Little Raccoon Run. Renewal application received March 7, 1997. Renewal permit issued April 15, 1997.

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

17860133. Thomas Coal Company (Star Route, Box 53, Curwensville, PA 16833), renewal of and existing bituminous surface mine permit in Brady and Penn Townships, **Clearfield County** affecting 188.4 acres, receiving streams: Laurel Branch Run and Beech Run to East Branch Mahoning Creek, East Branch Mahoning Creek to Mahoning Creek, Mahoning Creek to Allegheny River, Allegheny River to Ohio River, application received December 2, 1996, permit issued April 7, 1997.

17950120. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 167 acres, receiving streams: Bloody Run to West Branch Susquehanna River and Trout Run to West Branch Susquehanna River, application received December 27, 1997, permit issued April 7, 1997.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Noncoal Permits Issued

04960302. Midland Slag Processors (303A Smith's Ferry Road, Midland, PA 15059). Permit issued for commencement, operation, and reclamation of a large noncoal (slag) surface mining site in Ohioville Borough, **Beaver County**, affecting 31.0 acres. Receiving streams: Upper Dry Run to Ohio River. Application received June 17, 1996. Permit issued April 9, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted:

66960803. Gerald E. Sands, (R. R. 7, Box 442, Tunkhannock, PA 18657), commencement, operation and restoration of a small shale quarry operation in Eaton Township, **Wyoming County** affecting 2.0 acres, receiving stream—none. Authorization granted April 15, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

DAMS, ENCROACHMENTS AND ENVIRONMENTAL ASSESSMENTS

The Department of Environmental Protection has taken the following actions on previously received Dam Safety and Encroachment 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. § 341(a)).

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

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

Permits Issued:

Permit No. E02-1159. Encroachment. **John Folino**, 1889 Menold Drive, Allison Park, PA 15101. To place and maintain fill in approximately 0.1 acre of scrub shrub wetlands for the purpose of constructing a new office building and parking lot. The project is located on the north side of Hillvue Lane, approximately 500 feet east from the intersection of Hillvue Lane and SR 19 (Emsworth, PA Quadrangle N: 12.6 inches; W: 5.0 inches) in McCandless Township, **Allegheny County**. The applicant has contributed toward the Pennsylvania Wetland Replacement Project.

Permit No. E02-1170 Encroachment. **Grand View Development Company**, 300 Mt. Lebanon Boulevard, Pittsburgh, PA 15234. To place and maintain fill in a de minimus area of wetlands less than or equal to 0.05 acre for the purpose of constructing the Old Stone Church Commons development. The project is located just south of the intersection of Monroeville Boulevard and Strochein Road (Braddock, PA Quadrangle N: 11.0 inches; W: 3.0 inches) in Monroeville Borough, **Allegheny County**.

Permit No. E26-231. Encroachment. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain two (2) four (4) span bridges each having a total normal clear span of 589 feet and an underclearance of 71.9 feet across Georges Creek on S. R. 0043, Station 560+67; to construct and maintain a temporary roadway crossing consisting of five (5) 36-inch C. M. pipes in Georges Creek for the purpose of constructing above mentioned structures; to relocate and maintain a 215-foot length of channel of an unnamed tributary to Georges Creek along SR 0043, Section 566+00 and to fill and maintain 2.67 acres of wetlands as part of the construction of Section 50D of the Mon-

Fayette Expressway project. 9.3 acres of replacement wetlands were approved under Permit No. E26-217. The project is located off of S. R. 0857 (Smitfield, PA Quadrangle N: 11.0 inches; W: 3.50 inches) in Georges Township, **Fayette County**.

Permit No. E26-232. Encroachment. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17105-7676. To construct and maintain various structures and channel relocations in an unnamed tributary (UNT) to Grassy Run, UNT to Mountain Creek, UNT to Brownfield Hollow, Brownfield Hollow and Mountain Creek and to place and maintain fill in 1.90 acres of wetlands. Replacement wetlands are authorized under Permit No. E26-217. The project is located off of SR 0857 in Georges and Springhill Townships, **Fayette County**.

Permit No. E32-383. Encroachment. **PA Department of Transportation**, P. O. Box 429, Indiana, PA 15701. To remove the existing Wandin Bridge and to construct and maintain a new bridge having a normal span of 43.0 feet with an underclearance of 7.0 feet across north branch Two Lick Creek (CWF). The bridge is located on S. R. 1014, Section 450, just southwest of the intersection of S. R. 1014 and S. R. 1012 (Commodore, PA Quadrangle N: 9.1 inches; W: 12.2 inches) in Cherryhill Township, **Indiana County**.

Permit No. E32-384. Encroachment. **Saltsburg Borough**, P. O. Box 104, Saltsburg, PA 15681. To construct and maintain a crushed stone walkway, a 170-foot long wooden boardwalk and stage structure and two brick entrance ways along the Conemaugh River. This permit also authorizes the placement and maintenance of riprap along 150 L. F. of the Conemaugh River's right bank as part of the Saltsburg Canal Park Project located along Water Street (Saltsburg, PA Quadrangle N: 19.5 inches; W: 10.8 inches) in Saltsburg Borough, **Indiana County**.

Permit No. E56-274. Encroachment. **Roger L. Lamens**, R. R. 1, Schellsburg, PA 15559. To construct and maintain a single span bridge having a normal span of 24.0 feet and an underclearance of 8.7 feet across Breastwork Run for the purpose of accessing property for a timbering operation located on Breastwork Run Road approximately 1.52 miles south of its intersection with US Route 30 (Central City, PA Quadrangle N: 4.05 inches; W: 4.8 inches) in Allegheny Township, **Somerset County**.

Permit No. E65-662. Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing Arona Road bridge and to construct and maintain a box culvert having a span of 19.0 feet with an effective underclearance of 7.0 feet (invert depressed 1.0 foot) in an unnamed tributary to Sewickley Creek (WWF). The bridge is located on Arona Road (SR 3071 Section A01, Segment 0010, Offset 1740) (Mt. Pleasant, PA Quadrangle N: 18.7 inches; W: 14.0 inches) in New Stanton Borough, **Westmoreland County**. This permit also authorizes the construction and maintenance of a temporary stream crossing consisting of two 60-inch diameter culverts. This permit was issued under section 105.13(e) "Small projects." This permit also includes 401 Water Quality Certification.

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

E15-537. Encroachment. **The Home Depot**, 3096 Hamilton Boulevard, South Plainfield, NJ 07080. To place fill in a 0.50 acre ornamental pond, and to construct, operate and maintain two trapezoidal grassed stormwater outfall channels along Valley Creek (HV) associated with the construction of a Home Depot department store. The site is located along the south side of Route 30, and about 1,000 feet east of its intersection with Route 202 (Malvern USCS Quadrangle N: 5.75 inches; W: 11.20 inches) in East Whiteland Township, **Chester County**.

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

E45-310. Connaught Laboratories, Inc., Route 611, P. O. Box 187, Swiftwater, PA 18370-0187. To modify and maintain two outfall structures in and along Swiftwater Creek as follows: 1) extend an existing 6-inch PVC treated industrial wastewater outfall to discharge in the center of the channel and 2) relocate an existing stormwater outfall utilizing a riprap-lined outfall channel. The project is located approximately 0.3 mile downstream of S. R. 0611 (Mount Pocono, PA Quadrangle N: 17.0 inches; W: 9.8 inches) in Pocono Township, **Monroe County**.

E58-214. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 22.0-foot × 9.0-foot precast concrete box culvert on an 86 degree skew in Martins Creek. The culvert will be depressed 12 inches below existing streambed elevations with alternating 10 inch high concrete baffles along its invert. The project is located along S. R. 2055, Section 570, approximately 0.1 mile west of its intersection with S. R. 0011 (Montrose East, PA Quadrangle N: 1.6 inches; W: 0.5 inch) in Brooklyn and Harford Townships, **Susquehanna County**.

E58-215. Encroachment. **Byron Lesjack**, P. O. Box 430, Hallstead, PA 18822. To place fill in approximately 0.4 acre of wetlands for the purpose of expanding the Hallstead Railroad Station complex. The project is located on the east side of Railroad Street, approximately 0.25 mile west of the intersection of S. R. 0011 and S. R. 1010 (Great Bend, PA-N. Y. Quadrangle N: 15.8 inches; W: 16.8 inches), in Hallstead Borough, **Susquehanna County**. The permittee is required to provide 0.4 acre of replacement wetlands.

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

E10-253. Encroachment. **Regional Industrial Development Corporation of Southwestern Pennsylvania**, 907 Penn Avenue, Pittsburgh, PA 15222-3805. To fill a total of 0.26 acre of two wetland areas for construction of a 900-foot extension onto Keystone Drive South beginning approximately 550 feet north of Thorn Hill Road near the Allegheny-Butler County Line for access to a parcel within Thorn Hill Industrial Park (Mars, PA Quadrangle N: 9.0 inches; W: 15.7 inches) located in Cranberry Township, **Butler County**. This project includes creation of 0.3 acre of replacement wetland approximately 2,000 feet north adjacent to the wetland mitigation site associated with DEP Permit No. E10-243.

E10-254. Encroachment. **Butler County Commissioners**, P. O. Box 1028, Butler, PA 16003-1208. To

remove the existing Schenck Farm Bridge (County No. 131) and to construct and maintain a steel girder bridge having a clear normal span of 35 feet and a maximum underclearance of 8 feet across Kaufman Run on Forsythe Road (T-781) approximately 4,200 feet north of S. R. 228 (Mars, PA Quadrangle N: 14.55 inches; W: 4.65 inches) located in Adams Township, **Butler County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E42-245. Encroachment. **Thomas R. Hutton**, P. O. Box 436, Pocono Pines, PA 18350-0436. To construct and maintain two 5-foot diameter, 20-foot long culverts in King Run for a private driveway crossing approximately 100 feet east of Kings Run Road (T-430) and 2,400 feet south of Lynch Hollow Road (T-338) (Bullis Mills, PA Quadrangle N: 14.1 inches; W: 3.75 inches) located in Ceres Township, **McKean County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E43-256. Encroachment. **Mercer County Commissioners**, 503 Mercer County Courthouse, Mercer, PA 16137. To remove the existing bridge (County No. 2629) and to construct and maintain a 28-foot long concrete box culvert having a 20-foot wide by 2.62-foot high waterway opening in Pine Run on Uber Road (T-944) approximately 2,600 feet south of S. R. 58 (Mercer, PA Quadrangle N: 11.2 inches; W: 5.3 inches) located in Findley Township, **Mercer County**. This project includes impact to a de minimus wetland area.

DAM SAFETY

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)).

Permits Issued and Actions on 401 Certification

Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568

D58-006A. Dam. **Dr. Kamel Kazan** (752 Ratzer Road, Wayne, NJ 07470). To modify, operate and maintain the Hathaway Pond Dam located in Ararat Township, **Susquehanna County**.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approvals and Actions on 401 Certification

Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.

EA09-001CO. Environmental Assessment. **The Cutler Group, Inc.** (5 Sentry Parkway West, Suite 100, 325 Walton Road, Blue Bell, PA 19422). To construct and maintain two nonjurisdictional dams across a tributary to Neshaminy Creek (TSF, MF) impacting approximately 0.9 acre of wetlands (PFO) for the purpose of stormwater management at the proposed Warrington Crest subdivision located immediately east of the intersection of Upper State Road and Pickertown Road (Doylestown, PA Quadrangle N: 4.75 inches; W: 8.70 inches) in Warrington Township, **Bucks County**.

SPECIAL NOTICES

Notice of Settlement under the Hazardous Sites Cleanup Act

Industrial Solvents and Chemical Company Newberry Township, York County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a proposed consent order and agreement (COA) with Ferranti International Simulation and Training (FIST) regarding the Department's costs incurred for conducting response activities at the Industrial Solvents and Chemical Company (ISCC) site. The ISCC site is a 9-acre parcel of land in Newberry Township, York County, adjacent to Interstate 83. The surrounding area is primarily rural, although residential, commercial, and industrial developments are located within a close vicinity of the site. A number of private residential and commercial wells have been contaminated by hazardous substances migrating from the ISCC site.

ISCC was involved in the reprocessing of used solvents. Because of violations of hazardous waste requirements, the Department on July 6, 1989, terminated ISCC's authority to operate a hazardous waste treatment and storage facility. The site was abandoned in 1990 when ISCC declared bankruptcy. A total of 996 parties potentially responsible for the hazardous substances located at the ISCC site were identified by the Department.

Because of the threat to human health and the environment posed by the ISCC site, the site was placed on the Pennsylvania Priority List for Remedial Response on October 26, 1991. The Department and the Committee have conducted a number of interim actions at the site to address the release or threat of release of hazardous substances. To date, the Department has incurred costs of approximately \$3 million to implement and/or oversee these interim actions. A final remedial action for the groundwater and soil at the ISCC site will be selected by the Department and implemented in the future.

Under the terms of the proposed COA, FIST will pay the Department \$20,000.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The proposed COA that contains the specific terms of the settlement is available for public review and comment. The proposed amendment may be examined from 8 a.m. to 4 p.m. at the Department's office at One Ararat Boulevard, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 657-4592. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent order and agreement to the Department by July 3, 1997, by submitting them to Barbara Faletti at the above address.

Industrial Solvents and Chemical Company Newberry Township, York County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has entered into a proposed amendment to a consent

order and agreement with the ISCC Steering Committee (Committee), a group of potentially responsible parties, regarding work to be performed at the Industrial Solvents and Chemical Company (ISCC) site. The ISCC site is a 9-acre parcel of land in Newberry Township, York County, adjacent to Interstate 83. The surrounding area is primarily rural, although residential, commercial and industrial developments are located within a close vicinity of the site. A number of private residential and commercial wells have been contaminated by hazardous substances migrating from the ISCC site.

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Under the terms of the proposed consent order and agreement, the Committee will provide connection to a public water supply to certain parcels with impacted groundwater. The Department published a notice of this proposed interim response in the April 12, 1997, *Pennsylvania Bulletin*. If the proposed response is chosen, the work to be performed will comply with the Statement of Decision issued for this response.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The proposed consent order and agreement that contains the specific terms of the settlement is available for public review and comment. The proposed amendment may be examined from 8 a.m. to 4 p.m. at the Department's office at One Ararat Boulevard, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 657-4592. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent order and agreement to the Department by July 3, 1997, by submitting them to Barbara Faletti at the above address.

[Pa.B. Doc. No. 97-687. Filed for public inspection May 2, 1997, 9:00 a.m.]

Formation of New Technical Advisory Committees for Air and Water

The Department of Environmental Protection (Department) announces the formation of two new technical advisory committees to replace the former Air and Water

Quality Technical Advisory Committee (AWQTAC). The Water Resources Advisory Committee and the Air Technical Advisory Committee will assume and expand the roles of the Water and Air Subcommittees of AWQTAC. The first meetings of the new committees will be held in June 1997 in the Rachel Carson State Office Building.

The AWQTAC has provided the Department with invaluable scientific and technical advice since 1979, and the Department appreciates and heartily applauds their assistance. The need for the AWQTAC to address complex technical issues has increased greatly in recent years, and this led to the split into two free-standing technical advisory committees.

Current members of the AWQTAC have been invited to retain membership on the new committee of their choosing. The new committees also offer the opportunity for the addition of a limited number of new members with particular science or technology backgrounds and skills that could benefit the water or air programs. Persons who wish to offer their assistance to serve on either of the committees are requested to submit a letter of interest, describing their background and identifying the committee for which they wish to be considered, along with a current resume to Peggy Williamson, Department of Environmental Protection, Air, Recycling and Radiation Protection, P. O. Box 2063, Harrisburg, PA 17105-2063 by May 27, 1997. Resumes may also be faxed to Ms. Williamson at (717) 787-8885 or E-mail williamson.peggy@a1.dep.state.pa.us.

New members will be chosen based upon the Department's need for specific areas of expertise in evaluating options for the air and water programs and regulatory initiatives.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-688. Filed for public inspection May 2, 1997, 9:00 a.m.]

Proposed Amendments to Water Quality Standards—Antidegradation Policy

The Department of Environmental Protection is holding a public meeting to discuss and respond to questions on proposed amendments to the water quality antidegradation policy and implementation procedures.

The public meeting will be held on Thursday, May 15, 1997 at 6:30 p.m. at the Bucks County Courthouse Community Room, 55 E. Court Street, Doylestown, PA.

The Environmental Quality Board (EQB) recently approved and published proposed amendments to the antidegradation policy in the *Pennsylvania Bulletin* on March 22, 1997. At the same time, the Department published proposed new implementation procedures to supplement the regulation.

Pennsylvania's previous water quality antidegradation policy was replaced in large part in January 1997 by EPA, which promulgated the Federal antidegradation policy for Pennsylvania. EPA was responding to a court order issued in response to a suit that averred EPA failed to require Pennsylvania to meet Federal requirements for an antidegradation policy. Pennsylvania proposes to replace the "one size fits all" Federal regulation with the proposed regulation which reflects Pennsylvania specific concerns.

Further information and both documents are available from the Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, P. O. Box 8555, Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17105-8555, (717) 787-9637, or electronically on the DEP website (<http://www.dep.state.pa.us>). Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Public hearings on the proposals are scheduled for May 7 and the public comment periods are open until May 21, 1997.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Gloria Unger at (717) 783-4693 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. 97-689. Filed for public inspection May 2, 1997, 9:00 a.m.]

Proposed State Plan To Implement Emission Guidelines for Municipal Solid Waste (MSW) Landfills; Public Hearing

Under section 111(d) of the 1990 Clean Air Act Amendments (CAA), the United States Environmental Protection Agency (EPA) promulgated emission guidelines (EG) for existing MSW landfills to control the emission of landfill gases. (See 61 FR 9905, March 12, 1996). These emission guidelines establish criteria for existing landfills using best demonstrated technology. A MSW landfill is considered an existing MSW landfill if the facility began construction, modification or recommendation before May 30, 1991; or received waste on or after November 8, 1987, or has additional capacity available for the future deposition of waste control of landfill gases from existing landfills using best demonstrated technology.

As required under 40 CFR 60.23(a), states must submit to the EPA a State Plan to implement and enforce the requirements of the EG for MSW landfills within 9 months after notice of the availability of a final EG. Therefore, states should have submitted State Plans for MSW landfills to the EPA no later than December 12, 1996. The State Plans, developed and implemented under section 111(d) of the CAA, are not elements of State Implementation Plans required under section 110 of the CAA.

In this Commonwealth, approximately 22 existing MSW landfills are subject to the EG for MSW landfills. Consequently, the Department of Environmental Protection (Department) must develop a State Plan to implement the section 111(d) requirements to control landfill gases at existing MSW landfills. The Department will hold three public hearings for the purpose of accepting testimony on the proposed State Plan for MSW landfills. The public hearings will be held at 1 p.m. on the following dates at the following Department locations:

June 6, 1997	Rachel Carson State Office Building Room 105 400 Market Street Harrisburg, PA 17105-2063
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June 9, 1997 Southeast Regional Office
Main Conference Room
555 North Lane, Suite 6010
Conshohocken, PA 19428

June 10, 1997 Southwest Regional Office
Waterfront Room B
400 Waterfront Drive
Pittsburgh, PA 15222-4745

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Michael R. Olson, t/a/ Olson Contracting & Construction Company	18 Conewango Avenue Warren, PA 16365	3/26/97

[Pa.B. Doc. No. 97-691. Filed for public inspection May 2, 1997, 9:00 a.m.]

Persons wishing to present testimony at a hearing should contact Kimberly Maneval at the Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105, or by telephone at (717) 787-4325 at least 1 week in advance of the hearing to reserve a time to present testimony. Persons who do not reserve a time to testify will be able to testify after preregistered witnesses. Each witness must keep oral testimony to 10 minutes, and submit three copies of the oral testimony at the hearing. Each organization should designate one witness to present testimony on its behalf.

Persons interested in submitting written comments on the proposed State Plan should send the comments to Krishnan Ramamurthy, Chief, Technical Support Section, Division of Permits, P. O. Box 8468, Harrisburg, PA 17105-8468. Written comments must be received by the close of business on June 18, 1997. Copies of the proposed adopted State Plan for MSW landfills may be obtained from Krishnan Ramamurthy at the above address or by telephone at (717) 787-4325 (e-mail: ramamurthy.krishnan@A1.dep.state.pa.us). This proposed State Plan is also available on the Department's Web site at <http://www.dep.state.pa.us> (choose Public Participation Center/Proposals Open for comment).

Persons with disability who will attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Krishnan Ramamurthy at the above address or telephone number; or for TDD users, the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-690. Filed for public inspection May 2, 1997, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractor referenced below has been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this person or this firm, or any firms, corporations or partnerships in which such person or firm has an interest, shall be awarded no contract for 3 years after the date listed.

JOHNNY J. BUTLER,
Secretary

PENNSYLVANIA BULLETIN, VOL. 27, NO. 18, MAY 3, 1997

Sub-State Resource Distribution

Under 20 CFR 652.4, the Department of Labor and Industry (Department) is making public the following sub-State resource distributions. These distributions are for activities under the Wagner-Peyser Act as amended by the Job Training Partnership Act (JTPA) and are for the Program Year 1997 (July 1, 1997—June 30, 1998). Under section 4 of the Wagner-Peyser Act, the Governor has designated the Department as the State agency vested with all powers necessary to cooperate with the United States Employment Service in the operation of the public Employment Service System.

The basic purpose of the Employment Service System is to improve the functioning of the Nation's labor markets by bringing together individuals who are seeking employment and employers who are seeking workers. The Bureau of Employment Services and Training and the Office of Job Center Field Operations in the Department administer a labor exchange system which has the capacity:

1. To assist job seekers in finding employment.
2. To assist employers in filing jobs.
3. To facilitate the match between job seekers and employers.
4. To participate in a system for clearing labor between the states, including the use of standardized classification systems issued by the Secretary under JTPA section 462(c)(3).
5. To meet the work test requirements of the State Unemployment Compensation system.

The sub-State resource distributions are for activities funded under section 7(a) of the Wagner-Peyser Act. Section 7(a) authorizes 90% of the sums allocated to each state to be used to support the basic labor exchange service.

The distributions are listed by the 28 Pennsylvania Service Delivery Areas. The monetary figures represent planned cost for personal salaries and personal benefits of Job Service/Job Center personnel delivering Wagner-Peyser section 7(a) direct services within each Service Delivery Area (SDA).

The following formula was utilized in producing the sub-State resource distribution: 60% based on the civilian labor force within the SDA; 30% based on the number of unemployed within the SDA; 5% based on the number of noncollege bound public and private high school graduates; and 5% based on the number of public and nonpublic high school dropouts (ages 21 and under).

The funding formula reflects Pennsylvania's Employment and Training Plan, the joint goals of the Job

Training Partnership and Wagner-Peyser Acts Programs and the funding methodology from the Federal government.

Interested parties wishing to comment on the sub-State resource distribution must do so in writing by the close of

business on June 16, 1997. Comments should be forwarded to: John C. Vogel, Director, Bureau of Employment Services and Training, 12th Floor, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121.

<i>SDA No.</i>	<i>Name</i>	<i>Counties Served</i>	<i>Sub-State Resource Distribution</i>
1	Erie Area Job Training Partnership	Erie (including city of Erie)	\$435,409
2	Northwest PA Training Partnership Consortium, Inc.	Clarion, Crawford, Forest, Venango, Warren	\$352,544
3	City of Pittsburgh	Pittsburgh	\$500,881
4	Allegheny County Department of Federal Programs	Allegheny	\$1,353,524
5	Job Training for Beaver County, Inc.	Beaver	\$253,767
6	Tri-County Private Industry Council, Inc.	Armstrong, Butler, Indiana	\$492,516
7	PIC of Westmoreland, Fayette, Inc.	Fayette, Westmoreland	\$767,087
8	Washington/Greene County Job Training Agency	Greene, Washington	\$359,346
9	North Central PA Regional Planning & Development Commission	Cameron, Clearfield, Elk, Jefferson, McKean, Potter	\$369,491
10	Southern Alleghenies Planning & Development Commission	Bedford, Blair, Cambria, Fulton, Huntingdon, Somerset	\$743,014
11	Mid-State Employment and Training Consortium	Centre, Clinton, Columbia, Lycoming, Mifflin, Snyder, Union	\$693,691
13	Northern Tier Regional Planning & Development Commission	Bradford, Sullivan, Susquehanna, Tioga, Wyoming	\$275,905
14	Scranton-Lackawanna Human Development Agency, Inc.	Lackawanna	\$330,866
15	Pocono Counties Service Delivery Area	Carbon, Monroe, Pike, Wayne	\$405,572
16	Luzerne County Human Resources Development Department	Luzerne, Schuylkill	\$761,768
17	Philadelphia Private Industry Council	Philadelphia	\$2,351,682
18	Bucks County Office of Employment and Training	Bucks	\$854,945
19	Montgomery County Training and Employment Program	Montgomery	\$992,243
20	Delaware County Office of Employment and Training	Delaware	\$776,886
21	Chester County Office of Employment and Training	Chester	\$548,422
22	Private Industry Council of Lehigh Valley, Inc.	Lehigh, Northampton	\$806,941
23	Berks County Employment and Training Office	Berks	\$507,300
24	Susquehanna Employment and Training Corporation	Cumberland, Dauphin, Juniata, Lebanon, Perry	\$931,306
25	Lancaster Employment and Training Agency	Lancaster	\$622,388
26	York County Office of Employment and Training	York	\$534,437
27	Franklin/Adams Employment & Training Consortium	Adams, Franklin	\$304,700
28	West Central Job Partnership Private Industry Council of Mercer and Lawrence Counties	Lawrence, Mercer	\$289,829
29	Northumberland/Montour Training Services, Inc.	Montour, Northumberland	\$170,942

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 97-692. Filed for public inspection May 2, 1997, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Revisions; 1997 HCPCS Updates

By this notice, the Department of Public Welfare announces effective January 1, 1997 that changes have been made to the Medical Assistance Program Fee Schedule as a result of implementing the 1997 updates to the Health Care Financing Administration Common Procedure Coding System (HCPCS). The Federally required updates add new procedure codes which are compensable beginning January 1, 1997. The procedure codes being deleted from the fee schedule as a result of those updates will not be compensable for services provided after March 31, 1997.

Changes to the Medical Assistance Program Fee Schedule Effective May 1, 1997 for Provider Types 05, 19 and 23

FEE CHANGES:

Type of Service	Procedure Code	Description	MA Fee	Change
9R	E0570	Nebulizer with Compressor	\$72.82	\$18.82
9R	E0651	Pneumatic Compressor Segmental Home Model Without Calibrated Gradient Pressure	\$70.68	\$70.69
9R	K0005	Ultralight Wheelchair	\$162.47	\$162.48

Additions Effective January 1, 1997

TOS	Procedure Code	Fee	TOS	Procedure Code	Fee
AE, 55	A6196	6.62	AE, 55	A6224	3.25
AE, 55	A6197	14.81	AE, 55	A6228	2.51
AE, 55	A6198	19.42	AE, 55	A6229	3.25
AE, 55	A6199	4.76	AE, 55	A6234	5.89
AE, 55	A6203	3.01	AE, 55	A6235	15.16
AE, 55	A6204	5.61	AE, 55	A6236	24.54
AE, 55	A6205	4.68	AE, 55	A6237	7.12
AE, 55	A6206	.99	AE, 55	A6238	20.53
AE, 55	A6207	6.61	AE, 55	A6239	18.70
AE, 55	A6209	6.75	AE, 55	A6240	11.03
AE, 55	A6210	17.94	AE, 55	A6241	2.31
AE, 55	A6211	26.46	AE, 55	A6242	5.47
AE, 55	A6212	8.74	AE, 55	A6243	11.10
AE, 55	A6213	11.60	AE, 55	A6244	35.38
AE, 55	A6214	9.27	AE, 55	A6245	6.54
AE, 55	A6216	.07	AE, 55	A6246	8.93
AE, 55	A6217	.39	AE, 55	A6247	21.42
AE, 55	A6218	.59	AE, 55	A6248	14.63
AE, 55	A6219	.86	AE, 55	A6251	1.80
AE, 55	A6220	2.32	AE, 55	A6252	2.93
AE, 55	A6221	3.63	AE, 55	A6253	5.72
AE, 55	A6222	1.91	AE, 55	A6254	1.07
AE, 55	A6223	2.17	AE, 55	A6255	2.73
AE, 55	A6256	1.53	AE, 55	A6402	.12
AE, 55	A6257	1.38	AE, 55	A6403	.40
AE, 55	A6258	3.87	AE, 55	A6405	.31
AE, 55	A6259	9.85	AE, 55	A6406	.74
AE, 55	A6266	1.73			
9P	K0268	99.28			
AE, 55	K0419	15.93	AE, 55	K0428	8.93
AE, 55	K0420	44.14	AE, 55	K0429	4.73

<i>TOS</i>	<i>Procedure Code</i>	<i>Fee</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>Fee</i>
AE, 55	K0421	3.98	AE, 55	K0430	6.24
AE, 55	K0422	28.53	AE, 55	K0431	3.73
AE, 55	K0423	13.94	AE, 55	K0432	4.05
AE, 55	K0424	34.63	AE, 55	K0433	5.77
AE, 55	K0425	4.28	AE, 55	K0434	8.92
AE, 55	K0426	22.84	AE, 55	K0435	6.56
AE, 55	K0427	26.16	AE, 55	K0436	6.17
			AE, 55	K0437	8.51
AE, 55	L4390	107.39	AM, 55	L4396	114.15
AE, 55	K4392	16.01	AM, 55	L4398	52.55
AE, 55	K4394	11.68			

End-dated March 31, 1997

<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>
AE, 55	K0223	AE, 55	K0243	AE, 55	K0257
AE, 55	K0224	AE, 55	K0244	AE, 55	K0258
AE, 55	K0228	AE, 55	K0245	AE, 55	K0259
AE, 55	K0229	AE, 55	K0246	AE, 55	K0266
AE, 55	K0234	AE, 55	K0247	AE, 55	K0275
AE, 55	K0235	AE, 55	K0248	AE, 55	K0276
AE, 55	K0236	AE, 55	K0249	AE	K0402
AE, 55	K0237	AE, 55	K0251	AE	K0403
AE, 55	K0238	AE, 55	K0252	AE	K0405
AE, 55	K0239	AE, 55	K0253	AE	K0406
AE, 55	K0240	AE, 55	K0254	AE, 55	L4200
AE, 55	K0241	AE, 55	K0255		
AE, 55	K0242	AE, 55	K0256		

Changes to the Medical Assistance Program Fee Schedule for Provider Types 01, 03, 04, 10, 11, 12, 15, 16, 17, 20, 30, 43, 49 and 50:

Additions Effective January 1, 1997

<i>TOS</i>	<i>Procedure Code</i>	<i>Fee</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>Fee</i>
20	11010	340.00	20	24341	600.10
27	11010	776.00	27	24341	776.00
40	11010	136.00	40	24341	240.04
20	11011	405.24	20	26185	376.74
27	11011	776.00	27	26185	776.00
40	11011	162.10	40	26185	150.70
20	11012	563.23	10	26546	139.26
27	11012	776.00	20	26546	696.31
40	11012	225.29	27	26546	776.00
20	11720	20.00	40	26546	278.52
20	11721	20.00			
10	15756	200.00	10	26551	200.00
20	15756	1000.00	20	26551	1000.00
27	15756	776.00	27	26551	776.00
40	15756	400.00	40	26551	400.00
10	15757	200.00	10	26553	200.00

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<i>TOS</i>	<i>Procedure Code</i>	<i>Fee</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>Fee</i>
20	15757	1000.00	20	26553	1000.00
27	15757	776.00	27	26553	776.00
40	15757	400.00	40	26553	400.00
10	15758	200.00	10	26554	200.00
20	15758	1000.00	20	26554	1000.00
27	15758	776.00	27	26554	776.00
40	15758	400.00	40	26554	400.00
10	20150	200.00	10	26556	200.00
20	20150	1000.00	20	26556	1000.00
27	20150	776.00	27	26556	776.00
40	20150	400.00	40	26556	400.00
10	20956	200.00	20	27036	982.42
20	20956	1000.00	27	27036	776.00
27	20956	776.00	40	27036	392.97
40	20956	400.00	20	49021	474.45
10	20957	200.00	27	49021	776.00
20	20957	1000.00	40	49021	189.78
27	20957	776.00	20	52301	364.49
40	20957	400.00	27	52301	776.00
10	24149	200.00	40	52301	145.80
20	24149	1000.00	10	61586	200.00
27	24149	776.00	20	61586	1000.00
40	24149	400.00	40	61586	400.00
10	24341	120.00			
54	92978	245.12	80	93315	264.00
RD	92978	150.13	AZ	93316	126.81
57	92978	94.99	AY	93317	137.19
20	G0051	39.04	54	G0062	24.94
20	G0052	12.51	RD	G0062	35.35
20	G0053	214.86	57	G0062	10.91
54	G0063	115.96			
RD	G0063	101.81			
57	G0063	14.15			

End-dated March 31, 1997

<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>
86	Q0116	20, 27, 40	68800
20	11700	20, 27, 40	68820
20	11701	20, 27, 40	68825
10, 20, 27, 40	15755	20, 27, 40	68830
10, 20, 40	20960	80	93201
10, 20, 40	20971	80	93202
10, 20, 27, 40	25330	80	93204
10, 20, 40	25331	80	93205
10, 20, 40	26552	AY	93208
10, 20, 40	26557	AZ	93209
10, 20, 40	26558	80	93220
10, 20, 40	26559	AY	93221

TOS	Procedure Code	TOS	Procedure Code
10, 20, 27, 40	42880	AZ	93222
20, 40	53640	80, AY, AZ	94160
10, 20, 27, 40	56360	60, PT	97500
10, 25, 27, 40	56361	60, ED, RT	97501
		60, ED, RT	97521

The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

Price changes made to the Medical Assistance Fee Schedule are routinely included in carryforward budget estimates.

Contact Person

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-143. No fiscal impact; (8) recommends adoption. Price changes to the Medical Assistance Fee Schedule are included in the Medical Assistance—Outpatient appropriations in the General Appropriations Act and the Governor’s Budget.

[Pa.B. Doc. No. 97-693. Filed for public inspection May 2, 1997, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Card Shark Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

- Name:* The name of the game is Pennsylvania Card Shark.
- Price:* The price of a Pennsylvania Card Shark instant lottery game ticket is \$1.00.
- Play Symbols:* Each Pennsylvania Card Shark instant lottery game ticket will contain four play areas

designated as Game 1, Game 2, Game 3 and Game 4. Each “Game” is played separately. The play symbols and their captions located in the play areas for Game 1, Game 2, Game 3 and Game 4 are: 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), J (JACK), Q (QUEEN), K (KING) and A (ACE).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$25, \$50, \$100, \$1,000 and \$5,000. The player can win up to four times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,661,000 tickets will be printed for the Pennsylvania Card Shark instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching A (ACE) play symbols in the same “Game,” on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching K (KING) play symbols in the same “Game,” on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with three matching Q (QUEEN) play symbols in the same “Game,” on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching J (JACK) play symbols in the same “Game,” on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching 10 (TEN) play symbols in the same “Game,” on a single ticket, shall be entitled to a prize of \$25.

(f) Holders of tickets with three matching 9 (NINE) play symbols in the same “Game,” on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching 8 (EIGHT) play symbols in the same “Game,” on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching 7 (SEVEN) play symbols in the same “Game,” on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching 6 (SIX) play symbols in the same “Game,” 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:

<i>Match Three Like Cards In Each Game</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 14,661,000 Tickets</i>
\$1	\$1	1:10	1,466,100
\$1 + \$1	\$2	1:25	586,440
\$2	\$2	1:40	366,525

<i>Match Three Like Cards In Each Game</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 14,661,000 Tickets</i>
\$1 + \$1 + \$1	\$3	1:60	244,350
\$2 + \$2	\$4	1:150	97,740
\$1 + \$1 + \$1 + \$1	\$4	1:150	97,740
\$5	\$5	1:300	48,870
\$5 + \$5	\$10	1:600	24,435
\$10	\$10	1:1,200	12,219
\$5 + \$5 + \$5	\$15	1:2,000	7,331
\$5 + \$5 + \$5 + \$5	\$20	1:300	48,870
\$10 + \$10	\$20	1:2,500	5,864
\$25	\$25	1:4,999	2,933
\$25 + \$25	\$50	1:1,200	12,219
\$50	\$50	1:2,000	7,331
\$25 + \$25 + \$25 + \$25	\$100	1:6,000	2,444
\$50 + \$50	\$100	1:12,009	1,221
\$100	\$100	1:24,017	610
\$1,000	\$1,000	1:374,670	39
\$5,000	\$5,000	1:749,340	20

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Card Shark 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 Card Shark, prize money on winning Pennsylvania Card Shark 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 Card Shark 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 Card Shark or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-694. Filed for public inspection May 2, 1997, 9:00 a.m.]

Pennsylvania Cash Cow '97 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Cow '97.

2. *Price:* The price of a Pennsylvania Cash Cow '97 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Cash Cow '97 instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: \$1⁰⁰ (ONE), \$2⁰⁰ (TWO), \$5⁰⁰ (FIVE), \$10\$ (TEN), \$25\$ (TWEN-FIV), \$50\$ (FIFTY), \$100 (ONE HUN) and \$500 (FIV HUN).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$25, \$50, \$100 and \$500.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 11,403,000 tickets will be printed for the Pennsylvania Cash Cow '97 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with three matching play symbols of \$25\$ (TWEN-FIV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25.

(e) Holders of tickets with three matching play symbols of \$10\$ (TEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(i) A prize will be paid only for the highest Pennsylvania Cash Cow '97 instant lottery game prize won on the

ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Win	Approximate Odds	Approximate No. of Winners Per 11,403,000 Tickets
\$1	1:9	1,267,000
\$2	1:25	456,120
\$5	1:75	152,040
\$10	1:150	76,020
\$25	1:200	57,015
\$50	1:799.98	14,254
\$100	1:4,999	2,281
\$500	1:14,987	761

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Cow '97 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 Cash Cow '97, prize money on winning Pennsylvania Cash Cow '97 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 Cash Cow '97 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 Cash Cow '97 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-695. Filed for public inspection May 2, 1997, 9:00 a.m.]

Pennsylvania Fat Cat Doubler Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Fat Cat Doubler.

2. *Price:* The price of a Pennsylvania Fat Cat Doubler instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Fat Cat Doubler instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: FREE (TICKET), \$1⁰⁰ (ONE), \$3⁰⁰ (THREE), \$9⁰⁰ (NINE), \$18\$ (EIGHTEEN), \$27\$ (TWEN-SEV), \$99\$ (NIN-NIN), \$1000 (ONE THO), \$10000 (TEN THO) and a Mouse Symbol (MOUSE).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$1, \$2, \$3, \$6, \$9, \$18, \$27, \$36, \$54, \$99, \$1,000 and \$10,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,554,800 tickets will be printed for the Pennsylvania Fat Cat Doubler instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$10000 (TEN THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with three matching play symbols of \$1000 (ONE THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with three matching play symbols of \$99\$ (NIN-NIN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$99.

(d) Holders of tickets with two matching play symbols of \$27\$ (TWEN-SEV), and a Mouse play symbol (Mouse) in the "Play Area" on a single ticket, shall be entitled to a prize of \$54.

(e) Holders of tickets with two matching play symbols of \$18\$ (EIGHTEEN), and a Mouse play symbol (Mouse) in the "Play Area" on a single ticket, shall be entitled to a prize of \$36.

(f) Holders of tickets with three matching play symbols of \$27\$ (TWEN-SEV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$27.

(g) Holders of tickets with three matching play symbols of \$18\$ (EIGHTEEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$18\$.

(h) Holders of tickets with two matching play symbols of \$9⁰⁰ (NINE), and a Mouse play symbol (MOUSE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$18.

(i) Holders of tickets with three matching play symbols of \$9⁰⁰ (NINE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$9.

(j) Holders of tickets with two matching play symbols of \$3⁰⁰ (THREE), and a Mouse play symbol (MOUSE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$6.

(k) Holders of tickets with three matching play symbols of \$3⁰⁰ (THREE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets with two matching play symbols of \$1⁰⁰ (ONE), and a Mouse play symbol (MOUSE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(n) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play Area" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(o) A prize will be paid only for the highest Pennsylvania Fat Cat Doubler instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. Grand Prize Drawing Procedure:

(a) Frequency.

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Fat Cat Doubler until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further subdivided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million/annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) All prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 14,554,800 Tickets</i>
3-Free	One Free Ticket Plus Entry	1:11	1,323,163
3-\$1	\$1	1:20	727,740
2-\$1 + Mouse	\$2	1:40	363,870
3-\$3	\$3	1:150	97,032
2-\$3 + Mouse	\$6	1:200	72,774
3-\$9	\$9	1:500	29,110
2-\$9 + Mouse	\$18	1:150	97,032
3-\$18	\$18	1:500	29,110
3-\$27	\$27	1:1,000	14,555
2-\$18 + Mouse	\$36	1:2,000	7,277
2-\$27 + Mouse	\$54	1:1,000	14,555
3-\$99	\$99	1:4,000	3,639
3-\$1,000	\$1,000	1:746,400	20
3-\$10,000	\$10,000	1:933,000	16

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Fat Cat Doubler instant lottery game ticket selected for a Grand Prize Drawing as follows:

- (1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.
- (2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.
- (3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.
- (4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.
- (5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fat Cat Doubler 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 Fat Cat Doubler, prize money on winning Pennsylvania Fat Cat Doubler 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 Pennsylvania Fat Cat Doubler, 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 Fat Cat Doubler or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-696. Filed for public inspection May 2, 1997, 9:00 a.m.]

Pennsylvania Kash Kabob Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

- 1. *Name:* The name of the game is Pennsylvania Kash Kabob.
- 2. *Price:* The price of a Pennsylvania Kash Kabob instant lottery game ticket is \$1.00.
- 3. *Play Symbols:* Each Pennsylvania Kash Kabob instant lottery game ticket will contain two play areas designated as "Game One" and "Game Two." Each game is played separately. Each game will contain a "Your Number" play area. The play symbols and their captions located in the "Your Number," "Game One" and "Game Two" play areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).
- 4. *Prize Play Symbols:* The prize play symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE), \$2⁰⁰ (TWO), \$5⁰⁰ (FIVE), \$10\$ (TEN), \$25\$ (TWEN-FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1000 (ONE THO).
- 5. *Prizes:* The prizes that can be won in this game are one free ticket, \$1, \$2, \$5, \$10, \$25, \$50, \$100, \$500 and \$1,000. The player can win up to two times on each ticket.
- 6. *Approximate Number of Tickets Printed For the Game:* Approximately 11,942,400 tickets will be printed for the Pennsylvania Kash Kabob instant lottery game.
- 7. *Determination of Prize Winners:*

(a) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same

game and a prize play symbol of \$1000 (ONE THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of \$500 (FIV HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of \$100 (ONE HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of \$50\$ (FIFTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of \$25\$ (TWIN-FIV) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$25.

(f) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of \$10\$ (TEN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of \$5⁰⁰ (FIVE) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of \$2⁰⁰ (TWO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of \$1⁰⁰ (ONE) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$1.

(j) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of FREE (TICKET) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

8. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Kash Kabob until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further subdivided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million—annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical

order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before

receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) All prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Match Your Number To Any Of The Numbers In Same Game

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 11,942,400 Tickets</i>
Free	One Free Ticket Plus Entry	1:10	1,194,240
\$1	\$1	1:20	597,120
\$1 + \$1	\$2	1:30	398,080
\$2	\$2	1:80	149,280
\$2 + \$2	\$4	1:100	119,424
\$5	\$5	1:200	59,712
\$2 + \$5	\$7	1:600	19,904
\$5 + \$5	\$10	1:200	59,712
\$10	\$10	1:400	29,856
\$5 + \$10	\$15	1:750.03	15,923
\$10 + \$10	\$20	1:999.97	11,943
\$25	\$25	1:2,999	3,981
\$10 + \$25	\$35	1:2,999	3,981
\$25 + \$25	\$50	1:999.97	11,943
\$50	\$50	1:2,500	4,776
\$50 + \$50	\$100	1:5,001	2,388
\$100	\$100	1:19,974	598
\$500	\$500	1:709,080	17
\$1,000	\$1,000	1:709,080	17

9. Retailer Incentive Awards:

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Kash Kabob instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Kash Kabob 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 Kash Kabob, prize money on winning Pennsylvania Kash Kabob 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 Pennsylvania Kash Kabob, 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 Kash Kabob or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-697. Filed for public inspection May 2, 1997, 9:00 a.m.]

Pennsylvania Two For The Money Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Two For The Money.

2. *Price:* The price of a Pennsylvania Two For The Money instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Two For The Money instant lottery game ticket will contain two play areas designated as "Game 1" and "Game 2." Each game is played separately. The play symbols and their captions located in the "Game 1" and "Game 2" play areas are: FREE (TICKET), \$2⁰⁰ (TWO), \$5⁰⁰ (FIVE), \$10\$ (TEN), \$25\$ (TWEN-FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1000 (ONE THOU).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$5, \$10, \$25, \$50, \$100, \$500 and \$1,000. The player can win up to two times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 11,569,200 tickets will be printed for the Pennsylvania Two For The Money instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1000 (ONE THOU) in the same game, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the same game, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the same game, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the same game, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching play symbols of \$25\$ (TWEN-FIV) in the same game, on a single ticket, shall be entitled to a prize of \$25.

(f) Holders of tickets with three matching play symbols of \$10\$ (TEN) in the same game, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIVE) in the same game, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO) in the same game, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching play symbols of FREE (TICKET) in the same game, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

7. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Two For The Money until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further subdivided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million—annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) All prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 11,569,200 Tickets</i>
One Free Ticket Plus Entry	1:12	964,100
\$2	1:15	771,280
\$4 (\$2 + \$2)	1:50	231,384
\$5	1:200	57,846
\$7 (\$2 + \$5)	1:500	23,138

Approximate No. of Winners Per 11,569,200 Tickets

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 11,569,200 Tickets</i>
\$10 (\$5 + \$5)	1:240	48,205
\$10	1:400	28,923
\$15 (\$5 + \$10)	1:750	15,426
\$20 (\$10 + \$10)	1:1,000	11,569
\$25	1:3,000	3,856
\$35 (\$10 + \$25)	1:3,000	3,856
\$50 (\$25 + \$25)	1:1,200	9,641
\$50	1:2,500	4,628
\$100 (\$50 + \$50)	1:4,999	2,314
\$100	1:20,011	578
\$500	1:746,400	16
\$1,000	1:746,400	16
\$2,000 (\$1,000 + \$1,000)	1:746,400	16

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Two For The Money instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Two For The Money 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 Two For The Money, prize money on winning Pennsylvania Two For The Money 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 Pennsylvania Two For The Money, 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 Two For The Money or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-698. Filed for public inspection May 2, 1997, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Phillip and Eleanor Ziccardi v. DEP and Insurance
Company of North America; Doc. No. 96-115-R

The Department of Environmental Protection (Department), the Insurance Company of North America (INA) and Phillip and Eleanor Ziccardi (Ziccardis) have agreed to a settlement of the above matter.

The Ziccardis own property which was covered by certain mining reclamation bonds underwritten by INA. Through its contractors, INA completed reclamation activities at the Ziccardi property. The Department determined that the reclamation was satisfactory. The Ziccardis filed an appeal challenging the adequacy of the reclamation at their property.

The parties have agreed to a settlement, the major provisions of which include:

1. INA will perform additional reclamation work at the Ziccardi property.
2. INA will compensate the Ziccardis for alleged degradation of their water well which was caused by Glacial's mining operations.
3. The Ziccardis' appeal will be dismissed with prejudice.

Copies of the full agreement are in the possession of:

Patience Robinson Nelson, Assistant Counsel, Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

William T. Gorton, III, Esquire, Stites and Harbison, 2300 Lexington Financial Center, 250 West Main Street, Lexington, KY 40507;

Richard S. Ehmann, Esquire, 7031 Penn Avenue, Pittsburgh, PA 15208;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons believing themselves aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-9457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-699. Filed for public inspection May 2, 1997, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by The Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Friday, April 18, 1997, and took the following actions:

Regulations Approved:

Department of Community and Economic Development #4-63: Site Development, Community Facilities, Site Recovery, Statistics & Information, Nursing Home Loan Agency, and Sunny Day

Environmental Quality Board #7-321: Expedited Rulemaking for Mine Subsidence Control

Commissioners Present: Robert J. Harbison, III, Vice-Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held
April 18, 1997

Environmental Quality Board—Expedited Rulemaking for Mine Subsidence Control; Doc. No. 7-321

Order

On March 19, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code Chapter 89. The authority for this regulation is contained in section 7 of The Bituminous Mine Subsidence and Land Conservation Act (BMSLCA) (52 P. S. § 1406.7). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The rulemaking deletes requirements in Chapter 89 which are now obsolete as a result of the repeal of Sections 4, 6(a) and 15 by Act 54 of 1994, a statute which amended the BMSLCA. Section 4 provided absolute protection to specific structures in place on April 27, 1966, overlying or in the proximity of a mine. Section 6(a) required a mine operator to compensate owners of structures in place before April 27, 1966, if damage from mining occurred. Section 15 allowed surface owners to purchase support coal beneath their property.

Consistent with the Act 54 repeal of Section 4 of the BMSLCA, the rulemaking deletes § 89.143(b)(1)(ii) which states that mine operators are required to prevent subsidence damage to dwellings, cemeteries, municipal public service operations or municipal utilities in place on April 27, 1966. Provisions in §§ 89.142 (maps) and 89.145 (surface owner protection) are deleted because section 15 of the BMSLCA, which gave surface owners an opportunity to purchase coal support beneath their properties,

was repealed. The rulemaking also deletes § 89.144(c) (public notice) which provides that notices sent to property owners may include a statement as to an individual's right to acquire support under section 15 of the BMSLCA.

Finally, § 89.146 (Payment of damages) will be deleted. This section contains provisions for settlement of claims filed under section 6(a) of the BMSLCA. However, we recommend that the EQB state in its preamble that provisions for payment of damages are now located in section 5.5 of Act 54 (52 P. S. § 1406.5e).

The Citizens Advisory Council (CAC) submitted a copy of its position statement opposing the use of the final-omitted rulemaking process. It believes the final-omitted process eliminates the opportunity for public input on a regulation. It also believes that addressing some changes resulting from Act 54 without addressing other changes will result in increased confusion.

Citizen organization groups including People United to Save Homes, Mountain Watershed Association, Concerned About Water Loss Due to Mining, and Protect our Water and Environmental Resources also submitted comments opposing the regulation. The Pennsylvania Coal Association submitted a letter urging approval of the regulation.

Because the sections which will be deleted became obsolete by the repeal of the statutory provisions on which the regulations were based, the Department has not enforced the provisions since the statute went into effect August 1994. However, a decision of the Environmental Hearing Board (EHB) in November, 1996 (People United to Save Homes and Pennsylvania American Water Company v. Commonwealth of Pennsylvania, Department of Environmental Protection and Eighty-Four Mining Company, Permittee) caused confusion over the status or effectiveness of the subsidence damage prevention requirements which were repealed under Act 54.

Although the provisions of Act 54 which repealed sections 4, 6(a) and 15 of the BMSLCA removed the statutory authority for the regulatory language contained in § 89.143(b)(1)(ii), the EHB reasoned that the provisions are presumed to be valid because the EQB did not amend Chapter 89 to conform with Act 54 in 1995. In essence, the EHB rejected the argument that § 89.143(b) is obsolete.

We disagree. Act 54 specifically repealed sections 4, 6(a) and 15 of the BMSLCA. Therefore, the regulations must be amended to conform to existing statute.

We have reviewed this regulation and find it to be in the public interest. Act 54 became effective August 21, 1994. Sections of Chapter 89 which are deleted by this rulemaking became obsolete at that time and their retention would be inconsistent with the repeals intended by the General Assembly in Act 54. Removal of obsolete provisions from Chapter 89 will clarify that the deleted sections are no longer supported by statute.

Therefore, It Is Ordered That:

1. Regulation No. 7-321 from the Environmental Quality Board, as submitted to the Commission on March 19, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held
April 18, 1997

*Department of Community and Economic Development—
Site Development, Community Facilities, Site Recovery,
Statistics and Information, Nursing Home Loan Agency,
and Sunny Day; Doc. No. 4-63*

Order

On March 26, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Community and Economic Development (Department). This rulemaking would rescind 13 Pa. Code Chapters 9, 11, 13, 41, 53 and 71. The authority for this regulation is The Administrative Code of 1929 and Executive Order 1996-1 Regulatory Review and Promulgation. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking will delete six chapters of Title 13 which are obsolete. The authorizing statutes for the programs in these chapters, with the exception of Chapter 41, have expired or been repealed. The Bureau regulated by Chapter 41 no longer exists in any form within the Department.

Act 61 of 1968, known as the Site Development Act, authorized the Department to make grants to eligible municipalities, municipal authorities, industrial development agencies, or State agencies for the construction, rehabilitation, alteration, expansion, or improvement of certain site development projects.

The Site Development Act also authorized the Department to promulgate regulations to carry out the requirements of the Site Development Act. On July 11, 1996, however, the Infrastructure Development Act was enacted which repealed the Site Development Act in its entirety. Since the statutory authority for the grants authorized under the Site Development Act no longer exists, the Department is proposing to rescind Chapter 9.

The Infrastructure Development Act created the Infrastructure Development Program which authorizes the Department to make grants and loans for specific infrastructure improvements. According to the Department, the Infrastructure Development Program incorporates into one program many Department programs that previously existed separately, including the Site Development Program. The Department expects to promulgate regulations in the future for this new program, but until regulations are promulgated, the Department will use the statute as the basis for implementation of the program.

The Community Facilities Program was established and funded under the Race Horse Industry Reform Act. The guidelines for the program were established in Chapter 11 of the Department's regulations. The Program provided grants to boroughs, townships, municipal and county authorities for construction, rehabilitation, expansion or improvement of water facilities, sewage disposal facilities and road access. In 1983, the statutory provisions authorizing the Community Facilities Program were repealed. However, the General Assembly continued to fund the Program through an annual line-item appropriation in the Department's budget. According to the Department, it eliminated the Program as part of its effort to streamline and consolidate grant programs. Furthermore, the line-item appropriation was eliminated from the 1996-97 fiscal year budget, and no funds for this program

are proposed in the 1997-98 fiscal year budget. Therefore, there is neither a statutory basis nor funding for the program. Consequently, the Department is proposing to repeal Chapter 11 relating to the Community Facilities Program.

Act 18-A of 1972 provided emergency and disaster relief in connection with the tropical storm and flood damage that occurred in June 1972. Act 18-A provided funds to the Department for emergency flood relief expenditures. The requirements for relief applications were established in Chapter 13 of the Department's regulation. The sole purpose of the program was to provide disaster assistance to industrial areas damaged by the 1972 flood. Applications for relief had to be made by October 1, 1973. Since the program ceased operations more than 20 years ago, the Department is proposing to rescind Chapter 13.

Act 108 of 1921, known as the Bureau of Statistics and Information Act, established a Bureau of Statistics within the Department whose function was to collect, compile, and publish statistics and data and information relating to labor, coal mining, oil and gas production, manufacturing industries, commercial operations, public service companies, municipalities, maritime interests, and other businesses in the Commonwealth. According to the Department, the Bureau of Statistics was eliminated in 1986, and the functions of the former Bureau of Statistics are not performed by any other bureau within the Department. Therefore, the Department is proposing to rescind Chapter 41 relating to Statistics and Information.

Act 207 of 1974, known as the Nursing Home Loan Agency Law, created the Nursing Home Loan Agency to provide financial assistance to nursing homes to make safety improvements to bring them into compliance with State and Federal standards. Act 10 of 1997, however, repealed most of Act 207, including the sections which created the Nursing Home Loan Agency and authorized loans to nursing homes. Consequently, the Department is proposing to rescind Chapter 53 relating to this program.

Act 32 of 1985, known as the Sunny Day Fund Act, established the Sunny Day Fund (Fund). The moneys in the Fund were available to the Governor and the Department for the purpose of attracting industrial, manufacturing or research and development companies to the Commonwealth. The Department published the eligibility requirements for receiving money from the Fund in Chapter 71. Act 67 of 1996, known as the Job Enhancement Act, repealed the Sunny Day Fund Act in its entirety. Therefore, the Department is proposing to rescind Chapter 71.

Act 108 of 1921, as amended by Act 188 of 1968, established the Bureau of Statistics in the former Department of Commerce and directed the Secretary to collect statistical information on numerous business and industries and publish those statistics annually. In the regulation's Preamble, the Department notes that in 1986, it eliminated the Bureau of Statistics, and no other office within the Department has been performing the tasks assigned under Act 108.

Although the General Assembly has not repealed Act 108, we believe it is clearly obsolete. Today, many agencies collect the statistical data outlined in Act 108. For example, the Department of Labor and Industry's (L&I) Bureau of Research and Statistics collects data on employment levels, wages, and business and industry types in Pennsylvania. L&I makes this information available to other State agencies, including the Department. The Pennsylvania Public Utility Commission's Bureau of Con-

servation, Economics and Energy Planning collects and publishes statistical information on the utility industry. Therefore, the data collection requirements under Act 108 are more appropriately being satisfied by agencies with immediate access to the specific information.

We have reviewed this regulation and concluded that it is in the public interest to rescind regulations which are obsolete and no longer enforceable. However, we encourage the Department to work with the General Assembly to repeal Act 108.

Therefore, It Is Ordered That:

1. Regulation No. 4-63 from the Department of Community and Economic Development, as submitted to the Commission on March 26, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-700. Filed for public inspection May 2, 1997, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulations for review. The regulations will be considered within 30 days of its receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of a regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
	State Bureau of Charitable Organizations	4/22/97
16-14	49 Pa. Code Subpart B. Charitable Organizations	
	JOHN R. MCGINLEY, Jr., <i>Chairperson</i>	

[Pa.B. Doc. No. 97-701. Filed for public inspection May 2, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Allstate Insurance Company; Private Passenger Automobile Insurance

On April 16, 1997, the Insurance Department received from Allstate Insurance Company a filing for a rate change for private passenger automobile insurance.

The company requests an overall 4% increase amounting to \$21 million annually, to be effective July 14, 1997 for new business and August 11, 1997 for renewal business.

Unless formal administrative action is taken prior to June 15, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the

Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Julie Cheung, Insurance Department, Bureau of Regulation of Rate and Policy Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of the notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-702. Filed for public inspection May 2, 1997, 9:00 a.m.]

Application for Acquisition

Warburg Pincus Ventures, LLP, has filed an application to purchase a convertible note with detachable warrants from Coventry Corporation, sole shareholder of HealthAmerica Pennsylvania, Inc. Should the note be converted and the warrants exercised, Warburg Pincus Ventures, LLP would hold a controlling interest in Coventry Corporation. The filing was made under the requirements in the Insurance Holding Company Act (40 P. S. § 991.1402 et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days of the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120 (717) 787-1879.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-703. Filed for public inspection May 2, 1997, 9:00 a.m.]

Application for an Insurance Premium Finance Company License

Insurance Premium Financing, Inc. has applied for a license to operate as an insurance premium finance company in this Commonwealth. The filing was made under the Insurance Premium Finance Company Act (40 P. S. §§ 3301—3314). Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Insurance Department within 30 days of the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-704. Filed for public inspection May 2, 1997, 9:00 a.m.]

Application for Voluntary Dissolution

Mendon Grange Mutual Fire Insurance Company, a domestic mutual fire insurance company, has submitted an application for approval of the voluntarily dissolution of its charter. The filing was made under 15 Pa.C.S. §§ 1101—1110 (relating to Business Corporation Law of 1988). Persons wishing to comment on the grounds of public or private interest concerning the dissolution, are invited to submit a written statement to the Insurance Department within 30 days of the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-705. Filed for public inspection May 2, 1997, 9:00 a.m.]

Public Availability of Filed Documents

Questions have recently arisen regarding the public availability of documents, reports and other materials filed with the Insurance Department for proposed insurance company transactions. This notice advises the insurance industry and other filers of the Department's practices regarding the availability of filed documents.

Filings made with the Department are generally available to policyholders, consumers and the public as of the date of filing. In most cases, the law does not mandate that filings be withheld from public scrutiny pending Department review. Filings that are publicly available include Form A filings made under section 1402 of the Insurance Holding Companies Act, Article XIV of The Insurance Company Law of 1921 (40 P. S. § 991.1402) (Supp. 1996), filings made under Section 205 of the GAA Amendments Act of 1990 (15 P. S. § 21205), and applications made under section 208 of the Insurance Department Act (40 P. S. § 46), for issuance of a certificate of authority.

In some instances, a public filing may include or reference materials which are entitled to confidential treatment under statute, regulation, case law, administrative or court order, or other such authority. For example, the Department declines to release personal information, such as Social Security numbers or home addresses of persons submitting Biographical Affidavits. In addition, documents may be nonpublic because they contain proprietary or privileged information or trade secrets. For example, the Department historically has not released

business plans or financial projections which include analyses and underlying assumptions.

If a filer wishes to assert the confidentiality of documents, reports or other materials which are included or referenced within a "filing," the filer should alert the Department to this issue at the time of submission as follows:

- Submit the confidential materials physically separate from the remainder of the filing, submit a redacted version of the materials, or highlight the location of the confidential information in the filing.
- Identify the basis upon which the assertion of confidentiality, privilege or trade secret is premised.
- Identify the person to whom inquiries regarding the issue of confidential treatment should be directed.

Questions on the issue of public access to filed documents may be addressed to the analyst handling the filing or to: Steve Harman, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-706. Filed for public inspection May 2, 1997, 9:00 a.m.]

Request for Redomestication

Corporate Health Insurance Company, a Minnesota life insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Minnesota to the Commonwealth of Pennsylvania. The filing was made under 15 Pa.C.S. §§ 1101—1110 (relating to Business Corporation Law of 1988). Persons wishing to comment on this redomestication are invited to submit a written statement to the Insurance Department within 30 days of the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120 or by fax to (717) 787-8557.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-707. Filed for public inspection May 2, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Krupinsky, William J.; file no. 97-380-31507; EMCASCO Insurance Agency; doc. no. PH97-04-026; June 5, 1997, at 11 a.m.;

Appeal of Bradley, James E. and Mary O.; file no. 96-121-08423; Lititz Mutual Insurance Company; doc. no. P97-02-017; June 5, 1997, at 1 p.m.;

Appeal of Sauer, Thomas; file no. 97-193-01182; State Farm Mutual Automobile Insurance Company; doc. no. P97-04-036; June 9, 1997, at 2 p.m.;

Appeal of Mott, Curtis; file no. 97-121-01707; State Farm Mutual Automobile Insurance Company; doc. no. P97-04-037; June 9, 1997, at 1 p.m.;

Appeal of Bell, Lorrian; file no. 97-193-00388; Allstate Insurance Company; doc. no. P97-04-039; June 9, 1997, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-708. Filed for public inspection May 2, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Group; file no. 97-121-01454; Larry Boyer; doc. no. P97-04-035; June 9, 1997, at 11 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-709. Filed for public inspection May 2, 1997, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Cumberland County, Wine and Spirits Shoppe # 2106, Silver Spring Commons, 6520 Carlisle Pike, Mechanicsburg, PA 17055-5251.

Lease Expiration Date: October 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,800 to 3,200 net useable square feet of new or existing retail commercial space within a half mile radius around the intersection of Routes 11 and 114 in Silver Spring Township.

Proposals due: May 23, 1997 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ron Hancher, (717) 657-4228

Cumberland County, Wine and Spirits Shoppe # 2102/2104WS, West Shore Plaza Shopping Center, 1200 Market Street, Lemoyne, PA 17043-1417.

Lease Expiration Date: March 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 10,080 net useable square feet of new or existing retail commercial space on Market Street within the Lemoyne Borough.

Proposals due: May 23, 1997 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 97-710. Filed for public inspection May 2, 1997, 9:00 a.m.]

MILK MARKETING BOARD

Presubmission Schedule, Prehearing Conference and Hearing; Milk Marketing Area No. 1

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1204), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on June 11, 1997, beginning at 9 a.m. in Meeting Room B on the second floor of the Farm Show Complex, Cameron and Maclay Streets, Harrisburg, PA.

The purpose of the hearing will be to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Consistent with Official General Order No. A-890A (CRO 1), evidence will be limited to the following:

1. Evidence of annualized costs for the processing, packaging and delivery cost centers based solely on audits of the cross section milk dealers' financial statements (PMMB-60s) for the 1996 calendar year.
2. Evidence of unit costs for containers and ingredients based on audits of applicable invoices of the cross section milk dealers dated not later than April 30, 1997.
3. Evidence of costs for purchasing Class II price-controlled packaged products based on audits of applicable invoices of the cross section milk dealers dated not later than April 30, 1997, along with recommendations concerning a methodology for calculating the prices of products and container sizes for which no evidence of purchase costs is presented.
4. Evidence concerning a reasonable rate of return to milk dealers.

The staff of the Board is deemed to be a party to this hearing, and the staff's attorney is deemed to have entered her appearance on their behalf. Other persons that may be affected by the Board order fixing prices in Area 1 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, on or before May 12, 1997, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under to 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, on or before May 12, 1997, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

A. Each party shall file with the Board seven copies and serve on all other parties one copy of the following on or before May 21, 1997:

1. A list of witnesses who will testify for the party. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

2. A statement of the subjects concerning which each witness will testify.

3. Each exhibit to be presented, including testimony to be offered in written form.

B. Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office on or before May 14, 1997.

C. A list of rebuttal witnesses and copies of rebuttal exhibits shall be filed with the Board (seven copies) and served on all other parties (one copy) on or before May 30, 1997.

D. Parties shall have available in the hearing room at least 20 copies of the documents described in paragraphs A and C for distribution to nonparties attending the hearing.

E. Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other Board proceedings, or that wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, 35.165, 35.167 and 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

The Board may exclude witnesses or exhibits of a party that fails to comply with the requirements of paragraph A or C.

A prehearing conference for all parties will be held at 1:30 p.m. on June 6, 1997, in Room 110 of the Agriculture Building, 2301 North Cameron Street, Harrisburg. Parties shall come prepared to address requests for the production of documents relied on in formulating their testimony and exhibits.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

O. FRANK DEGARCIA,
Executive Secretary

[Pa.B. Doc. No. 97-711. Filed for public inspection May 2, 1997, 9:00 a.m.]

Presubmission Schedule, Prehearing Conference and Hearing; Milk Marketing Area No. 5

Under the Milk Marketing Law (act), 31 P.S. §§ 700j-101—700j-1204, the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on June 11, 1997, commencing at 1 p.m. in Meeting Room B on the second floor of the Farm Show Complex, Cameron and Maclay Streets, Harrisburg, PA.

The purpose of the hearing will be to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Inasmuch as the milk dealers' profit margin is integral to establishing prices under section

801 of the act (31 P.S. § 700j-801), the Board will receive evidence concerning a reasonable rate of return. Otherwise, consistent with Official General Order No. A-887 (CRO 1), evidence will be limited to the following:

1. Evidence of annualized costs for the processing, packaging and delivery cost centers based solely on audits of the cross section milk dealers' financial statements (PMMB-60s) for the 1996 calendar year.

2. Evidence of unit costs for containers and ingredients based on audits of applicable invoices of the cross section dealers dated not later than April 30, 1997.

3. Evidence of costs for purchasing Class II price-controlled packaged products based on audits of applicable invoices of the cross section milk dealers dated not later than April 30, 1997, along with recommendations concerning a methodology for calculating the prices of products and container sizes for which no evidence of purchase costs is presented.

The staff of the Board is deemed to be a party to this hearing, and the staff's attorney is deemed to have entered her appearance on their behalf. Other persons that may be affected by the Board order fixing prices in Area 5 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, on or before May 12, 1997, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, on or before May 12, 1997, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

A. Each party shall file with the Board seven copies and serve on all other parties one copy of the following on or before May 21, 1997:

1. A list of witnesses who will testify for the party. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

2. A statement of the subjects concerning which each witness will testify.

3. Each exhibit to be presented, including testimony to be offered in written form.

B. Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office on or before May 14, 1997.

C. A list of rebuttal witnesses and copies of rebuttal exhibits shall be filed with the Board (seven copies) and served on all other parties (one copy) on or before May 30, 1997.

D. Parties shall have available in the hearing room at least 20 copies of the documents described in paragraphs A and C for distribution to nonparties attending the hearing.

E. Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, 35.165, 35.167 and 35.173.

Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

The Board may exclude witnesses or exhibits of a party that fails to comply with the requirements of paragraph A or C.

A prehearing conference for all parties will be held at 1:30 p.m. on June 6, 1997, in Room 110 of the Agriculture Building, 2301 North Cameron Street, Harrisburg. Parties shall come prepared to address requests for the production of documents relied on in formulating their testimony and exhibits.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

O. FRANK DEGARCIA,
Executive Secretary

[Pa.B. Doc. No. 97-712. Filed for public inspection May 2, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Delegation of Certain Routine, Ministerial and Nonpolicymaking Public Meeting Agenda Items

The Pennsylvania Public Utility Commission, at its March 13, 1997, public meeting, delegated certain routine, ministerial and nonpolicymaking public meeting agenda items to the Bureau Directors for dispositions. These matters include the following:

Bureau of Transportation and Safety (Rail):

1. Application of rail abolition/alteration/reconstruction (without hearing);
2. Approval of construction plans (without hearing);
3. Approval of rail/highway construction allocation costs (without hearing);
4. Request for extension of time to complete work;
5. Approval of invoices for costs involved in rail/highway crossing matters;
6. Approval of maintenance responsibilities and assignment (without hearing);
7. Ratification of Bureau Director in approving plans;
8. Application to close record (without hearing).

Bureau of Transportation and Safety (Motor Carrier):

1. Name and entity changes.

Bureau of Audits:

1. Release of Section 1307(d) audit reports;
2. Continuing Property Records (CPR) audits.

Bureau of Fixed Utility Services:

1. Approval of water metering survey and improvement plan;

2. Extension of consideration period for affiliated interest agreements;
3. Federal Energy Regulatory Commission (FERC) Order 633 transition adjustment filing;
4. Joint application to switch customers with no protests;
5. Petition for extension of 120-day period;
6. Routine Changes to State Tax Adjustment Surcharge (STAS).

These items will now be addressed by Secretarial letter. These actions may be appealed to the Commission by filing a petition within 10 days after service of notice of the action, unless a different time period is specified. 52 Pa. Code § 5.44.

The contact person for this matter is Susan T. Povilaitis, Assistant Counsel, Law Bureau, (717) 787-2871.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-713. Filed for public inspection May 2, 1997, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before May 27, 1997 as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property and persons). The protests 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-00113875. Aval Salame (2016 Paxton Church Road, Harrisburg, Dauphin County, PA 17110)—persons, upon call or demand in the county of Dauphin. *Attorney:* Peter B. Foster, 121 South Street, Harrisburg, PA 17101.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00113411, Folder 2. Larose Limousine Service, Inc. (68 Oak Ridge Drive, Voorhees, NJ 08043), a corporation of the State of New Jersey—persons, in limousine service, between points in the counties of Philadelphia and Delaware; subject to the following condition: that the transportation originating in Delaware County be limited to that portion of the county bounded by Baltimore Pike on the north, Lansdowne Avenue on the west and Main Street on the south; which is to be a transfer of the right authorized under the certificate issued at A-00111307 to

Dwayne A. Jones, t/d/b/a Impressive Limousine Services, subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00109425, Folder 5. Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride (R. D. 2, Kittanning, Armstrong County, PA 16201), a corporation of the Commonwealth of Pennsylvania—additional right—persons in group and party service, between points within an airline distance of 75 statute miles of the Armstrong County Courthouse in the borough of Kittanning, Armstrong County, and from points in said territory, to points in Pennsylvania, and return; subject to the following conditions: (1) excluding therefrom the right to transport persons between points in Allegheny County; and (2) provided that such group and party service shall be provided in vehicles having a seating capacity of 28 passengers or less. *Attorney:* Elizabeth L. Lynch, 600 Grant Street, 42nd Floor, Pittsburgh, PA 15219.

Application of the following for the approval of the transfer of stock as described under each application.

A-00110269, Folder 5000. Aspire Limousine Service, Inc., t/d/b/a AA Direct Town Car (109 Torey Circle, Lansdale, Montgomery County, PA 19446), a corporation of the Commonwealth of Pennsylvania—for approval of the transfer of all of the issued and outstanding 100 shares of stock from Samuel Blutstein to Shaikh A. Hamid. *Attorney:* John J. Gallagher, P.C., Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

Applications of the following for approval amendment 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-00097618, Folder 1, Am-F H. E. Rohrer, Inc. (1515 State Road, P.O. Box 100, Duncanon, Perry County, PA 17020), a corporation of the Commonwealth of Pennsylvania, inter alia—persons in group and party service: (1) from the borough of Shamokin Dam, Snyder County, and points within an airline distance of 15 statute miles of the limits of said borough, excluding points in the township of Lower Mahanoy (except the village of Dalmatia), Jordon and Jackson, the city of Shamokin and the borough of Milton, Northumberland County, and the borough of Danville, Montour County, to points in Pennsylvania; (2) from the villages of McAlisterville and Richfield, Juniata County, the townships of Chapman and Franklin, Snyder County, and the township of Upper Mahanoy, Northumberland County, to points in Pennsylvania; (3) from points in the townships of Lower Mahanoy, Jordon and Jackson, the city of Shamokin and the borough of Milton, Northumberland County, and the borough of Danville, Montour County, located within an airline distance of 15 statute miles of the limits of the borough of Shamokin Dam, Snyder County, to points within an airline distance of 30 statute miles of the point of origin; and (4) from the boroughs of Middleburg and Beaver Springs, Snyder County, and points on U.S. Highway Route 522 and within an airline distance of 5 statute miles of said route between the aforesaid boroughs to points in Pennsylvania;

which is to be a transfer of the rights authorized under the certificate issued at A-00033483, F. 4, to B. K. W. Coach Line, a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* Anthony J. Forchi, P. O. Box 88, Harrisburg, PA 17108.

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 May 19, 1997.

- A-00113877 Ken's Transport, Inc.
17444 Gar Highway, P.O. Box 148,
Montville, OH 44064
- A-00113884 Ron Flora Towing & Service, Inc.
2116 Brownsille Road, Pittsburgh, PA 15210
- A-00113890 Mary C. & Donna R. Powers, t/d/b/a Powers
Trucking
664 North Swissvale Road, P.O. Box 791,
Lock Haven, PA 17745
- A-00113891 Milestone Materials, Inc., t/d/b/a HRI, Inc.
P.O. Box 155, State College, PA 16804-0155
- A-00113892 Dennis G. Sweet, t/d/b/a Sweet's Trucking
129 East Church Street, Corry, PA 16407
- A-00113370, F. 2 Joseph Hohol, t/d/b/a Hohol Trucking &
Excavating
121 North 12th Street, Connellsville, PA
15425
- A-00113393, F. 2 TNT Expedited Services, Inc.
4401 Stecker Road, Dearborn, MI 48126;
John W. Bryant, Esquire, Eames Wilcox,
1400 Buhl Building, Detroit MI 48226-3602
- A-00113896 Carl P. Brown, Jr., & David A. Sottt, t/d/b/a
C & D Transport
201 Pine Swamp Road, Elverson, PA 19520
- A-00113898 George G. Lane, Jr., t/d/b/a G. Lane & Son
Trucking
R. D. #2, Box 365, Ruffsedale, PA 15679
- A-00113899 Gary G. McDowell, t/d/b/a McDowell Enter-
prises
28 Bank Street, Smethport, PA 16749;
Dwight L. Koerber, Jr., Esquire, Kriner,
Koerber & Kirk, 110 North Second Street,
P.O. Box 1320, Clearfield, PA 16830
- A-00113900 Larry J. Forgy
R. D. #1, Box 144, Tyrone, PA 16686
- A-00113901 John W. Fox
200 South Cherry Street, Myerstown, PA
17067
- A-00113902 Harry E. Butler, Jr.
47 Oriole Avenue, Media, PA 19063
- A-00113903 James R. McKenrick, t/d/b/a J R Mckenrick
Bulk Transfer
7446 Old State Road, Edinburg, PA 16412
- A-00113904 Randall T. Boyd
5618 Old Farm Lane, Mohnton, PA 19540
- A-00113905 E. Lynn Robbins, t/d/b/a Robbins Lumber
Company
R. R. #1, Box 36, Olanta, PA 16863

- A-00113906 Robert B. Sargent, t/d/b/a R. & J. Sargent Trucking R. D. #8, Box 8237, Stroudsburg, PA 18360
- A-00113907 Yolanda Vucina & Lori Harr, Copartners, t/d/b/a L & L Courtesy Carriers R. D. #1, Box 132B, Latrobe, PA 15650
- A-00113908 J. V. Rigging, Inc. Box 4097, 740 Greensburg Road, New Kensington, PA 15068; William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219
- A-00113909 Katz Transport, Inc. 101 Watson Drive, Monongahela, PA 15063; James W. Haines, Jr., 1202 West Main Street, Monongahela, PA 15063
- A-00113910 Jennifer Frantz R. D. #1, Box 1B, Vintondale, PA 15961
- A-00113911 David R. Donaldson, t/d/b/a Three D Trucking Box 565, Midway, PA 15060
- A-00113912 Barry K. Lowe, Sr., t/d/b/a Make Your Move 5158 Cleveland Avenue, West Mifflin, PA 15122-1369

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-714. Filed for public inspection May 2, 1997, 9:00 a.m.]

Telecommunications

A-310424F0002. Bell Atlantic-Pennsylvania, Inc. and 360° Communications Company. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and 360° Communications Company for Approval of an Interconnection Agreement under sections 251 and 252 of The Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and 360° Communications Company, by its counsel, filed on April 16, 1997, at the Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of The Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and 360° Communications Company Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-715. Filed for public inspection May 2, 1997, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Comprehensive Plan; Fee Schedule

Agency: Susquehanna River Basin Commission (SRBC)

Action: Notice of Public Hearing on Addition to Comprehensive Plan; Fee Schedule

The Susquehanna River Basin Commission will hold two public hearings in conjunction with its regular meeting on May 15, 1997, at the Best Western Eden Resort Inn & Conference Center, 222 Eden Road, Lancaster, PA beginning at 8:30 a.m. The first hearing will be for the purpose of receiving public comments on the inclusion of the proposed *Out-of-Basin Diversion Policy and Protocol* in the Commission's *Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin*. A second hearing will follow thereafter on proposed revisions to the Commission's project review fee schedule.

Under Section 3.10 of the Susquehanna River Basin Compact, P. L. 91-575, 84 Stat 1509 et seq., the Commission must review and approve all diversions of water from the Susquehanna River Basin. Up to this time, the Commission has adopted no formal policy position or statement on how it will evaluate proposed diversions, but has relied on positions articulated in past docket decisions. This policy establishes the principles that the Commission will consider in the approval of diversions and adds a protocol describing how those principles will be applied. Written comments will also be accepted and made a part of the hearing record.

The proposed revisions to the fee schedule will abolish the annual compliance monitoring fee for most projects and implement an upfront charge to defray the cost of compliance monitoring. The Commission will also be able to charge an extraordinary project review fee for projects that, because of their complexity, require an extraordinary expenditure of review time by Commission staff. Several other changes are proposed to improve the format and readability of the fee schedule.

Copies of the entire policy statement and protocol and the proposed revisions to the fee schedule may be obtained upon request to the Commission at 1721 N. Front Street, Harrisburg, PA 17102-2391, (717) 238-0423. Written comments may be submitted to and further information obtained from Richard A. Cairo, General Counsel.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 97-716. Filed for public inspection May 2, 1997, 9:00 a.m.]

TREASURY DEPARTMENT

Request for Proposals

The Treasury Department will be accepting proposals to provide consulting services for the design of a disaster recovery plan to support computer and check production operations of the Treasury Department. Interested parties may receive a copy of the request for proposals by contacting the Treasury Department at (717) 787-9701.

Proposals in response to this request will be accepted no later than 4:30 p.m., Tuesday, May 27, 1997.

BARBARA HAFER,
Treasurer

[Pa.B. Doc. No. 97-717. Filed for public inspection May 2, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following Contract:

Contract No. 94-001-FT59. Structural Demolition and/or Removal for the Mon/Fayette Expressway in Fayette County.

Bid Opening Date: May 22, 1997, 11 a.m.

Bid Surety: 5%

Plans, Specifications and Contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set (do not add state tax) by check or P. O. Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No Refund for any reason will be made for plans, specifications and contract documents.

A mandatory prebid site review of the project will be made on May 6, 1997. The inspection party will meet at Haydowntown Fire Hall, south of Fairchance, PA, just west of Route 857, at 10 a.m., and will proceed to each site under the direction of authorized Commission personnel.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-718. Filed for public inspection May 2, 1997, 9:00 a.m.]

Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following Contract:

Contract No. 94-001-FS61-C. Construction of Wetland Replacement for Mon/Fayette Expressway, S. R. 0043, Section 50W in Fayette County, PA.

Bid Opening Date: May 28, 1997, 11 a.m.

Bid Surety: 5%

Plans, Specifications and Contract Documents will be available and open to the public inspection at the Admin-

istration Building. Copies may be purchased upon payment of \$25 per set (do not add State tax) by check or P. O. Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A mandatory prebid meeting for the project will be held on May 7, 1997, beginning at 1 p.m., at the field office of the Construction Manager, Dick Enterprises, Inc., Fairchance Industrial Park, 100 Laurel View Drive, Suite 2, Smithfield, PA.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-719. Filed for public inspection May 2, 1997, 9:00 a.m.]

Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following Contract:

Contract No. 94-001-FT02. Construction of Mon/Fayette Expressway, Section 50C, Between M. P. M-02.86 and M. P. 05.72 in Fayette County, PA.

Bid Opening Date: May 29, 1997, 11 a.m.

Bid Surety: 5%

Plans, Cross Sections, Subsurface Profile, Specifications and Contract Documents will be available and open to public inspection at the Administration Building. Copies of the desired Plans, Cross Sections, Specifications, and Contract Bid Documents may be purchased upon payment of \$180, by check or P. O. Money Order (no cash), payable to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. Selection of the desired materials should be by the following designations with proper respective remittance. (*Do not add sales tax*). Construction Plans, including roadway, structures and subsurface profiles—\$90; Cross Sections—\$65; Specifications and Contract Bid Documents—\$25; Total Package—\$180.

A mandatory prebid meeting will be held at 10 a.m., on May 8, 1997, at the Uniontown Holiday Inn, 700 West Main St., Uniontown, PA 15401, telephone (412) 437-2816.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-720. Filed for public inspection May 2, 1997, 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	REQUIRED DATA DESCRIPTIONS
<h3 style="text-align: center;">Legal Services & Consultation—26</h3> <p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p>B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.</p> <p>Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p style="text-align: center;">⑦</p> <p>(For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705</p>	<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>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.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.</p> <p>(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705</p>

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

8129580 Chemicals and chemical products—257350 gallon; dust palliative—liquid calcium.

Department: Transportation
Location: Honesdale, Wayne County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1806116 Communication equipment—6 each color camera 1/2" CS mount; 1 each color multiplexer and 24 hour recorder; 5 each 2.6 MM A/I lens and 4.5 A/I lens; 1 each 6 MM A/I lens; 4 each video alarm dome and alarm camera mount; 2 each video input board and various quantities of related equipment.

Department: Corrections
Location: Frackville, Schuylkill County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1825206 Communication equipment—15 each 6F electronic total station with spare DBC 25 battery, charger, case, 256K data collector with DE9 download cable, case, forensic mapping software and vertical mapping and map software with FM features codes. Purchase to include training.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1875156 Communication equipment—1 each RTI (Research Technology International) Tapechek PRO-LINE 4100 videotape cleaner/evaluator for large and standard size betacam cassettes.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8204900 Communication equipment—3 each total station forensic mapping equipment w/vertical mapping capability.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1961216 Construction and building materials—furnish and install materials for the replacement of all existing doors and hardware at the Bensalem Youth Development Center.

Department: Public Welfare
Location: Bensalem, Bucks County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970170—Construction, mining, excavating and highway maintenance equipment—36 each Plow Wing, Patrol—right.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1977076 Health care products—2500 gross; latex condoms, FDA approved, reservoir end, lubricated without nonoxynol-9, packaged in quantities of three (3) condoms to a single package, and bulk packaged by gross (144 condoms to a bulk package).

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8503850 Maintenance and repair shop equipment—250 each shovel, scoop; 1200 each shovel, long handle, square point, 48" fiberglass handle.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1834166 Maintenance and repair shop equipment—1 system; Chief EZ-25 bench w/3-D Genesis measuring system "Gold Program" (no substitute), includes—bench, 3 towers, AUX RAM-ACC board, 2 year data subscription, training program and 1 year warranty parts/labor.

Department: Education
Location: Thaddeus Stevens State School of Technology, Lancaster, Lancaster County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970240 Motor vehicles, trailers and cycles—52 each 1997 model auto, utility, 4x4, 4 door with air conditioning and cruise control and 4 each 1997 model auto, utility, executive, 4x4, 4 door with air conditioning and cruise control.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970250 Motor vehicles, trailers and cycles—14 each 1997 model station wagon, mid-size.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1968186 Paper and printing—75M; fully/partial unsold pack(s) return envelope.

Department: Revenue
Location: Middletown, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1991186 Paper and printing—4000M; No. 10 double window envelope—24 lb—4 1/8 x 9 1/2, white wove, recycled.

Department: Revenue
Location: Middletown, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1996076 Paper and printing—1500M; 3 part pin-fed continuous form with vertical spacing of eight lines per inch, consecutive numbering.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1926116 Pumps—1 each pump, condensate return, 3 x 2 duplex PPC package with stainless steel check valve, pump gauge glass and 63 GA receiver, 3/4" reducing valve and steam trap.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1979116 Refrigerator and AC equipment—2 each indoor central station air handler.

Department: Corrections
Location: Waymart, Wayne County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1550156 Seating, theater—237 each furnish and install theater seating, referenced manufacturer/style: Irwin Seating Co. or equal, Marquee No. 51566.

Department: Education
Location: University of Pittsburgh, Greensburg, Westmoreland County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1811116 Security systems—1 each furnish and deliver all equipment necessary to provide an electronic guard tour system for use at the State Correctional Institution at Rockview.

Department: Corrections
Location: Bellefonte, Centre County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1919116 Security systems, keying system—1 system: removable core keying system.

Department: Corrections
Location: Waynesburg, Greene County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8503860 Vehicular accessories—1000 each bracket, tripod mounting, truck mirror blind spot elimination.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Advertising, Public Relations—1

0117 Vendor to provide services to advance Cheyney University by identifying and cultivating major gift prospects, public relations and marketing. Proposals can be obtained by contacting Ms. Antonia Williams, Contract Administrator/Compliance Officer.

Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319
Duration: 1 year with renewal options
Contact: Antonia Williams, (610) 399-2360

Agricultural Services—2

050-301 Pesticide spraying in the counties of Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill as directed by the District Roadside Specialist or his designee. All requests for a bid proposal shall be requested by close of business May 6, 1997.

Department: Transportation
Location: Throughout Engineering District 5-0
Duration: One year from effective date
Contact: William Bellas, (610) 798-4190

Audio/Video—4

OSSAFA-01 Provide title search services for properties located in/outside of Pennsylvania. Services include but not limited to researching history of property pertaining to title for prior sixty (60) years or for present owner fifteen (15) years.

Department: Office of Attorney General
Location: Statewide
Duration: July 1, 1997—June 30, 1998
Contact: Jean M. Kreiser, (717) 783-2368

Computer Related Services—8

96-C00918 The Department of Corrections (DOC) seeks a service purchase contract with a company or corporation to provide five Cobol programmers for technical services. (Individual programmers may not apply directly to the DOC). Programmers are expected to perform all services on site and must conform to all DOC policies and procedures. Programmers must possess extensive actual programming experience in COBOL II and CICS. Contractor must be able to provide replacement programmers as needed.

Department: Corrections
Location: MIS-Computer Services, 55 Utley Drive, Camp Hill, PA 17001
Duration: Six months
Contact: Patricia J. Cassell, (717) 975-4863

SP-334607 An Invitation to Bid (ITB) will be issued by the PA Fish and Boat Commission to select a data processing contractor/consultant to modify the existing computer system that currently handles the registration of motorboats for the Commonwealth. This system must be modified and enhanced to provide for the titling of motorboats. The system currently runs on a Bull HB Information Systems DPX/20 Model 690H (RISC 6000-AIX) computer platform that is running an emulated HVX (GC0S6) operating system. The system is currently written in COBOL. The consultant is expected to be knowledgeable in the areas of computers, on-line transaction processing, telecommunications systems and procedures, and State government constraints.

Department: Fish and Boat Commission
Location: Harrisburg, PA Area
Duration: 7/1/97 to 10/30/97
Contact: Tom Thomas, (717) 657-4369

Construction and Construction Maintenance—9

080961 Crawford County Group 1-97-100; Forest County SR 36 (05M); Forest County Group 1-97-300; Venango County Group 1-97-500; Elk County SR 66 (804); Lycoming County SR 2014 (63M); Tioga County SR 6 (69M and 70M); Tioga County SR 15 (M02); Tioga County SR 15 (M09); Lackawanna County Group 4-97-GR2; Pike County Group 4-97-GR4; Wayne County Group 4-96-GR6; Wyoming County Group 4-97-GR7; Lehigh County Group 5-97-POC3B; Schuylkill County Group 5-97-POC6B; Schuylkill County Group 5-97-POC6C; Bucks County Group 6-97-ST30; Delaware County Group 6-97-ST36; Delaware County Group 6-97-ST37; Philadelphia County Group 6-97-ST42; Adams County SR 116 (004); Dauphin County SR 225 (02A/012) ETAL; Lebanon County SR 72 (015).

Department: Transportation
Location: Districts 1-0, 2-0, 3-0, 4-0, 5-0, 6-0, 8-0
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

080962 Fulton County Group 9497 (RS2); Huntingdon County SR 522 (04B); Somerset County SR 985 (10B); Armstrong County Group 101-97/98-GR; Armstrong County SR 28 (150); Butler County Group 102-97/98-GR; Clarion County Group 103-97/98-GR; Indiana County Group 104-97/98-GR; Jefferson County Group 105-97/98-GR; Fayette County Group 12-97-SI1; Fayette County SR 119 (13R); Greene County Group 12-97-SI2; Washington County SR 88 (20R); Washington County SR 43 (10A); Westmoreland County Park-N-Ride; Venango County Group 1-97-50I; Lehigh County Group 5-97-POC3C; Northampton County Group 5-97-POC5B; Allegheny County Group 111-96-7135-4.

Department: Transportation
Location: Districts 1-0, 9-0, 10-0, 12-0, 5-0, 11-0
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

080963 Montour County, State Route 2006, Section 01M.

Department: Transportation
Location: District 3-0
Duration: FY 1997/98
Contact: Paul W. Beaver, Contract Mgt. Sup., (717) 368-4263

639027-006 Resurfacing the parking lot of Kreider Building. Approximately 2113 square yards. Work includes fine grade stone areas, level up low areas and pave. Parking lines will be restriped.

Department: Education
Location: Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602
Duration: May 1, 1997 to May 31, 1997
Contact: Betty Tompos, Business Manager, (717) 299-7749

DGS A 270-5 Project title: Snow Removal Equipment Storage Building. Brief description: construct a 40' plus or minus x 76' plus or minus pre-engineered metal building with pad on grade, overhead doors, window, man doors, heating and electricity. General, heating and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107 Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 28, 1997 at 2:00 p.m. A pre-bid conference has been scheduled for Tuesday, May 13, 1997 at 10:30 a.m. in Room 102 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Keith Adadm, telephone (717) 783-7118. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Grand Canyon State Airport, Wellsboro, Delmar Township, Tioga County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 553-29 Project title: Renovate Main Electrical Substation. Brief description: replace outdoor primary substation with new equipment. Electrical construction. Plans deposit: \$60.00 per set. Payable to: Mark Ulrick Engineers, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Mark Ulrick Engineers, Inc., 2204 Walnut Street, Philadelphia, PA 19103, telephone (215) 561-3340. Bid date Wednesday, May 21, 1997 at 2:00 p.m. A pre-bid conference has been scheduled for Thursday, May 15, 1997 at 11:00 a.m. Meeting to be held at Fire House, Old 525 and Pennsylvania Avenue, Selingsgrove, PA. Contact: Bill Zechman, telephone (717) 372-5150. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Selingsgrove Center, Selingsgrove, Snyder County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 578-18 Project title: Construction of a 27,000 Square Foot Replacement Minimum Security Unit with a Capacity for 150 Inmates. Brief description: work consists of the construction of a new minimum security facility for 150 inmates including general, HVAC, plumbing, fireproofing and electrical construction. General, HVAC, plumbing and electrical construction. Plans deposit: \$70.00 per set. Payable to: Sullivan Associates, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Sullivan Associates, Inc., 2314 Market Street, Philadelphia, PA 19103, telephone (215) 567-7300. Bid date Wednesday, May 28, 1997 at 2:00 p.m. Pre-bid conference has been scheduled for Tuesday, May 13, 1997 at 10:30 a.m. Meeting to be held in Dining Room, in Basement of Administration Building, Follies Road, Dallas, PA. Contact: Joseph Frederick at (717) 678-1101, ext. 317. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: State Correctional Institution, Dallas, Luzerne County, PA
Duration: 220 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 1201-2 Project title: Improvements to Lobby and all Meeting Rooms. Brief description: interior construction work involving the repair and painting of existing suspended ceilings and replacement of existing lighting involving general and electrical construction work. General and electrical construction. Plans deposit: \$40.00 per set. Payable to: Mavrovic Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Mavrovic Architects, 5401 Walnut Street, Pittsburgh, PA 15232, telephone (412) 687-1500. Bid date Wednesday, May 28, 1997 at 11:00 a.m. Pre-bid May 12, 1997 at 10:30 a.m. Meet at the Administrative Office at the David Lawrence Convention Center, Pittsburgh, PA. Contact person: James Kresil, telephone (412) 565-6000, ext. 104. All contractors who have secured plans and specifications are invited and urged to attend.

Department: General Services
Location: David L. Lawrence Convention Center, Pittsburgh, Allegheny County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 1576-6 Project title: Purchase and Installation of High Security Prefabricated Unit for 12 Additional Cells for Restricted Housing Facility. Brief description: addition of 18 new cells, showers and HVAC/utility space to existing restricted housing unit. Single story masonry wall, precast plank and wood truss/metal roof with concrete courtyard, exercise yard with security fence system. General, HVAC, plumbing and electrical construction. Plans deposit: \$100.00 per set. Payable to: E. Pawlowski Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: E. Pawlowski Associates, Central Park Commons, 430 Main Street, Johnstown, PA 15901, telephone (814) 536-5321. Bid date Wednesday, May 28, 1997 at 2:00 p.m.

Department: General Services
Location: State Correctional Institution, Frackville, Schuylkill County, PA
Duration: 180 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. FDC-119-251 Removing a stone masonry wall; constructing a reinforced concrete wall; repointing joints; and replacing/resetting dislodged stones in existing masonry walls.

Department: Conservation and Natural Resources
Location: Crawford Township, Clinton County, PA
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

Engineering Services and Consultation—14

RFP No. AQ1997PR Consultant to develop and provide creative direction and management assistance for air quality public involvement, information and education strategies over a three year period.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: September 1997 (or earlier)—September 2000
Contact: Bureau of Air Quality, (717) 787-9495

Firefighting Services—18

260099 Fire extinguisher maintenance service: the contractor shall supply all labor and parts to hydrostatically test, recharge, refill and repair fire extinguishers as requested by Hospital's safety coordinator. Contractor must meet all M.F.P.A. standards and specifications in providing this service.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

Food—19

6908 Meat and meat products.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: July, August, September 1997
Contact: Becky Clapper, (814) 696-5210

6920 Bread, rolls and related products—fresh.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: July, August, September 1997
Contact: Becky Clapper, (814) 696-5210

97-CI11 Combination ice/beverage dispenser unit—non-carbonated and carbonated products as follows: twelve month contract for purchase of various flavors of Bag-in-a-Box carbonated and non-carbonated beverages. With the purchase of product awarded vendor shall supply, one combination ice/beverage dispenser unit. Unit shall have six push button valves which dispense four non-carbonated beverages and two carbonated beverages. Beverage product shall be supplied as Bag-in-a-Box. Bids will be awarded on lowest aggregate basis.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1997 through June 30, 1998
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

97-CI16 Pork primal cuts, approximately 200,000 lbs. over the next 12 months. Beef primal cuts, approximately 500,000 lbs. over the next 12 months.

Department: Corrections
Location: Bureau of Correctional Industries, Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17001
Duration: 12 month—bid quarterly
Contact: Linda Malinak, (717) 975-4931

97-CI17 Comminuted turkey, under 20% fat, frozen and packed in 40 lb. boxes. 150,000 lbs. per year.

Department: Corrections
Location: Bureau of Correctional Industries, Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17001
Duration: 12 months—bid monthly
Contact: Linda Malinak, (717) 975-4931

97-CI18 Veal trimmings, frozen 75/25 approximately 60,000 lbs. per year.

Department: Corrections
Location: Bureau of Correctional Industries, Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17001
Duration: 12 months—bid monthly
Contact: Linda Malinak, (717) 975-4931

97-CI19 Fish, whitefish blocks. Species: cod, pollock, whiting or haddock. Approximate amount: 500,000 lbs. over twelve month period.

Department: Corrections
Location: Bureau of Correctional Industries, Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17001-4931
Duration: 12 months—bid monthly
Contact: Linda Malinak, (717) 975-4931

HVAC Services—22

Project No. 001 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: OMS No. 27, 1501 Allen Street, Allentown, Lehigh County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 002 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: OMS No. 29, 327 Frankstown Road, Altoona, Blair County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 003 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: OMS No. 9A, 250 Kriess Road, Butler, Butler County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 004 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: OMS No. 25, 7th Avenue, Carbondale, Lackawanna County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 005 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: OMS No. 24, 504 Cavalry Road, Carlisle, Cumberland County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 006 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: OMS No. 11, R. D. 1, Box 541B, Connellsville, Fayette County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 007 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: CSMS, 835 Fifth Avenue, Coraopolis, Allegheny County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 824 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: OMS No. 22, 826 Crane Avenue, Pittsburgh, Allegheny County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 825 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: OMS No. 13A, 324 Emerson Street, Pittsburgh, Allegheny County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 826 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: OMS, 2601 River Road, Reading, Berks County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 827 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: OMS No. 2, 1800 Gibson Street, Scranton, Lackawanna County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 828 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: AASF, 125 Goodridge Lane, Washington, Washington County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 829 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: OMS No. 8, 280 Market Street, Wilkes-Barre, Luzerne County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 830 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: OMS No. 28, 1300 Penn Street, Williamsport, Lycoming County, PA
Duration: 1 October 97—30 September 2000
Contact: Emma Schroff, (717) 861-8518

0118 Projects consist of replacing existing lamps, light standards and bases on combined tennis, basketball and tennis courts; installation of a new 75 KVA transformer in Hill Library; and PECO lighting conversion. Proposals can be obtained by contacting Ms. Antonia Williams, Contract Administrator/Compliance Officer.

Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19419
Duration: 120 days
Contact: Antonia Williams, (610) 399-2360

0120 To provide labor, equipment and materials necessary for one factory built, automatic pumping Wet Well mount pump station with duplex non-clog pumps. Station shall be complete with all needed equipment, factory-installed on a welded steel base with fiberglass cover.

Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19419
Duration: 45 days
Contact: Antonia Williams, (610) 399-2360

0290 97002 This contract will be prepared on a service purchase contract for maintenance of a gas fired heating system at the Mifflin County Maintenance Building in Lewistown, PA and for an oil fired heating system at the Juniata County Maintenance Building, 1 mile east of Mifflintown, PA.

Department: Transportation
Location: S. R. 0022, 1200 West 4th Street, Lewistown, PA; S. R. 3002, 1 mile east of Mifflintown, PA
Duration: August 01, 1997 through July 31, 1999
Contact: Don Woodward, (717) 436-2187

107085 Provide regular routine and emergency service for the heating and cooling system of the Mobile Analytical Units.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: 7/1/97—6/30/00
Contact: Ally Castaneira, (717) 787-2471

MI-599 Project title: Pucillo Sports Field Lighting. Scope of work: provide and install an athletic field lighting system, i.e., supplying and installing light fixtures, poles, wiring conduit, contactors, transformers, etc. required for a complete lighting system; excavate to install poles and the proper design of the pole foundation. Plans cost: \$75.00.

Department: State System of Higher Education
Location: Millersville University, Pucillo Sports Field, Millersville, Lancaster County, PA 17551-0302
Duration: July 24—September 11, 1997
Contact: Bernadette J. Wendler, Dilworth Building, (717) 872-3829

SU-521 Project title: Natural Gas Line Replacements. Brief description: work shall be completed at Shippensburg University, Shippensburg Township, Cumberland County, Pennsylvania. The project shall include the furnishing of all labor, superintendence, material, tools, equipment, and performing all work necessary to complete all construction for the replacement of natural gas piping. The plumbing contractor shall be the lead and only contractor and shall perform all general construction and incidental work as required. A pre-bid meeting has been scheduled for May 15, 1997, at 2:00 p.m. in Old Main Room 203A. Bids due on June 2, 1997, 4:30 p.m. and will be opened on June 3, 1997, at 2:00 p.m. in Old Main Room 203A. Plans are available for a non-refundable fee of \$20.00 from Noelker & Hull Associates, Inc., 438 Lincoln Way East, Chambersburg, Pennsylvania 17201-2301, telephone (717) 263-8464, FAX (717) 263-6031; any special handling fees will be borne by requester.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: 150 days
Contact: Edna Fenton, Contract Administrator, (717) 532-1121

Janitorial Services—23

SP-336854 Perform janitorial services of modern cabins located in Hills Creek State Park, Wellsboro, Pennsylvania. Sealed bids will be received at Hills Creek State Office, R. R. 2, Box 328, Wellsboro, Pennsylvania 16901-9676, until 2:00 p.m. May 19, 1997 and then be publicly opened and read. Bid documents may be obtained from Hills Creek State Park.

Department: Conservation and Natural Resources
Location: Hills Creek State Park, R. R. 2, Box 328, Wellsboro, Tioga County, PA 16901-9676
Duration: 07/01/97 to 06/30/99
Contact: Thomas McGuinn, Park Manager, (717) 724-4246

Laboratory Services—24

0882-125 Lab Services: Contractor shall provide weekly laboratory analysis of our waste system, and laboratory analysis of the Center's potable water supply. Samples will be drawn by authorized personnel of the Center on all tests required. For the Center's potable water supply, contractor's bid prices to include proper containers and all necessary items to collect samples, pick-up of the water containers, and a written laboratory report on these tests. The written report shall be submitted to the Center bi-weekly on the biological test, and as indicated in the bid proposal on all other tests. For laboratory analysis of our waste system, containers must be picked up weekly by the contractor. Bid prices shall include sample containers, labels, and a written laboratory report provided to the Center weekly. Types and quantities of tests required for the potable water supply and analysis of the waste system and additional

specifications available upon request by contacting the Center. Award to be made on the basis of the lowest aggregate bid.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: July 1, 1997—June 30, 2000
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

260208 Dental lab service—contractor is to provide all labor, material and supplies required for dental laboratory services for Mayview State Hospital clients. Successful contractor to pickup and deliver all dental to Mayview State Hospital.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

Lodging/Meeting Facilities—27

081-3032 The Bureau of Personnel, Division of Training and Development, seeks a facility within a 25 mile radius of Harrisburg to host a Manager Instructor Training Conference. Facility must be able to provide lodging, meals, meeting rooms and audio visual requirements.

Department: Office of Administration
Location: Harrisburg, PA area
Duration: 5 days—June 16 through 20, 1997
Contact: Angela M. Corish, (717) 787-8767

Medical Services—29

97-08 The State Correctional Institution at Waymart is seeking bids for surgical services in its Forensic Treatment Center (FTC). The institution estimates an average male inmate population of 120 over the contract period in the FTC.

Department: Corrections
Location: State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256
Duration: July 1, 1997 to December 31, 1997
Contact: Jerome M. Lewis, Business Manager, (717) 488-2504

260202 Psychiatry services for one (1) Clinical Director of Psychiatry and four (4) Board Certified/Board Eligible Psychiatrists at Mayview State Hospital. (For more information and bid specifications, please call Purchasing at (412) 257-6215.)

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

260203 To provide for duly authorized autopsies, including the head of patients who expire at Mayview State Hospital. To be a pathologist certified by the American Board of Pathology. Minimum certification is to be anatomical.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

260205 Neurological services: contractor to provide service of a board certified or board eligible neurologist for patients at Mayview State Hospital. Services to include neurological consultations and treatment planning, providing typed reports of findings after each exam. Each session will be four (4) hours long.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

260206 Microscope maintenance: service is to include all labor, materials and supplies required to provide microscope maintenance service, including inspection every 6 months. Microscope is in Mayview State Hospital's Clinical Lab.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

260207 Radiation physicist services: accredited radiating physicist to calibrate, check and measure diagnostic radiographic and fluoroscopic units, check diagnostic lead aprons, gloves and film badge reports at Mayview State Hospital's Radiology Department.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

SPC No. 317820 A medical doctor is necessary to review approximately 4,000 claims for the Property Tax/Rent Rebate Program. Doctor must review medical records submitted with claim forms to determine if claimant is entitled to a rebate. Doctor is expected to review claim forms at two week intervals on the premises of Department of Revenue, 4th Floor, Strawberry Square, Harrisburg, PA.

Department: Revenue
Location: Examination Division, Bureau of Individual Taxes, 4th Floor, Strawberry Square, Harrisburg, PA
Duration: 7-1-97 to 6-30-98
Contact: Michael E. Miller, (717) 782-8415

Property Maintenance—33

97-07 The State Correctional Institution at Waymart is seeking bids for the hydro testing, pressure checks and flow testing of its standpipe system. The contractor will furnish qualified authorized personnel and certified testing equipment when providing this service. All testing procedures will conform to established standards set by the American Water Works Association.

Department: Corrections
Location: State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256
Duration: July 1, 1997 to June 30, 2000
Contact: Jerome M. Lewis, Business Manager, (717) 488-2504

Inquiry No. 8930 Repair roof; approximately 12,375 square feet, rubberized flat roof.

Department: Public Welfare
Location: Selinsgrove Center, Selinsgrove, Snyder County, PA 17870
Duration: July 1, 1997 to September 30, 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

CH-266 The contractor shall provide materials and labor to install only 80 windows in the Administration Building at the State Correctional Institution at Camp Hill.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: June 2, 1997 to November 1, 1997
Contact: Delores Stephens, (717) 975-5200

EHB004 Construct and install church pews in the Environmental Hearing Board, Hearing Room, 1507 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. To be constructed of solid white oak (clear finish) with an upholstered seat. Approximately 8 pews are needed. Further specifications will be made available upon request.

Department: Environmental Hearing Board
Location: 1507 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222
Duration: Project to begin approximately July 1, 1997 and be completed by approximately September 1, 1997
Contact: Kathi Graeff, (717) 783-4741

JC-14-97 Snow Removal Services: provide snow removal as needed upon 2' or more accumulation of snow. To be removed in accordance with the City of Allentown snow removal ordinances. To be performed prior to 7:30 a.m. or after 5:15 p.m. Snow removal areas include: 1 lot, approximately 34,344 square feet next to building; 1 lot, approximately 24,822 square feet cati-corner to the building at Second and Hamilton. One sidewalk around building and adjoining sidewalks measuring approximately 1,012 feet and one sidewalk around the parking lot at Second and Hamilton Streets measuring approximately 517 feet. Price to include application of salt.

Department: Labor and Industry
Location: Allentown Job Center, 160 Hamilton Street, Allentown, Lehigh County, PA 18101
Duration: October 1, 1997 through April 30, 1998
Contact: Michael Dorosh, Manager, (610) 821-6775

Real Estate Services—35

962A Sale of State Owned Property Commonwealth of Pennsylvania. The Department of General Services will accept proposals from developers for the purchase and redevelopment of the former Philadelphia (Byberry) State Hospital, located at Roosevelt Boulevard and Southampton Road, Philadelphia, PA. Persons wishing to receive a request for proposal should contact the Department prior to 3:00 p.m., June 13, 1997. Solicitation No.: 962.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Michael E. Adams, (717) 772-0274

981A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Board of Probation and Parole with 5,000 useable square feet of new or existing warehouse space, parking for zero vehicles, in Harrisburg, Dauphin County, PA, within a ten mile radius of the State Capitol. Proposals due: July 21, 1997. Solicitation No.: 92469.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or Edward P. Meyer, (717) 787-4394

AFA-97-1 Real Estate Auctioneering Services.

Department: Office of Attorney General
Location: Statewide
Duration: 7/1/97—6/30/98 w/two (2) additional one-year options to renew
Contact: Jean M. Kreiser, (717) 783-2369

OAGTECH03 Provide Statewide radio services to include, but not limited to repairs, modifications, programming, installations, removals, etc. Service will include mobile and portable radios, repeaters/control stations, antenna systems, transmission lines, leased telephone circuits, etc.

Department: Office of Attorney General
Location: Statewide (Commonwealth of Pennsylvania)
Duration: July 1, 1997—June 30, 1998—One (1) Year
Contact: Jean M. Kreiser, (717) 783-2369

0500 Contemplated sale of land no longer needed for Transportation purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P.S. § 513(e)(7), intends to sell certain land owned by it containing approximately .223 acres of land identified as Parcel No. 2 located to the north of S. R. 0061 in Schuylkill Haven Borough and North Manheim Township in Schuylkill County. By intersection of S. R. 0183 Jughandle. It has been determined that the land is no longer needed for present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from this notice.

Department: Transportation
Location: Engineering District 5-0, 2460 Parkwood Drive, Allentown, PA 18103
Duration: N/A—Sale of Excess Land
Contact: Paul J. Goida, District R/W Administrator, (610) 791-6011

Security Services and Equipment—37

260201 Security Guard Services. Service areas to bid on service will be Woodville State Hospital, and Dixmont State Hospital.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

SP344754 Provide security guard services at the various Allegheny County Assistance Offices. This service is needed for five (5) days per week, ten (10) hours per day, except Southern District which requires five (5) days per week, nine (9) hours per day. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: 4600 Clairton Boulevard, Pittsburgh, PA 15236
Duration: 07-01-97—06-30-00 with two additional one year periods
Contact: Lori Vessella, (717) 783-9281

SP-344759 Provide monitoring and/or maintenance of security alarm systems for various Philadelphia County Assistance District Offices. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Various District Offices of Philadelphia CAO, Philadelphia, PA
Duration: 07/01/97 to 06/30/00 with two additional one year renewals
Contact: Linda Reynolds, (717) 783-9699

Vehicle, Heavy Equipment—38

5-037 Portable traffic signals pedestal mounted. Bid items rates will be for daily basis. Portable traffic signals pedestal mounted. Bid item rates will be for weekly basis. Portable traffic signals trailer mounted. Bid item rates will be for daily basis. Portable traffic signals trailer mounted. Bid item rates will be for weekly basis. Bid opening will be Monday, May 12, in the District, 1713 Lehigh Street, Allentown, PA at 1 p.m.

Department: Transportation
Location: Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill Counties
Duration: June 15, 1997 to February 28, 2000
Contact: Curtis Fratamico, (610) 798-4181

Miscellaneous—39

260210 To provide the services of a qualified interpreter for the deaf who holds a current comprehensive certificate from the Registry of Interpreters for the Deaf, Inc. (RID); an experienced teacher of American Sign Language (ASL); a professional skilled in ASL w/experience in teaching communication and other self-development skills to multi-handicapped deaf adults.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/98—12/31/02
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

10-97-11 Perform scheduled and unscheduled veterinary services as needed for thirty-one (31) dogs and provide miscellaneous medications and supplies. Detailed bid specifications must be obtained from the Procurement and Supply Division at (717) 783-5485.

Department: State Police
Location: State Police Academy, Hershey, PA
Duration: 7-1-97 through 6-30-99
Contact: Margaret Chapman, P&S Division, (717) 783-5485

[Pa.B. Doc. No. 97-721. Filed for public inspection May 2, 1997, 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
0021-01	05/01/97	Colony Papers, Inc.	20,000.00
1106156-02	04/18/97	Bayer Diagnostics	66,000.00
1271116-01	04/22/97	Medi Peth Medical Lab, Inc.	62,324.25
1271116-02	04/22/97	Hesco	13,812.77
1582116-01	04/18/97	Allegheny Fence Const., Inc.	18,539.00
1606316-01	04/22/97	Iris Ltd., Inc.	13,361.00
1616116-01	04/18/97	United Restaurant Equip., Inc.	14,186.00
1638116-01	04/17/97	M. Glosser & Sons, Inc.	36,410.00
1639356-01	04/22/97	Exto Mfg. Corp.	53,655.00
1647146-01	04/18/97	Baker Equipment Engineering Co., Inc.	15,873.00
1653156-01	04/18/97	Total Video Products, Inc.	14,221.00
1655186-01	04/17/97	Pannier Corp.	31,263.40
1660076-01	04/22/97	Clipper Unlimited, Inc.	26,200.00
1666156-01	04/17/97	Custom Printing Co.	143,446.00
1675116-01	04/18/97	Tabb Textiles Co., Inc.	11,450.00
1683356-01	04/22/97	Industrial Technical Services, Inc.	95,144.00
1689386-01	04/17/97	Wildfire Pacific	11,828.00
1690386-01	04/17/97	Pannier Graphics	7,190.80
1692236-01	04/18/97	Webb's Super Gro Products, Inc.	16,550.10
1698386-01	04/18/97	Hopewell Mfg.	13,550.00
1708186-01	04/18/97	Moore Business Forms, Inc.	3,824.00
1728126-01	04/18/97	Phoenix Data, Inc.	21,066.30

Requisition or Contract #	Awarded On	To	In the Amount Of
1740356-01	04/18/97	Lanco X-Ray	9,284.80
1746116-01	04/18/97	Erie Industrial Trucks, Inc.	24,744.00
1756206-01	04/22/97	Intoximeters, Inc.	31,705.00
1761226-01	04/17/97	Wyoming Sand and Stone Co.	18,400.00
1764356-01	04/22/97	Atlantic Nuclear Corp.	24,589.00
1768116-01	04/22/97	PA Police Supply	37,576.00
1784156-01	04/17/97	Herre Bros., Inc.	27,474.00
1797226-01	04/18/97	Griffin Motor Co.	82,252.00
1809356-01	04/17/97	API, Inc.	198,510.00
4710-01	05/01/97	Hancor, Inc.	38,851.50
4710-01	05/01/97	Advanced Drainage Systems, Inc.	465,370.50
7313770-01	04/18/97	Tri State Envelope Corp.	1,295.88
8119310-01	04/17/97	Madden Steel Fabricators, Inc.	12,631.27
8205640-01	04/17/97	Commercial Envelope	229,200.00
8231780-01	04/18/97	Manchester Industries, Inc.	38,162.00
8503630-01	04/18/97	American Decal and Mfg. Co., Inc.	8,114.80
8503630-02	04/18/97	Grafika Comm. Printing, Inc.	129,600.00
8503780-01	04/18/97	Moore Business Forms, Inc.	14,619.00
9135-05	05/01/97	Harrisburg Jet Center	166,065.00
9905-09	05/01/97	Traffic Signal Co. of Wis., Inc.	45,000.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-722. Filed for public inspection May 2, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 129]

Control of VOCs from Gasoline Dispensing Facilities (Stage II)

The Environmental Quality Board (Board) proposes to amend § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) to read as set forth in Annex A. The proposed revisions clarify the existing Stage II requirements and make them consistent with the provisions of the Air Pollution Control Act (act) (35 P. S. §§ 4001—4015).

This proposal also seeks comment on the recommendation of the Southwestern Pennsylvania Ozone Stakeholder (Stakeholders) Working Group relating to Stage II.

If approved, the amendment will be submitted to the Environmental Protection Agency (EPA) as an amendment to the State Implementation Plan (SIP).

This notice is given under Board order at its meeting of March 18, 1997.

A. Effective Date

This proposed amendment will be effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1663; or M. Dukes Pepper, Jr., Assistant Director, Bureau of Regulatory Counsel, Office of the Chief 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 proposal is available electronically through the Department of Environmental Protection's (Department's) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

This action is being taken under the authority of section 5 of the Air Pollution Control Act (act) (35 P. S. § 4005) which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. Background of the Proposed Amendment

This proposed rulemaking establishes controls of VOCs from gasoline dispensing facilities (Stage II) in the Pittsburgh-Beaver Valley Area as part of the Commonwealth's demonstration of attainment of the health-based ozone standard. Based on 1991 through 1994 monitoring data, on July 19, 1995, the EPA determined that measured air quality in the area met the ozone National Ambient Air Quality Standard (NAAQS) and that the statutory requirement for an attainment demonstration (and other related requirements) was no longer applicable. However, there were a number of ozone exceed-

ances in 1995 that resulted in a violation of the ozone NAAQS. In response to this violation, the Governor formed the Stakeholders to review the ozone problem and recommend additional emission control programs.

In response to the 1995 ozone NAAQS violation, EPA, on June 4, 1996, published a finding in the *Federal Register* (61 FR 28061 et seq.) that the area was no longer attaining the ozone standard and reinstated the applicability of the attainment demonstration and related requirements. These requirements are those established by Part D of Title I of the Clean Air Act, sections 182(b) and 172(c)(9) (42 U.S.C.A. §§ 7511a(b) and 7502(c)(9)). The EPA recognized the work of the Stakeholders when it published the schedule for completion of the attainment demonstration for the Pittsburgh-Beaver Valley Ozone Nonattainment Area. The schedule was a result of a letter submitted by the Commonwealth. Under the schedule, by December 31, 1997, the Commonwealth must submit to the EPA, as a SIP revision, final regulations establishing the emission controls contained in Annex A. In the event the Commonwealth fails to meet this schedule, the sanctions established by the Clean Air Act will go into effect in early January of 1998. These sanctions include 2 to 1 emission offsets and (after 6 months) the loss of Federal highway funds in the area.

This proposal is one of four core emission reduction strategies recommended by the Stakeholders necessary for the demonstration of attainment of the ozone standard. The four strategies are:

1. Minor changes to the proposed low enhanced motor vehicle emission inspection and maintenance program.
2. The second phase (55% reduction) of the Ozone Transport Commission NO_x Memorandum of Understanding.
3. Clean gasoline proposal (Federal Reformulated Gasoline (RFG) or 7.8 Reid vapor pressure (RVP) gasoline).
4. Stage II vapor control requirements.

These four core strategies were recognized by the Stakeholders as necessary to achieve the ozone standard in the Pittsburgh-Beaver Valley Ozone Nonattainment Area. The Stakeholders specifically recommended the following schedule and throughput cutoff sizes for the implementation of the Stage II requirements:

1. As of April 1, 1997, Stage II should be required to be installed and operational by all newly constructed gasoline dispensing facilities pumping an average of 10,000 gallons or more of gasoline per month.
2. As of April 1, 1997, Stage II should be required to be installed and operational at the reopening of any gasoline dispensing facility pumping an average of 10,000 gallons or more of gasoline per month which has been rebuilt or renovated, where tanks and associated piping have been substantially disturbed in the rebuilding or renovation process.
3. By the end of the year 1998, Stage II should be put in place by all stations pumping an average of 120,000 gallons of gasoline per month (based on 1995/1996 sales).
4. By the end of the year 2000, Stage II should be put in place by all stations pumping an average of 90,000

gallons of gasoline per month (based upon 1995/1996 sales).

5. Stage II will no longer be required as of the year 2010 provided the Federal program to have vapor collection canisters on board each new vehicle is fully implemented.

The Stakeholders' recommendation is contingent upon all safety-related questions surrounding Stage II and on-board vapor recovery devices being addressed satisfactorily.

The Department is specifically requesting comments on the Stakeholders' recommendation as part of this rulemaking.

The statutory authority to establish Stage II throughputs and time frames as recommended by the Stakeholders by regulation is limited by section 6.7 of the act (35 P. S. § 4006.7). The Department intends to seek a repeal of section 6.7 of the act to allow implementation of the Stakeholders' recommendation by regulation.

As an alternative to repeal of section 6.7 of the act and for newly constructed or substantially modified gasoline dispensing facilities, as a supplement to section 6.7 of the act to implement the existing regulations in § 129.82, the Department will begin to implement the requirements of section 6.7 of the act and § 129.82 on the following schedule:

1. As of April 1, 1997, Stage II will be required to be installed and operational by all newly constructed gasoline dispensing facilities pumping an average of 10,000 gallons of gasoline per month.

2. As of April 1, 1997, Stage II will be required to be installed and operational at the reopening of any gasoline dispensing facility pumping an average of 10,000 gallons or more of gasoline per month which has been rebuilt or renovated, where tanks and associated pumping have been substantially disturbed in the rebuilding or renovation process.

3. By the end of the year 1998, Stage II will be required to be installed and operational by all stations pumping an average of 120,000 gallons of gasoline per month (based on 1995/1996 sales).

4. By the end of the year 2000, Stage II will be required to be installed and operational by all stations pumping an average of 90,000 gallons of gasoline per month (based upon 1995/1996 sales).

5. After the year 2000, Stage II will be required to be installed and operational by all gasoline dispensing facilities regulated under section 6.7 of the act and § 129.82. Prior to beginning to enforce this provision, the Department will determine whether these additional reductions are necessary to achieve or maintain the NAAQS for ozone.

The Department discussed the regulatory revisions, Stakeholders' recommendations and implementation schedule with the Air and Water Quality Technical Advisory Committee (AWQTAC). At its January 10, 1997, meeting, the Air Subcommittee of the AWQTAC, acting on behalf of the full AWQTAC, recommended adoption of the proposed amendment and specifically requested that the Department solicit public comment on the Stakeholders' recommendation and describe the Commonwealth's enforcement strategy.

E. *Summary of the Regulatory Revision*

The proposed amendment clarifies the existing Stage II regulatory requirements and makes these provisions consistent with section 6.7 of the act. The amendment to § 129.82 incorporates the compliance dates established by the act into the existing regulations. Finally, subsection (d) establishes the functional testing and certification requirements consistent with the EPA's regulations.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendment.

Benefits

The approximately 2.8 to 3 million people living in the seven counties affected by this amendment will benefit from the reduced ozone levels which will result from implementation of the proposed amendment.

Compliance Costs

Information developed by the Stakeholders indicates that the cost of gasoline may increase approximately 2 to 2.6¢ per gallon. Estimated annual gasoline sales in the southwest Pennsylvania area are slightly less than 1 billion gallons. Total cost to affected facilities is estimated to be approximately \$25 million for implementation of the Stage II requirements.

Compliance Assistance Plan

The Department plans to educate and assist the public and the regulated community with understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing regional compliance assistance program.

Paperwork Requirements

Affected facilities will be required to maintain records of compliance testing and maintenance activities. Facilities claiming to be unaffected because of the low throughput volumes will be required to maintain records to demonstrate that they are unaffected.

G. *Sunset Review*

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 21, 1997, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendment, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The act specifies detailed procedures for the Department, the Governor and the

General Assembly to review these objections before final publication of the regulation.

I. Public Comment and Board Public Hearing

Public Hearing

The Board will hold one public hearing for the purpose of accepting comments on the proposed amendment. The hearing will be held on June 3, 1997, at 1 p.m., at the following location:

Department of Environmental Protection, Southwest Regional Office, 500 Waterfront Drive, Pittsburgh, PA

Persons wishing to present testimony at the hearing must contact Nancy Roush at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony must be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations in order to participate, should contact Nancy Roush at (717) 787-4526 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Written Comments

In lieu of, or in addition to, presenting oral testimony at the hearing, interested persons may submit written comments, suggestions or objections regarding the proposed amendment to the Board, 15th Floor, Rachel Carson State Office Building, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by July 3, 1997. In addition to the written comments, interested persons may also submit a summary of their comments to the Board. This summary may not exceed one page in length and must be received by July 3, 1997. The summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

The Department is expressly seeking comment on the recommendations (discussed in Section D of this Preamble—Background of the Proposal) of the Stakeholders relating to Stage II. The Department will be seeking an amendment to the act to authorize development of a final regulation to implement the Stakeholders' recommendations.

Electronic Comments

Comments may be submitted electronically to the Board at Regcomments@a1.dep.state.pa.us. A subject heading the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by July 3, 1997.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-320. No fiscal impact; (8) recommends adoption. This proposed amendment may result in increased costs to various Commonwealth agencies to purchase gasoline for Commonwealth vehicles. The total increased costs will depend on the type and amount of fuel purchased, and market conditions. The total increased cost can not be estimated at this time, but it is not expected to be significant.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**Subpart C. PROTECTION OF NATURAL
RESOURCES**

ARTICLE III. AIR RESOURCES

CHAPTER 129. STANDARDS FOR SOURCES

MOBILE SOURCES

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II).

(a) After the date specified in paragraph (1) or (2), an owner or operator of a gasoline dispensing facility subject to this section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a) approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 90% by weight, of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and the captured vapors are returned to a vapor tight holding system or vapor control system.

(1) This paragraph applies to gasoline dispensing facilities located in areas classified as moderate, serious or severe ozone nonattainment areas under section 181 of the Clean Air Act (42 U.S.C.A. § 7511) including the counties of Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington and Westmoreland with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section will not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).

(i) Facilities for which construction was commenced after November 15, 1990, shall achieve compliance by **[August 8, 1992] May 15, 1993**.

(ii) Facilities which dispense greater than 100,000 gallons (378,500 liters) of gasoline per month, based on average monthly sales for the 2-year period immediately preceding **[February 8, 1992] November 15, 1992**, shall achieve compliance by **[February 8, 1993] November 15, 1993**.

(iii) All other affected facilities shall achieve compliance by **[February 8, 1994] November 15, 1994**.

(2) Gasoline dispensing facilities with annual throughputs greater than 10,000 gallons in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia shall be subject to the requirements of this section immediately upon the addition or replacement of one or more underground gasoline storage tanks for which construction was commenced after **[February 8, 1992] November 15, 1992**.

(3) For purposes of this section, the term "construction" includes, but is not limited to, the addition or replacement of one or more underground **gasoline** storage tanks.

(b) Owners or operators, or both, of gasoline dispensing facilities subject to [the requirements of] this section shall:

* * * * *

(5) Maintain records of **system test results**, monthly throughput, type and duration of any failures of the system and maintenance and repair records **on the premises of the affected gasoline dispensing facility**. The records shall be kept for at least 2 years and shall be made available for inspection, **upon request**, by the Department.

* * * * *

(d) The owners or operators, or both, of gasoline dispensing facilities shall comply with the functional testing and certification requirements specified in the EPA's Stage II enforcement and technical guidance documents developed under section 182 of the Clean Air Act to meet the Clean Air Act requirements for areas classified as moderate, serious, severe or extreme ozone nonattainment.

(1) Upon installation of a Department approved Stage II system the functional testing and certification requirements shall include:

(i) A dynamic backpressure test upon installation and every 5 years thereafter.

(ii) A leak or pressure decay test upon installation and every 5 years thereafter for vapor balance systems and upon installation and once in every 12 month period thereafter for vacuum assist systems.

(iii) A liquid blockage test upon installation and every 5 years thereafter.

(iv) An air to liquid ratio test upon installation and every 5 years thereafter for vacuum assist systems to which the test is applicable.

(2) Owners or operators, or both, of gasoline dispensing facilities subject to this section shall provide at least 48 hours advance notice of when the testing will occur and what party will conduct the testing.

(3) The system shall be retested upon major system replacement or modification.

[Pa.B. Doc. No. 97-723. Filed for public inspection May 2, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 87 AND 88]

Water Supply Protection/Replacement (Mining)

The Environmental Quality Board (Board) proposes to amend Chapters 87 and 88 (relating to surface mining of coal; and anthracite coal). These proposed amendments address water supply replacement (coal surface mining) and revegetation of previously disturbed and unreclaimed areas.

The proposed amendments were adopted by the Board at its meeting of February 18, 1997.

A. *Effective Date*

These proposed amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rule-making.

B. *Contact Persons*

For further information contact Evan T. Shuster, Bureau of Mining and Reclamation, Room 203 Executive House, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-7846, or Joseph Pizarchik, Assistant Counsel, P. O. Box 8464, Bureau of Regulatory Counsel, 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 proposal is available electronically through the Department of Environmental Protection's (Department's) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

These amendments are proposed under the rulemaking authority of section 4.2(a) of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. § 1396.4b(a)) which provides the Department's general rulemaking authority, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which authorizes the Board to adopt regulations necessary for the Department to perform its work.

D. *Background and Purpose*

The Board is proposing to revise Chapters 87 and 88 to update the Department's coal mining regulations in light of the amendments to the SMCRA (52 P. S. §§ 1396.1—1396.31) by the act of December 18, 1992 (P. L. 1384, No. 173) (Act 173) and the act of May 22, 1996 (P. L. 232, No. 43) (Act 43).

Act 173 amended section 4(a)(2)C of SMCRA (52 P. S. § 1396.4(a)(2)(C)) relating to revegetation to establish minimum vegetative cover requirements for areas previously disturbed by surface mining activities (that is, abandoned coal mine lands) and proposed for re-mining. Section 4.2(f)(1) of SMCRA (52 P. S. § 1396.4b(f)(1)) was amended to extend the water supply replacement requirement to anyone who affects a supply while performing government-financed reclamation. Also, section 4.2(f)(2) of SMCRA was amended by Acts 173 and 43 to provide rebuttable presumption provisions concerning replacement of water supplies due to surface mining of coal. Section 4.2(f)(2) of SMCRA, the presumption of liability provision, does not apply to persons engaged in government-financed reclamation contracts or to surface

mining operations conducted under a mining permit issued by the Department before February 16, 1993.

Secondly, the proposed amendments to §§ 87.119(a) and 88.107 (relating to hydrologic balance: water rights and replacement) are based on several Commonwealth Court and Environmental Hearing Board (EHB) rulings which clarify the water supply replacement requirements of SMCRA and Department regulations. These clarifications address the character of the replacement water supply, including control, reliability and cost.

These proposed amendments do not address water supply replacement requirements governing underground coal mining. Water supply replacement for underground coal mining will be addressed in other regulatory amendments.

E. *Summary of Regulatory Requirements*

As indicated in Section D of this Preamble, these proposed changes are a result of amendments to SMCRA and several court rulings. The following summary identifies the section of the regulations proposed for change along with a description of the specific change.

§§ 87.1 and 88.1 (Definitions)

A definition of "de minimis cost increase" is being added. A de minimis cost increase over the cost to operate and maintain the original water supply is one that is either no more than \$60 or no more than 15% of the cost to operate and maintain the original supply. For example, if the original supply cost \$500 per year to run and the replacement supply cost \$570 per year, the cost increase is \$70 or 14% of the original cost. Although \$70 is greater than \$60, it is less than 15% of the cost of the original. Consequently, the \$70 increase is a de minimis cost increase. The definition is needed when determining whether a replacement water supply is adequate. This is explained in more detail as follows.

A definition of "water supply" is being added to §§ 87.1 and 88.1. The definition is not new language but is existing language that is being relocated from §§ 87.119 and 88.107.

A definition of "water supply survey" is being added to §§ 87.1 and 88.1 for the purpose of clarity. The language of Act 173 simply refers to a survey. The term is used in the context of water supplies. What is being referred to is a "water supply survey," as opposed to some other type of survey such as a property survey, an archeological survey, and the like. The definition of water supply survey also describes the contents of the survey. This clarification will serve the coal industry and the water supply owners by providing clear guidance regarding the requirements of these amendments.

The survey is to collect the specified information that is reasonably available. Information that is reasonably available is that information which can be collected without extraordinary efforts or the expenditure of excessive sums of money. For example, if the well owner does not possess any information on the length of the well casing, an operator would not be expected to spend the money for a borehole camera to determine the length of the casing or to remove a structure, such as a sunroom, that had been constructed over the well.

§§ 87.119(a) and 88.107(a) (Water Supply Replacement Obligations)

The phrase "or any person engaged in government-financed reclamation" has been added based on sections 4.2(f)(1) and 4.8(g) of SMCRA which establish water supply replacement requirements for persons engaged in government-financed reclamation, including reclamation under a no-cost government-financed reclamation contract.

For years section 4.2(f)(1) of SMCRA and §§ 87.119(a) and 88.107(a) have required an operator who affects a water supply to replace the affected supply with an alternate source adequate in water quantity and quality for the purpose served by the supply. Neither the statute nor the regulations defined the term "adequate." This resulted in litigation. The resulting court decisions provide guidance in determining whether a replacement water supply is "adequate." The court decisions addressed increased operation and maintenance costs, increased maintenance and the control, accessibility, reliability and permanence of the replacement water supply. These sections are amended to incorporate these court decisions and clarify what is meant by "adequate" for the purposes of a restored or replaced water supply.

In *Carlson Mining Co. v. DER*, 639 A.2d 1332 (Pa. Cmwlth. 1994) and *Carlson Mining Co. v. DER*, EHB 91-547-E the courts addressed increased operating and maintenance costs of a restored or replacement water supply. The courts found that for a replacement water supply to be adequate, any increase in operation and maintenance costs must be de minimis. The coal company is permanently responsible for any increase in operation or maintenance costs that are not de minimis. The term "de minimis cost increase" is defined in §§ 87.1 and 88.1 and is addressed in §§ 87.119 and 88.107.

Other decisions have also dealt with cost differentials for water supplies. These cases are *Gioia Coal Co. v. DER*, 1986 EHB 82 and *Buffy & Landis v. DER*, 1990 EHB 1665. In *Gioia*, the EHB held that, unless operation and maintenance costs were excessive, the Department could not require the operator to pay for the additional costs of the replacement supply. What would be "excessive" was not defined. In *Buffy & Landis*, the EHB held that: "... (a) proposal for a replacement water supply cannot be considered as an alternative source of water adequate in quantity and quality unless it demonstrates that either the operation and maintenance costs for the proposed replacement source are substantially the same as the existing system and the existing supply's users agree to shoulder these costs or that the miner has included in its proposal a satisfactory method for compensating the users of the existing supply for the replacement supply's increased costs." *Buffy & Landis*. In *Carlson*, the EHB found that, if they are more than a de minimis cost increase, the costs are excessive. The costs of the replacement supply was an annual increase of \$200.24 and a five-fold increase between the costs of operating and maintaining the original supply and the replacement supply. They found these costs to be more than marginally higher and excessive.

De minimis cost increase has been defined in these proposed amendments as an annual cost increase which is either less than 15% of the annual operating and maintenance costs of the previous supply or less than \$60 per year. The factor of .15 times is based on the fact that multiple cost estimates for the same water supply routinely vary by a factor of at least 15%. This factor is clearly less than the five-fold increase which was found to

be excessive in *Carlson*. The amount of \$60 is also based on *Carlson*, where the amount of \$200.24 was found to be excessive. Sixty dollars is less than three-tenths of the cost increase for *Carlson* and is an average of \$5 per month, which is an amount less than typical discretionary expenditures for most households. The definition of *de minimis* given above is much less than the values disputed in *Carlson* and is intended to avoid disagreements over amounts that are essentially the same, or of insignificant difference.

A cost increase less than 15% of the annual operating and maintenance costs of the previous supply is a de minimis cost regardless of the amount. For example, if the annual operation and maintenance costs of the previous supply were \$1,000 and the annual operation and maintenance costs of the replacement supply are \$1,140, the increase of \$140 is a de minimis cost because it is less than 15% of the annual operation and maintenance costs of the previous water supply. This is true even though the increased costs are more than \$60.

Similarly, an annual cost increase of less than \$60 is a de minimis cost. This is true even though the increase may be 15% or more of the annual operation and maintenance costs of the previous supply. For example, if the annual operation and maintenance costs of the previous supply were \$120 and the annual operation and maintenance costs of the replacement supply are \$144 (an increase of \$24 or 20%) the increase is still de minimis because it is less than \$60.

It does not matter whether the increase in annual operation and maintenance costs exceed the previous supplies operation and maintenance costs by 15% or more or if they are \$60 or more as long as the increase in annual operation and maintenance costs is less than one of these amounts. If it is less than one of these amounts, and it does not matter which one, the cost increase is de minimis.

The new provision concerning adequacy of the replacement supply in regards to maintenance, control, accessibility, reliability and permanence is being added because of findings in the *Carlson*, *Gioia* and *Buffy & Landis* decisions, plus the decision in *Haydu v. DER & PBS Coals Co., Inc.*, 1994 EHB 826. In *Gioia* the EHB found that: "... the user of a replacement water supply—who originally had complete control over his supply—be able to avoid having the replacement supply cut off at any time by the acts of another person." In *Buffy & Landis* the EHB ruled that "... when *Buffy & Landis*, exclusively control their existing private sources of supply, the proposal for a community replacement source of water must demonstrate that *Buffy & Landis* retain substantially equal control over it or consent thereto, if it is to be judged an adequate replacement proposal." It should be noted here that the term "community replacement source of water" in *Buffy & Landis* refers to a well that was to service five homes, and does not refer to a public water supply. In *Haydu*, the EHB found that: "... (t) to satisfy the requirements of section 4.2(f) of the SMCRA, a replacement water supply: must have an adequate quantity and quality; must not be unreliable; must not require excessive maintenance; and must provide the property owner with as much control as he exercised over his previous supply."

It has been Department practice to allow a water supply owner to waive an operator's obligation to restore or replace an affected water supply. The waiver had to be in writing on a Department form and had to be approved by the Department. The Mining and Reclamation Advi-

sory Board, after considerable debate, recommended that a waiver provision be included in these proposed amendments. The debate revolved around who should be allowed to submit the waiver. For example, if the landowner had leased the property as a residence, could the landowner or the tenant waive the requirement to replace the water supply without considering the interests of the other or was it necessary for both to agree to the waiver?

The statutory obligation to replace an affected water supply extends to the use of the water resource. The obligation to replace is not conditioned upon the user also being the landowner. In recognition of the possibility that more than one person can have a legal interest in a water supply, the waiver provisions added as §§ 87.119(a)(3) and 88.107(a)(3) allow for the waiver of the obligation to replace a water supply if everyone possessing a legal interest in the water supply agrees to the waiver. This approach is necessary to protect everyone's rights and to avoid needless disputes. The waiver must be in writing on a form prepared by the Department. Everyone possessing an ownership interest in the affected water supply must sign the waiver. For example, if the landowner has leased the property as a residence, both the landowner and the tenant must sign the waiver.

It is also intended that the requirement to restore or replace a water supply can be waived in its entirety or in part. For example, if the affected water supply has been replaced with a water supply that is adequate in every respect except that the replacement supply costs more to operate and maintain, the owner may waive the requirement to pay the increased operation and maintenance costs. This would occur when the operator agrees to pay the future operation and maintenance costs in a lump sum instead of as they occur. This is both more efficient and less onerous on the user and the operator.

§§ 87.119(b) and 88.107(b) (Presumption of Liability for Pollution)

Acts 173 and 43 added section 4.2(f)(2)–(7) to SMCRA which created a presumption of liability on the part of a surface mine operator or mine owner for pollution or diminution of public or private water supplies located within 1,000 feet (304.80 meters) of areas bonded and affected by coal mining operations, areas of overburden removal and storage and support areas except for haul and access roads. This provision is not applicable to persons engaged in government-financed reclamation contracts. Section 4.2(f) of SMCRA also contains five conditions which a surface mine operator or surface mine owner may use to rebut the presumption of liability. The same presumption of liability applies to surface mining activities which are not permitted by the Department.

It should be noted that, with or without a rebuttable presumption of liability, the Department will continue to carefully evaluate each instance of water supply contamination or diminution based on the best scientific and technical information available, prior to ordering a surface mine operator or mine owner to restore or replace a water supply.

§§ 87.119(c) and 88.107(c) (Defenses to Presumption of Liability)

The language for §§ 87.119(c)(1) and 88.107(c)(1) is intended to clarify the provisions of section 4.2(f)(2)(ii) of SMCRA in two regards. First, the term "water supply user" has been added between "landowner" and "water supply company" to account for the possibility that the landowner and water supply user may be different persons. An example is when someone is renting a house

owned by another person. Second, the term "reasonable access" is used in place of "access." The intent of this proposed modification is to account for situations where an operator might need to spend considerable effort and money to gain physical access to a water supply. For example, a homeowner may have constructed a concrete patio over his wellhead. This language would also help protect homeowners from surface mine operators and mine owners proposing major disruptions and inconveniences to homeowners to gain access and to sample homeowners' wells.

§§ 87.119(d) and 88.107(d) (Notification to the Department)

These provisions require the surface mine operator or mine owner to provide the Department with all information pertaining to available defenses. This will allow the Department to evaluate any defenses to the presumption of liability available to the surface mine operator or mine owner. Doing so will enable the Department to avoid issuing erroneous orders and will save the operator and the Department expenses related to appeals of these orders.

§§ 87.119(e) and (f) and 88.107(e) and (f) (Immediate Replacement of Water Supply and Department Cost Recovery)

These subsections are proposed to be added to implement section 4.2(f)(3) of SMCRA. These requirements authorize the Department to restore or replace a water supply when the surface mine operator or mine owner fails to comply with an order issued by the Department to restore or replace a water supply which the Department determined had been affected by the operator. The requirements require the Department to recover incurred costs, including costs for providing a temporary water supply, from the surface mine operator or mine owner.

§§ 87.119(g) and 88.107(g) (Operator Cost Recovery)

These proposed subsections, which reflect the provisions of section 4.2(f)(5) of SMCRA, allow a surface mine operator or mine owner who provides a successful defense to the presumption of liability to seek recovery of reasonable costs from the Department. These costs include costs incurred for providing a temporary water supply, design, construction, restoration or replacement costs, attorney fees and expert witness fees.

§§ 87.119(h) and (j) and 88.107(h) and (j) (Other Remedies and Departmental Authority)

The proposed language of these subsections reflect section 4.2(f)(6) of SMCRA which allows a landowner, water supply user or water supply company who claims pollution or diminution of a water supply to seek other legal remedies than are provided for by section 4.2(f) of SMCRA and these regulations. Subsections (j) in §§ 87.119 and 88.107 provide notice that the Department's authority to take other actions is not limited by those sections.

§§ 87.119(i) and 88.107(i) (Issuance of New Permits)

The proposed language of this subsection reflects section 4.2(f)(4) of SMCRA. If the Department issues an order under §§ 87.119 or 88.107 and that order is appealed, the Department cannot use the appealed order as the basis for blocking the issuance of new permits to the operator or the release of bonds when all other requirements for bond release have been satisfied. If the operator does not appeal the Department order, the order can serve as the basis for blocking the issuance of new permits to the operator or releasing bonds on any site.

§§ 87.119(k) and 88.107(k) (Exception)

These sections are being added to reflect section 4.2(f)(7) of SMCRA which provides that the provisions relating to the presumption of liability for replacement of water supplies do not apply to surface coal mine permits issued before February 16, 1993.

§§ 87.147(b), 88.121(b) and 88.209(b) (Revegetation)

These sections are proposed to be revised to provide for a different vegetative cover requirement as authorized by section 4(a)(2)(C) of SMCRA which allows the Department to approve a lesser vegetative cover requirement for areas previously disturbed by surface mining activities that were not reclaimed to the standards of SMCRA and Chapters 87 and 88 and are proposed for re-mining.

F. Benefits and Costs

Executive Order 1996-1 requires a cost/benefit analysis of these proposed amendments.

Benefits

The benefits of the proposed amendments are that water supplies within 1,000 feet (304.80 meters) of land affected by surface mining activities of a permit issued after February 16, 1993, should be replaced more expeditiously. The proposed amendments relating to revegetation impose no additional costs to surface coal mine operators and will save operators an estimated \$32,000 annually (\$40 reclamation cost savings per acre × 800 acres of abandoned mine land re-mined per year = \$32,000). In addition, the proposed provisions relating to revegetation should provide some additional incentive for surface coal mine operators to re-mine previously mined and unreclaimed lands.

Compliance Costs

The proposed amendments impose no additional mandatory costs on the coal operator other than what would currently be required under the statutory provisions of SMCRA relating to rebutting a presumption of liability for replacement of water supplies affected by the mining activities which are within 1,000 feet (304.80 meters) of the land affected by surface mining activities.

Operator costs for permanent replacement or restoration of degraded water supplies would be approximately \$7,500 per supply. Operator costs for providing a temporary water supply (until permanent replacement or restoration) would be approximately \$1,000 based upon providing a household with 4 residents with 75 gallons a day per resident for 2 months. The annual costs for water supply replacement would amount to an estimated \$40,800 assuming 5% of the operators degrade one water supply during a 5-year period [$\$8,500 \text{ per supply} (\$7,500 + \$1,000) \div 5 \text{ years} = \$1,700 \text{ per year} \times 24 \text{ operators (5\% of 480 operators)} = \$40,800 \text{ per year}$].

The Commonwealth's costs of administering and enforcing these requirements will not change significantly beyond what would currently be required under the statutory provisions of SMCRA. The statutory provisions could significantly increase the Commonwealth's costs if the Department is unsuccessful in defending appeals by mine operators of Department orders to replace water supplies. The Department currently investigates approximately 80 complaints annually concerning degraded water supplies in the vicinity of surface coal mine operations. If the Department issued 2 compliance orders annually for replacement or restoration of a degraded water supply within 1,000 feet of a mining operation and the mine operator was successful in defending an appeal

of the orders under the rebuttable presumption provisions, the estimated minimum annual costs to the Department would be \$17,000 ($\$8,500 \text{ per water supply} \times 2 \text{ supplies per year} = \$17,000 \text{ per year}$). These are minimum costs and do not account for attorney fees and expert witness fees which the operator would also be entitled to recover under the statutory provisions relating to rebuttable presumption and under these regulations. These costs represent a very conservative estimate of what the overall costs may be to the Department if litigation costs are taken into account.

Paperwork Requirements

The proposed amendments will not result in additional forms or reports. Some additional recordkeeping procedures will be necessary to implement section 4.2(f) of SMCRA.

G. Sunset Review

These proposed amendments 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 April 16, 1997, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. 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 public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor.

I. Public Comments

Written Comments—Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 (express mail: 15th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301). Comments received by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by July 2, 1997 (within 60 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered. The summary may not exceed one page in length and must also be received by July 2, 1997 (within 60 days of publication in the *Pennsylvania Bulletin*).

Electronic Comments—Comments may be submitted electrically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by July 2, 1997. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic com-

ments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

J. Public Hearing

The Board will hold 2 public hearings for the purpose of accepting comments on this proposal. They will be held as follows:

June 10, 1997—3 p.m. Department of Environmental Protection, Greensburg District Office, Armbrust Professional Center, Bldg. C, Route 819 South, Greensburg, PA

June 12, 1997—1 p.m. Department of Environmental Protection, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA

Persons wishing to present testimony are requested to contact Nancy Roush at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Nancy Roush directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-315. (1) Surface Mining Conservation and Reclamation Fund; (2) Implementing Year 1997-98 is \$Minimal; (3) 1st Succeeding Year 1998-99 is \$Minimal; 2nd Succeeding Year 1999-00 is \$Minimal; 3rd Succeeding Year 2000-01 is \$Minimal; 4th Succeeding Year 2001-02 is \$Minimal; 5th Succeeding Year 2002-03 is \$Minimal; (4) Fiscal Year 1996-97 \$34,165,000; Fiscal Year 1995-96 \$29,758,000; Fiscal Year 1994-95 \$31,383,000; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 87. SURFACE MINING OF COAL

Subchapter A. GENERAL PROVISIONS

§ 87.1. Definitions.

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

* * * * *

De minimis cost increase—For purposes of § 87.119 (relating to hydrologic balance: water rights and replacement), a cost increase which meets one of the following criteria:

(i) Is less than 15% of the annual operating and maintenance costs of the previous water supply that is restored or replaced.

(ii) Is less than \$60 per year.

* * * * *

Water supply—For the purpose of § 87.47 (relating to alternative water supply information) and § 87.119, an existing or currently designated or currently planned source of water or facility or system for the supply of water for human consumption or for agricultural, commercial, industrial or other uses.

Water supply survey—The collection of reasonably available information for a water supply to establish:

- (i) The location, type and use of the water supply.
(ii) The chemical and physical characteristics of the water.
(iii) The quantity of the water.
(iv) The physical description of the water supply, including the depth and diameter of the well, length of casing and description of the treatment and distribution systems.
(v) Hydrogeologic data such as the static water level and yield determination.

* * * * *

Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 87.119. Hydrologic balance: water rights and replacement.

(a) Water supply replacement obligations. The operator of any mine [which] or a person engaged in government-financed reclamation who affects a water supply by contamination, pollution, diminution or interruption shall restore or replace the affected water supply with an alternate source, adequate in water quantity and water quality, for the purpose served by the water supply. [For the purpose of this section, the term "water supply" shall include any existing or currently designated or currently planned source of water or facility or system for the supply of water for human consumption or for agricultural, commercial, industrial or other uses.]

(1) To be adequate, the restored or replacement water supply, at a minimum, shall:

- (i) Be as reliable as the previous water supply.
(ii) Be as permanent as the previous water supply.
(iii) Not require excessive maintenance.
(iv) Provide the owner and the user with as much control and accessibility as exercised over the previous water supply. The use of a public water supply as a replacement water supply provides the owner and the user adequate control and accessibility.

(v) Not result in more than a de minimis cost increase to operate and maintain.

(2) If the operating and maintenance costs of the restored or replacement water supply are more than a de minimis cost increase, the operator shall provide for the permanent payment of the increased operating and maintenance costs of the restored or replacement water supply.

(3) The requirement contained in this section to restore or replace an affected water supply may, upon approval by the Department, be waived. The waiver shall be in writing on a form prepared by the Department. Everyone who possesses an ownership interest in the water supply shall sign the waiver.

(b) *Presumption of liability for pollution.*

(1) It shall be presumed, as a matter of law, that a surface mine operator or mine owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination, and diminution of public or private water supplies within 1,000 linear feet (304.80 meters) of the boundaries of the areas bonded and affected by coal mining operations, areas of overburden removal and storage and support areas except for haul and access roads.

(2) If surface mining activities are conducted on areas which are not permitted or bonded, it shall be presumed, as a matter of law, that the surface mine operator or mine owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination, and diminution of public or private water supplies within 1,000 linear feet (304.80 meters) of the land affected by the surface mining activities.

(c) *Defenses to presumption of liability.* There are only five defenses to the presumption of liability provided in subsection (b). For any of the five defenses to apply, the mine operator or mine owner shall affirmatively prove by a preponderance of evidence that one or more of the following conditions exists:

(1) The landowner, water supply user or water supply company refused to allow the surface mine operator or mine owner reasonable access to conduct a water supply survey prior to commencing surface mining activities.

(2) The water supply is not within 1,000 linear feet (304.80 meters) of:

(i) The boundaries of areas bonded and affected by coal mining operations, areas of overburden removal and storage and areas used for support but not including haul and access roads.

(ii) The boundaries of areas affected by surface mining activities in areas which are not bonded.

(3) The pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance.

(4) The pollution or diminution occurred as a result of some cause other than the surface mining activities.

(5) The landowner, water supply user or water supply company refused to allow the surface mine operator or mine owner reasonable access to determine the cause of pollution or diminution or to replace or restore the water supply.

(d) *Notification to Department.* The surface mine operator or mine owner shall notify the Department and provide all information which supports a defense to the presumption of liability when one or

more of the five defenses to the presumption of liability provided in subsection (c) are met.

(e) *Immediate replacement of water supply.* If the Department finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety and the surface mine operator or mine owner has failed to comply with an order issued under section 4.2(f) of SMCRA (52 P. S. § 1396.4b(f)), the Department may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply.

(f) *Department cost of recovery.* The Department will recover the costs of restoration or replacement, the costs of temporary water supply and costs incurred for design and construction of facilities from the responsible surface mine operator or mine owner. Costs recovered will be deposited in the Surface Mining Conservation and Reclamation Fund.

(g) *Operator cost recovery.* A surface mine operator or mine owner who appeals a Department order, provides a successful defense during the appeal to the presumptions of liability and is not otherwise held responsible for the pollution or diminution is entitled to seek recovery of reasonable costs incurred, including, but not limited to, the costs of temporary water supply, design, construction, restoration or replacement costs, attorney fees and expert witness fees from the Department.

(h) *Other remedies.* Nothing in this section prevents a landowner, water supply user or water supply company who claims pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or in equity.

(i) *Issuance of new permits.* A Department order issued under this section which is appealed, will not be used to block issuance of new permits or the release of bonds when a stage of reclamation work is completed.

(j) *Departmental authority.* Nothing in this section limits the Department's authority under section 4.2(f)(1) of SMCRA.

(k) *Exception.* A surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (b)—(i), but is subject to subsections (a) and (j).

§ 87.147. Revegetation: general requirements.

* * * * *

(b) Revegetation shall provide for a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area, except that introduced species may be used in the revegetation process when desirable and necessary to achieve the approved postmining land use plan. Vegetative cover shall be considered of the same seasonal variety when it consists of a mixture of species of equal or superior utility for the approved postmining land use, when compared with the utility of naturally occurring vegetation during each season of the year.

(1) For areas previously disturbed by surface mining activities that were not reclaimed to the standards of SMCRA and this chapter, and are proposed to be reaffected or redisturbed, the Department may approve a vegetative cover which, at a minimum, may not be less than the vegetative cover existing before redisturbance and shall be adequate to control erosion and achieve the approved postmining land use.

(2) For areas designated as prime farmland, [the requirements of] §§ 87.177—87.181 apply.

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CHAPTER 88. ANTHRACITE COAL

Subchapter A. GENERAL PROVISIONS

PRELIMINARY PROVISIONS

§ 88.1. Definitions.

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

* * * * *

De minimis cost increase—For purposes of § 88.107 (relating to hydrologic balance: water rights and replacement), a cost increase which meets one of the following criteria:

(i) Is less than 15% of the annual operating and maintenance costs of the previous water supply that is restored or replaced.

(ii) Is less than \$60 per year.

* * * * *

Water supply—For the purpose of § 88.27 (relating to alternative water supply information) and § 88.107, an existing or currently designated or currently planned source of water or facility or system for the supply of water for human consumption or for agricultural, commercial, industrial or other uses.

Water supply survey—The collection of reasonably available information for a water supply to establish:

(i) The location, type and use of the water supply.

(ii) The chemical and physical characteristics of the water.

(iii) The quantity of the water.

(iv) The physical description of the water supply, including the depth and diameter of the well, length of casing and description of the treatment and distribution systems.

(v) Hydrogeologic data such as the static water level and yield determinations.

* * * * *

Subchapter B. SURFACE ANTHRACITE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.107. Hydrologic balance: water rights and replacement.

(a) *Water supply replacement obligations.* The operator of any mine [which] or a person engaged in government-financed reclamation who affects a water supply by contamination, pollution, diminution or interruption shall restore or replace the affected water

supply with an alternate source, adequate in water quality and water quantity for the purpose served by the water supply. [For the purpose of this section, the term “water supply” includes any existing or currently designated or currently planned source of water or facility or currently designated or currently planned source of water or facility or system for the supply of water for human consumption or for agricultural, commercial, industrial or other uses.]

(1) To be adequate, the restored or replacement water supply, at a minimum, shall:

(i) Be as reliable as the previous water supply.

(ii) Be as permanent as the previous water supply.

(iii) Not require excessive maintenance.

(iv) Provide the owner and the user with as much control and accessibility as exercised over the previous water supply. The use of a public water supply as a replacement water supply provides the owner and the user adequate control and accessibility.

(v) Not result in more than a de minimis cost increase to operate and maintain.

(2) If the operating and maintenance costs of the restored or replacement water supply are more than a de minimis cost increase, the operator shall provide for the permanent payment of the increased operating and maintenance costs of the restored or replacement water supply.

(3) The requirement contained in this section to restore or replace an affected water supply may, upon approval by the Department, be waived. The waiver shall be in writing on a form prepared by the Department. Everyone who possesses an ownership interest in the water supply shall sign the waiver.

(b) *Presumption of liability for pollution.*

(1) It shall be presumed, as a matter of law, that a surface mine operator or mine owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination, and diminution of public or private water supplies within 1,000 linear feet (304.80 meters) of the boundaries of the areas bonded and affected by coal mining operations, areas of overburden removal and storage and support areas except for haul and access roads.

(2) If surface mining activities are conducted on areas which are not permitted or bonded, it shall be presumed, as a matter of law, that the surface mine operator or mine owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination and diminution of public or private water supplies within 1,000 linear feet (304.80 meters) of the land affected by the surface mining activities.

(c) *Defense to presumption of liability.* There are only five defenses to the presumption of liability provided in subsection (b). For any of the five defenses to apply, a mine operator or mine owner shall affirmatively prove by a preponderance of evidence that one or more of the following conditions exists:

(1) The landowner, water supply user or water supply company refused to allow the surface mine operator or mine owner reasonable access to conduct a water supply survey prior to commencing surface mining activities.

(2) The water supply is not within 1,000 linear feet (304.80 meters) of:

(i) The boundaries of areas bonded and affected by coal mining operations, areas of overburden removal and storage and areas used for support but not including haul and access roads.

(ii) The boundaries of areas affected by surface mining activities in areas which are not bonded.

(3) The pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance.

(4) The pollution or diminution occurred as a result of some cause other than the surface mining activities.

(5) The landowner, water supply user or water supply company refused to allow the surface mine operator or mine owner reasonable access to determine the cause of pollution or diminution or to replace or restore the water supply.

(d) *Notification to the Department.* The surface mine operator or mine owner shall notify the Department and provide all information which supports a defense to the presumption of liability when one or more of the five defenses to the presumption of liability provided in subsection (c) are met.

(e) *Immediate replacement of water supply.* If the Department finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety and the surface mine operator or mine owner has failed to comply with an order issued under section 4.2(f) of SMCRA (52 P. S. § 1396.5b(f)), the Department may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply.

(f) *Department cost of recovery.* The Department will cover the costs of restoration or replacement, the costs of temporary water supply and costs incurred for design and construction of facilities from the responsible surface mine operator or mine owner. Costs recovered will be deposited in the surface mining conservation and reclamation fund.

(g) *Operator cost recovery.* A surface mine operator or mine owner who appeals a Department order, provides a successful defense during the appeal to the presumptions of liability and is not otherwise held responsible for the pollution or diminution is entitled to seek recovery of reasonable costs incurred, including, but not limited to, the costs of temporary water supply, design, construction, restoration or replacement costs, attorney fees and expert witness fees from the Department.

(h) *Other remedies.* Nothing in this section prevents a landowner, water supply user or water

supply company who claims pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or in equity.

(i) *Issuance of new permits.* A Department order issued under this section which is appealed, will not be used to block issuance of new permits or the release of bonds when a stage of reclamation work is completed.

(j) *Departmental authority.* Nothing in this section limits the Department's authority under section 4.2(f)(1) of SMCRA (52 P. S. § 1396.4b(f)(1)).

(k) *Exception.* A surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (b)—(i) but is subject to subsections (a) and (j).

§ 88.121. Revegetation: general requirements.

* * * * *

(b) Revegetation shall provide for a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except that introduced species may be used in the revegetation process when desirable and necessary to achieve the approved postmining land use plan. For areas previously disturbed by surface mining activities that were not reclaimed to the standards of SMCRA and this chapter, and are proposed to be reaffected or redisturbed, the Department may approve a vegetative cover which, at a minimum, may not be less than the vegetative cover existing before redisturbance and shall be adequate to control erosion and achieve the approved postmining land use.

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Subchapter C. ANTHRACITE BANK REMOVAL AND RECLAMATION: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.209. Vegetation: general requirements.

* * * * *

(b) Seeding and planting shall provide for a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except that introduced species may be used in the vegetation process when desirable and necessary to achieve the approved postmining land use plan. For areas previously disturbed by surface mining activities that were not reclaimed to the standards of SMCRA and this chapter, and are proposed to be reaffected or redisturbed, the Department may approve a vegetative cover which, at a minimum, may not be less than the vegetative cover existing before redisturbance and shall be adequate to control erosion and achieve the approved postmining land use.

* * * * *

[Pa.B. Doc. No. 97-724. Filed for public inspection May 2, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 86—90]

Coal Mining Permitting and Performance Standards

The Environmental Quality Board (Board) proposes to amend Chapters 86—90. The amendments address coal mine permitting requirements and various performance standards relating to coal mining.

This proposal was adopted by the Board at its meeting of February 18, 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 Evan T. Shuster, Bureau of Mining and Reclamation, P. O. Box 8461, Room 203 Executive House, Harrisburg, PA 17105-8461, (717) 787-7846, or Joseph Pizarchik, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, 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 proposal is available electronically through the Department of Environmental Protection's (Department's) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

These amendments are adopted under the rulemaking authority of section 4.2(a) of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. § 1396.4b(a)); section 5(b) of The Clean Streams Law (CSL) (35 P. S. § 691.5(b)); section 3.2(a) of the Coal Refuse Disposal Control Act (CRDCA) (52 P. S. § 30.53b(a)); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which authorizes the Board to adopt regulations necessary for the Department to perform its work.

D. *Background and Purpose*

This proposal amends existing provisions relating to permitting and performance standards for surface coal mining, underground coal mining and coal refuse disposal operations. Permitting provisions being amended include modifying the criteria for permit approval; expanding upon circumstances when permit terms may be extended; expanding right of entry requirements to address circumstances where the mineral estate has been severed from the surface estate; revising a permit applicant's proof of publication requirement and adding an additional land use category. Performance standards being amended relate to coal exploration, casing and sealing drill holes, topsoil removal, general hydrology and effluent limits, use of explosives, grading, postmining land use, haul roads and access roads and auger mining. The proposed amendments also modify the regulatory scope of Chapters 86—90 and amend provisions relating to bond release after revegetation and bond release for remaining areas with pre-existing pollutional discharges.

These proposed amendments are the result of the Department's Regulatory Basics Initiative (RBI) which was initiated in August 1995 and Governor Ridge's Executive Order 1996-1, titled "Regulatory Review and Promulgation," dated February 6, 1996. Under the RBI, the Department solicited public input concerning existing regulations in the August 19, 1995, *Pennsylvania Bulletin*. Comments received by the Department and the Department's own review of the regulations under the RBI and Executive Order 1996-1 have identified the sections in this rulemaking which are more stringent than corresponding Federal requirements without a compelling and articulable State interest, imposing disproportionate economic costs, being too prescriptive or technology specific or lacking clarity. Additionally, the Department proposed to insert, when appropriate, equivalent measures in standard international metric system units.

These proposed regulatory changes were reviewed and discussed with the Mining and Reclamation Advisory Board (MRAB) which is the Department's advisory body for regulations pertaining to the surface mining of coal. A draft of the proposed rulemaking was reviewed and discussed with the MRAB's Regulation, Legislation and Technical Committee on September 26, 1996. The MRAB concurred with the proposed rulemaking at its meeting on October 3, 1996.

E. *Summary of Regulatory Requirements*

The following are the sections proposed for change along with a brief discussion of the changes. Since most of the proposed changes are being made so as to be no more stringent than Federal requirements, the corresponding Federal regulation for each section is also listed.

§ 86.2. *Scope.* 30 CFR 700.11

SMCRA's definition of surface mining activities exempts certain types of operations. The scope of this chapter is modified to exempt those operations from meeting the requirements of Chapters 86—90.

§ 86.37(a)(4). *Criteria for permit approval or denial/hydrologic balance.* 30 CFR 773.15(c)(5)

The criterion relating to the probable cumulative impacts of mining on the hydrologic balance is revised to require that the mining be designed to prevent "material" damage to the hydrologic balance "outside" the proposed permit area. The current regulation does not include the term "material" and includes the term "within" the proposed permit area. This proposed change is made to conform with the language of the corresponding Federal regulation and is not intended to lessen the requirements under the CSL and SMCRA for prevention of pollution to streams and other waters of this Commonwealth.

§ 86.37(a)(6). *Criteria for permit approval or denial/historic resources.* 30 CFR 761.11(c) and 773.15(c)

The criterion that permit applicants demonstrate that mining activities will not adversely affect historic resources is modified to apply only to historic places actually listed on the National Register of Historic Places. The Department must still take into account the effect of the proposed mining activities on properties listed on or eligible for listing on the National Register of Historic Places. In addition, the Department's consideration must be documented in writing and may be supported by

appropriate permit conditions or operational plan changes to protect historic resources or a documented decision that no additional protective measures are necessary. This proposed amendment conforms the regulation to the corresponding Federal regulations.

§ 86.40(b). *Permit term.* 30 CFR 773.19(e)(2)(ii)

This subsection requires operators to begin mining activities within 3 years of issuance of a permit unless the operator shows that additional time is needed because of litigation. This proposed amendment expands the reasons for extending the start of mining activities to include conditions which are beyond the control of the operator. This change matches similar provisions in the corresponding Federal regulation.

§ 86.64. *Right of entry.* 30 CFR 778.15

The requirement for permit applicants to demonstrate right of entry to conduct coal mining activities is amended to address circumstances where the mineral estate has been severed from the surface estate. Also, language is added to clarify the requirements for describing the documents which provide the applicant's right of entry. The corresponding Federal regulation contains the same requirements. The proposed amendment also clearly states that the Federal requirements for right of entry are in addition to those State law requirements arising under section 4 of SMCRA (52 P. S. § 1396.4).

§ 86.70. *Proof of publication.* 30 CFR 778.21

These proposed amendments allow a permit applicant to demonstrate its intent to publish a notice in a local newspaper instead of submitting a statement from the newspaper. Additionally, the applicant may submit a copy of each weekly newspaper advertisement (that is, 4 copies) as an alternative to submitting a notarized proof of publication. These proposed changes conform to the corresponding Federal regulation.

§ 86.132. *Definitions (relating to coal exploration).* 30 CFR 701.5

The definition of "substantially disturb," in the context of coal exploration, is proposed to be modified to apply to significant impacts upon land, air or water resources. The current language refers to any impacts. The amended language is consistent with the Federal definition of "substantially disturb."

§ 86.133. *General requirements.* 30 CFR 772.11(a) and 772.12(a)

The limit for coal removal during coal exploration is proposed to be changed from less than 250 tons (226 metric tons) of coal to 250 tons (226 metric tons) or less as found in Federal regulations.

§ 86.134. *Coal exploration performance and design standards.* 30 CFR 815.15

Requirements for measuring environmental characteristics during coal exploration, specifying who has responsibility for revegetating lands disturbed during exploration activities and placing limitations on vehicular travel on land where coal exploration occurs are proposed to be deleted. These proposed deletions eliminate overly prescriptive requirements.

§ 86.174(b). *Standards for release of bonds.* 30 CFR 800.40(c)(2)

This subsection is proposed to be revised to clarify the standards for Stage 2 reclamation bond release. The current wording of this section has the potential for being misinterpreted relative to application of the standards for

successful revegetation associated with Stage 2 bond release. This proposed amendment applies a more general standard to be consistent with section 4(b)(2) of SMCRA and the corresponding Federal regulations.

§§ 87.1, 88.1 and 90.1. *Definitions.* 30 CFR 701.5

A category of "unmanaged natural habitat" is proposed to be added to the list of recognized land uses included in the definition of "land use." This category is equivalent to the Federal land use definition for "undeveloped land or no current use or land management." This change provides a land use category which allows permit applicants to more realistically identify lands which remain in a basically unmanaged natural state. The change will provide more flexibility in approving land use changes.

§§ 87.77(a), 88.56(a), 88.492(f)(1), 30 CFR 780.31(a)
89.38(b) and 90.40(a). *Protection of parks and historic places.* and 784.17(a)

The requirement for a permit application to contain a description of measures for preventing or minimizing adverse impacts to public parks or historic places is proposed to be changed to apply only to publicly owned parks. There are no changes made to the protections afforded historic places actually listed on the National Register of Historic Places. However, consistent with Federal regulations, the Department retains the authority to require the applicant to protect places eligible for listing on the National Register of Historic Places. These proposed amendments are made so as to be no more restrictive than the corresponding Federal regulations.

§§ 87.93, 88.83, 88.283 and 90.93. 30 CFR 816.13
Casing and sealing of drill holes. and 817.13

The wording within §§ 87.93(a)(2) and 88.83(a)(2) for protection of the hydrologic balance is proposed to be changed from "prevent to the maximum extent possible" to "minimize" disturbance to the prevailing hydrologic balance. These proposed changes are not intended to lessen the requirements under the CSL and SMCRA for prevention of pollution to streams and other waters of this Commonwealth. The proposed changes are made solely for purposes of having these sections conform with the current language in §§ 88.283 and 90.93 and the language of the corresponding Federal regulations.

The requirement in §§ 87.93(e), 88.83(e), 88.283(e) and 90.93(e) for having oil and gas well operators agree in writing to mining activities closer than 125 feet to a well is proposed to be deleted. The corresponding Federal regulations do not contain this requirement. Also, the reference in § 90.93(d) to the act regulating oil and gas well operations is proposed to be corrected.

§§ 87.97 and 90.97. *Topsoil removal.* 30 CFR 816.22
and 817.22

The provisions which allow for supplementing or substituting other materials for subsoil are proposed to be changed to apply to topsoil in keeping with the corresponding Federal regulations.

§ 87.101(a), 88.91(a), 88.291(a) 30 CFR 816.41(a)
and 90.101(a). *Hydrologic balance/ general requirements.* and 817.41(a)

The wording that calls for mining activities to be planned and conducted to protect the hydrologic balance is proposed to be amended. The phrase "prevent to the maximum extent possible" has been replaced with "minimize" as it concerns disturbances to the prevailing hydro-

logic balance within the permit area and adjacent area. Also, a requirement for preventing material damage outside the permit area is proposed to be added. These proposed amendments are made solely to conform with the language of the corresponding Federal regulations and are not intended to lessen the requirements under the CSL and SMCRA for prevention of pollution to streams and other waters of this Commonwealth.

§§ 87.102(a), 88.92(a), 88.187(a), 30 CFR 816.42
88.292(a), 89.52(c) and 90.102(a). and 817.42
Hydrologic balance/effluent standards. 40 CFR Part 434

The effluent limit for manganese is deleted for surface water runoff from storm events of less than or equal to a 10-year, 24-hour storm to be consistent with the corresponding Federal regulations.

§§ 87.106, 88.96, 88.191, 88.296 and 30 CFR 816.45
90.106. Hydrologic balance/sediment and 817.45
control measures.

The wording which provides for the design, construction and maintenance of sediment control measures is proposed to be changed from "prevent erosion to the maximum extent possible" to "minimize erosion to the extent possible," and from "prevent to the maximum extent possible" to "prevent to the extent possible" contributions of sediment to stream flow or runoff outside the affected area. These proposed changes are made solely to conform with the language of the corresponding Federal regulations and are not intended to lessen the requirements under the CSL and SMCRA for prevention of pollution to streams and other waters of this Commonwealth.

§ 87.126(a)(1). Use of explosives/ 30 CFR 816.64(b)(1)
public notice of blasting schedule.

The requirement for the blasting schedule to be published in a newspaper is proposed to be changed from not more than 20 days to not more than 30 days before beginning blasting. This proposed amendment is made so as to be no more restrictive than the corresponding Federal regulations.

§ 87.127. Use of explosives/ 30 CFR 816.67(c)
surface blasting requirements. and 817.67(c)

The standard for fly rock from blasting is proposed to be changed from no fly rock beyond the "line of property owned or leased by the permittee" to no fly rock beyond the "permit boundary." This change conforms with Federal requirements.

§§ 87.138, 89.65, 89.82 and 90.150. 30 CFR 816.97
Protection of fish, wildlife and and 817.97
related environmental values.

The language dealing with protection of fish, wildlife and related environmental values is proposed to be amended by replacing the word "prevent" disturbances and adverse impacts with the term "minimize to the extent possible" relative to disturbances and adverse impacts on these protected resources. Additional proposed wording changes provide for roads to be located and operated to "avoid or minimize" instead of "prevent" impacts on fish and wildlife, and to "avoid and enhance where practicable or restore" instead of "prevent" disturbances to habitats of unusually high value to fish and wildlife. The proposed new terminology is intended solely to track the language of the corresponding Federal regulations and is not expected to result in less protection of these resources.

§§ 87.144 and 88.118. Backfilling 30 CFR 816.102
and grading/final slopes. and 817.102

Performance standards for construction of terraces and for final grading are proposed to be deleted. These proposed deletions eliminate unnecessarily prescriptive requirements.

§§ 87.146 and 89.87. Regrading or 30 CFR 816.95
stabilizing rills and gullies. and 817.95

The requirement to fill, grade or otherwise stabilize rills and gullies deeper than 9 inches (23 centimeters) is more prescriptive than Federal requirements. The language of this section is proposed to be rewritten to require that any rill or gully which is disruptive to the postmining land use or causing or contributing to a violation of water quality standards be filled, regraded or otherwise stabilized.

§§ 87.159, 88.133, 88.221, 88.334 30 CFR 816.133
and 89.88. Postmining land use. and 817.133

The requirements to consider premining land management practices and historic use of the land when comparing premining to postmining land use, for obtaining a written notarized request from a landowner for an alternate land use, and to have plans for the postmining land use designed by a registered engineer are more stringent than the Federal regulations without a compelling State interest and, therefore, are proposed to be deleted.

§§ 87.160, 88.138(a), 88.231(a), 30 CFR 816.150(b)
88.335(a), 89.90(a) and 90.134(a). and 817.150(b)
Haul roads and access roads.

The phrase "prevent to the maximum extent possible" erosion and other pollution or damage is proposed to be replaced with the Federal language to "control or prevent" erosion or other pollution or damage. These proposed amendments are not intended to lessen the requirements under the CSL and SMCRA for prevention of pollution to streams and other waters of this Commonwealth.

§§ 87.166, 88.144, 88.237, 30 CFR 816.150(c)—(f)
88.341 and 90.140. Haul and 817.150(c)—(f)
road and access road/restoration.

The time period for meeting various haul road and access road restoration standards is proposed to be changed from "immediately" to "as soon as practicable" after the road is no longer needed for the mining activities. Also, the standard for restoration is proposed to be changed from "ripping, plowing and scarifying" the roadbed to "ripping or scarifying" the roadbed. These changes are proposed so that the language of this section would be no more stringent than the corresponding Federal regulations.

§§ 87.173(a), 89.67(a) and 90.147(a). 30 CFR 816.181
Support facilities and utility installations. and 817.181

These proposed amendments delete the phrase "designed, constructed, maintained and used to prevent to the extent possible" which pertains to damage to fish, wildlife and related environmental values. The proposed wording requires support facilities to be "located, maintained and used to minimize damage" to these resources. The proposed language is equivalent to the terminology in the corresponding Federal regulations.

§ 87.174. Steep slope operations. 30 CFR 816.107
and 817.107

The requirement prohibiting unlined or unprotected drainage channels on backfilled areas with steep slopes

unless approved by the Department is proposed to be deleted. This requirement is unnecessarily prescriptive and is not found in the Federal regulations dealing with steep slope operations.

§ 87.176. *Auger mining.*

30 CFR 819.15

Existing subsection (d), which prohibits auger mining to the rise of the coal unless the mine operator demonstrates the augering will not pose a threat of water pollution, is proposed to be deleted since it is redundant with the provisions of subsection (e). The proposed amendment eliminates a technology specific requirement and imposes the obligation to make certain demonstrations with respect to adverse water quality impacts, fill stability, resource recovery and subsidence on persons conducting surface mining activities.

§§ 87.209 and 88.509. *Criteria and schedule for bond release on pollution abatement areas.* No equivalent Federal regulation

These sections relate to bond release on areas with preexisting pollutional discharges when re-mining was authorized under Chapter 87, Subchapter F and Chapter 88, Subchapter G. The maximum bond amount which may be released for completing backfilling, regrading and drainage control on pollution abatement areas is changed from 50% to 60%. Also, the maximum of 35% of the bond amount which may be released for completing revegetation is replaced with a requirement that the Department retain an amount of bond sufficient to reestablish vegetation. The proposed bond release amounts are equivalent to the standard Stage 1 and Stage 2 bond releases. Other modifications deal with the time period for demonstrating that the required standards for pollution loads have been achieved. In addition, the requirement relating to the 5-year period of liability on the bond is clarified. These proposed amendments are made to reduce requirements which impose disproportionate economic costs, to provide clarification and to conform with the 1996 amendments (Act 43) to SMCRA.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

These amendments are proposed for purposes of making the regulations no more stringent than Federal requirements and to modify regulations imposing disproportionate economic costs, lacking clarity or being too prescriptive or technology specific. The coal mining industry, the Department and local governments will benefit from these proposed amendments.

The benefit to the regulated community will be a potential cost savings of approximately \$28,000 annually. The savings to the regulated community is based upon: (1) eliminating the requirement to monitor and test runoff water for manganese which amounts to an estimated annual savings of \$24,000 based upon an estimated 1,000 water discharges monitored 4 times a year at a cost of \$6 per sample (1,000 discharges x 4 samples x \$6 per sample = \$24,000); and (2) expanding the circumstances upon which a permit term may be extended which amounts to an estimated annual savings of \$4,000 based upon an estimated 2 permits per year at a cost of \$2,000 per permit application (2 permits x \$2,000 per permit application = \$4,000).

The benefit to the Department will be a potential cost savings of \$20,000 annually. The savings to State government results from a general reduction in permit review efforts because the extraction of coal as an incidental part of a State government financed road construction project or the extraction of coal under a government financed reclamation contract does not require a permit. The annual savings is based on an estimated 5 road projects and 5 reclamation contracts at a savings of \$2,000 per project or contract (10 projects and contracts x \$2,000 per project and contract = \$20,000).

The benefit to local government will be a potential cost savings of \$10,000 annually. The savings to local government results from not having to obtain a permit for the extraction of coal as an incidental part of local government financed road construction. The annual savings of \$10,000 is based upon an estimated 5 road projects per year at a savings of \$2,000 per project (5 projects x \$2,000 per project = \$10,000).

Compliance Costs

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

Compliance Assistance Plan

The Department will provide written notification of the changes to the coal mining industry. If necessary or requested, regional meetings with the industry will be arranged.

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 April 16, 1997, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. 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. 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 public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly before final publication of the regulations.

I. *Public Comments*

Written Comments—Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments received by facsimile will not be ac-

cepted. Comments, suggestions or objections must be received by the Board by July 2, 1997 (within 60 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by July 2, 1997 (within 60 days of publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by July 2, 1997. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

J. *Public Hearings*

The Board will hold two public hearings for the purpose of accepting comments on this proposal. They will be held as follows:

June 10, 1997—1 p.m.—
Department of Environmental Protection
Greensburg District Office
Armbrust Professional Center, Building C
Route 819 South
Greensburg, PA

June 12, 1997—10 a.m.—
Department of Environmental Protection
Pottsville District Office
5 West Laurel Boulevard
Pottsville, PA

Persons wishing to present testimony at a hearing are requested to contact Nancy Roush at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Nancy Roush directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-307. (1) Surface Mining Conservation and Reclamation Fund; (2) Implementing Year 1997-98 is \$3,000; (3) 1st Succeeding Year 1998-99 is \$3,000; 2nd Succeeding Year 1999-00 is \$3,000; 3rd Succeeding Year 2000-01 is \$3,000; 4th Succeeding Year 2001-02 is \$3,000; 5th Succeeding Year 2002-03 is \$3,000; (4) Fiscal Year 1996-97 \$34,165,000; Fiscal Year 1995-96 \$29,758,000; Fiscal Year 1994-95 \$31,383,000; (7) Licenses and Fees; (8) recommends adoption.

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 MINING OF COAL: GENERAL

Subchapter A. GENERAL PROVISIONS

§ 86.2. Scope.

(a) This chapter specifies certain general procedures and rules for those persons who engage in coal mining activities. This chapter [,] together with Chapters 87—90 [specify] specifies the procedures and rules for those who engage in coal mining activities.

(b) This chapter together with Chapters 87—90 applies to all coal mining activities, with the following exceptions:

(1) Extraction of coal or coal refuse removal under a government-financed reclamation contract for the purposes of section 4.8 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.4h).

(2) Extraction of coal his an incidental part of Federal, State or local government financed highway construction project.

(3) The reclamation of abandoned mine lands not involving extraction of coal or excess spoil disposal under a written agreement with the property owner and approved by the Department.

(4) Activities exempted from regulation as surface mining by the United States Office of Surface Mining Reclamation and Enforcement at 30 CFR 707 (relating to exemption for coal extraction limited to government financed highway or other construction).

Subchapter B. PERMITS REVIEW, PUBLIC PARTICIPATION AND APPROVAL, DISAPPROVAL OF PERMIT APPLICATIONS AND PERMIT TERMS AND CONDITIONS

§ 86.37. Criteria for permit approval or denial.

(a) A permit or revised permit application will not be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of the information in the application or from information otherwise available, which is documented in the approval, and made available to the applicant, that the following exist:

* * * * *

(4) The assessment of the probable cumulative impacts of all anticipated coal mining in the general area on the hydrologic balance as described in § 87.69, § 88.49, § 89.36 or § 90.35 has been made by the Department, and the activities proposed under the application have been designed to prevent material damage to the hydrologic balance [within and] outside the proposed permit area.

* * * * *

(6) The effect of the proposed coal mining activities on properties listed on or eligible for listing on the National

Register of Historic Places has been taken into account by the Department. The proposed activities will not adversely affect any publicly owned parks or places included on [or eligible for inclusion on] the National Register of Historic Places, except as provided for in Subchapter D. This finding may be supported in part by inclusion of appropriate permit conditions or operational plan changes to protect historic resources, or a documented decision that no additional protective measures are necessary.

* * * * *

§ 86.40. Permit terms.

* * * * *

(b) A permit shall terminate if the permittee has not begun the coal mining activities covered by the permit within 3 years of the issuance of the permit. However, the Department may grant reasonable extensions of time for commencement of these activities upon receipt of a written statement showing that the extensions of time are necessary if litigation precludes the commencement or threatens substantial economic loss to the permittee or if there are conditions beyond the control and without the fault or negligence of the permittee. Requests for extensions shall be submitted to the Department prior to expiration of the permit.

* * * * *

MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL COMPLIANCE AND RELATED INFORMATION

§ 86.64. Right of entry.

(a) An application shall contain a description of the documents upon which the applicant bases his legal right to enter and commence coal mining activities within the permit area and whether that right is the subject of pending court litigation. The description shall identify the documents by type and date of execution, identify the specific lands to which the document pertains and explain the legal rights claimed by the applicant.

[(b) The application for a permit shall provide one of the following for lands within the permit area:

(1) A copy of the written consent of the current surface owner to the extraction of coal by surface mining methods.

(2) A copy of the document of conveyance that expressly grants or reserves the right to extract the coal by surface mining methods and an abstract of title relating the documents to the current surface land owner.]

(b) Where the private mineral estate to be mined has been severed from the private surface estate, an applicant shall also submit one of the following:

(1) A copy of the written consent of the surface owner for the extraction of coal by surface mining methods.

(2) A copy of the conveyance that expressly grants or reserves the right to extract coal by surface mining methods.

(3) If the conveyance does not expressly grant the right to extract the coal by surface mining methods, documentation that under Pennsylvania law, the applicant has the legal authority to extract the coal by those methods.

(c) This section will not be construed to provide the Department with the authority to adjudicate property rights disputes.

[(c)] (d) ***

* * * * *

(3) The requirements of this subsection are in addition to the information required by subsections (a) and (b).

[(d)] (e) ***

[(e)] (f) The information required in [subsections (a) and (b)] this section shall be made part of the permit application prior to approval of the bond under Subchapter F (relating to bonding and insurance requirements).

§ 86.70. Proof of publication.

An application shall contain [a statement from the newspaper] an intent to publish and a copy of the language to appear in the public notice demonstrating that the advertisement requirement of § 86.31(a) (relating to public notices of filing of permit applications) is in the process of being satisfied, and prior to the issuance of the permit, but no later than 4 weeks after the last date of advertisement, the applicant shall submit a copy of [advertisement] the advertisements as required by § 86.31(a) [and] or the original notarized proof of publication to the Department.

Subchapter E. COAL EXPLORATION

§ 86.132. Definitions.

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

* * * * *

Substantially disturb—For purposes of coal exploration, including, but not limited to, to have [an] a significant impact upon land, air or water resources by activities such as blasting, mechanical excavation or altering coal or water exploratory holes or wells, construction of roads and other access routes, removal of topsoil or overburden and the placement of structures, excavated earth or other debris on the surface of land.

§ 86.133. General requirements.

* * * * *

(e) A person who intends to conduct coal exploration in which coal will be removed shall, prior to conducting the exploration, obtain a permit under this chapter. Prior to removal of coal, the Department may waive the requirements for the permit to enable the testing and analysis of coal properties, if [less than] 250 tons (226 metric tons) or less is removed. The removal of more than 250 tons [or more] (226 metric tons) of coal during coal exploration requires a permit under this chapter.

* * * * *

§ 86.134. Coal exploration performance and design standards.

The following performance standards are applicable to coal exploration which substantially disturbs the land surface:

* * * * *

* * * * *

[(2) The person who conducts coal exploration shall, to the extent practicable, measure important environmental characteristics of the exploration area during the operations to minimize environmental damage to the area and to provide supportive information for a permit application that person may submit under this chapter.

Land use—Specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur. Changes of land use from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department. Land use may be defined as:

* * * * *

(3) [(2) Vehicular travel on other than established graded and surfaced roads shall be limited by the person who conducts coal exploration to that absolutely necessary to conduct the exploration.] Roads used for coal exploration shall comply with the following:

(x) Unmanaged natural habitat. Idle land which does not require a specific management plan after the reclamation and revegetation have been accomplished.

* * * * *

[(4)] (3) ***

Subchapter D. SURFACE COAL MINES: MINIMUM REQUIREMENTS FOR OPERATION AND RECLAMATION PLAN

[(5)] (4) ***

§ 87.77. Protection of [public] publicly owned parks and historic places.

[(6)] (5) [Revegetation of areas disturbed by coal exploration shall be performed by the person who conducts the exploration, or the person's agent] All areas disturbed by coal exploration activities shall be revegetated in a manner that encourages prompt revegetation and recovery of a diverse, effective and permanent vegetative cover.

(a) For [public parks or historic places] publicly owned parks or historic places listed on the National Register of Historic Places that may be adversely affected by the proposed operations, each application shall describe the measures to be used to accomplish the following:

* * * * *

[(7)] (6) ***

Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

[(8)] (7) ***

§ 87.93. Casing and sealing of drilled holes.

[(9)] (8) ***

(a) Each exploration hole, other drill or borehole, well or other exposed underground opening (except for holes solely drilled and used for blasting) shall be cased, sealed or otherwise managed as approved by the Department in order to:

* * * * *

[(10)] (9) ***

(2) [Prevent to the maximum extent possible] Minimize disturbance to the prevailing hydrologic balance.

[(11)] (10) ***

* * * * *

[(12)] (11) ***

(e) A solid barrier of undisturbed earth, 125 feet (38 meters) in radius shall be maintained around all oil and gas wells, except in the case of one of the following:

* * * * *

Subchapter F. BONDING AND INSURANCE REQUIREMENTS

RELEASE OF BONDS

§ 86.174. Standards for release of bonds.

* * * * *

(b) When the entire permit area or a portion of the permit area meets the following standards, Stage 2 reclamation has been achieved:

(1) Topsoil has been replaced and revegetation has been successfully established in accordance with the approved reclamation plan [and the standards for the success of revegetation are met].

(2) The reclaimed lands are not contributing suspended solids to stream flow or runoff outside the permit area in excess of [their] the requirements of the acts, regulations thereunder or the permit.

* * * * *

(2) The Department approves, in writing, a lesser distance, provided:

* * * * *

[(iii) The well operator agrees, in writing, to the lesser distance.]

§ 87.97. Topsoil: removal.

* * * * *

CHAPTER 87. SURFACE MINING OF COAL

Subchapter A. GENERAL PROVISIONS

§ 87.1. Definitions.

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

(c) If topsoil is less than 12 inches (30.48 centimeters), a 12-inch (30.48 centimeters) layer which includes the topsoil and the unconsolidated materials immediately below the topsoil shall be removed, segregated, conserved and replaced as the final surface soil layer. If the topsoil and the unconsolidated material measure less

than 12 inches (**30.48 centimeters**), the topsoil and all unconsolidated material shall be removed, segregated, conserved and replaced as the final surface soil layer.

* * * * *

(f) When approved by the Department in writing, other materials may be substituted for or used as a supplement to **[subsoil] topsoil** if the operator demonstrates that the resulting soil medium is equal to or more suitable than **[subsoil] topsoil** for sustaining vegetation and soil productivity. In making this demonstration, the Department may require chemical and physical analyses of the substituted material and **[subsoil] topsoil**. These analyses may include determinations of pH, net acidity or alkalinity, phosphorus, potassium, texture class, field site trials or greenhouse tests, or other analyses as required by the Department.

§ 87.101. Hydrologic balance: general requirements.

(a) Surface mining activities shall be planned and conducted to **[prevent, to the maximum extent possible, the] minimize** disturbances to the prevailing hydrologic balance in the permit and adjacent areas **and to prevent material damage to the hydrologic balance outside the permit area.**

* * * * *

§ 87.102. Hydrologic balance: effluent standards.

(a) *Discharge of water.* A person may not allow a discharge of water from an area disturbed by coal mining activities, including areas disturbed by mineral preparation, processing or handling facilities which exceeds the following groups of effluent criteria. The effluent limitations shall be applied under subsection (b).

Parameter	Group A		
	30-day Average	Daily Maximum	Instantaneous Maximum
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
alkalinity greater than acidity ¹		greater than 6.0; less than 9.0	

¹ This parameter is applicable at all times

Parameter	Instantaneous Maximum
iron (total)	7.0 mg/l
[manganese (total)]	[5.0 mg/l]
settleable solids	0.5 ml/l
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	greater than 6.0; less than 9.0

Parameter	Instantaneous Maximum
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	greater than 6.0; less than 9.0

* * * * *

§ 87.106. Hydrologic balance: sediment control measures.

Appropriate sediment control measures shall be designed, constructed and maintained using the best technology currently available to:

(1) Prevent to the **[maximum]** extent possible contributions of sediment to streamflow or to runoff outside the affected area.

* * * * *

(3) **[Prevent] Minimize** erosion to the **[maximum]** extent possible.

* * * * *

§ 87.126. Use of explosives: public notice of blasting schedule.

(a) *Blasting schedule publication.*

(1) Each person who conducts surface mining activities shall publish a blasting schedule in a newspaper of

general circulation in the locality of the proposed site, at least 10 days, but not more than **[20] 30** days, before beginning a blasting program in which blasts that use more than 5 pounds of explosives or blasting agents are detonated.

* * * * *

§ 87.127. Use of explosives: surface blasting requirements.

* * * * *

(f) Requirements for blasting are as follows:

* * * * *

(5) Flyrock, including blasted material traveling along the ground, may not be cast from the blasting vicinity more than one-half the distance to the nearest dwelling or other occupied structure and in no case beyond the **[line of property owned or leased by the permit-**

tee] permit boundary, or beyond the area or regulated access required under subsection (d).

* * * * *

§ 87.138. Protection of fish, wildlife and related environmental values.

(a) A person conducting surface mining activities shall, to the extent possible using the best technology currently available:

(1) [Prevent] Minimize disturbances and adverse impacts of the activities on fish, wildlife and related environmental values, and achieve enhancement of the resources when practicable.

(2) Locate and operate haul and access roads to [prevent] avoid or minimize impacts to fish and wildlife species or other species protected by State or Federal law.

(3) [Prevent] Avoid disturbance to, enhance where practicable, or restore, habitats of unusually high value for fish and wildlife.

* * * * *

(b) A person who conducts surface mining activities shall promptly report to the Department the presence in the permit area of threatened or endangered species under State or Federal laws of which that person becomes aware and which was not previously reported to the Department by that person. Upon notification, the Department will consult with the Game Commission or the Fish and Boat Commission and appropriate Federal fish and wildlife agencies and, after consultation, will identify whether, and under what conditions, the operator may proceed.

* * * * *

§ 87.144. Backfilling and grading: final slopes.

* * * * *

(c) On approval by the Department in order to conserve soil moisture, ensure stability, and control erosion on final graded slopes, cut and fill terraces may be allowed if the terraces are compatible with the approved postmining land use and are substitutes for construction of lower grades on the reclaimed lands. [The terraces shall meet the following requirements:

(1) The width of the individual terrace bench shall not be less than 20 feet.

(2) The vertical distance between terraces shall be as approved by the Department to prevent excessive erosion and to provide long-term stability.

(3) The slope of the terrace outslope may not exceed 1v:2h—50%. Outslopes which exceed 1v:2h—50% may be approved, if they have a minimum static safety factor of more than 1.3, provide adequate control over erosion, and closely resemble the surface configuration of the land prior to mining. In no case may highwalls be left as part of terraces.

(4) Culverts and underground rock drains may be used on the terrace only when approved by the Department.]

* * * * *

(f) All final grading, preparation of overburden before replacement of topsoil, and placement of topsoil shall be [done along the contour to minimize subsequent erosion and instability. If the grading, preparation,

or placement along the contour is hazardous to equipment operators, then grading, preparation or placement in a direction other than generally parallel to the contour may be used. In all cases grading, preparation or placement shall be] conducted in a manner which minimizes erosion and provides a surface for replacement of topsoil which will minimize slippage.

§ 87.146. Regrading or stabilizing rills and gullies.

[When a rill or gully deeper than 9 inches forms in areas that have been regraded and planted, the rill and gully shall be filled, graded or otherwise stabilized and the area reseeded or replanted under §§ 87.147—87.153, 87.155 and 87.156. The Department will specify that a rill or gully of lesser size be stabilized and the area reseeded or replanted if the rill or gully is disruptive to the approved postmining land use or may result in additional erosion and sedimentation. The regrading or stabilization of a rill or gully to include the reseeded or replanting shall be completed by the first normal period for favorable planting as established within § 87.148 (relating to revegetation: timing), except a rill or gully contributing to impacts outside the permit area or a rill or gully occurring after removal of erosion and sedimentation control structures which shall be stabilized immediately.]

(a) Exposed surface areas shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion.

(b) Rills and gullies, which form in areas that have been regraded and topsoiled and which do one of the following shall be filled, regraded or otherwise stabilized:

(1) Disrupt the approved postmining land use or the reestablishment of the vegetative cover.

(2) Cause or contribute to a violation of water quality standards for receiving streams.

(c) For the areas listed in subsection (b), the topsoil shall be replaced and the areas shall be reseeded or replanted.

§ 87.159. Postmining land use.

* * * * *

(b) The premining use of land to which the postmining land use is compared shall be determined by the following:

* * * * *

[(3) The postmining land use for land that has received improper management shall be judged on the basis of the premining use of surrounding lands that have received proper management.

(4) The postmining land use of land which was changed within 5 years of the beginning of mining shall be judged on the basis of the historic use of the land as well as its use immediately preceding mining.]

(c) Alternative land uses may be approved by the Department after consultation with the landowner or the land management agency having jurisdiction over the

lands and after determining that the following criteria are met:

* * * * *

(2) [The owner of the surface requests in a notarized written statement that such alternative land use be approved.] The proposed postmining land use is reasonably likely to be achieved which may be demonstrated by one or more of the following or other similar criteria:

- [(3)] (i) ***
- [(4)] (ii) ***
- [(5)] (iii) ***

[(6) Plans for the postmining land use are designed and certified by a registered professional engineer in conformance with professional standards established to assure the stability, drainage and configuration necessary for the intended use of the site.]

- [(7)] (3) ***
- [(8)] (4) ***
- [(9)] (5) ***

§ 87.160. Haul roads and access roads.

(a) Haul roads and access roads shall be designed, constructed and maintained to [prevent, to the maximum extent possible,] control or prevent erosion and [to prevent] contributions of sediment to streams or runoff outside the affected area; air and water pollution; damage to fish and wildlife or their habitat; and flooding and damage to public or private property. To ensure environmental protection appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement and culvert size, in accordance with current, prudent engineering practices and necessary design criteria established by the Department. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 87.166 (relating to haul roads and access roads: restoration) unless retention of the road and its maintenance plan is approved as part of the postmining land use.

* * * * *

§ 87.166. Haul roads and access roads: restoration.

Unless the Department approves retention of a road as suitable for the approved postmining land use in accordance with § 87.159 (relating to postmining land use), [immediately] as soon as practicable after the road is no longer needed for the associated surface mining activities:

* * * * *

(4) Roadbeds shall be ripped [, plowed and] or scarified.

* * * * *

§ 87.173. Support facilities and utility installations.

(a) Support facilities required for, or used incidentally to, the operation of the mine, including, but not limited to, mine buildings, coal loading facilities at or near the

mine-site, coal storage facilities, equipment storage facilities, fan buildings, hoist buildings, preparation plants, sheds, shops and other buildings shall be [designed, constructed or reconstructed and located to prevent or control erosion and siltation, water pollution, and damage to public or private property. Support facilities shall be designed, constructed or reconstructed, maintained and used in a manner which prevents, to the maximum extent possible using the best technology currently available:

(1) Damage to fish, wildlife and related environmental values.

(2) Erosion and additional contributions of suspended solids to streamflow or runoff outside the permit area. Any such contributions may not be in excess of limitations of State or Federal law.] located, maintained and used in a manner that does the following:

- (1) Prevents or controls erosion and siltation, water pollution, and damage to public or private property.
- (2) To the extent possible using the best technology currently available:

(i) Minimizes damage to fish, wildlife and related environmental values.

(ii) Minimizes additional contributions of suspended solids to streamflow or runoff outside the permit area. These contributions may not be in excess of limitations of State or Federal law.

* * * * *

§ 87.174. Steep slope operations.

* * * * *

[(g) Unlined or unprotected drainage channels may not be constructed on the backfilled areas unless approved by the Department as stable and not subject to erosion.]

§ 87.176. Auger mining.

* * * * *

[(d) Auger mining operations may not be conducted to the rise of the coal unless the person who conducts mining activities demonstrates to the satisfaction of the Department that drainage from the auger hole will not pose a threat of pollution to surface waters and will comply with § 87.102 (relating to hydrologic balance: effluent standards).]

[(e)] (d) The Department will prohibit auger mining [if it determines that one of] unless the person conducting the surface mining activities demonstrates, the following [applies]:

- (1) Adverse water quality impacts [cannot] can be prevented or corrected.
- (2) Fill stability [cannot] can be achieved.
- (3) The [prohibition] auger mining is necessary to maximize the utilization, recoverability or conservation of the solid fuel resources.

(4) Subsidence resulting from auger mining [may] will not disturb or damage powerlines, pipelines, build-ings or other facilities.

Subchapter F. SURFACE COAL MINES: MINIMUM REQUIREMENTS FOR REMINING AREAS WITH POLLUTIONAL DISCHARGES

§ 87.209. Criteria and schedule for release of bonds on pollution abatement areas.

(a) The Department will release up to [50] 60% of the amount of bond for the authorized pollution abatement area if the applicant demonstrates and the Department finds that:

* * * * *

(4) The operator has not caused degradation of the baseline pollution load [for] at any time during a period of [a minimum of] 6 months prior to the submittal of the request for bond release under this subsection and until the bond release is approved as shown by all ground and surface water monitoring conducted by the permittee under § 87.206(1) (relating to operational requirements) or conducted by the Department.

* * * * *

(b) The Department will release an additional amount [not to exceed 35% of the amount of bond for the authorized pollution abatement area if the applicant demonstrates and the Department finds that] of bond for the authorized pollution abatement area but retain an amount sufficient to cover the cost to the Department of reestablishing vegetation if completed by a third party if the operator demonstrates and the Department finds that:

* * * * *

(3) The operator has complied with one [either] of the following:

* * * * *

(ii) Achieved the following:

(A) At a minimum has not caused degradation of the baseline pollution load as shown by ground and surface water monitoring conducted by the operator or the Department for one of the following:

(I) For a period of 12 months [from the date of initial bond release under subsection (a),] prior to the date of application for bond release and until the bond release is approved under subsection (b), if backfilling, final grading, drainage control, topsoiling, and establishment of revegetation to achieve the standard of success for revegetation [set forth] in § 87.205(a)(5) have been completed.

* * * * *

(c) The Department will release the remaining portion of the amount of bond on the authorized pollution abatement area if the applicant demonstrates and the Department finds that:

* * * * *

(4) The applicable liability period[, which shall be measured from the date of release of bond under subsection (b),] has expired under § 86.151 (relating to period of liability).

**CHAPTER 88. ANTHRACITE COAL
Subchapter A. GENERAL PROVISIONS
PRELIMINARY PROVISIONS**

§ 88.1. Definitions.

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

* * * * *

Land use—Specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur. A change of land use from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department. The term is further defined as:

* * * * *

(x) *Unmanaged natural habitat.* Idle land which does not require a specific management plan after the reclamation and revegetation have been accomplished.

* * * * *

§ 88.56. Protection of [public] publicly owned parks and historic places.

(a) For [public parks or historic places] publicly owned parks or historic places listed on the National Register of Historic Places that may be adversely affected by the proposed operations, each application shall describe the measures to be used to accomplish the following:

* * * * *

Subchapter B. SURFACE ANTHRACITE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.83. Sealing of drilled holes: general requirements.

(a) An exploration hole, other drill or borehole, well or other exposed opening (except for holes solely drilled and used for blasting), shall be sealed, backfilled or otherwise managed, as approved by the Department, in order to do the following:

* * * * *

(2) [Prevent to the maximum extent possible] minimize disturbance to the prevailing hydrologic balance.

* * * * *

(e) A solid barrier or undisturbed earth, 125 feet (38 meters) in radius shall be maintained around all oil and gas wells, unless:

* * * * *

(2) The Department approves in writing a lesser distance provided:

* * * * *

[(iii) The well operator agrees in writing to the lesser distance.]

§ 88.91. Hydrologic balance: general requirements.

(a) Surface mining activities shall be planned and conducted to [prevent, to the maximum extent possible,] minimize disturbances to the prevailing hydro-

logic balance in [both] the permit and adjacent areas and to prevent material damage to the hydrologic balance outside the permit area. Where the area has been previously mined, the surface mining activity shall be planned and conducted to maximize the abatement of water pollution and the reclamation of the land.

* * * * *

§ 88.92. Hydrologic balance: effluent standards.

(a) Groups of effluent criteria. A person may not allow a discharge of water from an area disturbed by mining activities which exceeds the following groups of effluent criteria. The effluent limitations shall be applied under subsection (b).

Parameter	Group A		
	30-day Average	Daily Maximum	Instantaneous Maximum
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹	greater than 6.0; less than 9.0		
alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

Group B

Parameter	Instantaneous Maximum
iron (total)	7.0 mg/l
[manganese (total)]	[5.0 mg/l]
settleable solids	0.5 ml/l
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	

Group C

Parameter	Instantaneous Maximum
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	

* * * * *

§ 88.96. Hydrologic balance: sediment control measures.

Appropriate sediment control measures shall be designed, constructed and maintained to:

(1) Prevent, to the [maximum] extent possible, contributions of sediment to streamflow or to runoff outside the affected area.

* * * * *

(3) [Prevent] Minimize erosion to the [maximum] extent possible.

* * * * *

§ 88.118. Backfilling and grading: final slopes.

* * * * *

(c) Cut and fill terraces may be allowed on approval by the Department in order to conserve soil moisture, ensure stability and control erosion on final graded slopes, if the terraces are compatible with the approved postmining land use and are substitutes for construction of lower grades on the reclaimed lands. [The terraces shall meet the following requirements:

(1) The vertical distance between terraces shall be as approved by the Department to prevent excessive erosion and to provide long-term stability.

(2) The slope of the terrace outslope may not exceed 1v:2h—50%. Outslopes which exceed 1v:2h—

50% may be approved, if they have a minimum static safety factor of more than 1.3, provide adequate control over erosion, and closely resemble the surface configuration of the land prior to mining. In no case may highwalls be left as part of a terrace face.

(3) Culverts and underground rock drains may be used on the terrace only when approved by the Department.]

* * * * *

(f) All final grading, preparation [or] of overburden before replacement of soil or suitable vegetation support material shall be [done along the contour to minimize subsequent erosion and instability. If such grading, preparation or placement along the contour is hazardous to equipment operators, the grading, preparation, or placement in a direction other than generally parallel to the contour may be used. In all cases, grading, preparation or placement shall be] conducted in a manner which minimizes erosion and provides a surface for replacement of soil which will minimize slippage.

§ 88.133. Postmining land use.

(a) All affected areas shall be restored in a timely manner to conditions that are capable of supporting the uses which they were capable of supporting before min-

ing, or to higher or better uses achievable under criteria and procedures of this section and prior to the release of land from the permit area in accordance with Chapter 86 [Subchapter E (relating to coal exploration)], Subchapter F (relating to bonding and insurance requirements).

(b) The premining use of land to which the postmining land use is compared shall be determined by the following:

* * * * *

[(3) The postmining land use for land that has received improper management shall be judged on the basis of the premining use of surrounding lands that have received proper management.]

[(4) The postmining land use of land which was changed within 5 years of the beginning of mining shall be judged on the basis of the historic use of the land as well as its use immediately preceding mining.]

(c) Alternative land uses will be approved by the Department after consultation with the landowner or the land management agency having jurisdiction over the lands and after determining that the following criteria are met:

* * * * *

[(2) [The owner of the surface requests in a notarized written statement that such alternative land use be approved.] The proposed postmining land use is reasonably likely to be achieved which may be demonstrated by one or more of the following or other similar criteria:

[(3) (i) ***

[(4) (ii) ***

[(5) Plans for the postmining land use are designed and certified by a registered professional engineer, in conformance with professional standards established to assure the stability, drainage and configuration necessary for the intended use of the site.]

[(6) (3) ***

[(7) (4) ***

[(8) (5) ***

§ 88.138. Haul roads and access roads: general.

(a) Haul roads and access roads shall be designed, constructed and maintained to [prevent to the maximum extent possible] control or prevent erosion and [to prevent] contributions of sediment to streams or runoff outside the affected area; air and water pollution; damage to fish and wildlife or their habitat; flooding and damage to public or private property. Upon completion of the associated surface mining activities the area disturbed by the road shall be restored in accordance with § 88.144 (relating to haul roads and access roads: restoration) unless retention of the road and its maintenance plan is approved as part of the postmining land use.

* * * * *

§ 88.144. Haul roads and access roads: restoration.

Unless the Department approves retention of a road as suitable for the approved postmining land use in accordance with § 88.133 (relating to postmining land use), [immediately] as soon as practicable after the road is no longer needed for the associated surface mining activities:

* * * * *

Subchapter C. ANTHRACITE BANK REMOVAL AND RECLAMATION: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.187. Hydrologic balance: effluent standards.

(a) *Groups of effluent criteria.* A person may not allow a discharge of water from an area disturbed by mining activities which exceeds the following groups of effluent criteria. The effluent limitations shall be applied under subsection (b).

Group A

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

Group B

<i>Parameter</i>	<i>Instantaneous Maximum</i>
iron (total)	7.0 mg/l
[manganese (total)]	[5.0 mg/l]
settleable solids	0.5 ml/l
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	

Group C

Parameter

Instantaneous Maximum

pH
alkalinity greater than acidity

greater than 6.0; less than 9.0

* * * * *

§ 88.191. Hydrologic balance: sediment control measures.

Appropriate sediment control measures shall be designed, constructed and maintained to:

(1) Prevent, to the [maximum] extent possible, contributions of sediment to streamflow or to runoff outside the permit.

* * * * *

(3) [Prevent] Minimize erosion to the [maximum] extent possible.

* * * * *

§ 88.221. Postmining land use.

* * * * *

(b) The premining use of land to which the postmining land use is compared shall be determined by the following:

* * * * *

[(3) The postmining land use for land that has received improper management shall be judged on the basis of the premining use of surrounding lands that have received proper management.

(4) The postmining land use of land which was changed within 5 years of the beginning of mining shall be judged on the basis of the historic use of the land as well as its use immediately preceding mining.]

(c) Alternative land uses shall be approved by the Department after consultation with the landowner or the land management agency having jurisdiction over the lands and after determining that the following criteria are met:

* * * * *

(2) [The owner of the surface requests in a notarized written statement that alternative land use be approved.] The proposed postmining land use is reasonably likely to be achieved which may be demonstrated by one or more of the following or other similar criteria:

[(3)] (i) ***

[(4)] (ii) ***

[(5) Plans for the postmining land use are designed and certified by a registered professional engineer, in conformance with professional standards established to assure the stability, drainage and configuration necessary for the intended use of the site, appropriate professional, who shall ensure that the plans conform to applicable accepted standards for adequate land stability, drainage, vegetative cover and esthetic design appropriate for the postmining use of the site.

(6)] (3) ***

[(7)] (4) ***

[(8)] (5) ***

§ 88.231. Haul roads and access roads: general.

(a) Haul roads and access roads shall be designed, constructed and maintained to [prevent to the maximum extent possible] control or prevent erosion and [to prevent] contributions of sediment to streams or runoff outside the affected area; air and water pollution; damage to fish and wildlife or their habitat; flooding and damage to public or private property. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 88.237 (relating to haul roads and access roads: restoration) unless retention of the road and its maintenance plan is approved as part of the postmining land use.

* * * * *

§ 88.237. Haul roads and access roads: restoration.

Unless the Department approves retention of a road as suitable for the approved postmining land use in accordance with § 88.221 (relating to postmining land use), [immediately] as soon as practicable after the road is no longer needed for the associated surface mining activities:

* * * * *

Subchapter D. ANTHRACITE REFUSE DISPOSAL: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.283. Sealing of drilled holes: general requirements.

* * * * *

(e) A solid barrier of undisturbed earth, 125 feet (38 meters) in radius shall be maintained around all oil and gas wells, unless one of the following exists:

* * * * *

(2) The Department approves, in writing, a lesser distance, provided that:

* * * * *

[(iii) The well operator agrees to such lesser distance.]

* * * * *

§ 88.291. Hydrologic balance: general requirements.

(a) Coal refuse disposal activities shall be planned and conducted to [prevent, to the maximum extent possible,] minimize disturbances to the prevailing hydrologic balance in [both] the permit and adjacent areas and to prevent material damage to the hydrologic balance outside the permit area.

* * * * *

§ 88.292. Hydrologic balance: effluent standards.

(a) *Groups of effluent criteria.* A person may not allow a discharge of water from an area disturbed by mining activities which exceeds the following groups of effluent criteria. The effluent limitations shall be applied under subsection (b).

<i>Parameter</i>	Group A		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
alkalinity greater than acidity ¹		greater than 6.0; less than 9.0	

¹ This parameter is applicable at all times.

<i>Parameter</i>	Group B
	<i>Instantaneous Maximum</i>
iron (total)	7.0 mg/l
[manganese (total)]	[5.0 mg/l]
settleable solids	0.5 ml/l
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	greater than 6.0; less than 9.0

<i>Parameter</i>	Group C
	<i>Instantaneous Maximum</i>
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	greater than 6.0; less than 9.0

* * * * *

§ 88.296. Hydrologic balance: sediment control measures.

Appropriate sediment control measures shall be designed, constructed and maintained to:

(1) Prevent, to the **[maximum]** extent possible, additional contributions of sediment to streamflow or to runoff outside the affected area.

* * * * *

§ 88.334. Postdisposal land use.

(a) All affected areas shall be restored in a timely manner to conditions that are capable of supporting the uses which they were capable of supporting before refuse disposal, or to higher or better uses achievable under criteria and procedures of this section and prior to the release of land from the permit area in accordance with **[this section (Bonds)] Chapter 86, Subchapter F (relating to bonding and insurance requirements.)**

(b) The predisposal use of land to which the postdisposal land use is compared shall be determined by the following:

* * * * *

[(3) The postdisposal land use for land that has received improper management shall be judged on the basis of the predisposal use of surrounding lands that have received proper management.

(4) The postdisposal land use of land which was changed within 5 years of the beginning of mining shall be judged on the basis of the historic use of the land as well as its use immediately preceding mining.]

(c) Alternative land uses shall be approved by the Department after consultation with the landowner or the

land management agency having jurisdiction over the lands and after determining that the following criteria are met:

(1) The proposed postdisposal land use is compatible with adjacent land use and applicable land use policies, plans and programs and Federal, State and local law. A written statement of the views of the authorities with statutory responsibilities for land use policies and plans is submitted to the Department before refuse disposal activities begin. Any required approval, including any necessary zoning or other changes required for land use by local, State or Federal land management agencies, shall be obtained and remains valid throughout the **[surface mining] coal refuse disposal** activities.

(2) **[The owner of the surface shall request in a notarized written statement that such alternative land use be approved.] The proposed postmining land use is reasonably likely to be achieved which may be demonstrated by one or more of the following or other similar criteria:**

[(3)] (i) Provision of any necessary public facilities is ensured as evidenced by letters of commitment from parties other than the person who conducts refuse disposal activities, as appropriate, to provide the public facilities in a manner compatible with the plans submitted under Subchapter A (relating to general provisions). The letters shall be submitted to the Department before **[surface mining] coal refuse disposal** activities begin.

[(4)] (ii) ***

[(5) Plans for the postdisposal land use are designed and certified by a registered professional engineer, in conformance with professional stan-

dards established to assure the stability, drainage and configuration necessary for the intended use of the site.

(6) (3) ***

[(7) (4) ***

[(8) (5) ***

§ 88.335. Haul roads and access roads: general.

(a) Haul roads and access roads shall be designed, constructed and maintained to [prevent, to the maximum extent possible] control or prevent erosion and [to prevent] contributions of sediment to streams or runoff outside the affected area; air and water pollution; damage to fish and wildlife or their habitat; and flooding and damage to public or private property. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 88.341 (relating to haul roads and access roads: restoration) unless retention of the road and its maintenance plan is approved as part of the postmining land use.

* * * * *

§ 88.341. Haul roads and access roads: restoration.

Unless the Department approves retention of a road as suitable for the approved postmining land use in accordance with § 88.334 (relating to postdisposal land use), [immediately] as soon as practicable after the road is no longer needed for the associated surface mining activities:

* * * * *

Subchapter F. ANTHRACITE UNDERGROUND MINES

§ 88.492. Minimum requirements for reclamation and operation plan.

* * * * *

(f) Protection of [public] publicly owned parks and historic places.

(1) For [a public park or historic place] publicly owned parks or historic places listed on the National Register of Historic Places that may be adversely affected by the proposed operations, each application shall describe the measures to be used to accomplish the following:

* * * * *

Subchapter G. ANTHRACITE SURFACE MINING ACTIVITIES AND ANTHRACITE BANK REMOVAL AND RECLAMATION ACTIVITIES: MINIMUM REQUIREMENTS FOR REMINING AREAS WITH POLLUTIONAL DISCHARGES

§ 88.509. Criteria and schedule for release of bonds on pollution abatement areas.

(a) The Department will release up to [50] 60% of the amount of bond for the authorized pollution abatement area if the applicant demonstrates and the Department finds that:

* * * * *

(4) The operator has not caused degradation of the baseline pollution load [for a minimum] at any time

during a period of 6 months prior to the submittal of the request for bond release under this subsection and until the bond release is approved as shown by all ground and surface water monitoring conducted by the permittee under § 88.506(1) (relating to operational requirements) or conducted by the Department.

* * * * *

(b) The Department will release an additional amount [not to exceed 35% of the amount of the bond for the authorized pollution abatement area if the applicant demonstrates and the Department finds that:] of bond for the authorized pollution abatement area but retaining an amount sufficient to cover the cost to the Department of reestablishing vegetation if completed by a third party if the operator demonstrates and the Department finds that:

* * * * *

(3) The operator has complied with [either] one of the following:

* * * * *

(ii) Achieved all of the following:

(A) At a minimum has not caused degradation of the baseline pollution load as shown by all ground and surface water monitoring conducted by the operator or the Department:

(I) For 12 months [from the date of initial bond release under subsection (a)] prior to the date of application for bond release and until the bond release is approved under subsection (b), if backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard of success for revegetation [set forth] in § 88.505(a)(5) have been completed[; or]

* * * * *

(c) The Department will release the remaining portion of the amount of bond on the authorized pollution abatement area if the applicant demonstrates and the Department finds that:

* * * * *

(4) The applicable liability period[, which shall be measured from the date of release of bond under subsection (b),] has expired under § 86.151 (relating to period of liability).

CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES

Subchapter B. OPERATIONS INFORMATION REQUIREMENTS

§ 89.38. Archaeological and historical resources [and], public parks and publicly owned parks.

* * * * *

(b) For [a public park or historic place] publicly owned parks or historic places listed on the National Register of Historic Places that may be adversely affected by the proposed underground mining activities, the plan shall describe the measures to be used to accomplish one of the following:

* * * * *

PERFORMANCE STANDARDS

§ 89.52. Water quality standards, effluent limitations and best management practices.

* * * * *

(c) *Effluent limitations.* A person may not allow a discharge of water from an area disturbed by underground mining activities, including areas disturbed by mineral preparation, processing or handling facilities which exceeds the following groups of effluent standards. The effluent limitations shall be applied under subsection (d).

Group A

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
alkalinity greater than acidity ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

Group B

<i>Parameter</i>	<i>Instantaneous Maximum</i>
iron (total)	7.0 mg/l
[manganese (total)]	[5.0 mg/l]
settleable solids	0.5 ml/l
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	greater than 6.0; less than 9.0

Group C

<i>Parameter</i>	<i>Instantaneous Maximum</i>
pH	greater than 6.0; less than 9.0
alkalinity greater than acidity	greater than 6.0; less than 9.0

* * * * *

§ 89.65. Protection of fish, wildlife and related environmental values.

(a) The operator shall **to the extent possible**, using the best technology currently available, **[prevent] minimize** disturbances and adverse impacts of the activities on fish, wildlife and related environmental values, and achieve enhancement of the resources when practicable.

* * * * *

(d) The operator shall **to the extent possible**, using the best technology currently available:

(1) Locate and operate haul and access roads to **[prevent] avoid or minimize** impacts to fish and wildlife species or other species protected by State or Federal law.

(2) **[Prevent] Avoid** disturbances to, **enhance where practicable, or restore**, habitats of unusually high value for fish and wildlife.

* * * * *

§ 89.67. Support facilities.

(a) Support facilities required for, or used incidentally to, the operation of the underground mine, including, but not limited to, mine buildings, coal loading facilities at or near the mine site, coal storage facilities, equipment storage facilities, fan buildings, hoist buildings, preparation plants, sheds, shops and other buildings, shall be **[designed, constructed or reconstructed, and located to prevent or control erosion and sedimentation, water pollution and damage to public or private property. Support facilities shall be de-**

signed, constructed or reconstructed, maintained and used in a manner which, using the best technology currently available prevents:

(1) **Damage to fish, wildlife and related environmental values.**

(2) **Additional contributions of suspended solids to streamflow or runoff outside the disturbed area. Contributions may not be in excess of limitations of State or Federal law.] located, maintained and used in a manner that does the following:**

(1) **Prevents or controls erosion and siltation, water pollution and damage to public or private property.**

(2) **To the extent possible using the best technology currently available:**

(i) **Minimizes damage to fish, wildlife and related environmental values.**

(ii) **Minimizes additional contributions of suspended solids to streamflow or runoff outside the permit area. Contributions may not be in excess of limitations of State or Federal law.**

* * * * *

**Subchapter C. RECLAMATION
PERFORMANCE STANDARDS**

§ 89.82. Protection of fish, wildlife and related environmental values.

(a) The operator shall, **to the extent possible** using the best technology currently available, **[prevent] minimize** disturbances and adverse impacts **[of the**

reclamation activities] on fish, wildlife and related environmental values, and achieve enhancement of the resources where practicable.

(b) The operator shall promptly report to the Department the presence in the permit area of threatened or endangered species under State or Federal laws of which that person becomes aware and which was not previously reported to the Department by that person. Upon notification, the Department will consult with the Game Commission or the Fish and Boat Commission and appropriate Federal fish and wildlife agencies and, after consultation, identify whether, and under what conditions, the operator may proceed.

(c) The operator shall, to the extent possible using the best technology currently available:

* * * * *

(e) Underground mining activities may not be conducted which are likely to jeopardize the continued existence of endangered or threatened species listed by the Secretary of the Interior, the Game Commission or the Fish and Boat Commission or which are likely to result in the destruction or adverse modification of designated critical habitats of these species in violation of the Endangered Species Act of 1973, the act of December 28, 1973 (Pub. L. No. 93-205) (87 Stat. 884).

§ 89.87. Regrading or stabilizing rills and gullies.

[(a) When rills or gullies deeper than 9 inches form in areas that have been regraded and have had topsoil applied, the rills and gullies shall be filled, graded or otherwise stabilized and the areas reseeded or replanted according to § 89.86 (relating to revegetation). The Department may specify that rills or gullies of lesser size be stabilized, and the area reseeded or replanted, if the rills or gullies are disruptive to the approved postmining land use or may result in additional erosion and sedimentation.

(b) The regrading or stabilization of rills and gullies to include the reseeded or replanting shall be completed no later than the first normal period for favorable planting as established within § 89.86, except rills or gullies contributing to impacts outside the permit area or those rills or gullies occurring after removal of erosion and sedimentation control structures shall be stabilized immediately.]

(a) Exposed surface areas shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion.

(b) Rills and gullies, which form in areas that have been regraded and topsoiled and which do one of the following shall be filled, regraded or otherwise stabilized:

(1) Disrupt the approved postmining land use or the reestablishment of the vegetative cover.

(2) Cause or contribute to a violation of water quality standards for receiving streams.

(c) For areas listed in subsection (b), the topsoil shall be replaced, and the areas shall be reseeded or replanted.

§ 89.88. Postmining land use.

* * * * *

(b) The premining use of land to which the postmining land use is compared shall be those uses which the land

previously supported, if the land had not been previously mined and had been properly managed.

* * * * *

[(2) The postmining land use for land that has received improper management shall be judged on the basis of the premining use of surrounding lands that have received proper management.

(3) If the premining use of the land was changed within 5 years of the beginning of mining, the comparison of postmining use to premining use shall include a comparison with the historic use of the land as well as its use immediately preceding mining.]

(c) Alternative land uses may be approved by the Department after consultation with the landowner or the land management agency having jurisdiction over the lands, provided that:

* * * * *

(2) The proposed postmining land use is reasonably likely to be achieved which may be demonstrated by the following or other similar criteria:

[(2)] (i) ***

[(3) Plans for the postmining land use are designed under the general supervision of a registered professional engineer, or other appropriate professional, who will ensure that the plans conform to applicable accepted standards for adequate land stability, drainage, vegetative cover and esthetic design appropriate for the postmining use of the site.]

[(4)] (3) ***

[(5)] (4) ***

[(6)] (5) ***

[(7)] (6) ***

* * * * *

§ 89.90. Restoration of roads.

(a) Unless the Department approves retention of a road as suitable for the approved postmining land use, [immediately] as soon as practicable after the road is no longer needed for operations, reclamation or monitoring:

* * * * *

(4) Roadbeds shall be ripped[, plowed and] or scarified.

* * * * *

CHAPTER 90. COAL REFUSE DISPOSAL

Subchapter A. GENERAL PERMIT AND APPLICATION REQUIREMENTS FOR COAL REFUSE DISPOSAL

§ 90.1. Definitions.

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

* * * * *

Land use—Specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur. Changes of land use from one of the

following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department.

* * * * *

(x) **Unmanaged natural habitat.** Idle land which does not require a specific management plan after the reclamation and revegetation have been accomplished.

* * * * *

Subchapter C. MINIMUM OPERATION AND RECLAMATION PLAN INFORMATION REQUIRED IN APPLICATIONS FOR COAL REFUSE DISPOSAL

§ 90.40. Protection of [public] publicly owned parks and historic places.

(a) For [public park or historic places] publicly owned parks or historic places listed on the National Register of Historic Places that may be adversely affected by the proposed coal refuse disposal activities, each application shall describe the measures to be used to accomplish the following:

(1) [To prevent] Prevent adverse impacts and meet the requirements of Chapter 86, Subchapter D (relating to areas unsuitable for mining).

(2) [To minimize] Minimize adverse impacts if valid existing rights exist or joint agency approval is to be obtained under Chapter 86, Subchapter D.

* * * * *

Subchapter D. PERFORMANCE [STANDARD] STANDARDS FOR COAL REFUSE DISPOSAL

§ 90.93. Casing and sealing of drilled holes and underground workings.

* * * * *

(d) Gas and oil wells shall be sealed in accordance with [the requirements of] the [Gas Operations, Well-Drilling, Petroleum and Coal Mining Act (52 P. S. §§ 2101—2602).] Oil and Gas Act (58 P. S. §§ 601.101—601.605.)

(e) A solid barrier of undisturbed earth, 125 feet (38 meters) in radius, shall be maintained around all oil and gas wells, unless one of the following happens:

* * * * *

(2) The Department approves, in writing, a lesser distance, provided:

* * * * *

[(iii) The well operator agrees in writing to the lesser distance.]

* * * * *

§ 90.97. Topsoil: removal.

* * * * *

(c) If topsoil is less than 12 inches (30.48 centimeters), a 12-inch (30.48 centimeters) layer of topsoil, subsoil and unconsolidated materials shall be removed, segregated, conserved and replaced as the final surface soil layer. If the topsoil and all unconsolidated material measures less than 12 inches (30.48 centimeters), all the topsoil, subsoil and unconsolidated material shall be removed and the mixture segregated and redistributed as the final surface soil layer.

* * * * *

(f) When approved by the Department, in writing, other material may be substituted or used as a supplement to topsoil if the operator demonstrates that the resulting soil medium is equal or more suitable than topsoil for sustaining vegetation and soil productivity. In making this demonstration, the Department may require chemical and physical analyses of the substituted material and [subsoil] topsoil. These analyses may include determinations of pH, net acidity or alkalinity, phosphorus, potassium, texture class, field site trials or greenhouse tests or other analyses as required by the Department.

§ 90.101. Hydrologic balance: general requirements.

(a) Coal refuse disposal activities shall be planned and conducted to [prevent, to the maximum extent possible, changes] minimize disturbances to the prevailing hydrologic balance in the permit and adjacent areas and to prevent material damage to the hydrologic balance outside the permit area.

* * * * *

§ 90.102. Hydrologic balance: water quality standards, effluent limitations and best management practices.

(a) A person may not allow a discharge of water from an area disturbed by coal refuse disposal activities, including areas disturbed by mineral preparation, processing or handling facilities which exceeds the following groups of effluent criteria. The effluent imitations are to be applied under subsection (b).

Group A

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

Group B

<i>Parameter</i>	<i>Instantaneous Maximum</i>
iron (total)	7.0 mg/l
[manganese (total)]	[5.0 mg/l]

Parameter

settleable solids
pH
alkalinity greater than acidity

Instantaneous Maximum

0.5 ml/l
greater than 6.0; less than 9.0

Group C

Parameter

pH
alkalinity greater than acidity

Instantaneous Maximum

greater than 6.0; less than 9.0

* * * * *

§ 90.106. Hydrologic balance: erosion and sedimentation control.

(a) Appropriate erosion and sediment control measures shall be designed, constructed and maintained using the best technology currently available to:

(1) Prevent, to the [**maximum**] extent possible, contributions of sediment to stream flow or to runoff outside the affected area.

* * * * *

(3) [**Prevent**] **Minimize** erosion to the [**maximum**] extent possible.

* * * * *

§ 90.134. Haul roads and access roads: general.

(a) Haul roads and access roads shall be designed, constructed and maintained to [**minimize erosion and to prevent:**] **control or prevent** contributions of sediment to streams or runoff outside the affected area; flooding; air and water pollution; damage to fish and wildlife or their habitat; and damage to public or private property. To ensure environmental protection appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement and culvert size, in accordance with current, prudent engineering practices, and necessary design criteria established by the Department. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 90.140 (relating to haul roads and access roads: restoration) unless retention of the road and its maintenance plan are approved as part of the postmining land use.

* * * * *

§ 90.140. Haul roads and access roads: restoration.

Unless the Department approves retention of a road as suitable for the approved postdisposal land use in accordance with § 90.166 (relating to postdisposal land use), [**immediately**] **as soon as practicable** after the road is no longer needed for operations, reclamation or monitoring:

* * * * *

(4) Roadbeds shall be ripped [, **plowed and**] or scarified.

* * * * *

§ 90.147. Support facilities and utility installations.

(a) Support facilities required for, or used incidentally to, the operation of the coal refuse disposal area, including, but not limited to, buildings, coal loading facilities at or near the coal refuse disposal site, coal storage facilities, equipment storage facilities, fan buildings, hoist buildings, preparation plants, sheds, shops and other buildings, shall be [**designed, constructed or reconstructed, and located to prevent or control erosion and siltation, water pollution, and damage to public or private property.**] **Support facilities shall be designed, constructed or reconstructed, maintained and used in a manner which prevents, using the best technology currently available:**

(1) **Damage to fish, wildlife and related environmental values.**

(2) **Additional contributions of suspended solids to streamflow or runoff outside the permit area. The contributions may not be in excess of limitations of State or Federal law.] located, maintained and used in a manner that does the following:**

(1) **Prevents or controls erosion and siltation, water pollution and damage to public or private property.**

(2) **To the extent possible using the best technology currently available:**

(i) **Minimizes damage to fish, wildlife and related environmental values.**

(ii) **Minimizes additional contributions of suspended solids to streamflow or runoff outside the permit area. These contributions may not be in excess of limitations of State or Federal law.**

* * * * *

§ 90.150. Protection of fish, wildlife and related environmental values.

(a) A person conducting coal refuse disposal activities shall, **to the extent possible** using the best technology currently available:

(1) [**Prevent**] **Minimize** disturbances and adverse impacts of the activities on fish, wildlife and related environmental values, and achieve enhancement of the resources when practical.

(2) [**Prevent**] **Locate and operate haul and access roads to avoid or minimize** impacts to fish and wildlife species or other species protected by State or Federal law.

(3) [**Prevent**] **Avoid** disturbance to, **enhance where practicable, or restore,** habitats of unusually high value for fish and wildlife.

* * * * *

(b) A person who conducts coal refuse disposal activities shall promptly report to the Department the presence in the permit area of threatened or endangered species under State or Federal laws of which that person becomes aware and which was not previously reported to the Department by that person. Upon notification, the Department will consult with the Game Commission or the Fish and Boat Commission and appropriate Federal fish and wildlife agencies and, after consultation, will identify whether, and under what conditions, the operator may proceed.

* * * * *

(d) Coal refuse disposal activities may not be conducted which are likely to jeopardize the continued existence of endangered or threatened species listed by the Secretary of the Interior, the Game Commission or the Fish and Boat Commission or which are likely to result in the destruction or adverse modification of designated critical habitats of the species in violation of the Endangered Species Act of 1973, act of December 28, 1973 (Pub. L. No. 93-205, 87 Stat. 884).

§ 90.166. Postdisposal land use.

(a) Prior to the release of land from permit area in accordance with Chapter 86 [Subchapter E (relating to coal exploration)], Subchapter F (relating to bonding and insurance requirements), all affected areas shall be restored in a timely manner to conditions that are capable of supporting the uses which they were capable of supporting before any coal refuse disposal activities, or to higher or better uses achievable under criteria and procedures of this section.

(b) The predisposal use of land to which the postdisposal land use is compared shall be determined by the following:

* * * * *

[(3) The postdisposal land use for land that has received improper management shall be judged on the basis of the predisposal use of surrounding lands that have received proper management.

(4) The postdisposal land use of land which was changed within 5 years of the beginning of coal refuse disposal activities shall be judged on the basis of the historic use of the land as well as its use immediately preceding disposal.]

(c) Alternative land uses may be approved by the Department after consultation with the landowner or the land management agency having jurisdiction over the lands and after determining that the following criteria are met:

* * * * *

(2) [The owner of the surface requests in a notarized written statement that such alternative land use be approved.] The proposed postmining land use is reasonably likely to be achieved which may be demonstrated by one or more of the following or other similar criteria:

[(3)] (i) ***

[(4)] (ii) ***

[(5)] (iii) ***

[(6) Plans for the postdisposal land use are designed and certified by a registered professional engineer, in conformance with professional standards established to assure the stability, drainage and configuration necessary for the intended use of the site.]

[(7)] (3) ***

[(8)] (4) ***

[(9)] (5) ***

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