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PENNSYLVANIA BULLETIN

Volume 29

Number 15

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No. 293, April 1999

PENNSYLVANIA



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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*.

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

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

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

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1999.

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THE COURTS

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Revision and Re-Promulgation of Local Rules of
Civil Procedure; No. 99-00001-2

Order

And Now, this 15th day of March, 1999, the Court approves and adopts the following proposed Rule revisions for the Montgomery County Local Rules of Civil Procedure. These Revisions shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the Montgomery County Law Reporter and in the Legal Intelligencer. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) certified copy shall be filed with the Domestic Relations Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

JOSEPH A. SMYTH,
President Judge

Rule 14. Zoning Appeals.

(a) Appeals from the decision of a Zoning Hearing Board shall be captioned

See Form

(b) Within ten (10) days [after the allowance by this Court] of the issuance of a Writ of Certiorari by this Court, [on petition to review a decision of a Zoning Hearing Board, the petitioner shall give notice in writing of the Court and number of such appeal, to all persons who shall have entered an appearance in writing in the proceedings before the Zoning Hearing Board, stating the name and address of the person or attorney to which it is wished the notice be sent. T] the appellant shall serve a copy of both the Notice of Appeal and Writ [the petition and order of allowance of the writ] upon the Solicitor for the Zoning Hearing Board [or, if none, to], the Solicitor for the municipality [for] within which the Zoning Hearing Board [was appointed to serve as such] is located and all persons and/or entities who shall have entered their written appearance in the proceedings before the Zoning Hearing Board and the matter appealed from.

(c) The record submitted to the Court in compliance with the writ of certiorari shall include a certified copy of the zoning ordinance in effect when the decision was rendered.

(d) Whenever an appeal is taken from a decision of a Zoning Hearing Board and the record is returned by this Court to the Zoning Hearing Board for further proceedings, and [another] a subsequent appeal from a decision of the Zoning Hearing Board is taken in the same case, the number of the original appeal shall [be set forth in the notice of] identify the subsequent appeal filed with the Prothonotary[, and the Prothonotary] who shall docket and file such subsequent appeal to the number of the original appeal.

[Rule 76*(a). Definitions.]

[Rescinded]

[Rule 205.2*. Filing of Pleadings, Papers, Etc.]

[Rescinded]

[Rule 206*(a). Petitions and Answers, Citation of Authority.]

[Rescinded]

[Rule 208*(a). Answer, Effect of Failure to Deny Averment in Petition.]

[Rescinded]

[Rule 209*(c). Effect of Petitioner's Failure to Testify or Furnish Depositions.]

[Rescinded]

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[Rule 212*(h). Settlement Conference List.]

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[Rule 212*(k). Certification Required for Trial List Without Settlement Conference.]

Rule 212.1*. Civil Actions to be tried by jury. Civil Actions to be tried non-jury. Equity Actions. Notice of earliest trial date. Time for filing pre-trial statements.

(a)* The Court hereby extends Pa.R.C.P. 212.1 and 212.2 to apply to civil actions to be tried non-jury, and to equity actions. The notice of first listing for trial, generated by the Court Administrator's Office at least 50 days prior to said trial date, shall serve as notice of the earliest trial date required by Pa.R.C.P. 212.1(a).

(b)* All pre-trial statements are to be filed in the Prothonotary's Office not later than fourteen (14) days prior to the earliest trial date.

COMMENT: Pursuant to Pa.R.C.P. 212.1(c)(2), Montgomery County has altered the times set for the filing of pre-trial statements as set forth in Pa.R.C.P. 212.1(b). This Rule applies to matters that are certified for trial pursuant to Local Rule of Civil Procedure 212.1*(d).

Rule 212.1*(d). Certification Required for Trial List.

(1) Certification shall be by all parties.

(2) Certification shall state that no motions are outstanding and that all discovery has been completed.

(3) No discovery shall be permitted after certification unless by agreement of counsel or permission of Court.

(4) If any attorney refuses to join in certification of the case, counsel who wishes the case listed shall request a conference with the designated Judge, and give five days' notice of that appointment to other counsel. Thereafter the Judge shall rule on whether the case is ready for listing and may order the case listed on motion of counsel if in the opinion of the Court the case is ready for certification.

President Judge's note: Local Rule 212.1*(d) Conferences—Members of the Bar are advised that the Board of Judges has agreed to discontinue the practice of ordering cases on the civil trial list where discovery has not been completed, and allowing for discovery to be ongoing. Delays in completing discovery may be addressed through traditional available mechanisms; court orders, with sanctions for failure to comply.—*President Judge Joseph A. Smyth, February 1998.*

Rule 212.2(a)(7)*. Pre-Trial Statement. Content.

Pursuant to Pa.R.C.P. 212.2(a)(7), the pre-trial statement shall include the following additional information:

- (i) the estimated length of trial;
- (ii) any scheduling problems;
- (iii) any special evidentiary issues;
- (iv) a realistic settlement offer or demand.

[Rule 216. Grounds for Continuance, Prior Commitment of Counsel, Failure to Complete Discovery.]

[Rescinded]

Rule 225*(a),(b). Summing Up, Sequence of Speeches.

* (a) The defendant's attorney may make an **[his]** opening speech either immediately following the opening speech of plaintiff's attorney or at the opening of the defendant's case.

* (b) The attorney for the party having the burden of proof shall first sum up. The attorney for each adverse party or group of parties may then address the jury and the attorney who commenced the final summations may conclude, restricting himself **or herself** to answering the arguments advanced.

Rule *229(a)*(1). Discontinuances, Divorce Cases.

(1) In divorce cases a discontinuance shall be entered only by leave of Court after notice to the defendant, and correspondent, if any be named.

[Rule 233*(d)*(e). Service, Notices in Writing, Publication.]

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[Rule *251. Motions and Rules.]

[Rescinded]

[Rule *252. Post-Trial Relief.]

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[Rule *261. Court Administrator.]

[Rescinded]

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[(a)] Cases shall be placed on the general civil trial list only upon receipt of a praecipe for civil trial list certifying readiness for trial or upon order of the Court.

[(b)] [Rescinded]

[Rule *263. Trial List.]

[Rescinded]

[Rule *264. Striking Cases from List.]

[Rescinded]

[Rule *271. Trial of Equity Cases and Other Civil Non-Jury Trials.]

[Rescinded]

[Rule *272. Asbestos Cases—Non-Jury Trials.]

Rule *301. Argument Court—Interlocutory Matters.

(a) *Filing.* Petitions, motions and preliminary objections raising interlocutory matters shall be faced with a cover sheet in the form set forth in Rule 303 and shall be accompanied by the moving party's proposed order. The Prothonotary shall time stamp cover sheets as filed.

(b) *Listing.* Upon the filing of a petition or motion, the Court Administrator shall fix promptly a return day which shall be not later than thirty (30) days from the date of filing of said petition or motion, and **[counsel] the moving party** shall forthwith mail to respondent(s) a copy of the petition or motion and the cover sheet **indicating the return day thereon. The moving party shall thereafter file a certification that the petition or motion and the rule return date were served upon all parties.** In the case of matters in respect to which a rule to show cause is not applicable **[or appropriate]**, the cover sheet shall contain a notice to plead or respond within twenty (20) days of service **[, and the moving party shall promptly serve the Court Administrator with a copy of said cover sheet]**.

(c) *Response.* At or before **the call of the list on the return day [indicated by the cover sheet]**, the respondent shall file an answer to **[a] the** petition or motion. The answer shall be faced with the respondent's cover sheet in the form set forth in Rule 303 and shall be accompanied by a **[respondent's]** proposed order. In the case of matters in respect to which a rule to show cause is not applicable **[or appropriate]**, the respondent, within twenty (20) days of service of the moving party's cover sheet, shall file an **[respondent's]** answer or other responsive document, if any; respondent's cover sheet; and a **[respondent's]** proposed order.

(d) *Return Day.* On the return day **[fixed by the Court Administrator]**, the Court Administrator shall call all matters listed on such day, at which time the Court Administrator shall refer to the Court all matters which are to be stricken or made absolute. Matters in which responses have been filed shall forthwith be referred to the Judge assigned to the case for disposition. **In the case of matters in respect to which a rule to show cause is not applicable, after the expiration of the twenty (20) day period, any party may file with the Prothonotary, in duplicate, a praecipe for argument, including a certification that a copy thereof**

has been served upon all parties. The Prothonotary shall forthwith deliver a copy of said praecipe to the Court Administrator. [The Court Administrator shall refer to the Judge assigned to the case for disposition matters in respect to which a rule to show cause is not applicable or appropriate promptly after twenty (20) days from the date that such matters were filed.] Attendance at the call of the list is optional.

(e) *Disposition.* The matters referred to the Judge assigned to the case for disposition shall be decided after oral argument, **if requested by either party. [which argument shall be scheduled by the judge assigned to the case.]** Each party shall limit argument to ten (10) minutes unless extended by the Court.

(f) *Briefs.* Where the Court orders briefs, the brief of the moving party shall be filed within thirty (30) days of the date of said order and the respondent's brief shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directed by the Judge assigned to the case. **[In interlocutory matters,] A party may voluntarily file a brief even though not specifically directed by the Court.** The moving party and the respondent **[each]** shall file one copy of their respective briefs with **[the Judge assigned to the case] the Court Administrator's Office.** If the brief of either **[the moving]** party **[or the respondent]** is not timely filed as ordered by the Court, the Judge assigned to the case may:

(1) Dismiss the motion, petition or preliminary objection where the moving party has failed to comply;

(2) Grant the requested relief where the respondent has failed to comply;

(3) List the matter for argument at which time only the complying party shall be heard; or

(4) Impose such other sanctions upon the non-complying party as the Judge **[assigned to the case]** shall deem proper.

[No extension of time for the filing of briefs by agreement of the parties shall be permitted, unless approved by the Judge assigned to the case upon written request.]

[(g)] [Rescinded]

Comments

1. Interlocutory matters are those which are not before the Court for final judgment or adjudication **[and include, for example, matters relating to discovery and motions for more specific pleadings]. Please refer to the Pennsylvania Rules of Appellate Procedure for further guidance.** Where a single pleading or motion includes both appealable and interlocutory matters, Rule 302 shall govern.

2. A rule to show cause is an order directing the respondent to state why a prayer for relief or other request of the moving party should not be granted.

3. **[Rules to show cause are issued in respect to interlocutory matters raised by petition or motion.]** Matters in respect to which a rule to show cause is not applicable **[or appropriate]** include, for example, preliminary objections.

4. The terms "party" or "parties" shall be deemed to mean counsel for a party or parties to a legal proceeding and such party or parties as are unrepresented by counsel.

Rule *302. Argument Court—Appealable Matters.

(a) *Filing.* Petitions, motions and preliminary objections raising appealable matters shall be faced with a cover sheet in the form set forth in Rule 303 and shall be accompanied by the moving party's proposed order. The Prothonotary shall time stamp cover sheets as filed.

(b) *Listing.* Upon the filing of a petition or motion, the Court Administrator shall fix promptly a return day which shall be not later than thirty (30) days from the date of filing of said petition or motion, **and [Counsel] the moving party shall forthwith mail to respondent(s) a copy of the petition or motion and the cover sheet indicating the return day thereon. The moving party shall thereafter file a certification that the petition or motion and the rule return date were served upon all parties. In the case of matters in respect to which a rule to show cause is not applicable, the cover sheet shall contain a notice to plead or respond within twenty (20) days of service.**

(c) *Response.* At or before **the call of the list on the return day [indicated by the cover sheet],** the respondent shall file an answer to **[a]** the petition or motion. The answer shall be faced with the respondent's cover sheet in the form set forth in Rule 303 and shall be accompanied by a **[respondent's]** proposed order. In the case of matters in respect to which a rule to show cause is not applicable **[or appropriate],** the respondent, within twenty (20) days of service of the moving party's cover sheet, shall file **an [respondent's]** answer or other responsive document, if any; respondent's cover sheet; and a **[respondent's]** proposed order.

(d) *Return Day.* On the return day **[fixed by the Court Administrator],** the Court Administrator shall call all matters listed on such day, at which time the Court Administrator shall refer to the Court **[those]** all matters which **[parties have requested be continued] are to be** stricken **[, withdrawn]** or made absolute. After filing of respondent's answer **[and/or cover sheet],** and completion of discovery (if any), any party may file with the Prothonotary, in duplicate, a praecipe for argument, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of said praecipe **[and certification]** to the Court Administrator. Attendance at the call of the list is optional. **[The date and time for argument shall be scheduled by the Judge assigned to the case.]**

(e) *Disposition.* Where any party demands discovery, the parties shall complete such discovery within sixty (60) days, unless otherwise directed by the Court. **The matters referred to the Judge assigned to the case for disposition shall be decided after oral argument, if requested by either party.** Each party shall limit argument to twenty (20) minutes unless extended by the Judge assigned to the case.

(f) *Briefs.* The brief of the moving party shall be filed within thirty (30) days of filing of the praecipe for argument, unless otherwise directed by the Judge assigned to the case. The brief of the respondent shall be

filed within thirty (30) days of the date of the filing of the moving party's brief. The moving party and the respondent [**each**] shall file with the Court Administrator one copy [**each**] of their respective briefs together with certifications of said briefs upon opposing parties. In matters subject to court en banc, two copies of the brief of each party shall be filed with the Court Administrator. If the brief of either [**the moving**] party [**or the respondent**] is not timely filed, the Judge assigned to the case may:

(1) Dismiss the motion, petition or preliminary objection where the moving party has failed to comply, **except no civil action or proceeding shall be dismissed for failure to comply;**

(2) Grant the requested relief where the respondent has failed to comply, except no civil action or proceeding shall be dismissed for failure to comply;

(3) List the matter for argument at which time only the complying party shall be heard; or

(4) Impose such other sanctions upon the non-complying party as the Judge [**assigned to the case**] shall deem proper.

[No extension of time for the filing of briefs by agreement of the parties shall be permitted, unless approved by the Judge assigned to the case upon written request.]

(g) *Court en banc.* In [**appealable**] matters involving zoning appeals, motions for new trial, motions for judgment n.o.v., and exceptions to adjudications, argument court may be comprised of two Judges, one of whom shall be the Judge who presided at the trial or hearing in question. In [**appealable**] matters involving zoning appeals, the original appellant shall for purposes of this rule be deemed to be the moving party.

[(h)] [Rescinded]

Comments

1. Appealable matters are those which are before the Court for final judgment or adjudication [**and include, for example, zoning appeals, motions for new trial, motion for judgment n.o.v., exceptions to adjudications, demurrers, motions for summary judgment, motions for judgment on the pleadings, and petitions to open and/or strike judgment**]. Please refer to the Pennsylvania Rules of Appellate Procedure for further guidance.

2. A rule to show cause is an order directing the respondent to state why a prayer for relief or other request of the moving party should not be granted.

3. Matters in respect to which a rule to show cause is not applicable [**or appropriate**] include, for example, preliminary objections, motions for judgment n.o.v., and motions for new trial.

4. The terms "party" or "parties" shall be deemed to mean counsel for a party or parties to a legal proceeding and such party or parties as are unrepresented by counsel.

Rule *303. Argument Court Forms. [of Cover Sheet]

The cover sheet required by Rules 301 and 302 shall be as the following forms:

(a) Cover Sheet of Moving Party

See Form

(b) Cover Sheet of Respondent

See Form

(c) Argument Praecipe

See Form

[Rule 401. Court Calendar, Terms and Sessions.]

[Rescinded]

[Rule *403. Dockets]

[Rescinded]

[Rule *404. Legal Periodical - Notice.]

[Rescinded]

[Rule *405. Papers and Records.]

[Rescinded]

Rule *406. Termination of Inactive Cases.

The Prothonotary shall annually prepare a list of all civil cases commenced in which no activity appears on the docket for two years or more immediately prior thereto. **The Prothonotary [He]** shall give notice thereof to counsel of record and to the parties for whom no appearance has been entered that said cases shall be marked terminated on the docket unless an Activity Status Certificate is filed with the Prothonotary within thirty (30) days after service of the said notice by mail, in person or by publication on counsel of record and to those parties for whom no appearance has been entered. Said cases shall be marked terminated on the docket unless an activity status certificate is filed with the Prothonotary within such time. All matters so terminated may not be reinstated except with leave of Court, for cause shown.

Rule 430(b)(1)*. Legal Periodical—Notice, Service, Publication.

(i) The *Montgomery County Law Reporter* is and shall be the legal periodical for the publication of all notices.

(ii) One copy of each issue shall be deposited by the publication in the Office of the Prothonotary and one in the Law Library of Montgomery County for public reference.

(iii) Except as otherwise provided by acts of assembly, rule or special order of Court, service by publication shall be made by publication once in the *Montgomery County Law Reporter*, and in one daily or weekly newspaper of general circulation within the county, and in such manner that the person so served shall have at least five days after publication thereof to act thereon.

Rule *902. [Nonresidents—] Security for Costs.

In [**cases where the plaintiff resides out of the state at the time of suit brought, or subsequently removes therefrom, and**] cases where proceedings in bankruptcy or insolvency are pending against the plaintiff, the defendant, on filing an answer in actions in which an answer is required, and in other actions on filing of an affidavit of a just defense to the whole of plaintiff's demand, may enter a rule for security of costs. A garnishee in attachment execution may, in like cases, enter a rule for security for garnishee's costs, after

interrogatories and before answers are filed. In default of security entered at the time fixed by the Court, judgment of non pros may be entered by the Prothonotary in favor of the defendant, or the attachment quashed in cases of attachment execution.

Rule*903. Bill of Costs.

(a) *Affidavit.* The affidavit of the party or other person to the correctness of the bill and the attendance and materiality of the witnesses shall be annexed, and shall be prima facie evidence to the taxing officer.

(b) *Taxation.* Bills of costs shall be taxed, in the first instance, by the Prothonotary upon application of the party entitled to execution, subject to exceptions, which exceptions shall be filed on or before the return day of the execution. A re-taxation shall then be had before the Prothonotary upon ten (10) days notice thereof to both parties, from which either party may appeal to the Court within five days thereafter, provided that the appellant shall, within three days after appeal is entered, file a specification of the items to which [**he**] **appellant** objects and the grounds of [**his**] **all** objections; otherwise, the appeal will be dismissed. No exceptions or appeal shall operate to stay execution or prevent the collection of the debt or costs; but when collected on execution or paid into Court, the costs excepted to will be retained until the question is decided.

[Rule *907. Judgment by Confession on Bonds or Notes Accompanying Mortgages.]

[Rescinded]

Rule *910. Satisfaction of Judgment.

Whenever the Prothonotary is requested to mark any judgment satisfied, whether by praecipe or otherwise, the person making or filing the request shall first satisfy the Prothonotary by affidavit, and, if required by the Prothonotary, by additional proof that [**he**] **said person** is the owner of the judgment to be marked satisfied or has fulfilled the requirements of Pa.R.C.P. 205.1. No judgment shall be satisfied by or on the order of any attorney-at-law unless such attorney shall have first entered [**his**] **an** appearance for the plaintiff.

[Rule *917. Capias]

[Rescinded]

Rule *920. Board of Assessment Appeals.

(a) The Pennsylvania Rules of Civil Procedure shall be applicable to all assessment appeals filed in Montgomery County before the Court of Common Pleas. Nothing in this rule shall be construed to limit discovery as permitted under the Pennsylvania Rules of Civil Procedure.

(b) In all cases where an appeal is taken from a real estate assessment fixed by the Board of Assessment Appeals, the petition for allowance of appeal shall have the parcel numbers of the property being appealed in the caption and shall have attached to it a photocopy of the appealed from order of the said Board and shall have attached to it a proposed preliminary decree which shall provide:

(1) that the appeal to Court is permitted and said case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure;

(2) that within five days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the said Board, upon the

Board of County Commissioners of Montgomery County, the governing body of the municipality and the Board of School Directors of the school district in which the real estate is situate and their Solicitors, and upon the property owner, if the property owner is not the appellant;

(3) that the taxing authorities of the aforesaid and the property owner, if the property owner is not the appellant, be and are hereby entitled to intervene as parties appellee.

(c) Appellant, within 60 days of filing the appeal, shall provide to appellee and intervening parties a copy of their appraisal report (which need not be the trial report) with copies of income and expense statements and rent rolls (if applicable) for the last three years. In cases where a taxing authority is the appellant, the appraisal report must be provided to appellee and intervening parties within 60 days of appellant's receipt of discovery requested of the taxpayer, including but not limited to inspection of the subject property provided that the taxing authorities forwarded their discovery requests to the taxpayer within 30 days of filing their appeal. Where exemption is the sole issue, this paragraph is not applicable.

(d) The appeal shall be forwarded by the Court Administrator to the Court for a settlement conference upon the filing of a trial praecipe signed by all counsel of record.

(e) A settlement conference shall be convened by the Court upon the filing of a trial praecipe which shall be attended by the appellant and all intervening parties. All parties must have a preliminary evaluation of the subject property at the conference and be prepared to exchange information with opposing counsel. Expert witnesses may attend the conference but are not required to do so.

(f) If the assessment appeal is not settled, the Court shall place the matter in the trial pool. The parties shall exchange expert appraisal reports, to be used at trial, within 10 days of the receipt of notice of the first trial listing.

[Rule 922. Money Paid into Court.]

[Rescinded]

[Rule *951. Accounts of Fiduciaries - Notice.]

[Rescinded]

Rule *953. Eminent Domain.

[(a)] [Rescinded]

[(b)] (a) *Service of Copy of Petition and Order upon Adverse Parties.* A copy of any petition of viewers and of any order appointing a Board of View shall be served promptly upon the adverse party in the same manner as a complaint in assumpsit or by certified or registered mail. An affidavit of service of said copy shall be filed with the Prothonotary.

[(c)] (b) *Service of Copy of Petition and Order, etc., upon Board of View.* Upon appointment of a Board of View, the petitioner shall forthwith deliver to the chairman of the Board:

(1) A copy of the affidavit of service required by Rule *953 **[(b)] (a)**.

(2) A copy of the petition and order of appointment which petitioner shall certify is true and correct.

(3) Detailed directions to the condemned property.

[Rule 1008*(D). Landlord-Tenant Appeals.]**[Rescinded]****Rule 1012*. Entry and Withdrawal of Appearance.**

(a) Every initial pleading or legal paper filed with the Prothonotary or the Domestic Relations Office by an attorney shall be accompanied by a written entry of appearance. This written appearance will facilitate proper notification being given to all counsel of record of pending matters listed by the Court Administrator. In like manner, a written withdrawal of appearance shall be required when counsel is removing himself/herself from an action.

(b) No attorney shall represent the interest of a party to any civil action in the Court or before a Domestic Relations Hearing Officer, or special Master or Conciliator appointed by the Court unless or until **[he] the attorney** files a written entry of appearance.

(c) Whenever any attorney changes his or her address, it SHALL be the duty of said attorney to immediately notify the Court Administrator of Montgomery County in writing of such change.

Court Administrator's Note: *Entry of Appearance—Computer Scheduling Program*—Montgomery County Local Rule 1012* requires counsel to file a written entry of appearance in order to represent the interest of any party to a civil action in the Court. The Rule was drafted in order to facilitate proper notification of all counsel of record of pending matters listed by the Court Administrator's Office. Effective immediately, the Court Administrator's Office will not enter any pending matter into the computer scheduling system unless or until counsel who filed the matter has entered his/her appearance.—*John D. Dunmire, Esq., Court Administrator, August 1996.*

Rule 1018.1*. Notice to Defend—Office to be Contacted.

As provided by Pennsylvania Rule of Civil Procedure 1018.1, the following office is designated to be named in the Notice to Defend prescribed by that rule as the office from which advice on where to get legal help can be obtained.

Lawyer Reference Service
409 Cherry Street
Norristown, Pennsylvania 19401
(610) 279-9660

[Rule 1025*. Endorsement, Particular Attorney.]**[Rescinded]****[Rule 1029*. Waiver of Production of Books at Trial.]****[Rescinded]****[Rule 1033*(a). Amendments at Trial.]****[Rescinded]****Rule 1041.1*. Asbestos Litigation—Special Provisions.**

Asbestos litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:

(1) Local Rule **[s 212*(g), (h) and (i), 261*(1),] *262 [*263 and *264]** (relating to **[settlement conferences**

and] trial lists) shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.

(2) In addition to the requirements of the Pennsylvania Rules of Civil Procedure and Local Rules 301* and 302*, copies of motions, petitions, responses thereto, and briefs, shall be served upon the law clerk for asbestos litigation. For matters subject to Local Rule 302*, the filing of a praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be done by the Court with the assistance of the law clerk for asbestos litigation.

(3) Local Rule 4019* pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided in Local Rule 4019*, counsel shall notify the law clerk for asbestos litigation, who shall arrange for disposition of the matter by the Court.

(4) Arguments, hearings, and trials are ordinarily listed only before the Judges assigned to the asbestos litigation.

(5) The following procedure shall be in effect with respect to cases subject, or alleged to be subject to *Simmon v. Pacor, Inc.*, 543 Pa. 664, 674 A.2d 232 (1996):

A. Within four months of the effective date of this subsection with respect to asbestos cases pending on the effective date, and within four months after the filing of each asbestos case filed after the effective date of this Rule, plaintiff in each such case shall either elect to pursue a claim for medical monitoring, or transfer the case to inactive status.

B. A plaintiff desiring to pursue a claim for medical monitoring shall, by letter, notify the law clerk for asbestos litigation, with copies to all other counsel. The law clerk for asbestos litigation shall consult with the Court, which will issue appropriate Orders scheduling a conference, and thereafter list the case for arbitration or trial, as appropriate.

C. With respect to cases in which plaintiff does not presently wish to pursue a claim for medical monitoring plaintiff shall file with the Prothonotary, and serve on all other counsel and on the law clerk for asbestos litigation, a praecipe to transfer to inactive status. The praecipe shall be in the following form:

See Form

D. Anytime after the expiration of four months from the effective date of this subsection with respect to asbestos cases pending on that date, and anytime after four months from the commencement of any action commenced after the effective date of this subsection, any defendant who asserts that any case should be transferred to inactive status because it falls within the rule of *Simmons v. Pacor, Inc., supra.*, shall file with the Prothonotary, a Petition to Transfer to Inactive Status. The Petition shall be in accordance with Pa.R.C.P. 206.1 and Montgomery County Local Rules of Civil Procedure *302 and 1041.1*(2). The argument court cover sheet shall request a rule return day in accordance with Montgomery County Local Rules of Civil Procedure 302(b). Copies of the petition shall be served on all other counsel in accordance with Montgomery County local rules and practice, and shall also be served on the law clerk for asbestos litigation. The moving party's proposed order shall be in the following form:

See Form

Responses shall be filed at or before the time the rule is returnable, and shall be served on all counsel and on the law clerk for asbestos litigation.

E. Upon receipt of any responses, the law clerk for asbestos litigation shall refer the petition to the Court, which will schedule the matter for argument or hearing as appropriate. If no responses are filed the Court Administrator will forward the Petition to the Signing Judge.

F. After a case has been transferred to inactive status, whether by praecipe or by petition and order, the Prothonotary will maintain the case as an inactive file, the law clerk for asbestos litigation will remove the case from the list of pending cases eligible for trial listing, and no party may take any action with respect to the case, except for the taking of depositions of an aged or infirm witness for purposes of preservation of testimony unless and until the Court, by Order shall direct that the case by retransferred to active status, upon petition and rule filed in accordance with the procedure set forth in subparagraph (D) above.

Comments

1. The Honorable Albert R. Subers and the Honorable William J. Furber, Jr., are the judges assigned to the asbestos litigation. Judge Subers is the Administrative Judge for asbestos litigation.

2. By Order dated April 12, 1982, the law clerk for asbestos litigation is: Donald J. Martin, Esq., 22 West Airy St., Norristown, PA 19401-4769, Telephone: (610) 277-6772, Fax: (610) 277-4993.

3. The Orders scheduling cases for trial and settlement conferences ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

4. Except as stated in sub-paragraph D below, a discontinuance of an action as to less than all parties may not be entered without notice and an opportunity to respond to all other parties. This may be accomplished as follows:

A. If a stipulation is signed by counsel for all parties to the litigation, Pa.R.C.P. 229(b) does not require leave of court. The fully executed stipulation may be filed with the Prothonotary.

B. A petition for approval of discontinuance may be filed pursuant to Pa.R.C.P. 206.1 et seq., and Montgomery County Local Rule of Civil Procedure 301*. A rule to show cause shall be requested on the cover sheet. The cover sheet should be followed by a form of order approving the discontinuance, by a petition, and by the original stipulation executed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued. Upon receipt of the return day from the Court Administrator counsel should serve all parties, and file with the Prothonotary a separate certification of service indicating service of the petition and the rule to show cause, noting the return day. If no answer is filed at or before the time the rule is made returnable, the petition will be forwarded by the Court Administrator to the Civil Signing Judge in accordance with the practice pertaining to any petition requiring a return day.

C. Stipulations for discontinuance signed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued may be presented to the

Court at a scheduled settlement conference for the case in question. If no objection is raised at the conference, the Court normally approves the stipulation and returns it to counsel for filing and for service on all parties.

D. If a case has been settled by all parties from whom plaintiff seeks a recovery, a discontinuance may be entered as to any other parties by stipulation signed by counsel for plaintiff, the original of which shall be transmitted to the law clerk for asbestos litigation, with copies served on all other parties. The law clerk for asbestos litigation shall transmit the stipulation to the appropriate judge for approval. Since parties who may have claims for contribution or indemnification have not been given the opportunity to object, such a stipulation is subject to being stricken on the petition of an interested party. Counsel may wish to proceed in accordance with subparagraph B, above, to minimize this risk.

5. Certificates of service shall indicate the name and address of counsel or the parties on which service has been made. A certificate of service "on all parties", or "on all counsel of record" without stating who they are, does not establish service on anyone.

6. At the time of the adoption of the addition of subparagraph (5) the Court was aware that litigation was pending in other jurisdictions relating to the manner in which claims for medical monitoring can be pursued, and if such claims can be pursued. The provisions of this subsection (5) creating a procedure to pursue medical monitoring claims does not express the Court's opinion on this issue. This Rule does not preclude any appropriate motion in any case.

[Rule *1049. Itemized Statements Submitted Prior to Trial.]**[Rescinded]****Rule 1066(b)*. Form of Judgment, Writ of Possession.**

(5) Upon entry of judgment for a plaintiff in any action brought under Pa.R.C.P. 1061(b)(4), the Court will order the Prothonotary to issue a writ of possession.

Arbitration**Rule 1301*. Scope.**

(a) Pursuant to § 7361 of the Judicial Code, 42 Pa.C.S. § 7361 and Pa.R.C.P. 1301, et seq., all civil suits and actions in the Court of Common Pleas where the amount in controversy is fifty thousand dollars (\$50,000) or less, excepting those involving title to real estate and equity cases, shall first be tried and decided by a Board of Arbitrators consisting of three members of the Bar of this Court who are in the active practice of law maintaining their principal office within Montgomery County.

(b) Cases, other than those described in (a), may be referred to a Board of Arbitrators by agreement of reference signed by all parties or their counsel.

(c) The determination of the amount in controversy shall be made at the time of the filing of a praecipe for arbitration or a praecipe for civil trial.

[Court Administrator's Note: Rescinded]**Rule 1302*. List of Arbitrators. Appointment of Board. Oath.**

(a)(1) The Court shall appoint a person to act as Arbitration Administrator who shall serve at the discretion of the Court and under the supervision and jurisdiction of the Court.

(2) Each active member of the bar of this Court who maintains his/her principal office within Montgomery County, shall file with the Arbitration Administrator information indicating whether **[he] said member** is a sole practitioner, is a member of a firm or is associated with one or more lawyers. Upon any change in **[his] the member's** status of practicing with or being associated with any other lawyer, **[he] said member** shall immediately report such change to the Arbitration Administrator.

(3) The Arbitration Administrator shall keep on file all papers pertaining to proceedings in arbitration cases until the same are concluded, shall keep the arbitration list up to date, shall prepare and furnish to the Prothonotary and keep up to date a list of the members of the bar qualified to act, which list shall be confidential. **[Any member of the bar, on request to the Arbitration Administrator, shall be informed whether he is on the list. If such member is not on the list, he may make written application to the Court for inclusion on the list. The Arbitration Administrator shall prepare such forms as are necessary for the operation of these rules relating to arbitration, which forms the Arbitration Administrator shall cause to have printed at the expense of the county.]**

The Arbitration Administrator shall send a letter to all members of the Montgomery Bar Association within sixty (60) days after their admission to the bar of his or her right to accept an assignment of Arbitrator by sending, in writing, a statement of his or her intention to so act, which notice shall be directed to the Arbitration Administrator. The Arbitration Administrator shall advise the members of the bar that appointment as an Arbitrator shall have the same force and effect as a Court commitment.

(b)(1) **[Ten (10) days after a case is at issue or after filing of an agreement of reference, and u]** Upon the filing of a praecipe signed by all counsel **[and unrepresented parties]**, with notice to opposing counsel **[or party] and any unrepresented parties**, the Arbitration Administrator shall select the Board of Arbitrators, consisting of three (3) members of the Bar of this Court from the list of attorneys qualified to serve as follows:

(a) The Arbitration Administrator shall select three attorneys from **[the] said list [maintained by him, one], two** of whom shall have been admitted to the practice of law for at least eight years **[who shall serve as chairman of the panel]**. **The attorney with the lowest "attorney identification number" shall serve as chairperson of the panel.**

(b) Upon the request of any party in writing filed within ten (10) days of the filing of the praecipe for arbitration with notice to opposing counsel, the Arbitration Administrator shall nominate five attorneys from **[the] said list [maintained by him]**, three of whom shall have been admitted to the practice of law for at least eight years. For each additional party with an adverse interest, the Arbitration Administrator shall nominate an additional attorney who has been admitted to the practice of law for at least eight years. Each party shall then have the right to strike one attorney so nominated by notifying the Arbitration Administrator in writing within ten (10) days of the date of mailing of the list of nominations by the Arbitration Administrator. The

three remaining attorneys or the first three named on the list, if one or more strikes are not exercised, shall serve on the panel with the senior attorney to act as chairman.

(c) In the event of the disqualification or failure to act of an appointed attorney, the Arbitration Administrator, in all cases in which the panel was selected under (a) above, shall appoint a similarly qualified and available attorney in his/her place. In all cases in which the panel was selected under (b) above, the Arbitration Administrator shall nominate three similarly qualified and available attorneys with an additional attorney for each additional party with an adverse interest provided that there is sufficient time in which to do so. Each party shall strike as above one attorney so nominated and the remaining attorney shall be appointed to the panel.

(d) An adverse party may raise an objection as to whether the matter is arbitrable under these rules or as to the composition of the panel selected under (b) above by notifying the Arbitration Administrator in writing with notice to opposing counsel within ten (10) days of the filing of the praecipe or the mailing of notice of the composition of the panel. The Court shall decide such objections before the matter is heard by the Board on the merits.

(e) If any counsel **[or unrepresented party]** refuses to sign the praecipe for arbitration, any party may request **[the Court Administrator to schedule]** a conference before **[a] the designated Judge on the case** in order to determine whether the case should be placed on the arbitration list and scheduled for hearing.

(f)(1) Each member of a Board of Arbitrators who has signed a report or dissented shall receive as compensation for services in each case a fee of one hundred dollars (\$100). When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the Arbitrators is concerned. In civil action, where no appearance has been entered for the defendant and there is no contest, the compensation of each of the Arbitrators shall be in the sum of twenty-five dollars (\$25) per case. However, the Administrator, in his discretion, may assign more than one such case to a particular Board. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of the Board and for cause shown, may allow additional compensation. The Court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a Board shall not be entitled to receive their fees until after filing a report with the Prothonotary. When the same is filed, the Prothonotary shall issue an order for payment of such fees which shall be immediately paid from county funds as in the case of all other county debts. In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at least one full weekday before the date of the hearing, the Board members shall not be entitled to the aforesaid fee.

Rule 1303*. Hearing. Notice.

(a)*(1) The Arbitration Administrator **[shall fix the date, time and place of the hearing not less than thirty (30) days nor more than forty-five (45) days after the appointment of the Arbitrators and]** shall notify the Arbitrators and the parties or their counsel, in writing, at least thirty (30) days before the hearing of the date, time and place of the hearing.

(b)*(1) The Arbitration Administrator shall have the power to grant continuances and all applications for continuance shall be submitted to him/her at least two working days prior to the date of the hearing.

*(c) If any member of the Board dies or becomes incapable of acting, or shall fail or refuse to perform his duties, after hearing but before a report shall be made, the case shall be decided and the report signed by the remaining members of the Board. If they cannot agree, they shall so notify the Arbitration Administrator, who shall then appoint a third member from the list of attorneys in the same manner as the original panel was selected to rehear and decide the case.

Rule 1306*. Award.

(a)(1) The Board of Arbitrators shall not consider the subject of damages for delay until after a decision has been reached on the merits and has been entered on the award form.

(2) After the amount of the award has been so entered, the Board shall make a determination as to damages for delay by accepting a sealed envelope containing a stipulation setting forth whether an offer was made in writing and if so, the amount as well as the date of the offer. If no such stipulation is submitted by counsel, the Board shall, following announcement of the award, consider evidence from counsel relating to damages for delay.

[Rule 1308*. Appeals. Preference on Trial List.]

[Rescinded]

[Rule 1481*(a)(1). Nonsupport Contempt Proceedings.]

[Rescinded]

Rule 1533*(i). Notice of Assignees and Receivers.

(i) Assignees for the benefit of creditors and receivers shall, after they have entered security, give notice of their appointment to every creditor and party in interest of whom they have knowledge and shall also publish notice thereof once a week for three successive weeks.

Rule 1534*. Accounts of Fiduciaries—Notice.

(a) At least three weeks before the presentation of the account of any trustee, committee, guardian, assignee for the benefit of creditors, receiver or other fiduciary, notice of the filing thereof and of the petition for distribution shall be served upon all parties interested (including creditors and shareholders) whose whereabouts are known and except in the case of triennial accounts of trustees, committees and guardians, shall also be published in the *Montgomery County Law Reporter* and a newspaper of general circulation once a week for three successive weeks, unless publication is waived by the Court.

(b) Said notice shall set forth that the account and petition for distribution have been filed in the Office of Prothonotary, and will be presented to the Court at a certain time for such action as the Court may deem expedient, and that the account may then be confirmed and distribution made of the fund, unless exceptions thereto be previously filed or cause shown to the contrary.

(c) Proof of service of said notices and of said publication shall be submitted at the audit.

(d) If no exceptions have been filed, the account may be confirmed absolutely upon such proof of service.

(e) Similar notice must be given of petitions for the reconveyance of assigned estates.

(f) The accountant shall file with the account a petition for distribution of the fund in form similar to that of petitions for distribution required by the Orphans' Court to be presented at the audit of accounts in that Court.

(g) The petition for distribution shall contain also (1) a list of the names of creditors or claimants against the fund for distribution whose claims are believed by the accountant to be just; (2) a list of claims that are to be contested; (3) a list of claims that appear to the accountant to be justly entitled to a preference or lien upon the fund; (4) a list of claims for preference or lien that are disputed. In all cases, the amount of the claim shall be stated.

(h) *Schedule of Distribution.* A proposed schedule of distribution may be attached to or filed with the account and after final confirmation, the Court may, on motion, decree distribution in conformance therewith. If no proposed schedule of distribution has been submitted with the account, or if a material change therein is proposed, no decree of distribution will be made by the Court until such notice has been given to the parties interested as the Court may order.

(i) *Exceptions to Accounts of Schedule of Distribution.* Exceptions to an account or schedule of distribution shall be placed on the argument list.

Rule 1568*(a). Public Sale, Notice.

(a) Except as otherwise provided by act of assembly or special order of Court, notice of the time and place of the sale of a property at public auction by a Master in partition shall be given by publication once a week for three successive weeks immediately preceding such sale in the legal periodical designated by Rule [*404] 430(b)(1)* and in one daily newspaper of general circulation, in each county where any part of the property lies, such publications to appear in all editions of such newspapers published on the days the same appears; by posting the property to be sold, and by the circulation of at least 50 handbills among those who may be known to be interested in buying the property and in the neighborhood in which it is situate. Whenever a property or properties so sold lie in different counties the first publication shall be made at least 60 days before the date of the sale.

Family Court Procedures

[Rule *1851. Scope.]

[Rescinded]

[Rule *1852. Action for Support.]

[Rescinded]

[Rule *1853. Additional Family Court Matters.]

[Rescinded]

Rule *1854. Cover Sheet Required.

(a) Whenever any Family Court action or petition is filed with the Prothonotary [pursuant to Montgomery R.C.P. 1852 or Montgomery R.C.P. 1853], the attorney

shall attach a cover sheet to the documents with the file numbers of all previous Family Court cases filed in Montgomery County involving the same parties.

(b) The cover sheet shall be substantially in the following form:

See Form

[Rule *1855. Verification by Prothonotary. Transfer To Court Administrator.]

[Rescinded]

[Rule *1856. Order of Linkage . Transfer to Prothonotary.]

[Rescinded]

[Rule *1857. Notation of Linkage.]

[Rescinded]

[Rule *1858. Review of Files.]

[Rescinded]

[Rule *1859. Appeal.]

[Rescinded]

Actions For Support

[Rule *1910.9(c). Discovery]

[Rescinded]

Rule 1910.11*. Support Conciliation.

In order to encourage and effect settlement of differences over support, especially where children are involved, and to promote the prompt entry of support orders by agreement prior to the process as prescribed by Rule 1910.11 by which this court conducts all support proceedings, and to facilitate such proceedings, the court hereby **[rescinds Local Rule 1910.11*(f) and]** adopts Local Rule 1910.11*. Support Conciliation. as follows:

(a) A support conciliation shall be conducted by a support conciliator employed by the Domestic Relations Section.

(b) If the defendant fails to appear at the support conciliation before the support conciliator as directed by the court, the support conciliation may proceed without the defendant.

(c) At the support conciliation, the parties shall furnish to the support conciliator true copies of their most recent federal income tax returns, their pay stubs for the preceding six months, verification of child care expenses and proof of medical coverage which they may have or have available to them. In addition, they shall provide copies of their income and expense statements in the form required by Rule 1910.26(c), completed as set forth below.

(1) For cases which can be determined according to the guideline grids or formula, the income and expense statement need show only income and extraordinary expenses;

(2) For cases which are decided according to *Melzer v. Witsberger*, 480 A.2d 991 (1984), the entire income and expense statement must be completed.

(d) The support conciliator may make a recommendation to the parties of an amount of support which is calculated in accordance with the guidelines. If an agreement for support is reached at the support conciliation,

the support conciliator shall prepare a written order substantially in the form set forth in Rule 1910.26(e) and in conformity with the agreement for signature by the parties and submission to the court together with the support conciliator's recommendation for approval or disapproval. The court may enter the order in accordance with the agreement without hearing the parties.

(e) At the conclusion of the support conciliation or promptly thereafter, the support conciliator shall prepare a support conciliation summary and furnish copies to both parties. The support conciliation summary shall state:

(1) the facts upon which the parties agree;

(2) the contentions of the parties with respect to facts upon which they disagree; and

(3) the support conciliator's recommendation, if any, of:

(i) the amount of support and by and for whom the support shall be paid, and

(ii) the effective date of any order.

(f) If an agreement for support is not reached at the support conciliation, the parties shall be given notice of the date, time and place of an office conference. The office conference shall be conducted by a Conference Officer in accordance with Rule 1910.11.

(g) If an agreement for support is not reached at the support conciliation:

(1) the party seeking support may, pursuant to Rule 1910.25, immediately apply to the court for a temporary support order, prior to the office conference, to be effective only until the entry of a subsequent agreed order or an interim order following the office conference pursuant to Rule 1910.11(f). The agreed order or the interim order shall supersede the temporary order; or

(2) a temporary support order may be entered by an agreement of the parties at the support conciliation, to be effective only until the entry of a subsequent agreed order or an interim order following the office conference pursuant to Rule 1910.11(f). The agreed order or the interim order shall supersede the agreed temporary order.

[Rule 1910.11*(f). Order After Office Conference.]

[Rule 1910.15*. Paternity.]

[Rescinded]

[Rule 1910.23*. Judgment for Arrearages. Execution.]

[Rescinded]

[Rule 1910.23-1(b)(2)*. Judgment for Arrearages. Execution.]

[Rescinded]

Actions For Custody

Rule 1915.3*. Seminar for Separated and Divorced Parents.

(a) In an action custody, partial custody or visitation, if a case is not resolved by the custody conciliator and must therefore proceed to a hearing before a Judge, both parents shall attend an approved education seminar on the general responsibilities of separated and divorced parents.

(b) Seminars shall be conducted by seminar providers as approved by the President Judge. Seminars shall be

conducted in the Montgomery County Courthouse or at such other location as approved by the President Judge. Each parent will be responsible to register for a seminar and for payment of the seminar costs; however, the costs may be waived by the Court for any party qualifying to proceed in forma pauperis.

(c) Seminar attendance may also be required upon motion of either party, by agreement of the parties, upon recommendation by the Custody Conciliator or upon the Court's own motion, in connection with any petition to modify custody, any petition for contempt of a custody order or any other matter relating to child custody or visitation.

(d) A Certificate of Attendance shall be filed by the seminar provider with the Prothonotary's Office reflecting that attendance was fulfilled by the parent.

(e) For good cause shown, the Court may waive the requirement of seminar attendance in a particular case.

(f) Upon a party's failure to attend a required seminar, the Court may impose sanctions, including but not limited to a finding of contempt. A hearing on a custody petition shall not be delayed by a party's refusal or delay in completing the seminar.

[Rule 1915.8*. Physical and Mental Examination of Persons.]

[Rescinded]

Rule 1915.8(e)*. Physical and Mental Examinations of Persons.

The court may assess and allocate the cost of the evaluation, the report, and the fee of the expert to appear in court to testify upon a party or parties, upon the county (in whole or in part) or as otherwise permitted by law.

Action for Divorce or for Annulment of Marriage

[Rule *1920.3*(b). Child Support and Alimony Pendente Lite.]

[Rescinded]

Rule 1920.13*(d). Duplicate Filing With Domestic Relations Office.

The filing of any complaint, counterclaim or petition for child support, spousal support, or alimony pendente lite with the Prothonotary does not commence proceedings for such relief until a duplicate is filed with the Domestic Relations Office.

[Rule 1920.22*(c). Discovery.]

[Rescinded]

Rule 1920.33*(f). Initial Hearing Statement—Pre-Trial Statement—Sanctions.

(1) No later than 10 days prior to the date of the first hearing before the **equitable distribution master [conciliator]**, an initial hearing statement shall be filed which shall include the following:

(a) A statement of all marital and non-marital assets with verification of values, indicating date of valuation used.

(b) Summary of all marital and non-marital liabilities indicating dates of valuation.

(c) Verification of any post-separation payment of marital debt.

(d) An expense statement in the form provided in subsection (4).

(e) Verification of current gross and net income in the following form:

See Form

(f) The last two filed federal and state income tax returns.

(g) All present or past spousal support, alimony, pendente lite or child support orders between the parties and any presently existing alimony or child support order involving either party separately and verification of any arrearages.

(h) The date of the parties' separation.

(i) Verification of counsel fees costs and expenses, if claimed.

(2) No later than 20 days prior to the date of any subsequent hearing before the equitable distribution **master [conciliator]**, each party shall file the pre-trial statement, in the form required by subdivision (b) of this rule **[, or a otherwise by the Court]**.

(3) The failure of any party to comply with any provision or subsection of local Rule 1920.33(f) may subject that party to sanctions under Rule 4019(c) and the barring of Rule 1920.33(d).

[A conciliator in] The equitable distribution **master** shall have the authority to implement the provisions of this subsection or may request that the Court enter and appropriate order to implement the provisions of this subsection.

(4) Form

See Form

[Rule 1920.42*(d). Service of Praecepto to Transmit Record.]

[Rescinded]

Rule 1920.51*(f). Dissolution of the Martial Status, Appointment of Master, Notice of Hearing.

(1) *Appointment of Master.* **[The Court, upon motion, will appoint a Master to hear evidence in respect to the dissolution of the marital status under 23 Pa.C.S. § 3301(a), (b), (c) and (d)(i)(ii).]** Any Master appointed pursuant to **Rule 1920.51(a)(2)(i)** shall be an active member of the Montgomery Bar Association.

(2) *Notice of Hearing.* Notice of the first hearing before the Master shall be sent by the Master at least 10 days prior to said hearing.

(3) *Notice of Filing Master's Report.* Upon the filing of a report by the Master in divorce with the Prothonotary, the Master shall forthwith send written notice to the attorneys of record, and if a party is not represented by counsel, to that party and to the guardian ad litem of a minor or incompetent party except where service has been by publication, and shall immediately file a certificate that such notices have been duly sent. The notice shall state the time and place of filing said report and that, if exceptions are not filed within 10 days after the report is filed, the report will be presented to the Court

for final action. In a contested action, the Master shall accompany the notice with a copy of the report and recommendation.

(4) *Fees and Costs.* In addition to the **filing** fee paid to the Prothonotary under the Prothonotary's fee bill at the institution of the action, an additional sum, as determined by the Prothonotary, shall be deposited with the Prothonotary **[action in divorce] on behalf of the Master. [The fee of a Master hearing the divorce action shall be fixed by the Court. For additional hearings the Master shall be allowed such further compensation as the Court may from time to time order on application of any party or the Master.] Fees in excess of the sum deposited with the Prothonotary on behalf of the Master shall be billed directly to the parties, as determined by the Master. Disputes regarding Masters' fees shall be resolved by the Court.**

(5) *All divorce papers under seal.* All records in divorce actions shall be placed under seal by the Prothonotary. Access shall be by order of the Court. With proper identification submitted to the Prothonotary, however, members of the Pennsylvania bar, the parties to the litigation and authorized governmental agencies (including the social security administration and the armed services) shall have access to the sealed file for inspection and duplication.

(6) *Certification when unable to file affidavit as to military service.* If the plaintiff is unable to file such affidavit in accordance with Pa.R.C.P. 1920.46(b), the plaintiff shall file certifications from the five branches of the armed services that the defendant is not a member.

(7) *Appointment of counsel for defendant in military service.* Whenever counsel is appointed by the Court for a defendant in the military service, the attorney shall file a brief report of his services with the record in the Prothonotary's Office and shall be paid for the services to be taxed as part of the costs.

[Rule 1920.52(d). Appointment of Conciliator in Equitable Distribution.]

Rule 1920.55-1*(c). Alternative Hearing Procedure for Matters Referred to a Master.

The court adopts the alternative procedure of Pa.R.C.P. 1920.55-3 with regard to all divorce proceedings which are referred to a Master for the resolution of economic claims.

[Rule 1920.55-3*(f). Appointment of Master in Equitable Distribution.]

[Rescinded]

[Rule 1920.56. Temporary Order.]

Rule 2039(a)*. Compromise, Settlement, Discontinuance and Distribution.

(1) No settlement of an action for a minor for personal injuries will be authorized or approved without the appearance of the minor in Court, medical evidence as to the extent of the minor's injuries, and such further information as the Court shall deem necessary; provided, however, that if the petition of the guardian for the compromise of the minor's action is accompanied by (a) a written report of the physician dated no more than 30 days before filing of the petition; (b) a statement under oath by the guardian certifying (i) the present physical or mental condition of the minor and (ii) approval of the

proposed settlement and distribution thereof; (c) a statement by counsel of his or her professional opinion of the probabilities of proof of defendant's negligence by plaintiff and the minor's negligence, if any, by defendant; and (d) in the event that the minor is 16 years of age or over, **[his or her] the minor's** written approval of the proposed settlement and distribution thereof, then the Judge to whom such petition has been presented may approve the petition without requiring the appearance of the minor's doctor, in the event that the Judge concludes that the information contained in the petition is sufficient to satisfy **[him] the Judge** that the proposed settlement adequately compensates the minor and **[his] the** guardian for the injuries sustained and expenses incurred.

(2) In the event that the Judge determines that sufficient evidence has not been produced to justify the approval of the petition, the Judge may require additional information, including the personal appearance of the minor, **[his or her] the** guardian and **[his or her] the** doctor, or any of them, and **[he] the Judge** may require the production of any other evidence **[he] the Judge** deems to be necessary for the purpose of determining whether the proposed settlement adequately compensates the minor and **[his or her] the** guardian for the injuries sustained and the expenses incurred.

(3) When a compromise of a minor's action has been tentatively approved by a Pretrial Conference Judge, that Judge shall retain jurisdiction of the case for the purpose of judicially determining whether the proposed compromise should be approved or rejected. Counsel for the guardian of a minor shall thereupon present to that Judge a formal petition of the guardian for the compromise of the action in the form set forth in Rule 2039(a)*(1) above.

(4) If the claim for counsel fees exceeds twenty-five (25) percent of the compromise settlement, evidence shall be presented as to the nature and extent of the services rendered.

(5) When a compromise settlement is approved by the court, an Affidavit of Deposit of Minor's Funds shall be filed with the Prothonotary of Montgomery County within 30 days of the date of the order approving the settlement. The Affidavit shall be substantially in the following form:

See Form

[Rule 2227(b)*. Compulsory Joinder, Form of Application.]

[Rescinded]

Rule 2232(a)*(1). Defective Joinder, Change of Parties, Notice.

(1) *Notice of Pendency of Action.* Notice required by this rule shall contain a statement of the pendency of the action, shall state the Prothonotary's number of the action, the parties thereto and its nature and that the person to whom it is addressed is required to join therein within twenty (20) days after receipt of such notice or his cause of action will be barred and the action will proceed without **[him] said person.** Proof of service shall be by affidavit accompanied with a copy of the notice and the return receipt, filed with the Prothonotary.

Rule 2232(c)*(1). Interveners in Zoning and Real Estate Assessment Appeals.

(1) In every appeal from a real estate assessment filed by the Board for the assessment and revision of taxes, the

Board of Commissioners of Montgomery County, the governing body of the municipality and the Board of School Directors of the school district in which the real estate is situated, and the property owner, if [**he**] **the property owner** is not the appellant, may intervene as of course, by entering a written appearance. Prompt notice of such intervention shall be given to the appellant, appellee and affected municipal bodies.

[Rule 2252(b)*. Right to Join Additional Defendants, Complaints.]

[Rescinded]

Rule 2957*. Praecept for Writ of Execution, Affidavit.

Plaintiff is required to provide the Prothonotary with an affidavit, which shall be forwarded to the Sheriff along with the Writ of Execution, stating whether the notice required by Rule 2958.1 has been served, and stating how, if needed, the additional notices shall be served.

Rule 2974*. Writ of Possession.

(a) Where a writ of possession is issued pursuant to a judgment of possession based upon a residential lease containing a warrant of attorney or cognovit provision, the writ shall have attached to the face thereof a notice substantially in the following form:

See Form

(b) The writ and notice shall be served by the sheriff, but no further eviction proceedings shall be undertaken until the expiration of twenty (20) days after the service of the writ and notice.

(c) A stay of execution of the writ of possession may be obtained by the filing of a petition therefore in accordance with Pa.R.C.P. 3162, conditioned upon posting of a bond in an amount to be determined by the Court in a manner similar to that required by Pa.R.C.P.J.P. 1008B.

(d) Anyone presenting a petition for stay in accordance with subdivision (c) shall make a reasonable attempt to notify the plaintiff or his/her attorney of the date, place and time when the petition for stay will be presented to the Court.

[Rule 3103(a)*(1). Execution of Judgment Entered on Warrant of Attorney.]

[Rescinded]

Rule 3118(a)(6)*(A). Levy, Denial of Entry to Premises.

(A) The Court may, on motion of counsel, after writ of execution has been issued and after attempt by the sheriff to make a levy has been unsuccessful, upon affidavit executed by the sheriff, that the defendant or defendants have refused to allow the sheriff entry into the premises where the property is located, authorize the sheriff to enter by breaking in by force, to make a levy, upon **plaintiff** posting such security as the Court may order.

[Rule 3121(c)*(1)-(3). Stay of Execution, Costs, Security.]

[Rescinded]

[Rule 3123(a)*(1). Exemption, Sheriff's Appraisal.]

[Rescinded]

Rule 3135*. Sheriff's Deed to Real Property, Sale for Costs Only, Acknowledgment of Deed.

(a) When the Sheriff sells real property in execution to the plaintiff for costs only, the Sheriff at the expiration of 10 days thereafter, if no petition has been filed to set aside the sale, shall execute and acknowledge before the Prothonotary a deed to the property sold. The Sheriff shall forthwith deliver the deed to the appropriate officers for recording and for registration if required. Confirmation of the sale by the Court shall not be required.

**(b) Sheriff's Return; Precede Acknowledgment of Deed.* Writs of execution must be returned and filed before the acknowledgment of the Sheriff's deed for the real estate sold by virtue thereof.

Rule 3136(e)*(1). Determination of Exceptions to Schedule of Distribution.

(1) The Prothonotary shall deliver the exceptions to the Court, who shall set a return day and notify the exceptant and the execution creditor thereof. The exceptant shall immediately notify all other parties in interest of such return day.

Rule 3139(a)(2)*(i). Sheriff's Return, Time Limit.

(i) Sheriff's Return; Last Day to Make Return. The Sheriff shall make the return within one month after completion or abandonment of the execution proceedings.

Rule 3204*(a). Sheriff's Determination of Claimant's Title, Hearing.

(a) If a party in interest files a request for a formal hearing with the Sheriff within ten (10) days after date of the mailing of the copy of the claim, as provided by Rule 3203, the Sheriff shall schedule a formal hearing prior to determining whether claimant is the prima facie owner of the property in whole or in part. Said hearing must be held by the Sheriff within 30 days after receipt of request for a hearing.

[Rule 3208(b)*(1). Claimant's Bond, Household Goods, Additional Security.]

[Rescinded]

Rule 3251*(a). Praecept for Writ of Execution; Money Judgments; Content.

(a) Praecept for Writ of Execution; Money Judgments; Content. The praecipe for writ of execution shall include:

(1) Statement whether writ is against real property or personal property, or both; certification whether exemption has been waived.

(2) Description of real estate to Prothonotary. If the execution is against real estate the Prothonotary shall be provided with a description of the real estate, which he shall attach to the writ of execution.

Rule 4007.1*(f). Deposition by Telephone.

(f) (1) The parties may stipulate in writing or the Court may, upon motion, order that a deposition by taken by telephone. For the purposes of these rules a deposition taken by telephone is taken at the place where the deponent is to answer the questions.

(2) The appropriate officer before whom the deponent is sworn shall be at the same place as the deponent during the taking of the deposition. After the deposition, the officer administering the oath

shall file a written certification that the deponent was identified, sworn and deposed in the officer's presence.

(3) The parties' agreement or the Court order shall prescribe the manner in which the deposition will be taken and recorded and may also include other provisions to assure that the transcript of the testimony will be accurate.

(4) If any examining party desires to present exhibits to the deponent during the deposition, copies shall be sent to the deponent and all parties or their counsel prior to the taking of the deposition.

(5) Nothing herein shall preclude any party from being represented in person or by counsel at the location of the deponent during the deposition.

[Rule 4009(b)*. Production of Documents or Tangible Things, Place.]

[Rescinded]

Rule 4012*(c). Protective Orders, Depositions, Place of Taking.

(c) Taking Depositions—Place. In the absence of an agreement between counsel for the parties, or unless otherwise allowed by special order of the Court, all depositions shall be taken in the Montgomery County Courthouse.

Rule 4015*(d). Letters Rogatory, Form of Application.

(d) Letters Rogatory in the following form may be issued on the application of either party.

See Form

[Rule 4016*. Deposition by Telephone.]

[Rescinded]

Rule 4019*. Discovery Master.

In order to facilitate the prompt disposition of discovery matters, the Court adopts Local Rule of Civil Procedure 4019* implementing what shall be known as the "Discovery Master Program" as follows:

(1) The Board of Judges shall appoint five members of the Bar who shall have practiced civil law in Montgomery County for a minimum of 15 years to serve as Discovery Masters, for an indeterminate term, without compensation, at the pleasure of the Court.

(2) All motions respecting discovery, other than a motion for sanctions, together with a rule to show cause why the relief sought should not be granted, shall be presented to the Court Administrator, after filing with the Prothonotary, for a return day on the rule. The moving party shall promptly serve the respondent with a copy of the motion and rule designating the return date. The cover sheet of moving party must state that counsel have [met and] conferred in a good faith effort to resolve the discovery dispute.

(3) If the motion is resolved amicably prior to the return day, the motion shall either be withdrawn or a stipulated order shall be submitted to the Court Adminis-

trator for submission to the signing Judge. If the motion is opposed, the parties shall appear in a courtroom or arbitration room designated by the Court Administrator on the Friday of the week in which the rule was made returnable, to argue the matter before the Discovery Master scheduled by the Court Administrator to hear the matter. In the event the Friday of the week in which the rule was made returnable is a legal holiday, the matter shall be argued before the Discovery Master on the Thursday following the return day. Briefs in support of and in opposition to the motion may be submitted to the Court Administrator's Office prior to the day on which the matter is to be argued before the Discovery Master.

(4) After hearing argument and considering the motion and answer, and any briefs filed, the Discovery Master shall submit a written recommendation and proposed order to the designated Judge for the case for entry of an appropriate order.

Rule 4019.1*. Family Discovery Master.

In order to facilitate the prompt disposition of discovery in domestic relations matters, the Court adopts the Family Discovery Master Program as follows:

(1) The Board of Judges appoints the Masters in Equitable Distribution and the Support Conference Officers to serve as Family Discovery Masters.

(2) All motions respecting discovery in domestic relations matters shall be filed with the Prothonotary. The moving party shall include a cover sheet and a proposed order. The cover sheet must state that counsel have [met and] conferred in a good faith effort to resolve the discovery dispute.

(3) The motions shall then be presented to the Family Discovery Master for a rule returnable and argument date. A certificate of service of the motion and rule returnable and argument date shall be filed in the Prothonotary's office by the moving party on or before the return date.

(4) The rule returnable and argument date shall be at 1 p.m. on the first Wednesday following the 30th day subsequent to the filing of the petition in a hearing room located at 321 Swede Street, Norristown, PA.

(5) If the motion is resolved amicably prior to the return day, the motion shall either be withdrawn or a stipulated order shall be submitted to the Family Discovery Master for submission to the signing Judge. If the motion is opposed, the parties shall appear, on the date and at the place specified in the Rule accompanying the motion, for argument before the Family Discovery Master. If no answer is filed on or before the return date, a rule absolute will be granted. Briefs in support of and in opposition to the motion may be submitted to the Family Discovery Master not less than two days prior to the day scheduled for argument before the Family Discovery Master.

(6) After hearing arguments and upon consideration of the motion and answer, and any briefs filed, the Family Discovery Master shall submit a written recommendation and proposed order to the Judge assigned to the case for entry of an appropriate order.

(7) This rule does not apply to motions for sanctions.

CIVIL COURT FORMS

See Rule 14

IN RE: APPEAL OF _____ FROM THE
DECISION, DATED _____, OF THE
ZONING HEARING BOARD OF THE TOWNSHIP/BOROUGH
OF _____

See Rule 303 (a)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

:
:
: NO.
:
:
:

COVER SHEET OF MOVING PARTY

Date of Filing _____ Moving Party _____

Counsel for Moving Party _____ I. D. No. _____

Counsel for Other Parties _____ I. D. No. _____

_____ I. D. No. _____

Document Filed (Specify) _____

Matter is (Check One) _____ (Appealable) _____ (Interlocutory)

Oral Argument _____ (Yes) _____ (No)

Check ONE of the Choices Listed Below:

_____ Respondent is Directed to Show Cause Why the Attached Motion or Petition Should Not
be Granted. Rule Returnable the _____ day of _____, at 9:00 a.m.
in Arbitration Room 1.

_____ Respondent is Directed to Show Cause Why the Attached Family Court Discovery Motion
Should Not be Granted. Rule Returnable and Argument the _____ day of _____,
at 1:00 p.m. at 321 Swede Street, Norristown, Pa.

_____ Respondent is Directed to File a Response Within Twenty (20) Days in Conformity with
the Pennsylvania Rules of Civil Procedure.

NOTE: All Motions "respecting discovery" in CIVIL cases are subject to Local Rule 4019* - Discovery Master. All Motions
"respecting discovery" in FAMILY cases are subject to Local Rule 4019.1* - Family Discovery Master. By filing this
cover sheet, counsel certify that they have conferred in a good faith effort to resolve the subject discovery
dispute.

Cover Sheet is NOT to be Used for Matters Requiring Hearing.

THE COURTS

See Rule 303 (b)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

:
:
: NO.
:
:

COVER SHEET OF RESPONDENT

Date of Filing _____ Respondent _____

Counsel for Respondent Party _____ I. D. No. _____

Counsel for Other Parties _____ I. D. No. _____

_____ I. D. No. _____

Document Filed (Specify) _____

Matter is (Check One) _____ (Appealable) _____ (Interlocutory)

Respondent Requires (Specify reason if Interlocutory)

_____ DISCOVERY _____

_____ ORAL ARGUMENT _____

If Interlocutory, is Memorandum of Law Attached?

Yes _____ No _____

See Rule 303 (c)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

: NO.
:
:

v.

ARGUMENT PRAECIPE

Please submit the following matter to the designated Judge for disposition:

INTERLOCUTORY matter subject to Montgomery County Local Rule *301:

(Specify) _____

(Name of Moving Party) _____

APPEALABLE matter subject to Montgomery County Local Rule *302:

(Specify) _____

(Name of Moving Party) _____

WAS BRIEF ATTACHED TO THE ABOVE MATTER?: Yes No

ORAL ARGUMENT: Requested Waived

Signature of Filing Party

Name Typed and Attorney I. D. #

**NOTE—PRAECIPE TO BE FILED IN DUPLICATE WITH THE PROTHONOTARY
—BRIEFS TO BE FILED IN COURT ADMINISTRATION ONLY**

See Rule 1041.1*.5C

“[Caption]

PRAECIPE TO TRANSFER INACTIVE STATUS

TO THE PROTHONOTARY:

Transfer the above-captioned matter to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1*(5).

Attorney for Plaintiff

[Certificate of Service]*

See Rule 1041.1*5D

ORDER

AND NOW, this _____ day of _____, _____, IT IS ORDERED that the above-captioned matter is transferred to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1*(5).

BY THE COURT:

J.

THE COURTS

See Rule 1854

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

FAMILY COURT COVER SHEET

CASE NUMBERS

(CP) _____
(DR) _____
(D) _____

VS

Attorney for Plaintiff

I. D. #: _____

Phone #: _____

Attorney for Defendant

ID#: _____

Phone #: _____

AVERMENT OF CONSOLIDATION

On the spaces below, please identify all companion case numbers associated with this case that relate to:

- | | |
|---------------------------|-------------------------------------|
| 1. Divorce/Annulment | 5. Custody/Visitation/Habeas Corpus |
| 2. Support | 6. Special Relief |
| 3. Equitable Distribution | 7. Abuse |
| 4. Paternity | |

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

I certify that the information provided above is comprehensive and complete to the best of my knowledge, and that I have formally entered my appearance for the case above.

By: _____
Esquire

Rule 1920.33(f)(1)(e)

| | |
|---|----------|
| Gross income (indicate how paid, weekly, bi-weekly, etc.) | \$ _____ |
| Federal tax | \$ _____ |
| FICA | \$ _____ |
| Medicare tax | \$ _____ |
| State tax | \$ _____ |
| Local tax | \$ _____ |
| Net income | \$ _____ |

See Rule 1920.33(f)(4)

STATEMENT OF MONTHLY EXPENSES

| | |
|---|----------|
| 1. HOME EXPENSES | |
| A. Rent or home loan payment (including any assessment or maintenance fee) | \$ _____ |
| B. Real estate taxes (if not included in A) | \$ _____ |
| C. Utilities: | |
| Electricity | \$ _____ |
| Gas | \$ _____ |
| Water | \$ _____ |
| Telephone | \$ _____ |
| Oil | \$ _____ |
| Other (specify) | \$ _____ |
| D. Home maintenance (repairs and upkeep) | \$ _____ |
| 2. OTHER EXPENSES | |
| A. Alimony or spousal support | \$ _____ |
| B. Child support | \$ _____ |
| C. Insurance (not deducted from wages): | |
| Life | \$ _____ |
| Health | \$ _____ |
| Auto | \$ _____ |
| Homeowners or renters | \$ _____ |
| Other (specify) | \$ _____ |
| D. Installment payments: | |
| Auto | \$ _____ |
| Other (specify) _____ | \$ _____ |
| E. Education (tuition and books) | \$ _____ |
| F. Medical, dental and medicine (not covered by insurance) | \$ _____ |
| G. Other extraordinary expenses (specify) | \$ _____ |
| TOTAL ESTIMATED CURRENT MONTHLY EXPENSES | \$ _____ |

I verify that the information contained in the foregoing statement of monthly expenses is true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

_____ Date

_____ Signature

THE COURTS

See Rule 2039(a)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION

v. : NO:
:
: MINOR'S COMPROMISE

AFFIDAVIT OF DEPOSIT OF MINOR'S FUNDS

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF MONTGOMERY

I, _____, being duly sworn according to law depose and say:

1. I am employed by _____
name of bank or authorized depository

as _____
.

2. I am authorized to make this affidavit on behalf of _____
name of bank or authorized depository

3. On _____ the sum of \$ _____
date
was deposited by _____ in an insured, interest-bearing
Savings Account/Certificate of Deposit No. _____
pursuant to Order of Court dated _____ to File No. _____.

4. Account/Certificate No. _____ is entitled,
_____, a Minor.

5. The express prohibition of withdrawals of income or principal prior to _____ without FURTHER ORDER
OF COURT has been noted on the depository's records and on the passbook/certificate.

Name

Signature

Titles

Sworn to and subscribed before
me this _____ day of _____, _____.

Notary Public

**THIS AFFIDAVIT SHALL BE FILED IN THE OFFICE OF THE MONTGOMERY COUNTY PROTHONOTARY,
MONTGOMERY COUNTY COURTHOUSE, SWEDE AND AIRY STREETS, NORRISTOWN, PENNSYLVANIA
WITHIN THIRTY (30) DAYS OF THE DATE OF THE ORDER OF COURT.**

See Rule 4015

IN THE COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, PENNSYLVANIA

To the Appropriate Judicial Authority in

Whereas a certain suit is pending before us in which A. B. is plaintiff and C.D. as defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot completely be done between the said parties; we, therefore, request that, in furtherance of justice, you will, by the proper and usual process of your court, cause such witness or witnesses as shall be named or pointed out to you by the said parties, or either of them, to appear before you or some competent person by you for that purpose to be appointed and authorized at a time and place by you to be fixed, and there to answer on their oaths or affirmations, to the several interrogatories hereunto annexed; and that you will cause their testimony to be committed to writing, and returned to us under cover duly closed and sealed, together with these presents; and we shall be ready and willing do the same for you in a similar case when required.

Witness, etc.

[Pa.B. Doc. No. 99-579. Filed for public inspection April 9, 1999, 9:00 a.m.]

MONTGOMERY COUNTY

Revision and Re-Promulgation of Local Rules of
Criminal Procedure; No. Misc. 229 Jan 99

Order

And Now, this 9th day of March, 1999, the Court approves and adopts the following proposed Rule revisions for the Montgomery County Local Rules of Criminal Procedure. These Revisions shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the Montgomery County Law Reporter and in the Legal Intelligencer. In conformity with Pa.R.Crim.P. 6, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

JOSEPH A. SMYTH,
President Judge

[Rule *67(c)(1). Appeal from Summary Convictions,
Notice, Bail.]

[Rescinded]

[Rule *67(f)(1). Hearing de novo. Listing cases.]

[Rescinded]

Rule *76(e)-(r). Procedure when Defendant Arrested with Warrant.

(e) Warrants of arrest shall be issued for execution only to police officers as defined in Rule 3 who have on file

with the issuing authority signed and dated verifications that all facts set forth in any return of service being made by the police officer are being set forth in each such return of service as true and correct to the best of the police officer's knowledge, information and belief under the understanding that false statements therein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

(f) When an arrest warrant is returned where the defendant has been found, the issuing authority shall ensure that the return of service by the police officer confirms:

(1) that the defendant has signed a guilty plea and has paid the amount of fine and cost stated on the warrant; or

(2) that the defendant has signed a not guilty plea and has paid the full amount of collateral stated on the warrant; or

(3) that the defendant has paid fine and cost due as specified in the warrant if the warrant is for collection of fine and cost after guilty plea or conviction.

(g) Issuing authorities shall require all police officers as defined in Rule 3 executing warrants of arrest as specified above to:

(1) accept payments directly from defendants in cash, check or money order made payable only to the issuing authority's magisterial district; and

(2) forthwith submit to the magisterial district from which the warrant of arrest issued all such payments made payable to issuing authority's magisterial district and so much of the cash payments collected as are due to the Court for security or fine and Court costs. (Authorized fees for service of warrants by police officers paid in cash may be withheld by the police officer so long as the required return of service has been made.)

(h) The issuing authority at the time of issuance of an arrest warrant shall direct that a defendant arrested on a warrant who is unable or unwilling to enter a written plea of guilty or not guilty, or who is unable or unwilling

to pay the full amount of fine and cost, or is unable to post the amount of collateral stated be:

(1) held by the police officer pending the police officer's contacting the issuing authority either by telephone or in person to determine whether the defendant shall be given an immediate trial or provided a postponement; and

(2) given the opportunity to deposit sufficient collateral with the police officer when applicable for appearance on the new date. (If the issuing authority determines that a question of the defendant's financial ability to post sufficient collateral exists, then the issuing authority may release the defendant from custody pending a Pa.R.Crim.P. 85 hearing on the next available hearing day in the issuing authority's magisterial district and direct the police officer to make a notation on the warrant return released for a Rule 85 hearing by District Justice together with the date and time the order was entered.)

(i) No issuing authority serving on special assignment duty shall be required to respond to any request by a police officer to process a defendant arrested under Pa.R.Crim.P. Rule 76 unless the issuing authority on special assignment duty issued the arrest warrant being executed by the police officer.

(j) The issuing authority's warrant of arrest shall be the exclusive form for use by a police officer to issue a receipt for fines and costs or collateral accepted by the police officer where the defendant has been found.

(k) The issuing authority shall forthwith, upon receipt of a plea and payment, recall its issued warrant(s). The issuing authority shall thereafter confirm the timely return of the recalled warrant(s).

(l) The issuing authority shall not authorize payment or accept a return of service of an arrest warrant where the defendant has been found when the return of service is:

(1) not a carbon copy of the receipt issued to the defendant setting forth the amount of fine and costs or collateral received from the defendant; and

(2) is not signed by the defendant and the police officer; or

(3) which is not otherwise designated "released for a Rule 85 hearing by District Justice _____" as provided for herein;

(4) however, the issuing authority shall accept in lieu of the defendant's signature the police officer's certification, "defendant refused to sign" as full compliance with the procedures set forth herein for return of a warrant of arrest where the defendant has been found.

(m) The issuing authority shall authorize and make payment of a warrant fee for the execution of an arrest warrant when the defendant has not been found at the time the arrest warrant is executed and:

(1) the police officer has provided a notice to respond to the defendant as addressed on the warrant that includes therein:

(a) a place for the defendant's signature; and

(b) a place for entry of a plea of guilty or not guilty; and

(c) a notice that all payments shall be made payable to the Magisterial Court of the issuing authority that issued the arrest warrant; and

(d) a notice of the total amount due including all costs for service of the warrant of arrest; and

(e) the police officer has verified on return of the warrant that the police officer attempted service on the defendant as addressed and that the police officer left a notice to respond described herein;

(2) the issuing authority has received payment from the defendant together with a signed plea;

(3) the issuing authority shall then authorize and make payment for service of the warrant in the same manner as the return of service where the defendant is found.

(n) The issuing authority shall authorize and make payment of a nulla bono fee for the execution of an arrest warrant where the defendant has not been found when the arrest warrant was executed and:

(1) the police officer has made an actual attempt at service; and

(2) has properly completed an affidavit that the defendant was not found as addressed on the warrant; and

(3) the police officer leaves a notice to the defendant as addressed on the warrant in the same manner as prescribed in section (m) above.

(o) Issuing authorities shall require police officers to complete requests for payment due to police officers for all warrants of arrest where the defendant has been found and a proper return of service has been completed.

(p) The issuing authority shall complete payment forms for payments due to police officers for execution of warrants where the defendant was not found but has responded by written plea and payment as a result of the police officer having left notice at the defendant's residence.

(q) During normal business operation of magisterial office, all requests for payments for properly executed warrants and returns of service which have been submitted by approved police officers or completed by the issuing authority's staff by noontime on Wednesday of any work week will be paid by 4 p.m. Friday of the same work week.

(r) All arrest warrants issued pursuant to Pa.R.Crim.P. 76 by an issuing authority shall be required to be returned by the police officer to whom they were issued within ninety (90) days after the date issued. An issuing authority shall have the discretion to reissue any warrants so returned for an additional sixty (60) days upon good cause shown.

See Form

[Rule 101A. Approval of Police Complaints and Arrest Warrant Affidavits By Attorney for the Commonwealth.]

Rule 107*. Approval of Police Complaints and Arrest Warrant Affidavits By Attorney for the Commonwealth.

The District Attorney of Montgomery County, having filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 107(b), Criminal Complaints and Arrest Warrant Affidavits by police officers, as defined in the Rules of Criminal Procedure, charging criminal homicide offenses (including homicide by vehicle) shall not hereafter be accepted by any judicial officer unless the Complaint and Affidavit have the approval of an attorney for the Commonwealth prior to filing.

[Rule 130(c). Release Prior to Preliminary Arraignment.]

[Rescinded]

Rule 141*(e)*(f). Preliminary Hearing.

(e) In all cases where there is a transcript taken by a court reporter of a Preliminary Hearing in a criminal case, the entire cost of the notes of testimony which shall include an original for the Court, and a copy each to the Commonwealth and the defendant, shall be borne equally between the Commonwealth and defense counsel. If any extra copies are ordered, the party requesting the extra copy shall be responsible for same.

(f) If a stenographic or other record of any preliminary hearing is made, and is subsequently transcribed, the original thereof shall, upon its preparation, be forthwith filed with the Clerk of Courts of Montgomery County. Where notes have been transcribed by an official or other reporter, it shall be the primary responsibility of the reporter to cause the original to be filed. In the event the reporter shall fail to do so, and where a party has transcribed a record using mechanical or electronic devices, the party responsible for ordering or preparing such transcription shall be responsible for filing the original of the notes. Where a mechanical or electronic device has been the primary source of a transcribed record, it shall be preserved and available for reference at trial. If a transcript of a record of the proceedings has not been filed with the Clerk of Courts prior to trial, or hearing on pretrial motions heard immediately before trial, such record shall be unavailable for use to either party at trial or at such pretrial hearings.

[Rule 301*(c). Continuances.]**[Rescinded]****Rule 302*(c)[and*(d)]. Entry of Appearance—Withdrawal of Appearance.**

[(c)] Where counsel has entered an appearance, **[his]** counsel's representation of the defendant shall be effective until sentencing has been imposed or until granted permission to withdraw by the Court.

[(d)] [Rescinded]**Rule 303*. Arraignment.**

(c) At the conclusion of a preliminary hearing in which a defendant is bound over for action by the Court of Common Pleas, or upon waiver of the preliminary hearing by a defendant, the issuing authority shall provide written notice of the date, place and time of arraignment in the Court of Common Pleas.

(d) Arraignment may be conducted by the Court Administrator or designated Deputy.

(e) A defendant shall be present at the arraignment unless all of the following requirements are met:

(1) the defendant is represented by counsel of record; and

(2) prior to the date of arraignment, the defendant files a written waiver of arraignment with the Clerk of Courts and the attorney for the Commonwealth, signed by both defendant and defendant's counsel.

[(f)] [Rescinded]**[Rule 306*(f). Omnibus Pretrial Motion for Relief.]****[Rescinded]****[Rule 309*(a). Notice of Order.]****[Rescinded]****[Rule 311*(d). Pre-Trial Conference.]****[Rescinded]****Rule 315*(c). Motion for Dismissal.****[*(c) Termination of Inactive Cases under Pa.R.J.A. No. 1901.]****[(i)] [Rescinded]****[(ii)] [Rescinded]**

[(iii)] [Effective June 30, 1975,] The Clerk of Courts shall annually prepare a list of all pending criminal actions **[commenced after January 1, 1970]** in which no activity appears upon the docket for two years or more immediately prior thereto. The Clerk of Courts shall give notice thereof to the District Attorney, counsel of record, and to the parties for whom no appearance of counsel has been entered, that said cases shall be marked terminated upon the docket unless an Activity Status Certificate is filed with the Clerk of Courts within thirty (30) days after service of the notice by mail, in person or by publication on the District Attorney, counsel of record and to those parties for whom no appearance has been entered. Such cases shall be marked terminated on the docket unless an Activity Status Certificate is filed with the Clerk of Court within such time.

All matters so terminated may not be reinstated except with leave of Court.

The Clerk of Courts shall notify the Sheriff, District Attorney, and counsel for the defendant each time a case is marked terminated on the docket.

Rule *329. Expungement of Record.

(1) A person desiring to expunge the record involving any criminal arrest or other criminal matter, **except a Section 17 Disposition under the Drug Act**, shall:

[1] (a) File a petition which shall contain the following:

[a] (i) the name, **date of birth and social security number** of the petitioner, and any names or aliases which **[he] the petitioner** has used.

[b] (ii) the address of the petitioner.

[c] (iii) the crime or crimes upon which **[he] the petitioner** was arrested or the matter which **[he] the petitioner** desires to have expunged, and a summary of all proceedings which took place after the arrest, including the names of all police departments involved, the name of the district justice involved in the case, and the official tracking number (OTN).

[d] (iv) the reasons why the record or matter should be expunged.

[e] (v) any previous criminal convictions of a felony or a misdemeanor in any jurisdiction in which the petitioner has been convicted. The petition should be under oath.

[2] (b) The petition shall be captioned to the name and term and number of the original court case. If there is no such term and number in the proceedings, it shall be captioned, "In the Matter of _____, Petition to Expunge," and given a miscellaneous number by the Clerk of Courts.

[3] (c) After the filing of said petition with the Clerk of Courts, the petitioner, by [his] petitioner's counsel, shall obtain a rule returnable from the Court Administrator's Office.

[4] (d) A copy of said petition with the date of the rule returnable shall be served either on the District Attorney or the First Assistant District Attorney by the petitioner. Said petition is to be served at least twenty-five (25) days prior to the date of the rule returnable.

[5] (e) If no answer is filed by the District Attorney's Office on the return date and petitioner files an affidavit of service that said petition was served as required by the rule, said rule is to be made absolute.

[6] (f) If an answer is filed by the District Attorney's Office, the Court Administrator is to immediately set a hearing date, at which time the Commonwealth may produce evidence, if necessary, and give arguments to the Court in opposition to the expungement, after which the petitioner has the right to produce evidence and arguments in favor of expungement.

(g) If the Court grants the order of expungement, the petitioner or petitioner's counsel shall obtain all necessary certified copies of the order from the Clerk of Courts office and mail the certified copies of the expungement order to all criminal justice agencies enumerated in the proposed order of expungement with a self-addressed stamped envelope so that the criminal justice agencies can notify the petitioner or petitioner's counsel that their records have been expunged.

(h) Upon notification by the criminal justice agencies that the petitioner's records have been expunged, the petitioner and/or petitioner's counsel will notify the Clerk of Courts and they will expunge their records, notifying the petitioner and/or petitioner's counsel of the same.

(2) Section 17 Disposition

(a) When a defendant has successfully completed a Section 17 Disposition under the Drug Act, the Adult Probation Office of Montgomery County shall certify that fact to the Clerk of Courts of Montgomery County within fourteen (14) days.

(b) The Clerk of Courts of Montgomery County shall prepare an expungement order for the Court to sign in accordance with Pennsylvania Rule of Criminal Procedure 9017 within fourteen (14) days.

(c) After the Court has signed the expungement order, the Clerk of Courts shall send the Order to the defendant and/or defendant's attorney within fourteen (14) days for service on all appropriate criminal justice agencies.

(d) Upon notification by the defendant and/or defendant's attorney that the defendant's record has been expunged by the appropriate criminal justice agencies, the Clerk of Courts will expunge its record and notify the defendant and/or defendant's attorney.

Rule *401. Court Calendar.

The disposition of criminal cases and any arguments on motion therein shall be in accordance with the annual calendar as promulgated by the Court.

Writs of Venire shall issue for all weeks in which criminal cases are scheduled for trial.

Rule *402. Argument Court.

(a) **Interlocutory Motion**—Interlocutory motions or petitions shall be placed on the Short Argument List by order of the Court unless otherwise specifically ordered by the Court.

(b) **Notice of Short Argument List**—Notices of Short Argument List shall be mailed by the Court Administrator to all counsel of record and to unrepresented parties at least two weeks before the day scheduled for argument [and the Court Administrator shall cause the said notice to be published in the *Montgomery County Law Reporter* at least two weeks before the day scheduled for argument.]

[(c)] [Rescinded]

[(d)] [Rescinded]

[Rule 1123(g). Post Verdict Motions.]

[Rescinded]

[Rule 1129. Character Witnesses.]

[Rescinded]

[Rule 1405*(e). Sentencing Proceeding.]

[Rescinded]

[Rule 1408*(c)*(1). Documents Transmitted to Prison.]

[Rescinded]

Rule *1416. Paroles and Changing of Sentence.

All petitions for parole or change of sentence shall contain the following:

- (1) The sentence of the Court verbatim;
- (2) The name of the Sentencing Judge;
- (3) A detailed history of the case;
- (4) The prior criminal record of the defendant, in detail;
- (5) Succinct statement of the reasons for making the application;
- (6) Employment open to defendant, accompanied by a letter from [his] the defendant's proposed employer stating the wages [he] the defendant will receive, if the application should be granted;
- (7) Where defendant proposes to reside; and
- (8) A signed statement by the warden of the defendant's department.

Rule *1417. Termination of Probation.

After the request of a defendant, or [his] defendant's counsel, for termination of probation to the Chief Adult Probation Officer has been refused by such officer, a Petition for Termination of Probation may be filed in form substantially similar to that set forth in Rule *1416. A copy shall be served on the District Attorney, the Chief Adult Probation Officer, and the sentencing Judge. Thereafter, unless the sentencing Judge summarily grants the prayer for relief upon the averments of the Petition, a hearing shall be set thereon at the earliest possible date.

[Rule 4006(c)*. Procedure for Bail Bond.]

[Rescinded]

[Rule 4006(e). Valuation of Bail Bonds.]

[Rescinded]

Rule 4007(c)*. Procedure for Bail Bond.

When a defendant or his/her private third-party surety has deposited a sum of money equal to ten (10) percent of the bail (but in no event less than fifty (\$50) dollars), then upon full and final disposition of the case, the deposit (less the retention) and any amount applied to the payment of fine, costs and attorney's fee shall be returned to the person who originally posted the deposit. Notice of the full and final disposition shall be sent by the Court to the person who originally posted the money at his/her address of record. Any money not claimed within sixty (60) days from the time of full and final disposition of the case shall be deemed as unclaimed and abandoned property subject to escheat pursuant to the applicable Pennsylvania Escheat Statute.

Rule 4007(d)(3)*. Valuation of Bail Bonds.

The actual net value shall be the assessed value deducting therefrom all liens and encumbrances or meet the requirements of Montgomery County Rule of Criminal Procedure 4007(d)*(6).

Rule 4007 [(a)(ii)](d)*(6),*(7),*(8). Qualification of Surety.

[*(A)] (6) Residents or owners of realty in order to be qualified to act as sureties must own realty within the Commonwealth of Pennsylvania. In all cases of realty owned outside Montgomery County, the surety must provide the following:

- [(1)] (i)** Affidavit of Justification of such surety;
- [(2)] (ii)** Written appraisal by a reputable licensed real estate broker in the county in which the property is situate;
- [(3)] (iii)** Proof of entry of the bond in favor of the Commonwealth in the Prothonotary's Office of the county in which the property is situate;

[(4)] (iv) Letter from the mortgage company indicating the unpaid balance due on the mortgage covering the said property, if any;

[(5)] (v) A lien and judgment search by a reputable title insurance company.

[*(B)] (7) *Justification of Personal Surety.* In justification of bail, personal surety shall be required to give the following information under oath:

- [(1)] (i) [His]** Name, address, age and occupation;
- [(2)] (ii)** A general description of real estate in Montgomery County of which **[he] the surety** is a freeholder;
- [(3)] (iii)** A statement of the manner in which **[he] the surety** obtained title, and upon **[his]** failure to produce the evidence of **[his]** title, the Deed Book or Will Book reference of the recording of the instrument by which **[he] the surety** obtained title;

[(4)] (iv) A statement of all encumbrances, including taxes, upon said real estate;

[(5)] (v) A statement of all other surety undertakings;

[(6)] (vi) A statement of the assessed, market, and rental value of the real estate;

[(7)] (vii) A statement that **[he] the surety** is not contemplating or negotiating the sale of the real estate.

[*(C)] (8) *Corporate Surety.* Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in this Court; provided that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, shall be on file with the Clerk and that no bond shall be executed by any surety company after May 1 of any year until such a certificate issued after March 31 of the same year shall have been filed with the Clerk, and further provided that, with the exception of bonds filed by insurance companies in motor vehicle misdemeanors, any surety company shall be required to post the sum of twenty-five thousand dollars (\$25,000) as security with the Clerk of Court.

CRIMINAL COURT FORMS

See Rule 76(e)-(r)

VERIFICATION

I, _____, state that I am a police officer as defined in Rule 3 of the Pennsylvania Rules of Criminal Procedure; and that the facts that I shall from time to time set forth in any Return of Service required to be filed with the issuing authority for each warrant of arrest issued to me pursuant to Pa.R.Crim.P. 76 shall be true and correct to the best of my knowledge, information and belief, and that this statement is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____

[Pa.B. Doc. No. 99-580. Filed for public inspection April 9, 1999, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2000 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 205 Judicial Administration Doc. No. 1

Order

Per Curiam:

And Now, this 26th day of March, 1999, it is hereby ordered that the following paid holidays for calendar year 2000 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

| | |
|-------------------|--|
| December 31, 1999 | New Year's Day (Observed) |
| January 17, 2000 | Martin Luther King, Jr. Day (Observed) |
| February 21, 2000 | Presidents' Day |
| April 21, 2000 | Good Friday |
| May 29, 2000 | Memorial Day (Observed) |
| July 4, 2000 | Independence Day |
| September 4, 2000 | Labor Day |

December 31, 1999 New Year's Day (Observed)
 October 9, 2000 Columbus Day (Observed)
 November 7, 2000 Election Day
 November 11, 2000 Veterans Day
 November 23, 2000 Thanksgiving Day
 November 24, 2000 Day After Thanksgiving
 December 25, 2000 Christmas Day

[Pa.B. Doc. No. 99-581. Filed for public inspection April 9, 1999, 9:00 a.m.]

**Sessions of the Supreme Court of Pennsylvania
 for the Year 2000; No. 119 Appellate Court Rules
 Doc. No. 1**

Order

Per Curiam:

And Now, this 26th day of March, 1999, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2000 as follows:

Philadelphia
 Pittsburgh
 Harrisburg
 Philadelphia
 (Administrative
 Session)
 Pittsburgh
 Philadelphia
 Harrisburg
 Pittsburgh
 (Administrative
 Session)

January 31 through February 4
 March 6 through March 10
 May 1 through May 5
 June 2

September 11 through September 15
 October 16 through October 20
 November 13 through November 17
 December 4

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 99-582. Filed for public inspection April 9, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 129]

Equivalency Determinations and Aerospace Manufacturing and Rework—VOC Emission Limitations

The Environmental Quality Board (Board) by this order amends Chapters 121 and 129 (relating to definitions; and standards for sources to read) to read as set forth in Annex A.

The changes to Chapter 121 add definitions of terms used in the substantive sections of Chapter 129. Section 129.51 (relating to general) is being modified to remove the requirement that equivalency determinations be submitted to the United States Environmental Protection Agency (EPA) as a State implementation Plan (SIP) amendment. In addition, § 129.73 (relating to aerospace manufacturing and rework) establishes requirements to control volatile organic compound (VOC) emissions from aerospace manufacturing and rework facilities. This order was adopted by the Board at its meeting of October 20, 1998.

A. *Effective Date*

These amendments are effective immediately 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 Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4310 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). This final rulemaking is also available through the Department of Environmental Protection (Department) website (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

This action is being taken under the authority of section 5(a)(1) and (13) of the Air Pollution Control Act (act) (35 P. S. §§ 4005(a)(1) and (13)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. *Background and Summary*

Section 5(a)(13) of the act specifically authorizes the Board to adopt regulations establishing alternative VOC emission limitations for aerospace coatings and solvents, including extreme performance coatings. These coatings and solvents are required to be used by the United States Department of Defense, the United States Department of Transportation (DOT) and the National Aeronautics and Space Administration or to meet military and aerospace specifications provided that the alternative limitations are authorized by the Clean Air Act.

The aerospace industry includes manufacturing facilities that produce an aerospace vehicle or its components and all facilities that rework or repair these aerospace products. An aerospace vehicle or its components are generally considered to be any fabricated or processed parts, or completed unit of any aircraft including, but not limited to, airplanes, helicopters, missiles, rockets and space vehicles. In addition to manufacturing and rework facilities, some shops may specialize in providing a service, such as chemical milling, rather than actually producing a component or assembly. In addition to these facilities, there are numerous subcontractors that manufacture or rework aerospace vehicles or components.

Aerospace manufacturing facilities range in size from small shops that produce a single aerospace component, such as propellers, to large corporations that produce the entire aircraft. Aerospace rework facilities, however, are usually large facilities that must be able to rework or repair every facet of several modes of large commercial or military aircraft.

The EPA has worked with the aerospace industry to develop control techniques and guidelines related to VOC emissions from aerospace manufacturing and rework operations as well as Maximum Achievable Control Technologies (MACT) to control hazardous air pollutants. These final-form regulations incorporate the substantive provisions of the final guidelines and MACT into the Department's air quality regulations.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of these final-form regulations. At its July 23, 1998, meeting, AQTAC recommended adoption of the final-form regulations.

Following final adoption, this regulatory revision will be submitted to the EPA as an amendment to the SIP.

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

The Board received three sets of comments on the regulatory proposal. The following summarizes the major issues and the Board's responses:

Avogadro Environmental Corporation commented that the proposed changes to the definition of "miscellaneous metal parts" and to the language of § 129.73(a) result in no applicable VOC limits for aerospace facilities which are not major sources of VOC. The commentator suggested that the regulation require all facilities with emissions in excess of 15 pounds per day or 2.7 pounds per year to comply with the limits in Table II of § 129.73.

The final-form regulations are based on the EPA Control Technique Guideline (CTG) and on the MACT requirements for the aerospace industry. The EPA analysis completed as part of the CTG development determined emission thresholds that are appropriate. The final-form regulations are applicable to these sources. If a facility involved in the manufacture or rework of aerospace vehicles or components has potential VOC emissions of 25 tons per year or more, it is subject to § 129.73. Moreover, if a facility coats or cleans a variety of products in addition to aerospace products, the operations could be subject to other requirements, including the surface coating limitations in § 129.52 (relating to surface coating processes). Facilities which are solely involved in aerospace surface coating operations with the potential to

emit less than the applicability thresholds would not be subject to the aerospace coating limitations.

The EPA expressed concerns about the proposal to eliminate SIP approval for equivalency determinations under § 129.51. A fundamental requirement in § 129.51 is that the emissions which result following the implementation of an alternative emission reduction program must be equal to or less than the emissions that would result if the source complied with the applicable emission limitation. Therefore, an alternative emission limitation adopted under § 129.51 must provide for emissions equal to or less than the level contemplated in the emission limitation.

The EPA authorized emissions trading under a Federally enforceable emissions cap as part of Pennsylvania's Title V and Federally enforceable State operating permit program. The revision to § 129.51 extends this authorization to sources of VOC emissions. The EPA will still receive notice of these permit actions. For actions at Title V facilities, the EPA has authority to prevent issuance of the permit under § 127.522 (relating to operating permit application review by the EPA and affected states). For facilities not meeting the Title V thresholds, the EPA has an opportunity to provide comments on the permit under §§ 127.44 and 127.424 (relating to public notice). The Department believes that the permitting process provides the appropriate procedure for EPA input or equivalency determinations.

The EPA suggested changes to the provisions in § 129.51(a)(4) related to capture efficiency testing. The Independent Regulatory Review Commission (IRRC) recommended that revisions be done as a separate rulemaking. Since the Department did not propose changes to this section, the existing language has been retained.

The EPA and IRRC commented that a number of definitions and technical provisions of the CTG are not consistent with the proposed amendments. The final-form regulations have been modified to address these comments. Additional grammatical and numbering changes have also been made. The modifications appear in § 121.1 (relating to definitions) and affect the following terms: "aircraft transparency," "aqueous cleaning solvent," "chemical milling maskant," "operating parameter valve," "silicone insulation material," "Type I chemical milling maskant," "Type II chemical milling maskant," "waterborne (water-reducible) coating." In addition, modifications were made to §§ 129.51(a)(1), 129.73(1)(v)—(vii), (vii), (2)—(7) and (9).

Finally, the EPA suggested that although the Pennsylvania definition of "VOC" was not proposed for change, the definition should be revised to make it consistent with the definition in the aerospace CTG and in the MACT standard. The Board did not propose revisions to the definition of "VOC." Therefore, the SIP-approved definition is not changed in the final rulemaking.

F. Summary of Regulatory Requirements

Chapter 121. General Provisions.

The changes to Chapter 121 add definitions of terms used in the substantive provisions of Chapter 129 applicable to standards for VOC sources. The definitions include: "ablative coating," "adhesion promoter," "adhesion bonding primer," "adhesive primer," "aerosol coating," "aerospace coating operation," "aerospace coating unit," "aerospace primer," "aerospace surface preparation,"

"aerospace topcoat," "aerospace vehicle or component," "aircraft fluid systems," "aircraft transparency," "antichafe coating," "antique aerospace vehicle or component," "aqueous cleaning solvent," "bonding maskant," "CARC—chemical agent-resistant coating," "chemical milling maskant," "cleaning operation," "cleaning solvent," "closed-cycle depainting system," "commercial exterior aerodynamic structure primer," "commercial interior adhesive," "compatible epoxy primer," "compatible substrate primer," "confined space," "corrosion prevention system," "critical use and line sealer maskant," "cryogenic flexible primer," "cryoprotective coating," "cyanoacrylate adhesive," "electric or radiation-effect coating," "electrostatic discharge and electromagnetic interference (EMI) coating," "elevated temperature skydrol resistant commercial primer," "epoxy polyamide topcoat," "exempt solvent," "fire-resistant (interior) coating," "flexible primer," "flight test coating," "flush cleaning," "fuel tank adhesive," "fuel tank coating," "hand-wipe cleaning operation," "high temperature coating," "insulation covering," "intermediate release coating," "lacquer," "limited access space," "metalized epoxy coating," "mold release," "nonstructural adhesive," "operating parameter value," "optical antireflection coating," "part marking coating," "pretreatment coating," "radome," "rain erosion-resistant coating," "rocket motor bonding adhesive," "rocket motor nozzle coating," "rubber-based adhesive," "scale inhibitor," "screen print ink," "sealant," "seal coat maskant," "self-priming topcoat," "semiaqueous cleaning solvent," "silicone insulation material," "solids," "solid film lubricant," "space vehicle," "specialty coating," "specialized function coating," "spray gun," "structural autoclavable adhesive," "structural nonautoclavable adhesive," "temporary protective coating," "thermal control coating," "touch-up and repair operation," "Type I chemical etchant," "Type I chemical milling maskant," "Type II chemical etchant," "Type II chemical milling maskant," "VOC composite vapor pressure," "waterborne (water-reducible) coating," "wet fastener installation coating" and "wing coating."

In the final rulemaking, the definition of "aqueous cleaning solvent" is changed to make it consistent with the aerospace MACT definition. Moreover, the definition of "silicon insulation material" is modified by the addition of language to clarify the difference between ablative and silicone insulation materials. Finally, the definitions "Type I chemical etchant" and "Type II chemical etchant" have been added to make them consistent with the definition in the aerospace MACT.

There are also minor revisions to the definitions of "aircraft transparency," "chemical milling maskant," "operator parameter valve" and "miscellaneous metal parts and products."

Chapter 129. Standards for Sources

Section 129.51(a)(1), authorizes compliance with Chapter 129 by an alternative method if that method is approved by the Department in an applicable operating permit plan approval, or both. The changes to § 129.51(a)(6) remove the requirement that alternative compliance methods for meeting the VOC requirements contained in §§ 129.52 and 129.54—129.72 be submitted to the EPA as a SIP amendment. The amendment requires the alternative compliance method to be incorporated into a plan approval and operating permit that is subject to EPA review. This will streamline the process for establishing alternative compliance methods.

Section 129.73 (relating to aerospace manufacturing and rework), establishes specific allowable VOC content requirements for aerospace coatings. The regulations are modified to make the applicability thresholds consistent with the CTG developed by the EPA. The regulation is applicable to all sources with the potential to emit 25 tons of VOC per year. The methodology for calculating the VOC content of coatings is provided in § 129.73(4). Paragraph (5) establishes application techniques for applying aerospace coatings, and paragraph (6) establishes exceptions to those coating technique requirements. Paragraph (7) establishes limitations for hand-wipe cleaning of aerospace vehicles or components and paragraph (8) establishes exceptions to the hand-wipe requirements. Paragraphs (9)–(11) establish requirements for cleaning solvent containers, spray gun cleaning and housekeeping. Paragraph (12) authorizes compliance through the use of approved air pollution control equipment. Finally, paragraph (13) establishes the recordkeeping requirements for aerospace manufacturing and rework facilities.

Section 129.73(1) has been revised to move the exemption for touch-up, aerosol and DOT classified coatings, coatings of space vehicles and small volume coatings to paragraph (2) to specify their exemption only from the coating VOC content limits and not the other provisions of the aerospace regulations.

Section 129.73(2) revises the regulation to specify that the exemption for touch-up, aerosol and DOT classified coatings, coatings of space vehicles and small volume coatings is only from the coating VOC content limits and not the other provisions of the aerospace regulations.

Section 129.73(3) has been revised to specify that those specific coatings listed in Table II must meet the allowable VOC limits. All other coatings are subject to the general coating VOC limits. These revisions clarify that the limits in Table II apply to each coating individually.

Section 129.73(5) deletes the proposed provision that related to use of alternative application techniques. Under paragraph (6)(i), the phrase “any situation that normally requires” has been inserted to clarify that the exemption for the use of an air brush applies only to those situations defined in the CTG. Paragraph (7)(iii) has been modified to allow the use of hydrocarbon based solvents if the solvent is composed of a mixture of photochemically reactive hydrocarbons and hydrogenated hydrocarbons and has a maximum vapor pressure of 7 millimeters hg at 200 centigrade (7.75 inches water at 650°F) and contains no hazardous air pollutants or ozone depleting compounds. Paragraph (10)(i) inserts the requirement that each inspection be recorded and that the records of the inspections be maintained for at least 2 years. Paragraph (12)(ii) inserts the phrase “good air pollution control practices that minimize VOC emissions.” Finally, a number of grammatical and other minor changes have been made to improve the clarity of the regulation.

G. *Benefits and Costs*

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

Benefits

Overall, the citizens of this Commonwealth benefit from these changes because they streamline the procedures for implementing the Department's air quality program for establishing equivalencies and implement specific requirements for aerospace manufacturing and rework operations. The aerospace manufacturing and rework industry

benefits from the revisions that make the rule consistent with the Federal CTG and MACT standards.

Compliance Costs

These final-form regulations may slightly reduce compliance costs by streamlining the equivalency process. Aerospace requirements should have no effect on the compliance costs.

Compliance Assistance Program

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

Paperwork Requirements

The regulatory provisions will reduce paperwork related to complaints and owner investigations.

H. *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.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 12, 1997, the Board submitted a copy of the proposed rulemaking to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments as well as other documents.

In preparing these final-form regulations, the Board considered the comments received from IRRC and the public. These comments are addressed in the Comment and Response Document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the Senate and House Environmental Resources and Energy Committees on March 1, 1999. IRRC met on March 11, 1999, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.51(e)).

J. *Findings*

The Board finds that:

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

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 27 Pa.B. 4325 (August 23, 1997).

(4) These final-form regulations are necessary and appropriate for the administration and enforcement of the authorizing acts identified in Section C of this Preamble and are reasonably necessary to achieve and maintain the National Ambient Air Quality Standard for ozone.

K. *Order*

The Board acting under the authorizing statute, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by amending §§ 121.1 and 129.51 and by adding § 129.73 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

JAMES M. SEIF,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 1682 (March 27, 1999).)

Fiscal Note: Fiscal Note 7-326 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE 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:

* * * * *

Ablative coating—A coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or during aerodynamic heating. The ablative char surface serves as an insulating barrier, protecting adjacent components from the heat or open flame.

* * * * *

Adhesion promoter—A very thin coating applied to an aerospace vehicle or component substrate to promote wetting and to form a chemical bond with the subsequently applied material.

Adhesive bonding primer—A primer applied in a thin film to aerospace components for the purpose of corrosion inhibition and increased adhesive bond strength by attachment. There are two categories of adhesive bonding primers:

- (i) Primers with a design cure at 250° or below.
- (ii) Primers with a design cure above 250°.

Adhesive primer—A coating applied to an aerospace vehicle or component that does one of the following:

- (i) Inhibits corrosion and serves as a primer when applied to bare metal or other surfaces prior to adhesive application.

- (ii) Is applied to surfaces that can be expected to contain fuel, with the exception of fuel tanks.

Aerosol coating—A coating expelled from a hand-held pressurized, nonrefillable container in a finely divided spray when a valve on the container is depressed.

Aerospace coating operation—An operation using a spray booth, tank or other enclosure of an area, such as a hangar for applying a single type of coating—for example, primer). Using the same spray booth for applying another type of coating—for example, a topcoat—constitutes a separate coating operation for which compliance determinations are performed separately.

Aerospace coating unit—A series of one or more coating applicators and any associated drying area or oven wherein a coating is applied, dried and cured. A coating unit ends at the point where the coating is dried or cured, or prior to a subsequent application of a different coating. It is not necessary to have an associated oven or flashoff area to be included in this definition.

Aerospace primer—The first layer and subsequent layers of identically formulated coating applied to the surface of an aerospace vehicle or component. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance or adhesion of subsequent coatings. The term does not include primers that are defined as specialty coatings.

Aerospace surface preparation—The removal of contaminants from the surface of an aerospace vehicle or component or the activation or reactivation of the surface in preparation for the application of a coating.

Aerospace topcoat—A coating that is applied over a primer on an aerospace vehicle or component for appearance, identification, camouflage or protection. The term does not include topcoats that are defined as specialty coatings.

Aerospace vehicle or component—A fabricated part, processed part, assembly of parts or completed unit, with the exception of electronic components, of any aircraft including, but not limited to, airplanes, helicopters, missiles, rockets and space vehicles.

* * * * *

Aircraft fluid systems—Systems that handle hydraulic fluids, fuel, cooling fluids or oils.

Aircraft transparency—An aircraft windshield, canopy, passenger window, lense or another component that is constructed of transparent materials.

* * * * *

Antichafe coating—A coating applied to areas of moving aerospace components that may rub during normal operations or installation.

Antique aerospace vehicle or component—An antique aircraft, as defined by 14 CFR Part 45 (relating to identification and registration marking), or components thereof. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.

* * * * *

Aqueous cleaning solvent—A solvent in which water is at least 80% by weight of the solvent. Aqueous cleaning

solvents solutions have a flash point greater than 93°C (200°F) (as reported by the manufacturer) and the solution is miscible with water.

* * * * *

Bonding maskant—A temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding.

CARC—chemical agent resistant coating—An exterior topcoat applied to aerospace vehicles or components designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents.

Chemical milling maskant—A coating that is applied directly to aluminum aerospace vehicles or components to protect surface areas when chemically milling the component with a Type II etchant. The term does not include maskants used with Type I etchants, bonding maskants, line sealers and critical use and seal coat maskants. Additionally, maskants that must be used on an individual part or subassembly with a combination of Type II etchants and any of these types of maskants—for example, Type I compatible, bonding, line sealers and critical use and seal coat.

Cleaning operation—Spray-gun, hand-wipe and flush cleaning operations.

Cleaning solvent—A liquid material used for hand-wipe spray gun or flush cleaning. The term includes solutions that contain VOCs.

* * * * *

Closed-cycle depainting system—A dust free, automated process that removes a permanent coating in small sections at a time, and maintains a continuous vacuum around the area being depainted to capture emissions.

* * * * *

Commercial exterior aerodynamic structure primer—An aerospace vehicle or component primer used on aerodynamic components and structures that protrude from the fuselage, such as wings and attached components, control surfaces, horizontal stabilizers, vertical fins, wing-to-body fairings, antennae and landing gear and doors, for the purpose of extended corrosion protection and enhanced adhesion.

Commercial interior adhesive—Materials used in the bonding of passenger cabin interior components which meet the Federal Aeronautics Administration (FAA) fireworthiness requirements.

* * * * *

Compatible epoxy primer—An aerospace vehicle or component primer that is compatible with the filled elastomeric coating and is epoxy based. The compatible substrate primer is an epoxy-polyamide primer used to promote adhesion of elastomeric coatings such as impact-resistant coatings.

Compatible substrate primer—Either compatible epoxy primer or adhesive primer applied to aerospace vehicles or components.

* * * * *

Confined space—A space that is the following:

- (i) Large enough and so configured that an employee can enter and perform assigned work.
- (ii) Has limited or restricted means for entry or exit—for example, fuel tanks, fuel vessels and other spaces that have limited means of entry.

- (iii) Not suitable for continuous employee occupancy.

* * * * *

Corrosion prevention system—A coating system applied to aerospace vehicles or components that provides corrosion protection by displacing water and penetrating mating surfaces, forming a protective barrier between the metal surface and moisture. Coatings containing oils or waxes are excluded from this category.

* * * * *

Critical use and line sealer maskant—

(i) a temporary coating applied to aerospace vehicles or components, not covered under other maskant categories, used to protect selected areas of aerospace parts from strong acid or alkaline solutions such as those used in anodizing, plating, chemical milling and processing of magnesium, titanium or high strength steel, high precision aluminum chemical milling of deep cuts and aluminum chemical milling of complex shapes.

(ii) The term includes materials used for repairs or to bridge gaps left by scribing operations—that is, a line sealer.

Cryogenic flexible primer—A primer applied to aerospace vehicles or components designed to provide corrosion resistance, flexibility and adhesion of subsequent coating systems when exposed to loads up to and surpassing the yield point of the substrate at cryogenic temperatures (–275°F and below).

Cryoprotective coating—A coating applied to aerospace vehicles or components that:

- (i) Insulates cryogenic or subcooled surfaces to limit propellant boil-off.
- (ii) Maintains structural integrity of metallic structures during ascent or reentry.
- (iii) Prevents ice formation.

* * * * *

Cyanoacrylate adhesive—A fast-setting, single component adhesive that cures at room temperature. The term is also known as “super glue.”

* * * * *

Electric or radiation-effect coating—

(i) A coating or coating system applied to aerospace vehicles or components engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared or microwave regions.

(ii) Uses include, but are not limited to:

- (A) Lightning strike protection.
- (B) Electromagnetic pulse (EMP) protection.
- (C) Radar avoidance.

(iii) The term excludes coatings that have been designated “classified” by the Department of Defense.

Electrostatic discharge and electromagnetic interference (EMI) coating—A coating applied to space vehicles, missiles, aircraft radomes and helicopter blades to disperse static energy or reduce electromagnetic interference.

Elevated temperature skydrol resistant commercial primer—A primer, applied primarily to commercial aircraft (or commercial aircraft adapted for military use), that must withstand immersion in phosphate-ester (PE) hydraulic fluid (skydrol 500B or equivalent) at the elevated temperature of 150°F for 1,000 hours.

* * * * *

Epoxy polyamide topcoat—A coating applied to aerospace vehicles or components when harder films are required or in some areas where engraving is accomplished in camouflage colors.

* * * * *

Exempt solvent—Specified organic compounds that have been designated by the EPA as having negligible photochemical reactivity and are listed in 40 CFR 51.100 (relating to requirements for preparation, adoption and submittal of implementation plans).

* * * * *

Fire-resistant (interior) coating—

(i) For civilian aircraft, fire-resistant interior coatings are used on passenger cabin interior parts that are subject to the Federal Aviation Administration fireworthiness requirements.

(ii) For military aircraft, fire-resistant interior coatings are used on parts that are subject to the flammability requirements of MIL-STD-1630A and MIL-A-87721.

(iii) For space applications, these coatings are used on parts that are subject to the flammability requirements of SE-R-0006 and SSP 30233.

Flexible primer—A primer applied to aerospace vehicles or components that meets flexibility requirements such as those needed for adhesive bond primed fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible, flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between the fasteners, skin and skin-to-skin joints on outer aircraft skins. This flexible bridge allows more topcoat flexibility around fasteners and decreases the chance of the topcoat cracking around the fasteners. The result is better corrosion resistance.

* * * * *

Flight test coating—A coating applied to aircraft other than missiles or single-use aircraft prior to flight testing to protect the aircraft from corrosion and to provide required marking during flight test evaluation.

* * * * *

Flush cleaning—

(i) Removal of contaminants such as dirt, grease, oil and coatings from an aerospace vehicle or component or coating equipment by passing solvent over, into or through the item being cleaned. The solvent simply may be poured into the item being cleaned and then drained or assisted by air or hydraulic pressure or by pumping.

(ii) The term does not include hand-wipe cleaning operations where wiping, scrubbing, mopping or other hand action is used.

* * * * *

Fuel tank adhesive—An adhesive used to bond aerospace vehicle components exposed to fuel and which must be compatible with fuel tank coatings.

Fuel tank coating—A coating applied to aerospace vehicle fuel tank components for the purpose of corrosion or bacterial growth inhibition and to assure sealant adhesion in extreme environmental conditions.

* * * * *

Hand-wipe cleaning operation—Removing contaminants such as dirt, grease, oil and coatings from an aerospace vehicle or component by physically rubbing it with a

material such as a rag, paper or cotton swab that has been moistened with a cleaning solvent.

* * * * *

High temperature coating—An aerospace vehicle or component coating designed to withstand temperatures of more than 350°F.

* * * * *

Insulation covering—Material that is applied to foam insulation to protect the insulation from mechanical or environmental damage.

Intermediate release coating—A thin coating applied beneath topcoats on aerospace vehicles or components to assist in removing the topcoat in depainting operations and generally to allow the use of less hazardous depainting methods.

* * * * *

Lacquer—A clear or pigmented coating formulated with a nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction. Lacquers are resolvable in their original solvent.

* * * * *

Limited access space—Internal surfaces or passages of an aerospace vehicle or component to which coatings cannot be applied without the aid of an airbrush or a spray gun extension for the application of coatings.

* * * * *

Metalized epoxy coating—A coating applied to aerospace vehicles or components that contains relatively large quantities of metallic pigmentation for appearance or added protection, or both.

Miscellaneous metal parts and products—Items made of ferrous or nonferrous metals, including, but not limited to, large farm machinery, small farm machinery, small appliances, commercial and industrial machinery, fabricated metal products and items listed under the *Standard Industrial Classification Code* 3300 through 3900. The term does not include cans, coils, automobiles, light duty trucks, metal furniture, magnet wire, large appliances, aerospace vehicles or components and automobile refinishing and customized top coating of automobiles and trucks, if production since January 1, 1987, has not exceeded 34 vehicles per day.

* * * * *

Mold release—A coating applied to an aerospace vehicle or component mold surface to prevent the molded piece from sticking to the mold as it is removed.

* * * * *

Nonstructural adhesive—An adhesive applied to aerospace vehicles or components that bonds nonload bearing aerospace components in noncritical applications and is not included in any other specialty adhesive categories.

* * * * *

Operating parameter value—A minimum or maximum value established for a control equipment or process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines whether an owner or operator has complied with an applicable emission limitation.

Optical antireflection coating—A coating, applied to aerospace vehicles or components, with a low reflectance in the infrared and visible wavelength ranges that is used for antireflection on or near optical and laser hardware.

* * * * *

* * * * *

Part marking coating—Coating or ink used to make identifying markings on aerospace materials, components and assemblies. These markings may be either permanent or temporary.

* * * * *

Pretreatment coating—An organic coating that contains at least 0.5% acids by weight and is applied directly to metal surfaces of aerospace vehicles and components to provide surface etching, corrosion resistance, adhesion and ease of stripping.

* * * * *

Radome—The nonmetallic protective housing for aerospace electromagnetic transmitters and receivers—for example, radar, electronic countermeasures.

Rain erosion resistant coating—A coating or coating system used to protect the leading edges of parts such as flaps, stabilizers, radomes and engine inlet nacelles against erosion caused by rain impact during flight.

* * * * *

Rocket motor bonding adhesive—An adhesive used in rocket motor bonding applications.

Rocket motor nozzle coating—A catalyzed epoxy coating system used in elevated temperature applications on rocket motor nozzles.

* * * * *

Rubber-based adhesive—A quick setting contact cement applied to aerospace vehicles and components that provides a strong, yet flexible, bond between two mating surfaces that may be of dissimilar materials.

* * * * *

Scale inhibitor—A coating that is applied to the surface of an aerospace vehicle component prior to thermal processing to inhibit the formation of scale.

* * * * *

Screen print ink—An ink used in screen printing processes during fabrication of decorative laminates and decals for aerospace vehicles and components.

Sealant—

(i) A material used to prevent the intrusion of water, fuel, air or other liquids or solids from certain areas of aerospace vehicles or components.

(ii) There are two categories of sealants:

(A) Extrudable/rollable/brushable sealants.

(B) Sprayable sealants.

Seal coat maskant—A coating applied over a maskant on aerospace vehicles and components to improve abrasion and chemical resistance during production operations.

* * * * *

Self-priming topcoat—A topcoat that is applied directly to an uncoated aerospace vehicle or component for purposes of corrosion prevention, environmental protection and functional fluid resistance. More than one layer of identical coating formulation may be applied to the vehicle or component. The coating is not subsequently topcoated with any other product formulation.

Semiacqueous cleaning solvent—A solution in which water is a primary ingredient (>60% by weight of the solvent solution as applied is water).

Silicone insulation material—An insulating material applied to exterior metal surfaces of aerospace vehicles for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not designed to be purposefully exposed to open flame or extreme heat and charred.

* * * * *

Solids—The nonvolatile portion of the coating that after drying makes up the dry film.

Solid film lubricant—A very thin coating, applied to aerospace vehicles or components, consisting of a binder system which contains as its chief pigment material one or more of the following:

(i) Molybdenum.

(ii) Graphite.

(iii) Polytetrafluoroethylene (PTFE).

(iv) Other solids that act as a dry lubricant between faying surfaces.

* * * * *

Space vehicle—A manmade device, either manned or unmanned, designed for operation beyond earth's atmosphere.

(i) The term includes integral equipment, such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets and test coupons.

(ii) The term also includes auxiliary equipment associated with test, transport and storage, that through contamination can compromise the space vehicle performance.

Specialty coating—A coating applied to aerospace vehicles or components that, even though it meets the definition of a primer, topcoat or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates or enhanced corrosion protection.

Specialized function coating—A coating applied to aerospace vehicles or components that fulfills extremely specific engineering requirements that are limited in application and are characterized by low volume usage. This category excludes coatings included in other specialty coating categories.

Spray gun—A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

* * * * *

Structural autoclavable adhesive—An adhesive, cured by heat and pressure in an autoclave, that is used to bond load carrying aerospace components.

Structural nonautoclavable adhesive—An adhesive that is cured under ambient conditions that is used to bond load carrying aerospace components or other critical functions, such as nonstructural bonding in the proximity of engines.

* * * * *

Temporary protective coating—A coating applied to provide scratch or corrosion protection during manufacturing, storage or transportation of aerospace vehicles or components.

(i) The term includes peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid or alkaline solutions.

(ii) The term does not include coatings that provide protection from acid or alkaline chemical processing.

* * * * *

Thermal control coating—A coating formulated with specific thermal conductive or radiative properties to permit temperature control of the aerospace vehicle or component substrate.

* * * * *

Touch-up and repair operation—

(i) That portion of the coating operation that is the incidental application of coating used to cover minor imperfections in the coating finish or to achieve complete coverage.

(ii) The term includes out-of-sequence or out-of-cycle coating.

* * * * *

Type I chemical etchant—A chemical milling etchant which contains varying amounts of dissolved sulfur but which does not contain amines.

Type I chemical milling maskant—A coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type I etchant.

Type II chemical etchant—A chemical milling etchant that is a strong sodium hydroxide solution containing amines.

Type II chemical milling maskant—A coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type II etchant.

* * * * *

VOC composite vapor pressure—The sum of the partial pressures of the compounds defined as VOCs and is determined by the following calculation:

$$PP_c = \frac{\sum_{i=1}^n \frac{W_i}{MW_i} \times VP_i}{\frac{W_w}{MW_w} + \frac{\sum_{i=1}^n W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

where:

W_i = Weight of the "i"th VOC compound, grams.

W_w = Weight of water, grams.

W_e = Weight of non-HAP, non-VOC compound, grams.

MW_i = molecular weight of the "i"th VOC compound, G/G-mole.

MW_w = Molecular weight of water, G/G-mole.

MW_e = Molecular weight of exempt compound, G/G-mole.

PP_c = VOC composite partial pressure at 20°C, MM HG.

VP_i = Vapor pressure of the "i"th VOC compound at 20°C, MM HG.

* * * * *

Waterborne (water-reducible) coating—A coating that contains more than 5% water by weight in its volatile fraction, as applied.

* * * * *

Wet fastener installation coating—A primer or sealant applied to aerospace vehicles or components by dipping, brushing or daubing on fasteners which are installed before the coating is cured.

* * * * *

Wing coating—A corrosion-resistant topcoat applied to aerospace vehicles or components that is resilient enough to withstand the flexing of the wings.

* * * * *

CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF VOC

§ 129.51. General.

(a) *Equivalency.* Compliance with §§ 129.52 and 129.54—129.73 may be achieved by alternative methods if the following exist conditions are not:

(1) The alternative method is approved by the Department in an applicable plan approval or operating permit, or both.

(2) The resulting emissions are equal to or less than the emissions that would have been discharged by complying with the applicable emission limitation.

(3) Compliance by a method other than the use of a low VOC coating or ink which meets the applicable emission limitation in §§ 129.52, 129.67 and 129.73 (relating to surface coating processes; graphic arts systems; and aerospace manufacturing and rework) shall be determined on the basis of equal volumes of solids.

(4) Capture efficiency testing and emissions testing are conducted in accordance with methods approved by the EPA.

(5) Adequate records are maintained to ensure enforceability.

(6) The alternative compliance method is incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with § 129.52, § 129.67, § 129.68(b)(2) and (c)(2) or § 129.73.

(b) *New source performance standards.* Sources covered by new source performance standards which are more stringent than those contained in this chapter shall comply with those standards in lieu of the standards found in this chapter.

(c) *Demonstration of compliance.* Test methods and procedures used to monitor compliance with the emission requirements of this section are those specified in Chapter 139 (relating to sampling and testing).

(d) *Records.* The owner or operator of a facility or source subject to the VOC emission limitations and control requirements in this chapter shall keep records to demonstrate compliance with the applicable limitation or control requirement.

(1) The records shall provide sufficient data and calculations to clearly demonstrate that the emission limitations or control requirements are met. Data or information required to determine compliance with an applicable limitation shall be recorded and maintained in a time frame consistent with the averaging period of the standard.

(2) The records shall be retained at least 2 years and shall be made available to the Department on request.

(3) An owner or operator claiming that a facility or source is exempt from the VOC control provisions of this chapter shall maintain records that clearly demonstrate to the Department that the facility or source is not subject to the VOC emission limitations or control requirements.

§ 129.73. Aerospace manufacturing and rework.

Except as provided in paragraph (1), this section applies to the manufacture or rework of commercial, civil or military aerospace vehicles or components at any facility which has the potential to emit 25 tons per year of VOCs or more.

(1) This section does not apply to cleaning and coating of aerospace components and vehicles as follows:

(i) At any source conducting research and development for the research and development activities.

(ii) For quality control and laboratory testing.

(iii) For production of electronic parts and assemblies (except for cleaning and coating of completed assemblies).

(iv) For rework operations performed on antique aerospace vehicles or components.

(2) Paragraph (3) does not apply to cleaning and coating of aerospace components and vehicles in the following circumstances:

(i) The use of touchup, aerosol and Department of Defense "classified" coatings.

(ii) The coating of space vehicles.

(iii) At facilities that use separate formulations in volumes less than 50 gallons per year to a maximum exemption of 200 gallons per year of all the coatings in aggregate for these formulations.

(3) Beginning April 10, 1999, a person may not apply to aerospace vehicles or components, aerospace specialty coatings, primers, topcoats and chemical milling maskants including VOC-containing materials added to the original coating supplied by the manufacturer, that contain VOCs in excess of the limits specified in Table II.

(i) Aerospace coatings that meet the definitions of the specific coatings in Table II shall meet those allowable coating VOC limits.

(ii) All other aerospace primers, aerospace topcoats and chemical milling maskants are subject to the general coating VOC limits for aerospace primers, aerospace topcoats and aerospace chemical milling maskants.

TABLE II

Allowable Content of VOCs in Aerospace Coatings
Allowable VOC Content

| COATING TYPE | LIMIT | |
|---|-------------------|-----------------|
| | POUNDS PER GALLON | GRAMS PER LITER |
| Weight of VOC Per Volume of Coating (Minus Water and Exempt Solvents) | | |
| Specialty Coatings | | |
| (1) Ablative Coating | 5.0 | 600 |
| (2) Adhesion Promoter | 7.4 | 890 |
| (3) Adhesive Bonding Primers: | | |
| (a) Cured at 250°F or below | 7.1 | 850 |
| (b) Cured above 250°F | 8.6 | 1,030 |
| (4) Adhesives: | | |
| (a) Commercial Interior Adhesive | 6.3 | 760 |
| (b) Cyanoacrylate Adhesive | 8.5 | 1,020 |
| (c) Fuel Tank Adhesive | 5.2 | 620 |
| (d) Nonstructural Adhesive | 3.0 | 360 |
| (e) Rocket Motor Bonding Adhesive | 7.4 | 890 |
| (f) Rubber-Based Adhesive | 7.1 | 850 |
| (g) Structural Autoclavable Adhesive | 0.5 | 60 |
| (h) Structural Nonautoclavable Adhesive | 7.1 | 850 |
| (5) Antichafe Coating | 5.5 | 660 |
| (6) Chemical Agent-Resistant Coating | 4.6 | 550 |
| (7) Clear Coating | 6.0 | 720 |
| (8) Commercial Exterior Aerodynamic Structure Primer | 5.4 | 650 |
| (9) Compatible Substrate Primer | 6.5 | 780 |
| (10) Corrosion Prevention Compound | 5.9 | 710 |
| (11) Cryogenic Flexible Primer | 5.4 | 645 |
| (12) Cryoprotective Coating | 5.0 | 600 |
| (13) Electric or Radiation-Effect Coating | 6.7 | 800 |
| (14) Electrostatic Discharge and Electromagnetic Interference (EMI) Coating | 6.7 | 800 |
| (15) Elevated Temperature Skydrol Resistant Commercial Primer | 6.2 | 740 |
| (16) Epoxy Polyamide Topcoat | 5.5 | 660 |
| (17) Fire-Resistant (Interior) Coating | 6.7 | 800 |
| (18) Flexible Primer | 5.4 | 640 |
| (19) Flight-Test Coatings: | | |
| (a) Missile or Single Use Aircraft | 3.5 | 420 |
| (b) All Other | 7.0 | 840 |
| (20) Fuel-Tank Coating | 6.0 | 720 |
| (a) High-Temperature Coating | 7.1 | 850 |
| (21) Insulation Covering | 6.2 | 740 |
| (22) Intermediate Release Coating | 6.2 | 750 |
| (23) Lacquer | 6.9 | 830 |
| (24) Maskants: | | |
| (a) Bonding Maskant | 10.2 | 1,230 |
| (b) Critical Use and Line Sealer Maskant | 8.6 | 1,020 |
| (c) Seal Coat Maskant | 10.2 | 1,230 |
| (25) Metallized Epoxy Coating | 6.2 | 740 |
| (26) Mold Release | 6.5 | 780 |
| (27) Optical Anti-Reflective Coating | 6.2 | 750 |
| (28) Part Marking Coating | 7.1 | 850 |
| (29) Pretreatment Coating | 6.5 | 780 |
| (30) Rain Erosion-Resistant Coating | 7.1 | 850 |
| (31) Rocket Motor Nozzle Coating | 5.5 | 660 |
| (32) Scale Inhibitor | 7.3 | 880 |
| (33) Screen Print Ink | 7.0 | 840 |

| COATING TYPE | LIMIT | |
|---|-------------------|-----------------|
| | POUNDS PER GALLON | GRAMS PER LITER |
| (34) Sealants: | | |
| (a) Extrudable/Rollable/Brushable Sealant | 2.0 | 240 |
| (b) Sprayable Sealant | 5.0 | 600 |
| (35) Self-Priming Topcoat | 3.5 | 420 |
| (36) Silicone Insulation Material | 7.1 | 850 |
| (37) Solid Film Lubricant | 7.3 | 880 |
| (38) Specialized Function Coating | 7.4 | 890 |
| (39) Temporary Protective Coating | 2.7 | 320 |
| (40) Thermal Control Coating | 6.7 | 800 |
| (41) Wet Fastener Installation Coating | 5.6 | 675 |
| (42) Wing Coating | 7.1 | 850 |
| Aerospace Primers, Aerospace Topcoats and Aerospace Chemical Milling Maskants | | |
| (1) Primers | 2.9 | 350 |
| (2) Topcoats | 3.5 | 420 |
| (3) Chemical Milling Maskants (Type I/II) | 1.3 | 160 |

(4) The mass of VOC per combined volume of VOC and coating solids, less water and exempt compounds shall be calculated for each coating by the following equation:

$$VOC = \frac{(w_v - W_w - W_{ex})(D_c)}{100\% - (W_w)(D_c/D_w) - (W_{ex})D_c/D_{ex}}$$

Where:

VOC = VOC content in grams per liter (g/l) of each coating less water and exempt solvents,

W_v = Weight of total volatiles, % (100% - Weight % Nonvolatiles),

W_w = Weight of water, %,

W_{ex} = Weight of exempt solvent, %

D_c = Density of coating, g/l at 25°C,

D_w = Density of water, 0.997×10^3 g/l at 25°C, and

D_{ex} = Density of exempt solvent, g/l, at 25°C.

To convert from grams per liter (g/l) to pounds per gallon (lb/gal), multiply the result (VOC content) by 8.345×10^3 (lb/gal/g/l).

(5) Except as provided in paragraph (6), beginning April 10, 1999, a person shall use one or more of the following application techniques in applying primer or topcoat to aerospace vehicles or components:

- (i) Flow/curtain coat.
- (ii) Dip coat.
- (iii) Roll coating.
- (iv) Brush coating.
- (v) Cotton-tipped swab application.
- (vi) Electrodeposition (DIP) coating.
- (vii) High volume low pressure (HVLP) spraying.
- (viii) Electrostatic spray.

(6) The following situations are exempt from application equipment requirements listed in paragraph (5):

(i) Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly apply coatings to limited access spaces.

(ii) The application of specialty coatings.

(iii) The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that the applicant has demonstrated and the Department has determined cannot be applied by any of the application methods specified in paragraph (5).

(iv) The application of coatings that normally have a dried film thickness of less than 0.0013 centimeter (0.0005 in.) when the applicant has demonstrated and the Department has determined cannot be applied by any of the application methods specified in paragraph (5).

(v) The use of airbrush application methods for stenciling, lettering and other identification markings.

(vi) The use of hand-held spray can application methods.

(vii) Touch-up and repair operations.

(7) Except as provided in paragraph (8), beginning April 10, 1999, a person may not use solvents for hand-wipe cleaning of aerospace vehicles or components unless the cleaning solvents do one of the following:

(i) Meet the definition of "aqueous cleaning solvent" in § 121.1 (relating to definitions).

(ii) Have a VOC composite vapor pressure less than or equal to 45 millimeters (MMHG) at 20°C.

(iii) Is composed of a mixture of VOCs and has a maximum vapor pressure of 7 millimeters (MMHG) at 20°C (3.75 inches water at 68°F) and contains no hazardous air pollutants (HAP) or ozone depleting compounds.

(8) The following aerospace vehicle and component solvent cleaning operations are exempt from paragraph (7):

(i) Cleaning during the manufacture, assembly, installation, maintenance or testing of components of breathing oxygen systems that are exposed to the breathing oxygen.

(ii) Cleaning during the manufacture, assembly, installation, maintenance or testing of parts, subassemblies or assemblies that are exposed to strong oxidizers or reducers (for example, nitrogen tetroxide, liquid oxygen, hydrazine).

(iii) Cleaning and surface activation prior to adhesive bonding.

(iv) Cleaning of electronics parts and assemblies containing electronics parts.

(v) Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid, including air-to-air heat exchangers and hydraulic fluid systems.

(vi) Cleaning of fuel cells, fuel tanks and confined spaces.

(vii) Surface cleaning of solar cells, coated optics and thermal control surfaces.

(viii) Cleaning during fabrication, assembly, installation and maintenance of upholstery, curtains, carpet and other textile materials used in or on the interior of the aircraft.

(ix) Cleaning of metallic and nonmetallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture of aerospace vehicles or components.

(x) Cleaning of aircraft transparencies, polycarbonate or glass substrates.

(xi) Cleaning and solvent usage associated with research and development, quality control or laboratory testing.

(xii) Cleaning operations, using nonflammable liquids, conducted within 5 feet of any alternating current (AC) or direct current (DC) electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells and tail sections.

(xiii) Cleaning operations identified in an essential use waiver under section 604(d)(1) of the Clean Air Act (42 U.S.C.A. § 7671c(d)(1)) or a fire suppression or explosion prevention waiver under section 604(g)(1) of the Clean Air Act which has been reviewed and approved by the EPA and the voting parties of the International Montreal Protocol Committee.

(9) Cleaning solvents, except for semiaqueous cleaning solvents, used in the flush cleaning of aerospace vehicles, components, parts, and assemblies and coating unit components, shall be emptied into an enclosed container or collection system that is kept closed when not in use or captured with wipers which comply with the housekeeping requirements of paragraph (11). Aqueous cleaning solvents are exempt from these requirements.

(10) Spray guns used to apply aerospace coatings shall be cleaned by one of the following:

(i) An enclosed spray gun cleaning system that is kept closed when not in use. Leaks, including visible leakage, misting and clouding, shall be repaired within 14 days from when the leak is first discovered. Each owner or operator using an enclosed spray gun cleaner shall visually inspect the seals and all other potential sources of leaks at least once per month. The results of each inspection shall be recorded, and the record shall indicate the date of the inspection, the person who conducted the inspection and whether components were leaking. Records of the inspections shall be maintained for at least 2 years. Each inspection shall occur while the spray gun cleaner is in operation. If the leak is not repaired by the 15th day after detection, the solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued.

(ii) Unatomized discharge of solvent into a waste container that is kept closed when not in use.

(iii) Disassembly of the spray gun and cleaning in a vat that is kept closed when not in use.

(iv) Atomized spray into a waste container that is fitted with a device designed to capture atomized solvent emissions.

(11) The owner or operator of an affected facility shall implement the following housekeeping measures for cleaning solvents:

(i) Fresh and used cleaning solvents, except aqueous and semiaqueous cleaning solvents, used in solvent cleaning operations shall be stored in nonabsorbent, nonleaking containers. The containers shall be kept closed at all times except when filling or emptying.

(ii) Cloth and paper, or other absorbent applicators, moistened with cleaning solvents, except aqueous cleaning solvents, shall be stored in closed, nonabsorbent, nonleaking containers. Cotton-tipped swabs used for very small cleaning operations are exempt.

(iii) Handling and transfer procedures shall minimize spills during filling and transferring the cleaning solvent, except aqueous cleaning solvents, to or from enclosed

systems, vats, waste containers and other cleaning operation equipment that holds or stores fresh or used cleaning solvents.

(12) The owner or operator of an affected facility may comply with this section by using approved air pollution control equipment provided that the following exist:

(i) The control system has combined VOC emissions capture and control equipment efficiency of at least 81% by weight.

(ii) The owner or operator received approval from the Department of a monitoring plan that specifies the applicable operating parameter value, or range of values, to ensure ongoing compliance with this section. The monitoring device shall be installed, calibrated, operated and maintained in accordance with the manufacturer's specifications, good air pollution control practices that minimize VOC emissions, and the Department's approval.

(iii) The owner or operator shall record monitoring parameters as specified in the approved monitoring plan.

(13) The owner or operator of an affected facility shall maintain records in accordance with §§ 129.51 and 129.52 (relating to general; and surface coating processes) including:

(i) A current list of coatings in use categorized in accordance with Table II showing VOC content as applied and usage on an annual basis.

(ii) A current list of cleaning solvents used and annual usage for hand wiping solvents including the water content of aqueous and semiaqueous solvents and the vapor pressure and composite vapor pressure of all vapor pressure compliant solvents and solvent blends.

(iii) A current list and annual usage information for exempt hand-wipe cleaning solvents with a vapor pressure greater than 45 millimeters of mercury (MM HG) used in exempt hand-wipe cleaning operations.

[Pa.B. Doc. No. 99-583. Filed for public inspection April 9, 1999, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 129]

Control of VOCs from Gasoline Dispensing Facilities (Stage II)

The Environmental Quality Board (Board) by this order amends § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) to read as set forth in Annex A. The revisions implement the recommendation of the Southwest Pennsylvania Ozone Stakeholders Working Group (Stakeholders).

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 December 15, 1998.

A. Effective Date

This 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. Duker 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). This amendment is available electronically through the Department of Environmental Protection (Department) 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 and Summary

This final-form regulation establishes controls of VOCs from gasoline dispensing facilities (Stage II) in the Pittsburgh Beaver Valley Ozone Nonattainment Area. This final-form regulation is one of four core emission reduction strategies recommended by the Southwest Pennsylvania Ozone Stakeholder Working Group as being necessary for 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 NOx 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.

The Stakeholders specifically recommended the following schedule and throughput cutoff sizes for the implementation of the Stage II requirements:

1. By the end of the year 1998, Stage II must be put in place by all stations pumping an average of 120,000 gallons of gasoline per month (based on 1995/1996 sales).
2. By the end of the year 2000, Stage II must be put in place by all stations pumping an average of 90,000 gallons of gasoline per month (based upon 1995/1996 sales).
3. As of April 1, 1997, Stage II is required to be installed and operational by all newly constructed gasoline dispensing facilities.
4. As of April 1, 1997, Stage II is required to be installed and operational at the reopening of any gasoline dispensing facility which has been rebuilt or renovated, where tanks and associated piping have been substantially disturbed in the rebuilding or renovation process.
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.

This final rulemaking implements the Stakeholders recommendation, with the exception of the compliance date of December 31, 1998, for all existing stations pumping an average of 120,000 gallons per month. This date was changed to July 1, 1999, to afford facilities additional time to comply with this requirement following the Board's adoption of this final-form regulation. The

Stakeholders' recommendation was contingent upon all safety-related questions surrounding Stage II and onboard recovery devices being addressed satisfactorily. The Department's investigation has identified no safety related problems surrounding the use of Stage II with onboard recovery devices. The California Air Resources Board performed tests in June and July 1997, to evaluate potential explosive conditions arising from use of Stage II on vehicles with Onboard Refueling Vapor Recovery (ORVR). The evaluation did not identify significant safety concerns. A preliminary report describing the results of the testing has been drafted and is available from the Department upon request.

The Department discussed the regulatory revisions, Stakeholders' recommendations and implementation schedule with the Air Quality Technical Advisory Committee (AQTAC). At its July 21, 1997, meeting, the AQTAC recommended adoption of the final-form regulation.

In the Preamble to the proposed rulemaking, the Department indicated that the authority and time frames recommended by the Stakeholders could not be adopted as a regulation because of the express language of section 6.7 of the act (35 P. S. § 4006.7). The Department indicated that it intended to seek a repeal of section 6.7 of the act to allow implementation of the Stakeholders' recommendation by regulation. The Department also specifically sought comments on implementation of the Stakeholders' recommendation. Since publication of the proposed rulemaking, section 6.7(a)—(g) of the act has been repealed. The Department now has the legal authority to implement the recommendations of the Stakeholders. This final-form regulation implements those recommendations, except for the compliance date described previously.

The revisions modify and clarify the existing Stage II regulatory requirements. The amendments to § 129.82 incorporate the throughput levels recommended by the Stakeholders. The Department has refined the Stakeholders recommendations to exempt facilities with very small throughputs (less than 10,000 gallons per month) as well as independent small business marketers with throughputs less than 50,000 gallons per month. This refinement makes the program consistent with the Stage II requirements already in place in the Philadelphia area. Subsection (d) provides that if the onboard canister refueling emissions control problem has been fully implemented by 2010, the Stage II systems will no longer be required. Finally, subsection (e) establishes the functional testing and certification requirements consistent with the EPA's regulations.

E. Summary of Comments and Responses on the Proposed Amendment

The Department received comments from four individuals and organizations. The commentators generally supported the proposed revision.

One commentator indicated that the proposed implementation schedule and the throughput cutoff sizes are not consistent with the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7642) requirements and are in conflict with the act. These inconsistencies have been addressed by a revision of the act.

One commentator indicated that the Department does not have the legal authority to continue its present enforcement policy with respect to Stage II. The Department's exercise of enforcement discretion is appropriate under the provisions of the act. In addition, this final-

form regulation will codify the enforcement policy that is presently being used to implement the Stage II requirements.

One commentator indicated that the Stakeholders did not recommend a de minimis level of 10,000 gallons per month for new or rebuilt facilities, and questioned the Department's inclusion of that limit in the proposed amendment. The 10,000 gallons per month de minimis level is consistent with the threshold level that has been in use in the Philadelphia area since 1992.

One commentator suggested that the requirements should not make both the owner and operator responsible for the installation and operation of the Stage II systems. The requirements should specify that the operator is responsible for assuring employee training, system maintenance and operation and an owner should not be held responsible unless the owner is also the operator. The Department believes that both the owner and operator should be responsible for the compliance status of an affected facility. This has been a component of the SIP-approved program in place in the Philadelphia area since 1992.

One commentator indicated that the final-form regulation should be modified to allow maintenance of records offsite with the provision that the records be made available to the Department within a reasonable time. For ease and effectiveness of enforcement, the Department believes that the appropriate records demonstrating maintenance and other compliance aspects should be maintained on the site.

One commentator indicated that the proposed regulation listed compliance dates which have expired. The final-form regulation implements the compliance dates recommended by the Stakeholders. The expired dates simply make the regulatory language consistent with the act provision applicable in the Philadelphia area since 1992.

One commentator supported the implementation of Stage II throughout this Commonwealth, not only in the moderate, serious and severe ozone nonattainment areas in this Commonwealth. Statewide implementation of Stage II will help to protect the public health of citizens as they refuel their cars. Because significant areas of this Commonwealth demonstrate attainment of the health related ozone air quality standard, the Department does not believe that Statewide implementation of Stage II is appropriate at this time.

One commentator believed that the Commonwealth should have required implementation of Stage II at affected facilities as is required by the existing regulation. Stage II was implemented in the Southeast Pennsylvania ozone nonattainment area in accordance with the existing regulations. Implementation of Stage II in other areas was deferred until it could be determined that the program was necessary for attainment of the ozone air quality standard. The Department will now require implementation of Stage II consistent with the recommendations of the Stakeholders.

One commentator indicated that 5 years was too long a time period between inspections for Stage II systems. The high rate of use of the systems may cause more rapid deterioration because the 5-year interval specified in the regulations relates to the completion of backpressure and leak and pressure decay tests. These tests, which are part

of the EPA's functional testing requirements, relate primarily to the underground piping system components which are not so prone to damage or deterioration as the nozzles, boots and aboveground piping. The inspections of these visible components are to be more frequent, and defective equipment is to be removed from service.

One commentator indicated that the proposed provisions of § 129.82(d) and (d)(2) which make "owners or operators, or both" responsible for completion of testing of Stage II systems could be confusing. The commentator recommended that the Board explain and clarify who bears the ultimate responsibility for testing of the systems. The final-form regulation was revised to remove these detailed testing requirements. Stage II testing requirements in the regulation are provided for in section 6.7(h) of the act.

One commentator indicated that the requirements in the proposed § 129.82(d)(1) for completion of testing "upon installation" could be confusing. The commentator suggested that the Board clarify whether testing is to be required only on new installations or if the Board also intended the testing requirements to apply to existing facilities. These testing requirements have been removed from the final-form regulation. Stage II testing requirements are provided for in section 6.7 of the act.

One commentator indicated that the requirements in the proposed § 129.82(d)(2) specified that testing is to be conducted in accordance with the certification requirements in the EPA's Stage II enforcement and technical guidance documents. Section 129.82(d)(1)(iv) requires an "air to liquid ratio test." The EPA guidance does not include an "air to liquid ratio test." The commentator suggested that the Board explain how a facility would comply with the testing requirement. These testing requirements have been removed from the final-form regulation. Stage II testing requirements contained in the regulation are provided for in section 6.7(h) of the act.

One commentator indicated that although § 129.82(d)(2) requires at least 48 hours advance notice of Stage II system testing, the proposed amendment did not specify who in the Department is to be notified. The commentator suggested that the Board should clarify in § 129.82(d)(2) exactly who in the Department is to be given the 48-hours advance notice of Stage II testing. These testing and notification requirements have been removed from the final-form regulation. Stage II testing requirements contained in the regulation are provided for in section 6.7(h) of the act.

One commentator indicated that § 129.82(d)(3) required Stage II system retesting upon major system replacement or modification. The commentator indicated that the regulation does not clearly specify what constitutes a major system replacement or modification and what constitutes a minor modification. The commentator requested that the Board explain how a facility can determine what replacements or modifications would subject the facility to requirements for retesting. These testing requirements have been removed from the final-form regulation. Stage II testing requirements contained in the regulation are provided for in section 6.7(h) of the act.

F. *Benefits, Costs and Compliance*

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

Benefits

The approximately 2.8 to 3 million people living in the seven counties affected by this final-form regulation will benefit from the reduced ozone levels which will result from implementation of the proposed revision. When ground-level ozone is present in concentrations in excess of the Federal health-based standard, public health is adversely affected. The EPA has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory ailments, such as asthma. Further, although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activity that involves physical exertion. Though the symptoms are often temporary, repeated exposure can result in permanent lung damage.

The implementation of additional measures to address the ozone air quality nonattainment in Southwest Pennsylvania is necessary to protect the public health. Stage II gasoline vapor recovery is a part of the ozone reduction strategy developed by the Stakeholders.

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. It is anticipated that the compliance costs associated with the Stage II requirements will be passed on to the consumer in increased gasoline costs.

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. Two workshops were held for underground storage tank installers concerning the Stage II requirements and letters have been sent to station operators concerning the implementation schedule for Stage II in the Pittsburgh-Beaver Valley area.

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 final-form 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 amendment to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance

with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other documentation.

In preparing this final-form regulation, the Department has considered the comments received from IRRC and the public. These comments are addressed in the comment and response document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

This final-form regulation was deemed approved by the House Environmental Resources and Energy Committee and by the Senate Environmental Resources and Energy Committee on March 1, 1999. IRRC met on March 11, 1999, and approved the final-form regulation in accordance with section 5(c) of the Regulatory Review Act.

I. Findings

The Board finds that:

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

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

(3) This regulation does not enlarge the purpose of the proposal published at 27 Pa.B. 2239 (May 3, 1997).

(4) This regulation is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Order and is reasonably necessary to achieve and maintain the National ambient air quality standards.

K. Order

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

(a) The regulations of the Department of Environmental Protection, 25 Pa. Code Chapter 129, are amended by amending § 129.82 to read as set forth in Annex A.

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

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

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

(e) This order shall take effect immediately.

JAMES M. SEIF,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 1682 (March 27, 1999).)

Fiscal Note: Fiscal Note 7-320 remains valid for the final adoption of the subject regulation.

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), (2) or (3), 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 Berks, Bucks, Chester, Delaware, Montgomery, Philadelphia 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 shall 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 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 November 15, 1992, shall achieve compliance by November 15, 1993.

(iii) Other affected facilities shall achieve compliance by November 15, 1994.

(2) Gasoline dispensing facilities with annual throughputs greater than 10,000 gallons (37,850 liters) in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia shall be subject to this section immediately upon the addition or replacement of one or more underground gasoline storage tanks for which construction was commenced after November 15, 1992.

(3) This paragraph applies to gasoline dispensing facilities located in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, 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 does not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).

(i) Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.

(ii) Facilities which dispense greater than or equal to 120,000 gallons (454,200 liters) of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall achieve compliance by July 1, 1999.

(iii) Facilities which dispense greater than 90,000 gallons (340,650 liters) per month but less than 120,000 gallons (454,200 liters) per month based on average monthly sales during calendar years 1995 and 1996 shall achieve compliance by December 31, 2000.

(4) 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 this section shall:

(1) Install necessary Stage II vapor collection and control systems, provide necessary maintenance and make modifications necessary to comply with the requirements.

(2) Provide adequate training and written instructions to the operator of the affected gasoline dispensing facility to assure proper operation of the system.

(3) Immediately remove from service and tag any defective nozzle or dispensing system until the defective component is replaced or repaired. A component removed from service may not be returned to service until the defect is corrected. If the Department finds that a defective nozzle or dispensing system is not properly tagged during an inspection, the component may not be returned to service until the defect is corrected, and the Department approves its return to service.

(4) Conspicuously postoperating instructions for the system in the gasoline dispensing area which, at a minimum, include:

(i) A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.

(ii) A warning that continued attempts to dispense gasoline after the system indicates that the vehicle fuel tank is full may result in spillage or recirculation of the gasoline into the vapor collection system.

(iii) A telephone number established by the Department for the public to report problems experienced with the system.

(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.

(c) If an area is reclassified from attainment or marginal nonattainment to serious, nonattainment under section 181 of the Clean Air Act, gasoline dispensing facilities located in the reclassified area will be subject to subsection (a)(1). For purposes of establishing an effecting date for the reclassified area, the date of the *Federal Register* final notice of the reclassification shall serve as the date of publication of this subsection as final in the *Pennsylvania Bulletin*.

(d) If an onboard canister refueling emissions control program has been fully implemented by the EPA by December 31, 2010, the operation and maintenance of Department-approved Stage II systems will no longer be required in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

(e) The owners or operators of gasoline dispensing facilities shall comply with the functional testing and

certification requirements specified in 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.

[Pa.B. Doc. No. 99-584. Filed for public inspection April 9, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Advance Notice of Proposed Rulemaking on Generic Competitive Safeguards and Imputation Requirements for IntraLATA Services; Doc. Nos. L-00990141, M-00960799

The Pennsylvania Public Utility Commission (Commission) is required to develop regulations for competitive safeguards under 66 Pa.C.S. §§ 3005(b) and 3005(g)(2).

The Commission seeks comments on any and all issues relevant to the development of generic competitive safeguards regulations. The Commission is particularly interested in seeking comments on whether cost allocation, unbundling and imputation issues developed in its earlier proceedings at Doc. Nos. P-00930715 and M-00940587 should be included in any generic competitive safeguards regulations. The Commission also seeks comment on whether imputation requirements for intraLATA services by local exchange carriers remaining from the Commission's Federal Telecommunications Act of 1996 Implementation Order, Doc. No. M-00960799, should be addressed in the competitive safeguards regulations.

Interested persons wishing to submit comments must file an original and 15 copies with the Secretary's Bureau, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 45 days of publication in the *Pennsylvania Bulletin* and reply comments within 30 days thereafter.

The contact persons at the Commission are Carl S. Hisiro, Assistant Counsel, Law Bureau, (717) 783-2812 (legal) and Gary Wagner, Bureau of Fixed Utility Services, (717) 783-6175 (technical).

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-585. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33] Verification/Certification Fees

The State Boards of Dentistry, Occupational Therapy Education and Licensure, Social Work Examiners, Veterinary Medicine and the Registration Board for Professional Engineers, Land Surveyors and Geologists (Boards), propose to amend their regulations in §§ 33.3, 47.4, 42.17, 31.41 and 37.17, pertaining to fees for verification and certification of licensure records to read as set forth in Annex A, B, C, D and E.

A. *Effective Date*

The proposed amendments will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

The Boards are authorized to set fees by regulation under the following statutory provisions: section 4(b) of The Dental Law (63 P.S. § 123(b)); section 17 of the Occupational Therapy Practice Act (63 P.S. § 1517); section 18(c) of the Social Workers' Practice Act (63 P.S. § 1918(c)); section 13(a) of the Veterinary Medicine Practice Act (63 P.S. § 485.13(a)); and section 9 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. § 156).

C. *Description*

The statutory provisions in Section B require that the Boards set fees to cover operating and enforcement costs. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees proposed by the Boards in this rulemaking represent the cost of providing an official sealed document of Board records. Verification refers to license status and certification refers to examination scores or reports. Both certification and verification documents are typically used in connection with a licensee's application for a license in another state. By these proposed amendments, the cost of providing the service will be apportioned to users.

This proposed rulemaking results from a recent systems audit of the existing fees for services of the Boards within the Bureau of Professional and Occupational Affairs. The fees had been established based on 1988 estimated costs. Auditors analyzed all fees for services to determine if the fees reflected actual current costs of services. The audit determined that the current service fees for the Boards subject to this proposed rulemaking were adequate to cover their cost, with the exception of fees charged for verification and certification of license records. For verifications in §§ 33.3 (Dentistry) and 31.41 (Veterinary Medicine), the existing fee of \$10 was insufficient to capture the actual cost of providing the service. The proposed amendments would increase the fee \$5, reflecting actual cost rounded to the nearest \$5 increment. For certifications, the fee would similarly be increased from \$15 to \$25 in § 33.3. A new fee for certifications would be added to §§ 31.41 (Veterinary Medicine) and 47.4 (Social Workers). New verification and certification fees would be added to §§ 42.17 (Occupational Therapy) and 37.15 (Engineers, Land Surveyors and Geologists).

In adopting the proposed amendments, the Boards will place all fees for the services which they provide upon the licensee who requests the service. Allocating the cost of a service to licensees will allow the Boards to more fairly apportion the enforcement and operating costs on the licensing population when the Boards make their biennial reconciliation of revenue and expenditures. These overall costs are borne by all licensees through biennial renewal fees.

D. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 29, 1999, the Boards submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the

proposed amendments, the Boards have provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Boards 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 amendments, it will notify the Boards within 10 days of the close of the Committees' review 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 amendments, by the Board, the General Assembly and the Governor, of objections raised.

E. Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendments the Boards considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

F. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who request certification or verification services from the Boards. The proposed amendments will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

G. Sunset Date

The Boards continuously monitor the cost effectiveness of the regulations. Therefore, no sunset date has been assigned.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments by writing the Board Administrator at P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking. The appropriate Administrator is as follows: June Barner—State Board of Dentistry; Clara Flinchum—State Board of Occupational Therapy Education and Licensure; Clara Flinchum—State Board of Social Work Examiners; Robert Kline—State Board of Veterinary Medicine; Shirley Klinger, State Registration Board for Professional Engineers, Land Surveyors and Geologists.

NORBERT O. GANNON, D.D.S.,
Chairperson

Fiscal Note: 16A-469. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.3. Fees.

Following is the schedule of fees charged by the Board:

* * * * *

Verification of license, permit or registration fee—dentists, dental hygienists and expanded function dental assistants. . . . [\$10] \$15

Certification of scores, permit or registration fee—dentists, dental hygienists and expanded function dental assistants [\$15] \$25

* * * * *

[Pa.B. Doc. No. 99-586. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

Fees

(Editor's Note: For the preamble related to this proposal see 29 Pa.B. 1895 (April 10, 1999)).

HANNA GRUEN,
Chairperson

Fiscal Note: 16A-672. No fiscal impact; (8) recommends adoption.

Annex B

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

LICENSURE

§ 42.17. Licensure fees.

(a) The fee schedule for licensure as an occupational therapist shall be as follows:

* * * * *

(4) Verification of licensure \$15
(5) Certification of license, scores or hours. \$25

(b) The fee schedule for licensure as an occupational therapy assistant shall be as follows:

* * * * *

(4) Verification of licensure \$15
(5) Certification of license, scores or hours. \$25

[Pa.B. Doc. No. 99-587. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF SOCIAL WORK EXAMINERS

[49 PA. CODE CH. 47]
Verification Fee

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

MANUEL J. MANOLIOS,
Chairperson

Fiscal Note: 16A-693. No fiscal impact; (8) recommends adoption.

Annex C

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 47. STATE BOARD OF SOCIAL WORK EXAMINERS
GENERAL PROVISIONS

§ 47.4. Licensure fees.

(a) The fee schedule for licensure as a licensed social worker or for a provisional license shall be as follows:

* * * * *

(5) Verification of licensure [\$10] \$15

(6) Certification of license, scores or hours . . . \$25

* * * * *

[Pa.B. Doc. No. 99-588. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]
Fees

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

JEFFREY M. OTT, V.M.D.,
Chairperson

Fiscal Note: 16A-578. No fiscal impact; (8) recommends adoption.

Annex D

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE
FEES

§ 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

* * * * *

Verification of licensure [\$10] \$15
Certification of scores or hours \$25

* * * * *

Animal health technicians:

* * * * *

Verification of certification [\$10] \$15
Certification of scores or hours \$25

* * * * *

[Pa.B. Doc. No. 99-589. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

[49 PA. CODE CH. 37]
Verification/Certification Fees

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

LOUIS A. GUZZI, P.E.,
President

Fiscal Note: 16A-477. No fiscal impact; (8) recommends adoption.

Annex E

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS
QUALIFICATIONS FOR LICENSURE

§ 37.17. Schedule of fees.

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

* * * * *

(c) *Other Fees.* The Board will charge the following fees:

Certification of license, registration, permit or scores \$25
Verification of license, registration or permit . . \$15

[Pa.B. Doc. No. 99-590. Filed for public inspection April 9, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Research Project Contractors

The Department of Agriculture is soliciting names of research institutions which have an interest in conducting agricultural research during the period July 1, 1999, to June 30, 2000 and continuing. Institutions which respond will be provided with a preproposal format and a list of research topic areas. Institutions which responded for fiscal year 1998-99 will automatically receive a solici-

tation and do not need to respond this year. The Department of Agriculture, through a selection process, will decide which projects are to be placed under contract. Interested parties should submit their name, address and telephone number to Fred Wertz, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110 or call (717) 783-3577.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 99-591. Filed for public inspection April 9, 1999, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 30, 1999.

BANKING INSTITUTIONS

New Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 3-24-99 | Northeast Pennsylvania Trust Company Hazleton Luzerne County <i>Correspondent:</i> Gary M. Gatski R. D. 2, Box 538 Hazleton, PA 18201 | 12 East Broad St. Hazleton Luzerne County | Filed |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 7-16-98 | The Bryn Mawr Trust Company Bryn Mawr Montgomery County | One Tower Bridge One Front St., Ste. 101 West Conshohocken Montgomery County (Up-Grade to Full-Service Facility) | Opened |
| 3-24-99 | Brentwood Savings Bank Pittsburgh Allegheny County | 5259 Library Road Bethel Park Allegheny County | Filed |
| 3-25-99 | Merchants Bank of Pennsylvania Shenandoah Schuylkill County | Maplewood Plaza Humboldt Industrial Park Hazle Township Luzerne County | Filed |
| 3-26-99 | Main Street Bank Reading Berks County 2493 Route 183, Bernville Rd. Bern Township Berks County 102 Pennsylvania Avenue Avondale Chester County | Sixteen Offices (16) at the Following Locations: 1950 Old Philadelphia Pike Greenfield Lancaster County 1504 South Fourth Street Allentown Lehigh County | Approved |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| | 144 East Lancaster Avenue Devon Chester County | 302 North 17th Street Allentown Lehigh County | |
| | 100 Exton Commons Exton Chester County | 235 Main Street Emmaus Lehigh County | |
| | 215 Cypress Street Kennett Square Chester County | 3321 Willow Lane Macungie Lehigh County | |
| | 124 Main Street Phoenixville Chester County | 225 West Lancaster Avenue Ardmore Montgomery County | |
| | 3719 East Lincoln Highway Thorndale Chester County | 65 North York Road Willow Grove Montgomery County | |
| | 50 West Market Street West Chester Chester County | 1430 Jacobsburg Road Wind Gap Northampton County | |

Branch Relocations/Consolidations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 3-23-99 | Parkvale Savings Bank Monroeville Allegheny County | <i>To:</i> 3520 Forbes Avenue Pittsburgh Allegheny County <i>From:</i> 3530 Forbes Avenue Pittsburgh Allegheny County | Effective |
| 3-25-99 | Harris Savings Bank Harrisburg Dauphin County | <i>To:</i> 2700 Queen Street (S. Queen & Allegheny Dr.) York Township York County <i>From:</i> 2081 Springwood Road York Township York County | Approved |
| 3-25-99 | First Commonwealth Bank Indiana Indiana County | <i>Into:</i> 709 Hannah Street Houtzdale Clearfield County <i>From:</i> Route 53 Houtzdale Clearfield County | Filed |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 3-24-99 | Laurel Bank Johnstown Cambria County | 922 North Philadelphia Avenue Indiana Indiana County | Approved |

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Credit Union</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 3-24-99 | Atlantic Employees Federal Credit Union, Newtown Square, and National Group Employees Credit Union, Frazer Surviving Institution— Atlantic Employees Federal Credit Union, Newtown Square | Newtown Square | Filed |

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-592. Filed for public inspection April 9, 1999, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Workforce Investment Act, Title II, Section 223 Funds for State Leadership Activities for the Period July 1, 1999—September 30, 2000.

These services are designed to strengthen the Pennsylvania Adult Literacy and Basic Education programs operated by the Department of Education (Department) Bureau of Adult Basic and Literacy Education (Bureau) by providing Statewide support for leadership activities in Title II of the Workforce Investment Act described in the Unified State Plan 1999-2005.

I. Authorization.

A. Title II of The Workforce Investment Act of 1998, The Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the Department for the establishment of adult education and family literacy programs that will:

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency.
2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children.
3. Assist adults in the completion of a secondary school education.

B. Eligible applicants include local education agencies and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with a local education agency or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of such a consortium.

Consistent with the purpose of the Adult Education and Family Literacy Act, for Program Year 1999-2000, the Department will give primary consideration to programs for the educationally disadvantaged.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

C. Restrictions placed upon the Department by the United States Department of Education on the administration of the grant include:

1. Not more than 12.5% of the State's allotment shall be used for State Leadership Activities.
2. Not more than 5% of a local applicant's grant may be used for administrative costs, unless a higher percent is approved in advance by the Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education.

Letter of Intent due: April 23, 1999.

Application due: May 28, 1999.

Note: The Bureau reserves the right to consider proposals received after the deadlines and, if appropriate, to approve them if and when funds become available.

II. Application Procedures and Program Guidelines will be mailed to interested applicants who request them by a Letter of Intent due at the Bureau April 23, 1999. The Letter of Intent should state the Priority number and a one sentence description of the project proposed. No faxes will be accepted. The application packet is available from: Chief, Special Programs and Projects, Bureau of Adult Basic and Literacy Education, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

III. Funds for State Leadership Activities are made available under section 222(a)(2) for one or more of the following activities:

1. The establishment or operation of professional development programs to improve the quality of instruction provided under local activities required under section 231(b).
2. The provision of technical assistance to eligible providers of adult education and literacy activities.
3. The provision of technology assistance, including staff training, to eligible providers of adult education and literacy activities to enable the eligible providers to improve the quality of the activities.
4. The support of State or regional networks of literacy resource centers.
5. The monitoring and evaluation of the quality of, and improvement in, adult education and literacy activities.
6. Incentives for program coordination and integration and performance awards.
7. Developing and disseminating curricula.

8. Other activities of Statewide significance that promote the purpose of this title.

9. Coordination with existing support services, such as transportation, child care and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in the activities.

10. Integration of literacy instruction and occupational skill training and promoting linkages with employers.

11. Linkages with postsecondary educational institutions.

Priorities

Section A

1. *Implementation and Development of Core Area Training:* Centralized management of a project to provide development and implementation of training in designated core content areas to adult basic and literacy education administrators and practitioners. Applicant will coordinate the review and selection of training materials and methods in designated core content areas and work with lead trainers and module authors to revise existing modules as necessary and appropriate based upon feedback from trainers and participants. Applicant will identify and adopt or adapt additional modules and training pieces that complement the existing menu of professional development modules developed in previous training development projects; train new trainers and monitor and support existing trainers by means of training sessions, meetings, field observations and telephone and electronic contact. The applicant will strengthen the evaluation component of the project through the evaluation of the modules, trainers, the trainer training and support system and the module delivery system. Applicant will work closely with the staff of ABLE and the regional professional development centers.

2. *Professional Development Institutes:* Administrative and fiscal management and support of a project for Statewide adult basic education professional development through the provision of a professional development institute (topics listed as follows) to include the arrangements for physical accommodations for administrators, teachers, counselors and volunteers in adult basic education programs. Strands for the new as well as the experienced administrator/practitioner and for ABE, GED, ESL, Workplace programs should be part of the institute design where appropriate. Applicant should provide follow-up training through the regional professional development centers and/or other activities as applicant designs and an evaluation of the effectiveness of the training. Applicant should state for which institute the application is made in the Letter of Intent.

Institute Topic Areas:

- Corrections Education
- Teaching and Learning
- English as a Second Language
- Organizational Change and Improvement

3. *Adult Education Newsletter:* Provision of a general adult basic education newsletter to be published a minimum of six times at a length of eight pages or more to disseminate information in areas of interest to adult basic education practitioners and program supporters in this Commonwealth. The areas may include but are not limited to professional development, program areas such as ABE, GED, ESL, Workplace, Family Literacy and include adult education theory, best practices and awareness information. Applicant must establish an editorial

review board and plan for a circulation of approximately 4,000 copies across this Commonwealth with distribution as requested by the Department.

4. *Assessment Tools for Adult Education:* Implementation and support of training initiatives on various assessment tools and procedures such as Work Keys and CASAS, as appropriate, that further ABLE programs' abilities to meet the requirements of the Workforce Investment Act (WIA). Applicant should build upon the rationale for the tools and procedures from the 1998-99 ABLE Assessment Practices Project findings and provide technical assistance to ABLE programs on the training delivered in the previous project. Applicant should build on the 1998-99 Short Term Learner Goals Project by continuing to develop and implement assessment procedures that are appropriate to short-term learners.

5. *Assessment in Volunteer Literacy Programs:* Expand the work begun in previous years in the pilot of the Oregon Project—the AIM Assessment Project—that will lead to the implementation of the use of this system as standardized pre- and post-tests in volunteer literacy programs. Applicant should coordinate activities and outcomes of this project with the assessment tools and procedures project to inform the Bureau in its efforts in determining assessment and performance standards for adult basic and literacy education programs.

6. *Professional Development for Practitioners Working with Adults Who Learn Differently:* Development and delivery of Statewide training and technical assistance to adult education practitioners for adults with learning differences. Applicant should work closely with the professional development centers and continue the activities begun in the FY 1998-99 project on learning differences that includes assessment of and teaching strategies for adults who learn differently.

7. *Communications for Professional Development:* Management of a project to provide for the design, and/or publication of newsletters, reports, handbooks and brochures as needed by adult education providers in this Commonwealth. The project will direct and provide systematic communication and coordination between the Bureau and professional development service providers and adult basic and literacy education providers. The project will include support for online and world wide web communications.

8. *Support of Adult Education Professional Development:* Administration, fiscal management and support of Statewide adult basic education professional development activities and other Department activities that include provisions for support of State leadership requirements and initiatives under the Workforce Investment Act of 1998, support of adult basic and literacy conference activities, support of Act 42 Council activities and honoraria for presenters at State-sponsored activities.

Section B

1. *Outstanding Adult Learners:* Management of an event to identify, select and honor ten exemplary adult learners enrolled in adult basic and literacy education programs whose success stories focus on the role of adult basic education in their lives. The applicant should also conduct a longitudinal study of previous exemplary success story recipients and record impact data about their challenges and achievements since receiving the award. Approximately 2,000 copies of a Success Stories booklet featuring past as well as the present winners and their ABLE programs should be prepared, published and disseminated with distribution as requested by the Depart-

ment. Promotional flyers featuring Success Stories students will be prepared and disseminated to their program sponsors. The longitudinal study will be provided to the Bureau of ABLE. Applicant will coordinate with an identified Able Bureau staff person in the development of the project.

2. *Outstanding Adult Practitioners*: Management of an event to identify, select and honor outstanding adult education practitioners in this Commonwealth whose interaction with adult learners, colleagues and their programs is indicative of best practices in adult teaching and learning. Applicant will review the standards and performance indicators set forth by the Adult Teacher Competencies Study to revise the criteria for selection of Excellent Educators and Instructors in keeping with their recommendations for Expert practitioners. A revised nominations form should include a fact sheet outlining the selection criteria. The applicant will coordinate with an identified staff person in the Bureau of ABLE in the development and implementation of the project.

3. *Teacher Competencies*: Management of a project to continue the activities begun in PY 1998-99 to develop teacher competencies in this Commonwealth. The project will develop a checklist of adult education teacher standards, units and performance indicators set forth in Pennsylvania's Adult Teacher Competency Study and field test the competencies in literacy, ABE/GED, ESL, Family literacy and workplace literacy programs. Applicant will recommend procedures for incorporating adult education teacher competencies in self-directed staff development activities and program improvement planning at the program level. Applicant will coordinate with an identified Bureau staff person, a Project EQUAL representative and a PDC coordinator in the development and implementation of the project.

4. *Building Communities for Learning*: Management of a project to increase the number of community-based planning sites through expansion of field-driven mentoring outreach, training and technical assistance from the Building Communities for Learning Project. Applicant should be a Statewide organization with broad-based membership and collaborate with the professional development centers to encourage the growth and development of existing community-based planning sites. The project should assist communities in the establishment of strong community teams through inclusion of all literacy stakeholders such as education and training providers, human services and business and industry.

5. *Review and Dissemination of Exemplary Projects*: Management of a project to review current and past section 353 special demonstration/experimental and staff development projects from the Commonwealth and from other states in designated topic areas to determine their significance and appropriateness for adoption/adaptation in this Commonwealth. The project should identify exemplary and innovative practices/approaches and provide for the Statewide dissemination of information through publication of the reviewed projects in a newsletter to be published a minimum of six times a year.

Section C

Mini-Grants (Grants of \$5,000 or less)

These grants are used to support State leadership activities at the local level. They can be used to complement Statewide initiatives that impact at the local level. For example, the grants can assist the agency in implementing adult learner competencies into its program, in program improvement activities, in determining the inte-

gration of basic skills instruction into the requirements of welfare reform initiatives, determining the impact of instructional programs on adult learners or in assisting an agency in integrating adult basic education and workforce development activities in the local area.

Funds should not be used for direct instructional time but for time to support the activities needed to carry out the goals of the project such as planning and development.

Section D

Project EQUAL Training Seed Grants (Grants not to exceed \$1,500)

Application for funds to support program improvement planning in an agency that has not received an expansion grant or seed grant in FY 97-98 or FY 98-99 and that will be participating in EQUAL program improvement training. Funds will be used to support participation in external training activities related to Project EQUAL and in support of internal program improvement meetings and activities as needed. Applicant must submit a Letter of Intent for this priority upon which the Bureau will provide the interested applicant an eligibility description and guidelines for completing a short narrative and budget form.

Note: Participation in EQUAL program improvement training is required activity in FY 1999-00.

Section E

1. *Regional Professional Development Centers*: Regional system for effective delivery of professional development to local program providers to improve the quality of instruction provided under local activities required under section 231(b) of Title II of the Workforce Investment Act. Specific Guidelines will be sent to interested applicants.

Northwest Region: Armstrong, Beaver, Butler, Cameron, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, Warren.

Central/Northeast Region: Bradford, Carbon, Centre, Clearfield, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming.

Southeast Region: Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton.

Southwest Region: Allegheny, Cambria, Fayette, Greene, Somerset, Washington, Westmoreland.

South Central Region: Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Mifflin, Perry, York.

Philadelphia Region: Philadelphia.

Purpose—To deliver a Statewide system of professional development that supports agency and practitioner efforts for continuous program improvement and a State accountability system that ensures positive learner outcomes for Pennsylvania's adult learners.

Background—In 1992, the Bureau established a regional approach for professional development opportunities that has proved to be an effective way to encourage and advance networks of professionals coming together to improve their practice. The system has provided consistency in quality services from one region to another, improved the variety of instructional and delivery models and provided adequate time and follow-up in the transfer of learning to the workplace and instructional settings. The professional development centers have met the needs

of the practitioners within the regions through a variety of activities such as workshops, focus groups, training series and inquiry and action research models. The system is guided by the Guiding Principles for the Professional Development of Adult Education Practitioners adopted in 1996-97.

The Bureau seeks to ensure that professional development operations continue under the Workforce Investment Act through professional development activities offered in six geographic regions in this Commonwealth.

Program Goals.

1. Coordination and delivery of professional development opportunities consistent with the Guiding Principles for the Professional Development of Adult Education Practitioners.

2. Dissemination of promising practices and exemplary models for teaching and learning.

3. Expansion and documentation of networks of adult educators and support of networking activities including State initiatives.

4. Provision of necessary training and technical assistance to agencies implementing continuous program improvement planning as part of Project EQUAL.

5. Identification of regional professional development needs.

6. Outreach to agencies and professional staff and volunteers in professional development activities.

7. Implementation or other support of Statewide initiatives as requested by the Bureau and activities indicated by the Unified Plan of the Workforce Investment Act.

2. Comprehensive Community Planning Model for Adult Education

Purpose—To develop and document a process which can be used to create a multi-year plan for the delivery of local adult basic and literacy education services.

Background—With the implementation of Title II of the Workforce Investment Act, the Adult Education and Family Literacy Act, the Bureau of Adult Basic and Literacy Education will be implementing multi-year funding of adult education providers. Additionally, the Bureau is providing incentives for local programs to consolidate services of multiple agencies in a local area to provide more efficient administration of those services. These two factors, coupled with the call for integration of adult education services in the CareerLink system, require local adult education programs to create multi-year plans for the provision of adult education services based on identified local needs. This project will address the need for assisting local adult education programs to conduct comprehensive planning that results in quality adult basic and literacy education services in the locality.

Program Goals—The Community Planning Project goals are to provide assistance to local adult education agencies in developing a comprehensive multi-year plan for the delivery of ABLE services by:

1. Development of a Comprehensive Planning Model—The model will address conducting a community needs assessment and environmental scan of existing resources, identifying gaps in service areas and developing a multi-year plan for the provision of adult education services incorporating multiple adult education agencies. The plan must support different models of service delivery and provide flexible schedules and sufficient intensity and duration of services for adult learners. The plan should

address the needs of all adult learners in their roles as family members, workers and citizens. The model should be piloted in several areas.

2. Integration of basic skills comprehensive planning into the 5-year plan of the Local Workforce Investment Board. The comprehensive needs assessment of adult education should be incorporated into the 5-year plan developed by the Local Board to address basic skill needs of the workforce. It should be used to shape how ABLE services will be integrated into the CareerLink system.

3. Creation of training support materials for the replication of comprehensive planning throughout the State. Training support must be geared to assisting localities in conducting comprehensive planning using the developed models. The plan must recommend how training may be supported and incorporated into Pennsylvania's Adult Education Professional Development System.

3. Framework for Work Based Foundation Skills

Purpose—To promote a common framework of work-based foundation skills as a part of the Team Pennsylvania CareerLink system.

Background—Pennsylvania's Unified Plan for Workforce Investment recognizes the importance of basic skills as the foundation upon which all further education and training is based. It calls for a uniform approach to identifying and measuring the skills and knowledge necessary to function as a productive worker in Pennsylvania's New Economy. The Unified Plan advocates for a common definition of basic skills that includes work-based skills. The identified basic skills must reflect the needs of employers and describe relationships with established occupational skill standards.

The Bureau of Adult Basic and Literacy Education has invested in a series of activities designed to articulate what knowledge and skills adults need to know and demonstrate in their roles as workers, family members and citizens. The Bureau has participated in the Equipped for the Future Adult Learner Standards initiative and has adopted Pennsylvania Adult Learner Competencies for use in ABLE funded programs. Through Project EQUAL, the Bureau is promoting continuous program improvement by providing professional development and support to practitioners in using these frameworks as instructional tools with adult learners.

By building on these activities, the Bureau of Adult Basic and Literacy Education will support the development of a common framework of work-based foundation skills that can be connected to occupational standards and job titles.

Goals—The goals of the project are:

1. Creation of a framework of foundation skills identified by employers as being essential to work performance. The framework will build on existing work by incorporating Equipped for the Future Standards and Pennsylvania Adult Learner Competencies into one common framework. The framework must be validated by employers on work related tasks to create an employer-valued framework of foundation skills and include common assessment frameworks to measure skill acquisition.

2. Extension of the use of the foundation skills framework to all agencies in this Commonwealth who are implementing foundation skills programs. The project must address a process by which all pertinent State agencies will participate in the framework development and employer validation. The project must work collaboratively with the Team Pennsylvania Human Re-

sources Investment Council, the Adult Basic and Literacy Education Interagency Coordinating Council and the Team Pennsylvania CareerLink system.

3. Identification of levels of basic skills that are the necessary foundations of occupational skill standards. The project will articulate what skill levels are prerequisite to entry level job titles or to established occupational skill standards.

4. Operation and management of feasibility study related to Pennsylvania's implementation of interim level basic skill certificates. Interim skill certificates are currently used in various states and countries to attest to

basic skills levels below the high school diploma. The feasibility study must address the advantages and limitations of interim certificate programs and provide recommendations on how such a certificate program could be implemented, including necessary resources and support for such a program.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-593. Filed for public inspection April 9, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact the specified program. 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, (610) 832-6130.

PA 0052094. Sewage, **Montgomery Sewer Company, Inc.**, P. O. Box 851, Montgomeryville, PA 18936.

This application is for renewal of an NPDES permit to discharge treated sewage from Orchard Development sewage treatment plant in Montgomery Township, **Montgomery County**. This is an existing discharge to Little Neshaminy Creek.

The receiving stream is classified for the following use: warm water fishery.

The proposed effluent limits for Outfall 001, based on an average flow of 150,000 gallons per day 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 | 30 | 60 |
| Ammonia (as N) (5-1 to 10-31) | 2 | 4 |
| (11-1 to 4-30) | 6 | 12 |
| Nitrate and Nitrate (as N) (7-1 to 10-31) | 9 | 18 |
| Phosphorus (as P) (4-1 to 10-31) | 2 | 4 |
| Total Residual Chlorine | 0.2 | 0.6 |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | |
| Dissolved Oxygen | minimum of 5 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 0057673. Sewage, **Candlewyck Estates Homeowner's Association**, 5022 Fernwood Avenue, Egg Harbor Township, NJ 08234.

This application is for issuance of an NPDES permit to discharge treated sewage from a sewage treatment plant to serve Candlewyck Estates single family development, located in Marlborough Township, **Montgomery County**. This is a new discharge to an Unnamed Tributary to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 4,900 gallons per day 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) | 2 | 4 |
| (11-1 to 4-30) | 6 | 12 |
| Phosphorus (as P) | 1 | 2 |
| Total Residual Chlorine | 0.1 | 0.2 |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | |
| Dissolved Oxygen | minimum of 5 mg/l at all times | |
| pH | within limits of 6.0—9.0 standard units at all times | |

The EPA waiver is in effect.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.

PA 0060411. Sewerage, **Thornhurst Country Club Estates, P.O.A.**, 143 Country Club Estates, Thornhurst, PA 18424.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Pond Creek in Lehigh Township, **Lackawanna County**.

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

Effluent requirements were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of .07 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--------------------------------------|-----------------------------------|---|
| CBOD ₅ | 20 | 40 |
| Total Suspended Solids | 30 | 60 |
| NH ₃ -N (5-1 to 10-31) | 3 | 9 |
| (11-1 to 4-30) | 6 | 18 |
| Phosphorus as "P" | 1 | 2 |
| Dissolved Oxygen | a minimum of 5 mg/l at all times | |

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|--|---|
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml as a geometric mean 2,000/100 ml as a geometric mean | |
| pH | 6.0—9.0 standard units at all times | |
| Total Residual Chlorine (1st month—24th month) (25th month—expiration) | monitor and report 1.2 | monitor and report 2.8 |

The EPA waiver is in effect.

PA 0061034. Sewerage, **Abington Township Municipal Authority**, Lake Harmony Drive, P. O. Box 8, Waverly, PA 18471.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into unnamed tributary to McKerly Creek in Abington Township, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Danville on North Branch of Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of .0360 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Weekly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|--|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N (5-1 to 10-31) (11-1 to 4-30) | 4 12 | | 8 24 |
| Dissolved Oxygen | a minimum of 6 mg/l at all times | | |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml as a geometric mean 2,000/100 ml as a geometric mean | | |
| pH | 6.0—9.0 standard units at all times | | |
| Total Residual Chlorine (1st month—25th month) (25th month—expiration) | monitor and report 1 | | monitor and report 2 |

The EPA waiver is in effect.

PA 0061051. Sewerage, **Farda Associates, Inc.**, Route 715, Tannersville, PA 18372.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into unnamed tributary of Pocono Creek in Pocono Township, **Monroe County**.

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

Effluent limits were determined at point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of .20 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|--|---|
| CBOD ₅ | 15 | 30 |
| Total Suspended Solids | 30 | 60 |
| NH ₃ -N (5-1 to 10-31) (11-1 to 4-30) | 3 9 | 6 18 |
| Dissolved Oxygen | a minimum of 6 mg/l at all times | |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml as a geometric mean 2,000/100 ml as a geometric mean | |
| pH | 6.0—9.0 standard units at all times | |
| Total Residual Chlorine (1st month—36th month) (37th month—expiration) | monitor and report .7 | 1.5 |

The EPA waiver is in effect.

PA 0009601. Sewerage, SIC: 3812, **Allied Signal, Inc.**, Route 46, Tetesboro, NJ 07608.

This proposed action is for renewal of an NPDES permit to discharge treated groundwater and stormwater into unnamed tributary of Meshoppen Creek in Bridgewater Township, **Susquehanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Pennsylvania Power and Light intake on North Branch of the Susquehanna River in Salem Township, Luzerne County.

MP101 and MP102

The proposed effluent limits based on a design flow of MP101 = .016 mgd and MP102 = .050 mgd are:

| <i>Parameter</i> | <i>Monthly Average (ug/l)</i> | <i>Daily Maximum (ug/l)</i> | <i>Instantaneous Maximum (ug/l)</i> |
|----------------------------|-----------------------------------|---------------------------------|---|
| pH (std. units) | within range of 6.0—9.0 | | |
| Carbon Tetrachloroethylene | .3 | .6 | .75 |
| Tetrachloroethylene | .7 | 1.4 | 1.75 |
| Trichloroethylene | 3.0 | 6.0 | 7.5 |

Outfall 001

| | |
|----------------------------|--------------------|
| pH | monitor and report |
| Carbon Tetrachloroethylene | monitor and report |
| Tetrachloroethylene | monitor and report |
| Trichloroethylene | monitor and report |

The EPA waiver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0085472. Sewerage, SIC: 6515, **DiBiase Construction, Inc.**, 101 Roberts Road, Wyomissing, PA 19610-3109.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to the Schuylkill River, in Cumru 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 the Pottstown Borough Water Authority located in Pottstown, Montgomery County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.001 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|---|
| CBOD ₅ | 10 | 20 |
| Total Suspended Solids | 10 | 20 |
| NH ₃ -N | | |
| (5-1 to 10-31) | 3.0 | 6.0 |
| (11-1 to 4-30) | 9.0 | 18.0 |
| Total Residual Chlorine | shall be monitored | |
| 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) | 1,000/100 ml as a geometric average | |

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0085928. Industrial waste, SIC: 5171, **Eldorado Properties Corporation (Highspire Petroleum Storage Terminal)**, 900 Eisenhower Boulevard, P. O. Box 2621, Harrisburg, PA 17105.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Laurel Run, in Lower Swatara 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 Columbia Borough Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfalls 001 and 002 are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|-----------------------------------|---------------------------------|---|
| Total Recoverable Petroleum Hydrocarbons | XXX | monitor and report | XXX |

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

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

PA 0204579. Industrial waste, SIC: *N/A, **ARCO Chemical Company**, 3801 West Chester Pike, Newtown Square, PA 19073-2387.

This application is for issuance of an NPDES permit to discharge stormwater from the Beaver Valley Plant in Potter 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, approximately 6.5 miles below the discharge point.

Outfalls 023 and 024: new stormwater 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> |
| Discharge consists solely of uncontaminated stormwater runoff only. | | | | | |

*Sold their property to NOVA Chemicals, Inc. All process operations have ceased under ARCO Chemical Company's name.

The EPA waiver is in effect.

PA 0204862. Industrial waste, SIC: 3211, **Guardian Industries Corporation**, 300 Glasshouse Road, Floreffe, PA 15028.

This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from Floreffe Plant in Jefferson Borough, **Allegheny 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. The first existing/proposed downstream potable water supply (PWS) is PA-American Water Company, located at 410 Cook Lane, Pittsburgh, PA 15234, 20.5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.006 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) | | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Other Conditions: Outfall 001 discharges stormwater runoff in addition to noncontact cooling water. Outfall 002 is abandoned. Outfall 003 is no longer in use.

Outfall 003—011: existing discharge, design flow of varied 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> |
| The discharge from these outfalls shall consist of uncontaminated stormwater runoff only. | | | | | |

The EPA waiver is in effect.

PA 0216500. Industrial waste, SIC: 9999, **CBS Corporation**, 11 Stanwix Street, Pittsburgh, PA 15222.

This application is for renewal of an NPDES permit to discharge treated groundwater from Beaver in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters of the 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 on the Ohio River, 8.0 miles below the discharge point.

Outfall 001GW: existing discharge, design flow of 0.0432 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) | 0.072 | | | | |
| Suspended Solids | | | 20 | 40 | |
| Trichloroethylene | | | 0.02 | 0.04 | |
| Manganese | | | 2.0 | 4.0 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

PA 0030694. Sewage, **Girl Scouts of Southwestern PA**, 606 Liberty Avenue, Pittsburgh, PA 15222-2721.

This application is for renewal of an NPDES permit to discharge treated sewage from the Camp Henry Kaufmann Sewage Treatment Plant in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Snyders Run, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.0216 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|---|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen (5-1 to 10-31) | 12.5 | | | 25.0 |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml as a geometric mean 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0031984. Sewage, **DCNR Bureau of State Parks, Raccoon Creek State Park**, 3000 State Route 18, Hookstown, PA 15050.

This application is for renewal of an NPDES permit to discharge treated sewage from Raccoon Creek State Park STP in Hanover Township, **Beaver County**.

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

Outfall 001: existing discharge, design flow of 0.1 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|--|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30) | 2.5 6.0 | | | 5.0 12.0 |
| Iron | 2.0 | | | 4.0 |
| Manganese | 1.0 | | | 2.0 |
| Aluminum | 4.0 | | | 8.0 |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml as a geometric mean 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine (1st month—36th month) (37th month—expiration) | monitor and report .19 | | | .45 |

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Dissolved Oxygen | not less than 5.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0091651. Sewage, **Unity Township Municipal Authority**, R. D. 5, Box 325, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from Wimmerton Water Pollution Control Plant in Unity Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Fourmile Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works located on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.205 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | | | | |
| (5-1 to 10-31) | 20 | 30 | | 40 |
| (11-1 to 4-30) | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 4 | 6 | | 8 |
| (11-1 to 4-30) | 12 | 18 | | 24 |
| Phosphorus | | | | |
| 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 month—expiration) | 0.6 | | | 2.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0092266. Sewage, **Brave Water and Sewer Authority**, P. O. Box 159, Brave, PA 15316.

This application is for renewal of an NPDES permit to discharge treated sewage from the Brave Sewage Treatment Plant in Wayne Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Hoovers Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Dunkard Valley Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.015 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 6 | 9 | | 12 |
| (11-1 to 4-30) | 18 | 27 | | 36 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 6,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| (1st month—36th month) | monitor and report | | | |
| (37th month—expiration) | 1.4 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0093980. Sewage, **Better Built Mobile Homes**, R. D. 1, Box 190, Irwin, PA 15642.

This application is for renewal of an NPDES permit to discharge treated sewage from the Kimberly Estates MHP STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Sewickley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of .03 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|---|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 10 | | | 20 |
| Suspended Solids | 25 | | | 50 |
| Ammonia Nitrogen (5-1 to 10-31) | 2.5 | | | 5.0 |
| (11-1 to 4-30) | 7.5 | | | 15.0 |
| Fecal Coliforms (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine (1st month—36th month) | monitor and report | | | |
| (37th month—expiration) | .22 | | | .50 |
| Dissolved Oxygen | not less than 5.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0097632. Sewage, **Valley Tire Company**, Box 367, Route 56E, Windber, PA 15963.

This application is for renewal of an NPDES permit to discharge treated sewage from the Valley Tire Company STP located in Paint Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Roaring 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 Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of .00049 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|------------------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 10 | | | 20 |
| Suspended Solids | 10 | | | 20 |
| Ammonia Nitrogen (5-1 to 10-31) | 3.0 | | | 6.0 |
| (11-1 to 4-30) | 9.0 | | | 18.0 |
| 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 | 1.4 | | | 3.3 |
| Dissolved Oxygen | not less than 3.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

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

PA 0100650, Amendment No. 1. Sewage. **Forrest Brooke Mobile Home Park**, 7266 West Market Street, Mercer, PA 16137.

This application is for an amendment of an NPDES permit to discharge treated sewage to Unnamed Tributary to Magargee in Lackawannock Township, **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 Sharpsville Municipal Water Company on the Shenango River located at Sharpsville, approximately 12 miles below point of discharge.

The proposed effluent limits, based on a design flow of .036 mgd, are:

Outfall No. 001

(Interim Limits)

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|---|
| CBOD ₅ | 25 | 50 |
| TSS | 30 | 60 |
| Ammonia-Nitrogen | | |
| (5-1 to 10-31) | 1.4 | 2.8 |
| (11-1 to 4-30) | 4.2 | 8.4 |
| 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 | |
| Phosphorus | 1 | 2 |
| Total Residual Chlorine | XX | XX |
| Dissolved Oxygen | minimum of 5 mg/l at all times | |
| pH | 6.0—9.0 at all times | |

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

Outfall No. 001

(Final Limits)

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|---|
| CBOD ₅ | 25 | 50 |
| TSS | 30 | 60 |
| Ammonia-Nitrogen | | |
| (5-1 to 10-31) | 1.5 | 3.0 |
| (11-1 to 4-30) | 4.5 | 9.0 |
| 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 | |
| Phosphorus | 1 | 2 |
| Total Residual Chlorine | .15 | .49 |
| Dissolved Oxygen | minimum of 5 mg/l at all times | |
| pH | 6.0—9.0 at all times | |

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

| <i>NPDES No.</i> | <i>Facility Name Name and Address</i> | <i>County and Municipality</i> | <i>Tributary Stream</i> | <i>New Permit Requirements</i> |
|------------------|---|------------------------------------|-------------------------|------------------------------------|
| PA0032115 | Department of Conservation and Natural Resources Ricketts Glen State Park, R. R. 2, Benton, PA 17814-8900 | Luzerne Fairmont Twp. | Ganoga Glen | TRC |

Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

| <i>NPDES No.</i> | <i>Facility Name Name and Address</i> | <i>County and Municipality</i> | <i>Tributary Stream</i> | <i>New Permit Requirements</i> |
|------------------|--|--|-----------------------------|------------------------------------|
| PA0085448 | East Earl Township 4610 Division Highway East Earl, PA 17519 | Lancaster East Earl Township | Tributary of Cedar Creek | TRC |
| PA0086541 | Denver Cold Storage 555A Sandy Hill Rd. Denver, PA 17517 | Lancaster West Cocalico Township | UNT to Indian Run | TRC |

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

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

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

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

A. 4099402. Sewerage. **Can Do, Inc.**, One South Church Street, Hazleton, PA 18201-6200. Application to expand existing wastewater treatment plant, located in the Humboldt Industrial Park, Hazle Township, **Luzerne County**. Application received in the Regional Office-March 22, 1999.

A. 5499201. Papetti's Acquisition, Inc., d/b/a Quaker State Farms, Inc., P. O. Box 76, Spain Road, Klingerstown, PA 17941-0076. Application for expansion and upgrading of the existing industrial wastewater treatment facility, located in Upper Mahantango Township, **Schuylkill County**. Application received in the Regional Office on March 23, 1999.

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.

A. 0697419, Amendment 99-1. Sewage, submitted by **Urban Acres Mobile Homes, Inc.**, 102 East Hillview Drive, Morgantown, WV 26508, in Greenwich Township, **Berks County** to expand/upgrade their existing wastewater treatment plant at Highland Estates Mobile Home Park was received in the Southcentral Region on March 16, 1999.

A. 6799401. Sewage, submitted by **Northeastern York County Sewer Authority**, P. O. Box 516, Mt. Wolf, PA 17347-0516, in East Manchester Township, **York County** to construct a sewer extension/pumping station to serve A. C. Industries was received in the Southcentral Region on March 17, 1999.

A. 2899401. Sewage, submitted by **Franklin County General Authority**, 5000 Letterkenny Road, Suite 320, Chambersburg, PA 17201-8382, in Chambersburg Borough, **Franklin County** to construct modifications/additions to pump station at the Letterkenny Army Depot was received on March 18, 1999.

A. 2177203, Amendment 99-1. Industrial waste, submitted by **Land O'Lakes, Inc.**, 405 Park Drive, Carlisle, PA 17013-9314, in South Middleton Township, **Cumberland County** to expand their existing wastewater treatment plant was received in the Southcentral Region on March 19, 1999.

A. 2899402. Sewage, submitted by **Franklin County General Authority**, 5000 Letterkenny Road, Suite 320, Chambersburg, PA 17201-8382, in Chambersburg Borough, **Franklin County** to construct ultraviolet disinfection at their wastewater treatment plant was received in the Southcentral Region on March 19, 1999.

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

WQM Permit No. 2099404. Sewage, **Mary Ann Leonard, Eugene C. Martin III and Virginia Lynne Martin, SRSTP**, 3245 Forest Road, Bethel Park, PA 15102-1415. This project is for the construction of a single residence sewage treatment plant in South Shenango Township, **Crawford County**.

WQM Permit No. 6299404. Sewage, **Leonard A. and Florette K. Marg SRSTP**, 221 Mill St., Sugar Grove, PA 16350. This project is for the construction of a single residence sewage treatment plant in Sugar Grove Borough, **Warren County**.

INDIVIDUAL PERMITS (PAS)

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. The 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 of 40 CFR 123.24(d).

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 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 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, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at 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.

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

NPDES Permit PAS10-G361. Stormwater. **Vintage Development**, 63 Chestnut Road, Paoli, PA 19301, has applied to discharge stormwater from a construction activity located in East Whiteland Township, **Chester County**, to Valley Creek.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Northampton County Conservation District, District Manager, R. R. 4, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit PAS10U110. Stormwater. **Lehigh Valley Industrial Holdings, L.P., c/o J.G. Petrucci Co., Inc.**, 171 Route 173, Suite 201, Asbury, NJ 08802, has applied to discharge stormwater from a construction activity located in Forks Township, **Northampton County**, to Bushkill Creek.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

Berks County Conservation District, District Manager, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.

NPDES Permit PAS-10-C001-R. Stormwater. **Carac Inc.**, 100 Industrial Drive, Hamburg, PA 19526, has applied to discharge stormwater from a construction activity located in Hamburg Borough, **Berks County**, to UNT of Schuylkill River.

NPDES Permit PAS-10-C013-R. Stormwater. **P.C.C. Builders, Inc.**, 825 Berkshire Boulevard, Wyomissing, PA 19610, has applied to discharge stormwater from a construction activity located in Spring Township, **Berks County**, to Cacoosing and Tulpehocken Creek.

SAFE DRINKING WATER

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

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

3999502. Public water supply. **Nuss Mobile Home Park**, Donald Steffy, Manager, 3632 Old Post Road, Coplay, PA 18037. This proposal involves the injection of a blended phosphates solution into the well water (No. 2, No. 3) prior to disinfection at an existing MHP. It is located in **Lehigh County**.

Engineer: Kenneth L. Fulford Associates, Inc.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice

of Intent to Remediate 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 standard, Statewide health standard, the site-specific standard or who intend to remediate a site as 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, or who receives approval of a special industrial area remediation 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. Furthermore, the person 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 standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, 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. During this comment period a municipality may request that the person identified, 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 the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations 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 Notices of Intent to Remediate:

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

SMK—Speedy International, Inc., City of Chester, **Delaware County**. Sean M. Grexa, The Tyree Organization, Ltd., 1350 U. S. Highway 130, Burlington, NJ 08016, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Times* on January 22, 1999.

AVO International, Inc., Plymouth Township, **Montgomery County**. David N. Wilcots, P.G., GA Environmental Services, Inc., 401 Baldwin Tower, 1510 Chester Pike, Eddystone, PA 19022, has submitted an amended

Notice of Intent to Remediate site soils contaminated with petroleum hydrocarbons and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide health standard for soils and the site-specific standard for groundwater. A summary of the amended Notice of Intent to Remediate was reported to have been published in *Montgomery County Times Herald* on March 9, 1999.

10 East Wolf Street Site, City of Philadelphia, **Philadelphia County**. Thomas G. May, P.E., Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106-3685, has submitted a Notice of Intent to Remediate site soil contaminated with lead and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The site is located in a special industrial area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in *South Philadelphia Review* on December 17, 1998.

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

Pennsylvania Power & Light Company (PP&L)—Central City Substation, City of Scranton, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Peter Behrens Residence, City of Bethlehem, **Northampton County**. Gregory J. Van Hook, Project Geologist, ERD Environmental, Inc., 6205 Easton Road, Pipersville, PA 18947, has submitted a Notice of Intent to Remediate (on behalf of his client, Peter Behren, 1819 Millard Street, Bethlehem, PA) concerning the remediation of site soils found to have been contaminated with naphthalene. The applicant proposes to remediate the site to meet the Statewide human health standard.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Berks Products Corporation, Muhlenberg Township, **Berks County**. Berks Products Corp., 4408 Fifth Street Highway, Reading, PA 19560, has submitted a Notice of Intent to remediate site soils and groundwater contaminated with lead, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet a combination of background and Statewide health requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on May 11, 1998.

Ladd Hanford Used Auto Coral, North Lebanon Township, **Lebanon County**. Frederick Chevrolet, Cadillac, Olds, Geo, 1505 Quentin Road, Lebanon, PA 17042, has submitted a Notice of Intent to remediate site soils and groundwater contaminated with solvents, BTEX and PHCs. The applicant proposes to remediate the site to meet site-specific requirements. A summary of the Notice

of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on March 24, 1999.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Request for Determination of Applicability received 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.

Bureau of Land Recycling and Waste Management, Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

Permit No. WMGR017. Received an application from **Tamaqua Area Water Authority**, R. R. 4, Box 278A, Tamaqua, PA 18252, for determination of applicability issued to City of Lebanon Authority, for use of drinking water treatment sludge generated by a water supply treatment facility as a soil additive on agricultural lands. The Department accepted the application as administratively complete on March 25, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an integrated plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

40-305-020: Jeddo Highland Coal Co. (800 Exeter Avenue, West Pittston, PA 18643) for operation of an anthracite coal preparation plant in Hazle Township, **Luzerne County**.

45-318-027: Tobyhanna Army Depot (Department of the Army, ATTN AMSEL-LC-TY-RK-E, 11 Hap Arnold Boulevard, Tobyhanna, PA 18466) for operation of the IOF paint spray operation in Coolbaugh Township, **Monroe County**.

45-318-028: Tobyhanna Army Depot (Department of the Army, ATTN AMSEL-LC-TY-RK-E, 11 Hap Arnold Boulevard, Tobyhanna, PA 18466) for operation of the C4 paint spray operation in Coolbaugh Township, **Monroe County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-303-009A: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) for a bituminous asphalt concrete plant controlled by a fabric collector in Maxatawny Township, **Berks County**. This source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

67-399-022: York International Corp. (P. O. Box 1592, York, PA 17405) for operation of three dry plasma plate cutting machines at their Grantley Plant located in Spring Garden Township, **York County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

NMOP-14-00009: Centre Community Hospital (1800 East Park Avenue, State College, PA 16803-6797) for their boilers and emergency generators used at the hospital in College Township, **Centre County**. Emissions from these sources include CO, NO_x, SO₂, VOCs and particulate matter.

NMOP-18-00013: Lock Haven Hospital (24 Cree Drive, Lock Haven, PA 17745) for their boilers and emergency generators used at the hospital in Lock Haven, **Clinton County**. Emissions from these sources include CO, NO_x, SO₂, VOCs and particulate matter.

SMOP-41-00033: Williamsport Hospital (1100 Grampian Boulevard, Williamsport, PA 17701) for their boilers, water heaters and emergency generators used at the hospital in Williamsport, **Lycoming County**. Emissions from these sources include CO, NO_x, SO₂, VOCs and particulate matter.

18-399-013A: Champion Parts, Inc. (279 Industrial Park Road, Beech Creek, PA 16822) for operation of 14 carburetor test stands and associated air cleaning devices (demisters) in Beech Creek Township, **Clinton County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

OP-63-00176: Patterson Supply Co. (1101 Railroad Street, Monongahela, PA 15063) for operation of facility in Monongahela, **Washington County**.

Notice of Intent to Issue Title V Operating Permit Including Emission Guidelines for Hospital/Medical/Infectious Waste Incinerator

The Department of Environmental Protection (Department) intends to issue a Title V operating permit under the Air Pollution Control Act and the section 111(d)/129 Emission Guidelines (EG) specified in 40 CFR Part 60, Subpart Cc. These Emission Guidelines, incorporated by reference in 25 Pa. Code § 122.3, apply to all existing hospital/medical/infectious waste incinerators (HMIWIs) that commenced construction on or before June 20, 1996. The following Title V facility is subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Article III including Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements).

Permit No.: TVOP 59-00011.

Facility Name: Soldiers and Sailors Memorial Hospital.

Facility Location: Wellsboro, Tioga County.

Primary Emissions: Sulfur oxides (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), hazardous air pollutants (HAPs) and particulate matter.

Affected HMIWI Unit: Source ID. 001, Incinimite, hospital/medical/infectious waste incinerator, 500 pounds/day.

Other Sources: 4 boilers (2.5–8.5 MMBTU/HR), 2 hot water heaters, 3 generators and sterilizer.

Copies of the Title V application, proposed permit and other relevant information are available for public inspection at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. An appointment to review the documents must be made by calling (570) 327-3693, between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V operating permit to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512, within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the permit number of the proposed Title V operating permit. The commentator should include a concise statement of objections to the issuance of the revised permit and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of the hearing at least 30 days prior to the date of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

The final Title V operating permit will contain all of the applicable requirements that apply to stationary air

contamination sources at the Soldiers and Sailors Memorial Hospital. The applicable requirements include the section 111(d)/129 requirements for HMIWI facilities.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.

36-05081: The Lancaster County Solid Waste Management Authority (1299 Harrisburg Pike, Lancaster, PA 17604) for the Creswell/Frey Farm Landfill located in Manor Township, **Lancaster County**. The facility processes municipal waste, residual waste and incinerator ash. The facility primarily emits Non-Methane Organic Compounds (NMOCs).

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, Attn: Muhammad Zaman, (717) 327-3637.

TVOP-12-00002: GKN Sinter Metals, Inc. (R. R. 2, Box 47, Emporium, PA 15834-9797) for their sintered metal parts manufacturing facility located in Shippen Township, **Cameron County**. The facility's major sources include sintered metal parts impregnation, sizing and treating operations which emit major quantities of volatile organic compounds (VOCs). As a result of the major quantities of VOCs emitted, the GKN Sinter Metals facility 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 sources also emit CO, NO_x, SO_x, HAPs and particulate matter. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for VOCs emissions.

TVOP-41-00019: Northrop Grumman (R. R. 1, Box 441, Montgomery, PA 17752) for their truck and van body manufacturing facility located in Clinton Township, **Lycoming County**. The facility's major sources include truck and van assembly operations, surface coating operations and cleanup activities which emit major quantities of volatile organic compounds (VOCs). The owner and operator of this facility have taken Federally enforceable emissions restrictions to limit the potential hazardous air pollutants (HAPs) emissions below major source thresholds. As a result of the major quantities of VOCs emitted, the Northrop Grumman facility 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 sources also emit CO, NOx, SOx and particulate matter. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for VOCs emissions.

TVOP-41-00018: Springs Window Fashion Division, Inc. (7549 Graber Road, Middleton, WI 53562) for their drapery hardware, blinds and shades manufacturing facility located in Clinton Township, **Lycoming County**. The facility's main sources include surface coating operation for metal coil coating, cleanup activities, small combustion sources and emergency generator which emit major quantities of volatile organic compounds (VOCs). As a result of the major quantities of VOCs emitted, the Springs Window March 25, 1999 Division, Inc. facility 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 sources also emit CO, NOx, SOx, HAPs and particulate matter. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for VOC emissions.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

28-03020: LamTech, Inc. (649 Lincoln Highway West, Chambersburg, PA 17201) for construction of two gel coating spray booths and a synthetic marble casting line in Letterkenny Township, **Franklin County**.

67-304-034C: R. H. Sheppard Co., Inc. (101 Philadelphia Street, Hanover, PA 17331) for construction of two sinto molding machines with pouring/cooling lines in Hanover Borough, **York County**.

PA67-05042: Hanover Foods Corp. (P. O. Box 334, Hanover, PA 17331) for installation of a water-tube boiler fired by No. 6 fuel oil or natural gas in Penn and Heidelberg Townships, **York County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

49-331-001: Merck & Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) for construction of a hazardous waste (organic solvent waste, aqueous waste and wastewater treatment sludge) fluidized bed incinerator and associated air cleaning devices (a rapid adiabatic quench system, a venturi scrubber, a wet tray scrubber, a wet electrostatic precipitator and a selective noncatalytic re-

duction system) as well as for the construction of various associated storage tanks and silos, a tank truck loading and unloading station and associated air cleaning devices (conservation vents and bin vent filters) in Riverside Borough, **Northumberland County**. The incinerator is subject to Subpart E of 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, and the storage tanks will be subject to Subpart Kb of 40 CFR Part 60, Standards of Performance for New Stationary Sources. All of the wastes to be incinerated in the proposed incinerator will be generated onsite; none will be transported to the site from other locations.

OP-53-0003B: CNG Transmission Corp. (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) for construction of a 26.5 million Btu per hour natural gas-fired gas heater equipped with a low NOx burner at the Greenlick Compressor Station in Stewardson Township, **Potter County**. The heater is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

41-399-025: Plastic Development Co., Inc. (P. O. Box 4007, Williamsport, PA 17701) for modification of a fiberglass reinforced plastics manufacturing operation in Woodward Township, **Lycoming County**. The respective modification is an increase of the facility's allowable emission of styrene, a hazardous air pollutant, from a current maximum of 10 tons per year to a new maximum of 25 tons per year.

17-303-006A: Clearfield Asphalt and Construction Supply, Inc. (R. D. 1, Box 179, Curwensville, PA 16833) for construction of a diesel-fired generator in Lawrence Township, **Clearfield County**.

8-303-006B: Dalrymple Gravel and Contracting Co., Inc. (2105 South Broadway, Pine City, NY 14871) for installation of an air cleaning device (a fabric collector) on a drum mix asphalt concrete plant in Athens Township, **Bradford County**. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-63-014B: Duquesne Light Co. (411 Seventh Ave., Mail Drop 14-705, Pittsburgh, PA 15230) for installation of pulverized coal-fired boiler at Elrama Station in Union Township, **Washington County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-43-310A: Duferco Farrell Corp. (15 Roemer Boulevard, Farrell, PA 16121) for reactivation of the No. 3 reheat furnace in Farrell, **Mercer County**.

Strick Corporation

Limestone Township, Montour County

Strick Corp. (RR 8, Box 281, Danville, PA 17821-8386) has submitted an application (TVOP-47-0002A) to the Department of Environmental Protection (Department) for plan approval to construct a metal parts shot blasting operation and associated air cleaning device (a cartridge collector) at its Danville plant.

Strick Corp.'s Danville plant is a major facility which has been issued a Title V Operating Permit (TVOP-47-0002) and is located in Limestone Township, Montour County. The construction of the metals parts shot blasting operation is expected to result in a negligible increase

(less than 50 pounds per year) in the facility's emission of particulate matter and PM-10 (particulate matter sized 10 microns and below). The plan approval, and subsequent amended Title V operating permit, will contain conditions requiring the maintenance and use of the cartridge collector to be associated with the shot blasting operation as well as appropriate monitoring, recordkeeping and reporting requirements to help assure that compliance with applicable air contaminant emission limitations will be maintained.

A copy of the plan approval application is available for public inspection during normal business hours at the address listed as follows. Persons interested in inspecting the application should schedule an appointment in advance.

Persons wishing to protest the issuance of a plan approval or provide the Department with additional information which they believe should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or information in writing to the Department at the address listed. Protests or comments must be received by the Department within 30 days from the last day of publication of this notice to be considered. Each protest or comment should include the following: name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the protest or comment being presented to the Department.

A public hearing may be held if the Department, in its discretion, decides that such a hearing is warranted based on the information received. Persons submitting comments, protesting the issuance of a plan approval or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in Montour County or by letter or telephone if the Department feels that such contact is adequate.

Written comments, protests or requests for a public hearing should be directed to David W. Aldenderfer,

Regional Air Quality Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3745.

For additional information regarding the respective plan approval application contact Richard L. Maxwell, Jr., Chief—Engineering Services, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3745.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds and Notice of Public Hearing

Approval of Reasonably Available Control Technology (RACT) plan for Celotex Corporation in the City of Sunbury, Northumberland County

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a fiberboard manufacturing facility owned and operated by Celotex Corporation in the City of Sunbury, Northumberland County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary volatile organic compound RACT determination for this operation:

Source

- fiberboard dryer

- offset fiberboard printing press

RACT Requirements

- By no later than June 1, 1999, install, replace or modify various dryer doors, seals, expansion joints, gaskets, and the like.
- By no later than August 1, 1999, submit a plan approval application for the installation of a thermal oxidizer.
- Complete the installation of a thermal oxidizer with 390 days of the date of plan approval issuance.
- Use only the inks identified as Ink no. 1 and Ink no. 2 in the application and supplemental materials for Plan Approval 49-320-001 or inks determined by the Department to be equivalent to Ink no. 1 and Ink no. 2.
- The use of Ink no. 2 shall be limited to situations where Ink no. 1 is not available, however, the total quantity of Ink no. 2 used shall not exceed 51.5 tons per year.
- Volatile organic compound-containing materials shall not be used to clean anything associated with the printing press.
- The volatile organic compound emissions from the printing press shall not exceed 10.3 tons per 12 consecutive month period.

Source

- fiberboard edge spraying operation
- fiberboard laminating operation
- two 35,000,000 BTU per hour natural gas/no. 6 fuel oil-fired boilers and a 700,000 BTU per hour natural gas-fired water heater
- 135 horsepower kerosene-fired emergency electric generator and a 115 horsepower kerosene fired fire pump
- 11 storage tanks (no. 6 fuel oil, gasoline, kerosene, diesel fuel and asphalt)

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on May 11, 1999, at 1 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to David W. Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by May 26, 1999.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

Notice of Public Hearing

Proposed Approval of Reasonably Available Control Technology (RACT) Plans And Permits

The City of Philadelphia, Department of Public Health, Air Management Services, will conduct a public hearing on Wednesday, April 21, 1999, in the Auditorium of the Medical Examiners Office, Spelman Building, 321 University Avenue, Philadelphia, beginning promptly at 6 p.m. and continuing to 8 p.m. or the conclusion of testimony. The hearing is being held to receive comments from the public on the proposed approval, by the Department, of Reasonably Available Control Technology (RACT) plans and permit amendments, related to emissions of nitrogen

RACT Requirements

- The volatile organic compound emissions shall not exceed 3 pounds per hour, 15 pounds per day or 2.7 tons per 12 consecutive month period.
- The volatile organic compound emissions shall not exceed 3 pounds per hour, 15 pounds per day or 2.7 tons per 12 consecutive month period.
- The volatile organic compound emissions shall not exceed 3 pounds per hour, 15 pounds per day or 2.7 tons per 12 consecutive month period.
- The volatile organic compound emissions shall not exceed 3 pounds per hour, 15 pounds per day or 2.7 tons per 12 consecutive month period.
- The volatile organic compound emissions shall not exceed 3 pounds per hour, 15 pounds per day or 2.7 tons per 12 consecutive month period.

oxides (NOx) and volatile organic compounds (VOCs), submitted by the following facilities:

PLID 01501: Sunoco, Inc. (R & M) (3144 Passyunk Avenue, Philadelphia, PA 19145) for installation of ultra-low NOx burners on six combustion sources and use combustion tuning on all other heaters and boilers. Sunoco shall utilize a fugitive emissions leak detection and repair program for a tank farm and related piping. Sunoco shall utilize a monitoring/inspection and maintenance monitoring program for VOC fugitive emissions from cooling towers.

PLID 01531: Rohm & Haas Delaware Valley Inc. (5000 Richmond Street, Philadelphia, PA 19137) for limitation of the Goal[®] Area annual production rate to 9 million lbs. of formulated Goal[®] and 3 million lbs. of Goal[®] Technical. The Consolidated Goal[®] Process shall use Scrubbers U-526, U-585, U-588, and U-594. All Goal[®] point sources, Building R11 Vent Group 1, Building R11 Backwash Towers, Building R-6 Fluid Bed Dryer, Building 80 Reactor Vent 1, Building 80 Amines Scrubber, Building 85 Monomer Feed System, Building 85 Reactor Systems, Building 29 Wastewater Treatment and Building 24 Mechanical Shop shall use good operating practices. Building R11 MMA Tank Car conservation vent is RACT. Building R11 Wyssmont Dryer shall use a scrubber. The ion-exchange bead production area (R11 Group 4) shall use a chilled water condenser. Building 85 Methanol Wash System shall use a scrubber. Three 120 MMBTU/hr boilers, RACT shall be the installation of low NOx burners, running burner cap trials, and the elimination of burning DMF waste. Goal production area and transfer piping in Building 85 Separations area shall implement a leak detection and repair program.

PLID 01551: Sunoco Chemicals, Frankford Plant (4700 Bermuda Street, Philadelphia, PA 19137) for boiler no. 1 and boiler no. 2 (both 260 MMBTU/hr) are required to burn only natural gas and phenol residue during the ozone season. Boiler no. 3 (381 MMBTU/hr) shall be equipped with low NOx burners. Sunoco Chemicals shall establish NOx emission limits for boilers nos. 1, 2 and 3 through the use of CEMs. The barge loading process shall not load any VOC with a vapor pressure in excess of 1.5 psia at 20 degrees Celsius. Storage tanks VT-609 and VT-610 shall install IFRs. Rail car cleaning VOC emissions shall not exceed 2.7 tons per 12 month period.

PLID 03542: McWhorter (7600 State Road, Philadelphia, PA 19136) for implementation of a program of

improved operating standards and process modifications to reduce VOC emissions.

PLID 03811: Arbill Industries, Inc. (2207 West Glenwood Avenue, Philadelphia, PA 19132) for installation of cooling towers and replacement of its current petroleum cleaning solvents with solvents with higher flash points. The Hoyt dryers shall be retrofitted with temperature gauges and covers shall be placed over all hampers.

PLID 04172: SEPTA Berridge/Courtland (200 West Wyoming Avenue, Philadelphia, PA 19120) to comply with 25 Pa. Code § 129.63(a) for its degreasers not currently applicable to 25 Pa. Code § 129.63. Only HVLP type spray guns shall be used in all paint spraying operations and shall minimize solvent emissions when cleaned.

PLID 04922: Philadelphia Gas Work's (3100 East Venango Street, Philadelphia, PA 19134) to retrofit four Clark engines with new ignition and air-fuel-ratio controls, and turbocharger systems and fuel shall be limited to 570 MMCF of natural gas. These four engines shall limit their emissions to 5g NOx per brake horse power hour and 320 tons NOx per rolling 12 month period.

PLID 09513: Philadelphia Water Department (3899 Richmond Street, Philadelphia, PA 19137) to adhere to a good maintenance and operation program for its wastewater treatment plant.

PLID 09515: Philadelphia Water Department (8200 Enterprise Avenue, Philadelphia, PA 19153) to adhere to a good maintenance and operation program for its wastewater treatment plant and its existing biofilters and compost pile aeration system.

The RACT proposals have been submitted under requirements of 25 Pa. Code, Chapter 129, Stationary Sources of NOx and VOCs (§§ 129.91—129.95). Final RACT plan and permit approval actions will be submitted to the Department of Environmental Protection and the United States Environmental Protection Agency as formal revisions to the Philadelphia portion of the Pennsylvania State Implementation Plan for Air Quality.

Copies of the proposals and other supporting information are available for public inspection at the offices of Air Management Services (AMS), 321 University Avenue, Philadelphia, PA 19104. For further information, contact Thomas Huynh, Chief of Source Registration at (215) 685-7572.

Persons interested in testifying on the proposals at the public hearing are requested to call or write AMS (as indicated previously) to be placed on the hearing agenda. It is also requested that written copies of testimony be provided for the hearing record. All written comments on the proposals must be received by AMS by April 21, 1999 to be considered.

Persons with a disability, who desire to attend the public hearing and may require an auxiliary aid, service or other accommodation to participate in the proceeding, should contact AMS at (215) 685-7572 to discuss how the Department may accommodate their needs.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Con-

trol Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

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

Coal Applications Received

56890101. Permit Renewal, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting

205.9 acres, receiving stream unnamed tributaries to Buffalo Creek and Buffalo Creek. Application received March 23, 1999.

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

03940104. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Renewal application received for continued reclamation of a bituminous auger mine located in South Bend Township, **Armstrong County**, affecting 19.3 acres. Receiving streams: Craig Run to Crooked Creek. Renewal application received: March 25, 1999.

02930201. Allegheny Valley Resources, Inc. (623 West Waldheim Road, Pittsburgh, PA 15215-1846). Renewal application received for continued operation and reclamation of a coal refuse reprocessing and coal preparation plant/processing facility located in West Deer Township, **Allegheny County**. Receiving stream: Little Deer Creek. Renewal application received: March 24, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17990103. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County**, affecting 228.8 acres. Receiving streams: Upper Morgan Run, unnamed tributary to Upper Morgan Run, and Alexander Run. Application received March 19, 1999.

17990104. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Covington Township, **Clearfield County** affecting 54 acres. Receiving streams: Grimes Run and an unnamed tributary to Grimes Run. Application received March 19, 1999.

17990105. W. Ruskin Dressler (Box 39, Rockton, PA 15856), commencement, operation and restoration of a bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 79 acres. Receiving streams: unnamed tributary to Luthersburg Branch, Luthersburg Branch, unnamed tributary to LaBorde Branch and LaBorde Branch. Application received March 25, 1999.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

32901602. North Cambria Fuel Co. (P. O. Box 1319, Indiana, PA 15701-1319), to renew the permit for the Route 22 Tipple in Burrell Township, **Indiana County**, no additional discharges. Application received February 26, 1999.

03851302. Rosebud Mining Co. (R. D. 9, Box 379A, Kittanning, PA 16201), to revise the permit for the Rosebud No. 3 Deep Mine in Perry Township, **Armstrong County** to add 5.8 surface acres to and revise portal no. 2 surface site, no additional discharges. Application received March 1, 1999.

Knox District Office, P. O. Box 669, Knox, PA 16232.
Noncoal Applications Received

37930302. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225). Revision to an existing limestone operation in Slippery Rock Township, **Lawrence County** affecting 140.0 acres. Receiving streams: Unnamed tributary of Slippery Rock Creek to Slippery Rock Creek. Revision to include an exemption for the

extraction of coal incidental to the mining of limestone on their existing permit. Application received March 24, 1999.

20990301. Vanderhoof Sand and Gravel, Inc. (P. O. Box 214, Spartansburg, PA 16434). Commencement, operation and restoration of a sand and gravel operation in Oil Creek Township, **Crawford County** affecting 21.5 acres. Receiving streams: Unnamed tributary to McLaughlin Creek. Application received March 18, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit 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 filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E08-345. Encroachment. **Central Bradford Progress Authority**, 701 Main Street, P. O. Box 214, Towanda, PA 18848. To construct and maintain a pedestrian/bicycle trail in the floodplain of the Susquehanna River at the Route 6 bridge (Towanda, PA Quadrangle N: 2.8 inches; W: 9.1 inches) in the Borough of Towanda, North Towanda and Wysox Townships, **Bradford County**. Stream classification is WWF; no stream or wetland impacts.

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

E02-1268. Encroachment. **Owl Cleaners, Inc.**, 10562 Perry Highway, Wexford, PA 15090. To place and maintain fill along the right side of a tributary to Brush Creek (WWF) (known as Tributary No. 2) for a distance of approximately 40 feet for the purpose of expanding an existing parking lot for a commercial building. The site is located along the west side of Northgate Drive approximately 100 feet north of its intersection with Shenot Road

(Mars PA Quadrangle N: 4.8 inches; W: 11.1 inches) in Marshall Township, **Allegheny County**.

E56-290. Encroachment. **Precision Pallets and Lumber**, 7044 National Road, P. O. Box 51, Addison, PA 15411. To construct and maintain a pond having a length of 250.0 feet, a width of 200.0 feet and a depth of 8.0 feet in Chub Run (WWF) located south of the intersection of Route 40 and Addison—Friendville Road (Accident, PA Quadrangle N: 20.75 inches; W: 11.0 inches) in Addison Township, **Somerset County**.

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

E20-471. Encroachment. **Pa. Dept. of Transportation**, 1140 Liberty Street, Franklin, PA 16323. To place and maintain concrete stream bed paving 1.0 foot below the existing stream bed elevation under the bridge across a tributary to French Creek (Coulter Run) on S. R. 1015 Segment 0090, Offset 0000 approximately 0.25 mile north of S. R. 1006 east of I-79 (Edinboro South, PA Quadrangle N: 12.1 inches; W: 5.6 inches) located in Cussewago Township, **Crawford County**.

E20-472. Encroachment. **Pa. Dept. of Transportation Dist. 1-0**, 1140 Liberty Street, Franklin, PA 16323. To place and maintain concrete streambed paving 1.0 foot below the existing streambed elevation under the bridge across Williams Run on S. R. 0019 Segment 0090 Offset 037 approximately 0.25 mile south of S. R. 285 (Geneva, PA Quadrangle N: 6.5 inches; W: 8.75 inches) located in Greenwood Township, **Crawford County**.

E20-473. Encroachment. **Pa. Dept. of Transportation**, 1140 Liberty Street, Franklin, PA 16323. To place and maintain concrete stream bed paving 1 foot below the existing stream bed under the bridge across a tributary to French Creek (Coulter Run) on S. R. 1006 Segment 0010 Offset 1706 approximately 1 mile east of I-79 (Edinboro South, PA Quadrangle N: 11.3 inches; W: 4.9 inches) in Cussewago Township, **Crawford County**.

E20-474. Encroachment. **Pa. Dept. of Transportation**, 1140 Liberty Street, Franklin, PA 16323. To place and maintain concrete stream bed paving 1.0 foot below the existing stream bed elevation under the bridge across a tributary to Little Sugar Creek on S. R. 2014, Segment 0100 Offset 0000 (Sugar Lake Road) approximately 2.4 miles east of Pettis Corners (Cochranon, PA Quadrangle N: 12.25 inches; W: 0.85 inch) in Wayne Township, **Crawford County**.

E25-581. Encroachment. **Erie-Western Pennsylvania Port Authority**, 17 West Dobbins Landing, Erie, PA 16507-1424. To place a total of approximately 512,500 cubic yards of dredged material from the bed of Presque Isle Bay and local Lake Erie waters resulting from maintenance dredging under various Erie-Western Pennsylvania Port Authority Water Obstruction and Encroachment Permits into the Erie Harbor Confined Disposal Facility (CDF). The final purpose of this disposal is to create a 30-acre upland public recreational area. The Erie Harbor CDF was constructed in 1979 by the US Army Corps of Engineers on the bed of Lake Erie (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches) and is located within the City of Erie, **Erie County**.

E25-583. Encroachment. **Pa. Dept. of Transportation 1-0**, 1140 Liberty Street, Franklin, PA 16323. To place and maintain concrete stream bed paving 1.0 foot below the existing stream bed elevation under the bridge across Marsh Run on S. R. 3006 Segment 0110 Offset 0000 approximately 0.5 mile west of S. R. 0215 (East

Springfield, PA Quadrangle N: 15.2 inches; W: 9.7 inches) in Conneaut Township, **Erie County**.

E25-584. Encroachment. **Pa. Dept. of Transportation 1-0**, 1140 Liberty Street, Franklin, PA 16323. To install and maintain concrete stream bed paving 1.0 foot below the existing stream bed elevation under the bridge across a tributary to French Creek (Brown Run) on S. R. 0089, Segment 0370, Offset 2050 approximately 1 mile south of the village of Little Hope (Wattsburg PA-NY, Quadrangle N: 15.2 inches; W: 9.7 inches) in Greenfield Township, **Erie County**.

E61-222. Encroachment. **Pa. Dept. of Transportation 1-0**, 1140 Liberty Street, Franklin, PA 16323. To place and maintain concrete stream bed paving 1.0 foot below the existing stream bed elevation under the bridge across Bear Run on S. R. 0038, Segment 0190, Offset 2178 approximately 0.5 mile west of Nickleville (Cranberry, PA Quadrangle N: 4.3 inches; W: 5.2 inches) in Richland Township, **Venango County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D13-005EA. Environmental Assessment. **Borough of Lehigh** (Municipal Building, P. O. Box 29, Lehigh, PA 18235). To breach and remove the Heilman Dam across Mahoning Creek (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,000 feet upstream from the confluence of Mahoning Creek and the Lehigh River (Lehigh, PA Quadrangle N: 13.5 inches; W: 11.1 inches) in Lehigh Borough, **Carbon County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Persons 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. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the

Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

NPDES Permit No. PA0100790. Sewage, **Raymond P. DiLoreto**, 6059 Grubb Rd., Erie, PA 16506-4608, is authorized to discharge from a facility located in Millcreek Township, **Erie County** to an Unnamed Tributary of Thomas Run.

NPDES Permit No. PA0210137. Industrial waste.

Adesa Pennsylvania, Inc., dba Adesa Pittsburgh, P. O. Box 550, Mercer, PA 16137, is authorized to discharge from a facility located in Cool Spring Township, **Mercer County** to an unnamed tributary to Cool Spring Creek and an unnamed tributary to Yellow Creek.

NPDES Permit No. PA0090590. Sewage. **Port O'Call Recreational Club**, 108 Bay Street, Butler, PA 16001, is authorized to discharge from a facility located in Penn Township, **Butler County** to an unnamed tributary to Glade Run.

WQM Permit No. 1099401. Sewage. **Port O'Call Recreational Club**, 108 Bay Street, Butler, PA 16002. This project is for the construction and operation of a new wastewater treatment plant and pump station in Penn Township, **Butler County**.

WQM Permit No. 6299402. Sewerage, **Jeffrey S. Kania, SRSTP**, 680 Hatch Run Rd., Warren, PA 16365. Construction of Jeffrey S. Kania SRSTP located in Glade Township, **Warren County**.

WQM Permit No. 2099401. Sewerage, **Joseph A. and Ruth E. Ruggiero, SRSTP**, 201 N. Fourth Ave., Titusville, PA 16354. Construction of Joseph A. and Ruth E. Ruggiero SRSTP located in Rome Township, **Crawford County**.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County Municipality</i> | <i>Receiving Stream</i> |
|-------------------------|---|--|---------------------------|
| PAS10-G354 | All County Properties, Inc. 365 Valley Park Road Phoenixville, PA 19460 | East Coventry Township Chester County | Tributary to Pigeon Creek |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County and Municipality</i> | <i>Receiving Stream</i> |
|-------------------------|--|-----------------------------------|-------------------------|
| PAS10E068 | Woodberry Village, L.P. 429 Fourth Ave., Suite 1002 Pittsburgh, PA 15219 | Butler County Buffalo Township | Little Buffalo Creek |

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and/or Other General Permits

The following parties have submitted Notice of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specific General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES
and/or other
General Permit Type*

| | |
|-------|--|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater From Construction Activities |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Single Residence Sewage Treatment Plant |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge By Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contract Site or a Land Reclamation Site |
| PAG-9 | General Permit for Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site. |

General Permit Type—PAG-2

| <i>Facility Location</i> | <i>Permit No.</i> | <i>Applicant's Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|---|-------------------|---|--|---|
| Kennett Township Chester County | PAR10-G313 | Bancroft Woods Company 835 West Baltimore Pike Kennett Square, PA 19348 | Clay Creek | Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130 |
| Middletown Township Delaware County | PAR10-J147 | Dam Rock Farm 216 South Orange Street Media, PA 19063 | Unnamed Tributary to Chester Creek | Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130 |
| Perkiomen Township Montgomery County | PAR10-T505 | Fortress PA LLC 2 EF Raymond Drive Havertown, PA | School House Creek | Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130 |
| Cheltenham Township Montgomery County | PAR10-T508 | Beaver College 450 South Easton Rd. Glenside, PA 19038 | Unnamed Tributary to Tacony Creek | Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130 |
| Limerick Township Montgomery County | PAR10-T451 | The Rosen Organization 1 Corp 3625 Welsh Road Willow Grove, PA | Unnamed Tributary to Local Creek | Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130 |
| Erie County Venango Township | PAR10K126 | John Afton 7616 Knoyle Road Erie, PA 16510 | Unnamed Tributary to Six Mile Creek | Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203 |
| Lawrence County, Wayne Township | PAR103732 | Salvation Army Major Lawrence Torbitt Camp Allegheny 424 Third Avenue Pittsburgh, PA 15219 | Slippery Rock Creek | Lawrence Conservation Dist. Lawrence Co. Gov. Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512 |
| Centre County Potter Township and Centre Hall Borough | PAR10F082 | Centre Quarries Subdivision Stephen and Lisa Hackman 1341 Sandpiper Dr. State College, PA 16801 | Unt. Sinking Creek/ Penns Creek | Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817 |

| <i>Facility Location</i> | <i>Permit No.</i> | <i>Applicant's Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|---|-------------------|---|--|---|
| Centre County Walker Township | PAR10F091 | Walker Meadows Johnson Farm Assoc. Robert Poole 501 Rolling Ridge Dr. State College, PA 16801 | Unt. Nittany Creek | Center County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817 |
| Union County New Berlin Borough and Limestone Township | PAR106830 | New Berlin Recreational Park 620 Plum St. New Berlin, PA 17855 | Penns Creek | Union County CD 60 Bull Run Crossing Lewisburg, PA 17837 |
| Woodbury Township Bedford County | PAR-10-0438 | Douglas D. Smith Frosty Hollow Road Roaring Spring, PA 16673 | Yellow Creek | Bedford County CD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706 |
| Richmond Township Berks County | PAR-10-C256 | East Penn Manufacturing Co. Deka Road Lyon Station, PA 19536 | Sacony Creek | Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657 |
| Hampden Township Cumberland County | PAR-10-H194 | Cumberland Valley School Dist. 6746 Carlisle Pike Mechanicsburg, PA 17055 | Hogestown Run | Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812 |
| East Pennsboro Township Cumberland County | PAR-10-H191 | PA Dept. of General Services 18th and Herr Streets Harrisburg, PA 17125 | Susquehanna River | Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812 |
| West Pennsboro Township Cumberland County | PAR-10-H197 | Herbert Moffit West Penn Estates 2121 Newville Road Carlisle, PA 17013 | Alexander Spring Run | Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812 |
| Lurgan Township Franklin County | PAR-10-M167 | Agway Agricultural Products Keystone Enterprises 512 West King Street Shippensburg, PA 17257 | Conodoguinet Creek | Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074 |
| St. Thomas Township Peters Township Franklin County | PAR-10-M166 | Darrell Zimmerman 4901 Quarry Road Greencastle, PA 17225 | Unt. to Back Creek | Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074 |
| Warwick Township Lancaster County | PAR-10-O-355 | Newport Square Assoc. 600 Olde Hickory Road Suite 350 Lancaster, PA 17601 | Moores Run | Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361 |
| West Lampeter Township Lancaster County | PAR-10-O-358 | Windy Hill Associates 2137 Embassy Drive Suite 210 Lancaster, PA 17603 | Mill Creek | Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361 |

NOTICES

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| <i>Facility Location</i> | <i>Permit No.</i> | <i>Applicant's Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|--|--|---|
| Earl Township Lancaster County | PAR-10-O-368 | Garden Spot Village Inc. 433 South Kinzer Avenue New Holland, PA 17567 | Unt. Mill Creek | Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361 |
| Conestoga Township Lancaster County | PAR-10-O-370 | Life Ministries 250 Meadow Lane Conestoga, PA 17516 | Unt. Pequea Creek | Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361 |
| West Lampeter Township Lancaster County | PAR-10-O-371 | Lampeter Strasburg School Dist. P. O. Box 428 Lampeter, PA 17537 | Unt. Big Spring Run | Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361 |
| Dover Township York County | PAR-10-Y368 | Templ School Estates Yorktowne Equities 1770 East Market Street York, PA 17402 | Unt. to Fox Run | York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430 |
| West Manheim Township York County | PAR-10-Y377 | First Church of God 600 Fairview Drive Hanover, PA 17331 | Unt. to Indian Run | York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430 |
| Fairview Township York County | PAR-10-Y313 | Hempt Brothers Inc. 203 Creek Road Camp Hill, PA 17011 | Marsh Run | York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430 |
| East Manchester Township York County | PAR-10-Y380 | Rudy Park Tree Removal York County Parks 40 Mundis Race Road York, PA 17402-9712 | Codorus Creek | York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430 |
| Northampton County Lower Nazareth Township | PAR10U101 | Sara George VP Planning & Marketing Easton Hospital 250 S. 21st Street Easton, PA 18042 | Shoeneck Creek | Northampton CD (610) 746-1971 |
| <i>General Permit Type—PAG 3</i> | | | | |
| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
| City of Corry Erie County | PAR318302 | Universal Compression, Inc. 4430 Brittmoore Rd. Houston, TX 77041 | Unnamed Tributary of Hare Creek | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Schuylkill County Shenandoah Borough | PAR-122201 | Ateeco, Inc. Mrs. T's Pierogies Proc. Plant 600 E. Center St. P. O. Box 606 Shenandoah, PA 17976-0606 | Shenandoah Creek | NERO Water Mgmt. (570) 826-2511 |
| Schuylkill County Shenandoah Borough | PAR-122206 | Ateeco, Inc. Ateeco, Inc., Warehouse 600 E. Center St. P. O. Box 606 Shenandoah, PA 17976-0606 | Shenandoah Creek | NERO Water Mgmt. (570) 826-2511 |

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|---|---|---|
| Northampton County Hellertown Borough | PAR-232223 | Bethlehem Apparatus Co., Inc. P. O. Box Y 890 Front St. Hellertown, PA 18055-0221 | Unnamed trib. of Silver Cr. w/discharges to Saucon Cr. | NERO Water Mgmt. (570) 826-2511 |
| Northampton County City of Bethlehem | PAR-232228 | Bethlehem Apparatus Co., Inc. P. O. Box Y 890 Front St. Hellertown, PA 18055-0221 | Lehigh River | NERO Water Mgmt. (570) 826-2511 |
| <i>General Permit Type—PAG 4</i> | | | | |
| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
| Annin Township, McKean County | PAG048569 | John Lapp R. R. 2, Box 243 Port Allegany, PA 16743 | Two Mile Creek | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Sugar Grove Township Warren County | PAG048564 | Henry L. and Shera D. McQueen R. R. 1, Box 119 Youngsville, PA 16371-9522 | Unnamed Tributary to Matthews Run | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Winslow Township, Jefferson County | PAG048548 | Loretta Y. Bliss 220 W. Main St. Reynoldsville, PA 15851-1044 | Unnamed Tributary (dry) to Fehley Run | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Harborcreek Township, Erie County | PAG048572 | Christopher J. and Jennifer L. Kelly 4015 Hannon Rd. Erie, PA 16510 | Unnamed Tributary to Six Mile Creek | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Hayfield Township, Crawford County | PAG048571 | Wayne R. Smith 18800 Broadford Rd. Saegertown, PA 16433 | Unnamed Tributary to Wolf Run | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Rome Township Crawford County | PAG048570 | Joseph A. and Ruth E. Ruggiero 201 N. Fourth Ave. Spartansburg, PA 16434 | Unnamed Tributary to Twomile Creek | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Glade Township Warren County | PAG048573 | Jeffrey S. Kania 680 Hatch Run Rd. Warren, PA 16365 | Unnamed Tributary to Hatch Run | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |

*General Permit Type-4—PAG 8**Facility Location**County and
Municipality**Permit No.**Applicant Name
and Address**Receiving Stream
or Body of Water**Contact Office and
Telephone No.*Columbia Borough
Lancaster County

PAG-08-3530

Columbia WTP
308 Locust Street
Columbia, PA 17512

N/A

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707**SEWAGE FACILITIES ACT
PLAN APPROVAL****Actions under the Pennsylvania Sewage Facilities
Act (35 P. S. §§ 750.1—750.20).***Southeast Regional Office: Sewage Planning Specialist
Supervisor; Lee Park, Suite 6010, 555 North Lane,
Conshohocken, PA 19428.*

The Plan Approval is granted for a revision to the Official Sewage Facilities Plan of Concord Township, Delaware County. The approved special study evaluates sewerage needs of the Conestoga Farm Area and the alternates to provide for the needs. The selected alternative is extension of the existing public sewer system with lower pressure sanitary sewers. The sewer authority is to own and maintain all pumps in the system. The study area includes 85 homes and 4 commercial properties. This special study was done to support the Concord Township existing official plan. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this approval. A Water Quality Part II permit is required for the sewer extension.

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drink-
ing Water Act (35 P. S. §§ 721.1—721.17)***Northeast Regional Office: Sanitarian Regional Man-
ager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (717)
826-2511.*

Permit No. 4098505. Public water supply. **Lake Lehman School District**, P. O. Box 38, Lehman, PA 18627, Kathleen Williams, Business Manager. This proposal involves the construction of corrosion control treatment facilities at the Lake Lehman Middle School located in Lehman Township, **Luzerne County**. Construction permit issued on March 9, 1999.

Permit No. 5496501. Public water supply. **Borough of Pine Grove, c/o Harold Zimmerman, President**, Pine Grove Borough Council, 1 Snyder Avenue, Pine Grove, PA 17963. This proposal involves construction of a 100 gpm water booster pumping station, 1,000 gallon hydropneumatic water tank and approximately 3,800 feet of 4" ductile iron water main servicing the new PENNDOT South Bound Safety/Rest Area. It is located in Pine Grove, **Schuylkill County**. Construction permit issued on February 11, 1999.

Operations Permit issued on March 1, 1999, to **Deer Run Mobile Home Park**, Hamilton Township, **Monroe County**.

Operations Permit issued on March 11, 1999, to **Heritage Village Water Company**, Lehigh Township, **Northampton County**.

Operations Permit issued on March 12, 1999, to **Hawley Water Company**, Hawley Borough, **Wayne County**.

Operations Permit issued on March 11, 1999, to **South Whitehall Township Authority**, South Whitehall Township, **Lehigh County**.

Southcentral Regional Office: Sanitarian Regional Manager; 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 2297504. Public water supply, **United Water Pennsylvania**, Dauphin Borough, **Dauphin County**. *Responsible Official:* Gregory P. Wyatt, VP/General Manager, 4211 E. Park Circle, Harrisburg, PA 17111. *Type of Facility:* Installation of the Canal Street Raw Water Pumping Station on Stoney Creek located in Dauphin Borough. *Permit to Operate Issued:* March 19, 1999.

Regional Office: Northcentral Field Operations, Environmental Program Manager; 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. 1499501. The Department issued an innovative technology/construction permit to **Boggs Township Water System**, 1270 Runville Road, Bellefonte, PA 16823, Boggs Township, **Centre County**. The permit was issued for construction of an Environmental Products Division (EPD) pressure and filtration plant, new well pump for Well 1 and associated controls and water lines.

Permit No. 1794501-T1. The Department issued a transfer permit of operation of **Upper Three Runs** as a public water supply source, a raw water pump station and transmission line, a water filtration plant with chemical feed and disinfection facilities, a finished water booster pump station, a finished water storage tank, two hydropneumatic tanks and transmission and distribution lines Quehanna Motivational Boot Camp, HC Box 32, Karthaus, PA 16845, Karthaus Township, **Clearfield County**.

Permit No. 5798501. The Department issued an operation permit to **Red Rock Job Corps Center**, P. O. Box 218, Lopez, PA 18628-0218, Colley Township, **Sullivan County**. The permit was issued for operation of Well No. 4 and two green sand filters.

Northwest Regional Office: Regional Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.

Permit No. 1698501. Public water supply. **Hartzell's Mobile Home Park**, R. D. 1, Box 115, Tionesta, PA 16353. Permit issued for an existing system to utilize the new well and for modifications of system. Facilities located in Washington Township, **Clarion County**.

Type of Facility: Public Water Supply

Consulting Engineer: David G. Nichols, P.E., Nichols & Slagle Engineering, Inc., 980 Beaver Grade Road, Suite 101, Westmark Bldg., Moon Township, PA 15108.

Construction Permit Issued: March 24, 1999.

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Proposed Modification to Consent Order and Agreement Filmore Site Millcreek Township, Erie County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), notice is provided that the Department of Environmental Protection (Department) has agreed to modify the May 10, 1995 Consent Order and Agreement (CO&A) between LOC, Incorporation (LOC, Inc.) and the Department concerning the cleanup of the Filmore Site (Site) (hereinafter Modification).

In the past, hazardous substances were disposed at the Site and these substances contaminated the environment at the Site. As an owner of a portion of the Site subsequent to hazardous substance disposal and initial releases at the Site, and during the time of the release and threatened release of hazardous substances at the Site, LOC, Inc. is a "responsible party" as defined in section 103 of HSCA. In paragraph 3 of the CO&A, LOC, Inc. agreed to pay the Department \$5,000 toward the Department's response costs. LOC, Inc. has complied with this provision of the CO&A. In Paragraph 4 of the CO&A, LOC, Inc. agrees to grant the Department access to perform response actions at the Site. LOC, Inc. is complying with this provision of the CO&A. The Department anticipates that additional response actions will be conducted at the Site in 1999 to mitigate the threat to human health and the environment posed by the hazardous substances there.

The Department has conducted a study to evaluate the alternatives to remediate the soils at the property. The study shows that excavating 2 feet of the contaminated soils and waste, backfilling with clean material and installing a gravel cover (gravel cover alternative) will protect the public health and the environment, and is the most cost effective alternative. However, LOC, Inc. requested that the Department consider another alternative that essentially consists of constructing a concrete cover at the property (concrete cover alternative). The concrete cover alternative would be designed and constructed so that it would protect human health and the environment as well as, or better than, the gravel cover alternative. Upon consideration of this request, the Department has determined that the request is reasonable. In paragraph G of the Modification, LOC, Inc. agrees to reimburse the Department in the amount of \$122,601, plus interest, which represents the difference in present worth costs between the gravel cover alternative and concrete cover alternative. LOC, Inc. will undertake future maintenance obligations related to the concrete cover alternative.

The specific terms of this settlement are set forth in the Modification between the Department and LOC, Inc. The Department will receive and consider comments relating to the Modification for 90 days from the date of this public notice. The Department has the right to withdraw its consent to the Modification if the comments concerning the Modification disclose facts or considerations which indicate that the Modification is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with LOC, Inc. shall be effective upon the date that the Department notifies LOC, Inc., in writing, that this Modification is final and effective in its present form, and that the Department has

filed a response to significant written comments to the Modification, or that no such comments were received.

Copies of the CO&A and Modification are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Charles Tordella, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Charles Tordella at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

AVO International, Inc., Plymouth Township, **Montgomery County**. David N. Wilcofs, P.G. GA Environmental Services, Inc., 401 Baldwin Tower, 1510 Chester Pike, Eddystone, PA 19022, has submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide health standard for soils and site-specific standards for groundwater.

Philadelphia Industrial Correction Center, City of Philadelphia, **Philadelphia County**. R. Michael Peterson, AET Environmental, Inc., 501 King Avenue, Cherry Hill, NJ 08002, has submitted a Final Report

concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Progress Lighting Facility, City of Philadelphia, **Philadelphia County**. Michael S. Kozar, P. G. and Thomas A. Nowlan, P.E., O'Brien, & Gere Engineers, Inc., 1777 Sentry Parkway West, Gwynedd Hall, Suite 302, Blue Bell, PA 19422, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet site-specific standards.

National Brands Distribution, City of Philadelphia, **Philadelphia County**. Bruce Haigh, P.E., Technicon Enterprises, Inc., 2675 Morgantown Road, Reading, PA 19607, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

Proietto Residence, Borough of Conshohocken, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals and solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Pennsylvania Power & Light Company (PP&L)—Central City Substation, City of Scranton, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Berks Products Corporation, Muhlenberg Township, **Berks County**. Berks Products Corp, 4408 Fifth Street Highway, Reading, PA 19560, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to a combination of the background and Statewide health standards.

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

Home Depot, U.S.A., Richland Township, **Cambria County**. Home Depot, U.S.A. c/o Katherine E. Lee, Esq., 2455 Paces Ferry Road, NW, Building C, 20th Floor, Atlanta, GA 30339, Paramount Development, c/o Rex McQuaide, Esq., McQuaide Law Offices, 1405 Eisenhower Blvd., Richland Square No. 1, Suite 200, Johnstown, PA

15904 and Claire G. Quadri, Urban Engineers of Erie, Inc., 502 West Seventh Street, Erie, PA 16502, have submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the site-specific standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. 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. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan or 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 acted upon the following plans and reports:

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

South 71st St. Property (Alto Sign), City of Philadelphia, **Philadelphia County**. Michael H. Menninger, McLaren Hart, Inc., 300 Stevens Drive, Suite 200, Lester, PA 19113, has submitted a Remedial Investigation Report

and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX and petroleum hydrocarbons. The Remedial Investigation report and Cleanup Plan were approved by the Department on March 1, 1999.

Avondale Manufactured Gas Plant Site, Avondale Borough, **Chester County**. Michael F. Heisler, P.E., PECO Energy Co., Environmental Affairs, P. O. Box 8699, Philadelphia, PA 19101-8699, has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with heavy metals, BTEX and polycyclic aromatic hydrocarbons. The Remedial Investigation report was approved by the Department on March 3, 1999.

Whitman Residence, Tredyffrin Township, **Chester County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on January 26, 1999.

Lenape Manufacturing Co., Perkasio Borough, **Bucks County**. Thomas R. Severino, Environmental Science & Remediation Technologies, Inc., 105 E. Evans St., West Chester, PA 19380, has submitted a Final Report concerning the remediation of site soils contaminated with PCBs, heavy metals, solvents and petroleum hydrocarbons; and groundwater contaminated with solvents and petroleum hydrocarbons. The Final Report did not demonstrate attainment of the Statewide health standard for soils and site-specific standard for groundwater and was disapproved by the Department on March 15, 1999.

Blue Ribbon Enterprises, Inc., City of Philadelphia, **Philadelphia County**. Keith Tockman, Whitestone Associates, Inc., 776 Mountain Blvd., Watchung, NJ 07060, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on March 12, 1999.

SOLID AND HAZARDOUS WASTE

Proposed action on a request for permit by rule determination of applicability under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste storage and reclamation facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 60 days from the date of this public notice. Comments received within this 60-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based.

Following the 60-day comment period, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Intent to Approve Permit By Rule Request.

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA 0000193334. Goldschmidt Industrial Chemical Corporation. Operation of a hazardous waste storage and reclamation facility located in McDonald, **Washington County**. The request for a permit by rule determination of applicability for reclamation of tin from corrosive wastes was considered for intent to approve by the Regional Office on March 26, 1999.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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.

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

Permit ID No. 100277. The Sanitary Landfill, Westmoreland Waste, LLC, 1428 Delberts Drive—Unit 2, Monongahela, PA 15063. Operation of a municipal waste landfill in Rostraver Township, **Westmoreland County**. Permit renewal issued in the Regional Office on March 24, 1999, to extend the permit expiration date until December 31, 2001.

AIR QUALITY

OPERATING PERMITS

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.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

30-000-072: Consol Pennsylvania Coal Co. (1800 Washington Road, Pittsburgh, PA 15241) issued March 23, 1999, for operation of coal preparation plant at Bailer Prep Plant in Richhill Township, **Greene County**.

65-000-183: Allegheny Ludlum Steel Corp. (100 River Road, Brackenridge, PA 15014) issued March 23, 1999, for operation of NO_x sources at West Leechburg Plant in West Leechburg Borough, **Westmoreland County**.

Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

12-399-015B: Motor Coils Mfg. Co. (P. O. Box 311, Emporium, PA 15834) on March 16, 1999, to allow the use of cleanup solvent having a higher volatile organic compound content than that originally approved (2.7 pounds per gallon versus 2.4 pounds per gallon) and authorize a .07 ton per year increase in the amount of

volatile organic compound emissions allowed as a result of cleanup solvent use in Emporium Borough, **Cameron County**.

17-305-042: Commonwealth Synfuel, L.L.C. (3280 North Frontage Road, Lehi, UT 84057) on March 16, 1999, to extend a stack test performance deadline date to May 1, 1999, in Karthaus Township, **Clearfield County**.

PLAN APPROVALS

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

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-15-0030: NVF Co. (400 West Mulberry Street, Kennett Square, PA 19348) issued March 25, 1999, for operation of baghouses (dust collectors) in Kennett Square Borough, **Chester County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

67-320-028: Topflight Corp. (P. O. Box 2847, York, PA 17405) issued March 23, 1999, for the installation of a four-unit rotogravure press in Springfield Township, **York County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-04-006A: Brighton Electric Steel Casting Co. (P. O. Box 206, Beaver Falls, PA 15010) issued March 23, 1999, for operation of air compressor engine at div. of J&L Structural in Beaver Falls, **Beaver County**.

PA-32-339A: Opal Industries, Inc. (P. O. Box 980, Latrobe, PA 15650) issued March 23, 1999, for operation of dry coal crushing facility at Nowrytown No. 1 Mine in Conemaugh Township, **Indiana County**.

PA-65-837A: Consolidated Natural Gas Transmission Corp.'s Oakford Station (P. O. Box 66, Delmont, PA 15626) in Salem Township, **Westmoreland County**. CNGT operates this TV facility for the transmission and distribution of natural gas. Oakford Station is a major facility for emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x). This plan approval is for the installation of two new Dehy Heaters which are used to regenerate deciccant beads that remove moisture from natural gas before it enters the pipeline. The conditions placed in this plan approval by the Department ensure that these new sources meet the Best Available Technology requirements of 25 Pa. Code § 127.12(a)(5). A 30-day comment period, from the date of publication, will exist for the submission of comments. A copy of the application is available for review at the Department of Environmental Protection's Southwest Regional Office.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-10-028D: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023) issued March 18, 1999, for replacement of the baghouse on the primary crusher in West Winfield Township, **Butler County**.

PA-42-009A: Pittsburgh Corning Corp. (723 North Main Street, Port Allegany, PA 16743) issued March 18,

1999, for installation of a wet collector on the existing mold spray release application in Port Allegany, **McKean County**.

PA-42-174A: McKean County Solid Waste Authority, Kness Landfill (SR 42034, Hutchins Road, Mount Jewett, PA 16740) for installation of a temporary passive candlestick flare in Sergeant Township, **McKean County**.

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

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

23-318-040: Community Light & Sound, Inc. (333 East Fifth Street, Chester, PA 19013) issued March 23, 1999, for operation of a paint spray booth in City of Chester, **Delaware County**.

46-320-033: Global Packaging, Inc. (Brower and Montgomery Avenues, Oaks, PA 19456) issued March 15, 1999, for operation of a flexographic printing press in Upper Providence Township, **Montgomery County**.

09-318-071: H & N Packaging Inc. (202 Oak Avenue, Chalfont, PA 18914) issued March 11, 1999, for operation of a slitter/coater in Chalfont Borough, **Bucks County**.

09-318-076: Legendary Cars, Inc. (2065 Bunnell Road, Warrington, PA 18976) issued March 18, 1999, for operation of a spray booth in Warrington Township, **Bucks County**.

46-399-104: MM SKB Energy LLC (709 Swedeland Road, Upper Merion, PA 19406) issued March 18, 1999, for operation of five I.C. diesel engines in Upper Merion Township, **Montgomery County**.

23-302-127: Sun Co., Inc. (R&M) (Delaware Ave. and Green Street, Marcus Hook, PA 19061) issued March 19, 1999, for operation of Boiler No. 9 in Marcus Hook Borough, **Delaware County**.

46-320-028A: Global Packaging, Inc. (Brower and Montgomery Avenues, Oaks, PA 19456) issued March 11, 1999, for operation of a flexographic printing press No. 1 in Upper Providence Township, **Montgomery County**.

46-320-028: Global Packaging, Inc. (Brower and Montgomery Avenues, Oaks, PA 19456) issued March 11, 1999, for operation of a flexographic printing press in Upper Providence Township, **Montgomery County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

67-03011: Topflight Corp. (P. O. Box 2847, York, PA 17405) granted February 1, 1999, to authorize temporary operation for the custom label printing operations, covered under this Plan Approval until May 31, 1999, in Springfield Township, **York County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-56-263A: Penn Coal, Inc. (214 College Park Plaza, Johnstown, PA 15904) issued March 23, 1999, for installation of coal screening at Sarah Mine in Jenner Township, **Somerset County**.

PA-11-416A: Pheasant & Shearer (1922 Ohio Street, Johnstown, PA 15904) issued March 23, 1999, for installa-

tion of hammermill flex tooth crusher at Rider Slag Dump in East Taylor Township, **Cambria County**.

PA-04-227A: Koppel Steel Corp. (P. O. Box 750, Beaver Falls, PA 15010) issued March 23, 1999, for operation of spray coater, west bay at Ambridge Plant in Harmony Township, **Beaver County**.

04-313-065A: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) issued March 23, 1999, for operation of dylite unit at Beaver Valley Plant in Potter Township, **Beaver County**.

04-000-033: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) issued March 23, 1999, for operation of thermoplastic resin mfg. at Beaver Valley Plant in Potter Township, **Beaver County**.

PA-04-701A: Allegheny Asphalt Mfg., Inc. (P. O. Box 98100, Pittsburgh, PA 15227) issued March 23, 1999, for operation of drum mix asphalt plant in Monaca Borough, **Beaver County**.

PA-04-033A: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) issued March 23, 1999, for operation of D2 liquid lube dylite process at Beaver Valley Plant in Potter Township, **Beaver County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

Coal Permits Issued

56890108. Permit Renewal for reclamation, only, **Godin Brothers, Inc.** (136 Godin Drive, Boswell, PA 15531), for continued restoration of a bituminous strip mine in Jenner Township, **Somerset County**, affecting 82.9 acres, receiving stream unnamed tributary to Quemahoning Creek; and unnamed tributary to Hoffman Run. Application received January 28, 1999; issued March 22, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17910131. Ecklund Coal Company, Inc. (R. R. 1, Box 109, Irvona, PA 16656), revision to an existing bituminous surface mine permit in Bigler Township, **Clearfield County** for a change in permit acreage from 165.9 to 187.7 acres. Receiving streams: Porter Run and an unnamed tributary to Clearfield Creek. Application received December 16, 1999. Permit issued March 4, 1999.

17703032. W. C. Bowman (R. D. 1, Box 104, Houtzdale, PA 16651), renewal of an existing bituminous

surface mine permit in Woodward Township, **Clearfield County** affecting 116.3 acres. Receiving streams: Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received December 28, 1998. Permit issued March 12, 1999.

17813091. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger permit in Graham Township, **Clearfield County** affecting 196.3 acres. Receiving streams: two unnamed tributaries to and Alder Run to West Branch Susquehanna River. Application received January 7, 1999. Permit issued March 18, 1999.

17910131. Ecklund Coal Company, Inc. (R. R. 1, Box 109, Irvona, PA 16656), revision to an existing bituminous surface mine permit for a change in permit acres from 165.9 to 187.7 acres, located in Bigler Township, **Clearfield County**. Receiving streams: Porter Run and an unnamed tributary to Clearfield Creek. Application received December 16, 1998. Permit issued March 4, 1999.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

63841302. Maple Creek Mining, Inc. (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in New Eagle Borough Township, **Washington County** to add 28 subsidence control plan acres, no additional discharges. Permit issued March 18, 1999.

16031604. RFI Energy, Inc. (555 Philadelphia St., Indiana, PA 15701), to transfer the permit for the Shannon Prep Plant in Piney and Toby Townships, **Clarion County**, no additional discharges. Permit issued March 18, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

49921301R. Chestnut Coal (RR 3, Box 142B, Sunbury, PA 17801), renewal of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 5.0 acres, receiving stream—none. Renewal issued March 22, 1999.

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

Industrial Minerals NPDES Permit Renewal Applications Issued

11940301. Pheasant & Shearer (1922 Ohio Street, Johnstown, PA 15904-1017), renewal of NPDES Permit No. PA0212873, East Taylor Township, **Cambria County**, receiving stream Hinckston Run. NPDES renewal application received January 26, 1999; issued March 22, 1999.

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

Small Industrial Minerals Applications Issued

32982801. Penn Run Quarry (R. D. 1, Box 29A, Penn Run, PA 15765), in Cherryhill Township, **Indiana County**, affecting 12.7 acres, receiving stream unnamed tribs to Penn Run. Application received November 6, 1998; issued March 22, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Coal Applications Returned

17970116. Hamilton Bros. Coal, Inc. (R. R. 2, Box 563, Clymer, PA 15728), commencement, operation and

restoration of a bituminous surface mine-auger permit in Beccaria Township, **Clearfield County** affecting 257 acres. Receiving streams: Snyder Run and two unnamed tributaries to Clearfield Creek. Application received September 22, 1997. Application returned March 22, 1999.

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

Coal Applications Withdrawn

26980104. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Application withdrawn for commencement, operation and reclamation of a bituminous surface mine located in Wharton Township, **Fayette County**, proposed to affect 100.4 acres. Receiving streams: Big Sandy Creek and unnamed tributary to Big Sandy Creek to Cheat River and McIntire Run and Big Sandy Creek to Cheat River. Application withdrawn: March 23, 1999.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (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 rule of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

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

E23-377. Encroachment Permit. **Folcroft Borough**, 1555 Elmwood Avenue, P. O. Box 155, Folcroft, PA 19032. To maintain an 8-inch sanitary sewer aerial crossing, supported by a W12x65 Steel I beam and three 12-inch by 12-inch reinforced concrete columns, spanning

Muckinipates Creek (WWF, MF) (Lansdowne, PA Quadrangle N: 3.5 inches; W: 4.9 inches) in Folcroft Borough, **Delaware County**. On February 3, 1999, approval was given for the construction of this activity under EP2399301. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-358. Encroachment. **Laughlin Real Estate, Inc.**, 156 Tamarack Circle, Skillman, NJ 08558. To construct and maintain a precast concrete spread box beam bridge, having a normal span of 45 feet with an underclearance of approximately 4.5 feet across Little Cedar Creek and to construct and maintain two 15-inch diameter R.C.P stormwater outfall structures in the floodway of Little Cedar Creek. The project is associated with Cedar Creek Farm, a 299 unit residential development, and is located immediately southeast of the intersection of S.R. 0022 and S. R. 0309 (Allentown West, PA Quadrangle N: 17.6 inches; W: 7.6 inches) in South Whitehall Township, **Lehigh County**.

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

E65-711. Encroachment. **Nese Construction Company, Inc.**, One Monroeville Center, Suite 1050, Monroeville, PA 15146. To operate and maintain an existing 10.0-foot x 4.0-foot corrugated aluminum pipe arch culvert in an unnamed tributary to Turtle Creek (TSF), to place and maintain fill along approximately 550 feet of an unnamed tributary to Turtle Creek (TSF), to place and maintain fill in 0.16 acre of wetlands (PEM/PSS) and to restore 0.03 acre of wetlands (PEM) which have been impacted for the purpose of lot development with 0.38 acre of wetland (PEM) replacement. The project is located at the end of Hones Road (Slickville, PA Quadrangle N: 5.5 inches; W: 16.5 inches) in the Municipality of Murrysville, **Westmoreland County**.

E32-398. Encroachment. **Pennsylvania Department of Transportation**, District 10-0, P. O. Box 429, Indiana, PA 15701. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 30.0 feet and an average underclearance of 6.5 feet across Crooked Creek (CWF) for the purpose of improving transportation safety and roadway standards. This permit also authorizes the realignment, stabilization and maintenance of approximately 100.0 feet of Crooked Creek (CWF) upstream from the proposed bridge. The project is located on S. R. 286, Segment 0680, Offset 0162, Station 455+42 (Clymer, PA Quadrangle N: 6.8 inches; W: 8.25 inches) in Rayne Township, **Indiana County**.

E65-698. Encroachment. **Clarence B. Smail, Jr. and James A. Smail**, P. O. Box 1200, Route 30 East, Greensburg, PA 15601. To extend and maintain the existing culvert with 240 feet long metal pipe arch culvert having a span of 13 feet and an underclearance of 8 feet in Slate Creek (WWF) located just upstream of S. R. 30; to construct and maintain a 35-foot long, 5-foot diameter R. C. pipe culvert in an unnamed tributary to Slate Creek located approximately 500 feet upstream of S. R. 30; and to place and maintain fill in 0.01 acre of de minimis wetlands (PEM) for the purpose of construction of a car sales area. The project is located approximately 0.5 mile east of Eastgate Shopping Plaza (Latrobe, PA Quadrangle N: 9.2 inches; W: 15.6 inches) in Hempfield Township, **Westmoreland County**.

WATER ALLOCATIONS

Actions taken on permits issued under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Change of Ownership

WA-915. Succession to Water Rights. The Department of acknowledged that **Williams Grove Associates**, Mechanicsburg, **Cumberland County**, has given notice that it succeeded to all rights and obligations under WA-915, issued to the former Williams Grove Mobile Home Park, Mechanicsburg, Cumberland County on June 23, 1992.

SPECIAL NOTICES

Notification of Receipt of the Merck & Co. Risk Assessment Protocol

On March 9, 1999, the Bureau of Air Quality received a copy of the *Risk Assessment Protocol For The Merck & Co., Inc. Cherokee Facility Riverside, Pennsylvania* for the proposed fluidized bed combustor for the burning of liquid hazardous wastes and industrial sludge. The Protocol will serve as the method outline for performing a multipathway risk assessment for the handling and burning of the liquid hazardous wastes and industrial sludge in the proposed fluidized bed combustor at the Cherokee facility. Interested individuals may review the Protocol by contacting David Aldenderfer, Air Quality Program Manager, Department of Environmental Protection, Northcentral Regional Office, 208 West 3rd Street, Suite 101, Williamsport, PA 17701.

Certified Emission Reduction Credits in Pennsylvania's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission re-

ductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department of confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC-generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown as follows, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expire for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over-control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

| <i>Facility information</i> | <i>Criteria Pollutant or Precursor</i> | <i>Certified ERCs Available (tpy)</i> | <i>Expiration date</i> | <i>Intended use of ERCs</i> |
|--|--|---------------------------------------|------------------------|-----------------------------|
| American National Can Company County: Lehigh, PA Nonattainment status: Moderate Contact Person: R. M. Rivetna (312) 399-3392 | VOCs | 166.7 | 11/06/2002 | Trading |
| National Fuel Gas Supply Corp. Knox Compressor Station County: Jefferson, PA Nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657 | NOx | 145.7 | 06/30/2002 | Internal Use |
| National Fuel Gas Supply Corp. Roystone Compressor Station County: Warren, PA Nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657 | NOx | 103.3 | 12/28/2002 | Internal Use |

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| <i>Facility information</i> | <i>Criteria Pollutant or Precursor</i> | <i>Certified ERCs Available (tpy)</i> | <i>Expiration date</i> | <i>Intended use of ERCs</i> |
|---|--|---------------------------------------|------------------------|-----------------------------|
| U. S. Naval Hospital County: Philadelphia Nonattainment Status: Severe Contact Person: Mark Donato (215) 897-1809 | NOx | 30.5 | 3/31/2005 | Trading |
| United States Steel Group County: Bucks Nonattainment Status: Severe Contact Person: Nancy Hirko (412) 433-5914 | NOx VOC | 1301.7 18.1 | 8/01/2001 | Trading |
| Lord Corporation Source: Two coal fired boilers County: Erie Ozone nonattainment status: Moderate Contact Person: Robert E. Nipper (814) 868-0924 | NOx | 30.5 | 12/20/2004 | Trading |
| Julian B. Slevin, Inc. Recipient/Holder: Ronald W. Lockhart Sandra S. Lockhart Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact Person: Seth Cooley (215) 979-1838 | VOCs | 85.22 | 12/20/2005 | Trading |
| Graphic Controls Corporation Recipient/Holder: RIDC Southwestern Pennsylvania Growth Fund Ozone nonattainment status: Moderate Contact Person: F. Brooks Robinson (412) 471-3939 | VOCs | 104.0 | 5/15/2002 | Trading |
| R. R. Donnelley & Sons Co. County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York (717) 293-2056 | VOCs | 33.0 | | Internal Use |
| Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact Person: Robert Wallace (215) 632-2300 | VOCs | 323.0 | | Trading |
| Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact Person: Tim McKenzie (814) 533-8670 | NOx VOCs | 452.0 3.0 | 1/18/2001 | Trading |
| Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact Person: Robert Trbovich (412) 983-6161 | NOx VOCs | 96.3 10.7 | 11/30/2002 | Trading |
| Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact Person: Donald R. Schneider (412) 652-5531 | NOx | 214.0 | 4/02/2003 | Trading |

| <i>Facility information</i> | <i>Criteria Pollutant or Precursor</i> | <i>Certified ERCs Available (tpy)</i> | <i>Expiration date</i> | <i>Intended use of ERCs</i> |
|--|--|--|--|-----------------------------|
| Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone nonattainment status: Moderate Contact Person: William E. Knight (717) 355-4903 | NOx VOCs | 4.0 78.0 | 1/22/2003 | Trading |
| Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact Person: David W. Warne (717) 765-0746 | VOCs | 20.0 | 10/1/2004 | Trading |
| I.H.F.P., Inc. Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact Person: Michael West (717) 742-6639 | NOx VOCs | 24.45 12.88 | 4/1/2006 | Trading |
| 3M Minnesota Mining & Manufacturing Source Name: 1E Coater Source Name: 2E Coater Source Name: 3E Coater Source Name: 4E Coater Source Name: 5E Coater Source Name: 3W Coater Source Name: 4W Coater Plant Location: Bristol, Bucks Ozone nonattainment status: Severe Contact Person: Belinda Wirth (612) 778-6014 | VOCs VOCs VOCs VOCs VOCs VOCs VOCs | 0.10 0.25 44.80 0.10 17.90 303.65 275.10 | 5/02/2001 5/06/2001 4/18/2001 4/16/2001 4/26/2001 10/18/2001 5/13/2001 | Trading |
| Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone nonattainment status: Moderate Contact Person: John M. Arnold (717) 939-0466 | VOCs | 18.36 | 1/1/2003 | Trading |
| Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone nonattainment status: Moderate Contact Person: Martin Mueller (412) 762-5263 | VOCs | 41.7 | 06/30/2006 | Trading |
| PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone nonattainment status: Moderate Contact Person: Lori Burgess (412) 274-3884 | VOCs | 171.82 | | Trading |
| York International Corpotion Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township, County: York Ozone nonattainment status: Moderate Contact Person: Garen Macdonald (717) 771-7346 | VOCs VOCs | 12.2 2.7 | 06/01/2006 10/01/2005 | Trading |

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| <i>Facility information</i> | <i>Criteria Pollutant or Precursor</i> | <i>Certified ERCs Available (tpy)</i> | <i>Expiration date</i> | <i>Intended use of ERCs</i> |
|--|--|---------------------------------------|--|-----------------------------|
| Pennzoil Products Company Source Location: Rouseville County: Venango Ozone nonattainment status: Moderate Contact Person: Lee E. Wilson (814) 678-4649 | NOx | 31.6 | 04/15/2002 | Trading |
| REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone nonattainment status: Moderate Contact Person: LeRoy H. Hinkle (610) 916-4248 | NOx SOx | 9.42 51.05 | 11/22/2005 | Trading |
| Avery Dennison Corporation Fasson Roll North America Source Location: Quakertown County: Bucks Ozone nonattainment status: Severe Contact Person: Roy R. Getz (215) 538-6271 | VOCs | 273.0 | | Trading |
| Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact Person: D. David Hancock, Jr. (215) 777-7811 | VOCs | 18.0 | 7/28/2005 | Trading |
| Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone nonattainment status: Moderate Contact Person: Tim Bergerstock (717) 784-4100 | NOx VOCs | 0.39 0.02 | 4/17/2006 | Internal Use |
| National Fuel Gas Supply Corporation Sources: I. C. Engines #1, 2, 3 and 4 Source Location: Ellisburg Compressor Facility County: Potter Ozone nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657 | NOx VOC | 49.0 0.4 | 7/2/2008 | Internal Use |
| Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Robert G. Rucker (610) 485-8900 | VOCs NOx | 157.9 5.2 | | Trading |
| CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone nonattainment status: Moderate Contact Person: Sean R. Sleigh (304) 623-8462 | NOx VOCs | 39.28 0.55 | 10/27/2004 | Internal use and trading |
| Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone nonattainment status: Moderate Contact Person: J. R. Koch (610) 694-2307 | NOx VOCs | 963.0 21.0 | Varies from 11/18/2005 to 3/3/2007 | Trading |

| <i>Facility information</i> | <i>Criteria Pollutant or Precursor</i> | <i>Certified ERCs Available (tpy)</i> | <i>Expiration date</i> | <i>Intended use of ERCs</i> |
|---|--|---------------------------------------|------------------------|-----------------------------|
| Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Ozone nonattainment status: Moderate Contact Person: Tim Owens (330) 688-1111 | VOCs | 75 | 6/30/2008 | Trading |
| Pennsylvania Electric Company (Penelec) Source Location: Front St. Station County: Erie Ozone nonattainment status: Moderate Contact Person: Tim McKenzie (814) 533-8670 | NOx | 1477.90 | 1/18/2001 | Trading |

Quarterly Summary of ERC Transactions

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

- 1 **ERC Generating Facility Information**
ERC Generating Facility Name: United States Steel, USX Corporation
Location of Source: Edgar Thomson Works, Braddock, Allegheny County, PA
Certified ERCs (tpy): 136.6 tpy of NOx, 83.9 tpy of VOCs, 46.4 tpy of SOx and 64.7 tpy of PM
Amount of ERCs traded to Purchaser/Recipient: 136.6 tpy of NOx and 83.9 tpy of VOCs
Date of ERCs Transfer: January 22, 1999
ERCs available for future use: 46.4 tpy of SOx and 64.7 tpy of PM
Purchaser/Recipient of ERCs
Purchaser/Recipient of ERCs: Consol Pennsylvania Coal Company
Location of Source: Bailey Prep Plant, Greene County, PA
Plan Approval Number: 30-072B
NOx credits used: 0
VOCs credits used: 0
NOx credits available for future use: 136.6 tpy
VOCs credits available for future use: 83.9 tpy
- 2 **ERC Generating Facility Information**
ERC Generating Facility Name: Graphic Controls Corporation, Pittsburgh Coating Facility
Location of Source: Wilmerding, Allegheny County
Certified ERCs (tpy): 5 tons per year of NOx
Amount of ERCs traded to Purchaser/Recipient: 5 tons per year of NOx
Date of ERCs Transfer: February 8, 1999
ERCs available for future use: 0
Purchaser/Recipient of ERCs
Purchaser/Recipient of ERCs: Consol Pennsylvania Coal Company
Location of Source: Bailey Prep Plant, Greene County, PA
Plan Approval Number: 30-072B
NOx credits used: 0
NOx credits available for future use: 5 tpy

- 3 **ERC Generating Facility Information**
ERC Generating Facility Name: Leggett & Platt Incorporated, Harris Hub-Columbia
Location of Source: Columbia, Lancaster County, PA
Certified ERCs (tpy): 30 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 30 tpy of VOCs
Date of ERCs Transfer: February 23, 1999
ERCs available for future use: 0
Purchaser/Recipient of ERCs
Purchaser/Recipient of ERCs: Consol Pennsylvania Coal Company
Location of Source: Bailey Prep Plant, Greene County, PA
Plan Approval Number: 30-072B
VOCs credits used: 0
VOCs credit available for future use: 30 tpy
- 4 **ERC Generating Facility Information**
ERC Generating Facility Name: Susquehanna Steel Corporation
Location of Source: Milton, Northumberland County, PA
Certified ERCs (tpy): 45 tpy of NOx, 25 tpy of VOCs, 25 tpy of SOx and 220 tpy of CO
Amount of ERCs traded to Purchaser/Recipient: 45 tpy of NOx and 25 tpy of VOCs
Date of ERCs Transfer: February 23, 1999
ERCs available for future use: 25 tpy of SOx and 220 tpy of CO
Purchaser/Recipient of ERCs
Purchaser/Recipient of ERCs: Consol Pennsylvania Coal Company
Location of Source: Bailey Prep Plant, Greene County, PA
Plan Approval Number: 30-072B
NOx credits used: 0
VOCs credits used: 0
NOx credits available for future use: 45 tpy
VOCs credits available for future use: 25 tpy
- 5 **ERC Generating Facility Information**
ERC Generating Facility Name: BDM Enterprises
Location of Source: Pawling, Dutchess, New York
Certified ERCs (tpy): 41.28 tons per year (tpy) of NOx
Amount of ERCs traded to Purchaser/Recipient: 41.28 tpy of NOx
Date of ERCs Transfer: February 24, 1999

ERCs available for future use: 0

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: AES Ironwood, L.L.C.

Location of Source: Lebanon, PA

NOx credits used: 0

NOx credits available for future use: 41.28 tpy

6 ERC Generating Facility Information

ERC Generating Facility Name: CWM Chemical Services, L.L.C.

Location of Source: Model City, Niagara County, New York

Certified ERCs (tpy): 2 tons per year (tpy) of VOCs

Amount of ERCs traded to Purchaser/Recipient: 2 tpy of VOCs

Date of ERCs Transfer: February 24, 1999

ERCs available for future use: 0

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: AES Ironwood, L.L.C.

Location of Source: Lebanon, PA

VOC credits used: 0

VOC credits available for future use: 2 tpy

7 ERC Generating Facility Information

ERC Generating Facility Name: White Consolidated Industries, Quaker Maid

Location of Source: Ontelaunee Township, Berks County, PA

Certified ERCs (tpy): 95.5 tpy of VOCs

Amount of ERCs traded to Purchaser/Recipient: 95.5 tpy of VOCs

Date of ERCs Transfer: March 5, 1999

ERCs available for future use: 0

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Consol Pennsylvania Coal Company

Location of Source: Bailey Prep Plant, Greene County, PA

Plan Approval Number: 30-072B

VOCs credits used: 0

VOCs credits available for future use: 95.5 tpy

8 ERC Generating Facility Information

ERC Generating Facility Name: Morgan Adhesives Company (MACTac)

Location of Source: Scranton, Lackawanna County, PA

Certified ERCs (tpy): 175 tons per year of VOCs

Amount of ERCs traded to Purchaser/Recipient: Consol Pennsylvania Coal Company

Date of ERCs Transfer: March 18, 1999

ERCs available for future use: 75 tpy of VOCs

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Consol Pennsylvania Coal Company

Location of Source: Bailey Prep Plant, Greene County, PA

Plan Approval Number: 30-072B

VOCs credits used: 0

VOCs credits available for future use: 100 tpy

Application Period for Municipal Recycling Program Performance Grant Applications Under Act 101, § 904

**The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988
Calendar Year 1998 Recycling**

The Department of Environmental Protection (Department) announces a request for applications from municip-

alities for recycling performance grant assistance for recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) (Act 101). Municipalities include counties, cities, boroughs, incorporated towns, townships and home rule municipalities. This application period is for eligible materials recycled and marketed in calendar year 1998.

Municipal Recycling Program Performance Grant funds will be awarded to municipalities based upon the weight of source separated recyclable materials identified in section 1501(c)(1)(i) of Act 101 recovered by municipal recycling programs, and the population of the municipality as determined by the most recent decennial census. Municipalities will be eligible to receive an award based on a formula of \$5 for each Department approved ton of eligible recyclable materials recycled or marketed and \$1 per approved ton for each percentage of municipal waste calculated by the Department to be diverted from disposal. The weight eligible materials allowable from non-residential (commercial, institutional and municipal) sources under the preceding formula will be limited to no more than the weight of approved eligible materials from residential sources. Any approved materials from nonresidential sources not factored into the preceding formula will be awarded a bonus of \$10 per ton. The Department will not award grants calculated to be less than \$10.

Eligible materials include postconsumer: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 1998, to and including December 31, 1998. Grant funds will not be awarded for residues, materials not listed as eligible including, but not limited to, leaf and yard wastes, or any materials which cannot be documented as being recycled into a new product or use.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department, the Office of the Attorney General, the Office of the Treasurer or agents of those offices for 4 years. The Department will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application.

Acceptable Supporting Documentation: Weight slips or receipts verifying that the materials were recycled or marketed are required as supporting documentation for the grant application. The documentation must include: 1) the date the materials were recycled/marketed; 2) the type of material recycled/marketed; 3) the name of the municipality where the material was generated; and, 4) the weight, stated in pounds or tons, of the material recycled/marketed. Documentation supporting materials source separated from municipal waste by commercial/institutional establishments and recycled/marketed must bear the name of the establishment and the municipality where the establishment is located.

Acceptable documentation must be provided in one of the following formats: 1) a dated weight/market receipt identifying the generator of the recyclable materials and the market; or, 2) a dated report submitted by the hauler

or market on company letterhead clearly indicating the name of the company generating the recyclable materials; or, 3) a dated report submitted by the generator, which is signed by the hauler or market vendor that received the materials. Reports may be submitted on annual, monthly, weekly or other time period format. All information must be legible.

Estimates of weight will not be accepted except in cases where: 1) the material is packaged in uniform bales and the average weight of a bale can be demonstrated and supported by weight receipts, and a record of the number of bales was provided by the market vendors; or when, 2) multiple generators contribute to a known quantity of marketed material, and the hauler or market estimates the quantities attributable to any individual establishment or municipality, and verifies the estimate with a signature.

Although the supporting documentation is not required to be submitted with the grant application, any documen-

tation provided must conform to the above requirements or the materials claimed will not be credited toward the grant award.

Grant applications must be on forms provided by the Department for calendar year 1998. Grant applications must be delivered by 3 p.m., September 30, 1999, or postmarked on or before that day. Applications received by the Department after the deadline will be returned to the applicant. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of money in the Recycling Fund.

Municipalities wishing to file an application should contact their County Recycling Coordinator or the Department at the address that follows. Inquiries concerning this notice should be directed to Todd Pejack, Bureau of Land Recycling and Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

Regional Planning and Recycling Coordinators

Southeast Region

DEP, Bureau of Land Recycling and Waste Management
Lee Park, Suite 6010, 555 North Lane
Conshohocken, PA 19428-2233

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Northeast Region

DEP, Bureau of Land Recycling and Waste Management
2 Public Square
Wilkes-Barre, PA 18711-0790

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties

Southcentral Region

DEP, Bureau of Land Recycling and Waste Management
909 Elmerton Avenue
Harrisburg, PA 17110-8200

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties

Northcentral Region

DEP, Bureau of Land Recycling and Waste Management
208 W. 3rd Street, Suite 101
Williamsport, PA 17701

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties

Southwest Region

DEP, Bureau of Land Recycling and Waste Management
400 Waterfront Drive
Pittsburgh, PA 15222-4745

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

Northwest Region

DEP, Bureau of Land Recycling and Waste Management
230 Chestnut Street
Meadville, PA 16335-3481

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

Bureau of Land Recycling and Waste Management County Recycling Coordinator List Revised February 10, 1999

Adams County
Bicky Redman
Solid Waste Coordinator
111-117 Baltimore St.

Adams County Courthouse
Gettysburg, PA 17325
717-337-9827
717-334-2091

Allegheny County
Pete Previte
Recycling Coordinator

Calvin Ligons
Ann Ryan
Mary Alice Reisse
(610) 832-6212

Chris Fritz
Joan Banyas
(570) 826-2516

Belinda May
(717) 705-4706

Ron Sommers
(570) 327-3653

Sharon Svitek
Stephen Sales
Bob Emmert
(412) 442-4000

Guy McUmber
(814) 332-6848

Div. of Public Drinking Water &
Waste Management
Allegheny County Health Dept.
3901 Penn Ave.—Building #5
Pittsburgh, PA 15224-1347
412-578-8390
412-578-8053

Armstrong County
Mike Coonley
Recycling Coordinator
Dept. of Planning and Development
402 Market St.
Kittanning, PA 16201
724-548-3223
724-545-7050

Beaver County
C. J. Raabe
Director
Dept. of Waste Management
469 Constitution Blvd.
New Brighton, PA 15066
724-843-9450
724-847-1058
e-mail: Jcable@co.Beaver.pa.us

Bedford County
Lorelle Steach
Recycling Coordinator
Bedford County Conservation District
702 West Pitt St.
Bedford, PA 15522
814-623-8099
814-623-0481

Berks County
David Varone
Recycling Coordinator
P. O. Box 520
Leesport, PA 19533
610-378-5117
610-478-7058
e-mail: hilltop@talon.net
www.berksweb.com/recycle

Blair County
Edward C. Smith
Recycling Coordinator
1301 Allegheny St., Suite 132
Holidaysburg, PA 16648
814-696-4620
814-696-8702

Bradford County
Charles Woodward
Recycling Coordinator
Northern Tier SWA
US Route 6
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Burlington, PA 18814-0010
717-297-4177
717-297-3158
e-mail: ntswa@epix.net
www.ntsua.org

Bucks County
Lale Byers
Recycling Coordinator
Bucks County Planning Commission
The Almshouse
Neshaminy Manor Center
Doylestown, PA 18949
215-345-3414
215-345-3886

Butler County
Mark Burd
Recycling Director
Butler County Courthouse
P. O. Box 1208
Butler, PA 16003-1208
724-284-5305
724-284-5400
e-mail: BCR@ISRV.com

Cambria County
Tanya McCoy-Caretti
Recycling Coordinator
Cambria County SWMA
Suite 203
401 Candlelight Dr.
Ebensburg, PA 15931
814-472-2109
814-472-2389
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Cameron County
Dolores Navarra
Recycling Coordinator
416 North Broad St.
Emporium, PA 15834
814-486-1137
814-486-0464

Carbon County
Duane A. Dellecker
Recycling Coordinator
Carbon County Courthouse Annex
P. O. Box 210
Jim Thorpe, PA 18229
570-325-3671
570-325-3303
e-mail: ccrecycl@ptd.net

Centre County
Joanne Shafer
Recycling Coordinator
Centre County SWA
253 Transfer Rd.
Bellefonte, PA 16823
814-238-6649
814-238-3195
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Recycling Coordinator
Chester County Health Department
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West Chester, PA 19380-0990
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610-344-4705
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Clarion County
Twila L. Rifenberrick
Recycling Coordinator
Dept. of Planning and Development
Clarion, PA 16214
814-226-4000
814-226-8069

Clearfield County
Jodi McCluskey
Clearfield County SWA
Multi-Service Center
650 Leonard St.
P. O. Box 868

Clearfield, PA 16830
814-765-2633
814-765-6236

Clinton County
Michael Crist
Recycling Coordinator
Clinton County SWA
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McElhattan, PA 17748-0209
570-769-7802
570-769-7366
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www.kcnet.org/nccswa

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Columbia County Planning Commission
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717-784-5769
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Crawford County
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Crawford County SWA
Courthouse
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814-333-7320 ext. 366
800-982-9019 ext. 366
814-337-0457
e-mail: etozorak@alleg.edu
www.toolcity.net\etozorak\index.html

Cumberland County
Stephanie J. Smith
Recycling Coordinator
Cumberland County SWA
1 Courthouse Sq.
Carlisle, PA 17013
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717-240-6570

Dauphin County
Keith Ashley
Dauphin County Intermunicipal SWA
1800 Linglestown Rd.
Suite 103
Harrisburg, PA 17110
717-234-1850
717-234-0493

Delaware County
Sue Cordes
Recycling Coordinator
Delaware County Solid Waste Authority
1521 No. Providence Rd.
Rosetree Park—Hunt Club
Media, PA 19063
610-892-9627
610-892-9622

Elk County
Kristine Anderson
Waste Coordinator
Recycling and Solid Waste Department
Elk County Courthouse Annex
300 Center St., P. O. Box 448
Ridgeway, PA 15853-0448
814-776-5573
814-776-5379
e-mail: Krisa@ncentral.com

Erie County
Natalie Behan
Recycling Coordinator
Erie County Dept. of Planning
140 W. Sixth St.
Erie, PA 16501
814-451-6009
814-451-7000

Fayette County
Warren Hughes
Recycling Coordinator
Fayette County Dept. of Solid Waste Mgt.
61 East Main St.
Third Floor, Courthouse
Uniontown, PA 15401
724-430-4884
724-430-4029

Forest County
Doug Carlson
Recycling Coordinator
Box 456
Tionesta, PA 16353
814-755-3450
814-755-8837

Franklin County
Robert Meredith
Recycling Coordinator
Franklin County Administrative Annex
218 North Second St.
Chambersburg, PA 17201
717-261-3857
717-264-8667

Fulton County
Recycling Coordinator
Fulton County Extension Office
Courthouse Annex #1
214 North Second St.
McConnellsburg, PA 17233
717-485-3717
717-485-9421

Greene County
Frances Pratt
Solid Waste/Recycling Coordinator
Greene County Office Bldg.
93 East High St.
Waynesburg, PA 15370
724-852-5304
724-852-5327

Huntingdon County
Lou Ann Shontz
Recycling Coordinator
Huntingdon County Planning Commission
223 Penn St.
Huntingdon, PA 16652
814-643-8192
814-643-8152

Indiana County
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Indiana County Solid Waste Authority
1715 Route 119 South
Homer City, PA 15748
724-479-0444
724-479-0474
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Jefferson County
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Recycling Coordinator
Jefferson County SWA
155 Main St.
Brookville, PA 15825
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814-849-5049

Juniata County
Bill Stong
Recycling Coordinator
Juniata County Courthouse
P. O. Box 68
Bridge and Main Streets
Mifflintown, PA 17059
717-436-7729
717-436-7756

Lackawanna County
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Lackawanna Co. Materials Recovery Facility
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Lancaster County Solid Waste Mgt. Authority
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Lawrence County
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Lawrence County Government Center
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Lebanon County
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Greater Lebanon Refuse Authority
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717-867-5798
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Office of Solid Waste Management
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Solid Waste Management Department

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courthouse.luzerne.pa.us/depts/sol/html

Lycoming County
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Montgomery, PA 17752
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McKean County
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McKean County SWA
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814-778-9957

Mercer County
Lisa Holm-Enck
Recycling Coordinator
Mercer County Reg'l Planning Commission
94 East Shenango St.
Sharpsville, PA 16150
724-962-5787
724-962-1525

Mifflin County
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Mifflin County Solid Waste Authority
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717-242-3394

Monroe County
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Courthouse
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610-278-3941

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Recycling Coordinator
300 Water St.
Danville, PA 17821
570-271-1080

Northumberland County
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Recycling Coordinator
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570-988-4445

Northampton County
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O'Dell Engineering
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717-582-3771

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Acting Recycling Coordinator
Philadelphia Recycling Office
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Philadelphia, PA 19102-1664
215-686-5504
215-686-5455

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Recycling Coordinator
Community Planning and Human Development
Pike County Administration Bldg.
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Milford, PA 18337
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570-296-3436

Potter County
Mike Salvadge
Recycling Coordinator
Potter Co. SWA/Recycling Center
Ulysses, PA 16948
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814-848-9640

Schuylkill County
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570-628-1210
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Snyder County
Debbie Wolf
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Snyder County Courthouse
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Somerset County
Brett Hollern
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Somerset County Planning Commission
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Sullivan County
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570-297-3158
e-mail: ntswa@epix.net
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Susquehanna County
Kathy Tuttle
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Solid Waste and Recycling Dept.
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570-278-9268
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Tioga County
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Northern Tier Solid Waste Authority
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570-297-3158
e-mail: NTSWA@epix.net
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Union County
Shawn McLaughlin
Recycling Coordinator
Union County Planning Commission
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570-522-1370
570-522-1389
e-mail: smclaughlin@unionco.org
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Venango County
Todd Marsteller
Recycling Coordinator
Venango County Planning Comm.
Courthouse Annex
1174 Elk St.
Franklin, PA 16323
814-432-9531
814-432-4741

Warren County
 Todd Fantaskey
 Recycling Coordinator
 Warren County Conservation District
 609 Rouse Home Ave.
 Suite 203
 Youngsville, PA 16371
 814-563-3117
 814-563-7157

Washington County
 Lisa Cessna
 Recycling Coordinator
 Washington County Planning Comm.
 Room 701 Courthouse Sq.
 100 West Beau St.
 Washington, PA 15301
 724-228-6811
 724-228-6965

Wayne County
 Mary Coar
 Recycling Coordinator
 Wayne County Recycling Center
 RR 4, Box 524
 Honesdale, PA 18431
 570-253-9727
 570-253-9395

Westmoreland County
 Jason Rigone
 Recycling Coordinator
 Dept. of Planning and Development
 601 Courthouse Square
 Greensburg, PA 15601
 724-830-3768
 724-830-3611

Wyoming County
 Clay Ervine
 Recycling Coordinator
 8 Susquehanna Ave.
 Tunkhannock, PA 18657
 570-836-2131
 570-836-2131

York County
 Jeff Fox
 Materials Recovery Specialist
 York County Solid Waste Authority
 2700 Blackbridge Rd.
 York, PA 17402
 717-845-1066
 717-843-1544
 YCSWA@worldlynxyork.net

Italic number denotes fax number.

**Availability of Grants for the Remediation of Waste
 Tire Piles in Pennsylvania Under the Waste Tire
 Recycling Act (Act 190 of 1996)**

The Department of Environmental Protection (Department) announces the availability of grants under the Waste Tire Recycling Act (Act 190 of 1996) for fiscal year 99/00 for the remediation of waste tire piles in Pennsylvania. Act 190 provides a grant program, tax credits and enforcement provisions to reduce the stockpiles of waste tires. The Waste Tire Pile Remediation Grant Program is funded through the Used Tire Pile Remediation Restricted Account, which may receive up to \$1,000,000 annually from the Recycling Fund established by Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act. Grants totaling \$1,000,000 may be awarded annually from this account.

To be considered for a grant, an applicant: 1) must propose to remediate a waste tire pile that is on the Department's list of priority waste tire piles (copies of this list are available from the Division of Municipal and Residual Waste, (717) 787-7381, or may be obtained electronically by means of the Department's Internet site on the world wide web at: <http://www.dep.state.pa.us> under the Municipal and Residual Waste page); 2) must not have contributed, in any manner, to the creation of a noncompliant waste tire pile; and 3) must have an identifiable end-use for the waste tires to be remediated.

Grant funds are to be used for activities directly related to the remediation of priority waste tire sites (such as employe wages, operation of equipment, transportation, processing costs, and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by the Department.

All applicants must complete and submit an official two-part application for each proposed tire pile remediation. The Waste Tire Remediation Grant Application Parts A and B include all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department Internet site on the world wide web at: <http://www.dep.state.pa.us>. Five copies of the application containing both Parts A and B must be completed and submitted by 4 p.m. on May 21, 1999 to: Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor-Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472. Applications, which are incomplete or arrive after the deadline, will not be considered.

At a minimum, all applications must contain: (1) a description of the applicant's experience in waste tire remediation, (2) markets or end-uses for the remediated tires, (3) a schedule for the remediation of tires at the site, (4) proposed cost of the waste tire pile remediation, and (5) any additional information the Department deems necessary. Please follow the instructions in the Part A and B Grant Application to assure you are submitting all of the necessary information in the correct format.

Persons who have questions about this grant program should contact the Division of Municipal and Residual Waste (717) 787-7381.

[Pa.B. Doc. No. 99-594. Filed for public inspection April 9, 1999, 9:00 a.m.]

**Notice of Public Meeting/Hearing and Extension of
 Comment Period on Proposed General NPDES
 Permit for Concentrated Animal Feeding Operations**

The Department of Environmental Protection (DEP) is extending the public comment period and holding a public meeting/hearing to respond to questions and receive testimony on the proposed General National Pollutant Discharge Elimination System (NPDES) permit for Concentrated Animal Feeding Operations (CAFO). (See *Pennsylvania Bulletin* 29 Pa.B. 1439 (March 13, 1999)).

The public meeting will begin at 6:30 p.m. on Tuesday, May 11, 1999, followed immediately by the public hearing

at 7:30 p.m. DEP will respond to questions at the meeting; formal testimony can be presented during the public hearing.

The public meeting/hearing will be held at the following location:

DEP Southcentral Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110-8200

The comment period is extended through May 12, 1999. Comments and testimony received by that date will be considered in the formulation of final general NPDES permit for CAFOs. The draft permit documents have also been forwarded to the United States Environmental Protection Agency for review and comment. The draft documents are on file in the Department's Central Office at the location noted within this notice. The document package can be obtained by writing to the following address or by calling Mary Miller at the following telephone number:

Department of Environmental Protection, Bureau of Water Quality Protection, Division of Wastewater Management, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184.

Copies are also available by e-mail to: Miller.Mary@a1.dep.state.pa.us, or by visiting DEP's Website at <http://www.dep.state.pa.us> (choose Information by Subject/Water Management/ CAFO).

Persons wishing to present testimony at the hearing are requested to contact Mary Miller at the above address or telephone number 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. Each organization is limited to designating one witness to present testimony on its behalf.

Persons with a disability who wish to attend and require an auxiliary aid, service or other accommodation in order to participate should contact Mary Miller directly or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how their needs may be accommodated.

Written comments may be submitted in place of or in addition to oral testimony. Comments will also be accepted by electronic mail at the e-mail address above. Comments submitted by facsimile or on voice mail will not be accepted. Following the specified comment period, DEP will review all comments, prepare a comment and response document, and prepare a final document package. Availability of the final strategy and permit documents will be announced in the *Pennsylvania Bulletin*.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-595. Filed for public inspection April 9, 1999, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Gastroenterology Associates of York for Exception to 28 Pa. Code § 571.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Gastroenterology Associates of York has requested an exception to the requirements of 28 Pa. Code § 571.1 which requires compliance with the standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare facilities 1996-97. Gastroenterology Associates of York specifically requests exemption from the following standards contained in this publication:

Section 9.5.F2—The petitioner is requesting an exemption for the minimum square footage from this standard to standard 9.9F2 Endoscopy suites.

Section 9.5.F4—The petitioner is requesting exemption from the requirement to have a recovery lounge.

Section 9.5.F5f—The petitioner is requesting exemption from the requirement for anesthesia storage facilities.

Section 9.5.H1—The petitioner is requesting an exemption from the requirement for 6-foot wide public corridors and 8-foot wide corridors in the operating room section. The petitioner is requesting 6-foot wide corridors in the clinical section and 4-foot wide corridors in the other sections.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, FAX: (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

GARY L. GURIAN,
Acting Secretary

[Pa.B. Doc. No. 99-596. Filed for public inspection April 9, 1999, 9:00 a.m.]

Requirements for Temporary Managers in Long-Term Care Facilities

Under section 814(b) of the Health Care Facilities Act (35 P.S. § 448.814(b)), the Department of Health (Department) may petition the Commonwealth Court or Court of Common Pleas to appoint temporary management designated as qualified by the Department to assume operation of a facility.

Temporary management is employed at the facility's expense to assure the health and safety of the residents until corrections are made to bring the facility into compliance with the laws and regulations for licensure or until there is an orderly closure of the facility. Applicants must not have any direct or indirect ownership interests, or controlling interest separately or in combination amounting to an ownership interest in the facility to which they are seeking appointment as a temporary manager.

To be considered as a temporary manager, all applicants must provide the following evidence of their ability to successfully manage long-term care nursing facilities:

1. *Professional credentials.*

a. Licenses for all individuals providing management services, including nursing home administrators, registered nurses and other licensed professionals.

b. Information regarding the education and experience of principals and agents of the applicant.

c. FBI and Pennsylvania criminal history reports (Act 169) on all principals and agents.

2. *Relevant experience.*

a. A nursing home administrator must have at least 3 years of experience as a full-time administrator of a licensed long-term care nursing facility with an established history of substantial compliance with State and Federal requirements during the administrator's tenure at the facility.

b. A director of nursing services must have at least 3 years of experience in nursing services administration and supervision in a long-term care setting.

c. Representatives of other disciplines that may be used by the temporary manager, such as the dietitian, social worker, activities coordinator or medical records practitioner, must have at least 2 years of experience in a long-term care setting.

d. Professional persons must have no record of professional disciplinary action affecting licensure and must have no action pending against licensure in Pennsylvania or any other state at the time of application for, or involvement in, temporary management.

3. *Applicant must provide the following:*

a. Records of management of long-term care nursing facilities, or other health care facilities which might provide relevant experience, which are owned or operated by the applicant. Include compliance history with particular reference to any periods in which State or Federal adverse action recommendations were made, whether or not the adverse action became final. The compliance

history should include: provisional licenses, bans on admissions and readmissions, civil monetary penalties (Federal and State) reports to licensing boards (substantiated or unsubstantiated).

b. A complete rationale for periods of noncompliance and the measures that were used to prevent future noncompliance.

c. An explanation of how management experience will be used to implement systems which will return a facility to substantial compliance.

d. Names, addresses and telephone numbers of state survey agencies, Medicaid agencies or other regulatory agencies that are familiar with the applicant's experience in bringing long-term care nursing facilities into compliance and maintaining compliance.

4. *Description of the scope of services which the applicant is prepared to provide, as described by the following categories:*

a. *Direct Comprehensive Management Services:* Applicants must describe their ability to provide direct services, including the ability to utilize existing resources to provide the following:

—Comprehensive assessment of residents and interventions to address the immediate needs of all residents.

—Services which may include, but are not limited to: physician evaluations, rehabilitative services, nutritional evaluations, psychiatric assessments, behavior management, physical and chemical restraint reduction, infection control and other resident-centered services.

—Financial management.

—Monitoring of staff performance.

—Replacement staff (including a detailed analysis of the use and effectiveness of agency personnel).

—Staff training.

—Clinical records' audits.

—Administrative and management services including evaluation of efficacy of contracted services, and replacement of contractors.

b. *Indirect Comprehensive Management Services:* Applicants must describe their ability to obtain and retain resources to provide the services detailed in item (a) through the use of contracts or other arrangements with service providers.

c. *Limited Management or Educational Services:* Applicants must describe specialized services that they can provide on an as-needed basis, such as:

—Nursing home administrators on a consultant or full-time basis.

—Resident assessment and care planning.

—Staff education and training.

—Development, implementation and monitoring of plans of correction

—Infection control.

—Other services.

5. *Specific geographic area in which the applicant is able to provide direct, indirect or limited services.*

6. *Applicants shall demonstrate an understanding of cultural diversity by:*

a. Providing evidence of the ability to perform in a manner which does not discriminate on the basis of age, race, sex, religion, handicap or national origin.

b. Submitting copies of the applicant's nondiscriminatory policy and any other documentation that may support compliance with nondiscriminatory requirements.

7. *Written and oral presentation.*

Applicants must be prepared to demonstrate the ability to provide temporary management services in a written and oral presentation to senior level department officials. This presentation will describe the immediate, and long-term plans for bringing a designated facility into substantial compliance with State and Federal regulations. The Department reserves the right to consider this presentation as the basis for approving or denying the applicant the opportunity to act as a temporary manager.

Interested persons are encouraged to apply by submitting the required information to: Director; Division of Nursing Care Facilities; Room 526, Health and Welfare Building; Harrisburg, PA 17120.

For additional information, or for persons with a disability who desire or require an auxiliary aid, service or other accommodation to do so, contact William Bordner at (717) 787-1816. V/TT: (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

GARY L. GURIAN,
Acting Secretary

[Pa.B. Doc. No. 99-597. Filed for public inspection April 9, 1999, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Voluntary Submission of Wage-Rate Data

Under authority contained in The Administrative Code of 1929, the Pennsylvania Prevailing Wage Act and regulations adopted under the latter statute, the Department of Labor and Industry (Department) invites the voluntary submission of wage-rate data and information pertinent to the determination of prevailing minimum wage rates from contractors, contractor associations, labor organizations, public officials and other interested parties to establish a data base which may be used in setting wage rates for public work projects. This information is requested as part of a program for obtaining and compiling wage-rate data and information, and, in turn, may be consulted by the Department when issuing prevailing wage rate determinations.

A form with accompanying instructions for completion may be found on the Department's web site at www.li.state.pa.us/PWAGE/pwmain.html. The form has also been reproduced as follows. All completed forms are to be signed and returned to the Department's Bureau of Labor Law Compliance no later than April 30, 1999. The Department requests that project wage data submitted be confined to calendar year 1998.

Questions about this program can be directed to Richard Slagle, of the Bureau of Labor Law Compliance, at (800) 932-0665 or (717) 741-5674. All responses may be subject to public inspection and copying under the Commonwealth's Right-to-Know Law.

JOHNNY J. BUTLER,
Secretary

Report of Construction Wage Rates

Covers public and private construction projects in calendar year 1998



DEPARTMENT OF
LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

Pursuant to regulations promulgated under the Pennsylvania Prevailing Wage Act, the undersigned voluntarily submits this statement as part of the Department of Labor and Industry's program for obtaining and compiling wage rate data and information pertinent to the determination of prevailing minimum wage rates.

| | |
|---|---|
| Contractor / Subcontractor Name, Address, Telephone | Project Name |
| | Start Date |
| | Completion Date |
| Employer FEIN | City or Municipality / County Location of Project |

Approximate Project Cost \$ _____ Type of Construction Building Heavy Highway
(For all projects greater than \$25,000)

| Trade of employee – Please include information on the required trades (see Attachment) working on the project, using a new line for each trade for each different hourly wage. E.g. Plumbers earning \$17 and plumbers earning \$19 should be reported on two separate lines of data | Peak No. of Workers During Project | Peak Week Ending Date | Is trade covered under a CBA? | | Hourly Wage | Fringe Benefits per Hour | | | | | | |
|--|------------------------------------|-----------------------|-------------------------------|----|-------------|--------------------------|---------|--------------------|---------------------|-------|----------------|--|
| | | | Yes | No | | Health | Pension | Holiday & Vacation | Apprentice Training | Other | Total Benefits | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
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| | | | | | | | | | | | | |

We did not employ any of the requested trades for the above project.

Questions may be directed to Richard Slagle at (800) 932-0665. Forms may be mailed or FAXed to (717) 705-3918.

Please note that all returned forms must be signed and received by April 30, 1999.

As a representative of the contractor / subcontractor / union / other (circle one) I certify the above information to be accurate.

Signed _____ Date _____
 Printed Name _____ Title _____
 Telephone Number _____ Local Union No. _____
 (If Applicable)

This form may be reproduced. Additional copies can also be retrieved from the internet @ www.dli.state.pa.us/PWAGE/pwmain.html. Please submit information for only one project at a time.

Submittals may be subject to public inspection under the Pennsylvania Right-to-Know Law

| County | Asbestos Worker | Boilermaker | Bricklayer | Carpenter | Carpenter Foreman | Cement Finisher | Dockbuilder, Piledriver | Drywall Finisher | Electrician | Elevator Constructor | Glazier | Ironworker | Laborer | Millwright | Operator | Painter | Plasterer | Plumber, Pipefitter, Steamfitter | Roofer | Sheetmetal Worker | Soft Floor Layer | Sprinkler Fitter | Truck Driver |
|------------|-----------------|-------------|------------|-----------|-------------------|-----------------|-------------------------|------------------|-------------|----------------------|---------|------------|---------|------------|----------|---------|-----------|----------------------------------|--------|-------------------|------------------|------------------|--------------|
| Adams | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Bedford | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Berks | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Blair | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Bradford | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Cambria | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Cameron | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Carbon | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Centre | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Chester | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Clearfield | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Clinton | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Columbia | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Crawford | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Cumberland | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Dauphin | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Elk | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Erie | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Fayette | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Forest | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Franklin | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Fulton | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Greene | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Huntingdon | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Indiana | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Junata | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Lackawanna | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Lancaster | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |

Checked Cells Indicate Trades to be Reported

Attachment A (cont.)

| County | Asbestos Worker | Boilermaker | Bricklayer | Carpenter | Carpenter Foreman | Cement Finisher | Dockbuilder, Piledriver | Drywall Finisher | Electrician | Elevator Constructor | Glazier | Ironworker | Laborer | Millwright | Operator | Painter | Plasterer | Plumber, Pipefitter, Steamfitter | Roofer | Sheetmetal Worker | Soft Floor Layer | Sprinkler Fitter | Truck Driver |
|----------------|-----------------|-------------|------------|-----------|-------------------|-----------------|-------------------------|------------------|-------------|----------------------|---------|------------|---------|------------|----------|---------|-----------|----------------------------------|--------|-------------------|------------------|------------------|--------------|
| Lebanon | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Lehigh | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Luzerne | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Lycoming | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| McKean | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Mifflin | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Monroe | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Montgomery | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Montour | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Northampton | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Northumberland | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Perry | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Pike | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Potter | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Schuylkill | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Snyder | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Somerset | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Sullivan | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Susquehanna | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Tioga | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Union | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Venango | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Warren | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Washington | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Wayne | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| Wyoming | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |
| York | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < | < |

Checked Cells Indicate Trades to be Reported

DEPARTMENT OF TRANSPORTATION

Finding

Juniata County Mifflin County

Pursuant to the provisions of 71 P. S. Section 2002 (b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to upgrade the two lane facility to a four lane limited access facility on essentially the existing alignment in the Lewistown Narrows section of US 22/322. The work also includes reconfiguration of the S.R. 22/322 Interchange, completion of the partial Arch Rock Interchange, and development of a canal park. The Juniata Division of the Pennsylvania Main Line Canal has been determined eligible for the National Register of Historic Places. The effect of this project on the Pennsylvania Main Line Canal will be mitigated by the following measures to minimize harm to the resource:

1. Prepare a HAER documentation package as a permanent record of the Pennsylvania Canal's existence. This documentation will be completed and submitted to the PA State Historic Preservation Officer and the National Park Service.
2. Develop an educational brochure which presents the Pennsylvania Canal's history and significance.
3. Prepare an article on the Pennsylvania Canal and offer it for publication in a popular history magazine.
4. Develop a Pennsylvania Canal Park and transfer the park property to Mifflin and Juniata Counties.

I have considered the environmental, economic, social, and other effects of the project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the construction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-599. Filed for public inspection April 9, 1999, 9:00 a.m.]

Finding

Lehigh County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to relocate State Route 0222, Section 000 in Lehigh County.

The project consists of the relocation of US 222 from Breinigsville to the existing interchange of I-78 with US 222, a relocation of PA 100 to the West of Trexlertown from south of the existing PA 100/Spring Creek Road intersection to west of the existing US 222/Weilers Road intersection and a widening of existing PA 100 from north

of the existing US 222/PA 100 intersection to the existing PA 100/Schantz Road intersection. Relocated US 222 is designed as a four (4) lane limited access highway with a grass median. Relocated PA 100 between Spring Creek Road and existing US 222 is designed as a two (2) lane limited access highway, with right-of-way reserved for four (4) lanes in the future. PA 100 north of Trexlertown would be widened to four (4) lanes with a concrete median barrier. At-grade intersections would be constructed at relocated Krocks Road and relocated Cederbrook Road. Other local roadway connections are a directional interchange at existing US 222 at the western terminus, a full diamond interchange at PA 100, and a directional exit ramp at Brookside Road.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-600. Filed for public inspection April 9, 1999, 9:00 a.m.]

Retention of Engineering Firms

Lycoming County Project Reference No. 08430AG2329

The Department of Transportation will retain an engineering firm to perform preliminary engineering, environmental studies, final design and services during construction for the addition of two (2) ramps at the S. R. 0180/S. R. 2049 (Lycoming Mall) interchange located in Muncy Township, Lycoming County.

The project consists of upgrading the current partial interchange to a full interchange, with related roadway rehabilitation or reconstruction work and bridge widening. Estimated total construction cost is \$11.5 million.

The engineering firm will be required to perform field surveys; environmental studies to include archaeology studies and agency coordination as necessary; utilities; horizontal and vertical geometry; traffic studies; point of access study; pavement design; geological studies; bridge widening study; core borings; type, size and location; drainage; preliminary field view; safety review; line, grade and typical sections; erosion and sedimentation control plan; hydrologic and hydraulic report; preliminary right-of-way plan; maintenance and protection of traffic control plan; signing and pavement marking plan; traffic signal design; highway lighting plan; public involvement; design field view submission; foundation design; construction plans, specifications, and estimate; shop drawing review; and consultation during construction. The project shall be engineered using metric units.

This project is a complex project.

The letter of interest will be a maximum of five (5) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The letter of interest and required information for this project must be received within six (6) calendar days of this Notice.

The Deadline for receipt of letter of interest at the address below is 4:30 p.m. prevailing time on the sixth day.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Past performance of firm with respect to quality of work, administrative and cost controls, ability to meet schedules, and previous experience on interchange projects. The specific experience of individuals who constitute the firm shall be considered.

b. Specialized experience and technical competence of firm.

c. Resumes of key personnel and listing of proposed sub-consultants.

d. Relative size of firm to size of project to be completed under this contract.

e. Demonstrated capacity for innovative engineering to resolve complex problems.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for May 20, 1999 at 10 a.m. at the Engineering District 3-0 office at 715 Jordan Avenue, Montoursville, PA. All candidates that submitted a letter of interest will be notified if this date changes. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to: Mr. Gary R. Williams, P.E., District 3-0, at (570) 368-4391.

Lycoming County
Project Reference No. 08430AG2330

The Department of Transportation will retain an engineering firm to perform preliminary engineering, environmental studies, final design and services during construction for the a roadway project, S. R. 0180, Section 048, connecting the Williamsport Regional Airport with the Warrensville Interchange of I-80 in Loyalsock Township and Montoursville Borough in Lycoming County.

The project consists of constructing approximately one mile of roadway with two (2) structures on a new alignment. The project includes some railroad relocation and coordination. The first structure is a bridge over the railroad, and the second will carry the new roadway and the relocated railroad over Loyalsock Creek. Estimated total construction cost is \$8.3 million.

The engineering firm will be required to perform field surveys; environmental studies to include archaeology studies and agency coordination as necessary; utilities; horizontal and vertical geometry; geological studies; traffic studies; core borings; type, size and location; drainage; preliminary field view; safety review; line, grade, and typical sections; erosion and sedimentation control plan; hydrologic and hydraulic report; waterway encroachment permit application; preliminary right-of-way plan; maintenance and protection of traffic control plan; public involvement; design field view submission; foundation design; construction plans, specifications, and estimate; shop drawing review; and engineering consultation during construction. The project shall be engineered using metric units.

This project is a complex project.

The letter of interest will be a maximum of five (5) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The letter of interest and required information for this project must be received within six (6) calendar days of this Notice.

The Deadline for receipt of letter of interest at the address below is 4:30 p.m. prevailing time on the sixth day.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Past performance of firm with respect to quality of work, administrative and cost controls, ability to meet schedules, and previous experience on interchange projects. The specific experience of individuals who constitute the firm shall be considered.

b. Specialized experience and technical competence of firm.

c. Resumes of key personnel and listing of proposed sub-consultants.

d. Relative size of firm to size of project to be completed under this contract.

e. Demonstrated capacity for innovative engineering to resolve complex problems.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for May 20, 1999 at 10 a.m. at the Engineering District 3-0 office at 715 Jordan Avenue, Montoursville, PA. All candidates that submitted a letter of interest will be notified if this date changes. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to: Mr. Gary R. Williams, P.E., District 3-0, at (570) 368-4391.

Bradford County
Project Reference No. 08430AG2331

The Department of Transportation will retain an engineering firm to perform preliminary engineering and environmental studies, final design and engineering services during construction for the S. R. 1022, Section 003, the replacement of the bridge over the North Branch of the Susquehanna River in Sheshequin and Ulster Townships, PA.

The project involves replacing the existing fourteen (14) span bridge (four steel through trusses over water and ten (10) approach span pony trusses) with an overall length of 2011 feet, with a new multi-span bridge structure. The project will involve related approach roadway work with an estimated construction cost of \$16.0 million.

The engineering firm will be required to perform limited field surveys (most of the survey has already been completed); limited environmental studies to include ar-

chaeology studies and agency coordination as necessary; preparation of the NEPA document; utilities; bridge replacement studies; geological studies; core borings; type, size and location; drainage; value engineering reviews; field views; safety review; line, grade, and typical sections; erosion and sedimentation control plan; hydrologic and hydraulic report; waterway encroachment permit application; preliminary right-of-way plan; maintenance and protection of traffic control plan; public involvement; Step 9 submission; foundation design; pavement design; construction plans, specifications, and estimates; shop drawing review; and engineering consultation services during construction. The project will be engineered using metric units.

Most of the environmental studies are proceeding or have been completed independent of this agreement. The selected firm, however, should have documented expertise in archaeological investigations, as additional studies may be required. Also currently underway is an alternate alignment study that will be completed before the execution of this agreement.

This project is a complex project.

The letter of interest will be a maximum of five (5) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The letter of interest and required information for this project must be received within six (6) calendar days of this Notice.

The Deadline for receipt of letter of interest at the address below is 4:30 p.m. prevailing time on the sixth day.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Past performance of firm with respect to quality of work, administrative and cost controls, ability to meet schedules, and previous experience on interchange projects. The specific experience of individuals who constitute the firm shall be considered.

b. Specialized experience and technical competence of firm.

c. Resumes of key personnel and listing of proposed sub-consultants.

d. Relative size of firm to size of project to be completed under this contract.

e. Demonstrated capacity for innovative engineering to resolve complex problems.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for May 20, 1999 at 10 a.m. at the Engineering District 3-0 office at 715 Jordan Avenue, Montoursville, PA. All candidates that submitted a letter of interest will be notified if this date changes. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to: Mr. Christopher D. King, District 3-0, at (570) 368-4255.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest, required information, and additional resumes, if applicable, must be submitted to the person designated in the individual advertisement.

The Letter of Interest, required information, and additional resumes, if applicable, must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-601. Filed for public inspection April 9, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, March 25, 1999, and took the following actions:

Regulations Approved:

Environmental Quality Board #7-328: Hazardous Waste Management (deletes 25 Pa. Code Chapters 260—267 and 269—270, and replaces them with 25 Pa. Code Chapters 260a—266a, 266b and 268a—270a).

Environmental Quality Board #7-337: Bottled Water Systems; Permit by Rule (amends 25 Pa. Code Chapter 109).

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
March 25, 1999

Environmental Quality Board—Hazardous Waste Management; Regulation No. 7-328

Order

On November 19, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking deletes 25 Pa. Code Chapters 260—267 and 269—270, and replaces them with 25 Pa. Code Chapters 260a—266a, 266b and 268a—270a. The authority for this regulation is the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.401—6018.403 and 6018.505).

The proposed regulation was published in the December 6, 1997 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on February 23, 1999.

This regulation is a comprehensive revision of Pennsylvania's hazardous waste regulations. The format of the new chapters incorporates the corresponding Federal regulation by reference and then provides any specific Pennsylvania requirements that differ from the Federal requirements.

We have reviewed this regulation and find it to be in the public interest. The amendments will substantially reduce the adverse effects on the regulated community who have had to comply with differing State and Federal regulations.

Therefore, It Is Ordered That:

1. Regulation No. 7-328 from the Environmental Quality Board, as submitted to the Commission on February 23, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
March 25, 1999

Environmental Quality Board—Bottled Water Systems; Permit by Rule; Regulation No. 7-337

Order

On April 28, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 109. The authority for this regulation is contained in section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4). The proposed regulation was published in the May 9, 1998 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 23, 1999.

The EQB is amending its regulations for bottled water systems. The current regulation requires that when there is a major modification to the processing of bottled water or its facility, the operator must obtain an amended permit. The proposal will allow in-State bottled water systems to obtain a permit by rule for major modifications instead of seeking an amendment to its permit. The permit by rule will provide Pennsylvania bottlers greater flexibility and opportunity to respond to market conditions and increase competitiveness with out-of-State bottlers.

We have reviewed this regulation and find it to be in the public interest. The regulation will provide a streamlined process for bottled water companies to modify their processes, while maintaining the safe production of drinking water.

Therefore, It Is Ordered That:

1. Regulation No. 7-337 from the Environmental Quality Board, as submitted to the Commission on February 23, 1999, 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. 99-602. Filed for public inspection April 9, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

Simpson Glen has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Simpson Glen for the Aging, in Stroudsburg, PA. The initial filing was received on March 26, 1999, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of June 18, 1984, P.L. 391, No. 82, as amended. Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Michael S. Graeff, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; Fax (717) 787-8557; email <http://www.mgraeff@ins.state.pa.us>.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-603. Filed for public inspection April 9, 1999, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Joseph John Allen; file no. 99-181-01298; State Farm Mutual Automobile Insurance Company; doc. no. P99-03-029; April 27, 1999, at 2 p.m.;

Appeal of Thomas G. Thompson; file no. 99-121-01230; Erie Insurance Exchange; doc. no. P99-03-027; April 28, 1999, at 11 a.m.;

Appeal of Harry M. Malecki; file no. 99-303-70325; State Farm Mutual Automobile Insurance Company; doc. no. PI99-03-028; April 28, 1999, at 1 p.m.;

Appeal of Bernice R. Trotter; file no. 99-121-00916; American International Group; doc. no. P99-03-031; April 29, 1999, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, 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 hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-604. Filed for public inspection April 9, 1999, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Michael Troyanski; file no. 99-121-00917; Yorktowne Mutual Insurance Co.; doc. no. P99-03-030; April 29, 1999, at 2 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photo-

graphs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-605. Filed for public inspection April 9, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Investigation to Examine and Establish Updated Principles and Policies for Telecommunications Services in this Commonwealth; Report and Recommendation of the Universal Service Task Force (Monitoring and Reporting/Subscribership Subcommittee); Doc. No. I-00940035

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell; Aaron Wilson, Jr.

Public Meeting held
February 11, 1999

Order

By the Commission:

On January 28, 1997, the Public Utility Commission (Commission) adopted an Order which established a "Universal Telephone Service Task Force" (Task Force) in Pennsylvania. The purpose of this Task Force is to provide a collaborative forum through which all interested telecommunications-related entities can provide input on a wide spectrum of universal service issues. The Monitoring and Reporting/Subscribership Subcommittee (Monitoring Subcommittee) is one of four established Task Force subcommittees.

On September 29, 1997, the Task Force issued a Report and Recommendation which suggested, among other things, that the Monitoring Subcommittee reconvene to review the Commission's existing Extended Area Service (EAS) regulations codified at 52 Pa. Code §§ 63.71—

63.77. The Monitoring Subcommittee subsequently met at times during July through September of 1998, and drafted a Report on EAS issues which both addresses EAS regulations and recommends Commission action on these regulations. The Monitoring Subcommittee submitted its EAS Report to the Commission on January 27, 1999. The EAS Report follows to this order as "Annex A."

In pertinent part, the EAS Report (at page 5) recommends the following:

1. Continue application of the Extended Area Service Regulations with the exception of conducting the biennial traffic usage studies. Suspend the biennial traffic usage studies until the Monitoring and Reporting/Subscribership Subcommittee further recommends how to conduct more accurate traffic usage data.

2. While the Monitoring and Reporting/Subscribership Subcommittee evaluates the accuracy and usefulness of traffic usage data collection, the current toll traffic usage studies from 1997 should be utilized. However, in a formal complaint process, it is suggested that if an Administrative Law Judge concludes that there is a strong community of interest demonstrated, a more current traffic usage study may be ordered.

3. The Monitoring and Reporting/Subscribership Subcommittee will evaluate the accuracy and usefulness contained in the traffic usage studies, determine how to conduct more accurate traffic usage studies, and review the regulations and the need for additional revisions.

The Commission currently intends to enter a subsequent order which incorporates the recommendations set forth in the Monitoring Subcommittee EAS Report and waives 52 Pa. Code § 63.72 (relating to EAS traffic usage studies) pending further Monitoring Subcommittee analysis. However, the Commission wishes to ensure that our regulatory processes satisfy all appropriate due process concerns. Consequently, we will publish this order and the EAS Report for public comment before taking any further action on this matter; *Therefore,*

It Is Ordered That:

1. A copy of this order and the Monitoring Subcommittee EAS Report be forwarded to the *Pennsylvania Bulletin* for publication and public comment.

2. Interested parties have 30 days from the publication date of the order and the Monitoring Subcommittee EAS Report to submit comments on the EAS Report.

3. This order and the Monitoring Subcommittee EAS Report be posted on the Commission's website.

4. The contact person in this matter is Stephen E. Gorka, Assistant Counsel, Law Bureau, at (717) 772-8840. Alternate formats of these documents are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, at (717) 783-2810.

JAMES J. MCNULTY,
Secretary

REPORT OF THE MONITORING AND REPORTING/SUBSCRIBERSHIP SUBCOMMITTEE on Extended Area Service

September 30, 1998

Background

The Monitoring and Reporting/Subscribership Subcommittee's review of the Extended Area Service (EAS) regulations is an outgrowth of the Public Utility Commission's January 28, 1997 Opinion and Order on universal

service in the telecommunications industry in Pennsylvania. That Order established a "Universal Telephone Service Task Force" for the purpose of providing a collaborative forum through which all interested telecommunications stakeholders could participate in the development of recommendations on a wide range of issues involving universal telephone service. Four subcommittees were created as part of the Task Force, including the Monitoring and Reporting/Subscribership Subcommittee.

On September 29, 1997, after meeting over a period of six months, the Universal Service Task Force issued its Final Report and Recommendation. That report included a recommendation that the Monitoring and Reporting/Subscribership Subcommittee be reconvened to review the EAS regulations in detail and make a final recommendation to the Commission. The Commission, in its March 19, 1998 Final Opinion and Order, adopted and approved the Task Force's Final Report.

The March 19 Order had the additional directive that the Commission's Bureau of Fixed Utility Services (FUS), with the assistance of the Law Bureau, analyze the results of the 1997 traffic usage studies and determine whether the number of qualifying EAS routes were significant enough that the EAS requirements should be maintained, and provide a recommendation to the Office of Executive Director for further action if necessary. The FUS report, issued on June 12, 1998, recommended that the Commission continue to maintain the EAS requirements in some form until such time that the Commission could rely on local competition to address the concerns of limited local calling areas throughout the Commonwealth. The FUS report also recommended that the Subcommittee be reconvened to resolve a number of issues and make a final recommendation on the EAS regulations.

On July 15, 1998 the Office of Executive Director announced that the Monitoring and Reporting/Subscribership Subcommittee would be reconvening and issued an invitation to all interested parties to work with the Subcommittee to review the EAS regulations and make a recommendation to the Commission. The following report, with concluding recommendations, is a result of the Subcommittee meetings held from July—September, 1998.

Discussion

As the members of the Subcommittee began reviewing the EAS regulations, it became apparent that the discussion continually centered around and focused on the biennial traffic usage studies. The biennial traffic usage studies measure the interexchange toll traffic over both intraLATA and interLATA routes. Industry representatives expressed their concern that with the increasing level of competition in the local service market, it is becoming difficult to expend scarce competitive resources on this reporting obligation. As a greater number of companies enter local and toll markets, the sources from which data must be gathered and aggregated increases, as well as the complexity, ready availability and cost of gathering that data.

With the increased level of competition in the local service market, there is a blurring of the distinction between local and toll calls. An Incumbent Local Exchange Carrier's (ILEC) local calling area has been subject to regulation, but Competitive Local Exchange Companies (CLECs) have the option to expand that local calling area. As that occurs, it becomes difficult to compare and analyze traffic over a particular route when

one company charges toll rates for that route and another considers it a local call. For these and other reasons, traffic usage studies submitted by ILECs, may not reflect complete or accurate data.

Consumer representatives on the Subcommittee also expressed the opinion that with increasing competition it becomes difficult to obtain accurate EAS studies. The competitive entry by CLECs and IXC's (Interexchange Carriers) in the local and intraLATA toll markets has made it more difficult to conduct meaningful studies.

While there was agreement among the Subcommittee members concerning the inaccuracy of the biennial traffic usage studies, and that competition is designed to provide consumers with a greater variety of local or toll calling plans, there was disagreement concerning whether the Commission should phase out the current EAS regulations. Further, there was a fundamental difference how the issue was perceived: some members viewed the source of consumer complaints as a toll problem—"my toll bill is too high." Others viewed the source of consumer complaints as a local problem—"my local calling area is too small."

Certain members suggested that with local or toll competition, there is no longer a need for maintaining the regulations. With the growing number of carriers, each with a different market share, not all carriers will have the same cross section of customers and thus the same community of interest. These members also maintained that robust toll competition will alleviate the need for the current EAS regulations.

Other representatives argued that local and toll competition has not yet provided an alternative means of responding to extended area service needs. The number of CLECs that offer local service areas that differ from those offered by the ILECs, remains extremely low. In fact, CLECs have had little success in even penetrating the ILECs' service territories; and in the majority of ILEC territories, there is no local competition.

Focusing on the issue of the preparation of complete and meaningful traffic usage studies, remained the point of consensus. Current traffic studies do not include all intraLATA traffic and dial-around calls, which has led to possibly incomplete and inaccurate traffic usage studies. This led to the agreement by the members that the periodic mandatory traffic usage studies in their current form, should be suspended pending the resolution of all traffic study issues.

This is not to suggest that there was agreement for eliminating the requirement that traffic usage studies ever be conducted. The agreement was to end the mandatory biennial traffic usage studies by all LECs. The Commission should reserve the ability to require a traffic usage study in the context of a formal complaint process. It is suggested that if an ALJ concludes that there is a strong community of interest demonstrated, an updated traffic usage study may be ordered.

When traffic usage studies are conducted, competitively neutral guidelines for the submission and aggregation of the data are necessary. With increasing competition, carriers do not want to provide their competitors with their intraLATA and interLATA toll usage data. It is inappropriate for carriers to provide competitively sensitive, customer-specific information to competitors. This led to the consensus among the members that there should be a competitively-neutral aggregator of the data. Commission staff was identified as the most logical choice, given staff expertise to aggregate and analyze such data.

Finally, while the Subcommittee is recommending that the biennial traffic usage studies be suspended, it will evaluate how to conduct more accurate traffic usage studies. Given the limited time frame that the Subcommittee had to review the current requirements, the Subcommittee will in the coming months continue to evaluate and analyze how more meaningful traffic usage studies can be produced.

Subcommittee Recommendations

1. Continue application of the Extended Area Service Regulations with the exception of conducting the biennial traffic usage studies. Suspend the biennial traffic usage studies until the Monitoring and Reporting/Subscribership Subcommittee further recommends how to conduct more accurate traffic usage data.

2. While the Monitoring and Reporting/Subscribership Subcommittee evaluates the accuracy and usefulness of traffic usage data collection, the current toll traffic usage studies from 1997 should be utilized. However, in a formal complaint process, it is suggested that if an Administrative Law Judge concludes that there is a strong community of interest demonstrated, a more current traffic usage study may be ordered.

3. The Monitoring and Reporting/Subscribership Subcommittee will evaluate the accuracy and usefulness of the data contained in the traffic usage studies, determine how to conduct more accurate traffic usage studies, and review the regulations and the need for additional revisions.

[Pa.B. Doc. No. 99-606. Filed for public inspection April 9, 1999, 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 3, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for 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-00115737. Southern Clarion County Volunteer Ambulance Service, Inc., t/d/b/a Southern Clarion County Paratransit (P. O. Box 369, Rimersburg, Clarion County, PA 16248), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the counties of Clarion, Venango, Jefferson, Armstrong and Butler, and from points in said territory, to points in Pennsylvania, and return.

A-00115734. A Cut Above Limousine Service, Inc. (19 Farmbrook Drive, Levittown, Bucks County, PA 19055), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in Bucks County located on and south of U.S. Route 202.

Attorney: Timothy J. Duffy, 680 Middletown Boulevard, P. O. Box 308, Langhorne, PA 19047-0308.

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-00112993, Folder 2. Lock Haven Taxi, Inc., t/d/b/a Lock Haven Limousine (14 East Main Street, Lock Haven, Clinton County, PA 17745), a corporation of the Commonwealth of Pennsylvania—additional right—persons in limousine service between points in the city of Lock Haven, the boroughs of Flemington, Mill Hall, Beech Creek, Avis, Loganton and Renovo, and the townships of Dunnstable, Allison, Bald Eagle, Woodward, Castanea, Beech Creek, Colebrook, Grugan, Lamar, Pine Creek, Logan, Greene, Porter and Wayne, all located in the county of Clinton, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* Larry E. Coploff, 136 East Water Street, Lock Haven, PA 17745.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-607. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF EDUCATION

Request for Annexation by School District of Lancaster; Petitions for Reconsideration

*Notice of Opportunity for Hearing:
Annexation Doc. Nos. 1999-1 and 1999-2*

On February 11, 1999, 11 taxpayers of the School District of Lancaster filed with the Council of Basic Education (Council) a Petition for Reconsideration of Annexation under the provisions of section 227 and 228 of the Public School Code of 1949 (24 P.S. §§ 2-227 and 2-228). The taxpayers filed a second Petition for Reconsideration of Annexation on March 19, 1999. In their petitions, the taxpayers seek reconsideration by the Council of certain actions taken by the former State Council of Education.

On five different dates during the years 1953 through 1956, the State Council of Education, acting under its authority prescribed by statute at the time, denied various applications to transfer certain territory from the Manheim Township School District to the School District of Lancaster. The affected territory had been annexed for municipal purposes by the City of Lancaster from the Township of Manheim under a series of ordinances enacted by the City Council of Lancaster in 1952. The ordinances and territory annexed thereby by the City of Lancaster are described in the petitions as follows:

(1) Ordinance No. 7-1952 annexed 2.132 acres owned by the Simplex Paper Box Corporation.

(2) Ordinance 8-1952 annexed 1.256 acres owned by the Cleve-Walt Holiday Company, Inc.

(3) Ordinance No. 11-1952 annexed 3.402 acres owned by the Bearings Company of America.

(4) Ordinance No. 20-1952 annexed 127.485 acres owned by Elmer L. Esbenshade.

(5) Ordinance No. 33-1952 annexed 103.730 acres owned by the Radio Corporation of America and the Pennsylvania Railroad Company.

(6) Ordinance No. 40-1952 annexed 4.536 acres owned by the Pennsylvania Railroad Company.

(7) Ordinance No. 41-1952 annexed 7.722 acres owned by the Pennsylvania Railroad Company.

(8) Ordinance No. 42-1952 annexed 81.901 acres owned by the Pennsylvania Railroad Company.

(9) Ordinance No. 43-1952 annexed 30.413 acres owned by L.G. Moore and the Pennsylvania Railroad Company.

(10) Ordinance No. 49-1952 annexed 1.487 acres owned by the Lancaster Equipment Corporation.

(11) Ordinance No. 50-1952 annexed 14.839 acres owned by Lancaster Equipment Corporation and Lancaster Valite, Inc.

(12) Ordinance No. 45-1952 annexed 2.664 acres owned by the Lancaster Lincoln-Mercury Co.

(13) Ordinance No. 52-1952 annexed 10.132 acres owned by the Lancaster Pump and Manufacturing Co., Inc., and John H. Swanger, Inc.

(14) Ordinance No. 53-1952 annexed 2.416 acres owned by Herman A. Wohlsen, Albert B. Wohlsen, Theodore O. Wohlsen and J. Harry Reinhold, co-partners trading as Herman Wohlsen's Sons.

(15) Ordinance No. 66-1952 annexed 6.564 acres owned by the Lancaster County Farm.

(16) Ordinance No. 18-1952 annexed 1.569 acres owned by Armstrong Cork Company.

(17) Ordinance No. 19-1952 annexed 4.594 acres owned by Lancaster Transportation Company.

(18) Ordinance No. 26-1952 annexed .239 acre owned by Consumers Ice Company of Lancaster.

(19) Ordinance No. 29-1952 annexed 1.798 acres owned by Herr Manufacturing Company.

(20) Ordinance No. 36-1952 annexed 142.465 acres owned by Manor Real Estate and Trust Company and the Pennsylvania Railroad Company.

(21) Ordinance No. 60-1952 annexed .574 acre owned by Elwood Q. Brubaker and Betsy R. Brubaker, his wife.

(22) Ordinance No. 61-1952 annexed 2.445 acres owned by Shirks Motor Express Corporation.

Under section 227 of the Public School Code (24 P. S. § 2-227), certified copies of each of the ordinances and the decrees of court relating thereto were transmitted to the Superintendent of Public Instruction. In each case, the certified copies were accepted by the Superintendent of Public Instruction as applications for changes to be made in the boundaries between the School District of Lancaster and the Manheim Township School District correlative with the changes which had been made through annexation between the City of Lancaster and the Township of Manheim.

After Manheim Township School District requested hearings on the applications and hearings were held, the former State Council of Education disapproved each of the applications to change the boundaries of the two school districts. Those actions were taken by the former State Council of Education on the following dates:

(1) On March 6, 1953, the State Council of Education disapproved the applications represented by Ordinances Nos. 7-1952, 8-1952 and 11-1952.

(2) On March 5, 1954, the State Council of Education disapproved the applications represented by Ordinances Nos. 20-1952 and 33-1952.

(3) On September 9, 1955, the State Council of Education disapproved the applications represented by Ordinances Nos. 40-1952, 41-1952, 42-1952, 43-1952, 49-1952 and 50-1952.

(4) On November 4, 1955, the State Council of Education disapproved the applications represented by Ordinances Nos. 45-1952, 52-1952 and 53-1952.

(5) On May 4, 1956, the State Council of Education disapproved the applications represented by Ordinances Nos. 18-1952, 19-1952, 26-1952, 29-1952, 36-1952, 60-1952 and 61-1952.

Also, on February 26, 1958, the State Council of Education denied applications for reconsideration made by ten taxable inhabitants relating to Ordinances Nos. 20-1952 and 36-1952.

Section 228(c) of the Public School Code (24 P. S. § 2-228(c)) provides, in part, as follows:

After the elapse of five years from the date of any refusal by the Council of Basic Education to approve an annexation for school purposes, the Council shall reconsider its decision upon petition of ten taxables of any school district affected by the Council's decision.

The Council interprets this section to authorize applications to be made to the Council for reconsideration of decisions made by the former State Council of Education. The petitions filed in the above-referenced matter have been filed under section 228(c).

In their petitions for reconsideration, the taxpayers of the School District of Lancaster allege numerous "intervening facts" which they contend should cause the Council to reconsider the former State Council of Education's disapproval decisions and now to approve the changes in boundaries of the two school districts to correspond with the municipal annexations described in the petitions. The petitioners allege that no students would be directly involved in the boundary changes.

On March 4, 1999, the Manheim Township School District filed an answer to the first petition in which it admitted some factual allegations and denied others, and urged the Council to deny the petitions for reconsideration. As of the date on which this notice was deposited, the Manheim Township School District had not yet responded to the second petition. The School District of Lancaster has not formally filed a document with the Council respecting either petition.

At its meeting held March 9, 1999, the Council adopted a resolution authorizing and directing the vice chairperson of the Council, in consultation with the Executive Director of the State Board of Education (State Board) and the State Board's legal counsel, to recommend for the consideration of the Council procedures for use in deciding the Petitions for Reconsideration of Annexation. In addition, the Council authorized and directed the vice chairperson to take any appropriate preliminary administrative actions in connection with the petitions as might be usual and customary in administrative proceedings consistent with applicable provisions of law, subject to review of the Council.

Under the authority granted by the Council, this notice is published to inform interested persons and entities that the Council will be considering the Petitions for Reconsideration of Annexation in accordance with sections 226 to 228 of the Public School Code of 1949 (24 P. S. §§ 2-226—2-228) and other applicable law, the General Rules of Administrative Practice and Procedure (1 Pa. Code Part II) as adopted by the State Board (22 Pa. Code § 1.5), and such other procedures as the Council or the State Board might adopt in connection with this matter. It should be noted, however, that the appellate courts of the Commonwealth have held that the decisions of the Council and the State Board under section 228 of the Public School Code are not adjudications and, therefore, the provisions of the Administrative Agency Law (2 Pa.C.S. §§ 501—508, 701—704) are not applicable. See *State Board of Education v. South Middleton Township School District*, 430 Pa. 457, 243 A.2d 350 (1968); *Esbenshade v. Department of Public Instruction*, 181 Pa. Super. 232, 124 A.2d 478, aff'd, 387 Pa. 281, 127 A.2d 678 (1956); *LaCamera v. Board of Probation and Parole*, 13 Pa. Commw. 85, 317 A.2d 925 (1974); *Manheim Township School District v. State Board of Education*, 1 Pa. Commw. 627, 276 A.2d 561 (1971).

Interested persons desiring to participate in this matter may file with the Council a notice of intervention or application to intervene (whichever pleading might be

appropriate) in accordance with the General Rules. Other persons who wish to communicate with the Council on this matter may file a written comment or protest. All notices of intervention, applications to intervene, comments and protests must be filed with the Council no later than 30 days following publication of this notice in the *Pennsylvania Bulletin*. All submissions should be mailed or delivered to the Council of Basic Education, c/o Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333.

Copies of the petitions and other documents filed with the Council may be obtained by writing to Dr. Garland at the above-stated address or by telephone at (717) 787-3787. Alternative formats of these documents (for example braille, large print, cassette tape) can be made available to members of the public upon request to Dr. Garland. Persons with a disability requiring special accommodations to participate in this matter should contact Dr. Garland at the address or telephone number noted previously or by PA Relay (800) 654-5984.

PETER H. GARLAND,
Executive Director

[Pa.B. Doc. No. 99-608. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.
 Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division 787-0000

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1695117 Alarm and signal systems—Provide all labor, material, supervision and all items necessary to furnish and install a perimeter intrusion and reporting system.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1602208 Clothing and individual equipment—50,000 each shoulder patches.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1603208 Clothing and individual equipment—594 each hats, vent, Milan straw; 444 each hats, felt.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1652238 Clothing and individual equipment—175 pair boots, Rocky No. 8036 "Eliminator" black, non-insulated, no substitution in size or quantities; 310 pair boots, Rocky No. 7017 "Mountain Stalker," black insulated, no substitution in size or quantities.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1549128 Communication equipment—3000 node Quadritek QIP 5.0 or latest version (must be compatible with AIX 4.3X); 1 year annual maintenance fee of license at enterprise pricing (18% of enterprise pricing); 2 day installation including travel expenses incurred by vendor; 1 day training including travel expenses incurred by vendor.

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1675148 Communication equipment—4 each Model 9350 VL-1 adapter pair for VL Type Canon camcorder, must be compatible with L-2 camcorder; 4 each Model 9350 CIU3-P central intensifying unit, Gen III-high resolution (non-surveillance).

Department: Attorney General
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1659228 Construction and building materials—4,414 sq. yd. bituminous surface course ID-2 complete in place.

Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8504900 Engines, turbines and components—1,000 each revolving warning lights, 360 degree, 12V lens shall be clear amber in color.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1520158 Food preparation and serving equipment—1 lot furnish and install monorail system, walk-in cooler, countertops, base cabinets and pass through refrigerators.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1552158 Furniture—8 each showcase, glass with panel base color teal; overall dimension 60"W x 72"H x 18"D; 15 sets coat hanger, black with knob (set), black rubberized sleeve over metal core.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

7314190 Household and commercial furnishings and appliances—Carpet tile, size 18" x 18" or 36" x 36" interface commercial carpet or approved equal for various locations.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1580158 Laboratory instruments and equipment—1 each small sized animal necropsy table Model No. OA600 or approved equal.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1641358 Laboratory instruments and equipment—1 each QLAB 6000 microwave oven Part No. 6000.000.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8217550 Laboratory instruments and equipment—1 system furnish and set up Shapco standard six door model atmospheric cabinet Type H or approved equal.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8217590 Laboratory instruments and equipment—1 each simultaneous carbon/sulfur determinator.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1007229 Marine equipment and supplies—81 barrels Paracide for Paracide-S (Formalin) containing 9 to 12.5% Methanol for stabilization.
Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1612228 Marine equipment and supplies—2 each fish hauling tanks, fiberglass and wood construction, 1,200 gallons seven compartments.
Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1621228 Marine equipment and supplies—32 each water oxygenation/degassing devices for use in outdoor horizontal concrete fish rearing units.
Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1537138 Motor vehicles, trailers and cycles—1 each latest model converted passenger van.
Department: Military and Veterans Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1538218 Motor vehicles, trailers and cycles—1 each latest model converted passenger van.
Department: Public Welfare
Location: Selinsgrove Center, Selinsgrove, Snyder County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1563388 Motor vehicles, trailers and cycles—1 each latest model dump truck 36,200 GVWR.
Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1662128 Paper and printing—556 M UC-2/2A/2B Employer's report for unemployment compensation.
Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1544218 Service and trade equipment—4 each lease/purchase—5 year lease; washer extractor w/55 lbs. capacity.
Department: Public Welfare
Location: Mayview State Hospital, Bridgeville, Allegheny County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1592118 Textiles—10,000 yards ACA Flamex ticking striped 43" wide, 100% cotton, 7 ounce Type II, Class II.
Department: Correctional Industries
Location: Dallas, Luzerne County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1633118 Textiles—28,000 lbs. jersey knit material, to be domestic 50/50 poly/cotton blend.
Department: Correctional Industries
Location: Dallas, Luzerne County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1661118 Textiles—40,000 yards fabric, polycotton twill Bandmaster or approved equal.
Department: Correctional Industries
Location: Dallas, Luzerne County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1683118 Textiles—10,000 yards vinyl coated non skid taffeta embossed finish ACA striped ticking.
Department: Correctional Industries
Location: Dallas, Luzerne County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

PB0910001 Metal bars, sheets and shapes—Furnish fabricated structural steel—hot dipped galvanized (18,478 lbs.); 7/8" diameter threaded anchor bolts—hot dipped galvanized (quantity 28 each) 7/8" diameter ASTM A-325 bolts—mechanically galvanized quantity 112 each. Bidders must be Category III Plant (AISC and Department Register of Certified Plants). Shop drawings are required from awarded vendor.
Department: Transportation
Location: New Buena Vista, Bedford County, PA
Duration: FY 98—99
Contact: Transportation, Allan Brumbaugh, (814) 696-7184

050-313 Metal bars, sheets and shapes—Provide 3.0" x 9.0" x 18.0" x 24.0" length, 40 pieces of 3 gauge galvanized corrugated bridge flooring. The flooring is for S. R. 4026 in Berks County. Pregalvanized steel sheet per ASTM-446 Grade C zinc coating per ASTM. A-525 coating. All calls requesting bid packages must be received by close of business May 28, 1999 at 4 p.m.
Department: Transportation
Location: Berks County, PA
Duration: FY 98—99
Contact: Transportation, Barrie A. Heffner, (610) 798-4192

99040 Medical, dental and veterinarian equipment and supplies—Panoramic dental x-ray machine (Orthophos 3 Sirona or its equivalent).
Department: Corrections
Location: Chester, Chester County, PA
Duration: FY 98—99
Contact: State Correctional Institution Chester, Jackie Newson, (610) 490-4370

PB0950001 Metal bars, sheets and shapes—Furnish fabricated structural steel—hot dipped galvanized (50,305 lbs.); 7/8" diameter threaded anchor bolts—hot dipped galvanized (64 each) 7/8" diameter ASTM-A325 bolts—mechanically galvanized (376 each). Bidders must be Category III Plant (AISC and Department Register of Certified Plants). Shop drawings are required from awarded vendor.
Department: Transportation
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Transportation, Allan Brumbaugh, (814) 696-7184

X4991 Communication equipment—Provide 10 Streamline FTS flow audit packages with digital manometers—no substitute.
Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Environmental Protection, Ally Hubler, (717) 787-2471

SERVICES

Agricultural Services—02

3881078001 Contract services required for basal application of a herbicide to trees on State Forest land. Project 98-20 consists of basal application of Garlon 4 in an oil mixture to all striped maple more than 1/2 inch in diameter at root collar. Project 98-20 contains 113 acres in Walker Township, Centre County.
Department: Conservation and Natural Resources
Location: Bureau of Forestry, Bald Eagle State Forest, Laurelton, Centre County, PA 17835
Duration: Upon execution through October 30, 1999
Contact: Mark A. Hofmann, Forester, (570) 922-3344

Audio/Video—04

99-004 Contractor shall provide a maintenance service to include preventative maintenance, repair parts and emergency service for the entire institutional telephone network to exclude incoming service/trunk lines.
Department: Corrections
Location: State Regional Correctional Facility—Mercer, 801 Butler Pike, Route 258 South, Mercer, PA 16137-5699
Duration: July 1, 1999 to June 30, 2000
Contact: Guy Harper, (724) 662-1837, Ext. 123

9985-03 Cell phones.
Department: General Services
Location: Statewide
Duration: April 01, 1999—March 31, 2004
Contact: Vendor Services, (717) 787-2199/4705

SMI 99-06 The vendor will provide labor, materials and equipment to terminate and test customer-installed fiber optic cable to accommodate the connection of network hubs to an existing local area network at the State Correctional Institution at Smithfield, Huntingdon, PA

Department: Corrections
Location: State Correctional Institution—Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: May 3, 1999 through June 30, 1999
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

Computer Related Services—08

99041 Microsoft Windows based automated Time and Attendance System which would include programming, installation of software, and all input devices; onsite training for several employees.

Department: Corrections
Location: State Correctional Institution Chester, 500 East 4th Street, Chester, PA 19013
Duration: May 1, 1999—October 31, 1999
Contact: Jackie Newson, Purchasing Agent II, (610) 490-4370

Construction and Construction Maintenance—09

DGS A 371-7 (Rebid) Project title: Repaint Elevated Water Tank. Brief description: Repaint elevated one million (1,000,000) gallon water tank. Estimated range: \$100,000 to \$500,000. Miscellaneous construction. Plans deposit: \$25 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 28, 1999 at 11 a.m.

Department: General Services
Location: State Correctional Institution, Albion, Erie County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 948-38 Project title: Construction of Addition to and Renovation of State Record Center. Brief description: Project consists of an 18,650 square foot addition, including loading dock, paper storage with mobile storage system, support areas, roof repairs to the existing building and sitework. Work includes general, HVAC, plumbing and electrical construction. Estimated range: \$2,000,000 to \$5,000,000. General, HVAC, plumbing and electrical construction. Plans deposit: \$100 per set. Payable to: Murray Associates Architects, P.C. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Murray Associates Architects, P.C., 1600 North Second Street, Harrisburg, PA 17102, (717) 234-2581. Bid date: Wednesday, April 28, 1999 at 2 p.m. A prebid conference has been scheduled for Monday, April 19, 1999 at 10 a.m. at the State Record Center, 1825 Stanley Drive, in the large conference room, Harrisburg, PA. Contact: James Caulfield, (717) 787-6944. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: State Record Center, Harrisburg, Dauphin County, PA
Duration: 280 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 950-10 Phase I Project title: Communications Site Development. Brief description: Development of a communications site at Townville, Crawford County, at approximately 41 40 01 Lat. and 79 02 24 Long. Work to include clearing of the site, installation of a 330 foot Rohn SSVMW self supported tower, installation of a communications shelter foundation, installation of a generator, installation of fencing, backfilling, installation commercial power, site grounding, seeding open areas. The tower, shelter and generator will be provided by the Commonwealth. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, May 12, 1999 at 11 a.m.

Department: General Services
Location: Communications Site Development, Townville, Crawford County, PA
Duration: 60 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 999-112 Project title: Restoration of the Dennison House Phase II, Repairs to the Carriage House. Brief description: Remove existing roofing, siding, exterior doors, window and door flashings. Renew all of the above. Remove and renew exterior steps. Install new gutters and downspouts and construct a 12 foot addition on the east side of the building. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 28, 1999 at 1 p.m.

Department: General Services
Location: Nathan Dennison House, Forty Fort, Luzerne County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 1578-27 Project title: Window Replacement. Brief description: Replacement of windows in the "L & M" Buildings. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 28, 1999 at 1 p.m.

Department: General Services
Location: State Correctional Institution, Waymart, Wayne County, PA
Duration: 220 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Elevator Maintenance—13

304-206 The awarded contractor must provide a full service elevator maintenance program on the elevator equipment listed as follows: Scranton State Office Building—(3) gearless passenger Otis and Samter State Office Building—(2) gearless passenger Northern. The service shall include labor, supervision, materials, equipment and tools necessary to maintain the elevators in first class operating condition at all times.

Department: General Services
Location: Facilities Management, Scranton and Samter State Office Buildings, 100 Lackawanna Avenue, Scranton, PA 18503
Duration: July 1, 1999 through June 30, 2002
Contact: Joseph G. Barrett, (570) 963-4817

SBC 90977002 Elevator maintenance. Service Purchase Contract for maintenance and repair of elevators at Western Center. Interested vendors to contact facility for details.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: Anticipated start date July 01, 1999—June 30, 2001
Contact: Ginny Stinespring, Purchasing Agent I, (724) 873-3256

Engineering Services—14

08430AG2329 Retain an engineering firm to perform preliminary engineering, environmental studies, final design and services during construction for the addition of two ramps at the S. R. 0180/S. R. 2049 (Lycoming Mall) Interchange located in Muncy Township, Lycoming County.

Department: Transportation
Location: Engineering District 3-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2330 Retain an engineering firm to perform preliminary engineering, environmental studies, final design and services during construction for S. R. 0180, Section 048, a roadway project connecting the Williamsport Regional Airport with the Warrensville Interchange of I-80 in Loyalsock Township and Montoursville Borough in Lycoming County.

Department: Transportation
Location: Engineering District 3-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2331 Retain an engineering firm to perform preliminary engineering and environmental studies, final design and services during construction for the replacement of the bridge that carries S. R. 1022, Section 003 over the North Branch of the Susquehanna River in Sheshequin and Olster Townships, Bradford County.

Department: Transportation
Location: Engineering District 3-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

OSM PA(ARCH) 102.2 Notice is given that the Department of Environmental Protection will issue a Request for Proposal to retain an archaeological/historical consultant to conduct Phase 1, 2 and 3 archaeological surveys, to prepare historic structures, surveys and to prepare necessary documents for HABS/HAER approved from the National Park Service at various abandoned coal mine sites. This consultant's area includes projects located in the coalfields (45 of 62 counties) in this Commonwealth. Bureau of Abandoned Mine Reclamation personnel will identify the sites to be surveyed. Letters requesting the Request for Proposals shall be sent to A. E. Friedrich, Chief, Division of Mine Hazards, Bureau of Abandoned Mine Reclamation/Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476 and must be received before 2 p.m., April 27, 1999. Faxed requests will be accepted. Call Richard L. Joyce at (717) 783-7742 during the hours of 7 a.m. to 3 p.m., Monday through Friday for questions.

Department: Environmental Protection
Location: Bureau of Abandoned Mine Reclamation, Anthracite and Bituminous Coal Regions, PA
Duration: Three years from the Notice to Proceed and may be renewed for 2 additional annual terms
Contact: Richard L. Joyce, (717) 783-7742

Financial and Insurance Consulting—17

RFP-1999-02 The Insurance Department, Children's Health Insurance Program (CHIP), is issuing a Request For Proposal (RFP) to provide health care insurance coverage for eligible children under 19 years of age enrolled in CHIP. Parties interested in submitting a proposal must be: a Health Plan Corporation, a subsidiary or an affiliate of a Health Plan Corporation, a Health Maintenance Organization (HMO) or a risk-assuming Preferred Provider Organization (PPO) licensed by the Department and the Department of Health; or Life or Health Insurance Corporations licensed by the Department. Qualified organizations, and others, interested in receiving an announcement of its release should either e-mail, fax, or mail (e-mail preferred) their request to Commonwealth of Pennsylvania, Insurance Department, Children's Health Insurance Program, 1345 Strawberry Square, Harrisburg, PA 17120, Att: Sandy Segal, fax (717) 705-1643. The RFP, and any related information regarding the RFP will be available on the Internet at www.chiprpf.pa.us.

Department: Insurance
Location: Statewide
Duration: Three years
Contact: Sandy Segal, (717) 705-0009

Food—19

3824 Coffee, concentrate, decaffeinated, frozen, liquid. Successful bidder to furnish, install and maintain at no additional cost to the hospital all dispensing equipment as specified in bid. Please send a fax to (570) 587-7108 to request a bid package. Include all mailing information. Bid package cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: July 01, 1999 to June 30, 2000
Contact: Stanley Rygelski, Purchasing Agent, (570) 587-7291

5232 Fresh bread and bread products to be delivered three times a week.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, SR 1014, Torrance, PA 15779
Duration: July through December, 1999
Contact: Nancy E. Byers, (724) 459-4677

5233 Fresh pastries to be delivered three times a week.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, SR 1014, Torrance, PA 15779
Duration: July through December, 1999
Contact: Nancy E. Byers, (724) 459-4677

98-007 Bread, rolls and related products, fresh as follows: 8,800 loaves bread, white enriched; 500 loaves bread, whole wheat; 260 loaves bread, cinnamon raisin; 260 loaves bread, Italian; 800 loaves bread, French; 2,000 dozen rolls, hamburger; 1,600 dozen rolls, frankfurter; 325 dozen rolls, hamburger, whole wheat; 600 dozen rolls, kaiser; 1,600 dozen rolls, dinner, cloverleaf; 1,000 dozen rolls, steak 6"; 500 dozen rolls, hoagie 8"; 347 dozen muffins, English. Bids will be awarded to lowest bidder on an aggregate total.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1999 through June 30, 2000
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

98-008 Pies and cakes, fresh as follows: 22,800 each assorted cakes, pies, honeybuns, Danish, individual mini donuts; and 8,580 each individual cookie bars. Bids will be awarded to the lowest bidder on an aggregate total.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1999 through June 30, 2000
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

98-009 Drinks 16 ounce disposable cartons as follows: 36,000 each fruit drink—16 ounce disposable cartons (assorted flavors); 12,000 each lemonade—16 ounce disposable cartons; and 12,000 each iced tea—16 ounce disposable cartons. Bids will be awarded to the lowest bidder on an aggregate total.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1999 through June 30, 2000
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

9985-02 Food catering.

Department: General Services
Location: Statewide
Duration: April 01, 1999—March 31, 2003
Contact: Vendor Services, (717) 787-2199/4705

Fuel Related Services—20

8120-1200-000 Removal of two underground storage tanks at State Correctional Institution Camp Hill, Freight Terminal. 1—3,000 gallon, gasoline; 1—12,000 gallon, diesel fuel.

Department: Corrections
Location: 2500 Lisburn Road, Camp Hill, PA 17011
Duration: 6 months
Contact: Linda Malinak, Purchasing Agent, (717) 975-4931

HVAC—22

99-542 The contractor will furnish all equipment, personnel and materials necessary to complete electrical repairs and servicing as required by the Department. Work will be performed within Monroe County: (1) hourly rate for electrical foreman = estimate of 550 hours. Bids will be opened 3 weeks after publication date.

Department: Transportation
Location: 0540, Various locations within Monroe County, PA
Duration: One year period from date of approval
Contact: Denise Grabowski, (570) 424-3024

087PLB Plumbing service and/or repair/replace contract at PA Department of Transportation's Maintenance Building, located at 2105 Lincoln Highway East, Lancaster, PA 17602

Department: Transportation
Location: 2105 Lincoln Highway East, Lancaster, Lancaster County, PA 17602
Duration: Two (2) year
Contact: Jeralyn L. Rettew, (717) 299-7621, Ext. 322

1181509037 Labor and parts to service and repair Thermo-King refrigeration units on C. I. Freight Fleet Reefer trailers.

Department: Corrections
Location: Correctional Industries, State Correctional Institution Camp Hill, Freight Terminal, Camp Hill, PA
Duration: 1 year
Contact: Beth Procopio, (717) 975-4960

9999-0900-000 The contractor shall provide an electrical diagnostic service to identify and locate potential weak "links" in the agency's heavy power distribution system. This system is composed of 69 KVA and 14 KVA. A schedule of services and/or inspections shall be contained within quote format.

Department: Corrections
Location: State Regional Correctional Facility-Mercer, 801 Butler Pike, Route 258 South, Mercer, PA 16137-5699
Duration: June 1, 1999 through December 31, 1999
Contact: John Pitonyak, Purchasing Agent, (724) 662-1837, Ext. 194

PGC 2601 Heating, ventilation, air conditioning services. Service and maintain McQuay water source heat pumps; McQuay WODC panel; the control and alarm panel; the controls operating the primary/secondary circulating pumps; the well pumps; the exhaust fans and two electric boilers. Also service and provide preventative maintenance for the Liebert computer room air conditioning equipment. All heat pumps and related equipment are 12 years old.

Department: Game Commission
Location: 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Two (2) years, beginning June 30, 1999 and ending July 01, 2001
Contact: Jeffrey Miller, (717) 787-8101

SP134399013 Extension of existing steam line including excavation, installation of ballast, steam line piping, valves and related fittings. Backfilling of excavated soil and reseeded of lawn. For questions concerning the above, call: George Knisely at (814) 696-5328. Fax your request for a bid to: Becky Clapper, Purchasing Agent at (814) 696-5395.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: FY 98—99
Contact: George Knisely, Maintenance Manager, (814) 696-5328

Janitorial Services—23

3-G-99 Janitorial Services: Weekly: Services to be provided on Tuesday and Thursday nights. Services to include cleaning of restrooms, filling dispensers, vacuuming carpet areas, tiled areas to be wiped, entrance doors cleaned inside and outside, dusting, remove waste outside building. Monthly: Wash all windows inside and out, strip and wax floors. Semi-annually: steam clean all carpets. Annually: Heat/AC vents to be cleaned, replace light fixtures, wash all spouting and soffit and fascia.

Department: Labor and Industry
Location: Bureau of Workers' Compensation, 306 East Locust Street, Clearfield, PA 16830
Duration: July 1, 1999—June 30, 2000 with three 1 year renewal options
Contact: Beverly Fenton, (717) 787-2560

Lodging/Meeting Facilities—27

2010980009 The Pennsylvania State Police is seeking a facility to conduct a 4-day conference within the Delaware Water Gap in the Pocono Mountains area on June 15, 16, 17 and 18, 1999. Must provide a common meeting area and small meeting rooms, lodging rooms, break refreshments, breakfast, lunch and dinner for approximately 50 attendees. Complete details will be sent to all interested bidders.

Department: State Police
Location: Pocono Mountain Area
Duration: June 15—18, 1999
Contact: Diane Bolden, Procurement and Supply Division, (717) 783-5485

Mailing Services—28

9985-01 Package delivery and overnight services.

Department: General Services
Location: Statewide
Duration: April 01, 1999—March 31, 2004
Contact: Vendor Services, (717) 787-2199/4705

9985-06 Package delivery and same day letter service (messenger).

Department: General Services
Location: Statewide
Duration: June 01, 1999—May 31, 2000
Contact: Vendor Services, (717) 787-2199/4705

Medical Services—29

80825 Contractor to provide podiatry services for patients of Warren State Hospital. Contractor to provide limited services up to 25 services per week at designated times. A minimum of 2 different days will be used for patient visit scheduling at mutual consent of contractor and CEO or designee. Complete specifications may be obtained by contacting the hospital. Award to be made at percentage below Medical Assistance Rates in effect at the time of service. Anticipated contract period: July 01, 1999—June 30, 2002.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099
Duration: Anticipated July 01, 1999—June 30, 2002
Contact: BD Muntz, (814) 726-4496

SBC799001 To provide pharmaceutical services in dispensing of anti-tuberculosis medications to State-designated clinics throughout Pennsylvania. Medications may include, but not be limited to: pyrazinamide, ethambutol, ethionamide, levaquin, cycloserine, mycobutin and liquid rifampin. Pharmacy must be licensed to dispense medications within the Commonwealth of Pennsylvania.

Department: Health
Location: Contract pharmacy to prepare medications and mail them to State-designated clinics throughout Pennsylvania
Duration: October 1, 1999 to September 30, 2002 (anticipated)
Contact: Donna L. Murray, (717) 787-6267

SP No. 90777004 Portable x-ray service to be provided on Clarks Summit State Hospital grounds. Please fax (570) 587-7108 for a bid package. Please include complete address to send bid. Bids cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: July 01, 1999 through June 30, 2002
Contact: Stanley Rygelski, Purchasing Agent, (570) 587-7291

Property Maintenance—33

304-205 Contractor to furnish labor and equipment for removal of snow from the grounds of the Scranton State Office Building. All work to be performed in accordance with standards of the trade. Snow shall be removed after a 2 hour notification by the Director of Bureau of Facilities Management, or his authorized representative, day or night, including weekends and holidays.

Department: General Services
Location: Facilities Management, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503
Duration: July 1, 1999 through June 30, 2002
Contact: Joseph Barrett, (570) 963-4817

Contract No. FDC-311-569 Repair, clean and lubricate 8" diameter bypass gate valve; reground and point joints; remove loose concrete and patch; clean and repaint two bridges at Prince Gallitzin State Park.

Department: Conservation and Natural Resources
Location: White Township, Cambria County, PA
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

SP134399014 Seam and flashing repairs to dietary building—approximately 2,600 linear feet EPDM roofing. Please fax your request for bid to: Becky Clapper, Purchasing Agent, (814) 696-5395.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P.O. Box 319, Hollidaysburg, PA 16648-0319
Duration: FY 98—99
Contact: George Knisely, Maintenance Manager, (814) 696-5328

001 Conrad Weiser Homestead/PHMC. Grass mowing and trimming at the 26-acre Conrad Weiser Homestead, a State historic site, located at Womelsdorf, Berks County.

Department: Historical and Museum Commission
Location: Conrad Weiser Homestead, 28 Weiser Road, Womelsdorf, PA 19567-9718
Duration: July 1, 1999—June 30, 2000
Contact: James A. Lewars, (610) 582-4900

Real Estate Services—35

103 Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA State Police with 6,871 useable square feet of new or existing office/barracks space with parking for 56 vehicles, in Warren County, PA, within a 4 mile radius of the intersection of US Route 6 and US Route 62 (south). Proposals due: May 31, 1999. Solicitation No.: 92805.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998—99
Contact: John A. Hocker, (717) 787-4394

Sanitation—36

025001 This contract will provide for the rental of 4 cubic yard dumpsters: three at our main shed and will be dumped once a week; one at each of our satellite sheds which would be four. Dumped once a week from April 1st through October 31st. The rest of the year once every 2 weeks to be dumped at these four locations.

Department: Transportation
Location: Cyclone, PA and Satellite Sheds
Duration: 3 years two of which would be renewals
Contact: Warren Buchanan, (814) 465-7754

304-207 Contractor to furnish labor and equipment for removal of trash and rubbish from the loading dock of the Scranton State Office Building, Monday through Friday no later than 7 a.m. The awarded contractor shall clear loading dock of all disposable debris during trash removal operations.

Department: General Services
Location: Facilities Management, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503
Duration: July 1, 1999 through June 30, 2002
Contact: Joseph G. Barrett, (570) 963-4817

0290-99001 This contract will be prepared on a Service Purchase Contract for the refuse collection service at the Juniata County Maintenance Building.

Department: Transportation
Location: 0290, SR 3002, 1 mile east of Mifflintown, PA, Juniata County Maintenance Building, Yard Area
Duration: August 01, 1999 to July 31, 2004
Contact: Don Woodward, (717) 436-2187

9999-4400-015 Contractor to provide trash removal service. Trash composition is waste food products and a degree of its sludge. Approximate amount of trash shall be 200 cubic yards per month. Vendor shall provide 5 day collection of two 5 cubic yard containers and be responsible for their sanitation and maintenance.

Department: Corrections
Location: State Regional Correctional Facility—Mercer, 801 Butler Pike, Route 258 South, Mercer, PA 16137-5699
Duration: July 1, 1999 to June 30, 2002
Contact: John J. Pitonyak, Purchasing Agent, (724) 662-1837, Ext. 194

SBC No. 090977003 Service Purchase Contract for removal of garbage and trash throughout facility grounds. Service includes furnishing receptacles.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: Anticipated starting date: July 01, 1999—June 30, 2001
Contact: Ginny Stinespring, Purchasing Agent I, (724) 873-3256

Security Services—37

ADV No. 8 Indiana University of Pennsylvania (IUP) is seeking bids for upgrades and expansion for card access/security systems for 21 buildings on the main campus, Indiana, PA 15705. Requests for a bid package should be made in writing, referencing Advertisement No. ADV8 and directed to Patty Bash, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705; fax (724) 357-2670; phone (724) 357-3077; or e-mail PABash@grove.iup.edu. Requests for bid package will be accepted until April 15, 1999. The University encourages responses from small, minority and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Indeterminate 1998-99
Contact: Patty Bash, Purchasing Agent, (724) 357-3077

Miscellaneous—39

031 The PA Emergency Management Agency is soliciting bids to a firm that provides a service that tests for radiation exposure using Thermoluminescent Dosimeters (TLDs) or Permanent Record (PRD). One will be issued to workers to monitor readings and provide a permanent record of the amount of radiation received while working within the vicinity of this nuclear power and generating station or during a radiation disaster.

Department: PA Emergency Management Agency
Location: Fort Indiantown Gap, Building 5, Annville, PA 17003
Duration: July 01, 1999—June 30, 2001
Contact: Christopher G. Nolan, (717) 651-2191

3610-05 Copier maintenance.

Department: General Services
Location: Statewide
Duration: April 01, 1999—March 31, 2000
Contact: Vendor Services, (717) 787-2199/4705

9985-04 Mailroom equipment maintenance.

Department: General Services
Location: Statewide
Duration: May 01, 1999—April 30, 2000
Contact: Vendor Services, (717) 787-2199/4705

9985-05 Personnel training.

Department: General Services
Location: Statewide
Duration: May 01, 1999—April 30, 2000
Contact: Vendor Services, (717) 787-2199/4705

80671010 Provide consumer service to patients at the Juvenile Forensic Unit. The service is patient advocacy for support of the highest quality care and treatment of adolescents; and assisting in the resolution of patient complaints, concerns, family concerns and issues. Scope also includes facilitation of resolution of patient conflicts or concerns with other services or agencies such as Community Mental Health Program, etc. The service is to be provided at the Juvenile Forensic Unit location in Bensalem, PA; or other locations specified by the Office of Mental Health and Substance Abuse Services and Norristown State Hospital. Travel for purposes of meetings with families and agencies is expected as required.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: Two (2) year period, ending June 30, 2001
Contact: Stephen Miksic, Ph.D., (215) 953-6566

99-003 Contractor shall provide Imam services for the residents of the Orthodox Muslim persuasion with considerations addressed to other sects of this faith.

Department: Corrections
Location: State Regional Correctional Facility—Mercer, 801 Butler Pike, Route 258 South, Mercer, PA 16137-5699
Duration: July 1, 1999 to June 30, 2002
Contact: John J. Pitonyak, Purchasing Agent, (724) 662-1837, Ext. 194

MER-RFP-001 Request for Proposal—The contractor shall provide chaplaincy services for the institutional residents of the Protestant faith.

Department: Corrections
Location: State Regional Correctional Facility—Mercer, 801 Butler Pike, Route 258 South, Mercer, PA 16137-5699
Duration: July 1, 1999 to June 30, 2002
Contact: John J. Pitonyak, Purchasing Agent, (724) 662-1837, Ext. 194

Convention 99 The Department of General Services will hold a purchasing convention in the Pittsburgh, PA area in the fall of 1999. Check <http://www.dgs.state.pa.us/interest.htm> for details and updates, as they are available.

Department: General Services
Location: Pittsburgh, PA
Duration: Indefinite
Contact: Vendor Services, (717) 787-2199 or (717) 783-2903

[Pa.B. Doc. No. 99-609. Filed for public inspection April 9, 1999, 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

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

Waste Oil

[25 PA. CODE CHS. 261, 266, 287 AND 298]

The Environmental Quality Board (Board) proposes to amend Chapters 261, 266 and 287 (relating to criteria, identification and listing of hazardous waste; special standards for the management of certain hazardous waste activities; and residual waste management—general provisions), and to adopt Chapter 298 (relating to standards for recycling waste oil) to read as set forth in Annex A.

This proposal was adopted by the Board at its regular meeting on February 16, 1999.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact William Pounds, Chief, Division of Municipal and Residual Waste Management, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th floor, 400 Market Street, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-7564, or Marc A. Roda, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th floor, 400 Market Street, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. 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 (Department) web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

This proposal is being made under the authority of section 5 of The Clean Streams Law (35 P. S. § 691.105), sections 1—9 of the Pennsylvania Used Oil Recycling Act (58 P. S. §§ 471—480), section 105 of the Solid Waste Management Act (act) (35 P. S. § 6018.105), and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). Section 5 of The Clean Streams Law directs the Department to adopt such rules and regulations as are necessary to implement the act.

Section 9(e) of the Pennsylvania Used Oil Recycling Act (58 P. S. § 479(e)) authorizes the adoption of regulations. Under section 105 of the act, the Board has the power and duty to adopt rules and regulations necessary to carry out the purposes of the act (35 P. S. §§ 6018.101—6018.1003) which includes the management of solid waste to protect the public's health, safety and welfare, as well as protect the environmental resources of this Commonwealth. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations necessary for the proper work of the Department.

D. *Background of the Proposal*

The existing regulatory framework addressing waste oil recycling is confusing and inconsistent. This is because the regulations pertaining to waste oil recycling are scattered throughout the hazardous and residual waste regulations.

The following examples illustrate the problem. Only § 261.3(h) (relating to definition of hazardous waste) states that characteristically hazardous waste oil being recycled by means other than burning is to be managed as a residual waste. Conversely, waste oil that is a residual or characteristically hazardous waste being burned for energy recovery is managed under Chapter 266, Subchapter E (relating to burning of waste oil for energy recovery). The burning of residual waste oil for energy recovery is also subject to the requirements of § 287.102(g) (relating to permit by rule, waste oil energy recovery). Some of the residual waste permit by rule requirements are more stringent than the Chapter 266, Subchapter E requirements.

To eliminate this confusion and inconsistency in standards, the Board is proposing to place all regulations addressing waste oil recycling into a separate chapter. These waste oil recycling regulations will apply to the collection, storage, transportation, processing, rerefining and burning for energy recovery of waste oil. Though placed in Part I, Subpart C, Article IX (relating to residual waste management), these regulations will also apply to the recycling of waste oil that is a hazardous waste solely due to a characteristic.

This proposal also aligns the Department's hazardous waste program more closely to the Federal hazardous waste management program. The United States Environmental Protection Agency (EPA) is directed by section 3014 of the Resource Conservation and Recovery Act (42 U.S.C.A. § 6935) (RCRA) to develop, as part of its hazardous waste management program, standards for the handling and management of recycled used oil. These regulations may not discourage the recovery or recycling of used oil consistent with the protection of human health and the environment. Facilities operating under these regulations are deemed to have a RCRA Subtitle C permit for the storage or treatment of hazardous waste. See 42 U.S.C.A. § 6935. The EPA's used oil regulations are a permit by rule for the storage and treatment of used oil.

On September 10, 1992, the EPA published 40 CFR Part 279 (relating to recycled used oil management standards). These regulations apply to the recycling of nonhazardous used oil and used oil that is hazardous solely due to a characteristic. The EPA expects all states with authorized RCRA programs to amend their programs to include these used oil recycling management standards.

The Commonwealth's current authorized program does not include the EPA used oil recycling standards. This is because the Commonwealth received authorization approximately 6 years prior to the promulgation of the EPA's used oil recycling chapter. Once the proposed waste oil recycling regulations are adopted as a final rule, the Department will be able to add the EPA's used oil recycling standards to its authorized program.

In developing these proposed amendments, the Department met several times with an ad hoc group of waste oil recycling companies. This group provided invaluable in-

put on many issues addressed by the proposed amendments. While the proposal does not contain all of the changes suggested by this group, there was consensus that the proposal significantly improves the existing regulations.

The proposed amendments were also reviewed by the Solid Waste Advisory Committee (SWAC). In November 1997 and January 1998, SWAC endorsed the proposed amendments for EQB consideration.

E. Summary and Purpose of Proposed Rulemaking

This proposed rulemaking was developed in response to the Department's Secretary's Regulatory Basics Initiative (RBI) and the Governor's Executive Order 1996-1 (Regulatory Review and Promulgation) which required all agencies to reevaluate existing regulations based on the following criteria: (1) agency requirements are no more stringent than standards imposed by Federal law unless justified by a compelling and articulable Pennsylvania interest or authorized by State law; (2) requirements are eliminated which are no longer necessary or redundant; (3) performance-based requirements are encouraged; (4) new green technologies are encouraged; (5) a pollution prevention approach is supported; and (6) information is prepared in plain, simple, clear and concise language.

The need for a single chapter addressing the recycling of residual and characteristically hazardous waste oil was identified as a result of the RBI review of the hazardous and residual waste regulations. This proposal is based on and is largely identical to the EPA's used oil regulations. The following summary will identify the differences and explain the reason for each difference.

Subchapter A. Definitions.

Proposed § 298.1 (relating to definitions) defines terms specifically for the waste oil recycling regulations. The terms defined in the Department's hazardous waste and storage tank regulations will have the same meaning when used in this chapter. Most of the terms and definitions are identical to those found in the EPA's regulations. The following summary identifies those terms or definitions which differ from the EPA's terms or definitions and explains the reason for each difference.

Waste oil

The proposed amendments use the term "waste oil" when the EPA regulations use the term "used oil." This is primarily a difference in terminology and not definition.

This difference of terms is necessitated by differences between Commonwealth and Federal law. The Pennsylvania Used Oil Recycling Act narrowly defines "used oil" as petroleum or synthetic based oil used to lubricate an internal combustion motor or a motor vehicle's transmission, gears or axles which have become unsuitable for their original purpose due to contamination or loss of properties through handling, storage or use. See 58 P. S. § 473. In contrast, RCRA and the EPA's regulations broadly define used oil as oil refined from crude or synthetic oil which has been contaminated through use. See 42 U.S.C.A. § 6903(36) (relating to definitions) and 40 CFR 279.1 (relating to definitions).

To resolve this problem, the proposed amendments, like the existing regulations, use the term "waste oil" in place of "used oil." To ensure that the proposed amendments have the same scope as the EPA's regulations, the definition for waste oil includes the Federal and State law definitions for "used oil."

Tanks

The definition for tank in the proposed amendments is essentially identical to the EPA's definition. In both cases, a tank is a stationary device used to hold waste or used oil, respectively. The difference lies in the material that the tank is composed of. The EPA allows the tank to be made out of any nonearthen material, including wood. The proposed amendments do not allow the use of wooden tanks. In the Department's experience, wooden tanks are significantly more prone to leakage than tanks made out of other nonearthen materials.

Waste oil processing

The proposed amendments use the term "waste oil processing" when the EPA uses the term "processing." This is merely a difference in terminology needed to avoid confusion with a term defined by State law. Under the act, processing is any technology used to reduce the volume of municipal or residual waste or to convert all or part of that waste for offsite reuse. Processing facilities include transfer, composting and resource recovery facilities. See 35 P. S. § 6018.103. In contrast, under the EPA's used oil regulations, processing is a chemical or physical operation designed to produce a product from used oil or make it more amenable for production. Therefore, the proposed regulations use the term "waste oil processing" rather than "processing" to avoid confusion with the broad concept of processing found in the act.

Waste oil transfer facility

Under the proposed amendments, a waste oil transfer facility is any transportation related facility, such as loading dock or parking area, that receives or holds waste oil in the normal course of business. This definition differs from the EPA's definition in several ways. First, the EPA's definition of "used oil transfer facilities" only includes those transportation related facilities where waste oil is held for at least 1 day and not more than 35 days. If the used oil is held for more than 35 days, the facility is regulated as a used oil processing facility. Secondly, the EPA's definition includes areas where used oil is stored prior to onsite processing by a generator. The reasons for these differences in definitions derives from requirements of State law and differences in how the waste oil regulations work.

Eliminating the minimum holding time and expanding the definition to all areas where waste oil is received is mandated by State law. The act defines a transfer facility as any facility that receives residual or municipal waste for transfer or processing. There is no minimum limit on the amount of time that the waste is to be held at the transfer facility. Since much of the waste oil going through waste oil transfer facilities is a residual waste, there can be no minimum holding time requirement and the waste oil transfer facility must include all areas where the waste oil is received.

The 35-day limit on holding waste oil was eliminated as an unnecessary restriction given how waste oil transfer facilities will be regulated. As explained previously, the EPA's used oil regulations act as a PBR for the storage or treatment of used oil. As with any other PBR, the EPA cannot modify the used oil transfer facility PBR on a case-by-case basis to address the increased risks posed by storing waste oil for an extended period of time. In addition, used oil transfer facilities are not covered by a bond. In contrast, and as explained as follows, waste oil transfer facilities will be regulated by an individual or general permit and secured with a bond. The permit conditions and bond amount will address the increased

risks and liabilities associated with waste oil transfer facilities that hold waste oil for more than 35 days.

Finally, the waste oil transfer facility definition does not include the reference to areas where waste oil is stored prior to certain waste oil processing activities conducted by a generator. This was done to eliminate confusion and ambiguity from the regulations and to ensure that the waste oil regulations will not be unnecessarily interpreted to be more stringent than the EPA's used oil regulations. The activities in question are a limited set of onsite waste oil processing activities to be authorized by a PBR rather than a waste oil processing permit. Including in the waste oil transfer facility definition a reference to storage areas at generators conducting authorized onsite processing activities creates the implication that a generator conducting one of these onsite processing activities is now operating a facility subject to regulation as a waste oil transfer facility. However, the EPA never intended to subject these generators to the more stringent transfer facility regulations.

In amending the definition for used oil transfer facilities to include storage areas prior to certain onsite used oil processing activities, the EPA did not intend to turn these generator sites into transfer facilities. Instead, the EPA merely wanted to make it clear that a transfer facility which received used oil from field equipment, filtered the used oil and then returned it to the field equipment would not be regulated as a used oil processing facility. See 59 FR 1005 (March 4, 1994). As explained as follows, the waste oil transfer facilities regulations make it clear that these activities can occur at a waste oil transfer facility. Therefore, eliminating this reference from the definition for waste oil transfer facility will eliminate confusion and ambiguity from the regulations and have no effect on whether the waste oil regulations are more or less stringent than the used oil regulations.

Subchapter B. Applicability

This subchapter specifies when waste oil and materials containing waste oil are to be managed under this chapter, managed as a residual or hazardous waste, or not managed as a waste. Most of the applicability standards are found in § 298.10 (relating to applicability). Special standards for waste oil being burned for energy recovery are found in § 298.11 (relating to waste oil specifications).

§ 298.10 Applicability

Waste oil

Except as otherwise provided in this section or § 298.11 (relating to waste oil specifications), this chapter applies to the management of waste oil. It applies even if the waste oil exhibits a hazardous characteristic identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste). These proposed amendments presume that waste oil is to be recycled unless the waste oil is being disposed of or shipped to someone for disposal.

Mixtures of waste oil and listed hazardous waste

The proposed waste oil amendments do not apply to mixtures of waste oil and listed hazardous waste. These mixtures are a listed hazardous waste to be managed under the hazardous waste regulations. To ensure against mixing of waste oil and listed hazardous waste, the proposed amendments retain the EPA's rebuttable presumption that waste oil containing more than 1,000 ppm total halogens is a hazardous waste because it was mixed with a listed halogenated hazardous waste.

This presumption can be rebutted in a number of ways. One obvious approach is to demonstrate that the halogens were in the oil as manufactured; for example, some lubricating oils contain more than 1,000 ppm total halogens. Another approach is to demonstrate that the halogens come from a waste that is exempt from regulation as a hazardous waste; for example, household waste. The analytical presumption can also be rebutted by using an appropriate analytical method to demonstrate that the waste oil does not contain significant levels of hazardous halogenated constituents, that is chlorinated solvents.

If an analytical method is used, the critical question becomes what is a significant level of a hazardous halogenated constituent. The Department agrees with the EPA's approach to addressing this issue. When individual hazardous solvents are present at very low levels, (for example 100 ppm) it is extremely difficult to identify the source of contamination, and mixing with a hazardous waste cannot be presumed. Whether higher levels of halogens (100 to 1,000 ppm) indicates that mixing has occurred depends on the circumstances of individual cases. See 50 FR 49212 and 49213 (November 29, 1985).

Of course, under certain circumstances, showing that the halogenated constituent is present in low levels will not rebut the presumption of illegal mixing. For example, it is doubtful that the presumption would be rebutted if waste oil used to lubricate manufacturing equipment having more than 1,000 ppm total halogens was shown to contain 25 ppm chlordane, a chlorinated halogenated pesticide that is listed as a hazardous waste. This is because waste lubricating oil should not contain chlordane, so that its presence indicates that the waste oil was intentionally mixed with a listed hazardous waste.

There are two circumstances when the rebuttable presumption is not applicable. The rebuttable presumption does not apply to metal working oils/fluids containing chlorinated paraffins if the oils are reclaimed under an appropriate tolling agreement. As explained below, § 298.24(c) (relating to offsite shipments) specifies what is an adequate tolling agreement. The reclaimed oils must be returned to the person who generated the waste oil. The rebuttable presumption also does not apply to waste oil from refrigeration units contaminated with chlorofluorocarbons (CFCs) provided the CFCs are destined for reclamation. This exemption is lost if the waste oil is mixed with waste oil from other sources.

Mixtures of waste oil and characteristically hazardous waste

The proposed waste oil amendments apply only to mixtures of waste oil and hazardous waste that is hazardous solely due to the characteristic of ignitability. For the mixture to be managed as waste oil, it must not exhibit the characteristic of ignitability. As with the Department's existing regulations, and unlike the EPA's used oil regulations, the proposed waste oil amendments will not apply to mixtures of waste oil and all other characteristically hazardous wastes. There are several reasons for excluding mixtures of waste oil and nonignitable characteristically hazardous waste.

To begin with, allowing mixtures of waste oil and hazardous waste to be managed as waste oil runs counter to the Department's pollution prevention efforts. Allowing generators to get rid of their hazardous waste by mixing it with waste oil significantly reduces their incentive to adopt source reduction strategies to minimize the amount of hazardous waste they generate.

More importantly, in the Department's experience, allowing mixtures of waste oil and nonignitable characteris-

tically hazardous waste to be managed as waste oil will not protect the environment or the public's health, safety or welfare. This is because merely diluting the hazardous waste with waste oil to eliminate the hazardous characteristic does not eliminate or neutralize the hazardous constituents. As a result, given the myriad methods for reprocessing waste oil and using waste oil derived products, there is the distinct risk that the hazardous constituents in the waste oil will harm the public or the environment.

Of particular concern is the recycling of these mixtures by burning for energy recovery. The criteria used by the EPA and the Department for determining whether waste oil can be burned as virgin fuel oil will not detect the wide variety of hazardous constituents that can occur in these mixtures. Even if these mixtures are to be burned in a boiler or industrial furnace, it will be impossible to establish appropriate air quality limits because there is no way the Department and the burner can know all the types of hazardous waste that may have been disposed of in the waste oil.

CESQG generated mixtures of waste oil and hazardous waste

Unlike the EPA's used oil regulations and the Department's existing regulations, the waste oil regulations will not allow a conditionally exempt small quantity generator (CESQG) to mix any type of hazardous waste oil with its waste oil and have the mixture or its products burned for energy recovery as waste oil. As with mixtures of waste oil, and characteristically hazardous waste which do not exhibit the hazardous characteristic, allowing CESQG generated mixtures of hazardous waste and waste oil to be recycled as waste oil undercuts the Department's pollution prevention efforts and will not be protective of the public's health, safety, welfare or the environment. In particular, allowing CESQGs to mix any type of hazardous waste and waste oil and have it recycled as waste oil poses a more significant risk to the public's health, safety, welfare and the environment than the mixtures of non-ignitable characteristically hazardous waste and waste oil discussed above. This is because the CESQG mixture could either contain a listed hazardous waste or still exhibit the hazardous waste characteristic. As previously explained, there is no assurance that the recycling process, be it reprocessing, re-refining or burning for energy recovery, will neutralize the hazardous constituents which will exist in the waste oil.

In addition, allowing CESQG generated mixtures of waste oil and any type of hazardous waste to be managed as waste oil makes compliance assurance difficult. In the Department's experience, waste oil transporters and processors/re-refiners accept waste oil from CESQGs along with waste oil from all other generators. As a result, if the waste oil contains more than 1,000 ppm total halogens, it is very difficult to determine whether someone other than a CESQG has mixed hazardous waste with its waste oil.

This difference in how the EPA used oil regulations and the proposed waste oil amendments address CESQG generated mixtures of waste oil and hazardous waste stem from a fundamental difference in how CESQG hazardous waste is regulated. The EPA exempts CESQG generated hazardous waste from regulation as a hazardous waste. In contrast, the Commonwealth, through the Department's regulations, has always recognized that CESQG generated hazardous waste is still hazardous and should be disposed of or treated at a permitted hazardous waste facility. In a recent set of amendments to the

hazardous waste regulations, the EQB had proposed to allow CESQG hazardous waste to be disposed at municipal or residual waste facilities. In response to concerns from the Legislature and commentators, that proposal was withdrawn and replaced with a commitment not to allow CESQG hazardous waste to be disposed at a municipal or residual waste facility. See 27 Pa. B. 237 (January 11, 1997).

Materials containing or otherwise contaminated with waste oil

A material containing or otherwise contaminated with waste oil is managed under this chapter as waste oil. This waste oil contaminated material can be burned for energy recovery in accordance with this chapter. Once the waste oil is drained or removed to the extent practical from the contaminated material, it ceases to be waste oil. In general, the test for determining whether the waste oil has been drained or removed from the contaminated material is that there is no visible waste oil in or on the material. Unless it is to be disposed, the waste oil drained or removed from the contaminated material will be managed under these waste oil regulations. The remaining material is managed as a municipal, residual or hazardous waste.

Unlike the EPA's used oil regulations, the proposed waste oil regulations contain a special standard for wastewaters containing or contaminated with waste oil. Wastewaters that contain at least 1% recoverable waste oil is waste oil to be managed under this chapter. For wastewaters containing less than 1% waste oil to be managed as waste oil, the operator shall demonstrate that it can recover marketable quantities of waste oil from the contaminated wastewaters.

This special rule is being established because in the Department's experience the no visible waste oil test does not apply to the reclamation of waste oil from wastewater. When wastewater contains less than 1% waste oil, it is difficult to determine whether the waste oil processor is removing the waste oil and recycling it or using its wastewater treatment system to dispose of the waste oil along with the wastewater or with the sludge removed from the wastewater. This special requirement for wastewaters containing less than 1% recoverable waste oil is appropriate because the person claiming that it is recovering waste oil is the only one capable of establishing that the waste oil is actually being recycled.

The differences between the EPA's waste regulations and the Department's waste regulations also explain why the waste oil regulations have this special rule. Except for the used oil regulations, the EPA's hazardous and industrial waste regulations do not apply to wastewaters containing used oil. Therefore, regulating all wastewater with visible oil (an oily sheen) as used oil represents an increase in regulation by the EPA. On the other hand, the Department's existing residual waste regulations already apply to wastewaters containing waste oil. These existing regulations are more appropriate for the management of wastewaters containing small amounts of waste oil which are not being recycled.

Mixtures of waste oil and products

Mixtures of waste oil and fuels or fuel products are managed as waste oil. The only exceptions are mixtures of waste oil and diesel fuel. This mixture is not a regulated waste if the waste oil generator is creating the mixture for use in its own vehicles. Prior to mixing, the waste oil shall be managed in accordance with Subchapter C (relating to generator standards).

Materials derived from waste oil

A material derived from waste oil that is beneficially used is not a waste if it is neither burned for energy recovery nor used in a manner constituting disposal. The EPA's used oil regulations do not contain any standards or procedures for determining when materials derived from waste oil are being beneficially used and are not a waste. In contrast, the proposed waste oil regulations require this determination to be made as a special condition to the permit for the waste oil processing/re-refining facility producing the product.

As explained as follows, waste oil processing/rerefining facilities must be authorized by a permit issued under Chapter 287 (relating to residual waste management—general provisions). Since 1992, the standards and procedures in this chapter have been used to make the determination that a material derived from a residual waste can be deregulated—for example, dewatering determinations or beneficial use permits. The Department has already issued a number of waste oil processing permits which include conditions determining certain materials derived from waste oil not to be a waste or to be beneficially used. Given the risks to the environment and the public's welfare from the misuse of materials derived from waste oil, there is no sound reason for treating these materials differently from any other material derived from a residual waste.

If the material derived from the waste oil is to be burned for energy recovery—for example, waste oil fuels—it is subject to the proposed waste oil regulations. Materials derived from waste oil that are to be used in a manner constituting disposal are not waste oil and are managed either as a residual or hazardous waste. For example, waste oil being used as a dust suppressant is a use constituting disposal. It should be noted that using waste oil as a dust suppressant is expressly prohibited by the hazardous waste regulations and will not be authorized under the residual waste regulations. Finally, rerefining distillation tank bottoms used as to make asphalt will not be regulated as waste oil.

Wastewaters

The proposed waste oil regulations do not apply to waste waters containing de minimis quantities of waste oil if the waste waters are being discharged under a National Pollutant Discharge Elimination System permit or under a pretreatment plan. For the purposes of this section, de minimis quantities of waste oil are small unintentional discharges from equipment in normal operation or small quantities of waste oil lost to the wastewater treatment system. This exception does not apply to large leaks or spills or to waste oil recovered from wastewater treatment systems.

Waste oil introduced into crude oil pipelines or a petroleum refining facility

The proposed waste oil amendments do not apply to mixtures of waste oil and crude oil or natural gas liquids that are to be inserted into a crude oil pipeline. However, prior to mixing, the management of the waste oil is subject to the proposed amendments.

The proposed waste oil amendments do not apply to the storage or transportation of mixtures of waste oil with crude oil or natural gas, containing less than 1% waste oil that are to be inserted into the refining process prior to distillation or catalytic cracking. Also, waste oil inserted into the refining process prior to distillation or catalytic cracking is not subject to regulation if no more than 1% of the feed stock going to any unit at any time contains

waste oil. In addition, waste oil meeting the specifications of § 298.11(b) inserted into the refining process after distillation or catalytic cracking will not be subject to the proposed amendments. Prior to insertion into the refining process, the waste oil will be subject to the proposed amendments. Finally, waste oil incidentally recovered from a hydrocarbon recovery unit or wastewater treatment unit and returned to the refining process will not be subject to these proposed amendments.

Waste oil on vessels

Waste oil generated on vessels from normal shipboard operations is not subject to regulation as waste oil until it is brought ashore.

Waste oil containing PCBs

The proposed waste oil amendments will apply to the recycling of waste oil containing less than 50 ppm polychlorinated biphenyls (PCBs). If the waste oil contains 50 ppm or more PCBs, its recycling is exclusively regulated under the Toxic Substances Control Act (15 U.S.C.A. §§ 2901—2916) and 40 CFR Part 761 (relating to polychlorinated biphenyls (PCBs) manufacturing, processing, distribution in commerce and use prohibitions). Waste oil containing less than 50 ppm PCBs which is being recycled by burning for energy recovery will be subject to these proposed regulations as well as TSCA and 40 CFR 761.20(e) (relating to prohibitions).

§ 298.11. Waste oil specifications

The proposed waste oil amendments contain two special applicability rules for waste oil being burned for energy recovery. These rules specify the minimum heat value for the waste oil being burned for energy recovery and limits on certain contaminants which, if satisfied, allow the waste oil to be burned as if it was not a waste.

Unlike the EPA's used oil amendments, the proposed waste oil regulations require waste oil being burned for energy recovery to contain at least 8,000 Btus per pound. This rule applies whether or not the waste oil is to be burned under this chapter. If the waste oil contains less than 8,000 Btus per pound, the waste oil is being incinerated as a hazardous or residual waste, rather than being burned for energy recovery.

The Department's regulations for burning waste oil for energy recovery have always contained the 8,000 Btu per pound limit. See § 266.40(b)(2) (relating to applicability). In the Department's experience, the Btu restriction, being equivalent to wood or low grade coal, provides some assurance that materials containing or otherwise contaminated with waste oil are actually being burned for energy recovery and not disposal.

This proposed regulation retains the on/off specification table. Except for some recordkeeping requirements, on-specification waste oil being burned for energy recovery is not subject to regulation as a waste and can be substituted for a virgin fuel oil.

The on/off-specification table was established by the EPA in 1985, 50 FR 49164 (November 29, 1985). The limits in the table identify those contaminants the EPA believes are likely to occur in waste oil at levels to be protective of public health in urban settings. These contaminants are: arsenic-5 ppm. max., cadmium-2 ppm. max., chromium-10 ppm. max., lead-100 ppm max., flash point-100 f min, total halogens-4,000 ppm. max. Except for total halogens, the proposed waste oil on/off-specification table is identical to EPA's on/off specification table.

The existing limit of 1,000 ppm total halogens has been retained to protect the health and property of individuals using on-specification waste oil as home heating fuel oil. When chlorinated halogens are burned, they produce hydrochloric acid which can damage the burner resulting in incomplete combustion and the generation of more pollutants. In developing its limit for used oil, the EPA did not consider home heating systems. It was assumed that on-specification waste oil would be burned in small non-industrial boilers used in businesses and apartment buildings. These boilers are largely converted coal burners that were designed to withstand the corrosive effects of burning high chlorine coal. The 4,000 ppm limit was selected because heating fuel oil containing 4,000 ppm total halogens will generate the same quantity of hydrochloric acid as the comparable quantity of high chlorine coal. See 50 FR at 49164. Unfortunately, the EPA's assumption ignores the fact that on-specification used/waste oil can be substituted for virgin home fuel oil. For the most part, home oil heating systems are not converted coal burners and were not designed to withstand the corrosive effects of burning high chlorine coal. In the Department's experience, the 1,000 ppm limit is more appropriate for protecting home oil burners.

An alternative approach for addressing this problem is to include in the on/off specification two limits for total halogens. A limit of 1,000 total halogens will be applicable to waste oil being burned for energy recovery as home heating fuel. The limit of 4,000 total halogens will be applicable for all other methods of energy recovery. The EQB is requesting comments on this alternative approach.

§ 298.12. Prohibitions

This section contains a number of prohibitions concerning the management or use of waste oil. Waste oil cannot be stored in surface impoundments or waste piles unless the storage unit is authorized by a hazardous waste permit. Also, waste oil cannot be used as a dust suppressant. Finally, off specification waste oil can be burned only in authorized boilers, industrial furnaces, space heaters and hazardous waste incinerators.

Subchapter C. Standards for Waste Oil Generators

Subchapter C establishes who is subject to regulation as a waste oil generator, as well as the applicable management and recordkeeping requirements.

§ 298.20. Applicability

General rule.

In general, a waste oil generator is the person who generates waste oil or who first causes it to be subject to regulation. There are several exceptions to this rule. The following individuals and entities are not generators: (1) farmers who generate less than an average of 25 gallons a month from their equipment; (2) household do-it-yourselfers; and (3) vessels at port or sea, (however, once the waste oil comes ashore, the vessel and receiving person are joint generators).

The proposed waste oil regulations do not continue to exempt from regulation as generators businesses which generate waste lubricating oils from internal combustion engines or vehicles. This exemption was established by the Pennsylvania Used Oil Recycling Act. RCRA and its implementing regulations preempt all less stringent State laws. See 42 U.S.C.A. § 6929. Therefore, the EPA's definition for used "oil generators" which includes businesses that generate waste lubricating oil from internal

combustion engines and vehicles, preempts this aspect of the Pennsylvania Used Oil Recycling Act.

Other Applicable Provisions

Waste oil generators must dispose of their waste oil in accordance with either the other provisions of the residual waste regulations or the hazardous waste regulations. Except as provided for in this subchapter, waste oil generators who transport, process/re-refine, burn for energy recovery or market waste oil or first declares the waste oil to be on-specification shall comply with the other subchapter addressing that activity. Section 298.24(a) and (b) (relating to offsite shipments) authorizes waste oil generators to transport small quantities of their waste oil and do-it-yourselfer waste oil to a waste oil collection center or aggregation point. Section 298.23 (relating to onsite burning in space heaters) authorizes waste oil generators to burn small quantities of their off-specification waste oil in a space heater. Waste oil generators who use mist collectors to remove small droplets of waste oil from the air are not waste oil processors if the waste oil is not being shipped offsite to be burned for energy recovery.

There are three types of waste oil onsite processing activities which a waste oil generator can conduct under a PBR rather than a permit issued under Subchapter F (relating to standards for waste oil processors/re-refiners). These onsite processing activities are: (1) the reconditioning of waste oil for the generator's reuse; (2) separating waste oil from wastewater to make the wastewater acceptable for discharge; and (3) removing waste oil from materials containing or otherwise contaminated with waste oil.

For the PBR to be applicable, regardless of the type of processing activity, the waste oil generator must be processing only waste oil generated onsite and the waste oil cannot be shipped offsite to be burned for energy recovery. If the waste oil generator is reconditioning waste oil or removing waste oil from materials containing or otherwise contaminated with waste oil, the remaining wastes must be managed in accordance with the act and the applicable regulations and the processing activity can not adversely affect the environment or the public's health, safety or welfare. If the waste oil is being separated from wastewater to make it more acceptable for discharge, the waste oil must have been generated onsite; the wastewater was either treated onsite or at a previously interconnected facility; the discharge from the facility is in compliance with its National Pollutant Discharge Elimination System permit; and the facility has an hazardous waste identification number; the facility is regularly inspected and maintained; a hazardous waste operating report for the facility is maintained; the hazardous waste quarterly facility reports are submitted; and the facility complies with Chapter 265, Subchapter Q (relating to chemical, physical and biological treatment).

These PBRs do not establish new requirements. The existing regulations require generators, including waste oil generators, to conduct onsite processing/reclamation activities under a written permit or a PBR. See for example, 25 Pa. Code § 287.102 (relating to permit by rule), § 265.433 (relating to wastewater treatment) and Chapter 266, Subchapter H (relating to onsite reclamation). If anything, the proposed PBRs for the reconditioning and removal of waste oil are less stringent than the existing applicable PBRs.

These PBRs are more stringent than their EPA used oil counterparts. The EPA's used oil regulations only require

the waste oil to be generated onsite and the waste oil cannot be shipped offsite to be burned for energy recovery. The EPA regulations do not address the risks from mishandling the waste oil which are posed when the processing activity is conducted by the waste oil generator or someone else. The PBR addresses onsite management of waste oil.

Recordkeeping

In the Department's experience, it is very difficult to determine whether a particular load of waste oil has been improperly mixed with hazardous waste unless the generator has maintained on record basic information concerning the oil used and how it became a waste. This chapter was drafted to respond to concerns raised by the ad hoc waste oil recycling industry group that without basic information concerning the waste oil and how it was generated, it is difficult for waste oil recyclers to determine whether a particular load of waste oil has been improperly mixed with hazardous waste. Therefore, even though the EPA's used oil regulations do not have generator recordkeeping requirements, the proposed waste oil regulations will require waste oil generators to keep for 5 years records concerning their waste oil. These records shall identify the type of oil being used, the process generating the waste oil, all tests and the results thereof used for determining whether the waste oil contains more than 1,000 ppm total halogens, any information used to rebut the presumption that the waste oil was improperly mixed with a hazardous waste and the type and quantity of any characteristically ignitable hazardous waste mixed with the waste oil when the resulting mixture did not exhibit the characteristic of ignitability.

§ 298.21. Hazardous waste mixing

Waste oil generators must follow the mixture rules of § 298.10(b). In other words, mixtures of waste oil and hazardous waste is a hazardous waste and shall be managed as such. The only exemption to this prohibition is for mixtures of waste oil and characteristically ignitable hazardous waste where the mixture does not exhibit the characteristic of ignitability. In addition, waste oil generators are subject to the rebuttable presumption that waste oil containing more than 1,000 ppm total halogens is a hazardous waste because it has been mixed with a listed hazardous waste.

§ 298.22. Waste oil storage

Waste oil generators may use tanks, containers or other units subject to the Department's hazardous waste regulations to store waste oil. Underground storage tanks used to hold waste oil, even characteristically hazardous waste oil, are subject to the Department's storage tank regulations in Chapter 245 (relating to administration of storage tank and spill prevention program) including corrective action. Aboveground tanks and containers shall be leak free and in good condition, for example, structurally sound. Field pipes conveying waste oil to underground tanks, aboveground tanks and containers shall be identified with the words "waste oil." The waste oil generator shall comply with the applicable hazardous waste regulations concerning spill prevention, control and counter measures. For releases of waste oil not subject to the underground tank corrective action requirements of Chapter 245, Subchapter D, the generator shall stop and contain the leak, clean up all spill waste oil and contaminated material and repair or replace any leaking containers.

§ 298.23. Onsite burning in space heaters

Waste oil generators are deemed to have a PBR to burn waste oil. To be eligible for this PBR, the space heater can only burn waste oil generated by the heater's owner/operator or by household do-it-yourselfers; the heater can have a maximum design capacity of .5 million Btus per hour, and be vented to the ambient air.

§ 298.24. Offsite shipments

Except as provided for in this section, waste oil generators shall use a transporter who has an EPA identification number to transport their waste oil. The generator shall certify to the transporter that, except for mixtures of waste oil and ignitable characteristically hazardous waste which no longer exhibits the characteristic of ignitability, the waste oil has not been mixed with a hazardous waste.

Under the following criteria, a generator can transport waste oil without using a transporter holding an EPA identification number. The generator can transport up to 55 gallons of its own waste oil or do-it-yourselfer waste oil to an authorized collection center by means of a vehicle owned by the generator or one of its employees. The generator shall certify to the owner/operator of the collection center that, except for mixtures of ignitable characteristically hazardous waste which do not exhibit the characteristic of ignitability, hazardous waste has not been mixed with the waste oil. Alternatively, a generator can transport to its own offsite aggregation point up to 55 gallons of its own waste oil in a vehicle owned by the generator or one of its employees. Finally, the generator can arrange, by means of a tolling agreement, to have its waste oil reclaimed and have the processor/refiner return to the generator reclaimed waste oil to be used as a lubricant, cutting oil or coolant. This tolling agreement shall identify the frequency and type of waste oil to be shipped, require the processor/refiner to use its own vehicles to pickup the waste oil from the generator and to deliver the reclaimed oil to the generator, and provide for the return of reclaimed oil to the generator.

§ 298.25. Source reduction strategy

Both the hazardous and residual waste regulations require generators to perform a source reduction strategy. The proposed amendments retain this requirement. This requirement significantly furthers the Department's pollution prevention efforts. Therefore, even though there is no counterpart in the EPA's used oil regulations, waste oil generators will be required to prepare a strategy for reducing the amount of waste oil being generated. However, to remain consistent with the existing regulations, waste oil generators which generate only waste lubricating oil used in internal combustion engines or vehicles which generate less than 12,000 kgs annually of residual waste plus waste oil regulated by this chapter are not required to prepare a source reduction strategy.

This strategy shall be signed by the generator, kept on the premises, made available for inspection and upon request, a copy shall be made available to the Department. Information concerning production processes will be kept confidential if so designated by the generator. The source reduction strategy shall be updated at least every 5 years or when there is a significant change in the waste oil stream or the manufacturing process generating the waste oil.

The source reduction strategy must contain the following information. A description of the source reduction activities taken in the past 3 years (including an estimate of the resulting reduction in weight or toxicity of the waste oil) shall be included. If the generator is planning

to adopt further source reduction programs, the report shall identify the measures to be taken, when the measures are to be implemented and the projected reduction in the weight or toxicity of the waste oil being generated. If the waste oil generator is not planning to institute any new source reduction measures, the report shall characterize the waste oil stream. This characterization shall include an analysis of the waste oil stream, an identification of the waste oil source, an estimate of generation rates and a description of management techniques and costs. In addition, the report shall describe the options considered, how the options were evaluated and explain why they were rejected.

§ 298.26. Biennial reports

To administer the waste programs, the Department needs basic information identifying the amount of waste generated in this Commonwealth and how it is being processed, treated or disposed. As a result, both the residual and hazardous waste regulations require generators to submit biennially a report identifying the generator, describing the waste generated and identifying how their waste was processed, treated or disposed. The Department believes that this information is essential. Therefore, even though the EPA's used oil regulations have no counterpart to this requirement, the proposed waste oil regulations retain the requirement that generators submit this type of biennial report. However, to remain consistent with the existing regulations, waste oil generators which generate only waste lubricating oil used in internal combustion engines or vehicles or which generate less than 12,000 kgs annually of residual waste plus waste oil regulated by this chapter are not required to prepare a source reduction strategy.

Subchapter D. Standards for waste oil collection centers and aggregation points

This subchapter contains the standards applicable to waste oil collection centers and aggregation points. Unlike the EPA's used oil regulations, this subchapter does not have separate standards for do-it-yourselfer waste oil collection centers. There are two reasons for this. The EPA's minimal standards for do-it-yourselfer waste oil collection centers are less stringent than the requirements of section 6 of the Pennsylvania Used Oil Recycling Act (58 P.S. § 476). In addition, in the Department's experience, the EPA's standards are not protective of the environment or the public's health, safety and welfare. Since 1992, § 287.102(d) (relating to permit by rule) has authorized facilities to collect, store and aggregate waste lubricating oil from internal combustion engines and vehicles. To the extent this type of waste oil is generated by households, it is the type of used oil covered by the EPA as do-it-yourselfer used oil. The requirements found in § 287.102(d) should continue to be the basis for authorizing facilities to accept do-it-yourselfer waste oil.

§ 298.30. Waste oil collection centers

Waste oil collection facilities are limited to accepting, aggregating and storing waste oil from generators regulated under Subchapter C which are brought by the generator in shipments that do not exceed 55 gallons. In addition, the center can accept do-it-yourselfer waste oil including waste oil filters. The operation of these facilities can be authorized by a PBR. To qualify for the PBR, the facility must be a State inspection facility, an oil retailer, service station or a facility owned by a municipality, State agency or nonprofit organization. In addition, the operator shall: (1) comply with the applicable generator requirements of Subchapter C, that is § 298.23 (relating to

storage); (2) maintain waste oil tanks with a sufficient capacity to hold incoming waste oil and that are protected or sheltered so as to prevent leakage of waste oil into the environment; (3) have in close proximity to the waste oil tank collection facilities for holding the waste oil containers prior to disposal; (4) only accept waste oil; (5) be designed, constructed and operated to prevent any hazardous waste generated onsite from being mixed with the waste oil; and (6) have a method for ensuring that the only waste oil received at the facility that contains more than 1,000 ppm total halogens is do-it-yourselfer waste oil.

The EPA's used oil regulations mandate the limit on the types of waste oil the collection center can accept, the activities that can occur at the collection center and the necessity for complying with the generator standards of Subchapter C. The EPA also requires these collection facilities to be authorized by the State or other governmental unit to manage used oil. In the Department's experience, the other requirements in this section are necessary to ensure the proper management of waste oil at a waste oil collection center. Most of these additional requirements are not new; they are contained in § 287.102(d). The requirements relating to preventing the operator from improperly mixing hazardous waste and waste oil and only accepting waste oil with more than 1,000 ppm from do-it-yourselfers are new. These requirements have been developed in response to the experience of waste oil transporters, rerefiners and the Department in determining whether a load of waste oil from a collection center has been improperly mixed with a hazardous waste.

§ 298.31. Used oil aggregation points

Waste oil aggregation points are facilities that accept, aggregate and store waste oil only from other waste oil generation sites owned or operated by the same person who owns or operates the waste oil aggregation point. The waste oil has to be transported by the generator in shipments of no more than 55 gallons. The waste oil aggregation point can also accept do-it-yourselfer waste oil. These facilities can be authorized by a PBR. To qualify for the PBR, the facility shall comply with the waste oil generator standards of Subchapter C, that is § 298.23 (relating to storage), have waste oil tanks of sufficient capacity to accept the incoming waste oil that are sufficiently protected to prevent leakage of the waste oil into the environment and have in close proximity to the waste oil tanks and facilities for collecting waste oil containers for disposal. The requirement that the facility comply with the generator standards of Subchapter C is mandated by the EPA. Waste oil aggregation points pose the same risk of spillage or leakage of waste oil into the environment as posed by waste oil collection centers. Therefore, operators of waste oil aggregation points will be subject to the same requirements pertaining to the capacity of waste oil tanks, the prevention of leaks from waste oil tanks and location of a facility for holding used waste oil containers as those imposed on waste oil collection centers.

Subchapter E. Standards for waste oil transporters and transport facilities

This subchapter contains the standards applicable to transporters of waste oil and waste oil transport facilities.

§ 298.40. Applicability

Except as provided in this section, this subchapter applies to persons who transport waste oil and owners/operators of waste oil transfer facilities. This subchapter

does not apply to onsite transportation of waste oil, transportation of waste oil by the generator in accordance with § 298.24(a) or (b) or the transportation of waste oil from do-it-yourselfers to an entity regulated under this chapter. Transporters who import waste oil into or export waste oil out of this Commonwealth are subject to this subchapter while the waste oil is within this Commonwealth. Waste oil transported in trucks used to transport hazardous waste are considered to be mixed with hazardous waste unless the truck has been emptied in accordance with § 261.7 (relating to empty containers). However, the load can continue to be managed as waste oil if the truck carried hazardous waste that was hazardous solely due to the characteristic of ignitability and the waste oil load does not exhibit that characteristic. Except as provided in this subchapter, transporters which generate waste oil, process/rerefine waste oil, burn waste oil for energy recovery, market waste oil or first determine that waste oil is on-specification, are subject to other applicable subchapters. Finally, transporters shall dispose of hazardous waste in accordance with either the applicable provisions of the hazardous or residual waste regulations.

§ 298.41. Restrictions on transporters who are not also waste oil processors/rerefiners

Waste oil transporters can consolidate or aggregate waste oil at a waste oil transfer facility. Except as provided in this section, transporters cannot engage in any waste oil processing/rerefining activity unless they comply with Subchapter F (relating to standards for waste oil processors/rerefiners). The processing of waste oil which is incidental to and in the normal course of transportation can be conducted at a waste oil transfer facility if the activity is not designed to make a waste oil derived product. A good example of this type of activity is the settling and separation of oil from water that occurs in a transport vehicle or a single consolidation tank. Waste oil can be removed from transformers and turbines and filtered at a waste oil transfer facility if the waste oil is returned to be used in other turbines or transformers.

The only difference between this section and the EPA used oil regulations is the requirement that the activities occur at a regulated waste oil transfer facility. The activities authorized by this section, for example removing waste oil from a transformer and filtering it, pose a risk to the environment and the public from spillage or leakage of waste oil. Limiting these activities to waste oil transfer facilities, with their waste oil containment systems, is the most reasonable method of limiting this risk and allowing the activity to occur.

§ 298.42. Notification

If the waste oil transporter does not already have an EPA identification number, it shall obtain one. The EPA transporter identification numbers can be obtained by submitting to the EPA either a completed EPA form 8700-12 or a letter. Letters must identify the transporter company and its owner, a contact person, whether the company is engaged in transportation of waste oil or the operation of a transfer facility, or both, the location of all transfer facilities storing waste oil and a contact person at each transfer facility.

§ 298.43. Deliveries

The waste oil must be delivered to another waste oil transporter, a waste oil processor/rerefiner, or a person who burns waste oil for energy recovery. Except for burners of on-specification waste oil, all other entities receiving the waste oil shall have an EPA identification number. The transporter shall comply with the applicable

United States Department of Transportation (U.S. DOT) regulations in 29 CFR Parts 171-180.

If during transportation there is a discharge of waste oil, the transporter shall immediately notify the appropriate Departmental emergency response office and take all necessary steps to protect human health and the environment. The Department can authorize transporters who do not have EPA identification numbers to immediately remove the waste oil to protect human health or the environment. The transporter is responsible for cleaning up or abating the effects of the discharge. Finally, the transporter is also subject to the discharge notification requirements established by the U.S. DOT and 33 CFR 153.203, if the discharge is from a water transporter.

§ 298.44. Rebuttable presumption for waste oil

To ensure that waste oil being transported or stored has not been improperly mixed with hazardous waste, the transporter shall determine if the waste oil being transported or stored at its transfer facility contains more than 1,000 ppm total halogens. This determination can be made by either testing the waste oil or relying on knowledge as to how the waste oil was generated. A record of all analysis and information used to comply with this section shall be maintained for at least 3 years.

If the waste oil contains more than 1,000 ppm total halogens, it is presumed that the waste oil has been improperly mixed with a hazardous waste and shall be managed as such. This presumption does not apply to certain metalworking oils/fluids and certain waste oils removed from refrigeration units. A showing that the waste oil was not mixed with a hazardous waste will rebut this presumption.

§ 298.45. Waste oil storage at transfer facilities

This section applies to waste oil transfer facilities. In addition to the requirements of this section, transporters shall have a prevention, preparedness and contingency plan as well as a spill prevention plan, as provided for in Chapter 264. Also, all underground waste oil storage tanks at the facility shall comply with the Department's storage tank regulations in Chapter 245 (relating to administration of storage tank and spill prevention program).

Permits

Except for satellite waste oil transfer facilities, the proposed waste oil amendments retain the existing requirement that a waste oil transfer facility shall be authorized by either an individual or a general permit. EPA's approach of authorizing all waste oil transfer facilities with a PBR was not followed for several reasons. In the Department's experience, transfer facilities are too varied to be effectively regulated by a one permit fits all approach. These variations include different sources of waste oil, different types of incidental processing activities and different types of ownership and control over the transportation of the waste oil to the facility. Neither does the EPA's PBR address issues such as locating the transfer facility in or near a wetland, flood plain or too close to occupied dwellings. Furthermore, the operation of these facilities is not risk free. There is always the potential that the Commonwealth will have to clean up a waste oil transfer facility or that third parties will suffer injuries resulting from the facility's activities. Therefore, there is a compelling reason that these facilities be covered by adequate bonds and insurance.

The waste oil transfer facility permit is issued in accordance with Chapter 287 (relating to residual waste

management—general provisions). This permit can take the form of either an individual permit or a general permit. General permits are only available if the waste oil comes directly from waste oil generators and household do-it-yourselfers in vehicles under the transporter's control. In addition, the only activities that can occur at the facility are the consolidation/aggregation of waste oil and those processing activities which are incidental to and necessary for transportation, for example, the separation of water from waste oil in a single vehicle or tank. Transfer facilities conducting other activities raise problems and risks that are too site specific to be authorized by a general permit. However, as a matter of fairness, transfer facilities operating in a manner other than that previously described under a general permit may continue to do so for the term of the permit. Upon expiration of the general permit, the continued operation of the facility will then have to be authorized by an individual permit.

There is a PBR for waste oil transfer facilities under the ownership and control of another waste oil transfer facility or waste oil processor/rerefiner. For this PBR to apply, the transfer facility shall comply with all other requirements of this subchapter, waste oil may be only consolidated/aggregated or stored at the facility, storage is limited to 35 days and the owner's liability for cleanup and third-party injuries is being covered by the bond and insurance covering the receiving facility. Prior to commencing operation under this PBR, the operator shall submit to the Department documentation describing and identifying the location of the facility, a contact person and that the facility will not be located within 100 feet of a floodplain or perennial stream, 300 feet of a wetland or occupied dwelling or 50 feet of a property line. Finally, the operator shall keep at the facility a copy of the protocols used for determining whether waste oil contains more than 1,000 ppm total halogens and for rebutting the presumption that the waste oil has been improperly mixed with a hazardous waste.

Storage Units

Waste oil at transfer facilities shall be stored in tanks, containers or other units regulated under the hazardous waste regulations. Containers and above ground tanks must be in good condition, such as structurally sound, not leaking and be within a secondary containment system. This secondary containment system shall be constructed using dikes, berms or walls and a floor, or an equivalent system. This system shall prevent any released waste oil from migrating into the soils, or into the waters of this Commonwealth. Finally, all aboveground tanks, containers and field pipes conveying waste oil to underground storage tanks shall be marked or labeled as waste oil.

Response to releases

For releases not subject to the underground tank corrective action requirements of Chapter 245, Subchapter D the operator shall stop, contain and clean the release of waste oil. Leaking storage tanks and containers shall be repaired or replaced.

§ 298.46. Tracking

Waste oil transporters shall maintain a record of all shipments of waste oil accepted or shipped by the transporter. For shipments accepted, the record shall identify the source of the waste oil, the quantity of waste oil accepted, the date of acceptance and, unless the waste oil came from an intermediate rail transporter, the signature of a representative from the entity supplying the waste oil. For shipments delivered, the record shall identify the

entity receiving the waste oil, the quantity of waste oil delivered, the date of delivery and, unless the shipment is to an intermediate rail transporter, the signature of a representative from the receiving entity. Except for the signature, records of deliveries to foreign countries shall contain the same information as any other record of a delivery. Records of acceptance and delivery shall be maintained for at least 3 years.

§ 298.147. Management of residues

Wastes generated from the transport or storage of waste oil shall be managed in accordance with the requirements for waste derived materials under § 298.10(e) (relating to applicability).

§ 298.48. Signs on Vehicles

Vehicles exclusively or primarily used to transport waste oil shall have an identifying sign. This sign shall: (1) identify the transporter; and (2) be clearly visible with lettering that is at least 6 inches high. This requirement is mandated by section 1101(e) of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 1101(e)) and has no counterpart in the EPA's used oil regulations.

Subchapter F. Standards for waste oil processing/rerefining facilities

This subchapter specifies the requirements for waste oil processing/rerefining facilities.

§ 298.50. Applicability

Except for incidental processing activities conducted by transporters under § 298.41 or conducted by burners of waste oil under § 298.61(b), all waste oil processing/rerefining activities shall be conducted at a waste oil processing/rerefining facility authorized by this subchapter. Waste oil processing/rerefining facilities that: (1) generate waste oil; (2) transport waste oil; (3) burn waste oil for energy recovery, except in space heaters under § 298.23 or incidentally to waste oil processing; or (4) direct shipments of off-specification waste oil to burners or claim waste oil is on-specification waste oil, are subject to the applicable subchapter for that activity. The disposal of waste oil shall be done in accordance with the requirements of either the applicable provisions of the residual or hazardous waste regulations.

Permits

The proposed waste oil amendments retain the existing requirement that a waste oil processing/rerefining facility shall be authorized by either an individual or a general permit. The EPA's approach of authorizing all used oil processing/rerefining facilities with a PBR was not followed for several reasons. In the Department's experience, waste oil processing/rerefining facilities are too varied to be effectively authorized by a one-size-fits-all PBR. In particular, there is a wide variation in the types of waste oil being accepted, the types of processing/rerefining activities being conducted, and how the waste oil is transported to the facility. Neither does the EPA's PBR address issues such as locating the facility in or near a wetland, a floodplain or an occupied dwelling. Furthermore, the operation of these facilities is not risk free. There is always the potential that the Commonwealth will bear the cost of cleaning up a waste oil processing/rerefining facility or that third parties will suffer injuries resulting from the facility's activities. Therefore, it is essential that these facilities be covered by adequate bonds and insurance.

Waste oil processing/rerefining facilities shall be authorized by either an individual or a general permit issued under Chapter 287 (relating to residual waste—general provisions). A general permit is only available for mobile waste processing/rerefining facilities that operate at the site of generation and facilities that reclaim waste oil under a tolling agreement under § 289.24(c) (relating to offsite shipment). In the Department's experience these are the only types of waste oil processing/rerefining activities that are uniform enough to be authorized by a general permit. All other processing/rerefining activities are so site specific that they should be authorized by an individual permit. As a matter of fairness, facilities already conducting different types of processing/rerefining activities under a general permit may do so for the term of that permit. Upon termination of the general permit, the continued operation of the facility will have to be authorized by an individual permit.

§ 298.51. Notification

If a waste oil processing/rerefining facility does not already have an EPA identification number, it must obtain one. To obtain an identification number the operator can submit to the EPA either a completed EPA form 8700-12 or a letter. The letter shall identify the facility, the owner of the facility, the facility's mailing address, the contact person, whether the facility is processing or rerefining waste oil, or both, and the facility's location.

§ 298.52. General facility standards

Preparedness and prevention

The facility shall be maintained so as to minimize the risk of fire, explosion or unplanned release of waste oil to the environment. To minimize the risk of harm, unless the hazards of the waste oil being managed indicate otherwise, the facility shall maintain an emergency communication system; a device, for example, a phone or radio, for requesting emergency assistance from government agencies; portable fire extinguishers, fire control equipment; spill control equipment and decontamination equipment; and water for fire hoses or an automatic sprinkler or foam system. Emergency equipment shall be tested and maintained to ensure its effectiveness. Whenever waste oil is being handled—for example, poured or mixed, all personnel engaged in the activity shall have access to emergency communication equipment unless the activity poses no risk of harm to the employees. If there is only one employe at the facility, that employe shall have immediate access to a communication device—for example, phone or radio, for calling external emergency assistance, unless there are no risks at the facility which may require an emergency response. All aisles through which emergency personnel and equipment must pass shall be wide enough to allow their unobstructed movement. Finally, the owner or operator of the facility must attempt to inform local emergency officials as to the hazards at the facility, and the facility layout, including evacuation routes and work areas, arrange between agencies with overlapping jurisdiction as to which is the lead agency, arrange with State emergency response systems agencies, and inform local hospitals as to the types of injuries which can occur at the facility.

Each facility must have a contingency plan for minimizing the hazards to human health and the environment from fire, explosion and unplanned release of waste oil into the environment. This plan shall be immediately implemented in response to a fire, explosion or unplanned release of waste oil into the environment. Operators who already have emergency contingency plans need only

amend those plans to address waste oil management provisions sufficient to comply with this subchapter. The plan shall describe all coordination agreements with State and local emergency response agencies including a current list of persons who will act as emergency response coordinators, all emergency equipment at the facility and an evacuation plan. Copies of the contingency plan shall be kept at the facility and submitted to all emergency response agencies which may be called upon. The plan shall be amended to address changes in applicable regulations, instances where the plan failed, changes in any aspect of the facility which materially increases the risk of harm or changes the nature of the response, changes in the list of emergency response coordinators, and changes in the list of emergency equipment.

At all times there shall be at least one emergency response coordinator either at the facility or on call. The emergency coordinator shall know the contingency plan, all operations and activities at the facility, the location and characteristics of waste oil at the facility and the facility layout. The emergency coordinator must have the authority to implement the contingency plan.

The emergency coordinator has the following duties. If there is an eminent or actual emergency situation, the emergency coordinator, or its designees, shall immediately activate the internal emergency communication system and, if necessary, notify facility personnel and State and local emergency agencies with designated roles. If there is a release, fire or explosion, the emergency coordinator shall immediately identify the character, amount, source and the extent of any released materials. At the same time, the emergency coordinator shall assess the risk to human health or the environment from the explosion, fire or release. This assessment includes any effects from gases generated or hazardous water runoff resulting from the agents used to control fires and heat-induced explosions. If the emergency coordinator determines that the fire, explosion or release poses a risk to human health or the environment outside the facility, he shall notify the appropriate Departmental emergency response office and the appropriate local agencies. If an evacuation is necessary, the emergency response coordinator assists in determining which areas should be evacuated and notify the appropriate National emergency response offices. During an emergency, the emergency response coordinator shall take all reasonable measures to prevent the occurrence of explosions, fires or releases or their spread to other areas containing waste oil or hazardous wastes at the facility. If the facility operation is ceased, in hole or in part, the emergency coordinator shall, as appropriate, monitor the operation to ensure against leaks or ruptures.

Immediately following an emergency, the emergency coordinator is responsible for removing all materials generated or contaminated by the explosion, fire or release. Finally, the emergency coordinator shall ensure that no waste or waste oil which is incompatible with any released material is stored or recycled until cleanup is completed and that all emergency equipment is cleaned and ready for use. Before operations can resume in the affected portions of the facility, the operator shall notify the Department and appropriate local agencies that all released materials which are incompatible with any waste or waste oil handled at the facility has been cleaned up and that all listed emergency equipment is clean and ready for use.

The operator shall note in the operating record the details of any incident triggering the contingency plan. Within 15 days of the incident, the operator shall report

it to the Department. The report shall identify the operator, facility, incident, materials involved, injuries resulting from the incident, hazards resulting from the incident and the disposition of material recovered from the incident.

§ 298.53. Rebuttable presumption for waste oil

To ensure that waste oil at a waste oil processing/refining facility has not been improperly mixed with hazardous waste, the operator of a waste oil processing/rerefining facility shall determine whether the waste oil managed at the facility has more than 1,000 ppm total halogens. This determination can be made by either testing the waste oil or relying upon knowledge of the material and how it was generated.

If the waste oil contains more than 1,000 ppm total halogens, it is presumed to have been improperly mixed with a hazardous waste. This presumption does not apply to certain metalworking oil/fluids and certain waste oils removed from refrigeration units. A showing that the waste oil was not mixed with a hazardous waste will rebut this presumption.

§ 298.54. Waste oil management

General

In addition to the requirements of this subchapter, operators of waste oil processing/rerefining facilities are subject to Chapter 264, Subchapters C and D (relating to preparedness and prevention; preparedness and contingency (PPC) plan and emergency procedures). Also, underground tanks used to store waste oil shall comply with the storage tank requirements of Chapter 245.

Storage units

Waste oil shall be stored in tanks, containers or other management units authorized by the hazardous waste regulations. Containers and tanks shall be in good condition, structurally sound and not leaking. The aboveground tank or container shall have a secondary containment system which at a minimum consists of walls, dikes or berms and a floor, or its equivalent. This secondary containment system shall be capable of keeping any released waste oil from migrating into the soils or water. The aboveground tanks, containers and field pipes conveying waste oil to underground tanks shall be marked or labeled with the words "waste oil." Except for leaks from storage tanks subject to the corrective action requirements of Chapter 245, Subchapter D, operators shall respond to releases of waste oil by stopping the release, containing the release, cleaning up the released waste oil and other contaminated materials, and, if necessary, repair or replace any tank or container.

Closure

At closure of an aboveground tank system, the waste oil residues shall be removed or decontaminated from the tank and all other components of the system and the surrounding soils. These materials shall then be managed as a residual or hazardous waste. If not all contaminated soils can be practicably removed or decontaminated, the tank system shall be closed and managed like a hazardous waste landfill.

At closure of a container storage system, the operator shall remove all containers holding waste oil or waste oil residues from the site. All remaining waste oil residues in the containment system and surrounding soils shall be removed or decontaminated. The contaminated containment system and affected soils shall be managed as a residual or hazardous waste.

§ 298.55. Analysis plan

The operator shall develop and follow an analysis plan for determining whether waste oil contains more than 1,000 ppm total halogens. If the waste oil processor/rerefiner declares the waste oil to be on-specification, the analysis plan shall also address how that determination was made.

For determining the level of total halogens in the waste oil, the analysis plan shall indicate whether the determination will be based upon knowledge of how the waste oil was produced or sample analysis. If sample analysis is to be used, the plan shall indicate the sampling method to be used, that is, one of the methods identified in 40 CFR Part 261, Appendix I or its equivalent; the frequency of sampling; whether the analysis will occur at the facility; and the analytical methods used to determine the halogen content. Finally, the plan shall identify other information that will be used to determine the halogen content.

For determinations that waste oil is on-specification, the plan shall indicate whether sample analysis or other information will be used to make this determination. If sample analysis is to be used, the plan shall indicate: (1) the sampling method to be used, that is, one of the methods identified in 40 CFR Part 261, Appendix I or its equivalent; (2) the frequency of sampling; (3) whether the analysis will occur at the facility; and (4) whether the waste oil will be sampled and analyzed prior to or after waste oil processing and the analytical methods used for determining the on-specification parameters. Finally, the plan shall identify other information used to make this determination.

§ 298.56. Tracking

Waste oil processing/rerefining facilities must maintain a record of all waste oil shipments accepted by the facility or delivered by the facility to another entity. This record can take the form of a log, invoice, manifest or other shipping document. The record shall identify the transporter, source of the waste oil, quantity of waste oil accepted and the date of acceptance. For deliveries shipped from the facility, the documents shall identify the transporter, receiving entity, quantity of waste oil shipped and the date of shipment. This record shall be maintained for at least 3 years.

§ 298.57. Operating record and reporting

The owner or operator shall keep an operating record at the facility. This operating record shall be maintained until the facility is closed. It shall contain records and results of waste oil analysis in accordance with the facility's analysis plan and reports of incidents requiring implementation of the contingency plan.

The operator shall submit, biennially, a report to the Department documenting the facility's activities for the preceding year. The report shall be in the form of a letter and shall identify the processor/rerefiner, the calendar year being covered and the quantities of waste oil accepted and the manner the waste oil was processed or rerefined.

§ 298.58. Off-site shipments of waste oil

Waste oil processors/rerefiners who arrange for shipments of waste oil to be brought to the facility shall use transporters who have an EPA identification number.

§ 298.59. Management of waste

Owners and operators of waste oil processing/rerefining facilities shall manage their wastes in accordance with the other applicable provisions of the hazardous and residual waste regulations.

Subchapter G. Standards for burners of waste oil who burn off-specification waste oil for energy recovery

This subchapter sets forth the standards applicable to burners of off-specification waste oil.

§ 298.60. Applicability

Except as provided in this section, individuals burning off-specification waste oil (burners) shall comply with the requirements of this subchapter. This subchapter does not apply to generators burning their own off-specification waste oil in appropriate space heaters under § 298.23 and a waste oil processor/rerefiner burning waste oil incidentally to the waste oil processing. This subchapter is a PBR for the burning of waste oil.

Burners which generate waste oil, transport waste oil, process or rerefine waste oil (except for aggregating it with virgin fuel or on-specification waste oil prior to burning), determine waste oil to be on-specification waste oil or ship it to other burners are subject to the other subchapters applicable to that activity. Any waste generated by the burner shall be disposed of in accordance with the other residual or hazardous waste regulations.

§ 298.61. Restrictions on burning

Off-specification waste oil can be burned in industrial furnaces, in a limited class of boilers, by the generator in a small space heater under § 298.23, or a hazardous waste incinerator. The allowable boilers are boilers located on a manufacturing facility, utility boilers used to produce electricity, steam or other substances which are sold. Persons burning off-specification waste oil in a boiler or industrial furnace shall also have the appropriate air quality approvals.

§ 298.62. Notification

Burners who do not already have an EPA identification number shall obtain one. Identification numbers can be obtained by sending EPA either a completed EPA form 8700-12 or a letter. The letter shall identify the burner and its owner, a contact person for the burner and type of activity.

§ 298.63. Rebuttable presumption

To ensure that waste oil at a waste oil burner facility has not been improperly mixed with hazardous waste, the burner shall determine whether the waste oil managed at the facility has more than 1,000 ppm total halogens. This determination can be made by either testing the waste oil, relying upon knowledge of the material and how it was generated or information from the waste oil processor/rerefiner supplying the waste oil. If the waste oil contains more than 1,000 ppm total halogens, there is a rebuttable presumption that the waste oil has been improperly mixed with a hazardous waste. This presumption does not apply to certain metalworking oils/fluids and certain waste oil removed from refrigeration units. The burner shall maintain for 3 years a record of the information or analysis used to determine the waste oil's halogen content and to rebut the presumption of improper mixing.

§ 298.64. Waste oil storage

In addition to the requirements of this section, waste oil burners shall have a prevention, preparedness and contingency plan as well as a spill prevention plan, as provided for in Chapter 264. Also, all underground waste oil storage tanks at the facility shall comply with the Department's storage tank regulations found in Chapter 245.

Burners shall store waste oil in tanks, containers or other units regulated under the hazardous waste regulations. Containers and aboveground tanks shall be in good condition, for example, structurally sound, not leaking, and be within a secondary containment system. This secondary containment system shall be constructed using dikes, berms or walls and a floor, or an equivalent system. This system shall prevent any released waste oil from migrating into the soils, or into the waters of this Commonwealth. Finally, aboveground tanks, containers and field pipes conveying waste oil to underground storage tanks shall be marked or labeled as waste oil.

Response to releases

For releases not subject to the underground tank corrective action requirements of Chapter 245, Subchapter D, the burner shall stop, contain and clean up the release of waste oil. Leaking storage tanks and containers shall be repaired or replaced.

§ 298.65. Tracking

Waste oil burner facilities shall maintain a record of all waste oil shipments accepted by the facility. This record can take the form of a log, invoice, manifest or other shipping document. The record shall identify the transporter bringing the shipment, the source of the waste oil, the quantity of waste oil accepted and the date of acceptance. This record shall be maintained for at least 3 years.

§ 298.66. Notices

Before a burner accepts the first shipment of off-specification waste oil from a particular source, the burner shall give that entity a one-time written signed certification that the burner has notified the EPA of its activity and the waste oil will only be burned in an appropriate boiler or industrial furnace. This certification shall be retained for 3 years after the burner last receives a shipment from that entity.

§ 298.67. Management of Waste

Burners who generate a waste from the storage or burning of waste oil shall manage it in accordance with the requirements for waste derived materials in § 298.10(e).

Subchapter H. Standards for waste fuel marketers

§ 298.70. Applicability.

This subchapter sets forth the standards for persons who market waste oil as a fuel. It applies to anyone who directs a shipment of off-specification waste oil to a burner, or who first declares waste oil that is to be burned for energy recovery to be on-specification. Waste oil fuel marketers are a generator, transporter, processor/rerefiner or a burner and are also subject to the applicable subchapter which addresses that activity.

§ 298.71. Prohibitions

A waste oil marketer can only initiate shipments of off-specification waste oil to burners who have an EPA identification number, and burn the waste oil in an appropriate boiler or industrial furnace.

§ 298.72. On-specification waste oil fuel

A waste oil generator, transporter, processor/rerefiner or burner can make the determination that waste oil fuel is on-specification waste oil. This determination can be based upon an analysis of the waste oil or upon copies of an analysis performed by someone else or other information documenting that the waste oil is on-specification. The entity first declaring the waste oil to be on-

specification shall retain for 3 years copies of the information used to make this determination.

§ 298.73. Notification

Waste oil marketers shall have an EPA identification number. Identification numbers can be obtained by sending to EPA a completed EPA form 8700-12 or a letter. The letter shall identify the marketer and its owner; a contact person for the marketer; and type of activity.

§ 298.74. Tracking

The marketer shall keep a record of all deliveries to burners. This record can take the form of a log, invoice, manifest or other shipping document. The record shall identify the transporter, burner, quantity of waste oil delivered and the date of delivery. This record shall be maintained for at least 3 years.

The entity first claiming that waste oil to be burned for energy recovery is on-specification shall keep a record of each shipment of that waste oil sent to another facility. The record shall include the following: identity of the receiving entity; quantity of waste oil fuel delivered; date of shipment or delivery; and a cross reference to the record of the information used to claim the waste oil is on-specification. This information must be maintained for at least 3 years.

§ 298.75. Notices

Before a person can direct a shipment of off-specification fuel to a burner, that person shall obtain a one-time written and signed certification from the burner that the burner has notified the EPA of its activity and the waste oil will only be burned in an appropriate boiler or industrial furnace. This certification shall be retained for 3 years after the last shipment of off-specification waste oil is shipped to the burner.

Conforming amendments to the residual and hazardous waste regulations

To implement the foregoing proposed waste oil regulations, it is necessary to make some technical amendments to the existing hazardous and residual waste regulations. These amendments primarily take one of two forms. They are either the deletion of regulations addressing issues addressed by the proposed amendments or modification of a regulation to provide the correct cross reference.

Proposed amendments to the hazardous waste regulations (Chapters 261 and 266)

Section 261.3(h) (relating to definition of hazardous waste) will be amended to make it clear that the management of characteristically hazardous waste oil that is being recycled will be governed by the proposed waste oil regulations. Section 261.5(j) (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators) will be deleted. This subsection allows a CESQG to mix any type of hazardous waste with waste oil and have the mixture managed as waste oil provided the mixture or the products derived from the mixture is to be burned for energy recovery. The proposed waste oil regulations do not retain this exemption. Section 261.6(a) (relating to hazardous wastes that are being recycled) will be amended to give the new citation for the waste oil on-specification table that is, § 298.11(b) (relating to waste oil specification). Finally, Chapter 266, Subchapter E will be deleted. The issues addressed by this subchapter will be fully addressed by the proposed waste oil amendments.

Proposed amendments to the existing residual waste regulations (Chapter 287)

Section 287.1 (relating to definitions) will be amended by deleting the definition for "used oil recycling." This term is being deleted because it is unnecessary and its retention is potentially confusing. The term is not used in Chapter 287 and the activities described in the definition are included in the definition for "waste oil processing." Section 287.2 (relating to scope) will be amended by adding a new subsection (l) which states that the management of waste oil that is being recycled is governed by Chapter 298. Section 287.51(d) (relating to scope) will be deleted. This subsection will become unnecessary and inaccurate. It states that used oil generators and collectors who market used oil are subject to § 266.43. The proposed waste oil regulations specify who is a waste oil marketer. Finally, § 287.102 (relating to captive processing) will be amended by deleting the PBRs for transfer facilities that collect used oil and energy recovery facilities that burn waste oil. These PBRs are now addressed by proposed § 298.30 (relating to collection centers) and Subchapter G.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a statement of the benefits of proposed amendments as well as the costs which may be imposed. It also requires a statement of the need for, and a description of, forms, reports or other paperwork required as a result of the proposed amendments.

Benefits

The proposed waste oil amendments eliminate confusion caused by the current regulations dealing with waste oil. Current regulations on waste oil, found in both the residual waste and hazardous waste regulations, have led to ambiguity as to which set of regulations apply under what circumstances. The proposed regulations place all regulations dealing with the generation, storage, transportation, reuse and recycling of waste oil into a single chapter.

Applicable storage and transportation requirements in the current regulations are general in nature and, therefore, lack specific requirements appropriate to the management of waste oil. Management standards for the storage and transportation of storage and transportation of waste oil are patterned after the corresponding Federal requirements.

To promote recycling, the proposed amendments expand existing permit by rule provisions for waste oil collection facilities. These facilities will be able to accept any type of waste oil, not just used oil from internal combustion engines or vehicles. In addition, this will include individuals who change the oil and filters in their personal vehicles.

Costs

Generators may be most affected by the proposed amendments. Generators of small quantities of waste oil may realize savings for storage and transportation if they transport their oil to waste oil collection facilities. Under the current regulations, generators of small quantities of waste oil would either have to use a residual waste transporter or, if transporting the waste oil themselves, comply with the residual waste transportation requirements. These proposed regulations will allow generators to self-transport up to 55 gallons of waste oil to a collection facility without having to comply with the waste oil transportation requirements. The current re-

sidual and hazardous waste regulations impose recordkeeping requirements on waste oil generators. There will be some costs to generators from a slight increase in recordkeeping and labeling requirements. As explained previously, this information is needed to enable transporters, processors/rerefiners, burners and the Department to determine whether the waste oil has been improperly mixed with a hazardous waste if the generator's waste oil contains more than 1,000 ppm total halogens. There will be an increased cost to conditionally exempt small quantity generators of hazardous waste who also generate waste oil. These individuals will no longer be able to dispose of their hazardous waste by mixing it with their waste oil and having the mixture burned for energy recovery. Therefore, they will have some increased costs for the disposal of their hazardous waste in an environmentally responsible manner. The net cost to generators is expected to be approximately \$500,000 per year.

While waste oil management facilities could have increased costs due to the requirement to have containment systems under the proposed regulations, all permitted waste oil processing or transfer facilities possess containment systems which are expected to satisfy the proposed requirements. Operators of waste oil facilities in this Commonwealth have recognized that using a containment system is sound business practice. No other increased costs for waste oil management facilities are associated with these proposed amendments.

It is projected that there will be no increased costs or savings to local governments associated with these proposed amendments.

Paperwork Requirements

For the most part, no new recordkeeping and reporting requirements have been imposed by these proposed amendments which are not required under current regulations. Generators of waste oil will be required to maintain records documenting the characteristics of the oil used, how it became waste oil, whether it was mixed with an ignitable hazardous waste and the information used to demonstrate that any waste oil containing more than 1,000 ppm total halogens was not mixed with a hazardous waste.

The generators, transporters, burners and waste oil processing/rerefining facility operators are required to keep records of the information used to determine whether waste oil containing more than 1,000 ppm total halogens was not mixed with hazardous waste. Generators, marketers, processors/rerefiners or any person who first determines that waste oil is on-specification waste oil shall keep records showing why the waste oil met the specifications. Waste oil processors/rerefiners are required to have a written protocol for determining if the total halogens in waste oil exceeds 1,000 ppm and, if applicable, for determining whether waste oil to be burned for energy recovery is on-specification, and maintain operating records. Waste oil processors/rerefiners are also required to maintain a more detailed prevention, preparedness and contingency plan then required of other hazardous waste treatment facility operators. Transporters, waste oil processors/rerefiners, burners and marketers shall maintain records tracking shipments of waste oil. These analytical and record keeping requirements are mandated by the EPA's used oil regulations.

Compliance Assistance

The Department's compliance assistance efforts will take two forms. The Department will prepare fact sheets

to help explain how the waste oil regulations work. In addition, the Department will work with industry groups to develop workshops to explain how individuals can comply with the new standards.

G. Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 22, 1999, 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 in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review 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.

H. 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.

I. Public Comments

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 9, 1999. 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 June 9, 1999. 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@dep.state.pa.us. The subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by June 9, 1999.

J. Public Meetings and Hearing

The Department will hold three public information meetings for the purpose of informing the public as to the purpose and contents of this proposal. The meetings will be held at 2 p.m. on the following dates and at the following locations:

- May 11, 1999 Department of Environmental Protection
Southcentral Regional Office
Susquehanna River Conference Room
909 Elmerton Avenue
Harrisburg, PA
- May 18, 1999 Department of Environmental Protection
Southwest Regional Office
500 Waterfront Drive
Pittsburgh, PA
- May 20, 1999 Department of Environmental Protection
Southeast Regional Office
Suite 6010, Lee Park
555 North Lane
Conshohocken, PA

The Board will hold a public hearing for the purpose of accepting comments on this proposal. The hearing will be held at 2 p.m. on May 25, 1999, at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA, 17110, in the Susquehanna River Conference Room.

Persons wishing to present testimony at the hearing are requested to contact Kate Coleman 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 the hearing.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-342. (1) General Fund; (2) Implementing Year 1999-00 is \$ 10,000; (3) 1st Succeeding Year 2000-01 is \$Minimal; 2nd Succeeding Year 2001-02 is \$Minimal; 3rd Succeeding Year 2002-03 is \$Minimal; 4th Succeeding Year 2003-04 is \$Minimal; 5th Succeeding Year 2004-05 is \$Minimal; (d) Three year history of program costs: (4) Fiscal Year 1998-99 \$33,123,000; Fiscal Year 1997-98 \$31,139,000; Fiscal Year 1996-97 \$29,469,000; (7) Environmental Program Management; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VII. HAZARDOUS WASTE MANAGEMENT

CHAPTER 261. CRITERIA, IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 261.3. Definition of hazardous waste.

* * * * *

(h) Waste oil that is hazardous only because it exhibits any characteristic of hazardous waste under Subchapter C, which has not been mixed with a hazardous waste and which is destined to be recycled or reused in [some

other manner than burning for energy recovery] a manner that does not constitute disposal is not subject to Chapters 260—266. This waste oil is regulated under residual waste regulations in Article IX (relating to residual water management), **Chapter 298 (relating to management of waste oil). [Burning waste oil that exhibits any characteristic of hazardous waste is not subject to Chapters 260—265, unless otherwise specified in Chapter 266, Subchapters D and E.]**

§ 261.5. Special requirements for hazardous waste generated by conditionally exempt small quantity generators.

* * * * *

[(j) If a conditionally exempt small quantity generator's wastes are mixed with waste oil, the mixture is subject to Chapter 266, Subchapter E (relating to waste oil burned for energy recovery), if it is destined to be burned for energy recovery. A material produced from such a mixture by processing, blending or other treatment is also so regulated if it is destined to be burned for energy recovery.]

§ 261.6. Requirements for hazardous wastes that are recycled.

(a) *General.*

* * * * *

(2) The following hazardous wastes are subject to Chapter 266 (relating to special standards for the management of certain hazardous waste activities).

* * * * *

(iv) **[Waste oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers and industrial furnaces that are not regulated under Chapter 264, Subchapter O or Chapter 265, Subchapter O.]**

(v) * * *

* * * * *

CHAPTER 266. SPECIAL STANDARDS FOR THE MANAGEMENT OF CERTAIN HAZARDOUS WASTE ACTIVITIES

(Editor's Note: As part of this proposal, the Board is proposing to delete the existing text of this Subchapter E, which appears in §§ 266.40—266.44, 25 Pa. Code pages 266-9—266-15, serial pages (230503)—(230509) in its entirety.)

Subchapter E. (Reserved)

§§ 266.40—266.44. (Reserved).

CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS

Subchapter A. GENERAL

§ 287.1. Definitions.

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

* * * * *

[Used oil recycling—Preparing used oil for reuse as a petroleum product or petroleum product substitute by refining, rerefining, reclaiming, reprocessing or other means, or preparing used oil in a

manner that substitutes for a petroleum product made from new oil, if the preparation or use is operationally safe, environmentally sound and complies with laws and regulations.]

* * * * *

§ 287.2. Scope.

* * * * *

(l) Waste oil that is being recycled shall be managed in accordance with Chapter 298 (relating to management of waste oil).

Subchapter B. DUTIES OF GENERATORS

§ 287.51. Scope.

* * * * *

[(d) Generators and collectors of used oil who are also waste oil marketers are subject to § 266.43 (relating to standards applicable to marketers of waste oil burned for energy recovery).]

§ 287.102. Permit by rule.

* * * * *

(d) [Transfer facilities that collect used oil. A State inspection facility, oil retailer, retail service station or a captive processing facility that collects used oil generated only by the operator of the facility and by the employees of the operator who change their used oil in their vehicles which accept used oil for recycling shall be deemed to have a residual waste transfer facility permit-by-rule under this article if the following are met:

(1) The facility is operated for the transfer of used oil only, and does not blend used oil with waste oil that is not used oil for offsite reuse.

(2) The facility maintains on the premises used oil collection tanks that are properly sheltered and protected to prevent spillage, seepage or discharge of the used oil into the water, land and air of this Commonwealth and of sufficient size to handle returns of used oil.

(3) The facility shall maintain on the premises, within a very close proximity to the collection tanks, collection facilities for the safe and proper disposal of used oil containers.

(4) A person may not deposit, dispose of or cause to be deposited or disposed of, used oil into sewers, drainage systems, surface waters or groundwaters, watercourse or marine waters in the Commonwealth, or on to public or private land within this Commonwealth.

(5) A person may not discharge water, antifreeze, other residual waste or other contaminants into a used oil collection tank or used oil storage facility.

(6) The operator submits a written notice to the Department that includes the name, address and the telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility.]

[(e)] (d) * * *

* * * * *

[(f)] (e) * * *

(g) [Waste oil energy recovery. A facility that burns waste oil for energy recovery shall be deemed to have a residual waste processing permit if, in addition to subsection (a), the following conditions are met:

(1) The facility does not burn, or otherwise process, waste that is hazardous waste under Chapter 261 (relating to criteria, identification and listing of hazardous waste).

(2) The waste oil is burned in an enclosed device using controlled flame combustion and is directed through a flue as defined in § 121.1.

(3) The waste oil has more than 8,0000 BTUs per pound.

(4) The combustion unit recovers, exports and delivers for use at least 50% of the energy contained in the waste oil.

(5) The amount of energy recovered, exported and delivered by the process exceeds the amount of energy expended in the combustion of the waste oil.

(6) The facility has been issued a permit by the Department under the Air Pollution Control Act, if a permit is required by the act.

(7) The operator performs the analyses required by §§ 287.131—287.134 and maintains these analyses at the facility. These analyses are required to be submitted to the Department upon written request.

(h)] (f) * * *

* * * * *

[(i)] (g) * * *

[(j)] (h) * * *

ARTICLE IX. RESIDUAL WASTE MANAGEMENT
CHAPTER 298. MANAGEMENT OF WASTE OIL

Subch.

- A. GENERAL
B. APPLICABILITY
C. WASTE OIL GENERATORS
D. WASTE OIL COLLECTION CENTERS AND AGGREGATION POINTS
E. TRANSPORTER AND TRANSFER FACILITIES
F. WASTE OIL PROCESSING/REFINING FACILITIES
G. WASTE OIL BURNERS WHO BURN OFF-SPECIFICATION WASTE OIL FOR ENERGY RECOVERY
H. WASTE OIL FUEL MARKETERS

Subchapter A. GENERAL

Sec.

298.1 Definitions.

§ 298.1. Definitions.

Terms defined in §§ 245.1 and 260.2 (relating to definitions) have the same meanings when used in this chapter. The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Aboveground tank—A tank used to store or process waste oil that is not an underground storage tank as defined in § 245.1.

Container—A portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

Existing tank—A tank that is used for the storage or processing of waste oil and that is in operation, or for which installation has commenced on or prior

to ____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) Installation will be considered to have commenced if the owner or operator has obtained all Pennsylvania and local approvals or permits necessary to begin installation of the tank and if one of the following applies:

- (i) A continuous onsite installation program has begun.
- (ii) The owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for installation of the tank to be completed within a reasonable time.

Household "do-it-yourselfer" waste oil—Oil that is derived from households, such as waste oil generated by individuals who generate waste oil through the maintenance of their personal vehicles.

Household "do-it-yourselfer" waste oil generator—An individual who generates household "do-it-yourselfer" waste oil.

New tank—A tank that will be used to store or process waste oil and for which installation has commenced after _____. (Editor's Note: The blank refers to the effective date of adoption of this proposal.)

Petroleum refining facility—An establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes—for example, facilities classified as SIC 2911.

Rerefining distillation bottoms—The heavy fraction produced by vacuum distillation of filtered and dehydrated waste oil. The composition of still bottoms varies with column operation and feedstock.

Tank—A stationary device, designed to contain an accumulation of waste oil which is constructed primarily of nonferrous or nonwooden materials—for example, concrete, steel, plastic—which provides structural support.

Waste oil—One of the following:

- (i) Oil refined from crude oil or synthetically produced, used and, as a result of the use, contaminated by physical or chemical impurities.
- (ii) A liquid, petroleum-based or synthetic oil, refined from petroleum stocks or synthetically produced which is used in an internal combustion engine as an engine lubricant, or as a product used for lubricating motor vehicle transmissions, gears or axles which, through storage or handling, has become unsuitable for its original purpose due to the presence of chemical or physical impurities or loss of original properties.

Waste oil aggregation point—A site or facility that accepts, aggregates or stores waste oil collected only from other waste oil generation sites owned or operated by the owner or operator of the aggregation point, from which waste oil is transported to the aggregation point in shipments of no more than 55 gallons. Waste oil aggregation points may also accept waste oil from household do-it-yourselfers.

Waste oil burner—A facility where waste oil not meeting the specification requirements in § 298.11 (relating to waste oil specifications) is burned for energy recovery in devices identified in § 298.61(a) (relating to restrictions on burning).

Waste oil collection center—A site or facility that is registered, licensed, permitted and accepts, aggregates and stores waste oil collected from waste oil generators

regulated under Subchapter C (relating to waste oil generators) who bring waste oil to the collection center in shipments of no more than 55 gallons under § 298.24 (relating to offsite shipments). Waste oil collection centers may also accept waste oil from household do-it-yourselfers.

Waste oil fuel marketer—A person who conducts one of the following activities:

- (i) Directs a shipment of off-specification waste oil from the person's facility to a waste oil burner.
- (ii) First claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11.

Waste oil generator—A person, by site, whose act or process produces waste oil or whose act first causes waste oil to become subject to this chapter.

Waste oil processing—Chemical or physical operations designed to produce from waste oil, or to make waste oil more amenable for production of, fuel oils, lubricants or other waste oil-derived products. Waste oil processing includes: blending waste oil with virgin petroleum products, blending waste oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and rerefining.

Waste oil processor/rerefiner—A facility that processes waste oil.

Waste oil transfer facility—A transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of waste oil are received or held, or both, during the normal course of transportation.

Waste oil transporter—A person who transports waste oil, a person who collects waste oil from more than one generator and transports the collected oil and owners and operators of waste oil transfer facilities. Waste oil transporters may consolidate or aggregate loads of waste oil for purposes of transportation but, with the following exception, may not process waste oil. Transporters may conduct incidental waste oil processing operations that occur in the normal course of waste oil transportation—for example, settling and water separation—but that are not designed to produce (or make more amenable for production of) waste oil derived products or waste oil fuel.

Subchapter B. APPLICABILITY

| | |
|---------|---------------------------|
| Sec. | |
| 298.10. | Applicability. |
| 298.11. | Waste oil specifications. |
| 298.12. | Prohibitions. |

§ 298.10. Applicability.

(a) *Waste oil*. It is presumed that waste oil is to be recycled unless a waste oil handler disposes of waste oil, or sends waste oil for disposal. Except as provided in § 298.11 (relating to waste oil specifications), this chapter applies to waste oil and to materials identified in this section as being subject to regulation as waste oil whether or not the waste oil or material exhibits any characteristics of hazardous waste identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste).

(b) *Mixtures of waste oil and hazardous waste*.

(1) *Listed hazardous waste*.

(i) *Mixtures of waste oil*. Mixtures of waste oil and hazardous waste that are listed in Chapter 261 Subchapter D (relating to lists of hazardous waste) are

subject to regulation as hazardous waste under Chapters 260—266 and Chapter 270 rather than as waste oil under this chapter.

(ii) *Rebuttable presumption for waste oil.* Waste oil containing more than 1,000 parts per million total halogens is presumed to be a hazardous waste. A person may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, a person may use an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in § 261.34(e) (relating to appendices). EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and, therefore, under § 261.4(6)(a) (relating to exclusions) are excluded from regulation as hazardous waste.

(A) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in another manner or disposed.

(B) The rebuttable presumption does not apply to waste oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption applies to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(2) *Characteristic hazardous waste.* A mixture of waste oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in Chapter 261, Subchapter C and mixtures of waste oil and hazardous waste that is listed in Chapter 261, Subchapter D (relating to lists of hazardous wastes) solely because it exhibits one or more of the characteristics of hazardous waste identified in Chapter 261, Subchapter C are subject to:

(i) Regulation as hazardous waste under Chapters 260—270, rather than as waste oil under this chapter, except as provided in subparagraph (ii).

(ii) Regulation as waste oil under this chapter if the mixture is of waste oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability—for example, ignitable-only mineral spirits—if the resultant mixture does not exhibit the characteristic of ignitability under § 261.21 (relating to characteristic of ignitability). The hazardous waste, as well as the mixing of waste oil with a waste that is hazardous solely because it exhibits the characteristic of ignitability, shall be managed in accordance with Chapters 260—270.

(c) *Materials containing or otherwise contaminated with waste oil.*

(1) Except as provided in paragraph (2), materials containing or otherwise contaminated with waste oil from which the waste oil has been properly drained or removed to the extent possible so that no visible signs of free-flowing oil remain in or on the material:

(i) Are not waste oil and thus not subject to this chapter.

(ii) Are subject to regulation under Article VI, VII or this article (relating to hazardous waste; and municipal waste).

(2) Materials containing or otherwise contaminated with waste oil that are burned for energy recovery are subject to regulation as waste oil under this chapter.

(3) Waste oil drained or removed from materials containing or otherwise contaminated with waste oil is subject to regulation as waste oil under this chapter.

(4) Except as provided in paragraph (2) and subsection (f), wastewater contaminated with waste oil is managed under this chapter if it is demonstrated that one of the following applies:

(i) At least 1% of the wastewater is waste oil.

(ii) The wastewater contains marketable quantities of waste oil.

(d) *Mixtures of waste oil with products.*

(1) Except as provided in paragraph (2), mixtures of waste oil and fuels or other fuel products are subject to regulation as waste oil under this chapter.

(2) A mixture of waste oil and diesel fuel mixed onsite by the generator of the waste oil for use in the generator's own vehicles is not subject to this chapter once the waste oil and diesel fuel have been mixed. Prior to mixing, the waste oil is subject to Subchapter C.

(e) *Materials derived from waste oil.*

(1) A material reclaimed from waste oil that is used beneficially and is not burned for energy recovery or used in a manner constituting disposal—for example, re-refined lubricants—is not a waste subject to this title. The determination that a material derived from waste oil is not a waste shall be made as a special condition to the permit for the waste oil processing/re-refining that results in the derived material.

(2) A material produced from waste oil that is burned for energy recovery—for example, waste oil fuels—is subject to regulation as waste oil under this chapter.

(3) Except as provided in paragraph (4), a material derived from waste oil that is disposed or used in a manner constituting disposal is:

(i) Not waste oil and thus is not subject to this chapter.

(ii) A waste subject to regulation under Article VII or this article.

(4) Waste oil re-refining distillation bottoms that are used by the re-refiner as feedstock to manufacture asphalt products are not subject to this chapter.

(f) *Wastewater.* Wastewater, the discharge of which is subject to regulation under either section 307(b) or section 402 or of the Clean Water Act (33 U.S.C.A. §§ 1317(b) and 1342) (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of waste oil are not subject to this chapter. For purposes of this subsection "de minimis" quantities of waste oils are defined as small spills, leaks or drippings from pumps, machinery, pipes and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception does not apply if the waste oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills or other releases, or to waste oil recovered from wastewaters.

(g) *Waste oil introduced into crude oil pipelines or a petroleum refining facility.*

(1) Waste oil mixed with crude oil or natural gas liquids—for example, in a production separator or crude oil stock tank—for insertion into a crude oil pipeline is exempt from this chapter. Waste oil is subject to this chapter prior to the mixing of waste oil with crude oil or natural gas liquids.

(2) A mixture of waste oil and crude oil or natural gas liquids containing less than 1% waste oil that is being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking is exempt under this chapter.

(3) Waste oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from this chapter if the waste oil constitutes less than 1% of the crude oil feed to a petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the waste oil is subject to this chapter.

(4) Except as provided in paragraph (5), waste oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from this chapter only if the waste oil meets the specification of § 298.11 (relating to waste oil specifications). Prior to insertion into the petroleum refining facility process, the waste oil is subject to this chapter.

(5) Waste oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from this chapter. This exemption does not extend to waste oil which is intentionally introduced into a hydrocarbon recovery system—for example, by pouring collected waste oil into the waste water treatment system.

(6) Tank bottoms from stock tanks containing exempt mixtures of waste oil and crude oil or natural gas liquids are exempt from this chapter.

(h) *Waste oil on vessels.* Waste oil produced on vessels from normal shipboard operations is not subject to this chapter until it is transported ashore.

(i) *Waste oil containing PCBs.* In addition to the requirements of this chapter, a marketer and burner of waste oil who markets waste oil containing a quantifiable level of PCBs is subject to 40 CFR 761.20(e) (relating to prohibitions and exceptions).

§ 298.11. Waste oil specifications.

(a) Waste oil, and any fuel produced from waste oil by waste oil processing, blending or other treatment, to be burned for energy recovery either under this chapter or as specification fuel oil shall have at least 8,000 Btus per pound.

(b) Waste oil burned for energy recovery and fuel produced from waste oil by waste oil processing, blending or other treatment is subject to this chapter unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once waste oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with §§ 298.72—298.74 (relating to on specification waste oil

fuel; notification; and tracking), the waste oil is no longer subject to this chapter. This waste oil is also known as on-specification fuel oil.

Table 1—Waste Oil Not Exceeding Any Specification Level Is Not Subject To This Chapter When Burned For Energy Recovery.¹

| Constituent/Property | Allowable Levels |
|----------------------|-------------------|
| Arsenic | 5 ppm maximum |
| Cadmium | 2 ppm maximum |
| Chromium | 10 ppm maximum |
| Lead | 100 ppm maximum |
| Flash point | 100° F minimum |
| Total halogens | 1,000 ppm maximum |

¹ The specifications does not apply to mixtures of waste oil and hazardous waste that continue to be regulated as hazardous waste (see § 298.10(b)).

§ 298.12. Prohibitions.

(a) *Surface impoundment prohibition.* Waste oil may not be managed in surface impoundments or waste piles unless the units are subject to Chapter 264 or 265 (relating to new and existing hazardous waste management facilities applying for a permit; and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

(b) *Use as a dust suppressant.* The use of waste oil as a dust suppressant is prohibited.

(c) *Burning in particular units.* Off-specification waste oil fuel may be burned for energy recovery in only the following devices:

(1) An industrial furnace identified in § 260.2 (relating to definitions).

(2) A boiler, as defined in § 260.2, that is identified as one of the following:

(i) An industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

(ii) A utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

(iii) A waste oil-fired space heaters if the burner meets the provisions of § 298.23 (relating to onsite burning in space heaters).

(3) A hazardous waste incinerators subject to Chapter 264 Subchapter O (relating to incinerators or Chapter 265).

Subchapter C. WASTE OIL GENERATORS

| | |
|---------|----------------------------------|
| Sec. | |
| 298.20. | Applicability. |
| 298.21. | Hazardous waste mixing. |
| 298.22. | Waste oil storage. |
| 298.23. | Onsite burning in space heaters. |
| 298.24. | Offsite shipments. |
| 298.25. | Source reduction strategy. |
| 298.26. | Biennial report. |

§ 298.20. Applicability.

(a) *General.* Except as provided in paragraphs (1)—(4), this subchapter applies to a waste oil generator. A waste oil generator is a person, by site, whose act or process

produces waste oil or whose act first causes waste oil to become subject to regulation.

(1) *Household "do-it-yourselfer" waste oil generators.* A household "do-it yourselfer" waste oil generator is not subject to this chapter.

(2) *Vessels.* A vessel at sea or at port is not subject to this subchapter. For purposes of this subchapter, waste oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person removing or accepting waste oil from the vessel are cogenerators of the waste oil and are both responsible for managing the waste in compliance with this subchapter once the waste oil is transported ashore. The cogenerators may decide among them which party will fulfill the requirements of this subchapter.

(3) *Diesel fuel.* A mixture of waste oil and diesel fuel mixed by the generator of the waste oil for use in the generator's own vehicles is not subject to this chapter once the waste oil and diesel fuel have been mixed. Prior to mixing, the waste oil fuel is subject to this subchapter.

(4) *Farmers.* A farmer who generates an average of 25 gallons per month or less of waste oil from vehicles or machinery used on the farm in a calendar year is not subject to this chapter.

(b) *Other applicable provisions.* A waste oil generator who conducts the following activities is subject to the requirements of other applicable provisions of this chapter as indicated in paragraphs (1)—(8):

(1) A waste oil generator who transports waste oil, except under the self-transport provisions of § 298.24 (a) and (b) (relating to offsite shipments), shall also comply with Subchapter E (relating to standards for waste oil transporter and transfer facilities).

(2) Except as provided in paragraphs (3) and (4), a waste oil generator who processes or rerefines waste oil shall also comply with Subchapter F (relating to standards for waste oil processors/rerefiners).

(3) A waste oil generator who performs the following activities is deemed to have a solid waste management permit by rule for the processing of waste oil provided that the waste oil is generated onsite and is not being sent offsite to a burner of on-specification or off-specification waste oil fuel. The Department may require a generator, who is conducting one of the activities in subparagraphs (i)—(iv) under a permit by rule, to apply for, and obtain, a permit in accordance with Chapter 287 (relating to residual waste management—general provisions), or take other appropriate action, when the generator is not in compliance with the requirements for the permit by rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

(i) Filtering, cleaning or otherwise reconditioning waste oil before it is reused by the generator. The generator shall also meet the following requirements:

(A) Remaining waste is managed under the act and this article.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(ii) Separating waste oil from wastewater generated onsite to make the wastewater acceptable for discharge.

For this activity to be authorized by a permit by rule, the generator shall also meet the following requirements:

(A) The facility shall be a captive facility and the only waste oil treated is generated onsite or on an interconnected adjacent site which was previously part of an integrated facility.

(B) The facility has an NPDES permit, if required, and complies with the conditions of that permit.

(C) The facility meets the requirements of §§ 264.11, 264.14, 264.15, 264.73, 264.75, 264.77 and the applicable provisions in Chapter 264, Subchapters C and D (relating to preparedness and prevention; and preparedness, prevention and contingency (PPC) plan and emergency procedures) as well as Chapter 265, Subchapter Q (relating to chemical, physical and biological treatment).

(iii) Draining or otherwise removing waste oil from materials containing or otherwise contaminated with waste oil to remove excessive oil to the extent possible under § 298.10(c) (relating to applicability). For this activity to be authorized by a permit by rule, the generator shall also meet the following requirements:

(A) Waste remaining from the filter process is managed under the act and this article.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(iv) Filtering, separating or otherwise reconditioning waste oil before burning it in a space heater under § 298.23 (relating to onsite burning in space heaters). For this activity to be authorized by a permit by rule, the generator shall also meet the following requirements:

(A) Waste remaining from the filter process is managed under the act and this article.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(4) A waste oil generator is not a processor when it is using oil mist collectors to remove small droplets of waste oil from in-plant air to make plant air suitable for continued recirculation. For this exemption to be applicable, the waste oil so generated is not being sent offsite to a burner of on- or off-specification waste oil fuel.

(5) A waste oil generator who burns off-specification waste oil for energy recovery, except under the onsite space heater provisions of § 298.23, shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy recovery).

(6) A waste oil generator who directs shipments of off-specification waste oil from its facility to a waste oil burner, or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel).

(7) A waste oil generator shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste; and residual waste).

(c) *Recordkeeping.* The generator is required to maintain, for 5 years, the following:

(1) The type of oil used.

(2) A description of the process that generates the waste oil.

(3) A record of the tests used to determine if the waste oil contains more than 1,000 parts per million total halogens.

(4) A record of the information used to rebut the presumption in § 298.10(b)(1)(ii) (relating to applicability) if the waste oil contains more than 1,000 parts per million total halogens.

(5) The type and quantity of any hazardous waste that is hazardous solely due to the characteristic of ignitability which, under § 298.10(b)(2)(ii) has been mixed with waste oil.

§ 298.21. Hazardous waste mixing.

(a) A mixture of waste oil and hazardous waste shall be managed in accordance with § 298.10(b) (relating to applicability).

(b) The rebuttable presumption for waste oil of § 298.10(b)(1)(ii) applies to waste oil managed by generators. Under the rebuttable presumption for waste oil of § 298.10(b)(1)(ii), waste oil containing greater than 1,000 parts per million total halogens is presumed to be a hazardous waste and shall be managed as hazardous waste and not as waste oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils/fluids and certain waste oils removed from refrigeration units, as provided for in § 298.10(b)(1)(ii)(A) and (B).

§ 298.22. Waste oil storage.

(a) *Storage units.* A waste oil generator may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264 or 265 (relating to new and existing hazardous waste management facilities applying for a permit; and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

(b) *Condition of units.* A container or aboveground tank used to store waste oil at generator facilities shall meet the following requirements:

(1) *Be in good condition.* For example, containers and aboveground tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leak.*

(c) *Labels.* An aboveground storage unit and pipes shall be labeled as follows:

(1) A container or aboveground tank used to store waste oil at generator facilities shall be labeled or marked clearly with the words "waste oil."

(2) A fill pipe used to transfer waste oil into underground storage tanks at generator facilities shall be labeled or marked clearly with the words "waste oil."

(d) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) a generator shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and manage properly the released waste oil and other materials.

(4) Repair or replace any leaking waste oil storage containers or tanks prior to returning them to service, if necessary.

(e) In addition, a waste oil generator is subject to applicable spill prevention, control and countermeasures of Chapter 265, Subchapters C and D (relating to preparedness and prevention; and preparedness, prevention and contingency (PPC) plan and emergency procedures). Waste oil generators are also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground tanks whether or not the waste oil exhibits any characteristics of hazardous waste.

§ 298.23. Onsite burning in space heaters.

A generator is deemed to have a solid waste management permit by rule to burn waste oil in waste oil-fired space heaters if the following apply:

(1) The heater burns only waste oil that the owner or operator generates or waste oil received from household do-it-yourselfer waste oil generators.

(2) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour.

(3) The combustion gases from the heater are vented to the ambient air.

§ 298.24. Offsite shipments.

Except as provided in paragraphs (1)—(3), a generator shall ensure that waste oil is transported only by transporters who have obtained identification numbers. The generator shall provide the transporter with a certification that, except as provided for in § 298.10(b)(2)(ii) (relating to applicability), its waste oil has not been mixed with a hazardous waste.

(1) *Self-transportation of small amounts to approved collection centers.* Generators may transport, without an identification number, waste oil that is generated at the generator's site and waste oil collected from household do-it-yourselfers to a waste oil collection center if the following apply:

(i) The generator transports the waste oil in a vehicle owned by the generator or owned by an employe of the generator.

(ii) The generator transports no more than 55 gallons of waste oil at any time.

(iii) The generator transports the waste oil to a waste oil collection center that is one of the following:

(A) Operated in accordance with the requirements of Subchapter D (relating to standards for waste oil collection centers and aggregation points) if the facility is located within this Commonwealth.

(B) Registered, licensed, permitted or recognized by a state/county/municipal government to manage waste oil if the facility is located outside this Commonwealth.

(iv) The generator shall provide the waste oil collection center with a certification that except as provided for in § 298.10(b)(2)(ii), the generator has not mixed its waste oil with hazardous waste.

(2) *Self-transportation of small amounts to aggregation points owned by the generator.* A generator may transport,

without an identification number, waste oil that is generated at the generator's site to an aggregation point if the following apply:

(i) The generator transports the waste oil in a vehicle owned by the generator or owned by an employe of the generator.

(ii) The generator transports no more than 55 gallons of waste oil at any time.

(iii) The generator transports the waste oil to an aggregation point that is owned or operated, or both, by the same generator.

(3) *Tolling arrangements.* A waste oil generator may arrange for waste oil to be transported by a transporter without an identification number if the waste oil is reclaimed under a contractual agreement under which reclaimed oil is returned by the waste oil processor/rerefiner to the generator for use as a lubricant, cutting oil or coolant. The contract, known as a tolling arrangement, shall indicate the following:

(i) The type of waste oil and the frequency of shipments.

(ii) The vehicle used to transport the waste oil to the waste oil processing/rerefining facility and to deliver recycled waste oil back to the generator is owned and operated by the waste oil processor/rerefiner.

(iii) Reclaimed oil will be returned to the generator.

§ 298.25. Source reduction strategy.

(a) A waste oil generator subject to this subchapter shall prepare a source reduction strategy in accordance with this section. The strategy shall be signed by the waste oil generator, shall be maintained on the premises where the waste oil is generated, shall be available on the premises for inspection by any representative of the Department and shall be submitted to the Department upon request. The strategy may designate certain production processes as confidential and this confidential information may not be made public without the expressed written consent of the generator. Unauthorized disclosure is subject to appropriate penalties as provided by law.

(b) The strategy shall include:

(1) A description of the source reduction activities conducted by the generator in the 3 years prior to the date that the strategy is required to be prepared. The description shall quantify reductions in the weight or toxicity of the waste oil generated on the premises.

(2) A statement of whether the generator has established a source reduction program.

(3) If a generator has established a source reduction program as described in paragraph (2), the strategy shall:

(i) Identify the methods and procedures that the waste oil generator will implement to achieve a reduction in the weight or toxicity of waste oil generated on the premises.

(ii) Quantify the projected reduction in weight or toxicity of waste to be achieved by each method or procedure.

(iii) Specify when each method or procedure will be implemented.

(4) If the waste oil generator has not established a source reduction program as described in paragraph (2), the strategy shall include the following:

(i) A waste oil stream characterization, including source, hazards, chemical analyses, properties, generation rate, management techniques and management costs.

(ii) A description of potential source reduction options.

(iii) A description of how the options were evaluated.

(iv) An explanation of why each option was not selected.

(c) The strategy required by this section shall be updated when one or more of the following occur:

(1) There is a significant change in the waste oil generated on the premises or in the manufacturing process, other than a change described in the strategy as a source reduction method.

(2) Every 5 years, unless the Department establishes in writing a different period for the waste oil generator.

(d) This section does not apply to waste oil generators who generate:

(1) Oil that has been used in an internal combustion engine as an engine lubricant, or as a product for lubricating motor vehicle transmissions, gears or axles which through use, storage or handling has become unsuitable for its original purpose due to the presence of chemical or physical impurities or loss of original properties.

(2) Annually no more than 12,000 kilograms of residual waste and waste oil subject to this chapter.

(e) A waste oil generator may reference existing documents it has prepared to meet other waste minimization requirements to comply with this section, including those proposed to comply with 40 CFR 261.41(a)(5)–(7) (relating to biennial report).

§ 298.26. Biennial report.

(a) By March 3 of each odd numbered year after _____ (*Editors Note:* The blank refers to the effective date of adoption of this proposal.) a waste oil generator subject to this subchapter shall file a report with the Department.

(b) The report, which shall be submitted on a form prepared by the Department, shall include the following:

(1) The waste oil generator's name, mailing address, county and telephone number.

(2) A generator identification number for the facility that generated the waste, which will be provided by the Department. If an EPA identification number has been assigned to the person or municipality, the EPA identification number shall be the generator number.

(3) The name and telephone number of a contact person who can answer questions about the report.

(4) A brief description of the nature of the business and up to four Standard Industrial Code (SIC) numbers which best reflect the principal products or services provided by the waste oil generator.

(5) The amount of waste oil generated in the previous year. The report shall also state the following:

(i) Whether and to what extent the waste oil was processed at the site of generation.

(ii) Whether and to what extent the waste oil was shipped offsite for processing/rerefining.

(6) A description of the waste oil generator's efforts to implement its source reduction strategy under § 298.25 (relating to source reduction strategy) and, to the extent the information is available for 3 years before _____ (*Editors Note:* The blank refers to the effective date of adoption of this proposal.), a description of

changes in the weight or toxicity of waste oil achieved during the year compared to previous years.

(7) The name, location and identification number for each waste oil processing/refiner, or waste oil transporter, waste oil collection center or waste oil marketer that has been authorized to receive the generator's waste oil.

(c) The report shall be signed by a responsible official for the waste oil generator. If the waste oil generator is a corporation or partnership, the report shall be signed by an officer of the corporation or a partner in the partnership, whichever is applicable.

(d) This section does not apply to waste oil generators who generate:

(1) Oil that has been used in an internal combustion engine as an engine lubricant, or as a product for lubricating motor vehicle transmissions, gears or axles which, through use, storage or handling has become unsuitable for its original purpose due to the presence of chemical or physical impurities or loss of original properties.

(2) Annually no more than 12,000 kilograms of residual waste and waste oil subject this chapter.

Subchapter D. WASTE OIL COLLECTION CENTERS AND AGGREGATION POINTS

Sec.

298.30. Waste oil collection centers.

298.31. Waste oil aggregation points owned by the generator.

§ 298.30. Waste oil collection centers.

(a) *Applicability.* This section applies to owners or operators of waste oil collection centers. A waste oil collection center is any site or facility that accepts/aggregates and stores waste oil collected from waste oil generators regulated under Subchapter C (relating to waste oil generators) who bring waste oil to the collection center in shipments of no more than 55 gallons under § 298.24(a) (relating to offsite shipments). Waste oil collection centers may also accept waste oil and oil filters from household do-it-yourselfers.

(b) *Permit by rule for waste oil collection centers.* For the operation of a waste oil collection center to be deemed to have a permit by rule, the owner or operator of a waste oil collection center shall do the following:

(1) Be a state inspection facility, oil retailer, retail service station, a facility owned or operated by a municipality, municipal authority, or state agency, or a facility owned or operated by a nonprofit organization.

(2) Not blend oil for offsite reuse.

(3) Comply with the generator standards in Subchapter C.

(4) Maintain on the premises waste oil collection tanks that are properly sheltered and protected to prevent spillage, seepage or discharge of the waste oil into the water, land and air of this Commonwealth and of sufficient size to handle returns of waste oil.

(5) Have collection facilities for the safe and proper disposal of waste oil containers within a very close proximity to the collection tanks.

(6) Not accept water, antifreeze, other residual or hazardous wastes or other contaminants.

(7) Design, construct and operate the facility in a manner to ensure that any hazardous waste generated at the facility is not mixed with the waste oil being collected at the facility.

(8) Have a procedure for ensuring that if waste oil collected at the facility contains more than 1,000 parts per million total halogens it is due to the household do-it-yourselfer waste oil collected by the facility.

§ 298.31. Waste oil aggregation points owned by the generator.

(a) *Applicability.* This section applies to owners or operators of all waste oil aggregation points. A waste oil aggregation point is any site or facility that accepts, aggregates or stores waste oil collected only from other waste oil generation points owned or operated by the owner or operator of the aggregation point, from which waste oil is transported to the aggregation point in shipments of no more than 55 gallons under § 298.24(b) (relating to offsite shipments). Waste oil aggregation points may also accept waste oil from household do-it-yourselfers.

(b) *Permit by rule for waste oil aggregation points.* The owner/operator of an aggregation point may operate the aggregation point under a permit by rule. The Department may require the owner/operator of an aggregation point operated under a permit by rule to apply for and obtain a permit or take other appropriate action, when the generator is not in compliance with the requirements for the permit by rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth. For the operation of a waste oil aggregation point to be authorized by a permit by rule, the owner/operator shall:

(1) Comply with the generator standards in Subchapter C (relating to waste oil generators).

(2) Maintain on the premises waste oil collection tanks that are properly sheltered and protected to prevent spillage, seepage or discharge of the waste oil into the water, land and air of this Commonwealth and of sufficient size to handle returns of waste oil.

(3) Have within a very close proximity to the collection tanks, collection facilities for the safe and proper disposal of waste oil containers.

(4) Not accept water, antifreeze, other residual or hazardous wastes or other contaminants.

Subchapter E. WASTE OIL TRANSPORTER AND TRANSFER FACILITIES

Sec.

298.40. Applicability.

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§ 298.40. Applicability.

(a) *General.* Except as provided in paragraphs (1)–(4), this subchapter applies to all waste oil transporters.

(1) This subchapter does not apply to onsite transportation.

(2) This subchapter does not apply to a generator who transports shipments of waste oil totaling 55 gallons or less from the generator to a waste oil collection center as specified in § 298.24(a) (relating to offsite shipments).

(3) This subchapter does not apply to a generator who transports shipments of waste oil totaling 55 gallons or

less from the generator to a waste oil aggregation point owned or operated by the same generator as specified in § 298.24(b).

(4) This subchapter does not apply to transportation of waste oil from household do-it-yourselfers to a regulated waste oil generator, collection center, aggregation point, processor/rerefiner or burner subject to this chapter. Except as provided in paragraphs (1)–(3), this subchapter does apply to transportation of collected household do-it-yourselfer waste oil from regulated waste oil generators, collection centers, aggregation points or other facilities where household do-it-yourselfer waste oil is collected.

(b) *Imports and exports.* A transporter who imports waste oil into or exports waste oil out of this Commonwealth is subject to this subchapter from the time the waste oil enters until the time it exits this Commonwealth.

(c) *Trucks used to transport hazardous waste.* Unless trucks previously used to transport hazardous waste are emptied as described in § 261.7 (relating to empty containers) prior to transporting waste oil, the waste oil is considered to have been mixed with the hazardous waste and shall be managed as hazardous waste unless, under § 298.10(b)(2) (relating to applicability), the hazardous waste/waste oil mixture is determined not to exhibit the characteristic of ignitability.

(d) *Other applicable provisions.* A waste oil transporter who conducts the following activities is also subject to other applicable provisions of this chapter as indicated in paragraphs (1)–(5):

(1) A transporter who generates waste oil shall also comply with Subchapter C (relating to waste oil generators).

(2) A transporter who processes or rerefines waste oil, except as provided in § 298.41 (relating to restrictions on transporters who are not also processors or rerefiners), shall also comply with Subchapter F (relating to waste oil processors rerefiners).

(3) A transporter who burns off-specification waste oil for energy recovery shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy recovery).

(4) A transporter who directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel).

(5) A transporter shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste; and residual waste).

§ 298.41. Restrictions on transporters who are not also processors or rerefiners.

(a) A waste oil transporter may, at a transfer facility authorized under § 298.45 (relating to waste oil storage at transfer facilities), consolidate or aggregate loads of waste oil for purposes of transportation. Except as provided in subsections (b) and (c), waste oil transporters may not process waste oil unless they also comply with the requirements for processors/rerefiners in Subchapter F (relating to waste oil processors/rerefiners).

(b) A transporter may conduct incidental waste oil processing operations that occur in the normal course of waste oil transportation—for example, settling and water

separation that occurs in a transport vehicle or in a single consolidation tank—but that are not designed to produce (or make more amenable for production of) waste oil derived products unless they also comply with the processor/rerefiner requirements in Subchapter F.

(c) A transporter of waste oil that is removed from oil bearing electrical transformers and turbines and filtered at a transfer facility authorized under § 298.45 (relating to waste oil storage at transfer facilities) prior to being returned to its original use is not subject to the waste oil processor/rerefiner requirements in Subchapter F.

§ 298.42. Notification.

(a) *Identification numbers.* A waste oil transporter shall have an identification number.

(b) *Mechanics of notification.* A waste oil transporter who has not received an identification number may obtain one by notifying the EPA Region III Administrator of its waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12. (To order information for EPA form 8700-12, call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810.)

(2) A letter requesting an identification number. Call RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

(i) The transporter company name.

(ii) The owner of the transporter company.

(iii) The mailing address for the transporter.

(iv) The name and telephone number for the transporter point of contact.

(v) The type of transport activity—for example, transport only, transport and transfer facility, transfer facility only.

(vi) The location of all transfer facilities at which waste oil is stored.

(vii) The name and telephone number for a contact at each transfer facility.

§ 298.43. Waste oil transportation.

(a) *Deliveries.* A waste oil transporter shall deliver all waste oil received to one of the following:

(1) Another waste oil transporter, if the transporter has obtained an identification number.

(2) An oil waste oil processing/rerefining facility who has obtained an identification number.

(3) An off-specification waste oil burner facility who has obtained an identification number.

(4) An on-specification waste oil burner facility.

(b) *Department of Transportation requirements.* A waste oil transporter shall comply with the applicable requirements under the United States Department of Transportation regulations in 49 CFR Parts 171–180. Persons transporting waste oil that meets the definition of a hazardous material in 49 CFR 171.8 (relating to definitions and abbreviations) shall comply with applicable regulations in 49 CFR Parts 171–180.

(c) *Waste oil discharges.*

(1) In the event of a discharge of waste oil during transportation, the transporter shall notify the appropriate Departmental office of emergency response and take appropriate immediate action to protect human health

and the environment—for example, notify local authorities, dike the discharge area—and the like.

(2) If a discharge of waste oil occurs during transportation and the Department determines that immediate removal of the waste oil is necessary to protect human health or the environment, the Department may authorize the removal of the waste oil by transporters who do not have identification numbers.

(3) An air, rail, highway or water transporter who has discharged waste oil shall do the following:

(i) Give notice if required by 49 CFR 171.15 (relating to immediate notice of certain hazardous materials incidents) to the National Response Center (800) 424-8802 or (202) 426-2675).

(ii) Report in writing as required by 49 CFR 171.16 (relating to detailed hazardous materials incident reports) to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

(4) A water transporter who has discharged waste oil shall give notice as required by 33 CFR 153.203 (relating to procedure for the notice of discharge).

(5) A transporter shall clean up any waste oil discharge that occurs during transportation or take action as required or approved by the Department so that the waste oil discharge no longer presents a hazard to human health or the environment.

§ 298.44. Rebuttable presumption for waste oil.

(a) To ensure that waste oil is not a hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), the waste oil transporter shall determine whether the total halogen content of waste oil being transported or stored at a transfer facility is above or below 1,000 parts per million.

(b) The transporter shall make this determination by:

(1) Testing the waste oil.

(2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.

(c) If the waste oil contains greater than or equal to 1,000 parts per million total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Chapter 261, Subchapter D (relating to lists of hazardous waste). The owner or operator may rebut the presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from SW-846, current edition, to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in § 261.34(e) (relating to appendices). EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and therefore under § 261.4(a)(6) (relating to exclusions) are excluded from regulation as a hazardous waste.

(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to waste oils contaminated with CFCs removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(d) Records of analyses conducted or information used to comply with subsections (a)—(c) shall be maintained by the transporter for at least 3 years.

§ 298.45. Waste oil storage at transfer facility.

(a) *Applicability.* This section applies to a waste oil transfer facility. A waste oil transfer facility is a transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of waste oil are received or held during normal course of transportation.

(b) *Permits.*

(1) Except as provided for in paragraph (4), the owners/operators of a transfer facility shall obtain a permit issued under Chapter 287 (relating to residual waste management-general provisions).

(2) A general permit is only available for the following types of waste oil transfer facilities:

(i) The owner/operator of the waste oil transfer facility is responsible for transporting the waste oil from the generator to the transfer facility or the waste oil is from a household do-it-yourselfer waste oil generator.

(ii) The owner/operator of the waste oil transfer facility only:

(A) Consolidates/aggregates waste oil.

(B) Conducts incidental waste oil processing operations that occur in the normal course of waste oil transportation—for example, settling and water separation that occur in a transport vehicle or in a single consolidation tank.

(3) The owners/operators of a waste oil transfer facility operating under a general permit for activities other than those described in this subsection may continue to operate the facility under the general permit for the term of the permit. At the end of the permit term, this general permit is not renewable. The owner/operator of the transfer facility may only continue to operate the facility if the owner/operator has obtained an individual permit issued under Chapter 287.

(4) The owner/operator of a waste oil transfer facility is deemed to have a permit by rule if the following apply:

(i) The other requirements of this subchapter have been met.

(ii) The waste oil is stored at the facility for no more than 35 days.

(iii) None of the activities described in § 298.41 (b) or (c) (relating to restrictions on transporters who are not also processors or rerefiners) occur at the facility.

(iv) The waste oil collected at the transfer facility is destined for a waste oil transfer or waste oil processing/rerefining facility located in this Commonwealth which is permitted by the same person who owns/operates the waste oil transfer facility.

(v) The owner/operator's liability for cleanup and third party injury at the waste oil transfer facility is covered by the bond and insurance covering the receiving waste oil transfer or processing/rerefining facility.

(vi) The owner/operator has submitted to the Department the following information:

- (A) The location of the waste oil transfer facility.
- (B) A description of the facility.
- (C) The identity of a contact person including telephone number.
- (D) Data demonstrating that the waste oil transfer facility will not be located within a 100 year floodplain.
- (E) Data demonstrating that the waste oil transfer facility will not be located within 300 feet of a wetland.
- (F) Data demonstrating that the waste oil transfer facility will not be located within 300 feet of an occupied dwelling.
- (G) Data demonstrating that the waste oil transfer facility will not be located within 100 feet of a perennial stream.
- (H) Data demonstrating that the waste oil transfer facility will not be located within 50 feet of a property line.

(5) A copy of the protocol for satisfying the requirements of § 298.44 (relating to rebuttable presumption for waste oil) shall be maintained at the facility.

(6) The Department may require the owner/operator of a waste oil transfer facility operating under the permit by rule in paragraph (4) to apply for, and obtain, a permit in accordance with Chapter 287, or take other appropriate action. The Department may require a permit or take other appropriate action when the generator is not in compliance with the requirements for the permit by rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

(c) *Storage units.* The owner or operator of a waste oil transfer facility may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264 or 265 (relating to new and existing hazardous waste management facilities applying for a permit; and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

(d) *Condition of units.* A containers or aboveground tank used to store waste oil at transfer facilities shall meet the following requirements:

(1) Be in good condition. For example—containers and aboveground tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) Not leak.

(e) *Secondary containment for containers.* A container used to store waste oil at transfer facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dikes, berms or retaining walls.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floors, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(f) *Secondary containment for existing aboveground tanks.* An existing aboveground tank used to store waste oil at transfer facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floors, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(g) *Secondary containment for new aboveground tanks.* A new aboveground tank used to store waste oil at transfer facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floors, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(h) *Labels.*

(1) A container or aboveground tank used to store waste oil at transfer facilities shall be labeled or marked clearly with the words "waste oil."

(2) Fill pipes used to transfer waste oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "waste oil."

(i) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.), the owner/operator of a transfer facility shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and manage properly the released waste oil and other materials.

(4) If necessary, repair or replace any leaking waste oil storage containers or tanks prior to returning them to service.

(c) *Additional requirements.* In addition to the requirements of this subchapter, a waste oil transporter is subject to Chapter 264, Subchapters C and D (relating to preparedness and prevention; and preparedness, prevention and contingency plan (PPC) and emergency procedures). A waste oil transporter is also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill

prevention program) for waste oil stored in underground tanks whether or not the waste oil exhibits any characteristics of hazardous waste.

§ 298.46. Tracking.

(a) *Acceptance.* A waste oil transporter shall keep a record of each waste oil shipment accepted for transport. Records for each shipment shall include the following:

(1) The name and address of the generator, transporter or processor/rerefiner who provided the waste oil for transport.

(2) The identification number (if applicable) of the generator, transporter or processor/rerefiner who provided the waste oil for transport.

(3) The quantity of waste oil accepted.

(4) The date of acceptance.

(5) The signature of a representative of the generator, transporter or processor/rerefiner who provided the waste oil for transport, dated upon receipt of the waste oil.

(b) *Deliveries.* A waste oil transporter shall keep a record of each shipment of waste oil that is delivered to another waste oil transporter, or to a waste oil burner, processor/rerefiner or disposal facility. Records of each delivery shall include the following:

(1) The name and address of the receiving facility or transporter.

(2) The identification number of the receiving facility or transporter.

(3) The quantity of waste oil delivered.

(4) The date of delivery.

(5) The signature, dated upon receipt of the waste oil, of a representative of the receiving facility or transporter.

(6) An intermediate rail transporter is not required to sign the record of delivery.

(c) *Exports of waste oil.* Waste oil transporters must maintain the records described in subsection (b)(1)—(4) for each shipment of waste oil exported to a foreign country.

(d) *Record retention.* The records described in subsections (a)—(c) shall be maintained for at least 3 years.

§ 298.47. Management of wastes.

A transporter who generates wastes from the storage or transport of waste oil shall manage the wastes as specified in § 298.10(e) (relating to applicability).

§ 298.48. Signs on vehicles.

A vehicle that is ordinarily or primarily used for the transportation of waste oil shall bear a sign that meets the following:

(1) The sign shall include the name and business address of the waste oil transporter that owns the vehicle.

(2) The sign shall have lettering that is 6 inches in height. The required information shall be clearly visible and easily readable.

Subchapter F. WASTE OIL PROCESSING/REFINING FACILITIES

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§ 298.50. Applicability.

(a) *General.* Except as provided in this subsection, this subchapter applies to owners and operators of waste oil processing/rerefining facilities. This subchapter does not apply to:

(1) A transporter that conducts incidental waste oil processing operations that occur during the normal course of transportation as provided in § 298.41 (relating to restrictions on transporters who are not also processors or rerefiners).

(2) A burner that conducts incidental waste oil processing operations that occur during the normal course of waste oil management prior to burning as provided in § 298.61(b) (relating to restrictions on burning).

(b) *Other applicable provisions.* A waste oil processor/rerefiner who conducts the following activities is also subject to other applicable provisions of this chapter as indicated in paragraphs (1)—(5).

(1) A processor/rerefiner who generates waste oil shall also comply with Subchapter C (relating to waste oil generators).

(2) A processors/rerefiner who transports waste oil shall also comply with Subchapter E (relating to waste oil transporter and transport facilities).

(3) Except as provided in subparagraphs (i) and (ii), a processor/rerefiner who burns off-specification waste oil for energy recovery shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy necessary). A processor/rerefiner burning waste oil for energy recovery under the following conditions is not subject to Subchapter G.

(i) The waste oil is burned in an onsite space heater that meets the requirements of § 298.23 (relating to onsite burning in space heaters).

(ii) The waste oil is burned for purposes of waste oil processing which is considered burning incidentally to waste oil processing.

(4) A processor/rerefiner who directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel).

(5) A processor/rerefiner shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste; and residual waste management).

(c) *Permits.*

(1) The owner/operator of a waste oil processing facility shall obtain a permit issued under Chapter 287 (relating to residual waste management).

(2) A general permit is only available for the following types of waste oil processing/rerefining facilities:

(i) A mobile waste oil processor/rerefiner that operates at the site of waste oil generation.

(ii) A waste oil processor/rerefiner that reclaims waste oil under toll arrangements as specified in § 298.24(c) (relating to offsite shipments).

(3) The owner/operator of a facility authorized by a general permit for waste oil processing/rerefining activities other than those identified in this subsection may continue to operate its facility under the general permit for the permit term. At the end of the permit term, this general permit is not renewable. The owner/operator of the waste oil processing/rerefining facility may only continue to operate the facility if the owner/operator has obtained an individual permit issued under Chapter 287.

§ 298.51. Notification.

(a) *Identification numbers.* A waste oil processor or rerefiner who has not previously obtained an identification number shall comply with § 264.11 (relating to identification numbers) and obtain an identification number.

(b) *Mechanics of notification.* A waste oil processor or rerefiner who has not received an identification number may obtain one by notifying the regional administrator of the waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12 (to obtain EPA form 8700-12, call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810).

(2) A letter requesting an identification number. Call RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

- (i) The processor or rerefiner company name.
- (ii) The owner of the processor or rerefiner company.
- (iii) The mailing address for the processor or rerefiner.
- (iv) The name and telephone number for the processor or rerefiner point of contact.
- (v) The type of waste oil activity—for example, process only, process and rerefine.
- (vi) The location of the processor or rerefiner facility.

§ 298.52. General facility standards.

(a) *Preparedness and prevention.* The owner and operator of a waste oil processor or rerefiners facility shall comply with the following requirements:

(1) *Maintenance and operation of facility.* A facility shall be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water which could threaten human health or the environment.

(2) *Required equipment.* A facility shall be equipped with the following, unless none of the hazards posed by waste oil handled at the facility could require a particular kind of equipment specified in subparagraphs (i)—(iv):

- (i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.
- (ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments or State or local emergency response teams.
- (iii) A portable fire extinguisher, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas or dry chemicals), spill control equipment and decontamination equipment.
- (iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, or automatic sprinklers or water spray systems.

(3) *Testing and maintenance of equipment.* The facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment, when required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

(4) *Access to communications or alarm system.*

(i) Whenever waste oil is being poured, mixed, spread or otherwise handled, the personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employe, unless the device is not required in paragraph (2).

(ii) When there is just one employe on the premises while the facility is operating, the employe shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the device is not required in paragraph (2).

(5) *Required aisle space.* The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(6) *Arrangements with local authorities.*

(i) The owner or operator shall attempt to make the following arrangements, as appropriate, for the type of waste oil handled at the facility and the potential need for the services of these organizations:

(A) Arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of waste oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes.

(B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority.

(C) Agreements with State emergency response teams, emergency response contractors and equipment suppliers.

(ii) Arrangements to familiarize local hospitals with the properties of waste oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

(iii) If State or local authorities decline to enter into these arrangements, the owner or operator shall document the refusal in the operating record.

(b) *Contingency plan and emergency procedures.* Owners and operators of waste oil processing and rerefining facilities shall comply with the following requirements:

(1) *Purpose and implementation of contingency plan.*

(i) Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water.

(ii) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion or release of waste oil which could threaten human health or the environment.

(2) *Content of contingency plan.*

(i) The contingency plan shall describe the actions facility personnel shall take to comply with paragraphs (1) and (6) in response to fires, explosions or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water at the facility.

(ii) If the owner or operator has already complied with Chapter 264, Subchapters C and D (relating to preparedness and prevention; and preparedness, prevention and contingency (PPC) plan and emergency procedures) or has already prepared some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate waste oil management provisions that are sufficient to comply with this chapter.

(iii) The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams to coordinate emergency services, under subsection (a)(6).

(iv) The plan shall list names, addresses and the office and home phone numbers of the persons qualified to act as emergency coordinators, as described in paragraph (5), and this list shall be kept up to date. If more than one person is listed, one person shall be named as primary emergency coordinator and the others shall be listed in the order in which they will assume responsibility as alternates.

(v) The plan shall include a list of all emergency equipment at the facility—such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external) and decontamination equipment—if this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(vi) The plan shall include an evacuation plan for facility personnel if there is a possibility that evacuation could be necessary. This plan shall describe signals to be used to begin evacuation, evacuation routes and alternate evacuation routes, in cases where the primary routes could be blocked by releases of waste oil or fires.

(3) *Copies of contingency plan.* A copy of the contingency plan and revisions to the plan shall be:

(i) Maintained at the facility.

(ii) Submitted to all local police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services.

(4) *Amendment of contingency plan.* The contingency plan shall be reviewed and immediately amended, if necessary, whenever:

(i) Applicable regulations are revised.

(ii) The plan fails in an emergency.

(iii) The facility changes in its design, construction, operation, maintenance or other circumstances in a way that materially increases the potential for fires, explosions or releases of waste oil, or changes the response necessary in an emergency.

(iv) The list of emergency coordinators changes.

(v) The list of emergency equipment changes.

(5) *Emergency coordinator.* At all times, there shall be at least one employe either on the facility premises or on call—for example, available to respond to an emergency by reaching the facility within a short period of time—

with the responsibility for coordinating all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, the operations and activities at the facility, the location and characteristic of waste oil handled, the location of all records within the facility and facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

(6) *Emergency procedures.*

(i) Whenever there is an imminent or actual emergency situation, the emergency coordinator, or the designee when the emergency coordinator is on call, shall immediately do the following:

(A) Activate internal facility alarms or communication systems, if applicable, to notify all facility personnel.

(B) Notify appropriate State or local agencies with designated response roles if their help is needed.

(ii) Whenever there is a release, fire or explosion, the emergency coordinator shall immediately identify the character, exact source, amount and real extent of any released materials. The emergency coordinator may do this by observation or review of facility records of manifests and, if necessary, by chemical analysis.

(iii) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment shall consider both direct and indirect effects of the release, fire or explosion—for example, the effects of any toxic, irritating or asphyxiating gases that are generated or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.

(iv) If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health or the environment, outside the facility, the emergency coordinator shall report the findings as follows:

(A) If the assessment indicated that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify the appropriate Departmental office of emergency response and the appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated.

(B) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for the geographical area in the applicable regional contingency plan or the National Response Center (using the 24-hour toll free number (800) 424-8802). The report shall include:

(1) The name and telephone number of reporter.

(2) The name and address of the facility.

(3) The time and type of incident—for example, release or fire.

(4) The name and quantity of materials involved, to the extent known.

(5) The extent of injuries, if any.

(6) The possible hazards to human health, or the environment, outside the facility.

(v) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur or

spread to other waste oil or hazardous waste at the facility. These measures shall include, if applicable, stopping processes and operation, collecting and containing released waste oil, and removing or isolating containers.

(vi) If the facility stops operation in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate.

(vii) Immediately after an emergency, the emergency coordinator shall provide for recycling, storing or disposing of recovered waste oil, contaminated soil or surface water, or any other material that results from a release, fire or explosion at the facility.

(viii) The emergency coordinator shall ensure that, in the affected areas of the facility, the following conditions apply:

(A) No waste or waste oil that may be incompatible with the released material is recycled, treated, stored or disposed of until cleanup procedures are completed.

(B) The emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(C) The owner or operator shall notify the Department and applicable local authorities that the facility is in compliance with clauses (A) and (B) before operations are resumed in the affected areas of the facility.

(ix) The owner or operator shall note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner/operator shall submit a written report on the incident to the Department. The report shall include the following:

(A) The name, address and telephone number of the owner or operator.

(B) The name, address and telephone number of the facility.

(C) The date, time and type of incident—for example, fire or explosion.

(D) The name and quantity of materials involved.

(E) The extent of injuries, if any.

(F) An assessment of actual or potential hazards to human health or the environment, if applicable.

(G) An estimated quantity and disposition of recovered material that resulted from the incident.

§ 298.53. Rebuttable presumption for waste oil.

(a) To ensure that waste oil managed at a waste oil processing/rerefining facility is not hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), the owner or operator of a waste oil processing/rerefining facility shall determine whether the total halogen content of waste oil managed at the facility is above or below 1,000 parts per million.

(b) The owner or operator shall make this determination by either:

(1) Testing the waste oil.

(2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.

(c) Waste oil containing more than 1,000 parts per million total halogens, is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed under Subchapter D (relating to

waste oil collection centers and aggregation points). Persons may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in § 261.34(e) (relating to appendices). EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and therefore under § 261.4(a)(6) (relating to exclusions) are excluded from regulation as hazardous waste.

(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to waste oils contaminated with CFCs removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

§ 298.54. Waste oil management.

(a) *Management units.* A waste oil processor/rerefiner is subject to Chapter 264 Subchapters C and D (relating to preparedness and prevention; and preparedness, prevention and contingency plan (PPC) and emergency procedures), in addition to the requirements of this subchapter. Waste oil processor/rerefiners is also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground tanks whether or not the waste oil exhibits any characteristics of hazardous waste, in addition to this subchapter.

(b) *Condition of units.* A container or aboveground tank used to store or process waste oil at waste oil processing and rerefining facilities shall meet the following conditions:

(1) *Be in good condition.* For example, containers and aboveground tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leak.*

(c) *Secondary containment for containers.* A container used to store or process waste oil at waste oil processing and rerefining facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(d) *Secondary containment for existing aboveground tanks.* Existing aboveground tanks used to store or

process waste oil at waste oil processing and rerefining facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(e) *Secondary containment for new aboveground tanks.* New aboveground tanks used to store or process waste oil at waste oil processing and rerefining facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(f) *Labels.*

(1) A container or aboveground tank used to store or process waste oil at waste oil processing and rerefining facilities shall be labeled or marked clearly with the words "waste oil."

(2) Fill pipes used to transfer waste oil into underground storage tanks at waste oil processing and rerefining facilities shall be labeled or marked clearly with the words "waste oil."

(g) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245 Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) An owner/operator shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and properly manage the released waste oil and other materials.

(4) If necessary, repair or replace any leaking waste oil storage containers or tanks prior to returning them to service.

(h) *Closure.*

(1) *Aboveground tanks.* The owner and operator who stores or processes waste oil in an aboveground tank shall comply with the following requirements:

(i) At closure of a tank system, the owner or operator shall remove or decontaminate waste oil residues in tanks, contaminated containment system components, contaminated soils and structures and equipment con-

taminated with waste oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.

(ii) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (i)(1)(i), the owner or operator shall close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements that apply to hazardous waste landfills. (See § 265.310, relating to closure and postclosure care).

(2) *Containers.* An owner or operator who store waste oil in containers shall comply with the following requirements:

(i) At closure, containers holding waste oils or residues of waste oil shall be removed from the site.

(ii) The owner or operator shall remove or decontaminate waste oil residues, contaminated containment system components, contaminated soils and structures and equipment contaminated with waste oil, and manage them as hazardous waste, unless the materials are not hazardous waste under Chapter 261 (relating to criteria, identification and listing of hazardous waste).

(i) *Additional requirements.* In addition to the requirements of this subchapter, waste oil processor/rerefiners are subject to the requirements of Chapter 264 Subchapters C and D (relating to preparedness and prevention; and preparedness, prevention and contingency (PPC) plan and emergency procedures). In addition to the requirements of this subchapter, a waste oil processor/rerefiner is also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground tanks whether or not the waste oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subchapter.

§ 298.55. Analysis plan.

The owner or operator of a waste oil processing or rerefining facility shall develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of § 298.53 (relating to rebuttable presumption for waste oil) and, if applicable, § 298.72 (relating to on-specification waste oil fuel). The owner or operator shall keep the plan at the facility.

(1) *Rebuttable presumption for waste oil in § 298.53.* At a minimum, the plan shall specify the following:

(i) Whether sample analyses or knowledge of the halogen content of the waste oil will be used to make this determination.

(ii) If sample analyses are used to make this determination:

(A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:

(I) One of the sampling methods in 40 CFR Part 261, Appendix I (relating to identification and listing of hazardous waste).

(II) A method shown to be equivalent under § 260.21 (relating to hazardous waste mixing).

(B) The frequency of sampling to be performed, and whether the analysis will be performed onsite or offsite.

(C) The methods used to analyze waste oil for the parameters specified in § 298.53.

(iii) The type of information that will be used to determine the halogen content of the waste oil.

(2) *On-specification waste oil fuel in § 298.72.* At a minimum, the plan shall specify the following if § 298.72 applies:

(i) Whether sample analyses or other information will be used to make this determination.

(ii) If sample analyses are used to make this determination:

(A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using one of the following:

(I) One of the sampling methods in 40 CFR Part 261, Appendix I.

(II) A method shown to be equivalent under § 260.21 (relating to requests for determination of equivalent testing or analytical methods).

(B) Whether waste oil will be sampled and analyzed prior to or after any waste oil processing/rerefining.

(C) The frequency of sampling to be performed and whether the analysis will be performed onsite or offsite.

(D) The methods used to analyze waste oil for the parameters specified in § 298.72.

(iii) The type of information that will be used to make the on-specification waste oil fuel determination.

§ 298.56. Tracking.

(a) *Acceptance.* A waste oil processor/rerefiner shall keep a record of each waste oil shipment accepted for waste oil processing/rerefining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

(1) The name and address of the transporter who delivered the waste oil to the processor/rerefiner.

(2) The name and address of the generator or processor/rerefiner from whom the waste oil was sent for waste oil processing/rerefining.

(3) The identification number of the transporter who delivered the waste oil to the processor/rerefiner.

(4) The identification number (if applicable) of the generator or processor/rerefiner from whom the waste oil was sent for waste oil processing/rerefining.

(5) The quantity of waste oil accepted.

(6) The date of acceptance.

(b) *Delivery.* A waste oil processor/rerefiner shall keep a record of each shipment of waste oil that is shipped to a waste oil burner, processor/rerefiner or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

(1) The name and address of the transporter who delivers the waste oil to the burner, processor/rerefiner or disposal facility.

(2) The name and address of the burner, processor/rerefiner or disposal facility who will receive the waste oil.

(3) The identification number of the transporter who delivers the waste oil to the burner, processor/rerefiner or disposal facility.

(4) The identification number of the burner, processor/rerefiner, or disposal facility who will receive the waste oil.

(5) The quantity of waste oil shipped.

(6) The date of shipment.

(c) *Record retention.* The records described in subsections (a) and (b) shall be maintained for at least 3 years.

§ 298.57. Operating record and reporting.

(a) *Operating record.*

(1) The owner or operator shall keep a written operating record at the facility.

(2) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(i) Records and results of waste oil analysis performed as described in the analysis plan required under § 298.55 (relating to analysis plan).

(ii) Summary reports and details of all incidents that require implementation of the contingency plan as specified in § 298.52(b) (relating to general facility standards).

(b) *Reporting.* A waste oil processor/rerefiner shall report to the Department in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning waste oil activities during the previous calendar year:

(1) The identification number, name, and address of the processor/rerefiner.

(2) The calendar year covered by the report.

(3) The quantities of waste oil accepted for waste oil processing/rerefining and the manner in which the waste oil is processed/rerefined, including the specific processes employed.

§ 298.58. Offsite shipments of waste oil.

A waste oil processor/rerefiner who initiates shipments of waste oil offsite shall ship the waste oil using a waste oil transporter who has obtained an identification number.

§ 298.59. Management of waste.

An owner or operator of waste oil processing/rerefining facilities who generates waste from the storage, waste oil processing or rerefining of waste oil shall manage the wastes from its operations as specified in § 298.10(e) (relating to materials derived from waste oil).

Subchapter G. WASTE OIL BURNERS WHO BURN OFF-SPECIFICATION WASTE OIL FOR ENERGY RECOVERY

| | |
|---------|---------------------------------------|
| Sec. | |
| 298.60. | Applicability. |
| 298.61. | Restrictions on burning. |
| 298.62. | Notification. |
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| 298.65. | Tracking. |
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§ 298.60. Applicability.

(a) *General.* This subchapter applies to waste oil burners except as specified in paragraphs (1) and (2). A waste oil burner is a facility where waste oil not meeting the specification requirements in § 298.11 (relating to waste

oil specifications) is burned for energy recovery in devices identified in § 298.61(a) (relating to restrictions on burning). A waste oil burner who complies with this subchapter is deemed to have a solid waste permit for the burning of that waste oil. The Department may require a waste oil burner subject to permit by rule to apply for, and obtain, an individual or general permit, or take other appropriate action, when the waste oil burner is not in compliance with the requirements for the permit by rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth. Facilities burning waste oil for energy recovery under one or more of the following conditions are not subject to this subchapter:

(1) The waste oil is burned by the generator in an onsite space heater under the provisions of § 298.23 (relating to onsite burning in space heaters).

(2) The waste oil is burned by a processor/rerefiner for purposes of processing waste oil which is considered burning incidentally to waste oil processing.

(b) *Other applicable provisions.* A waste oil burner who conducts the following activities is also subject to other applicable provisions of this chapter as follows:

(1) A burner who generates waste oil shall also comply with Subchapter C (relating to waste oil generators).

(2) A burner who transports waste oil shall also comply with Subchapter E (relating to waste oil transporters and transfer facilities).

(3) Except as provided in § 298.61(b), a burner who processes or rerefines waste oil shall also comply with Subchapter F (relating to waste oil processors/rerefiners).

(4) A burner who directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 shall also comply with Subchapter H (relating to waste oil fuel).

(5) A burner shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

(c) *Specification fuel.* This subchapter does not apply to a person burning waste oil that meets the waste oil fuel specification of § 298.11, if the burner complies with Subchapter H.

§ 298.61. Restrictions on burning.

(a) Off-specification waste oil fuel may be burned for energy recovery in only the following devices:

(1) An industrial furnace identified in § 260.1 (relating to definitions).

(2) A boiler, as defined in § 260.1 that is identified as follows:

(i) An industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

(ii) A utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

(iii) A waste oil-fired space heaters if the burner meets the provisions of § 298.23 (relating to onsite burning in space heaters).

(3) A hazardous waste incinerator subject to Chapter 264 Subchapter O or Chapter 265 (relating to incinerators; and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

(b) A person burning waste oil in a boiler or industrial furnace specified in paragraph (1) or (2) shall have a plan approval and operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources) from the Bureau of Air Quality, or written approval from the Bureau of Air Quality if the fuel is burned in Allegheny or Philadelphia counties if Allegheny or Philadelphia county is issued first.

(c) Except as provided in subsection (d), a waste oil burner may not process waste oil unless it also complies with the requirements of Subchapter F (relating to waste oil processing/refining facilities).

(d) A waste oil burner may aggregate off-specification waste oil with virgin oil or on-specification waste oil for purposes of burning, but may not aggregate for purposes of producing on-specification waste oil.

§ 298.62. Notification.

(a) *Identification numbers.* A waste oil burner which has not previously complied with the notification requirements of §§ 264.11 and 265.11 (relating to identification numbers) shall comply with these requirements and obtain an identification number.

(b) *Mechanics of notification.* A waste oil burner who has not received an identification number may obtain one by notifying the regional administrator of their waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12 (to obtain EPA form 8700-12 call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810).

(2) A letter requesting an identification number. A burner may call the RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

(i) The burner company name.

(ii) The owner of the burner company.

(iii) The mailing address for the burner.

(iv) The name and telephone number for the burner point of contact.

(v) The type of waste oil activity.

(vi) The location of the burner facility.

§ 298.63. Rebuttable presumption for waste oil.

(a) To ensure that waste oil managed at a waste oil burner facility is not hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), a waste oil burner shall determine whether the total halogen content of waste oil managed at the facility is above or below 1,000 parts per million.

(b) The waste oil burner shall determine if the waste oil contains above or below 1,000 parts per million total halogens by one of the following:

(1) Testing the waste oil.

(2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.

(3) If the waste oil has been received from a processor/rerefiner subject to regulation under Subchapter F (relat-

ing to waste oil processors/rerefiners), using information provided by the processor/rerefiner.

(c) Waste oil containing more than 1,000 parts per million total halogens, is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed under Subchapter D (relating to waste oil collections centers and aggregation points). A person may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in § 261.34(e) (relating to appendices). EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and, therefore, under § 261.4(a)(6) (relating to exclusions) are excluded from regulation as hazardous waste.

(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to waste oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(d) *Record retention.* Records of analyses conducted or information used to comply with subsections (a)—(c) shall be maintained by the burner for at least 3 years.

§ 298.64. Waste oil storage.

(a) *Storage units.* A waste oil burner may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264 or 265 (relating to new and existing hazardous waste management facilities applying for a permit; and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

(b) *Condition of units.* Containers and aboveground tanks used to store oil at burner facilities shall meet the following conditions:

(1) *Be in good condition.* For example, containers and aboveground tanks shall not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leak.*

(c) *Secondary containment for containers.* A container used to store waste oil at burner facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(d) *Secondary containment for existing aboveground tanks.* Existing aboveground tanks used to store waste oil at burner facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) A dike, berm or retaining wall and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(e) *Secondary containment for existing aboveground tanks.* A new aboveground tank used to store waste oil at a burner facility shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) A dike, berm or retaining wall and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(f) *Labels.*

(1) A container or aboveground tank used to store waste oil at a burner facility shall be labeled or marked clearly with the words "waste oil."

(2) A fill pipe used to transfer waste oil into an underground storage tank at a burner facility shall be labeled or marked clearly with the words "waste oil."

(g) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after _____ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal.), a burner shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and properly manage the released waste oil and other materials.

(4) Repair or replace any leaking waste oil storage containers or tanks prior to returning them to service, if necessary.

(h) In addition to the requirements of this subchapter, a waste oil processor/rerefiner is subject to Chapter 264 Subchapters C and D (relating to preparedness and prevention; preparedness, prevention and contingency (PPC) plan; and emergency procedures) in addition to this

subchapter. A waste oil burner is also subject to the underground storage tank standards for waste oil stored in underground tanks in Chapter 245 (relating to administration of the storage tank and spill prevention program) whether or not the waste oil exhibits any characteristics of hazardous waste.

§ 298.65. Tracking.

(a) *Acceptance.* A waste oil burner shall keep a record of each waste oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

(1) The name and address of the transporter who delivered the waste oil to the burner.

(2) The name and address of the generator or processor/rerefiner from whom the waste oil was sent to the burner.

(3) The identification number of the transporter who delivered the waste oil to the burner.

(4) The identification number (if applicable) of the generator or processor/rerefiner from whom the waste oil was sent to the burner.

(5) The quantity of waste oil accepted.

(6) The date of acceptance.

(b) *Record retention.* The records described in subsection (a) shall be maintained for at least 3 years.

§ 298.66. Notices.

(a) *Certification.* Before a burner accepts the first shipment of off-specification waste oil fuel from a generator, transporter or processor/rerefiner, the burner shall provide to the generator, transporter or processor/rerefiner a one-time written and signed notice certifying the following:

(1) The burner has notified EPA stating the location and general description of its waste oil management activities.

(2) The burner will burn the waste oil only in an industrial furnace or boiler identified in § 298.61(a) (relating to restrictions on burning).

(b) *Certification retention.* The certification described in subsection (a) shall be maintained for 3 years from the date the burner last receives shipment of off-specification waste oil from that generator, transporter or processor/rerefiner.

§ 298.67. Management of waste.

A burner who generates waste from the storage or burning of waste oil shall manage the waste as specified in § 298.10(e) (relating to materials derived from waste oil).

Subchapter H. WASTE OIL FUEL MARKETERS

| | |
|---------|----------------------------------|
| Sec. | |
| 298.70. | Applicability. |
| 298.71. | Prohibitions. |
| 298.72. | On-specification waste oil fuel. |
| 298.73. | Notification. |
| 298.74. | Tracking. |
| 298.75. | Notices. |

§ 298.70. Applicability.

(a) A person who conducts one of the following activities is subject to the requirements of this subchapter:

(1) Directs a shipment of off-specification waste oil from its facility to a waste oil burner.

(2) First claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications).

(b) The following persons are not marketers subject to this subchapter:

(1) Waste oil generators, and waste oil transporters who transport waste oil received only from waste oil generators, unless the waste oil generator or waste oil transporter directs a shipment of off-specification waste oil from its facility to a waste oil burner. However, waste oil processors/rerefiners who burn some waste oil fuel for purposes of waste oil processing are considered to be burning incidentally to waste oil processing. Thus, waste oil generators and waste oil transporters who direct shipments of off-specification waste oil to waste oil processors/rerefiners who incidentally burn waste oil are not marketers subject to this subchapter.

(2) Persons who direct shipments of on-specification waste oil and who are not the first person to claim the oil meets the waste oil fuel specifications of § 298.11 (relating to waste oil specifications).

(c) Any person subject to the requirements of this subchapter must also comply with one of the following:

(1) Subchapter C of this chapter—Standards for Waste Oil Generators.

(2) Subchapter E of this chapter—Standards for Waste Oil Transporters and Waste Oil Transfer Facilities.

(3) Subchapter F of this chapter—Standards for Waste Oil Processors and Rerefiners.

(4) Subchapter G of this chapter—Standards for Waste Oil Burners Who Burn Off-Specification Waste Oil For Energy Recovery.

§ 298.71. Prohibitions.

A waste oil fuel marketer may initiate a shipment of off-specification waste oil only to a waste oil burner which:

(1) Has an identification number.

(2) Burns the waste oil in an industrial furnace or boiler identified in § 298.61(a) (relating to restrictions on burning).

§ 298.72. On-specification waste oil fuel.

(a) *Analysis of waste oil fuel.* A waste oil generator, waste oil transporter, waste oil processor/rerefiner or waste oil burner may determine that waste oil that is to be burned for energy recovery meets the fuel specifications of § 298.11 (relating to waste oil specifications) by performing analyses or obtaining copies of analyses or other information documenting that the waste oil fuel meets the specifications.

(b) *Record retention.* A waste oil generator, waste oil transporter, waste oil processor/rerefiner or waste oil burner who first claims that waste oil that is to be burned for energy recovery meets the specifications for waste oil fuel under § 298.11 shall keep copies of analyses of the waste oil (or other information used to make the determination) for 3 years.

§ 298.73. Notification.

(a) *Identification numbers.* A waste oil fuel marketer subject to this subchapter who has not previously obtained an identification number shall comply with these requirements and obtain an identification number.

(b) A marketer who has not received an identification number may obtain one by notifying the EPA Regional Administrator of its waste oil activity by submitting one of the following:

- (1) A completed EPA form 8700-12.
- (2) A letter requesting an identification number. The letter shall include the following information:
 - (i) The marketer company name.
 - (ii) The owner of the marketer.
 - (iii) The mailing address for the marketer.
 - (iv) The name and telephone number for the marketer point of contact.
 - (v) The type of waste oil activity (for example, generator directing shipments of off-specification waste oil to a burner).

§ 298.74. Tracking.

(a) *Off-specification waste oil delivery.* A waste oil marketer who directs a shipment of off-specification waste oil to a burner must keep a record of each shipment of waste oil to a burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

- (1) The name and address of the transporter who delivers the waste oil to the burner.
- (2) The name and address of the burner who will receive the waste oil.
- (3) The identification number of the transporter who delivers the waste oil to the burner.
- (4) The identification number of the burner.
- (5) The quantity of waste oil shipped.
- (6) The date of shipment.

(b) *On-specification waste oil delivery.* A generator, transporter, processor/rerefiner or burner who first claims

that waste oil that is to be burned for energy recovery meets the fuel specifications under § 298.11 (relating to waste oil specifications) shall keep a record of each shipment of waste oil to the facility to which it delivers the waste oil. Records for each shipment shall include the following information:

- (1) The name and address of the facility receiving the shipment.
- (2) The quantity of waste oil fuel delivered.
- (3) The date of shipment or delivery.
- (4) A cross reference to the record of waste oil analysis or other information used to make the determination that the oil meets the specification as required under § 298.72(a) (relating to on-specification waste oil fuel).

(c) *Record retention.* The records described in subsections (a) and (b) shall be maintained for at least 3 years.

§ 298.75. Notices.

(a) *Certification.* Before a waste oil generator, transporter or processor/rerefiner directs the first shipment of off-specification waste oil fuel to a burner, it shall obtain a one-time written and signed notice from the burner certifying the following:

- (1) That the burner has notified EPA stating the location and general description of waste oil management activities.
- (2) That the burner will burn the off-specification waste oil only in an industrial furnace or boiler identified in § 298.61(a).

(b) *Certification retention.* The certification described in subsection (a) shall be maintained for 3 years from the date the last shipment of off-specification waste oil is shipped to the burner.

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